



Essex County Council

Development and Regulation Committee

10:30	Friday, 26 April 2019	Council Chamber, County Hall, Chelmsford, CM1 1QH
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For information about the meeting please ask for:

Matthew Waldie, Democratic Services Officer

Telephone: 033301 34583

Email: democratic.services@essex.gov.uk

Part 1

(During consideration of these items the meeting is likely to be open to the press and public)

		Pages
1	Membership, Apologies, Substitutions and Declarations of Interest	6 - 6
2	Minutes To approve the minutes of the meeting held on 22 February 2019.	7 - 16
3	Identification of Items Involving Public Speaking To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
4	Minerals and Waste	

- 4.1 Land at Rivenhall Airfield, Braintree** **17 - 727**
 To consider Report DR/09/19, relating to:
 1. Full planning application to increase stack (chimney) height from 85m Above Ordnance Datum to 108m AOD (35m above existing ground levels to 58m above existing ground levels) of the Integrated Waste Management Facility. Reference: ESS/36/17/BTE
 2. Continuation of Integrated Waste Management Facility1 permitted by ESS/34/15/BTE without compliance with conditions 2 (application details), 14 (stack [chimney] design and cladding), 17 (Combined Heat & Power Plant Management Plan) and 56 (maximum stack height) to amend details resulting from the increase in stack height. Reference: ESS/37/17/BTE
 Location: Land at Rivenhall Airfield, Coggeshall Road (A120), Braintree CO5 9DF
- 4.2 Newport Chalk Quarry, Saffron Walden** **728 - 764**
 To consider Report DR/10/19, relating to the importation of inert material, installation and use of recycling plant to produce secondary aggregate and the final disposal of inert residues to facilitate restoration of the site to calcareous grassland, together with the continued extraction of chalk reserve.
 Location: Newport Chalk Quarry, Chalk Farm Lane, Newport, Saffron Walden, Essex
 Reference: ESS/42/18/UTT
- 4.3 Land at Rayne Quarry, Braintree** **765 - 869**
 To consider Report DR/11/19 relating to a new sand and gravel quarry at Broadfield Farm, comprising the phased extraction of some 3.66m tonnes of sand and gravel; the installation of processing plant and ancillary buildings and infrastructure; the construction of a quarry access onto the B1256; the construction of a permanent screening landform; the construction of temporary screen mounds in defined locations around the perimeter of the quarry; the phased restoration of the extraction area using indigenous soils; overburden and clay from within the application site to a land use mixture of arable agriculture, lowland acid grassland, lowland meadow, woodland, lake and reedbeds; and public access via proposed public rights of way.
 Location: Land at Rayne Quarry, Broadfield Farm, Dunmow Road, Rayne, Braintree, CM77 6SA
 Reference: ESS/19/17/BTE

5 County Council Development

- 5.1 Brickhouse Farm Community Centre, Maldon 870 - 902**
 To consider Report DR/12/19, relating the creation of a flood storage area, inlet chamber, temporary construction access from Marlowe Close and associated minor works at land adjacent to Brickhouse Farm Community Centre. Relocation of existing children's play area.
 Location: Brickhouse Farm Community Centre, Poulton Close, Maldon, CM9
 Reference: CC/MAL/01/19
- 6 Enforcement Update**
- 6.1 Enforcement of Planning Control - Quarterly update 903 - 906**
 To update members of enforcement matters for the period 1 January to 31 March 2019 (Quarterly Period 4).
- 7 Information Item**
- 7.1 Applications, Enforcement and Appeals Statistics 907 - 908**
 To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.
 Report DR/14/19
- 8 Date of Next Meeting**
 To note that the next meeting is scheduled for Friday 24 May 2019.
- 9 Urgent Business**
 To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to

the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

10 Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

All letters of representation referred to in the reports attached to this agenda are available for inspection. Anyone wishing to see these documents should contact the Officer identified on the front page of the report prior to the date of the meeting.

Essex County Council and Committees Information

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972. If there is exempted business, it will be clearly marked as an Exempt Item on the agenda and members of the public and any representatives of the media will be asked to leave the meeting room for that item.

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If you are unable to attend and wish to see if the recording is available you can visit this link <https://cmis.essexcc.gov.uk/Essexcmis5/CalendarofMeetings> any time after the meeting starts. Any audio available can be accessed via the 'On air now!' box in the centre of the page, or the links immediately below it.

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Agenda item 1

Committee: Development and Regulation Committee

Enquiries to: Matthew Waldie, Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership

(Quorum: 3)

Councillor C Guglielmi	Chairman
Councillor J Aldridge	
Councillor D Blackwell	
Councillor M Durham	
Councillor M Garnett	
Councillor M Hardware	
Councillor I Henderson	
Councillor S Hillier	
Councillor M Mackrory	
Councillor J Moran	
Councillor J Reeves	
Councillor A Wood	

Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Friday, 22 February 2019

Present:

Cllr C Guglielmi (Chairman)	Cllr S Hillier
Cllr J Aldridge	Cllr M Mackrory
Cllr M Durham	Cllr M Maddocks
Cllr M Hardware	Cllr J Reeves

1 Apologies for Absence

Apologies were received from Cllr D Blackwell, Cllr M Garnett, Cllr I Henderson, Cllr J Moran (substituted by Cllr M Maddocks) and Cllr A Wood.

2 Declarations of Interest

There were none.

3 Minutes

The minutes of the meeting held on 25 January 2019 were agreed and signed.

4 Identification of Items Involving Public Speaking

Individuals to speak in accordance with the procedure were identified for the following item:

1) To consider Report DR/07/19, relating to the construction of a single storey standalone building to allow the expansion of the existing Primary School from a 1FE Primary School (210 pupils) to a 2FE Primary School (420 pupils). The provision of an additional 14 car parking spaces and new cycle and scooter parking facilities.

Location: Warley County Primary School, Chindits Lane, Warley CM14 5LF

Reference: CC/BRW/27/18

Public speakers: Mr Richard Fletcher and Mr James Branton, speaking for Mrs Jenni Evans, speaking for.

County Council Development

5 Warley County Primary School

The Committee considered report DR/07/19 by the Chief Planning Officer. Members noted the addendum to the agenda, in particular the new Condition 6, relating to the protection of tree T14.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report.

The Committee noted the key issues:

- Principle and need of development
- Impact on playing field
- Design and layout
- Impact on historic environment
- Impact on natural environment
- Impact on residential amenity
- Traffic and highways.

In accordance with the protocol on public speaking the Committee was addressed by Jenni Evans, Head Teacher of Warley Primary School, who spoke as a supporter of the application. Mrs Evans made several points:

- There is an unusually high demand for places in Warley. Of the 350 applications for (30) Reception places this year, 100 lived within one mile of the school. In 2017, the furthest pupil getting a place was only 0.27 mile away
- Attending a local school is important, and this is a family-oriented community school. There has been expansion in schools in Pilgrims Hatch and Hutton, but many children are still having to travel 3-5 miles to primary school
- There is likely to be substantial new housing on the currently vacant Warley Ford site, which will create the need for more school places
- The loss of trees is regrettable but the school is surrounded by woodland and is a registered forest school.

The Committee was then addressed by David Fletcher, Senior Associate Director, Strutt & Parker, who spoke as agent for the Applicant, accompanied by James Branton, Planner with Morgan Sindall. Mr Fletcher made several points:

- There is a huge demand in the area and the only other option in Warley would be to expand Holly Trees Primary School, which is situated entirely in the Green Belt
- This revised application moves the development out of the Green Belt
- Positive discussions have been held with urban design officers at County Hall, to take on board the Committee's comments
- There has been recent correspondence with the planning authority about retaining the large oak tree at the rear and this approach is fully endorsed

Mr Branton confirmed that the preferred option now involved less tree loss and took the building out of the Green Belt; it maintained existing light to the present building and allowed sufficient working space around the school.

Councillor David Kendall, Local Member, then addressed the meeting. He made several points:

- There was a present need and this was likely to increase, with the plan to

- put 500 new dwellings on the old Ford site
- The carparking problems with the gym and local workers had to be resolved – these were causing a lot of trouble, which was likely to increase as the school expanded. A management plan should be put in place during the construction period, and the school should be given priority
- The County Council's and the gym's legal teams were now involved, but it could take a year to resolve, which could only have a negative effect on the school.

The points relating to the car park were acknowledged, but it was pointed out that carparking issues lay outside the remit of the Planning authority.

In response to comments made by Members, it was noted:

- Contractors working on the site should make good any damage they cause
- In anticipation of future demand for places continuing to rise, the space limitations of the site made it unlikely that the school would be able to grow further by adding a storey to an existing building, as expanding the school would require more than the addition of extra classrooms. Consideration would need to be given to expansion of other parts of the school, play areas, kitchens, hall etc as well as highway impacts
- Some of the replacement trees are Silver Birch probably reflecting the existing species; the applicant would have to submit a landscaping plan for the approval of the authority's landscaping team. Officers were aware of the Committee's strong views on the importance of using suitable tree species and would convey these when the landscaping plan details were submitted. In response to a specific request from Members, officers would inform the Committee of the details of the landscaping scheme
- There was no provision for solar panels or heat interchange pumps at this stage
- The applicant should have to produce a construction traffic management plan. This would include the need for pre-construction and post-construction inspections, which were normally carried out on these projects. It was also suggested that an informative recently used in a Tendring project, relating to contractors' responsibilities to restore any damage, might be used.

In the light of all the above comments, it was agreed that an informative should be added, based on the Tendring wording referred to above.

There being no further points raised, the resolution, including the changes noted in the addendum, an additional condition requiring the submission, approval and compliance with a construction traffic management plan and this informative, was proposed and seconded. Following a unanimous vote in favour, it was

Resolved

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the details of the application reference CC/BRW/27/18 dated 18 July 2018 and validated on 24 July 2018 together with:

Design & Access Statement Version 1.6 – 13 July 2018

Planning Statement July 2018

2018 School Travel Plan

AIA & Outline Method Statement – Wynne Williams Associates – April 2018

Tree Survey Version P00 – Wynne Williams Associates – 10 April 2018

Warley Primary School Logistics

External Works Plan

Visualisations

Great Crested Newts Survey – Richard Graves Associates – May 2018

Bat Monitoring Report – Richard Graves Associates – May 2018

Extended Phase 1 Habitat Survey – Richard Graves Associates – May 2018

Transport Assessment – May 2018

Archaeological Desk based Assessment – April 2018

Planning Justification Note prepared by Strutt & Parker dated January 2019

Drawings

Wwa_1815-AL_702 Rev P00 – Tree Removal & Protection Plan – Undated

Wwa_1815_AL_701 Rev P00 – Tree Survey – 10 April 2018

17-0345-CDP-DR-ZZ-P1-C-4001-P2 – Drainage Plan – 3 May 2018

17-0345-CDP-DR-ZZ-XX-A-2004-P1 – Sections – 11 July 2018

17-0345-CDP-DR-ZZ-XX-A-2002-P1 – General Arrangement Plan – 11 July 2018

17-0345-CDP-DR-ZZ-XX-L-2002-P3 – Outline Planting Plan – 13 July 2018

17-0345-CDP-DR-ZZ-XX-A-2003-P1 – Elevations – 11 July 2018

17-0345-CDP-DR-ZZ-XX-L-2003-P2 – Scooter Parking – 17 July 2018

17-0345-CDP-DR-ZZ-XX-L-3001-P5 – General Arrangement – 13

September 2018

TS52VO24 MS-LG-PLNG-W001-5 – Logistics Plan prepared by Morgan Sindall undated

17-0345-CDP-DR-ZZ-XX-A-2001 P3 – Existing School Reconfiguration – July 2018

17-0345-CDP-DR-ZZ-XX-A-2002-P2 – New Standalone Block General Arrangement Plan July 2018

17-0345-CDP-DR-ZZ-XX-L-2001 P7 – Landscape Layout 25 January 2019

17-0345-CDP-DR-ZZ-XX-A-1002 P6 – Site Location Plan Feb 18

17-0345-CDP-DR-ZZ-XX-A-2003 P3 – New Standalone Block Proposed Elevation 7 January 2019

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy CP1 (General Development Criteria), Policy CP3 (Transport Assessments), Policy C5 – (Retention & Provision of Landscaping and Natural Features in Development), Policy T1 (Travel Plans), Policy T5 (Parking) and Policy C18 (Ancient Monuments and Archaeological Sites) of the Brentwood Replacement Local Plan August 2005 and Policy BE17 (Parking Standards), Policy HP14 (Responding to Context), Policy HP16 (Building Design), Policy HP23 (Scheduled Monuments and Archaeological Remains), Policy PC15 (Education Facilities), Policy NE01 (Protecting and Enhancing the Natural Environment) and Policy NE03 (Trees, Woodlands, Hedgerows) of the Brentwood Local Plan Pre-Submission Document February 2019.

3. All ecological measures and/or works shall be carried out in accordance with the details contained within the Extended Phase 1 Survey (Richard Graves Associates Ltd May 2018) and the Bat Monitoring Report (Richard Graves Associates Ltd May 2018) as already submitted with the planning application and agreed in principle with the County Planning Authority prior to determination. This includes bat sensitive lighting, careful removal of the pond, due diligence regarding nesting birds, protecting animals from construction materials, covering trenches overnight, retaining wood from felled trees for log pile habitat, enhanced wildlife planting, tree T16 subject to a tree inspection by a suitably qualified ecologist just prior to its felling and provision of eight bat boxes.

Reason: To conserve and enhance Protected and Priority species and allow the County Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 (as amended) and S40 of the NERC Act 2006 (Priority Habitats & Species) and S17 Crime & Disorder Act 1998 and to comply with Policy C5 (Retention & Provision of Landscaping and Natural Features in Development) of the Brentwood Replacement Local Plan August 2005 and Policy NE01 (Protecting and Enhancing the Natural Environment) of the Brentwood Local Plan Pre-Submission Document February 2019.

4. No development shall take place until a landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include hard and soft landscaping and boundary treatment (type of fencing) for the site, which includes any proposed changes in ground levels and also accurately identifies spread, girth and species of all existing trees, shrubs, hedgerows on the site together with measures for their protection, which shall comply with the recommendations set out in

BS5837:2012 Trees in relation to design, demolition and construction. The soft landscaping plan shall include plant species, number, location, density and sizes of the proposed planting.

The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 5 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (As amended) to improve the appearance of the site in the interest of visual amenity and to comply with Policy C5 (Retention & Provision of Landscaping and Natural Features in Development) of the Brentwood Replacement Local Plan August 2005 and Policy NE01 (Protecting and Enhancing the Natural Environment) and Policy NE03 (Trees, Woodlands, Hedgerows) of the Brentwood Local Plan Pre-Submission Document February 2019.

5. Any tree or shrub forming part of a landscaping scheme approved in connection with the development (under Condition 4 of this permission) that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development hereby permitted shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: In the interest of the amenity of the local area and to ensure the development is adequately screened and to comply with Policy C5 (Retention & Provision of Landscaping and Natural Features in Development) of the Brentwood Replacement local Plan August 2005 and Policy NE01 (Protecting and Enhancing the Natural Environment) and Policy NE03 (Trees, Woodlands, Hedgerows) of the Brentwood Local Plan Pre-Submission Document February 2019.

6. No development shall take place until a scheme for the protection of tree T14 to be retained has been submitted to and approved in writing by the County Planning Authority. The scheme shall include:
 - a. A plan that shows the position, crown spread and root protection area in accordance with paragraph 5.2.2 of BS:5837 of Tree T14 on site.
 - b. Details of each retained tree T14 in a separate schedule in accordance with paragraph 4.2.6 of BS:5837
 - c. A schedule of tree works for all the retained tree T14 specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS:3998, 1989, 'Recommendations for Tree Work'.
 - d. Details and positions of the Ground Protection Zones in accordance with section 9.3 of BS:5837.

- e. Details and positions of Tree Protection Barriers identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping) in accordance with section 9.2 of BS:5837. The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- f. Details and positions of the Construction Exclusion Zones in accordance with section 9 of BS:5837.
- g. Details and positions of the underground service runs in accordance with section 1 1.7 of BS:5837.
- h. Details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground in accordance with paragraph. 5.2.2 of BS:5837.
- i. Details of any special engineering required to accommodate the protection of retained trees (e.g. in connection with foundations, bridging, water features, surfacing) in accordance with section 10 of BS:5837.
- j. Details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of retained trees.
- k. Details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction.
- l. Details of the working methods to be employed for the access and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- m. Details of the working methods to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity
- n. Details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with paragraph 9.2.3 of BS:5837.
- o. Details of tree protection measures for the hard landscaping phase in accordance with sections 13 and 14 of BS:5837.
- p. The timing of the various phases of the works or development in the

context of the tree protection measures.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity and to comply with Policy C5 (Retention & Provision of Landscaping and Natural Features in Development) of the Brentwood Replacement Local Plan August 2005 and Policy NE01 (Protecting and Enhancing the Natural Environment) and Policy NE03 (Trees, Woodlands, Hedgerows) of the Brentwood Local Plan Pre-Submission Document February 2019.

Minerals and Waste

7 Land at Armstrong Road, Benfleet

The Committee considered report DR/06/19 by the Chief Planning Officer. Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report.

The Committee noted the key issues:

- Need and principle of development
- Noise impact
- Traffic and highways
- Drainage and fire prevention

In response to comments made by Members, it was noted:

- The sole access point to the industrial site is situated on Church Road, which has a 7.5 tonne weight restriction. The combined weight of a vehicle for ELV recycling and the transporter bringing it into the site will be less than 6 tonnes and the number of vehicle movements bringing vehicles to be dismantled would be no more than 4 per day, so the impact on highways would not be significant
- The applicant's own employees will be trained in checking on hazardous liquid levels but, should planning permission be granted, the applicant will need to obtain a permit from the Environment Agency to operate, which would address pollution control measures.

There being no further comments, the resolution was proposed and seconded. Following a unanimous vote in favour it was

Resolved

That planning permission be granted subject to conditions covering the following matters:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 24 October 2018, together with the following plans and documents:

- Drawing no. 18/2413, titled 'Proposed Plan', dated October 2018;
- Drawing no. 18/2412, titled 'Existing Plan', dated October 2018;
- Waste Management Plan, prepared by Gala Motors Ltd, dated 2018;
- Email from Pars Dental, dated 19 December 2018, 11:41am, including information regarding vehicle movements and source of ELVs;
- Email from Pars Dental, dated 11 January 2019, 12:00pm, including information regarding drainage, fire prevention, environmental permit, soundproofing, operating hours and spare part sales.

And in accordance with any other non-material amendments as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the local environment and in accordance with Policies 1, 5 and 10 of the Essex and Southend-on-Sea Waste Local Plan (2017) and Policies EC3, EC4 and ED3 of the Castle Point Borough Local Plan (1998).

3. No salvaging operations, including the depolluting and dismantling of end-of-life vehicles, shall take place outside of the building shown on drawing reference 18/2413 (dated October 2018).

Reason: In the interests of local amenity, to ensure that operations take place in an area designed to cause minimal harm to the environment and to comply with Policies 5 and 10 of the Essex and Southend-on-Sea Waste Local Plan (2017) and Policies EC3, EC4 and ED3 of the Castle Point Borough Local Plan (1998).

4. Vehicles and component parts shall only be stored within the areas labelled as 'Storage Area with Mezzanine' and 'Storage (Engine/Gearboxes/Suspension)' on drawing reference 18/2413 (dated October 2018).

Reason: To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with Policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017) and Policy EC3 and EC4 of the Castle Point Borough Local Plan (1998).

5. Any fuel, lubricant or/and chemical storage vessel 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 life of the development hereby permitted.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with Policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017) and Policy EC4 of the Castle Point Borough Local Plan (1998).

Information Item

8 Applications, Enforcement and Appeals Statistics

The Committee considered report DR/09/19, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee noted the report.

9 Date of Next Meeting

The Committee noted that the next meeting would be held on Friday 22 March 2019, at 10.30am in Committee Room 1, County Hall.

There being no further business, the meeting closed at 11:50 am.

Chairman

DR/09/19

committee DEVELOPMENT & REGULATION

date 26 April 2019

MINERALS AND WASTE DEVELOPMENT

1. Full planning application to increase stack (chimney) height from 85m Above Ordnance Datum to 108m AOD (35m above existing ground levels to 58m above existing ground levels) of the Integrated Waste Management Facility¹.
ESS/36/17/BTE
2. Continuation of Integrated Waste Management Facility¹ permitted by ESS/34/15/BTE without compliance with conditions 2 (application details), 14 (stack [chimney] design and cladding), 17 (Combined Heat & Power Plant Management Plan) and 56 (maximum stack height) to amend details resulting from the increase in stack height.
ESS/37/17/BTE

¹The Integrated Waste Management Facility comprises Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and Pulping Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant (CHP) utilising solid recovered fuel to produce electricity, heat and steam; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; visitor/education centre; extension to existing access road; provision of offices and vehicle parking; and associated engineering works and storage tanks.

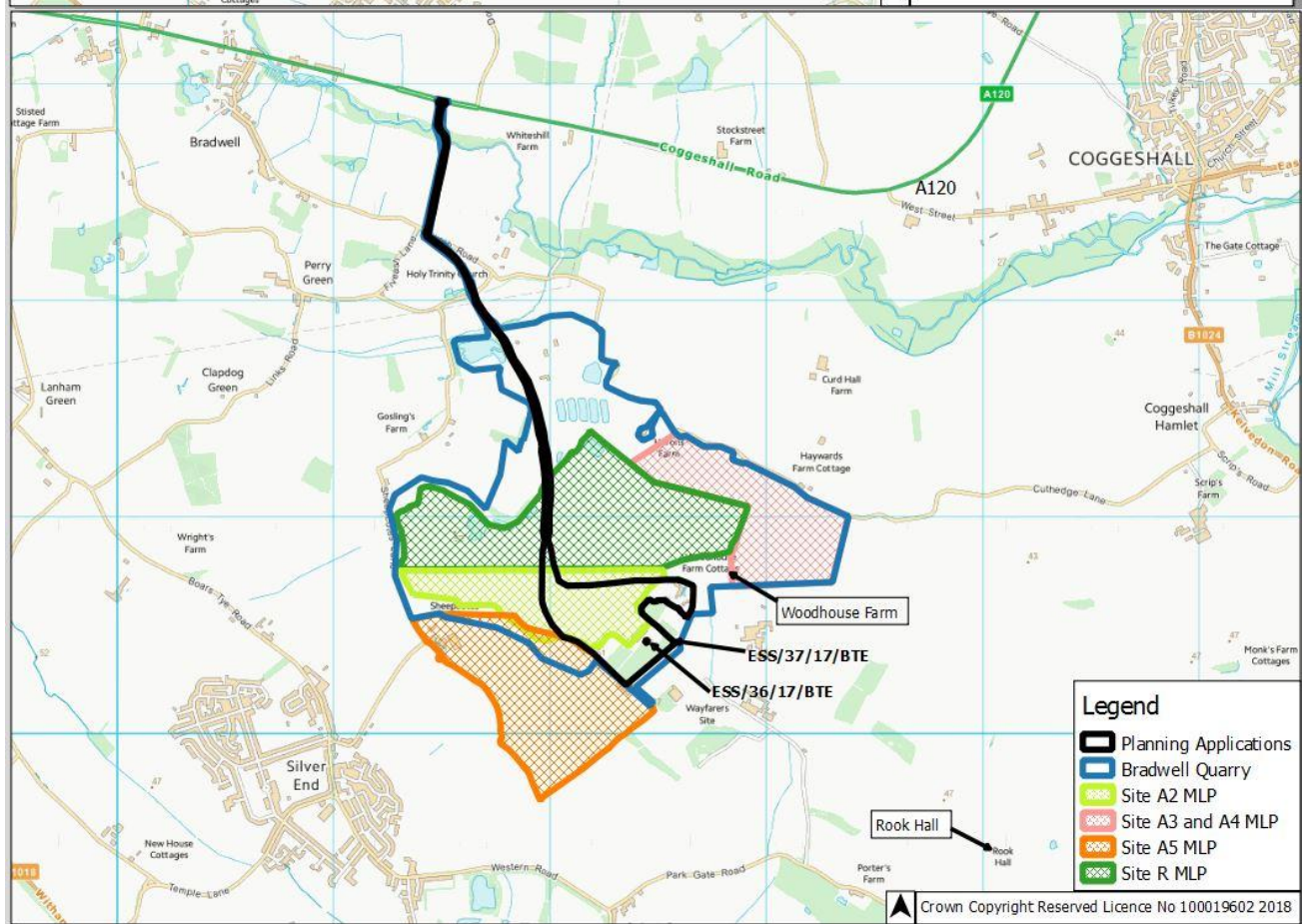
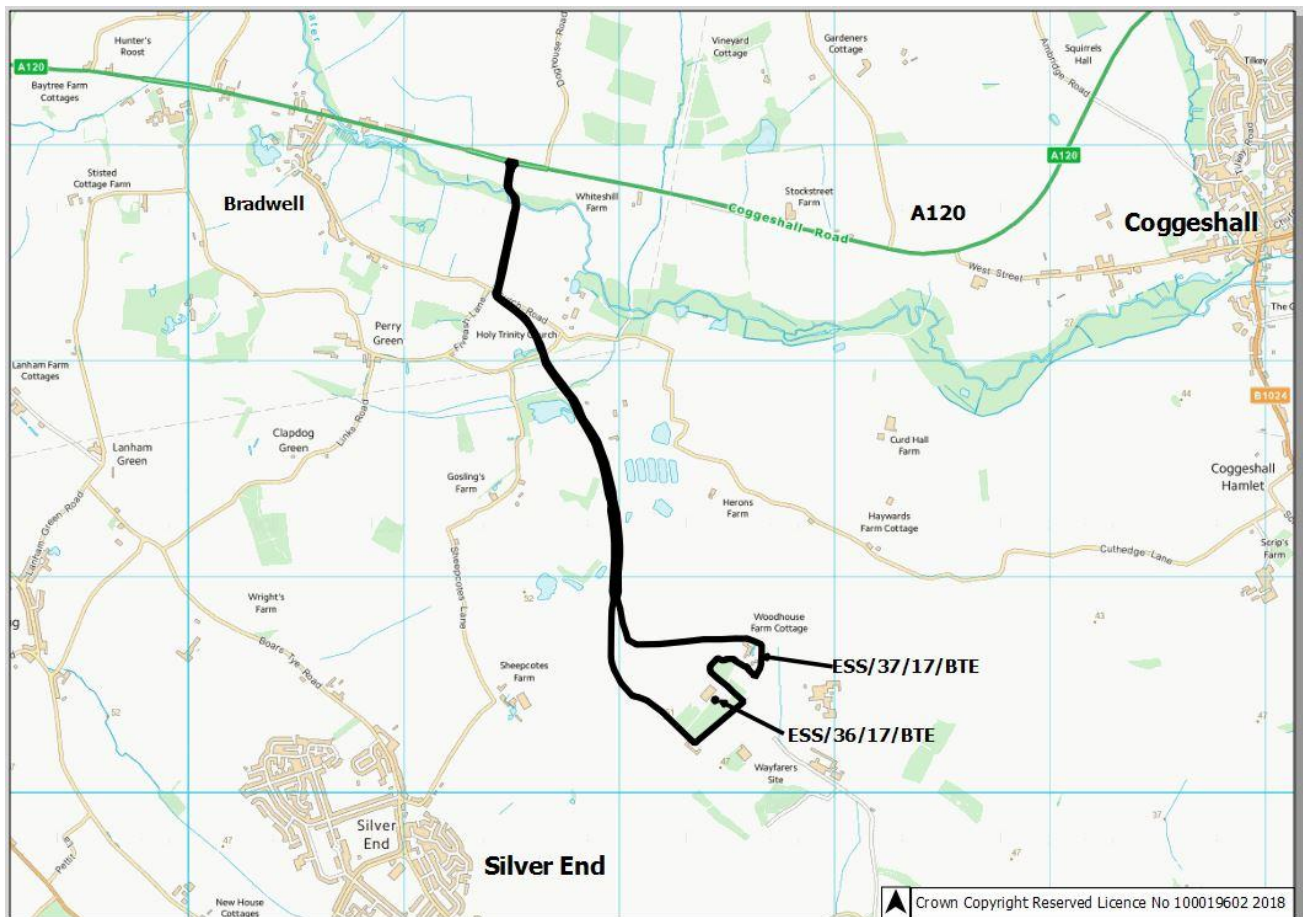
Location: **Land at Rivenhall Airfield, Coggeshall Road (A120), Braintree CO5 9DF**

Applicant: **Gent Fairhead and Co Limited**

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to: Claire Tomalin Tel: 03330 136821

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



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1. BACKGROUND

In 2006, a planning application (ESS/38/06/BTE) was made for a Recycling and Composting facility (RCF) at Rivenhall airfield. The proposal included a two arch building sunk below natural ground levels following mineral extraction. The application included a Materials Recycling Facility (MRF), Mechanical Biological Treatment (MBT) facility and Anaerobic Digestion (AD). The planning permission was issued in 2009, but expired in 2014.

In August 2008 a further planning application (ESS/37/08/BTE) was made for the evolution to the Recycling and Composting Facility (the eRCF, now known as the Integrated Waste Management Facility [IWMF]) at Rivenhall airfield. This application included the same elements as the 2006 application but incorporated a Combined Heat Power plant (CHP) providing heat and steam to on site merchant de-ink paper pulp (MDIP) facility as well supplying surplus power to the National Grid. The IWMF remained on the same footprint as the RCF. The application was "Called-In" for determination by the Secretary of State (SoS). The Council's Development and Regulation Committee nonetheless considered the application in April 2009 and it was resolved 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 SoS issued the Inspector's report and decision on 2 March 2010, granting planning permission subject to conditions and a legal agreement. The planning permission was required to be implemented by 1 March 2015. The Inspector's Report and SoS decision letter from 2010 are attached at Appendix A and B

In October 2014 the Committee considered a further planning application (ESS/41/14/BTE) to amend the original planning permission for the IWMF to allow an extension of time of 2 years to the period for implementation of the planning permission. Planning permission was granted for a one year extension of time in December 2014 such that the permission was required to be implemented by 2 March 2016.

A further planning application (ESS/55/14/BTE) was made in December 2014 and considered by the Committee in February 2015, which sought to delete two conditions such that the imported Refuse Derived Fuel/Solid Recovered Fuel (RDF/SRF) to be utilised in the CHP facility and paper and card to be processed within the paper pulp facility could be sourced without constraint as to its geographical source i.e. outside of Essex and Southend. The application was granted in March 2015 and the conditions deleted.

In August 2015 a further planning application (ESS/34/15/BTE) was submitted which sought to vary planning permission ESS/55/14/BTE and secure discharge of some of the conditions. The main elements of this application were to alter the capacity of individual elements of the IWMF, but the overall annual input of waste to the site was not proposed to be changed (853,000tpa). The changes were namely increasing the CHP element to 595,000tpa and making consequent reductions in the size of the AD, MDIP plant and MBT so as to remain within the stated overall annual input limit. In addition, the application included some minor

changes to the size of the main two arch buildings and some rearrangement of the buildings to the rear of the main two arch building. The application (ESS/34/15/BTE) was considered by the Development and Regulation Committee in February 2016 and planning permission was subsequently granted. A copy of the February 2016 Committee Report is attached at Appendix G.

Planning permission ESS/34/15/BTE was implemented in March 2016, although only limited site clearance, ground works and highway works have taken place to date. A copy of the decision notice for ESS/34/15/BTE setting out the conditions is at Appendix C.

The IWMF planning permission also included the extraction of 750,000 tonnes of sand and gravel, as well as clays and overburden, to enable the building and plant to be partly below natural ground levels. In 2011 a planning application (ESS/32/11/BTE) was made for the extraction of sand and gravel within the area known as site A2 of then draft MLP and included the site of the IWMF. Planning permission was granted in February 2013 and site A2 has now been worked and the majority of the mineral permitted to be removed as part of the IWMF has been extracted. The overburden was returned into the void of the permitted location of the IWMF. Under the planning permission for the IWMF the overburden was permitted to be exported from the site. There still remains 100,000 tonnes of sand and gravel to be extracted within the site of IWMF.

In addition a separate planning application (ESS/07/16/BTE) was made in January 2016 to allow utilisation of the overburden from the IWMF in the restoration of Bradwell Quarry in sites A3 and A4 of the MLP in substitution for the export of material off site. In addition this application also sought to allow creation of a temporary water lagoon to enable the permitted New Field Lagoon to be constructed while still ensuring adequate water supply for the quarry, the IWMF and to manage surface water. Planning permission was granted on this application in October 2016. Due to the delay in implementation of the IWMF permission extraction has progressed in sites A3 and A4, such that restoration has commenced at low-level within sites A3 and A4. Under a further planning application (ESS/03/18/BTE) as part of a further extension to Bradwell Quarry for mineral extraction (site A5 of the MLP), there are proposals that in the event the IWMF is progressed, soils would be stripped from sites A3 and A4 to allow disposal of the overburden within sites A3 and A4. There is a resolution to grant this planning application, but it is currently awaiting completion of a legal agreement. .

For clarification, the permitted IWMF scheme under ESS/34/15/BTE is a waste facility permitted to receive waste, refused derived fuel (RDF) or solid recovered fuel (SRF) that is derived from Local Authority Collected Waste (LACW) and/or Commercial and Industrial (C & I) waste. The permitted IWMF consists of a two-arched roofed building set partly below ground level. Some plant would be located to the rear of the building, but would be no higher than the height of the building (60.75m AOD or 10.75m above surrounding ground levels). The stack (chimney) is located to the rear of the 2 arch building in the south eastern quarter of the buildings/plant area. The stack as currently permitted is limited by condition to a height of 85m Above Ordnance Datum (or 35m above natural surrounding ground levels).

The permitted IWMF includes:

- Anaerobic Digestion (AD – 30,000tpa) facility treating food and green waste generating biogas for production of electricity on site and generating a compost like output.
- Materials Recycling Facility (MRF – 300,000tpa) which would sort through waste recovering recyclables such as paper, card, plastics and metal. Recyclables.
- Mechanical Biological Treatment (MBT – 170,000tpa) facility, treating waste by mechanical treatment e.g. shredding and then biological treatment using air and moisture to bio-stabilise the waste, the output being a Refuse Derived Fuel (RDF)
- CHP plant (595,000tpa) using the RDF generated on site and some imported to RDF/SRF to generate heat, steam and electricity to be used on site. Some electricity would be exported to the National Grid.
- Merchant De-Ink Paper pulp plant (MDIP – 170,000tpa) would reprocess waste paper imported to the site, as well as any suitable paper recovered by the MRF and would utilise, heat, steam and power generated by the CHP. Paper pulp board would be exported from the site.

As well as needing planning permission a waste management facility of this nature also requires an Environmental Permit (EP) from the Environment Agency (EA). A permit application (EPR/KP3035RY) was made to the EA in November 2015, but refused in December 2016; on the grounds the application had not shown that they had used Best Available Techniques (BAT). The EA considered that BAT had not been shown as higher stack heights than that permitted by the extant planning permission had not been considered. A revised EP application (EPR/FP3335YU) was submitted in March 2017 detailing a higher stack height and was granted on the 11 September 2017. The main change between the first and second EP application was an increase in the proposed stack height from 85m AOD (35m above natural ground levels) to 108m AOD (58m above natural ground levels).

The principal purpose of the current planning applications is to seek to increase the height of the stack from the currently permitted 85m AOD to 108m AOD, in line with the requirements of the EP. The application also includes some minor other changes including changes to the plume management.

In order to apply for a change in stack height, it was considered necessary by the Waste Planning Authority (WPA) for the applicant to apply for the additional increase in height hence full application ESS/36/17/BTE, as well as to vary conditions of the existing permission (ESS/34/15/BTE), in particular the existing condition that limits the stack height to 85m AOD, hence a variation application has been made to ESS/37/17/BTE. Other existing conditions also would need to be varied because they define the permitted drawings and/or details of the stack.

The applications are supported by an Addendum Environmental Statement updating the relevant sections of the Environmental Statements submitted with previous applications.

During the course of determination of the application the WPA felt it necessary to

update assessments that provided evidence to support the current WLP, namely updated information as to current and future waste arisings within Essex and Southend and the existing waste management capacity. The WPA commissioned an external consultant (BPP – the Council's consultant) to undertake this work. BPP produced a revised Waste Needs Assessment, particularly focusing on the waste arisings with respect to C & I waste at which that IWMF is largely targeted. In addition, BPP carried out a review of the operational capacity of facilities within the Essex and Southend area to assess the waste management capacity gap for C & I waste. The BPP reports showed that the quantity of C & I likely to need treatment had reduced from previous estimates and that the shortfall in treatment capacity was less than that which would be provided by the IWMF. This work was published in May 2018, along with the County's Annual Monitoring Report for 2016/17.

This information was shared with the applicant and made publically available and the applicant requested time to respond to this additional information. The applicant in November 2018 submitted additional information undertaken by their own consultant (SLR Consulting) on both waste arisings and their own assessment of the capacity gap with respect to waste management. The SLR report concluded the assessment of waste arisings was similar to that assessed by BPP but their assessment of existing treatment capacity concluded there remains a shortfall in treatment capacity that justifies the need for the IWMF. The SLR report set out reasons why it was felt that the conclusions of the BPP report were unjustified. The applicant's information also included other information, namely a response to concerns raised by the local action group PAIN (Parishes Against Incineration). The applicant's additional information was subject to full consultation in November 2018.

In December 2018, the Rivenhall IWMF liaison group met and the applicants introduced their new partners Indaver who would develop the CHP element of the proposals. Indaver have developed incinerators/Energy from Waste facilities within Eire, Belgium and the Netherlands. It was requested by the Parish Councils that public drop-in sessions were held by the applicant to explain the current planning applications. These were held in January 2019 at Bradwell, Silver End and Coggeshall.

In addition, in November 2018 the applicants submitted an EP application to the EA seeking to vary their existing permit to allow a shorter stack in line with the existing planning permission (ESS/34/15/BTE) i.e. a stack of 85m AOD. This would be achieved by utilising different technologies that result in cleaner emissions. The permit application was subject to consultation in Jan/Feb 2019. The outcome of the permit application at this stage is not known.

The WPA, in response to the additional information from the applicant, commissioned BPP to undertake a critical review of the additional information on need prepared by SLR on behalf of the applicant and respond to the criticism of their work by SLR.

Because the planning considerations for the two applications (full and variation of conditions applications) are intrinsically linked, the 2 applications are both considered within this report.

Given that the background to the site is extensive and the planning considerations detailed, a glossary of abbreviations is set out at Appendix D.

2. SITE

There are two application sites, one for each of the two planning applications. The full application (ESS/36/17/BTE) for the increase in stack height has a small application area (38.5m²) being only the footprint of the stack. The variation of conditions application (ESS/37/17/BTE) is the same area as the extant permission for the IWMF site (25.3 ha) and will be referred to as the IWMF site.

The IWMF site is located east of Braintree, approximately 1km to the north east of Silver End and approximately 3km south west of Coggeshall and approximately 3km south east of Bradwell village.

The IWMF site at its northern end comprises a narrow strip of land leading southwards from the A120 Coggeshall Road. To the south of the worked out areas of the quarry, the application site widens into an irregular shaped plot of land. The stack is located in the south east corner of the IWMF plant area.

The site of the IWMF lies on the southern part of the former Rivenhall airfield; the runways have largely been removed following mineral extraction as part of Bradwell Quarry. The site of the IWMF itself is located approximately 1.7km south of Coggeshall Road and includes the Grade II Listed Woodhouse Farm.

Woodhouse Farm buildings are located on the south eastern side of the site. This group of buildings are in a run-down and semi derelict condition. The farmhouse has been unoccupied for many years. The tiled roof has deteriorated to such an extent that it has had to be covered in metal cladding for protection, and the windows have been covered with louvered boarding. The bakehouse is encased in steel cladding on a scaffolding structure in an attempt to preserve that building. However, the roof and top portions of the walls of the bakehouse have collapsed. The site is overgrown and vegetation prevents ready access to this structure. An adjacent listed water pump has been removed for safe keeping. The former garden of Woodhouse Farm is overgrown and unkempt.

The site also includes TPO woodland, which surround the southern boundary of the site.

The site also included an airfield hangar which upon implementation of the extant IWMF permission was removed.

The site for the IWMF overlaps with Bradwell Quarry where sand and gravel extraction is currently taking place with MLP sites A3 and A4. Mineral extraction in sites A3 and A4 is anticipated to be completed in 2019 with restoration to agriculture and biodiversity by 2021. However, further preferred/reserved sites are allocated in the Minerals Local Plan 2014 which would extend the life of the quarry if granted. A planning application (ESS/03/18/BTE) for MLP site A5 which lies to the west of the IWMF site has been resolved to be granted. The location plan shows the extent of previous and current mineral extraction areas; Site R permitted

in 2001; site A2 permitted in 2011 (which included extraction in part of the site for the IWMF); and sites A3 and A4 which were granted permission in March 2015. Previously worked out areas of the quarry have been restored at low level to arable agriculture with new hedgerows and woodland planting. There are, however, areas of sites A2, R and A3 and A4 which are awaiting restoration to a combination of arable, woodland and a water body. The delay in completion of the restoration in these areas is in part due to the uncertainty as to the progression of the IWMF which would impact upon the final restoration.

The application site lies within the boundaries of both Bradwell Parish Council and Kelvedon Parish Council, the access road being mainly within Bradwell Parish Council and the remainder of the access road and IWMF itself lying within Kelvedon Parish Council.

The IWMF site is set within a predominantly rural character area, consisting of arable crops in large fields, often without boundaries resulting in an open landscape in gently undulating countryside. To the west of the site is a 48m (above natural ground level, approximately 100m AOD) 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, although the restored minerals workings to the northwest (site A2), north (site R) and northeast (site A3 and A4) have or are to be restored at a lower level, creating bowls in the landscape. There are limited elevated viewpoints from which to oversee the site, but there are some views from higher ground to the north east, beyond the A120. Electricity pylons (approx. 50 in height) lie 1.5 km to the west and north of the site, but are not obvious in the setting of the IWMF site.

The nearest residential properties not including Woodhouse Farm (not occupied), include The Lodge and Allshots Farm located to the east of the stack at approximately 450m. To the north/north east on Cut Hedge Lane are Heron's Farm at 900m from the proposed stack, Deeks Cottage at approximately 950m and Haywards 1000m from the proposed stack. To the west of the site on Sheepcotes Lane lies Sheepcotes Farm 1000m from the stack, also Gosling's Cottage, Gosling's Farm and Goslings Barn and Greenpastures all approximately 1400m from the stack. Properties to the southwest within Silver End village lie approximately 1400m from stack. Parkgate Farm lies south of the site approximately 1100m from the stack. The permitted new housing development on the eastern side of Silver End would result in houses approximately 1100m southwest of the stack.

To the east of the IWMF site there are agricultural fields identified as being within the control of the applicants. Approximately 400m to the east of the IWMF site boundary and Woodhouse Farm, lies a group of buildings, including the Grade II listed Allshots Farm. However, views of this group of buildings from the west are dominated by the presence of a scrap vehicle business which operates near Allshots Farm. Vehicles are piled on top of one another and screen views of Allshots Farm from the vicinity of Woodhouse Farm.

Approximately 500m to the south east of the application site, beyond agricultural fields, there is a group of buildings known as the Polish site. These buildings are used by a number of businesses and form a small industrial and commercial estate

to which access is gained via a public highway Woodhouse Lane leading from Parkgate Road. Parkgate Road runs in an easterly direction from its junction with Western Road. It is about 1km from the application site and is separated from the site by a number of large open fields and two blocks of woodland, one being an area of mature woodland known as Storey's Wood.

A further business operates on the south west edge of the IWMF site, at the "Elephant house", the building being the fire station for the redundant airfield. The site is used by a road sweeping company, but the site is well screened by mature evergreen trees.

The permitted vehicular route to the site would share the existing access on the A120 and the private access road for Bradwell Quarry. The access route crosses the River Blackwater by two bailey style bridges and crosses Church Road and Ash Lane (a Protected Lane as defined in Braintree District Local Plan Review 2005). The access road is two way from the A120 to Church Road, then single lane with passing bays between Church Road and Ash Lane and then two way south of Ash Lane to Bradwell Quarry processing plant. The crossing points on Church Road and Ash Lane are both single lane width only. Some works have already taken place with respect to the IWMF including preparing the access road to be two way between Church Road and Ash Lane, as well as speed bumps and signage.

To the south of the Bradwell processing area, the access road does not exist. There is an existing unsurfaced haul road for the quarry which links the plant area to areas awaiting restoration. The IWMF access would follow the approximate line of the existing quarry access road and then south across worked out parts of the quarry to reach the site of the IWMF itself. The site of the IWMF has been largely worked for sand and gravel but then the overburden replaced. The remaining unworked area of the IWMF site has been cleared of vegetation and topsoils and the subsoils stripped, such that the entire site for the IWMF is exposed overburden slightly below natural ground levels.

The same area of the IWMF site is allocated in the adopted Waste Local Plan 2017 as a site IWMF2 for residual non-hazardous waste management and anaerobic digestion.

The land comprising the subject application site has no designations within the BDLPR.

There are two County Wildlife Sites (CWS) within 3 km of the site at Blackwater Plantation West, which is within the Blackwater Valley which the access road crosses. The second CWS is at Storey's Wood (south of the site), which is also an Ancient Woodland.

There are 4 Grade II Listed properties within 1km of the stack including Woodhouse Farm and buildings within 200m, Allshots Farm and Lodge (400m away) to the east, Sheepcotes Farm (1000m) to the west. Within 2km of the stack lie a collection of Listed buildings within Silver End including the old farm buildings prior to the development of the modal village and then buildings examples of the modern movement. Other Listed Buildings within 2km of the stack include, Curd

Hall, Bradwell Hall and Church, Goslings Farm, Rolphs Farm House, Bower Hall, Rivenhall Place, Porter's Farm and Rook Hall. Within 3km further listed buildings are located notably Cressing Temple, Rivenhall Church, Grange Barn and properties on the West Street within Coggeshall and buildings at Holfield Grange.

Silver End within 2km of the stack and Coggeshall within 3km of the stack both have areas designated as Conservation Areas.

Three footpaths (FP's 19, 57 (Essex Way), 58) are crossed by the existing quarry access road and the extended access road to the IWMF would cross the FP35. There is also a public footpath No. 8 (Kelvedon) which heads south through Woodhouse Farm complex. FP 8 (Kelvedon) links with FPs 35 and 55 (Bradwell) to provide links west to Sheepcotes Lane and FP 44 (Kelvedon) runs eastwards linking with bridleway 1 (Kelvedon - Pantlings Lane) towards Coggeshall.

3. PROPOSAL

There are two applications:

ESS/36/17/BTE is a full application for an extension to the existing IWMF stack of 23m from 85m AOD (35m above natural ground levels) to 108m AOD (58m above existing natural ground levels).

ESS/37/17/BTE is an application to vary 4 conditions of the existing planning permission ESS/34/15/BTE. The four conditions to be varied are as follows

Condition 2 (application details) of ESS/34/15/BTE– this condition sets out the approved details and drawings for the IWMF: as such there are drawings that show the height of the stack and revised drawings have been submitted to show the increase in the stack height.

Condition 14 (Stack design and cladding) of ESS/34/15/BTE – this condition details the materials that will be used to clad the stack, which is approved with a mirror finish and how the stack surface would be maintained. Due to the change in height while the materials to clad the stack are not proposed to change, due to the increase in height the method for maintenance would need to be amended. The stack would be cleaned using a higher reach crane.

Condition 17 (Combined Heat and Power Plant Management Plan) of ESS/34/15/BTE – this condition defines the approved details for the methods that would be used to ensure there is no visible plume from the stack. The methodology has been changed within the EP, thus the applicant is seeking to amend the methodology details to be in line with that approved under the EP.

Condition 56 (maximum height of stack) – this condition limits the height of the stack to 85m AOD equivalent to 35m above existing natural ground levels. Thus, the condition would require to be amended to allow the stack to rise to the proposed height of 108m AOD equivalent to 58m above existing natural ground levels.

No other amendments are proposed. For clarification there would be no increase in the tonnage of waste imported to the site (835,000tpa) or the permitted number of HGV movements (404 HGV movements per day).

The application is supported by an Addendum EIA addressing those issues where there is potential for change arising from the proposals these include:

- Landscape & Visual Impact Assessment
- Heritage
- Noise
- Air Quality
- Health Impact Assessment
- Cumulative Impacts

A summary of the Addendum EIA is attached at Appendix E

4. POLICIES

The following local plans; the Waste Local Plan adopted 2017 the Braintree District Council Local Development Framework Core Strategy 2011 (BCS) and of the Braintree District Local Plan Review adopted 2005 provide the development plan framework for this application. The following policies are of relevance to this application:

WASTE LOCAL PLAN (WLP) adopted 2017

Policy 1 - Need for Waste Management Facilities

Policy 3 - Strategic Site Allocations

Policy 10 - Development Management Criteria

Policy 11 - Mitigating and Adapting to Climate Change

Policy 12 - Transport and Access

BRAINTREE DISTRICT COUNCIL LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY (BCS) adopted 2011

CS4 - Provision of Employment

CS8 - Natural Environment and Biodiversity

CS9 - Built & Historic Environment

BRAINTREE DISTRICT LOCAL PLAN REVIEW (BDLPR) adopted 2005

RLP 36 - Industrial & Environmental Standards

RLP 62 – Development Likely To Give Rise to Pollution or the Risk of Pollution

RLP 63 - Air quality

RLP 65 - External Lighting

RLP 72 – Water Quality

RLP 80 - Landscape Features and Habitats

RLP 81 – Tree, Woodlands, Grasslands and Hedgerows

RLP 83 - Local Nature Reserves, Wildlife Sites and Regionally Important Geological/Geomorphological Sites

RLP 84 - Protected species

RLP 90 – Layout and design new development

RLP 95 – Preservation and Enhancement of Conservation areas

RLP 100 - Alterations, extensions and changes of use to Listed Buildings and their settings

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The presumption in favour of sustainable development is (at paragraph 11 of the NPPF) stated to be: For decision-taking this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

In January 2018 the Government published the 25 year Environment Plan setting out a range of goals with respect to the environment to help the natural world regain and retain good health. The goals include among others, clean air, using resources from nature more sustainably and efficiently, mitigating and adapting to climate change and minimising waste. The plan also recognises that, where waste cannot be reused or recycled, that its utilisation in Energy from Waste (EfW) facilities would ensure full value of waste as a resource is maximised

In December 2018 the Government published "Our Waste, Our Resources: A Strategy For England". It states *"Our Strategy sets out how we will preserve our stock of material resources by minimising waste, promoting resource efficiency and moving towards a circular economy. At the same time we will minimise the damage caused to our natural environment by reducing and managing waste safely and carefully, and by tackling waste crime. It combines actions we will take now with firm commitments for the coming years and gives a clear longer-term policy direction in line with our 25 Year Environment Plan. This is our blueprint for eliminating avoidable plastic waste over the lifetime of the 25 Year Plan, doubling resource productivity, and eliminating avoidable waste of all kinds by 2050."* The strategy seeks a circular economy, keeping resources in use as long as possible,

so we extract the maximum value from them. The Strategy is a material consideration.

Paragraphs 212 and 213 of the NPPF, in summary, state that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, 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).

Essex County Council undertook a compatibility exercise in September 2018 to confirm policies within the MLP and WLP remain up to date and consistent with the NPPF. The level of consistency of the policies contained within the BDLPR 2005; and the BCS 2011 is considered at Appendix I.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

On 9 October 2017 Braintree District Council, together with Tendring District Council and Colchester Borough Council, submitted their New Local Plans and accompanying documents to the Planning Inspectorate. Due to strategic cross-boundary policies and allocations Tendring, Braintree and Colchester's Local Plan share an identical Section 1 and as a result of this Section 1 was considered through a joint Examination in Public (EiP).

Following the EiP of Section 1, a number of concerns and queries about the Garden Communities, transport infrastructure, employment, viability and the Sustainability Appraisal produced were raised. The three Councils are therefore currently considering the options available and how best to proceed in view of this. This will however inevitably lead to delays to the Examination of Section 2 of the individual Plans which follow from the principles established in Section 1 at a more local level. The emerging Local Plan is a material consideration in the determination of this application. However, the weight which can be given to the policies contained within it is limited given the unresolved nature of the concerns raised as part of the EiP of Section 1.

5. CONSULTATIONS

As the report is considering two applications, the response to each application is set out indicating where the comments were submitted jointly or separately. The application has been subject to three stages of consultation: the original consultation in August 2017; a second focussed consultation in February 2018 when additional landscape and visual impact information was submitted; and a further consultation undertaken in November 2018, following the submission of additional information on need and a response by the applicant to comments made

by PAIN (Parishes Against Incineration). The responses below represent comments made during all the consultation periods.

BRAINTREE DISTRICT COUNCIL

ESS/36/17/BTE (Full):– No objection. However, clarification required as to whether the higher stack would require to be lit for aircraft safety reasons.

ESS/37/17/BTE (Variation) – No objection

ENVIRONMENT AGENCY

ESS/36/17/BTE: No objection, but comment as follows:

Gent Fairhead & Co Ltd submitted an application to us on 6 March 2017 for an Environmental Permit for the proposed Rivenhall IWMF. Following our detailed technical assessment of the application together with consideration of all consultation responses received, including over 2000 public representations, we issued a permit to the company on 11 September 2017.

The Industrial Emissions Directive (IED) requires permit applicants to demonstrate that Best Available Techniques (BAT) are being applied at a particular location using appropriate design measures and taking local environmental conditions into account. The design can include additional measures for abatement and emissions reduction at source in addition to stack height selection.

The company submitted a Cost Benefit Analysis within its permit application to support its demonstration of BAT for the incinerator design.

In addition to proposing a stack height of 58 metres above surrounding ground levels, the company has proposed a more stringent reduction of emissions at source in order to demonstrate BAT. A tighter emission limit for nitrogen dioxide (daily average of 150 mg/Nm³) has been proposed by the company compared to the normal daily average for waste incineration plants of 200 mg/Nm³ (the standard set within the IED). Hence although the stack height of the proposed incinerator is lower than that of other plants of similar or greater size for which we have issued permits, the actual environmental impact of nitrogen dioxide will in fact be one of the lowest in the country.

Following an assessment of the company's cost benefit analysis, we are satisfied that the proposed stack height of 58 metres above surrounding ground levels is BAT for the proposed plant.

As part of our decision making process, we have thoroughly checked the air quality and human health impact modelling assessments provided within the company's permit application. We have also undertaken a rigorous sensitivity analysis of these assessments including the effect of local topography and the proximity of buildings on the dispersion of pollutants (i.e. using a range of different input parameters within the modelling). Our conclusion is that we consider the proposed facility is unlikely to contribute to any breach of the relevant air quality standards for human health and the environment.

It is important to note that we reached the same conclusion as this for the company's first permit application which we refused on the basis of a stack height of 35 metres (above surrounding ground level). This means that even with a stack

height of 35 metres we were satisfied that no air quality or human health thresholds would have been exceeded for the proposed incinerator. However, in addition to meeting all the required air quality and human health standards, permit applicants must also demonstrate to us how they intend to *minimise* the impact of their emissions on the environment by applying BAT. We believe that the design of the proposed incinerator, incorporating a stack height of 58 metres above surrounding ground levels, is now such that pollutant emissions to air will be minimised.

ESS/37/17/BTE: No objection - In relation to Condition 17 and plume visibility, the applicant, Gent Fairhead & Co. Ltd, will need to comply with all environmental permit conditions concerning stack emissions regardless of the visibility of those emissions.

HIGHWAYS ENGLAND:

ESS/36/17/BTE: No objection

ESS/37/17/BTE: No comments received

HISTORIC ENGLAND ESS/36/17/BTE & ESS/37/17/BTE: No comments to make, but suggest you seek views of your specialist conservation and archaeological advisers.

NATURAL ENGLAND

ESS/36/17/BTE: No objection standard advice should be followed with respect to protected species. The LPA should also be satisfied that appropriate level information is provided to assess impacts on SSSI and local sites.

ESS/37/17/BTE: No comments to make.

PUBLIC HEALTH ENGLAND (PHE): No objection.

Following a review of the documentation provided for these planning applications PHE can confirm that we have no significant comments to make from a public health perspective further to those provided to the EA noted below.

If Energy from Waste (EfW) sites operates in line with the Waste Incineration Directive (WID) we would not expect there to be any significant impacts on public health. Further information can be found in the following report:

<https://www.gov.uk/government/publications/municipal-waste-incinerator-emissions-to-air-impact-on-health>

PHE is a consultee for bespoke EP applications and we provide comments from a public health perspective when requested by the EA. We understand the EA initially rejected an application for an environmental permit for this site in December 2016 after finding the proposed stack height did not demonstrate BAT. Since then the applicant has submitted a new environmental permit application to the EA. As noted in your letters to us, PHE have provided comments from a public health perspective on the updated environmental permit applications (April 2017) and draft decision document (July 2017) to the EA which did not identify any significant public health concerns.

ANIMAL & PLANT HEALTH AGENCY ESS/36/17/BTE & ESS/37/17/BTE: No comments received

ESSEX WILDLIFE TRUST ESS/36/17/BTE & ESS/37/17/BTE: No comments received

BRITISH HORSE SOCIETY ESS/36/17/BTE & ESS/37/17/BTE: No comments received

RAMBLERS ASSOCIATION ESS/36/17/BTE & ESS/37/17/BTE: No comments received

HIGHWAY AUTHORITY (ESS/36/17/BTE & ESS/37/17/BTE) : No objection

HIGHWAY AUTHORITY (Public Rights of Way) (ESS/36/17/BTE): No objection. The applicant should contact PRoW if during construction works the route of FP8 (Kelvedon) that passes through Woodhouse Farm complex is to be disrupted. ESS/37/17/BE: No comments received

COUNTY COUNCIL'S NOISE CONSULTANT (ESS/36/17/BTE & ESS/37/17/BTE): No objection. The revised acoustic assessment demonstrates that the proposals would operate within the permitted maximum noise levels as set out in the existing permission. Noise monitoring is required by condition and would establish whether this was the case in practice.

COUNTY COUNCIL'S AIR QUALITY CONSULTANT (ESS/36/17/BE & ESS/37/17/BTE): No objection - The assessment methodology and assumptions applied in the air quality assessment were suitable. The result has demonstrated that air quality impact on local air quality is not significant with the new stack height. This has been confirmed with the 2017 IAQM assessment approach, the overall significance of the effect of emissions from the IWMF is considered to be negligible.

The Plume Visibility Analysis concluded that that there would be a low chance of visible plumes with the lime based fuel gas treatment system and 58m stack. It is concluded that the impact would be insignificant based on EA IPPC H1 significance criteria.

In addition to Primary and Secondary Measures as specified in the CHP Management Plan, a monitoring protocol is proposed in the revised CHP Management Plan. The stack condition will be monitored with CCTV and in the unlikely event of a visible plume the automatic management system will be manually overridden. Monitoring and recording system will also be used to ensure the temperature and wind speed thresholds identified in the CHP Management Plan are suitable. It is therefore considered that CHP Management Plan has been revised to ensure suitable measure implemented at the site to address Condition 17.

COUNTY COUNCIL'S LIGHTING CONSULTANT: No objection. There is a requirement under the existing planning permission (ESS/34/15/BTE) for details of the lighting to be provided prior to the site operating, under conditions 43 and 44.

In terms of this application, the document 'FA_F8 Appendix F Pell Frischmann Lighting Statement (1).pdf' has been submitted. This statement outlines proposed

approach to lighting and shows a good understanding of lighting design requirements in a rural location.

The statement concludes that the increase in stack height would not affect the lighting impacts previously considered. The statement also advises that a lighting design will follow in due course, referring to condition 44. Such information will form the critical review in terms of lighting; therefore, at this stage I would not raise any additional comments or objections.

PLACE SERVICES (Ecology):

ESS/36/17/BTE No objection - Soft Landscape Proposals showing some details for species-rich neutral grassland and proposed open mosaic grassland for habitat areas are included. These should be cross-referred to the relevant Habitat Management Plan (ES Appendix 7C) and Ecology Report (ES Appendix 7B) (referred to in Planning Application No. ESS/37/17/BTE).

- *IWMF Ecology Statement 2017*
- *Rivenhall Airfield: Integrated Waste Management Facility*
- *Stacks And Bird/Bat Strikes*
- *Document 499/17*

The assessment of birds and bats considers the potential negative effects of tall structures with glass and movable parts and the Ecology Statement does not consider that the stack would have any effects on bird or bats. However, it is proposed to use a very reflective surface for the stack, which presumably could have similar effects for birds and bats to that of glass. Therefore a different finish would be preferable to avoid this potential outcome. If the WPA is minded to grant permission then a monitoring scheme should be required to assess impact upon birds.

The proposals do not amend the lighting scheme, so no ecological comments to make.

With respect to air quality deposition of emissions can lead to both soil and freshwater acidification. However the impacts of air quality on ecosystems have been assessed using a standard approach, following EA guidelines. It is therefore considered the impact on habitats and wildlife has been appropriately considered.

ECC has undertaken a Habitat Regulations Assessment and concluded no further assessment was required.

ESS/37/17/BTE: No objection. It is acknowledged that provision of a sedum roof has planning permission. However, it should be recognised that this is not a very biodiverse solution and a wildflower roof or brown roof would be much more diverse.

PLACE SERVICES (Urban Design) ESS/36/17/BTE & ESS/37/17/BTE: No objection - There is concern regarding the proposed material finish shown for the stack. Whilst this is not necessarily an urban design issue and is more pertinent to landscape design and impact, it is considered that a reflective finish to the stack could in fact amplify the appearance of the structure on the landscape and it would be preferred if a gradually changing tone from dark to light towards the top of the stack was applied.

PLACE SERVICES (Landscape) (ESS/36/17/BTE & ESS/37/17/BTE): The increase in height of the will result in some detrimental adverse impacts on both the landscape character of the area and a range of visual receptors. Whilst it will be possible to mitigate some of these impacts other adverse impacts arising from the presence of the stack will be present throughout the lifetime of the facility. This adverse impact and visual presence will need to be weighed in the balance with other planning matters which apply.

The stack will introduce an urban/industrial feature into the rural landscape and whilst the principle of this has been approved previously the additional height of 23 metres will serve to increase the degree and extent of landscape and visual impact which will result.

The visual impacts can be partially mitigated in some locations by the use of the cladding material (in some weather conditions), new woodland planting associated with the IWMF and the quarry restoration work. Measures to introduce some wider landscape mitigation through planting may assist to mask some views. The applicant has accepted the principle of developing such a scheme to assist with this. Where views of the stack are at close range successful mitigation will not be possible and there are likely to be residual minor to moderate adverse visual impacts.

Landscape Character Impacts: The current landscape character has been identified as industrial and there is some dispute around this characterisation. I have agreed that where the quarry is still being worked this is a reasonable description of character but this is specific to the area impacted by quarrying activities. I do not agree that the quarry continues to exert an industrialising influence on the surrounding rural character (ref. para 4.1.5 in the Addendum). There are smaller businesses in the locality and although they exert varying degrees of adverse visual impact the activities are generally reasonably well contained to the local area and landscape. The exception to this is Allshots Farm (W3) scrapyard business which is more visually prominent in the landscape; however the character of the surrounding landscape is remains predominantly rural.

Beyond the quarry zone and site for the IWMF the landscape character is rural and views of detracting features are limited. The extent of the excavated and restored landscape will change over time as further extraction phases to the east are implemented. However at the current time there is no reason (other than impacts arising from the proposed stack) to suggest that the prevailing landscape character in which the site is located will not retain its rural characteristics.

Whilst the IWMF stack will be incorporated into a landscape with an element of industrial character and alongside the IWMF development itself, it will also appear within the context of the surrounding rural landscape character.

The addendum concludes that the significance of effects on landscape character of the area remains at Minor adverse. I agree that where the stack is set within the context of the quarry and IWMF this assessment of effect is likely to be correct. However where the local character around the site area is predominantly rural and

where there are few other detracting features then I consider that the effect on landscape character will be Moderate adverse at distances up to 2km from the site. The stack will appear as an industrial feature in the landscape. Beyond this whilst the presence of the stack will be apparent in many locations and for many receptors its impact on landscape character will be reducing scale over distance.

The stack will appear as an urban/industrial feature in views where there are few other detractors. The Sheepcotes Hangar mast and the overhead electricity pylons and cables are cited as detractors in the landscape and providing context for the stack. However these structures do not provide context for much of the landscape in which the stack will be apparent and there is a possibility that their life span will be shorter than the proposed stack.

With respect to existing landscape character it is useful to consider the current Landscape Character Assessments which have been carried out.

National Character Area profile 86, South Suffolk and North Essex. This document does not overly assist with describing this particular area. Quarries are referred to in the text but there is no reference to industrial landscape character.

Essex CC LCA B1 Central Essex Farmlands; key points:

Mostly tranquil character away from major roads and Stansted airport’.
‘Localised erosion of character occurs due to sand and gravel workings’.

Essex CC LCA C6 Blackwater/Brain/Lower Chelmer Valleys; key points:

‘Gravel workings are locally visually prominent’.

Intrusive industrial development mentioned only in respect of Braintree and Witham.

Braintree District LCA B18 Silver End Farmland Plateau. Key points not raised above:

‘The area is generally open allowing long distance views’.

‘Large sand and gravel pit near Bradwell, with large mounds, very exposed from surrounding roads, stark contrast to the surrounding fields, mostly a tranquil area (away from the main roads and the sand and gravel pit). Overall the character area has moderate to high sensitivity to change’.

Visual impacts: The extent to which the stack will be visible in the landscape will be increased by the greater height now proposed.

I consider that the wider visual impacts arising from the stack will be more significant than the assessment within the Addendum to the LVIA. This states that for most receptors the visual impact from the increase in stack height will remain unchanged (from the previous height/assessment) and will remain at a ‘minor adverse impact’. Some receptors will experience a moderate adverse impact and after 15 years this will reduce to minor and negligible. However, given that the scope for visual mitigation in the wider landscape is limited I am doubtful this reduction in visual impact over the 15 year period will occur.

Where views of the stack are at close range, such as from nearby footpaths successful mitigation will not be possible and there are likely to be moderate adverse visual impacts.

The updated photomontages for Viewpoints W and VP 1 – 8 and the comparison images to illustrate the three scenarios as existing, and the approved and proposed increase in stack height are useful. Additional Viewpoints 9 – 31 (between 3 and 10km from the site) were provided within the 2017 LVIA. These are now illustrated with montages and photographs showing the proposed stack and the truck mounted access platform erected at the full height (November 2017). I also had the opportunity to view this platform on site and within the wider area.

Viewpoints 32 – 40 have been included, mainly to address potential views from heritage assets and show the truck mounted access platform in situ. These additional viewpoints show how the stack will be visible at greater height. I have particular concern is the introduction into the views from the churchyard at Rivenhall, and in the vicinity of Rivenhall Hall.

In terms of specific LVIA assessment this has been provided as an update to the 2008 LVIA which assessed the impacts on a series of residential (R1-R13), public rights of way (P1-P7), transport (T1-T9) and places of work receptors (W1-W6). Viewpoints with photomontages VP 1- 7 plus W/ Woodhouse Farm provide representative viewpoints for these groups of receptors. There is no specific assessment of the view from VP8, the public footpath and track close to the Polish site.

The Visual Impact Assessment is provided in table form Table 8-12 on pages 47 to 53 of the addendum document. The degree to which the stack will be viewed from some of the other viewpoints is described within the body of the text only but not as previously requested by ECC within a clearly assessed tabulated form.

It is clear from the comprehensive list of illustrated viewpoints that the visual impact from the increased stack height will extend into a wider area of rural landscape than originally identified with the lower stack. The upper part, 48 metres of the stack is proposed to be clad in the silver mirrored reflective material as previously approved. This may minimise the visual impact in certain weather conditions by reflecting sky colour and light levels. However, there will be times when the material causes some solar glint and glare and this has now been assessed fully in separate documentation. The LVIA Addendum has been guided by the findings in this assessment concluding that the impacts will not be significant due to the short periods of time, and low intensity of reflection arising. However, I have concerns that even if the glare and brightness resulting from this use of material is limited the impact on the available views of the stack will be emphasised.

I am not able to comment in any technical detail on the extent to which intermittent glare will impact on residents or road users or whether this will be within acceptable parameters. However it would seem likely that a level of inconvenience could be experienced. I agree that the use of this material will assist with visual mitigation in some views and in certain weather conditions where it reflects back colour from the landscape. However I also consider that a matt grey or soft silver finish would

have similar visual mitigating benefits without introducing the risk of solar glare or brightness into the landscape and visual receptor locations.

Landscape mitigation: The applicant has agreed to provide funding for landscape and environmental works as identified within paragraphs 4.2.9 and 6.1.5:

This will need to be considered throughout the area and worked up in more detail should the application be recommended for approval. Specific planting projects will need to be targeted at identified locations where further visual mitigation can be achieved. Some specific proposals have been suggested by Liz Lake Associates as part their previous assessment work and may help mitigate visual impacts arising from the lower part of the stack. These are extending an area of proposed woodland north east of Sheepcotes Farm, and beating up/widening and adding trees to hedges alongside bridleway 31 and PROW 53 and 55. In addition there is scope to restore hedgerows in the wider landscape including along Pantlings Lane subject to landowner cooperation.

The accompanying landscape proposals sheets (5 of 5) have been updated as a result of the amended LVIA. These plans have addressed the issue relating to the use of ash in the species mixes.

Conditions should include implementation of landscape mitigation (based on the submitted landscape plans), timescales for implementation, landscape and woodland management (to ensure successful mitigation), final details of stack cladding material including lower level cladding, and details relating to the landscape and environmental mitigation fund. The latter will also need to be secured through a S106 agreement.

PLACE SERVICES (Historic Buildings) (ESS/36/17/BTE & ESS/37/17/BTE):
Objection – which could be overcome by a change in finishing material.

The principle of the facility and a stack is already established, but with a markedly shorter stack.

The assets at Woodhouse Farm are closest to the proposed stack, and it is therefore considered that the increase in the height of the stack would have the greatest impact on these assets. In particular the extra height would further exacerbate the sense of overlooking and intrusion which the stack already created, and would further emphasise the fact that the open agricultural environment in which the assets are experienced, and which contribute to an understanding of their significance, would be considerably and harmfully altered. The stack would already have been a dominant feature in the landscape, and by increasing its height its intrusion and unsuitability is only accentuated. The level of harm caused by the stack is therefore considered to be moderate to high, the increase in the level of harm caused by the proposal to raise the height of the stack is considered to be minor to moderate.

The harm is aggravated by the choice of finishing material. The mirrored surface, which is likely to glow when hit by the sun, would accentuate its visual presence. The applicant has submitted details of schemes where it has been used successfully, and it is acknowledged that on many of these projects the use of the

cladding creates a striking and interesting landmark building. However this would appear to be specifically the point, it is a cladding which is appears to be best used when trying to create a visually interesting building. This would seem to be at odds with what the applicant seeks to do in this instance. Whilst this is a previously agreed detail, the increase in the visual prominence of the stack means that this is a detail which should be reconsidered from a heritage perspective.

The relationship between the character, appearance and form of the landscape and the significance of the listed building is the same for the Allshots Farm complex as it is for the Woodhouse Farm complex. The conclusions as to the harm identified are therefore considered to be the same, albeit at a marginally lower level due to the slight reduction in proximity.

The stack is considered to impact on views out from several other heritage assets, and is considered to fall within the setting of a number of these. The stack is not however considered to alter the way in which these assets are experienced

BRADWELL PARISH COUNCIL: No comments received.

KELVEDON PARISH COUNCIL (ESS/36/17/BTE): Objection on the following grounds

Design of development so different to that original application and if granted the current variation would represent unacceptable planning creep.

Condition 56 limiting the height of the stack was imposed by PINS/SoS. Noted in PINS report that "A further application to ECC for an increase stack height would not meet the requirements for certainty and good planning as set out in national guidance." Approval of this application would clearly ignore PINS and SoS decision.

Officer Comment: The quote is not the view of the Inspector but a quote from "Section 8 – The Case For The Local Councils Group" paragraph 8.22 of the Inspector's report where the Inspector has reported the views of The Local Council's Group.

Application should be refused and a full new planning application considered for the development as a whole.

Request that if ECC not minded to refuse that the application it should be referred to the Secretary of State.

COGGESHALL PARISH COUNCIL (adjacent parish) (ESS/36/17/BTE & ESS/37/BTE): Objection on the following grounds:

- Concerned regarding the health and air quality impacts;
- Consider the increased incinerator capacity have outstripped the original design parameters and hence the need for the higher stack;
- Consider the applicant has not engaged with the EA at an earlier enough stage in the project's life;
- The importance of Coggeshall's important landscape and heritage has been highlighted in a recent housing appeal dismissal;
- Condition 14 confirms the details of the stack and construction was started on that basis. The conditions should be required to be adhered to, to prevent a mockery of the planning process;

Officer Comment: There is nothing to prevent any applicant from applying to vary any condition of an application at any stage.

- The applicant demonstrated that 85m AOD stack was acceptable and thus the height should be enforced;
- The planning permission issued by PINS/SoS was clear that all details relating to the stack had to be agreed before commencement to avoid risk with regard to impacts.

Also raised the following comments:

- Condition 56 specifically limits the height of the stack and was considered acceptable by the applicant and their consultants;
- No engagement was sought at the time of the public inquiry (2010) and the increase in height direct result of EA permit refusal in December 2016. No objection was raised by EA at time of public inquiry simply because they had not been consulted:

Officer Comment: The EA was consulted and was represented at the public inquiry. No objection was raised, but at that stage the EA had insufficient information to comment whether the stack would be unacceptable at 85m AOD.

- The incinerator has been subject to significant planning creep with the removal of the geographical limits allowing waste to be imported into Essex;
- The changes in the incinerator capacity in Feb 2016 significantly increased the incinerator aspect to 595,000tpa, was given with no consultation with EA;

Officer Comment: The EA was consulted on the application and raised no objection, but emphasised that there would need to be an Environmental Permit.

- Construction started in March 2016 on the basis the stack design was complete and final and in accordance with condition 14;
- Application made without certainty of an EA permit;

Officer Comment: An EP was granted on 11 September 2017

- Do not consider the EA have been adequately engaged in the planning process;

Comment: The EA has been consulted on all applications related to the IWMF and its comments reported and taken into account.

Consultation response received in January 2019 raised the following issues:

The report prepared on behalf of ECC by BPP must be taken account of.

There has been an unprecedented change in the approach to waste, attitudes to plastic, awareness of air quality, including media coverage such as BBC's the Blue Planet

The facility could see Essex being a net importer of waste and having to deal with bottom and fly ash.

A 35m stack might have been appropriate in 2009, but science has moved on a higher stack may be needed but may not be acceptable in planning terms.

Last time the IWMF was considered by the D & R Committee there was no action group scrutinising the applications and no public engagement by the applicant, such that there was less objection.

Consider the response by the applicant to PAINs objection report includes information that is misleading confusing information from the Inquiry with information from the determination of the 2015 application.

Consider the photomontages are misrepresentative, underestimating the height of the stack.

Applicant has stated PC was unwilling to meet with applicant; it should be clarified that was mainly due to the fact the applicant insisted this was closed meeting, which was not considered appropriate or in accordance with Council procedures.

The health impacts of increased particles, NOX and CO2 are well documented and supported by medical evidence.

The new developer partner Indaver are only going to build the incinerator element of the proposals, leaving a question over whether the other elements will be developed thus whether the facility would be an integrated waste management facility which was granted by the Inspector.

SILVER END PARISH COUNCIL (adjacent parish)

ESS/36/17/BTE: Objection, due to the visual impact of the increased stack height. The proposed stack is vastly in excess of heights agreed by the Planning Inspectorate. The heights quoted are confusing some referring to heights AOD and some above natural ground levels.

ESS/37/17/BTE: No comments to make

RIVENHALL PARISH COUNCIL (nearby parish)(ESS/36/17/BTE & ESS/37/17/BTE): Object

Initial comments

1. When the original planning consent was granted in March 2010, the Secretary of State agreed with the Planning Inspector's report (from the 2009 Inquiry) that the stack height should be conditioned to 35m above local ground level.

Two primary conditions relate to the stack height. One of them, condition 14, also stipulated that all details of the stack, including elevations, should be submitted to the planning authority, and agreed, before commencement.

The applicant agreed to all these stipulations in 2009 at the Inquiry and did indeed submit final details of the stack to ECC prior to commencement under condition 14, which was for a 35m tall structure. In evidence the applicants told the Inspector in 2009 that a 35m stack was the correct requirement for the plant and the Inspector covered in detail the landscape impacts of such a structure given the rural location.

Legal commencement of the development was confirmed by ECC as having taken place in early 2016, very quickly after ECC granted the so-called “variation” s73 application which significantly shifted the plant operations away from recycling and towards waste incineration. At the time, Essex County Council stated that should the developer proceed to start the development prior to obtaining the necessary operating Environmental Permit from the Environment Agency (EA), they would be doing so at their own risk.

The developer did proceed and that risk has now been realised. Having made a legal start, the stack details cannot be changed. As ECC is aware, the only reason why the applicants now seek a 58m high stack is that their first Permit application to the EA was refused. The applicants therefore had to submit a second application, which was approved in September 2017, but that decision does not over-ride the planning conditions applying to the site.

The current applications therefore arise from a continuation of the very long “planning creep” history and the iterative approach the applicant has taken. Instead of providing certainty through a single clear planning consent and a permit granted commensurate with that plan, the applicant has sought to use the various decision making regimes as a “change process”. This saga has now been going on, including the initial landfill proposals, for 24 years. In terms of the IWMF and the eRCF and RCF that went before it, and the various iterations of them, the local community has been both ignored and put through a seemingly endless stream of applications that has taken up a great deal of time and local volunteer resource. It is notable that despite the setting up of the waste site liaison group, the applicants and their representatives have not attended any of the public consultation events for the Permitting process and did not organise consultation events for the s73 “variation” application or the current ones. The level of opposition to both the plant (through its changes) and the way in which the community is being treated is now leading to hostility. Given the significant movement of the plant away from what was granted in March 2010, at the very least there should be a fresh public Planning Inquiry.

2. The landscape impacts of the proposed 58m stack (which is the height above the local ground level) have been seriously underestimated by the applicants and in places comparisons made with existing features in the local landscape are incorrect

The applicant states that the 58m stack might be “theoretically visible” from heritage assets and “theoretically visible within the local landscape”; that there are electricity pylons in the local area near the plant site of comparable height; and that the residual trees around the plant are 18m tall (and therefore 40m of the stack would be visible above the trees).

There has been some confusion around the issue of the stack height owing to at least 3 different measurements being used – height above OD, height above local ground level and total height of stack including the section below ground. The Parish Council is clear that the most important measurement for both planning and permitting purposes is the height above the immediate local ground level excluding the quarried areas. So for example this would be the ground level where PRoW Kelvedon 8 nears the plant. In the following, the Parish Council refers to the

measurement of the stack as being 58m above local ground level. This equates to approximately 190 feet, or for comparison, 20 feet taller than Nelson's Column. This would be an industrial structure widely visible across the countryside. It would be 7m wide and with a highly reflective "mirrored" metal finish.

The applicants claim that the mirrored finish will make the stack blend more into the sky scape. But the sky conditions vary enormously and presumably the stack will reflect whatever the conditions are. It is unknown as to the extent that the stack will reflect the sun, increasing its visibility as seen from distance, or artificial light at night from the plant.

The residual trees around the plant site are not typically 18m tall as claimed by the applicants. The very highest of the surrounding trees may be that tall, but most are significantly lower than that, as has been measured locally. As was advised to ECC prior to the destruction of much of the TPO woodland on the site in late February 2016, the residual tree belt is thin and the plant will be plainly visible through it for the half of the year when the leaves are down. Therefore both the plant and the stack will be much more visible both through the trees and above them than the applicant states.

The stack will be visible from parts of Rivenhall parish. The northern part of the parish in particular, nearest the plant, is very rural, comprising the ancient landscape of Rivenhall Brook, hedged arable fields, meadows and surviving blocks of ancient woodland. Also within this landscape there is the Grade 2* Rivenhall Place and its grounds which is approximately 1300m from the stack.

Contrary to the impression given by the applicants, it is plainly the case that there are no similar solid structures in the local landscape. The nearest tall structure is the communications tower at Sheepcotes Farm, but this is an open lattice structure and is 47m tall. The proposed stack is 58m tall, a full 11m taller. The electricity pylons quoted by the applicants are actually well to the north of the site, crossing broadly East-West near Ashes Lane Bradwell. From the nearest community to the site, Silver End, the pylons are not visible at all when looking towards the waste site. The pylons are just visible on the horizon when looking north from Park Gate Road Rivenhall, but it is notable that the tower at Sheepcotes Farm is seen from this location as a much larger structure – roughly double the height and double the width of the pylons. From Park Gate Road at the start of PRow Silver End 108_55 (which starts on the boundary of Rivenhall Parish) the tower is a ratio of 4/3 further from the viewpoint than the stack would be and is 11m lower. Therefore the stack would be approximately 1.6 times taller than the communications tower as seen from that viewpoint – an obviously visible industrial structure in the countryside. Similar ratio calculations can be made from other viewpoints where the tower is visible and what becomes clear is that the photo-visualisations used by the applicants are not a fair representation of what is seen on the ground. The visualisations tend to minimise objects at distance in the landscape. As another example this can be seen when comparing the real view of the tower as seen from Sheepcotes Lane compared to the visualisations. The Parish Council understands that additional independent landscape impact assessments are being made and this is welcome as it is important than an accurate assessment is made.

A further consideration is cumulative visual impact. Honace, who act for Gent Fairhead, have recently advised that the planning application process for the Bradwell Quarry extension site A5 is to start.

A5 is immediately adjacent to the waste site and would be seen in the same field of view as the stack as seen from locations such as Western Road and Park Gate Road.

Officer comment: A planning application for mineral extraction in site A5 has been made and resolved to be granted. The application was accompanied by an EIA and considered cumulative impacts including that of the permitted IWMF.

3. The applicant continues to suggest there will be access to the site via local roads stating that “authorised access from the local road network” would be allowed.

As the Parish Council has previously submitted to ECC, there is great local concern already about HGVs ignoring local weight limits (such as Hollow Road and Oak Road), ignoring height warnings (Oak Road at the railway bridge) and using unsuitable rural local roads with the consequent disruption and danger caused when HGVs have to turn or reverse when they get stuck. Any additional HGVs, especially large waste trucks driven on satnavs from distant locations, would be unacceptable, particularly given that due to public service reductions there is now almost no enforcement of HGV breaches. It is well known from local knowledge that satnavs lead to off-routing by HGVs because drivers of stuck vehicles have been asked how they got to given locations.

As previously stated to ECC, the Parish Council is aware of an intention by the applicant to use Park Gate Road (via Woodhouse Lane) as an “emergency access”. The Parish Council state again, it would be completely unacceptable for this major waste site to use any local roads for any reason. All access must be via the agreed route of the private access on to the A120 and if a second emergency access is required that should be the responsibility of the applicants without using local roads and lanes.

Conclusion

Rivenhall Parish Council would submit to ECC that the applications should be refused. The applicant made a legal start on site in 2016 on the basis of a discharged condition that gave details of a 35m tall stack and ECC itself warned the applicant that to proceed prior to the EA Permitting process being decided was at its own risk. The permit decision cannot be used to over-ride planning decisions. The planning decision on the stack height being at 35m above local ground level considered many wholly separate issues, most notably landscape impact. Based on the typical height for stacks granted EPs by the EA where related to plant capacity, the Rivenhall stack would need to be in the range 70m to 90m tall. Had the EA required this, then presumably this application would still have come forward but for a stack of that size, but the EA does not consider any matters relating to visual impact in its decisions.

The landscape impacts in the application have not been properly assessed by the applicant. Incorrect comparisons are used and visualisations are not realistic. The only comparable structure is the communications tower at Sheepcotes Farm and this is 11m lower than the proposed stack and of an open lattice structure. The level of tree screening around the site has been over-estimated and the appearance of the mirrored stack at least 40m above the tree line, and in the full range of weather conditions (including at night) is not fully known.

Other matters remain uncertain including cumulative visual impact, the use of local roads as alternative access and as raised by the Parish Council previously regarding other site applications, the use of the River Blackwater.

The application should be refused. Failing that, due to the on-going planning creep associated with this site, there should be a fresh public Planning Inquiry.

In addition, there are inaccurate landscaping assessments which minimize the visual impact when compared with the reality. The only structure comparable for local reference is the Radar Tower in the vicinity, which is 12 metres lower than the proposed stack, is not 'solid' but can be seen from miles.

Additional Comments:

The EA has granted a permit with a 58m stack, but they do not and cannot take into account the landscape impact.

The applicant has failed to take on board the evidence provided by the local community that its assessment of visual impacts are wrong. At recent public events the applicant made comparisons of the stack height with the height of the Sheepcotes Tower and electricity Pylons, they are not similar in height.

The stack is approximately 10m taller than Sheepcotes Tower and the stack is a solid structure with shiny material while the tower is a lattice. The pylons do not run close to the stack as stated by the applicant, but located well to the north and would not be seen in the same field of view as the stack.

The applicant states that views of the stack would be screened by high hedges on Parkgate Road. This is false, there are only partial hedges on Parkgate Road. There would be uninterrupted views of the stack rising well above Storeys Wood.

The stack would be visible from the grounds of Rivenhall Church Grade I listed building and Rivenhall Place Grade II listed building.

The applicant has sought for many years to change the nature of the plant. At the public exhibitions the paper pulp plant was stated to operate at 130,000tpa, this is a reduction the current permit and permission are for 170,000tpa, the original was 360,000tpa. The paper pulp facility is therefore 64% smaller than permitted by the SoS.

Officer comment: The paper pulp plant would receive 170,000tpa of waste paper and produce 130,000tpa of paper pulp.

This reduction in size of the paper plant, must change the energy used by the facility, such that how will all the heat, steam and electricity be used and as the balance has changed will some be wasted.

At the public exhibitions, the applicant referred to the need to build the CHP first and could not guarantee the other elements of the “integrated” facility would be delivered. Indaver would only develop the CHP other developers would be found to develop the other elements. Taking heat to the Garden Communities was promoted, but this is speculative as North Essex Local Plan has been delayed and West Tey the closet is still 5km away.

Proposals for the site have been ongoing for 26 years. Since 2010 the recycling element of the proposals has reduced, such that now it is a large incinerator. The detail of plant is yet to be agreed under condition 19, combined with lack of certainty, the proposals should be looked at a fresh by Public Inquiry.

Officer comment: The details of plant under condition 19 relate to the exact details of plant for each element. Until the situation with respect to the EA EP is known and contractors appointed to build the various elements of the IWMF the details will not be known by the applicant. The overall external layout of the site and size of buildings is controlled through the planning permission.

FEERING PARISH COUNCIL ESS/36/17/BTE & ESS/37/17/BTE: Object on the grounds of potential and transport impacts, especially transport impacts on the current infrastructure. Object to changes in condition 2, 14, 17 and 56, proposals should be fully compliant with original proposals.

CRESSING PARISH COUNCIL ESS/36/17/BTE & ESS/37/17/BTE: Object on the following grounds:

- Consider as described by PAIN that the landscape and visual impact assessments does not properly assess the impacts of the stack.
- That the stack will be visible from many locations within Cressing
- The ZTV only shows Listed Buildings within 3km of the stack, but there are several Listed Buildings within Cressing the impact on these buildings has not been assessed.
- The impact upon Cressing Temple Barns should be carefully assessed.
- The impact upon the Essex Way within Cressing should be assessed.
- It is stated that there will be no visibly plume and yet under certain atmospheric conditions a plume would be visible.
- The use of the reflective material is untested what will happen if on construction it is not effective.
- Concern that the glint and glare from the stack has not been properly assessed with respect to impact on aviation.
- Concern that the proposals would have health impacts, as there are clear links between air pollution and serious health conditions. The NPPF requires health impacts to be considered as part of the determination. Particular concerns with respect to cadmium and thallium as the modelling shows that under certain conditions these would be dispersed over Cressing.

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

LOCAL MEMBER – BRAINTREE - Witham Northern: Objects to the applications. The planning permission was implemented with the restriction of the stack at 85m AOD, it was at the applicant's risk they started the development, it is too late to change the height now.

The assessment of landscape and visual impact does not include public vantage points from the south including the PRoW from Parkgate Road. The application states there are hedgerows on the northern side of Parkgate Road, there are only patches of hedge, such that views are possible. The Zone of Theoretical Visibility (ZTV) indicates there would be views from Rivenhall Place (Listed Building) and yet the text states there would not be views. The photomontages fail to show clearly the stack and the existing Sheepcotes Tower in the same photograph to give context to the likely impact on the observer.

Additional comments

Information with respect to the height of the stack and comparison with other structures presented at the public exhibitions was inaccurate and misleading.

The applicants made clear that the CHP would be built first by Indaver but there was no guarantee the rest would be built. Also, that the CHP had to be delivered to enable a developer to be found for the paper pulp plant and that Gent Fairhead would be responsible for all other elements of the IWMF, Indaver only developing the CHP. This raises concerns as to whether all elements of the IWMF would be built.

The paper pulp plant was listed as having a capacity of 130,000tpa when it is permitted and granted for 170,000tpa.

Details of internal processing and layout plans required under condition 19 remain to be approved after 9 years, why is this?

The reduction in paper pulp plant raises questions as to whether all the heat, steam and energy would be utilised and therefore whether there would be CHP or just an incinerator. There have been suggestions by the applicant of using the heat as part of the waste water processing on site and heating for West Tey, but this over 5km and speculative.

There is concern that the incinerator will be built without the other elements of the Integrated Waste Management Facility.

6. REPRESENTATIONS

5 properties were directly notified of the application. 5131 letters of representation have been received from 2114 representees. Representations have been received by the WPA. Representations have also been sent directly to members of Development & Regulation Committee and/or sent to the Local MP Priti Patel, all of which have been passed to the WPA for consideration.

A summary of all the points raised by representees is set out in Appendix F. These include representations from PAIN, Local Braintree District Members and CPREssex

The main issues raised (in no particular order) are:

- Health impacts
- Need for the facility
- Facility likely to discourage recycling
- Adequacy of the Landscape and Visual Impact Assessment
- Landscape and visual impact
- Impact upon Heritage Assets
- Impact upon tourism/businesses within Coggeshall
- Traffic impacts
- Planning creep - the current proposals are very different to the facility considered by the SoS in 2009/10

A local action group has been formed and the WPA has received several communications, a summarising response was received in early April 2018 and the summary from that document is set out below. Points raised by PAIN have also been summarised within Appendix F.

1. There is now no clear need for this facility: Essex recycles a significant proportion of its waste (and this figure is continually increasing), with the remaining recovered fuel incinerated in Holland and Germany at existing plants. Permitting this additional variation turns Essex into a net importer of waste as it will involve almost 137,000 additional truck movements annually (assuming 404 per day and 300 days operation as granted).

2. After due diligence from potential financial backers was carried out, funding was withdrawn which, if the facility goes ahead, could leave Essex County Council exposed.

3. The flexibility of the IWMF has been compromised due to the changes in proportion (whereby incineration was increased and other processes significantly reduced) in 2016, that were permitted without consultation with the EA. Allowing the stack variation and exposing ECC to further changes that are likely to be required seriously undermines the integrity of the planning system and the validity of any conditions placed on this and other applications.

4. The landscape and visual impact on the surrounding areas is significantly exacerbated by the nature of the Essex countryside. The flawed LVIA study ignores key receptors and has not been prepared in accordance with industry best practice guidelines: GLVIA 3. The report distorts the contribution of the stack to this landscape in terms of height and appearance. The solar glint and glare study misrepresents the reflective impact, a heritage impact study has not been provided and the applicant intends to contravene condition 17 of the 2010 Inspector's report, which specified no plume visibility.

5. The committee needs to be aware of the level of uncertainty surrounding this project some eight years since permission was granted. In the original Inspector's report, it was recognised that the applicant had not engaged with the EA at that time. The Inspector stated that any changes, including to the stack height, may not be adequate and 'may not represent good practice at that time'. This position was accepted and agreed to by the applicant at that time. It took five years for the applicant to seek a permit from the Environment Agency, even though this was a crucial element of its proposal, and within this timescale certain parameters of design were altered. We contend that many design and construction elements remain unclear now and the designs are incomplete.

6. ECC has a statutory obligation regarding the health and wellbeing of individuals who live in Essex. There have been numerous reports confirming the adverse effects that poor air quality and high levels of air pollution (such as those recorded in Braintree) have on health, particularly on that of vulnerable groups such as the young and elderly. There is no evidence that ECC is taking any action to mitigate the effects of the facility or even recognise its contribution to air pollution, which is a failure of its duty as a public health authority.

7. There is significant latency between the applied EA standards and current understanding of the impacts of air pollution, air quality and small particles with regard to asthma, dementia and other serious conditions.

8. Minimal consideration has been given to the impact on climate change with the facility producing approximately 600,000 TPA of CO² plus the significant emissions associated with transporting this amount of fuel to the facility. There is now a duty for councils to consider sustainable and climate friendly developments and the changes in capacities move the IWMF down the waste hierarchy, into "disposal to atmosphere".

9. New evidence suggests that air pollution has a significant impact on flora and fauna. The environmental statement does not comply with National Planning Policy Framework paragraph 120: the applicant should provide a comprehensive EIA assessment.

10. The River Blackwater is a protected river and is classified as over-abstracted. The applicant has indicated that a year-round abstraction licence is required to operate the facility. This would have a negative environmental impact on the river and contravene condition 19 of the current planning permission.

11. Agricultural land and the human food chain will be negatively impacted by the build-up of particulate deposits on the land.

12. As a direct impact of the facility, it is estimated that over 17 million additional truck miles will be necessary, using 8.6 million litres of diesel, generating in excess of 31,000 TPA of CO₂. The energy expended in transporting materials to and from the site will exceed that generated.

13. The EA permit has been granted but not for the facility as permitted in 2010. The 2010 design was refused a permit. In addition, the EA states that a

recommended stack height does not assume planning should or would be granted. Consequently, no weight should be attributed to the granting of the EA permit.

14. The committee needs to be aware of a serious conflict of interest caused by the fact that ECC owns the waste from Basildon; it is targeted at the Rivenhall IWMF as stated in the RLWP and ECC has waste credits for it. As a result of this, the committee will be making a decision that has the potential for significant and direct financial gain, which compromises ECC's transparency rules and effectively makes it judge and jury in this decision-making process.

15. The NPPF calls for public and community engagement, which was echoed in the scoping opinion, but there has been no engagement with the public despite numerous requests for this to take place. The committee needs to know that the amount of un-aggregated objections is almost 4,000, and there were several thousand objections to the EA permit, compared to just one or two supportive responses.

7. APPRAISAL

As set out within section 3 of the report, there are two planning applications; one a full planning application seeking to increase the stack height from 85m AOD to 108m AOD, and an application to amend the conditions of the extant planning permission. The amendment to condition 2 (application details) and condition 56 (maximum height of stack) are directly/intrinsically linked to the full application for the change in stack height. The variation of conditions 14 (plume abatement) and 56 (change in maintenance regime for the stack surface) raise alternate issues.

The majority of issues arise from the proposed change in height and therefore both applications are considered as one. Separate consideration is given to the change in plume abatement and change in maintenance regime for the stack surface.

A number of issues have been raised, following consultation, but are not directly related to the applications being considered. These issues are dealt under the following headings

- A. DETERMINATION PROCESS & ADEQUACY OF THE SUPPORTING ENVIRONMENTAL STATEMENT
- B. ECC AND THE IWMF FACILITY
- C. NEED FOR THE INCREASE IN STACK HEIGHT
- D. FINANCING OF THE IWMF
- E. RECYCLING AND ENERGY FROM WASTE
- F. ASH RESIDUES
- G. DEVELOPMENT OF ALL OR PART OF THE IWMF

The following 2 sections deal with consideration of the proposed changes to conditions 14 and 16 of ESS/34/15/BTE

- H. STACK SURFACE MAINTENANCE – CONDITION 14
- I. PLUME ABATEMENT – CONDITION 17

The further sections consider the proposals to amend the height of the stack, i.e. those that relate to both the full planning application and the amendment to condition 2 (applications details) and condition 56 (height of the stack)

- J. CONSISTENCY WITH THE WASTE LOCAL PLAN
- K. PRINCIPLE OF A WASTE MANAGEMENT FACILITY AT RIVENHALL STRATEGIC SITE ALLOCATION IWMF2 OF THE WLP
- L. POLICIES 3 AND 10 OF THE WASTE LOCAL PLAN
- M. LANDSCAPE AND VISUAL IMPACT
- N. HERITAGE IMPACTS
- O. HEALTH IMPACTS & AIR QUALITY
- P. TRAFFIC & HIGHWAYS
- Q. LIGHTING
- R. NOISE
- S. ECOLOGICAL IMPACTS
- T. WATER ENVIRONMENT
- U. CONCLUSION WITH RESPECT TO COMPLIANCE WITH POLICY 10 OF THE WASTE LOCAL PLAN

Other material considerations

- V. NEED FOR THE FACILITY
- W. CONSISTENCY WITH NATIONAL AND LOCAL WASTE MANAGEMENT OBJECTIVES
- X. THE FALLBACK POSITION
- Y. UK NEED FOR ENERGY FROM WASTE
- Z. SCALE OF FACILITY AND STACK HEIGHT
- AA CLIMATE CHANGE
- BB BALANCE OF PLANNING CONSIDERATIONS

A DETERMINATION PROCESS & ADEQUACY OF THE SUPPORTING ENVIRONMENTAL STATEMENT

Many representations have stated that the current planning applications should be referred to an independent body for determination or that the applications to be referred to the Secretary of State for Housing, Communities and Local Government (SoS) for determination and/or determined by public inquiry.

While the original planning application in 2008 was “Called-In” for determination, by the SoS via a public inquiry, subsequent planning applications are not required to be determined by the SoS, they fall to be determined by the local planning authority. Thus, subsequent variations to the original decision have been appropriately determined by ECC as the WPA and have not been “Called In” by the SoS for his own determination.

An application may be required to be referred to the Secretary of State under certain circumstances (Circular 02/2009). The National Planning Casework Unit (NPCU), part of the Ministry of Housing, Communities & Local Government, has been consulted on the application as required by the EIA Regulations 2011 and the NPCU has requested that it be notified when the applications are to be

determined by the Development & Regulation Committee. Such notification has been provided on publication of this report.

The SoS, does have the option to “Call-In” the applications for his determination. If called-in, a Planning Inspector would be appointed and a Public Inquiry held. The SoS will normally advise a planning authority, prior to issue of any decision notice, whether he wishes to “Call In” the application for his determination, and thereby prevent the planning authority from issuing a decision notice. Nonetheless, in such circumstances, the SoS would normally want to know what the authority’s decision on the application (resolution) would be.

The only other circumstance under which a public inquiry would be held is if an application was refused and the applicant chose to appeal the decision. An appeal can be determined by written representation, informal hearing or a public inquiry. In view of the public interest in the current applications if there was an appeal it is likely this would be via public inquiry.

Objections have also been made on the basis that the increase in stack height should be considered as part of a full new planning application for the whole facility. When considering the current applications the WPA should take into consideration the past planning history on the site and current local and national planning policy. This would also be the case if a full planning application was made for the whole facility. In considering the current applications, the WPA has to consider the development as changed and has the opportunity to either approve or refuse the application if it considers the changes would be acceptable or unacceptable in planning terms. It is considered that the balance of planning issues would not necessarily be materially different if a full planning application for the whole IWMF facility with a revised stack height had been applied for.

Objectors consider there has been considerable “Planning Creep”. It is acknowledged that there is a long and complex planning history for the facility, which has included applications for the RCF, eRCF (now referred to as IWMF) and then subsequent S73 applications which lastly involved the change in capacities of the various elements of the IWMF. Objectors consider that “the recycling elements and the linked combination of a unit producing electricity, heat and steam and a paper pulping facility” which was considered by the Inspector to be sustainable development has been seriously undermined by the granting of the variation application/s73 (ESS/34/15/BTE) which amended the capacities of the various treatment capacities. The WPA cannot control what applications are submitted; each application has to be considered on its individual merits. All the applications have been considered against national and local planning policy in place at the time as well as other material considerations. Decisions have been issued. There has been no challenge to these decisions and therefore there is no opportunity to reconsider those decisions. The current applications must be considered on their individual merits against current national and local planning policy and other material considerations and that includes the past planning history, where relevant.

Objectors have also commented that a change to condition 56 (maximum height of stack) should not be countenanced as it was imposed by the SoS to ensure the impact from the stack was minimised and the development has been implemented

such that it should be required to comply with the condition. While conditions were imposed by the SoS, regardless of whether they were imposed by the WPA or the SoS, there is always the opportunity for an applicant to seek to amend planning conditions through a planning application, regardless of whether the planning permission has been implemented or not.

Objectors have referred to the lack of pre-application and post submission of the application community involvement. The WPA did advise the applicant that pre-application community consultation would be advisable, and in line the WPA's Statement of Community Involvement, but the WPA cannot insist on such engagement. The EA as part of the EP process did hold open drop-in sessions, in summer 2017. In December 2018, the applicant advised that it had a new partner, Indaver, to develop the facility. Indaver are developers and operators of EfW facilities in Eire and Europe and would progress the CHP element of the proposals. At the request of local parish councils, the applicant (Gent Fairhead) & Indaver held drop in sessions in January 2019 at Bradwell, Silver End and Coggeshall village halls.

Objection has been raised that the Addendum Environmental Statement is inadequate, lacking separate Heritage Assessments and Health Impact Assessment. No statutory consultees have identified that the Addendum Environmental Statement is inadequate. A separate Heritage Statement and Health Impact Assessment were included as part of the Addendum EIA. The fact that consultees/objectors do not agree with the conclusions of the Environmental Statement, does not mean that the Environmental Statement is inadequate. The WPA can come to different conclusions as to the assessed impacts of the development. A summary of the addendum Environmental Statement is provided at Appendix E. It is however; acknowledged that elements of the methodology and presentation of assessment of the LVIA could have been improved to provide clearer presentation of the impacts arising on landscape character and visual amenity.

Several objectors have referred to the fact that they believe the EA has not been consulted on all planning applications relating to the IWMF. The EA has been consulted on all planning applications associated with the IWMF and were represented at the Public Inquiry in 2009.

Concern has been raised by the action group PAIN that information presented within the supporting documentation and at the public drop-in sessions was inaccurate and misleading. The WPA in preparing this report has ensured that all information relied in upon in considering the planning issues is accurate.

In summary, there are no good reasons advanced by objectors that should prevent or deter the WPA to exercise its statutory responsibility in determining both these applications on the information currently before it.

B ECC AND THE IWMF FACILITY

ECC is both a WPA) and a Waste Disposal Authority (WDA). Concerns have been expressed by objectors that ECC as a WPA cannot be impartial, as ECC as a WDA may benefit from the development of the Rivenhall IWMF. The concerns

expressed are considered unfounded as the WPA and WDA operate independently of each other in delivering their statutory functions, as explained further below.

As WPA, ECC is required to determine planning applications with respect to waste management development. Each application has to be considered on its individual merits, in accordance with National and Local Plan policy (the WLP & BDLPR) and other material considerations. The WPA is responsible for forward (policy) planning of all waste management development which includes considering the waste arising from business and industry (known as Commercial & Industrial Waste – C&I waste) as well as for Local Authority Collected Waste (LACW).

ECC as WDA has responsibility for managing the disposal of LACW only. LACW only accounts for approximately 10 to 15% of all waste arising in Essex. Other waste includes C&I, construction, excavation, and demolition waste. Thus LACW is only a small proportion of Essex County's waste for which the WPA has to plan for.

The functions of the WDA are separate from the functions of the WPA. The WDA is responsible for the disposal of waste collected by the 12 District/Borough/ City Councils of Essex. This waste largely consists of waste collected from households, but will include some waste from business using their local authority waste services; collectively this waste is known as LACW. The WDA adopted The Joint Municipal Waste Strategy in July 2007, covering the period 2007 to 2032.

At the time of the consideration by the WPA of the planning application for the IWMF in April 2009 the WDA was basing its reference project in an Outline Business Case (OBC)-around a two site solution for the disposal of Essex's LACW, which included the Rivenhall site. A further iteration of the WDA's OBC in September 2009 amended the reference project to a single site solution based around a site over which the WDA had control at Courtauld Road, Basildon (now known as Tovi Eco Park). The WDA went to market in November 2009 for solutions for the disposal of Essex's LACW utilising the Courtauld Road site and/or alternative sites. A contract was subsequently awarded to a consortium called UBB Essex Waste Ltd and a single MBT facility has since been built at Courtauld Road and is now undergoing commissioning pursuant to that contract. Five waste transfer facilities have been established across the County by the WDA, and LACW is bulked up prior to being-transported to waste treatment and disposal facilities, including the Mechanical Biological Treatment (MBT) facility at Tovi Eco Park. The WDA contract with UBB for the treatment of residual waste is in place until 2040. The primary output from the MBT facility is either a stabilised output material for landfill, or a Solid Recovered Fuel (SRF). Currently the WDA has a contract with Suez until 2019 for the disposal of SRF via Energy from Waste plants.

In addition to this contract, the WDA has a number of short term contracts in place to provide facilities for LACW organic waste (food and green waste) and recyclable waste. The WDA is still considering longer-term solutions for LACW organic waste.

The WDA has confirmed it has no relationship or arrangements (contractual or otherwise) with the developers of the IWMF. Many objectors have raised concern that ECC is conflicted because it is also the WDA for Essex. The WDA has not acted improperly to influence the development of the Rivenhall IWMF or any decisions relating to its development. The IWMF proposal is being advanced by a private developer/applicant. In the event that the IWMF was progressed, the IWMF operator could, when new tenders are let by the WDA for the RDF, seek to bid for that contract. Such contracts are subject to competitive tendering and therefore it would be a decision for ECC as WDA as to whether a contract was granted to the IWMF at Rivenhall. Whilst currently hypothetical, the WPA would have no involvement in any tendering process or any decision to award any contract.

The WPA is aware that the MBT at Tovi Eco Park is still in its commissioning phase as the WDA alleges the facility is not operating as expected. This is a matter for the WDA and is not a factor for consideration in the determination of these planning applications.

Objectors have raised concerns that a CHP/EfW facility would discourage recycling, particularly as some districts are achieving 50% recycling of LACW within Essex. The WDA Authority has commented that *“The Essex Waste Collection Authorities (District/Borough/City Councils) have a legal obligation to provide kerbside collection service to householders, and receive payments from the WDA for every tonne recycled or composted. Thus it is in the interests of the WCA to maintain and increase their recycle rates. In addition further recovery of recyclables occurs at Waste Transfer Stations and the MBT at Tovi Eco Park operated under contract by the WDA. The Essex Joint Municipal Waste Management Strategy, which is supported by District/Borough/City Councils and the WDA, contains an aspiration to recycle 60% of LACW. Councils are continuing to develop and enhance their services to achieve this aim.”*

Objectors have also raised concerns that there is doubt over the financial funding/viability of the IWMF and that, if it failed, ECC would suffer a financial loss. As explained, the IWMF is a private merchant facility and ECC has no financial or contractual involvement in the development and therefore there is no financial risk to ECC should the development progress. Local finance considerations are therefore not relevant to the determination of these applications.

A further concern that has been raised is that the applications have been pre-determined by the fact that the Rivenhall site is an allocated site within the Essex & Southend Waste Local Plan. It must be emphasised that this is part of the planning Development Plan not the WDA Waste Management Strategy. The Rivenhall site is identified as a site suitable for both biological treatment of organic waste and further treatment non-hazardous residual waste and is allocated for such in the Waste Local Plan. However, while the site is allocated in the WLP and refers to the extant permission ESS/34/15/BTE, any further planning applications (such as those currently under consideration) have to be considered against the Development Plan including all the policies of the WLP and BDLPR and the NPPF and any other material considerations.

The Rivenhall site/IWMF does not form part of the current Waste Management Strategy prepared by the WDA.

In summary, members are advised in the same terms as the first issue namely, that these objections provide no good reason to prevent or deter the WPA from determining both these applications on the material currently before it.

C NEED FOR THE INCREASE IN STACK HEIGHT

As explained previously as well as needing planning permission, a waste management facility of this nature also requires an EP from the EA to be able to operate.

An EP application was made to the EA in November 2015, but refused in December 2016 on the grounds the application had not shown that they had used BAT. The EA considered that BAT had not been shown as higher stack heights than that permitted by the extant planning permission had not been considered. A revised EP application was submitted in March 2017 considering a higher stack height and was granted on the 11 September 2017. The main change between the first and second EP application was an increase in the proposed stack height from 85m AOD (35m above natural ground levels) to 108m AOD (58m above natural ground level a 23m increase).

The increase in stack height would provide a greater dispersion of emissions from the stack.

The principal purpose of the current planning applications is to seek to increase the height of the stack from the currently permitted 85m AOD to 108m AOD, such that the planning permission and the EP are aligned. Without the proposed increase in height the facility will not be able to operate in accordance with the issued EP. As explained previously the applicant now has a new partner who would develop the CHP/EfW element of the IWMF. Indaver are of the view that that with more advanced cleaning technology it would be possible to operate the IWMF with a stack of 85m AOD. Thus, in November 2018 the applicants submitted an application to the EA to amend the existing EP, changing the technology used and seeking to reduce the stack height to 85m AOD. Consultation on this application was undertaken in Jan/Feb 2019, and the EA requested additional information in March 2019. No date is known for its determination but not envisaged for a number of months.

If the EP were varied and allowed a shorter stack of 85m AOD then the applicant would be able to progress the IWMF on the basis of the extant planning permission. To enable determination of the current applications, it is not necessary for the WPA to wait for the outcome of the EP application; the WPA is required to determine the application as soon as possible on the basis of its planning merits and other material considerations.

D FINANCING OF THE IWMF

As explained previously, the Rivenhall IWMF is a merchant facility and not connected to any Local Authority Contract. Objectors have raised concern that the developers do not have adequate funds to develop the IWMF.

The financing of the IWMF facility is not a planning matter. There is no requirement in planning law in this case to undertake a financial viability assessment. Whether the facility is financially viable is a matter that would be considered by the applicant and any financial backers.

Nonetheless, the WPA would clearly be concerned if construction was commenced and not completed, as this could have adverse impact in terms of landscape and visual impact and other environmental impacts. The WPA has sought to address this concern through condition 66 of the existing planning permission, which seeks to ensure that construction is completed within a reasonable timescale and where not completed that details are required to be submitted to ensure the site is put to a beneficial afteruse.

In conclusion, given the existing condition that would be re-imposed if planning permission were granted, financial viability is not a justifiable reason for refusing these applications.

E RECYCLING AND ENERGY FROM WASTE

Objectors have raised concern that with increased recycling there will both not be enough waste to feed the Rivenhall IWMF and that it will discourage recycling.

The consideration of need and the capacity of the facility are discussed later in the report. Consideration here is given to whether waste incineration discourages recycling. As explained previously in section B, with respect to LACW there are incentives for Waste Collection Authorities (City/Borough/District Councils) to increase recycling.

The 25 year Environment Plan (2018) and Resources and Waste Strategy (2018), published by Central Government, also seek to reduce waste and support the further reuse and recycling of materials. The Government has recently consulted on the Extended Producer Responsibility for packaging waste, a Deposit Return Scheme for cans and bottles, a tax on plastic packaging containing less than 30% recycled content and the introduction of a consistent set of materials collected across England from households for recycling including separate weekly food waste collections for every household in England and could include free garden waste collections for households with gardens. These demonstrate Government commitment to "to overhaul the waste system, cut plastic pollution, and move towards a more circular economy." These proposed measures would have a profound effect on waste management in England and promote the movement of waste up the waste hierarchy and away from management through disposal/other recovery. This should in the future lead to greater recycling and reduction in waste and, particularly of the LACW and similar wastes generated by commercial and industrial businesses.

The WLP and its supporting evidence base demonstrated that there were adequate facilities to ensure recovery and recycling was undertaken with respect

to LACW, except biological waste treatment i.e. treatment facilities for food and green waste for which the WLP seeks to identify sites that could meet this shortfall.

Higher rates of recycling can and do co-exist with higher levels of energy recovery as is the case within Europe.

There is no justification for revisiting this issue in the context of these applications and it cannot justify any reason for refusing either of the applications.

F ASH RESIDUES

Representations have raised concerns as to the residues that would be generated from the CHP, these include both bottom ash and fly ash. The control of disposal of ashes arising from the facility would be a matter for the Environment Agency. The applicant estimates ashes and residues from the CHP would amount to approximately 160,000tpa. Of this 135,000tpa would be bottom ash the remainder fly ash and other residues. Bottom Ash can be reprocessed to create secondary aggregate. Bottom ash would need to be exported and processed off site. Fly ash is also generated and is hazardous waste and would need to be exported to a facility suitably permitted by the EA. There are no facilities within Essex at the current time. The nearest known facility is at Peterborough, but it would be for the operator to arrange a contract with a suitable permitted site.

G DEVELOPMENT OF ALL OR PART OF THE IWmf

Concern has been raised that the history of planning applications has moved the IWmf away from an integrated facility ensuring the maximum of recycling to one of mainly incineration only. In addition the recent involvement of Indaver who are an EfW operator has further exacerbated these concerns, along with acknowledgment by the applicant that the CHP element would be physically developed first. This has led to concerns that the incinerator might be developed but the remainder of the IWmf which includes the de-ink paper pulp plant, MRF, MBT and AD may not be developed at all.

The extant planning permission for the IWmf is for the whole of the development. Any change to the facility would give rise to different impacts that would need to be re-assessed, as is the case with the current applications relating to the stack. If the IWmf was progressed the site would be monitored to ensure compliance with the planning permission.

H STACK SURFACE MAINTENANCE – Condition 14

Planning application ESS/37/17/BTE includes applying for variation of condition to allow an amendment to the proposed methodology for cleaning the mirror finish of the stack.

The wording of condition 14 of ESS/34/15/BTE sets out the methodology and frequency of maintenance for the mirror finish of the stack. Due to the proposed increase in stack height the proposed extendable crane would be inadequate to reach the full height of the stack. The application seeks to amend the details,

specifically the details relating to the likely crane to be used, which would need to be different to that previously proposed in order to be able to reach the increase height.

The mirror finish of the stack would be cleaned annually. The lower sections of the stack could be cleaned when the CHP was operational, the upper section would need to be cleaned when the CHP was not operational during periods of boiler maintenance.

The proposed amended details are considered satisfactory to demonstrate the mirror surface could still be maintained at the increased height and this change would be acceptable.

It is not considered that planning permission to amend condition 14 should be withheld.

I PLUME ABATEMENT – Condition 17

Under condition 17 a Management Plan for the CHP has been approved to ensure there would be no visible plume from the stack. In assessing the change to the stack height a change has been made to the proposed flue gas treatment Materials and techniques within the plant namely, a change from bicarbonate to lime based treatment technologies. As a result the CHP Management Plan has been updated accompanied by a revised Plume Visibility Analysis.

In order to avoid a visible plume it is proposed to heat the exhaust air and the amount of heating being dependent on the predicted and forecast weather conditions. PAIN employed an independent consultant to review the plume visibility analysis undertaken by the applicant. The independent consultant considers that too much confidence is placed on the model used to predict to a high degree of certainty that the abatement of the plume can be achieved.

It is acknowledged within the applicant's analysis that there is a small chance of visible plume under certain weather conditions, but these are likely to occur between 1:00am and 10:00am, but monitoring would be undertaken to ensure additional measures were taken including reducing throughput of the CHP plant to minimise the chance of a visible plume, when these weather conditions are predicted.

The County Council's air quality consultant was consulted and has raised no objection or concerns and noted that there are monitoring protocols proposed to ensure that appropriate measures are taken to ensure mitigation is implemented.

Concern has also been raised by PAIN that the financial and environmental costs of plume abatement have not been taken account of and whether these costs are justified by the benefits. The Inspector in considering the impact of the stack relied in part on the mitigation that was provided by the lack of a plume from the stack consideration of the impact of the IWMP in 2009 and made a decision on the basis that there would be no visible plume and relied upon this mitigation when considering the acceptability of the facility to minimise its impact. The Inspector stated

"I consider that Condition 17 should be imposed. It is important that all possible measures are taken to ensure that there is no visible plume from the stack. Not only would a plume give the area a somewhat industrialised character..."

It is considered the principle of seeking to achieve no visible plume has been established and that the benefits of minimal plume visibility in landscape and visual terms are not outweighed by any financial and environmental costs of achieving this.

Concern has been raised by objectors that the Plume Visibility Analysis predicts the plume would be visible for 549 hours in a year based on weather data from 2010. This is correct, but this data represents what would be the likely occurrence of a plume without any additional abatement, but the applicant has proposed additional abatement such that the number of likely plumes has been reduced to an average of 2 a year. And other measures such as changing the feed stock when cold temperatures are proposed to further reduce the likelihood of a plume.

Based on the analysis provided, the amended CHP Management Plan would meet the requirements of the original condition 17 imposed by the Inspector and that the amended details are acceptable. The proposed management plan would ensure there was no adverse visual or landscape impact due to a plume from the stack.

It is not considered that planning permission to amend condition 17 should be withheld.

J CONSISTENCY WITH THE WASTE LOCAL PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the applications should be determined in accordance with the development plan unless material considerations indicate otherwise. This is repeated in the NPPF which states *"Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise."*(para 47)

National Planning Policy for Waste was published in October 2014 and the principles and objectives of the NPPW were incorporated into the Essex and Waste Local Plan adopted in 2017 (WLP).

The WLP sets out a number of key objectives and policies to manage waste arising in Essex and Southend. The WLP also identifies a number of sites and areas of search for waste management development where facilities to meet the identified shortfalls of management capacity within the county and Southend might be located.

The WLP 2017 was based on evidence with respect to arisings and capacities prepared in late 2015 using baseline data from 2013. Policy 1 of the WLP identifies a number of shortfalls in waste management capacity as set out below.

Policy 1 - Need for Waste Management Facilities

In order to meet the future needs of the Plan area, waste development will be permitted to meet the shortfall in capacity of:

- a. Up to 218,000 tonnes per annum by 2031/32 of biological treatment for non-hazardous organic waste;*
- b. Up to 1.95 million tonnes per annum by 2031/32 for the management of inert waste;*
- c. Up to 200,000 tonnes per annum by 2031/32 for the further management of non-hazardous residual waste; and*
- d. Up to 50,250 tonnes per annum by 2031/32 for the management of hazardous waste.*

Policy 3 (Strategic Site Allocations) of the WLP identifies a number of sites within the WLP area that would be suitable locations for treatment facilities to manage each of the identified shortfalls. One of the strategic allocations is IWMF2, the site of the current applications at Rivenhall. This was identified as a site that could be developed for biological waste management to contribute to meeting the shortfall of *up to 218,000 tonnes per annum by 2031/32 of biological treatment for non-hazardous organic waste* (Policy 1 bullet point a) and residual non-hazardous waste management to contribute to meeting the shortfall of *up to 200,000 tonnes per annum by 2031/32 for the further management of non-hazardous residual waste* (Policy bullet point c).

The background to the allocation of the Rivenhall site and the established principle of waste management development at the Rivenhall Site is explained in detail in more detail in section K below.

K PRINCIPLE OF A WASTE MANAGEMENT FACILITY AT RIVENHALL, STRATEGIC SITE ALLOCATION IWMF2 IN THE WLP.

The principle of a waste management facility at this location was first established through the previous WLP 2001 when a 6ha site referred to as WM1 was allocated. The principle of a larger site (25.3ha), with a building partly sunken below ground levels was first accepted when planning permission was granted for a Recycling and Composting Facility (RCF)(ESS/38/06/BTE - this permission subsequently expired as it was not implemented in time in 2009). The application for the evolution Recycling and Composting Facility (eRCF), now referred to as the IWMF (ESS/37/08/BTE), was on the same footprint as occupied by ESS/38/06/BTE but changed the mix/size of the waste management processes on the site and extended these to include the CHP facility and the MDIP plant. The IWMF had the same size building as the RCF, however, the nature and size of plant to the rear/south of the main building changed, which included the CHP plant with an 85m AOD stack. The 2008 application for the IWMF was granted by the SoS in 2010, following a call-in public inquiry.

The SoS, in considering the 2008 application took account of the WLP 2001 and National Planning Policy for Waste in force at the time PPS10 (now superseded). The locational criteria of PPS10 included consideration of the following factors; protection of the water environment, landscape and visual impacts, nature conservation, historic environment and built heritage, traffic and access, air emissions, including dust, odours and vermin and birds, noise, vibration, litter and potential land use conflict. All of these factors were considered by the WPA when

resolving to grant permission for the original IWMF application and were considered by the Inspector as part of the Public Inquiry into the IWMF.

In 2015 a variation application (ESS/34/15/BTE) was submitted and determined in February 2016. This application amended the physical size and arrangement of some plant, but was largely contained within the same envelope of space as that occupied by the permitted IWMF. The height of the stack remained unchanged at 85m AOD.

The 2015 application was considered against the WLP 2001, NPPF 2012 and NPPW 2014 (which superseded PPS10 in 2014) and the emerging evidence base for the Replacement WLP.

As part of the work supporting the emerging Replacement WLP, the IWMF site (25.3ha) was assessed alongside many other sites as to its acceptability for waste management development. Within the Pre-Submission draft RWLP March 2016 the site was identified as a Strategic Site Allocation for both “Biological Waste Management” and “Other Waste Management”.

The Essex & Southend Waste Local Plan adopted in July 2017 identifies the Rivenhall site as Strategic Site Allocation IWMF2 for biological waste management and for residual non-hazardous waste management establishing the principle of the location through the local plan process. Any permission would be conditional on compliance with the relevant Development Management policies contained within the WLP and the Development Principles for the site enunciated in Table 17 of Appendix B of the WLP.

Some residents have raised concern as to the proximity of the facility to populated areas, particularly in terms of the potential emissions from the facility and traffic impacts. The potential impacts, including health and traffic impacts, will be considered in more detail later in the report. However, the principle of the location for biological treatment and for management for residual non-hazardous waste management has been established through the WLP process including Examination in Public.

It is therefore considered that, through previous planning permissions and the allocation of the site within the WLP, the principle of a waste management facility on the application site has been long established.

However, the extant permission for the IWMF permitted a stack height of 85m AOD and given the current application now seeks to increase the height to 108m AOD it is necessary to consider whether the facility with such a height would deliver sustainable development and would not give rise to unacceptable environmental impacts, as per local and national planning policy.

L POLICIES 3 and 10 OF THE WASTE LOCAL PLAN

Policy 3 of the WLP identifies locations where waste management development will be permitted providing proposals take into account the relevant development principles, set out in Appendix B of the WLP (reproduced in Appendix L). These

development principles are to be referred to in the consideration of the various environmental issues where relevant.

Policy 10 states *“Proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) on: inter alia*

- a. local amenity (including noise levels, odour, air quality, dust, litter, light pollution and vibration);*
- b. water resources*
- f. aircraft safety due to the risk of bird strike and/or building height and position;*
- g. the safety and capacity of the road and other transport networks;*
- h. the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness;*
- i. the natural and geological environment (including internationally, nationally or locally designated sites and irreplaceable habitats);*
- m. the historic environment including heritage and archaeological assets and their settings; and*
- n. the character and quality of the area, in which the development is situated, through poor design.*

Where appropriate, enhancement of the environment would be sought, including, but not exclusively, the enhancement of the Public Rights of Way network, creation of recreation opportunities and enhancement of the natural, historic and built environment and surrounding landscape.

The applications fall to be considered against policy 10 even though the site has been allocated in the WLP. The sections below consider the relevant policy criteria listed above as well as any other material considerations.

M LANDSCAPE AND VISUAL IMPACTS

Policies of the BDLPR, WLP, NPPF and NPPW seek to protect against adverse impact upon Landscape and Visual Amenity from development.

The NPPF requires the planning system (paragraph 170) to *“contribute to and enhance the natural and local environment”* and to recognise the intrinsic character and beauty of the countryside its focus is on designated and *“valued landscapes”* i.e. those that are subject of statutory designations or have some other special qualities. The Rivenhall site and its landscape setting is not subject to any statutory landscape protection designations and is not considered to form a valued landscape for these purposes although it is no doubt valued by many of its local residents who have objected on landscape impact grounds. The Blackwater Valley across which the access road crosses was a Special Landscape Area under the BDLPR, but policies in relation to this local designation have been deleted.

Appendix B of the NPPW sets out locational criteria which includes inter alia

landscape and visual impacts: Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions.

Policy RLP 80 of the BDLPR states new development “...should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted”.

WLP policy 10 states “Proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact” along with other factors on “the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness...”. The WLP acknowledges in its text the potential that waste development can have with respect to landscape and visual impact - “The visual impact experienced as a result of the development of waste management facilities on the landscape and townscape is a key consideration when deciding planning applications. It is important to protect Essex and Southend-on-Sea’s landscape and townscape for the sake of their intrinsic character and beauty.”

In 2009, in considering the landscape and visual impact of the original proposals, the Inspector took into account a number of factors including the existing landscape character and the proximity of existing properties and PRow. It was noted that there are only a few residential properties located in close proximity to the site. The Inspector considered the impact of the various elements of the proposal including the buildings and plant themselves, the stack, the access road and the proposed lighting. The Inspector took account of the proposed mitigation, including the part sunken nature of the buildings and plant, proposed landscape planting, the reflective finish of the stack and the measures proposed to minimise light pollution. With respect to the stack specifically the Inspector reported at para 6.82 the following:

The development of the CHP capacity necessarily involves the provision of a chimney stack. It is acknowledged that this would be a noticeable addition to the landscape, and would be visible over a wide area given the Site’s location on a high, flat plateau. However, it would be seen only as a small element of the overall view, although it is accepted that users of FP8 in particular would be conscious of the presence of the stack and associated plant. The impact of the proposed stack would be mitigated by:

- (i) the quality of the landscape in which it would be sited and its reduced sensitivity to change;*
- (ii) the lowering of the stack into the ground resulting in height of only 35m above ground level;*
- (iii) the cladding of its upper part in stainless steel with a reflective finish to mirror surrounding light and weather conditions, which would help to minimise the perceived scale of the stack and its visual impact;*
- (iv) the presence of existing and proposed additional woodland to the south - it would protrude about 20m above the average height of the retained existing trees;*

(v) its remoteness from sensitive receptors; and,
(vi) the absence of a visible plume.

And concluded as follows

“In conclusion on the overall subject of the impact on the landscape, it is accepted that visual harm is inescapable in the context of the provision of a major waste management facility. However, the issue is one of degree. The degree of harm that would result in this instance is remarkably limited. The low levels of visual impact arising from such a large-scale proposal confirm that this site is ideally suited to the proposed use.”

The different mitigations previously proposed are not proposed to change as a result of the increase in stack height. However, the applicant has proposed to provide a fund for planting off site, such that a landowner could seek funding for additional planting to improve screening of more distant views of the stack.

The details of the finish for the stack have not changed and the detail of the material remains as permitted under condition 14 in February 2016 that of a mirror finish, which would reflect the surrounding sky conditions, stated by the applicant to create an “optic cloak”.

The current applications are supported by a Landscape and Visual Impact Assessment (LVIA) as part of the Environmental Statement. The LVIA was considered to be deficient in some respects. The overall conclusions of the LVIA are that the significance of effects on landscape character would remain as before “Minor Adverse” and concluded the impact upon visual receptors *“would only increase its prominence in views from those receptors in close proximity to the stack (limited to Footpath No. 8)”*.

The applicant represented the visual impact assessment from the previous application with only minor changes; there was no systematic reconsideration of the views from each viewpoint only a discussion of the visual impact from the previously identified receptors. The LVIA concluded the impact upon receptors *“would only increase its prominence in view from those receptors in close proximity to the stack (limited to Footpath No. 8)”*

The County’s landscape advisor questioned these conclusions particularly as the LVIA lacked a clear assessment of the proposed impact of change of the increase in stack height; also that the change in height was likely to make the stack more visible over a wider area. Concern was also expressed as to the mirror finish; it was agreed that mitigation was required, but that the effect of the mirror finish might give rise to reflections of bright skies/sun and potential for glare.

Similar concern was raised by objectors, and PAIN considered that the comments put forward by its Landscape advisor as part the Scoping Opinion had not been appropriately addressed.

The WPA commissioned an independent review of the LVIA and the review found the LVIA was lacking in a number of respects. The independent review considered there was a lack of explanation of the detailed methodology, the presentation of

the assessment of impacts was not presented clearly and, while photomontages had been provided showing the increased height in stack, it was considered these photomontages should have been confirmed by way of a physical marker at the height of the proposed stack to confirm the photo montages were representative of the likely impact.

The applicant chose to provide an Addendum LVIA to respond to these criticisms and additional assessment was undertaken. In November 2017 an extendable crane was placed on site and the crane arm extended to the height of the proposed stack. Additional photographs were taken at those locations previously used and at additional locations. The photographs of the crane in the majority of cases confirmed that the location and height of the stack was correctly shown within the previous photomontages. The conclusions of the LVIA remained the same, that there would not be a significant impact from the increased stack on landscape character or visual amenity, except in close proximity to the stack.

The County's advisor disputes the description of the existing landscape character as one of industrial. Too much reliance is considered to have been placed on the area having an industrial character. While additional viewpoints were considered, there remained no systematic assessment of the visual impacts from each viewpoint.

Many objectors have referred to the fact that LVIA and Addendum LVIA are flawed and do not adequately assess the impact on landscape character and visual impact.

The applicant has referred to the industrialising effect of the previous airfield use, and several businesses in the area, including a road sweeping business, scrap yard and Polish Camp Industrial Estate and reference is also made to the on-going mineral extraction. While it is acknowledged that there are isolated commercial type activities around the site, it is not considered that this justifies the description of the area being an industrial landscape.

This is supported by the Inspector in his general description of the area in 2009, which did not make reference to the "industrial" nature of the landscape only some commercial activity (paras 13.24 and 12.25). His general description is set out below.

The site is situated in an area of primarily open, flat countryside, which allows long distance views from some locations. The character of the site and its immediate surroundings is heavily influenced by the remains of runways and buildings from the former Rivenhall Airfield; the nearby excavations at Bradwell Quarry; and blocks of woodland immediately to the south and east of the proposed location of the IWMF. The wider landscape beyond this area comprises gently undulating countryside, characterised by large open fields, small blocks of woodland and discrete, attractive villages. The existing access to the quarry, which would be used to provide access to the IWMF, passes through the Upper Blackwater Special Landscape Area.

The site of the proposed IWMF and its immediate surroundings is not subject to any special landscape designation and is not, in my judgment, an area of

particularly sensitive countryside. Its character as Essex plateau farmland has been degraded by the airfield infrastructure, the nearby quarry and isolated pockets of commercial development in the locality.

The airfield runways and buildings have slowly been removed through mineral extraction, the mineral workings where restored have been returned to agriculture and woodland and this is ongoing to include areas of biodiversity and a water body; the consequence of this is that in the long-term the landscape character would be improved.

In view of the different baseline description of the landscape character of the area, the County's Landscape advisor is of the view that *"the effect on landscape character will be Minor to Moderate adverse at distances up to 2km from the site. Beyond this whilst the presence of the stack will be apparent in many locations and for many receptors its impact on landscape character will be reduced by its lesser dominance due to distance."*

With respect to visual impact the County's Landscape advisor considers *"that the wider visual impacts arising from the stack will be more significant than the assessment within the addendum to the LVIA indicates. This states that for most receptors the visual impact from the increase in stack height will remain unchanged (from the previous height/assessment) and will remain at a 'minor adverse impact', some receptors will experience a moderate adverse impact and after 15 years this will reduce to minor and negligible. Given that the scope for visual mitigation in the wider landscape is limited I remain to be convinced that this reduction in visual impact over the 15 year period would occur"*

Objectors have raised objection to the landscape and visual impact of the increased height in the stack. PAIN also sought an independent review of the Addendum LVIA by landscape architects and these advisors consider the LVIA to be deficient. They raise similar concerns to those of the County's advisor and are summarised as follows:

- the descriptions and assessments within the LVIAs are brief and they do not provide sufficient levels of detail to enable a thorough understanding of the landscape character of the site and its visual amenity, or the effects on the wider landscape.
- the 2018 LVIA has not been prepared in accordance with the current recognised industry best practice guidelines: Guidelines for Landscape and Visual Impact Assessment Third Edition 2013,
- The baseline used for the character assessment uses the premise that the site for the proposed IWMF and its surrounding environs is industrial in character. The assessment does not rely on the Essex & Braintree Landscape Character Characterisations.
- The LVIA is considered to not include sensitive receptors including public rights of way.
- The impacts have been underestimated and "It is inconceivable that a stack which is 23m higher than the original proposal would not have a greater effect on landscape and visual receptors."

- Based on the available data it was considered the impact was at least of moderate impact and considered significant in EIA terms and as such should be given particular consideration.
- The effect of glint and glare do not appear to have been taken account of in the LVIA.
- Overall, it was considered that the LVIA accompanying the application provides insufficient detail to enable a comprehensive and robust judgement to be made regarding the effects of the proposed development on landscape character and visual amenity.

Objection has been raised that the increased areas of the mirror finish due its increased height would exacerbate the visual impact through reflection of night lighting of the facility below the stack and glint and glare from the sun being reflected during the day.

With respect to the lighting of the facility the lighting details for use during operation of the IWMF are required to be submitted under condition 44 of planning permission ESS/34/15/BTE. The condition sets out the parameters for the lighting including maximum lux levels and in particular that all lighting shown be designed to minimise light spillage from the site. The reflective surface of the stack is only to be implemented on the stack from 60m AOD to the top at 108m AOD. This would be above the height of the surrounding buildings within the IWMF, such that the potential for reflection of any lighting from the facility itself would be minimised. In this respect the proposals are considered to be in accordance with the specific local amenity (light pollution) criteria of WLP policy 10 and BDLPR policy RLP 65.

The applicant was asked to consider the potential for glint and glare from the sun shining on the stack. It was acknowledged that due to the increase in stack height there would be longer periods for potential or glint and glare from the stack. The glint and glare assessment used a modelling technique. All receptors (residential, Public Rights of Way, Roads) identified for the LVIA assessment were considered and calculations undertaken as to the likely periods for solar reflection. Reviewing the data overall most receptors would experience a doubling of the period for potential for glint and glare, on average increasing from increasing from 14.44 minutes a day to 27.96 an increase in 13.51 minutes. The greatest increase was at Woodhouse Farm (not in residential use) and views within 500m of the stack. Taking those locations out of the average reduced the increase in minutes of a solar reflection caused by the increase in stack from of 3.1 min to 21.6 minutes; however, it is acknowledged that in most cases there was a doubling of the period likely for solar reflection. It is noted in the assessment that a convex shape, which the stack is, creates the longest solar reflection, as opposed to flat or concave. The intensity of solar reflection at Woodhouse Farm is considered to be “green – low potential for after image” i.e. acceptable when considered against the criteria for solar glare developed with respect to glare for pilots on an approach to a runway.

The Addendum LVIA 2018 does not record that it has taken account of the doubling in the solar reflection within the assessment of visual and landscape character impacts.

The Glint & Glare Assessment report has been reviewed by independent landscape consultants, commissioned by PAIN. The consultants have criticised the report on various grounds: that the assessment is based on potential for impacts on aviation, as opposed to residential amenity, and thus difficult to assess what would be considered a significant effect on residential amenity; that practical mock ups should have been provided of the mirror material to assess its impact, and that a doubling of the solar impacts caused by the increase in stack height would result in “substantial amounts of time”, particularly the impact on sensitive receptors. It also criticised that the report only considered the impact of the increased stack, rather than the stack as a whole. Whilst the ‘fallback position’ is considered later in the report, it should be recognised that a stack of 85m with a mirror finish was considered and found acceptable by the Inspector in 2009 based on the information considered at that time.

It was acknowledged by the Inspector that in terms of the impact on the character and appearance “*the stack would be a noticeable and substantial feature*”, but this considered a stack 23m shorter than that now proposed.

It is considered overall that, in light of the County’s landscape advisor comments, which are supported by those of the independent review undertaken by PAIN, the submitted LVIA (including the Addendum) has not followed the accepted methodology for assessment of landscape and visual impacts and thus its conclusions cannot be relied upon in terms of determining the Landscape and Visual impacts arising from the increase in stack height.

It is therefore considered that the proposals are not in accordance with Policy 10 of the WLP in that it has not been adequately demonstrated that the increase in stack height together with the increased area of the reflective cladding would not give rise to unacceptable impacts with respect to landscape character and visual impacts. The proposed stack is also considered to be contrary to BDLPR policy 80 in that its prominence “*would not successfully integrate into the local landscape*” and does not respect the local landscape character as required by the NPPW. The stack is considered by the County’s Landscape advisor (based on the information available) to give rise to minor to moderate impact up to 2km on landscape character and that “*the wider visual impacts arising from the stack will be more significant*” than assessed with the LVIA, also that mitigation after 15 years may be less than anticipated. The landscape and visual impacts need to be taken into consideration when considering further the balance of planning issues.

N HERITAGE IMPACTS

Section 66 (1) of the Listed Buildings and Conservation Areas Act 1990 (LBCA) states, inter-alia that; in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The NPPF states in paragraphs 190 to 197 that heritage assets are an irreplaceable (and therefore finite) resource and should be conserved in a manner appropriate to their significance and notes that any harm or loss should require

clear and convincing justification. It requires applicants to describe the significance of heritage assets including any contribution made by their setting.

The NPPF defines at page 71 the “*Setting of a heritage asset*” as “*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*”

The NPPF defines at page 71 “*Significance (for heritage policy)*” as “*The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.*”

The planning authority in accordance with the NPPF guidance is required to:

Para 190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

Para 192. In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; ...

Para 193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Para 197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset...

Case law¹ has clarified how development affecting the setting of a listed building should be considered. The Courts have confirmed that, even where the harm to significance is found to be less than substantial, a decision maker who follows the balancing approach recommended in para 193 of the NPPF must, when performing that balance, give “*considerable importance and weight*” to any harm to the setting of a listed building and to the desirability of preserving that setting without harm and start with a “*strong presumption*” that harm to the setting of a listed building should lead to a refusal of planning permission.

The BDLPR seeks to protect Listed Buildings and their settings through policies RLP 99 (Demolition of Listed Buildings), RLP 100 (Alterations and Extensions and Changes of Use to Listed Buildings, and their settings). Policy RLP 101 states “*The Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.*” BCS also seeks to protect the historic environment Policy CS9 includes “*The Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment*”.

The WLP seeks to protect heritage assets through policy 10 which seeks only to permit development where it would not have an unacceptable impact on the “*...historic environment including heritage and archaeological assets and their settings...*”

It is important therefore to set out the starting point when considering the impact of the development upon the setting of Woodhouse Farm, a Grade II listed building. As determined by the courts, S66(1) of the LBCA is more than a material consideration. When it is considered that a proposed development would harm the setting of a listed building, that harm must be given considerable importance and weight².

The application is supported by a Heritage Statement and has considered all Heritage Assets within 3km of the stack. Heritage Assets beyond 3km were not considered by the applicant on the basis that any visual impact would not be significant. The Heritage Statement has considered the significance of each asset within 3km and then assessed the impact of the change in stack height on the heritage assets and their setting.

With respect to Woodhouse Farm (the closest heritage asset) the Heritage Assessment states

“A Heritage Statement (Buildings) was prepared for Woodhouse Farm in 2015 (JDPP 2015) described the buildings as ‘...excellent vernacular buildings; part of the Essex pattern of timber-framed buildings’, whilst noting that they were (and continue to be) unoccupied and derelict. The area around the buildings is generally wooded, serving to separate the site physically and visually from the nearby World War II airfield perimeter track and buildings and the more recent

¹ Most notably East Northamptonshire DC v SSCLG [2014] EWCA Civ 137 (Barnwell Manor wind turbine case) as further explained by the High Court in R (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin) (Penshurst Place affordable housing case)

² Glidewell L.J.’s judgment The Bath Society v. Secretary of State for the Environment [1991] 1 W.L.R. 1303

mineral extraction operations. The wider setting of this group of assets can be interpreted as developing from a historically rural landscape of small fields which was considerably altered in World War II with the construction of the airfield and is now within a largely industrialized landscape of mineral extraction. The extant wider setting of this group of assets is not therefore considered to contribute to the significance of the assets. The stack will (as before) be visible from Woodhouse Farm and the proposed variation in stack height will lead to less than substantial harm on the designated asset'."

The statement goes on to conclude "*The current derelict condition of the building is considered to detract from the setting of this group of assets. However, Woodhouse Farm will be redeveloped, refurbished and brought back into beneficial use as offices and a visitor/heritage centre as part of the IWMF works. This will eventually support in mitigating the overall change in setting.*"

The applicant's heritage statement concludes that with respect to Woodhouse Farm complex that "*The stack will (as before) be visible from Woodhouse Farm and the proposed variation in stack height will be visible from the Woodhouse Farm complex but will not impact on the key factors from which this group of assets derives its significance. Given the current physical setting and condition of this group of assets the proposed reuse and landscaping associated with the IWMF are an improvement, and thus are considered to mitigate any overall change. The overall effect of increasing the height of the stack is considered Neutral and thus will lead to less than substantial harm on the designated asset.*"

The Woodhouse Farm, Bakehouse and Water Pump are all Listed Buildings and are in a poor state of repair. The tiled roof has been replaced with a metal roof and the windows made weather proof with shuttering, the property has been unoccupied for a number of years. The Bakehouse/Brewhouse is surrounded by scaffolding and metal cladding to prevent further deterioration but there is no roof and only remains of the walls exist. The Listed pump has been removed for safe keeping. The proposals for the IWMF include reuse of the Woodhouse Farm for offices and a room to be made available for recording the heritage of the area. Other buildings of the Woodhouse Farm complex are to be refurbished as part of the IWMF.

The Inspector in 2010 noted when considering the impact of the stack at 85m AOD on Woodhouse Farm that "*The stack, whilst noticeable above the trees from within the vicinity of Woodhouse Farm, would amount to a modest part of the wider view.*" And "*In summary, the proposed parking and CHP stack would not have a significant adverse impact on the setting of nearby Listed Buildings and the benefits of restoration would far outweigh the resulting impacts.*"

Historic England have made no comments and advised ECC to rely on local advisors. ECC County Historic Building advisor has commented "*...the extra height would further exacerbate the sense of overlooking and intrusion which the stack already created, and would further emphasise the fact that the open agricultural environment in which the assets are experienced, and which contribute to an understanding of their significance, would be considerably and harmfully altered. The stack would already have been a dominant feature in the landscape, and by increasing its height its intrusion and unsuitability is only accentuated. The*

level of harm caused by the stack is therefore considered to be moderate to high, the increase in the level of harm caused by the proposal to raise the height of the stack is considered to be minor to moderate."

The County's Historic Building Advisor has also commented "*The harm is aggravated by the choice of finishing material. The mirrored surface, which is likely to glow when hit by the sun, would accentuate its visual presence.*" The mirror finish has also been questioned by ECC's Urban Design advisors while they acknowledge that it is likely more a landscape issue than an urban design issue due to the location of the site, they also question the suitability of the mirror finish in view of the greater height of the stack and consider the chosen finish may amplify the appearance of the stack.

These points were raised with the applicant and a consideration of a different finish requested to be considered, the applicant considered different finishes but the applicant has chosen not to change the finish of the stack.

The concern of "glow from sun" as raised by the County's Historic Building Adviser is borne out by the conclusion of the Glint and Glare assessment submitted by the applicant. The "Glint and Glare Assessment" is discussed in more detail within the Landscape and Visual Impact section. However, it is noted here that the assessment did identify that the solar reflection would be longest at Woodhouse Farm with a doubling of the period for potential solar reflection from 101 minutes a day to 211 minutes a day.

The Heritage Statement in considering Heritage Assets that are more distant to the stack concluded the impact of the change in stack height was neutral/negligible except for Rook Hall, where it was assessed the impact would be slight adverse, due to there being little screening between the stack and the asset.

Objections to the application have included concerns with respect to the impact of the stack on Heritage Assets. In particular, concerns have been raised that the Heritage Statement/Assessment undertaken is not adequate; however, ECC Historic Advisors are satisfied with the Heritage Statement submitted. Concern has also been raised by objectors as to the impact upon the Conservation Areas of Silver End and Coggeshall. With respect to Coggeshall attention has been drawn to the fact that an application for residential development on the north west side of Coggeshall was refused on appeal in 2017 in part on heritage impact grounds. The Inspector noted in his report that there would be an adverse impact on the Conservation Area (CA) when approaching from the west. The development in that case would be visible as approaching the CA. While it is acknowledged that the stack would be visible from Coggeshall, this would be when leaving the CA rather than on the approach and the Zone of Theoretical Visibility (ZTV) shows that there would have likely been views of the stack at 85m AOD. It is acknowledged that policies of the BDLPR do seek to protect the setting of CAs, but it is considered from West Street there are likely only to be distant views of the stack on the horizon, with views within the CA between building and trees. In conclusion the impact upon the CA is not such that this issue would warrant refusal of planning permission.

The Silver End CA does not extend to whole of Silver End village such that there are buildings within Silver End between the CA and the edge of the village. From the applicant's drawing of the ZTV the CA does not abut the ZTV for most of its boundary, except in the north east where views from Wolverton Listed Building within the CA are possible. Therefore, for the majority of views from the CA, the stack would either not be visible or would be visible as being at a distance. So a similar conclusion is reached that a reason for refusal on this ground is not warranted.

Overall the applicant's Heritage Statement concludes "*The importance of the designated heritage assets within the study area can be seen to largely derive from the following factors; their age (survival), associations as groups of assets and architectural value. Many of the assets are working farmsteads so the relationship with the landscape is less specific/more generic than it would be if they were part of a designed landscape. The wider rural setting is acknowledged as being visually appealing but does not particularly contribute to the significance of the heritage assets; i.e., the character of the landscape is incidental to the significance of the assets rather than integral to it.*"

Objection has also been raised with respect to the fact that consideration has not been given to the setting of two Ancient woodlands within the vicinity of the site being Storeys Wood and Link Wood. However, the setting of these Ancient woodlands is not considered to be an important element of their listing, mainly deriving from the age of the woodlands.

In conclusion, with respect to the majority of Heritage Assets, it is not considered that the increase in stack height would have an impact upon the setting of these assets that would cause harm. However, it is acknowledged that the increase in height, together with the use of the proposed reflective material, would cause harm, albeit less than substantial harm, to the setting of Woodhouse Farm and its associated buildings. It is therefore necessary in accordance with the NPPF para 196, to consider whether the public benefits of the proposals outweigh the less than substantial harm.

Woodhouse Farm and associated listed Buildings are in a poor state of repair and in no beneficial use. The proposals for the IWFM include refurbishment of Woodhouse Farm and its buildings and bringing them into a beneficial use which would ensure their ongoing maintenance, including providing a Heritage Space/Recording room/public meeting room, thus facilitating greater public access to the buildings than currently. The proposals for refurbishment of the buildings have been found to be acceptable through the grant of a Listed Building application approved by BDC (Ref: 15/01191/LBC).

It is appropriate to consider the Inspector's view from the 2009 Inquiry with respect to the impact of the stack on Woodhouse Farm. The Inspector wrote in (paragraphs 6.133 to 6.13135) as follows

The stack, whilst noticeable above the trees from within the vicinity of Woodhouse Farm, would amount to a modest part of the wider view.

Albeit limited weight attaches to draft PPS15, there was no dispute that the benefits of the proposed eRCF in terms of low carbon energy production and the extent to which the design has sought to contribute to the distinctive character of the area should weigh positively so far as impacts on listed buildings are concerned. The climate change issues found in draft PPS15 however are required to be considered by the PPS on Planning and Climate Change (Supplement to PPS1).

In summary, the proposed parking and CHP stack would not have a significant adverse impact on the setting of nearby Listed Buildings and the benefits of restoration would far outweigh the resulting impacts.

In addition the Inspector in commenting on concerns raised by objectors with respect to the setting of the Listed Building commented (paragraphs 7.43 to 7.45)

Woodhouse Farm is listed as a building at risk. It is in urgent need of care yet there is no proposal or prospect of any care being given to it apart from the eRCF or RCF proposals. Witnesses for the Local Councils Group and the Community Group accept that in principle the proposed refurbishment and re-use of the Farmhouse is a benefit. The form, specification and merits of any listed building application would be assessed by Braintree DC as the local planning authority. The quality of the restoration is therefore in that objector's hands.

The main issue of concern to objectors appears to be the effect of the chimney on the setting of the listed buildings. However, the chimney would only be seen in certain views and would be some distance away from the building. Overall the setting of the listed building would not be adversely affected. Notwithstanding this, the much needed refurbishment of the fabric of the listed building that would be brought about by the proposals would outweigh any harm to its setting.

The choice is between further decay of the listed building, or restoring it and bringing it back into active and beneficial use, when it would be seen and enjoyed by members of the public visiting the site. The effect on the listed building is therefore positive overall.

It is has to be recognised that the Inspector with a stack of 85m AOD considered that the harm to the setting of Woodhouse Farm was outweighed by the benefit of the restoration of the 3 Listed Buildings (Woodhouse Farm, Bakehouse and Water Pump).

The County's Historic Building advisor considers the impact of the change in height of the stack and the increase in area of the proposed mirror finish amounts to "minor to moderate" and it is therefore considered the additional harm, is one of less than substantial harm. It is therefore necessary to consider whether this less than substantial harm, it still outweigh by the wider public benefits or other material considerations of the proposals.

It is acknowledged that with respect to the shorter permitted stack the Inspector concluded that the benefits of the restoration and active and beneficial use of the building where it would be enjoyed by the public were outweigh by the harm to the buildings setting. However, with the increase in stack height it is considered that

this enjoyment would be undermined. When viewed from Woodhouse Farm the stack would be a dominant and overbearing structure detracting from the setting of the building and its enjoyment.

One of the development principles for IWMF2 of the WLP is that *“The impacts from the proposal need to be addressed on the designated buildings located in the vicinity - especially on the setting of the Woodhouse Farm Listed Building”*

The permitted 85m stack would rise above the existing woodland adjacent to Woodhouse Farm by approximately 20m (20m x 7m diameter = 140m²), the proposed stack would extend a further 23m (total 43m) more than doubling the visible element of the 7m diameter stack within the setting of Woodhouse Farm (43m x 7m diameter = 301m²). The choice of reflected finish (which has not been amended as part of these proposals) is considered by the County's Listed Building advisor to likely accentuate the intrusion when reflecting sunlight.

The Inspector in 2010 concluded with respect to Woodhouse Farm that:

Paragraphs 13.118 to 13.119

There can be no doubt that the proposed development would cause some harm to the setting of the Listed Building complex at Woodhouse Farm. The close proximity of such a large development, with its associated lighting and parking facilities, and the visible presence of the chimney stack would have some detrimental effect upon the rural setting which the building presently enjoys.

...

More importantly, I am mindful that the Woodhouse Farm complex is in an extremely poor state of repair and that the site of the complex is overgrown, derelict and untidy. The proposal to refurbish the buildings and bring them into meaningful use would, in my judgment outweigh any harmful impact on the setting of the complex that would be caused by the IWMF development.

However, the Inspector in making these comments was considering a scheme with different wider public benefits. The components of the IWMF providing recovery and recycling have been greatly reduced by the reduction in size of the AD, MRF, MBT and MDIP, with less capacity to move waste management up the waste hierarchy.

It is considered that the increase in visibility of the stack would create an industrial, overbearing and dominant feature in the setting of Woodhouse Farm. While the restoration of the Woodhouse Farm complex Listed Buildings would be a public benefit, the enjoyment of the restored buildings would be detracted by the negative contribution to the setting of the Listed Building by the increased visibility of the stack. The wider public benefits of the IWMF have been eroded by the 2016 permission and other material considerations such as need for the facility, which are discussed in more detail later, have a greater weight in the planning balance. As such it is considered the less than substantial harm to Woodhouse Farm, which has been exacerbated by the increase in stack height is not outweighed by the

public benefits of the overall proposals and therefore would be contrary to the WLP policy 10, BDLPR policy 101, the NPPF and LBCA.

O HEALTH IMPACTS AND AIR QUALITY

There is strong objection to the development of the CHP/incinerator element of the IWMF with many letters of objection raising concerns as to health impacts of the proposed facility including impacts from emissions from CHP/EfW element and emissions from the HGV traffic that would visit the facility.

Objection letters have made reference to research that indicates that pollution from incinerators have adverse health impacts, causing increased Dementia, Parkinson, cancers, respiratory diseases, low birth weights and pre-term birth and increased mortality particularly in vulnerable groups, such as the young and elderly.

It should be noted that the responsibilities regarding emissions/air quality and impact on human health fall into various regulatory remits, primarily through the ES's permitting regime and in part through the planning and Environmental Health controls. In simple terms the EA are responsible for setting and enforcing emission limits from the operations of the IWMF including emissions from the stack. The WPA in conjunction with the BDC Environmental Health Officers, are responsible for ensuring there are no unacceptable impacts from other activities (e.g. construction phase and traffic).

The role of the WPA and the EA is set out in paragraph 183 of the NPPF :
'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'

Additionally, the NPPW 2014 states under para 7 “

Waste Planning authorities should - concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”.

And

“...consider the likely Impact on the local environment and on amenity ...Waste Planning Authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies.”

The National Planning Guidance further reiterates this by stating that

“The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any

control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.”

Consequently, it is not for the WPA to consider in detail the impacts of the stack emissions when considering the merits of the planning application. The control of the emissions from the stack is fully within the remit of the EA through its permitting process. However, it is not for the planning authority to dismiss this issue. If the EA or any other relevant health authorities/agencies in their consultation responses consider that the air quality emissions would exceed permissible levels and have an adverse impact on air, it could be considered by the planning authority that the proposed development is not suitable.

The Government's position is clear; planning authorities should call on the advice of the relevant bodies and work on the assumption that the relevant pollution control regime will be properly applied and enforced. It is also clear that refusing permission or requiring specific mitigation, when the matter is within the remit of another relevant body and the impacts are considerable acceptable by that body, is not appropriate.

The EA, ECC Public Health and Public Health England have all been consulted and no objections are raised in principle.

As explained previously the EA has considered two applications for an EP. The first application was refused, but the refusal was not because air quality standards to be emitted from the stack would be exceeded, but that Best Available Technique had not been shown. Within the second application the applicant demonstrated that BAT would require a higher stack, which would deliver greater dispersion of emissions. As a result, an EP has been issued which would only allow the IWMF to operate if a stack of 108m AOD were provided. As explained a third EP application has been made changing the technologies to control emissions and seeking a shorter stack of 85m AOD. This application is currently under consideration by the EA, the timescale for determination is not known at this stage.

It should also be noted that the limits for emissions contained within the existing EP with respect to NO_x are lower/stricter than that required by the relevant standards, these lower/stricter limits having been offered by the applicant. The EP has secured this lower limit. The Emission Limit Value (ELV) is restricted to daily average NO_x ELV of 100mg/Nm³ as opposed to 150mg/Nm³.

It is noted that research carried by the Health Protection Agency in 2009³ concluded the following:

“The Health Protection Agency has reviewed research undertaken to examine the suggested links between emissions from municipal waste incinerators and effects on health. While it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential

³ The Impact on Health of Emissions to Air From Municipal Waste Incinerators. Advice from the Health Protection Agency. February 2010

damage to the health of those living close-by is likely to be very small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants. The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has reviewed recent data and has concluded that there is no need to change its previous advice, namely that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended.

The Agency's role is to provide expert advice on public health matters to Government, stakeholders and the public. The regulation of municipal waste incinerators is the responsibility of the Environment Agency."

In addition further research has been undertaken by the UK Small Area Health Statistics Unit (SAHSU) and reported in January 2019⁴. The paper is part of a wider study investigating reproductive and infant health near municipal waste incinerators (MWI) in Great Britain. This national-scale investigation was of the possible health effects associated with MWI emissions of particulate matter ≤ 10 μm in diameter (PM10) as a proxy for MWI emissions more generally, and living near a MWI, in relation to fetal growth, stillbirth, infant mortality and other birth outcomes. The results of the study show "no evidence" for increased risk of a range of birth outcomes, including birth weight, preterm delivery and infant mortality, in relation to either MWI emissions or living near an MWI operating to the current EU waste incinerator regulations in Great Britain.

It is acknowledged that the statement and research is in relation to Municipal Solid Waste (MSW) now called LACW, but the overall composition of C&I waste is not significantly different. The consideration required by the WPA is whether or not the proposal would give rise to *unacceptable* air quality emissions that would exceed permissible levels and have an adverse impact on human health and air quality. In considering this it must take the advice of the relevant technical authorities, i.e. the EA, PHE and BDC Environmental Health. None of the relevant technical authorities have stated that the proposal would give rise to unacceptable air quality emissions that would exceed permissible levels and have an adverse impact on human health and air quality.

The outcome of the relevant technical experts is clear, it is considered that there would not be any unacceptable air quality emissions that would exceed permissible levels and have an adverse impact on human health and air quality.

The public's concerns or perceptions in relation to health and air quality are considerable for this application and are a material consideration.

Public concern can sometimes be associated with the previous generation of incinerators; however the implementation of new EU Directives resulted in the closure of many old incinerators across Europe, including in the UK, which could

⁴ Environmental International Volume 122, January 2019

not comply with new standards. The UK Health Protection Agency's (pre-cursor to Public Health England) Position Paper on Municipal Waste Incineration (2010) as mentioned above found that in most cases an incinerator contributes only a small proportion to the local level of pollutants and concluded that the effects on health from emissions to air from incineration are likely to be small in relation to other known risks to health. This is in respect of modern incinerators as opposed to the previous generation of incinerators. The Health Protection Agency concluded that there is little evidence that emissions from incinerators make respiratory problems worse; similarly, there is no consistent evidence of a link between exposure to emissions from incinerators and an increased rate of cancer. This is the opinion of the relevant body and one which the planning authority should rely upon and, as stated in para 7 of the NPPW 2014, planning authorities *"....should avoid carrying out their own detailed assessment of epidemiological and other health studies"*.

It is not simply that the public concerns on this matter should be dismissed, but for them to carry significant weight within the planning application there would need to be reliable evidence to suggest that perceptions of risk are objectively justified, i.e. that the operation of the IWMF plant would pose an actual risk. The EA has now issued an EP for the facility and Central Government advice referred to above evidences that, subject to an EP, the IWMF would not pose a health risk and the planning authority should rely on the experts in this matter.

In conclusion the relevant technical bodies, Public Health England, ECC Public Health and the EA have raised no concerns. As a reminder of the roles, case law, *Cornwall Waste Forum v SoS for Communities and Others 2012*, the judge stated that *"It is not the job of the planning system to duplicate controls which are the statutory responsibility of other bodies...Nor should planning authorities substitute their own judgement on pollution control issues for that of the bodies with the relevant expertise and responsibility for statutory control over those matters."*

In accordance with the NPPW 2014 the planning authority has sought appropriate technical advice to satisfy itself that the operation would not result in any significant air quality, pollution or health impacts and there is no accepted evidence to suggest that perceptions of risk are objectively justified, i.e. that the operation of the IWMF actually would pose an actual health risk; none of the consultees conclude that this would be the case. The concerns raised by residents regarding risk to human health are noted, but it is not considered that as part of the planning process (in accordance with previous case law and guidance), substantial weight can be attached to these concerns in the determination of this planning application.

Nonetheless the WPA as part of the determination of this application must consider the Health Impacts of the proposal.

The NPPF requires the following

180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

And

*170. Planning policies and decisions should contribute to and enhance the natural and local environment by: inter alia
e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*

The WPA has no reason to challenge the EA's conclusions when it considered the EP application and therefore should accept the EA's conclusions that the IWMF would not give rise to adverse health impacts through air quality. The WPA should assume the pollution control regime will operate effectively.

However, the WPA has a responsibility to ensure the operation as a whole does not give rise to adverse health impacts, including those arising from traffic movements. Also the WPA should be satisfied that the Health Impact Assessment, submitted as part of the Environmental Statement, is adequate.

ECC Public Health and PHE have been consulted on the planning applications. PHE have raised no objection and were consulted by the EA on the EP and raised no objection. ECC Public Health have also raised no objection and are satisfied with the Health Impact Assessment.

Concerns have been raised in letters of objection that the EP application did not take into consideration vehicle emissions from the traffic movements generated by the facility as part of the EP application. The assessment undertaken as part of the EP application has recognised the background pollution levels in the area of the site which are higher, probably due in part due to the existing A120 traffic. In considering the emissions from the IWMF the EA only has responsibility for emissions from the stack not the emissions from the HGVs associated with the development.

The IWMF site is identified as a site for waste management within the WLP, which was subject to Strategic Environmental Assessment and an Examination in Public and the site with a likely traffic generation of 404 movements as permitted by the extant planning permission was accepted.

ECC's Public Health team has commented that there is potential to require the operator to only use HGVs that meet the EuroVI standards. Euro VI legislates with respect to 4 emissions, carbon monoxide (CO), hydrocarbons (HC), oxides of nitrogen (NOx) and particulate matter (PM) and from January 2016 all new HGVs are required to meet the required standards. However, the facility is to be operated as a Merchant waste management facility, such that the operator will not operate its own fleet and would not be able to control the type of HGVs visiting the site and therefore it is not considered that it would be reasonable to require every HGV visiting the site to comply with EuroVI. Generally, as HGVs are replaced, older more polluting HGVs will be scrapped, but this is outside the planning system to regulate.

Several representations have made reference to the recently published January 2018 Central Government 25 Year Environment Plan. The plan includes several goals including Clean Air > The Government aims to achieve this through:

- Meeting legally binding targets to reduce emissions of five damaging air pollutants. This should halve the effects of air pollution on health by 2030.
- Ending the sale of new conventional petrol and diesel cars and vans by 2040.
- Maintaining the continuous improvement in industrial emissions by building on existing good practice and the successful regulatory framework.

As discussed above HGV emission outputs are being improved through the introduction stricter central controls (Euro VI for HGVs). With respect to the operation of the IWMF, this would be subject to the regulatory framework through the EP.

It is also acknowledged in the 25 Year Environment Plan that people's health and well-being is improved when time is spent enjoying the natural environment in a healthy natural environment. The Land Use Planning system has its part to play in this goal and the consideration of the issues set out in this report including, the impact upon heritage and landscape and visual impact from the increased stack height. Consideration of these issues forms a part of the balance in determining the acceptability of the proposals.

It is considered that with respect to the health impacts from the IWMF these have been appropriately considered through the EP process and found to be acceptable. It is not considered that the HGV movements associated with the development would give rise to significant adverse air quality impacts and thus are in accordance with WLP Policy 10.

In conclusion, the EA has confirmed that the actual environmental impact from the plant with the proposed increase in stack height "will be one of the lowest in the country" and none of the above listed expert consultees provides any justification for rejecting either of these applications on the grounds of likely adverse consequences for public health or air quality, perceptions of adverse effects on health or air quality or inadequate assessment of those matters and no such reason for refusal could be supported.

P TRAFFIC & HIGHWAYS

Objections to the application have been raised by representees due to the impact of traffic on the A120, in view of the existing heavy traffic that uses the road and the likely congestion the IWMF traffic might cause. Objecting representees have also raised concern, they consider that due to the length of time since the original decision that a new Traffic Impact Assessment is required. Concern has also been raised with respect to the potential for traffic to use alternative local routes if the A120 is congested.

Similar objections were raised with respect to the original application and the Inspector commented:

“It is accepted that the A120 Trunk Road is busy and some sections operate in excess of their economic design capacity and have reached their practical capacity. However, this occurs at peak times and the road should not be regarded as unable to accommodate additional traffic. Traffic to the eRCF [IWMF] would avoid peak hours where practicable.”

And

“Objectors have also expressed concern about the possibility of HGVs diverting onto local roads and travelling through local villages. However, as indicated above, HGV deliveries and despatches to and from the site would be under the control of the plant operator and the proposed HGV routeing agreement, which would be effective from the opening of the plant, would ensure that rat-running would not occur under normal circumstances.”

The proposed change to the height of the stack would have no impact on the proposed number of HGV movements. The number of HGV movements is not proposed to be changed and is limited by condition to 404 movements (202 in 202 out) Monday to Friday and 202 movements (101 in 101 out on Saturdays mornings). Re-imposition of the traffic movement condition if the application is granted meets one of the development principles of site IWMF2 of the WLP. All vehicles associated with the site are required to use the access onto the A120; no HGV vehicular access is permitted from Woodhouse Lane. It is acknowledged that in exceptional circumstances emergency vehicles would be permitted to attend the site via Woodhouse Lane.

The existing planning permission is subject to an obligation such that the operator is required to ensure HGV vehicles only use main roads to access the facility via the access to the A120. Funds have also been secured through the section 106 agreement to enable the Highway Authority to put in place appropriate directional signage to the facility. In addition there is an obligation to review the need for two way crossings at Ash Lane and Church Road should queuing of vehicles occur to the detriment of the public highway use. These existing obligations would need to be secured through a deed of variation to the legal agreement, if planning permission were granted. This meets one of the development principles as required with respect to Site IWMF2 in the WLP.

No objection was raised by the Highway Agency (now Highways England) to the original application in 2008 or by Highways England with respect to the current applications. No request has been made for a revised Traffic Impact Assessment. In addition the ECC Highways Authority has raised no objection to the use of the crossings with Ash Lane and Church Road subject of the re-imposition of the previous planning conditions and legal obligations.

The principle of the HGV movements generated by the IWMF has already been established and accepted through the granting of the previous planning applications. It is acknowledged, as later discussed, that the fallback position should not be given significant weight in the determination of these applications as

the IWMF is unlikely to be developed without an EP in place permitting a shorter stack.

The IWMF site is also identified in the WLP as a site suitable for treatment via AD or for management of residual non-hazardous waste, to meet the needs of Essex and Southend as identified in the plan, such that HGV movements were assessed as being acceptable through the WLP process, in respect of highway safety and capacity.

Representees have also stated they consider that a decision on the future of the IWMF should be delayed until the outcome of improvements to the A120 and A12 are known. Both the A120 or A12 improvements schemes are at too earlier stage such that their routes and the changes they would make to traffic congestion are not a material consideration with respect to the current application. If the IWMF was to progress it would be necessary when progressing the A120 and A12 for those schemes to take account of the existence of the IWMF, if progressed, as part of the cumulative impacts of these road schemes. The application has to be considered against the capacity of the existing highway network. It should be noted funds are secured through the existing section 106 legal agreement to improve access arrangements on the A120, if and when it is de-trunked.

Subject to the re-imposition of existing conditions it is not considered that the development could be refused on highway safety and capacity grounds and is therefore in accordance with the WLP policy 10.

Q LIGHTING

Objections have been raised as to the impact of lighting that would be required due to the increased height of the stack, in particular that it is likely to need lighting for safety reasons for aircraft. While it is acknowledged that often stacks and high structures do have lights on them, it has been confirmed by the applicant that there is no requirement for the stack to be lit both for civil or military aircraft. The WPA has also investigated this issue and evidence would suggest that structures less than 150m in height are not required to be lit.

Concern with respect to light pollution was an issue at the time of the consideration of the original application at the Public Inquiry and the Inspector commented within his report as follows.

“6.82 Because the eRCF [IWMF] would be located in a light sensitive area, detailed consideration has been paid to minimising the risk of light pollution. Measures that would be taken include the installation of external lighting below surrounding ground level, the direction of light being downwards, and the avoidance of floodlighting during night time operations. Timers and movement sensitive lights would be fitted to the exterior of buildings to provide a safe working environment when required. The plant would only operate internally at night.

6.83 The proposed extension to the existing access road would be constructed in cutting and would run across the base of the restored quarry, therefore lights from vehicles travelling to and from the eRCF [IWMF] within this section would be screened from view. An independent review of the lighting proposals (Document

GF/2/D/2) puts forward a number of recommendations to further minimise the impact of external lighting and concludes that with the incorporation of these amendments the impact of the eRCF on the night sky would be minimal. The Technical Note on Lighting (Document CD/17/1), prepared in response to the objectors representations at Document CD/16/4 indicates that the final lighting design would conform to the requirements of any planning conditions. However, it is intended that:

- luminaires located around the eRCF [IWMF] buildings would be fixed at a maximum height of 8m above the finished surface level of the site;*
- there would be no upward light from use of the proposed flat glass luminaires mounted at 0° tilt;*
- the weighbridge would be illuminated;*
- the lighting installation would be fully compliant with the requirements of the proposed 18.30 to 07.00 curfew;*
- there would be no need to provide illumination of the ‘high level access road’ as maintenance and repairs in and around this area would be provided during normal daytime working hours; and,*
- internal lights would either be switched off or screened by window coverings during night time operations.*

6.84 The final design of the lighting scheme would incorporate these amendments, subject to conformity with the requirements of planning conditions.

The above restrictions have been adhered to when the lighting details were approved under condition 43 of the planning permission. No amendments to the lighting details are proposed as part of the current planning applications.

Concern has been expressed by objectors that the increased height would increase the area of reflection and thus the reflection of lighting for the IWMF would increase. As explained above lighting is required to be downward pointing and below ground level such the reflection of on-site lighting would be minimised.

It is not considered that there would be a significant adverse impact from lighting as a result of the increase in stack height and therefore the proposals are in accordance with WLP policy 10 and BDLPR policies RLP 36 and 62. In conclusion, there are no reasons to justify the refusal of either application on this ground.

R NOISE

Policies of both the WLP policy 10 and policies RLP 36 and RLP 62 of the BDLPR seek to ensure development does not give rise to adverse impacts resulting from noise.

A revised noise assessment has been undertaken taking account of the increased stack height. The stack does not in any event contribute significantly to noise generated by the IWMF and raising the stack does actually increase the distance between the stack and receptors reducing noise impact from the stack. The revised noise assessment has demonstrated that the IWMF could operate within the limits set out within existing planning conditions relating to noise.

The Inspector in determining the 2008 application considered the proposed maximum limits would ensure there would be no adverse impact on residential amenity. The County's noise consultant considers that it has been demonstrated that the increase in height stack would not give rise to levels outside those limited by condition. In addition the noise monitoring required upon commencement of operation would verify whether this was the case.

In conclusion it is considered subject to the previous conditions controlling, hours of operation, noise, dust and light, there are no adverse impacts arising from the proposed amendments that would warrant refusal of the permission and the proposals are in accordance with the relevant criteria in WLP policy 10 and BDLPR policies RLP 36 and RLP 62.

S ECOLOGICAL IMPACTS

Policy 10 of the WLP and BDLPR policies RLP 80, RLP 83 and RLP 84 seek to protect landscape, habitats, designated ecological sites and protected species from adverse impacts and requiring adequate mitigation.

Objections have been raised stating that inadequate ecological assessments support the current applications. Ecological assessments have supported the previous applications for the IWMP and these have been updated as appropriate for each application as necessary.

Some concern has been expressed that due to the increase in height of the stack this could affect migrating birds. No objections have been received from Natural England and the County's own ecologist following clarification. The County's ecologist did ask for clarification as to the potential for birds and bats flying into the mirror finish of the increased stack height. The Rivenhall site is not on a bird migratory route. There is evidence that birds do fly into wide expanses of glass, but the convex face of the stack and its relevant narrowness, means the area of glare and reflection would be small in comparison to a building. The stack would remain unlit thus not giving rise to any additional impact with respect to bats.

It was acknowledged by the Inspector in 2010 that the IWMP would give rise to harm on ecology, and while mitigation forms part of the IWMP there can be no guarantee that this would deliver the overall biodiversity benefits anticipated. However, this harm did but not individually amount to a reason refusal. The Ecological Management Plan required by condition has been submitted and approved and is in place.

In conclusion it is not considered that the increase in stack height would give rise to significant additional ecological impacts that would warrant refusal. Nonetheless it is necessary to consider whether the ecological impacts are outweighed by other material considerations.

T WATER ENVIRONMENT

The current application proposes no changes to the proposed water management system for the site. The original planning application considered by the Planning

Inspectorate did envisage that most of the water for the facility would be derived from collecting surface water from within the site and surface water draining from surrounding agricultural land. It is acknowledged that as part of application ESS/34/15/BTE included that the collected surface water was to be supplemented with water from the River Blackwater utilising an existing permitted water Abstraction Licence issued by the EA. Water for the facility would be stored in two lagoons known as Upper Lagoon (located adjacent to the IWMF buildings) and New Field Lagoon (located north of the buildings within the restored Bradwell Quarry). Water used in the facility would be treated in the Waste Water Treatment Facility part of the IWMF with and reused within the facility.

The applicant has considered seeking to obtain a discharge licence into the River Blackwater, such that treated/clean water could be returned to the River Blackwater, but this option has not been pursued and the currently permitted scheme remains one of a closed-loop system.

As part of these applications there are no proposed changes to the water management arrangements for the site. In conclusion, it is therefore considered the development is in accordance with BDLPR policy RLP 63 and WLP policy 10 with respect to protection of the water environment and there is no justification to refuse the applications on this ground.

U CONCLUSION WITH RESPECT TO COMPLIANCE WITH POLICY 10 OF THE WASTE LOCAL PLAN

It is considered that the proposals are not in compliance with Policy 10 of the WLP. In particular it has not been demonstrated that the impact upon landscape character and the visual environment and with respect to impact upon Heritage Assets would be acceptable, or that there would be less than substantial harm to the setting of Woodhouse Farm building that would not be outweighed by the public benefits of the [proposal]. Given the significance of this policy, it is considered that the proposals are not in accordance with the development plan. It is therefore necessary to consider whether there are any other material considerations which outweighs these harms that would justify approval of the applications.

The other material considerations are considered to be:

- Need for the facility
- Endorsement of WLP objectives – proximity principle, net self-sufficiency
- The fallback position
- National need for Energy from Waste
- Relationship between stack height and EfW/CHP Throughput
- Climate Change

V NEED FOR THE FACILITY

As set out within the NPPW the WPA should:

“...only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with

an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need”

The WLP was prepared in accordance with the NPPW with two key objectives of seek to push waste up the “Waste Hierarchy” while assuring “Net Self-Sufficiency”, without giving rise to adverse impact on human health and the environment. These objectives are incorporated as strategic objectives in the WLP and policies of the WLP intended to ensure, particularly WLP Policy 10, that proposed waste development does not give rise to unacceptable impact are of particular relevance to the current applications.

The new WLP was adopted in July 2017 and identified certain capacity shortfalls which are set out in Policy 1 (Need for Waste Management Facilities) reproduced below:

In order to meet the future needs of the Plan area, waste development will be permitted to meet the shortfall in capacity of:

- a) Up to 218,000 tonnes per annum by 2031/32 of biological treatment for non-hazardous organic waste;*
- b) Up to 1.95 million tonnes per annum by 2031/32 for the management of inert waste;*
- c) Up to 200,000 tonnes per annum by 2031/32 for the further management of non-hazardous residual waste; and*
- d) Up to 50,250 tonnes per annum by 2031/32 for the management of hazardous waste.*

The Rivenhall site is allocated in Policy 3 (Strategic Site Allocations) of the WLP as a site IWMF2) where waste management development “*will be permitted where proposals take into account the requirements identified in the relevant development principles...*” The Rivenhall site has been allocated to provide capacity both for biological treatment for non-hazardous organic waste and the further management of non-hazardous residual waste the shortfalls identified in points a) and c) above.

The current application does not seek to amend the proposed capacities as approved under ESS/34/15/BTE. The AD facility of 30,000tpa would contribute towards the identified shortfall of up to 218,000tpa of capacity for biological treatment for non-hazardous organic waste anticipated to be required by 2031/32. The proposed CHP plant would more than fully provide capacity for the shortfall of up to 200,000tpa for the further management of non-hazardous residual waste.

The need for up to 200,000tpa of capacity for the further management of non-hazardous residual waste was identified in the 2015 Waste Needs Assessment as arisings from the LACW stream, being the predicted residual waste outputs of the MBT facility at Tovi Eco Park operated by UBB under contract to the WDA. The need was identified on the following basis:

At present, the Waste Disposal Authority is considering long term management options for the stabilised residual waste output of the Tovi Eco Park Facility. In

2016, the annual 200,000t output from this facility was exported from the Plan area. In line with the Plan's Strategy for the Plan area to become net self-sufficient with regard to its waste management needs where practicable, the Plan includes a site allocation which has capacity to potentially manage this residual waste in the Plan area in the longer term. Para 4.21 of WLP

While the Rivenhall site is allocated as a site that could meet the shortfall in "further management of non-hazardous residual waste" the WLP neither dictates nor assumes that the output from Tovi Eco Park would go to the Rivenhall facility. The WLP simply ensures in accordance with the principle of net self-sufficiency and national policy that sites are allocated that may provide capacity to deal with the waste arising in the WLP area including the 200,000tpa of RDF like output generated at Tovi Eco Park from LACW. Whether the output would actually go to Rivenhall, if it became operational, would be a matter for commercial arrangements beyond the influence/remit of the planning system.

The Rivenhall IWMF is currently permitted to receive a total of 853,000tpa of waste. The CHP component has a consented capacity of up to 595,000tpa which is far in excess of the shortfall of capacity for the further of non-hazardous residual of 200,000tpa identified in Policy 1 of the WLP.

At the time of the consideration of the previous planning application (ESS/34/15/BTE) for the IWMF in February 2016, (when the capacities of the various elements of the IWMF were changed) consideration was against relevant national policy and the previous WLP adopted in 2001. At that stage while the replacement WLP was approaching Pre-Submission draft stage, full weight could not be given to it, although the emerging evidence base for the replacement WLP was referred to in the determination of the ESS/34/15/BTE, including the updated Capacity Gap Report December 2015.

The Capacity Gap Report Dec 2015 identified apart from residues from Tovi Eco Park that there was a small but growing shortfall in recycling and recovery capacity with respect to Commercial & Industrial Waste (estimated to be 33,000tpa in 2015 growing to 115,000tpa at 2035).

The applicant in justifying the change in capacities proposed in 2015 argued that there had been a change in the mix of wastes available particularly as the facility was more aimed at the C & I sector as LACW was to initially be treated through the MBT at Tovi Eco Park producing an RDF like output. The size of the original AD and MBT components of the IWMF were also proposed to be reduced. C & I waste is considered to have a lower organic waste content (13% as opposed to approximately 21% of Essex LACW) and hence the size of the AD and MBT of the IWMF were proposed to be reduced.

The applicant also argued that there was greater tonnage of residual waste available warranting an increase in capacity of the CHP from 360,000tpa to 595,000tpa. The CHP plant could either utilise SRF/RDF produced on site from incoming C & I waste passing through the MRF/MBT process, waste arising from the MDIP that cannot be recycled, or imported pre-prepared SRF/RDF. The increase in availability in SRF/RDF was argued by the applicant to be partly a response to the impact of Landfill Tax. The applicant argued that in response to Landfill Tax waste operators dealing with C&I waste were modifying their practices

from bulk delivery of waste to landfill; to sorting and recovering recyclables, leaving a residue that either required landfilling or may be utilised as input to an EfW/CHP plant.

In addition to the applicant arguing the greater availability of SRF/RDF, argued that the calorific value (CV) of SRF/RDF had reduced, due to standardisation by the EU of Net Calorific Value (NCV) for SRF/RDF from 12-20 MJ/kg down to 9-12MJ/kg. This meant that 489,000tonnes of input each year would have been required to produce the same amount of electricity as the 360,000tpa capacity originally permitted. The applicant therefore argued in 2015 that the increase was not 360,000tpa to 595,000tpa but only from 489,000tpa to 595,000tpa.

The Capacity Gap Report Dec 2015 considered operational recovery and recycling capacity with respect to C&I waste and LACW and concluded overall that apart from the Tovi Eco Park RDF there was a limited shortfall in treatment capacity and if non-operational capacity was taken account of (which included the capacities for Rivenhall IWMF), there would be more than sufficient capacity for net self-sufficiency to be maintained throughout the WLP period.

In considering the existing capacity for recycling and recovery the WPA is not necessarily required to make provision for all its waste to be managed through to its final fate either as disposal or conversion into a product in every case. However, it is recognised that recycling and recovery facilities still are likely to generate a residue that requires further management either through EfW or disposal to landfill.

The tonnage of residue requiring further management for LACW is the residue from the Tovi facility contracted by the WDA. This is known to be around 200,000tpa. While this residue may be managed either through EfW or disposal to landfill the WLP seeks to provide for this need through non landfill capacity in accordance with the Waste Hierarchy.

There were no explicit recycling or recovery targets for C&I waste as a whole set at a national level, and this still remains the case. However, the need to encourage waste to move up the waste hierarchy away from disposal (landfill and incineration that doesn't meet the minimum standard of energy recovery as defined by the EU defined R1 formula) at the bottom of the waste hierarchy became a legal requirement (enshrined in law through the Waste (England & Wales) Regulations 2011) and a National objective set out in the Waste Management Plan for England (Defra Dec 2013). The Waste Management Plan 2013 states that *"The Government supports efficient energy recovery from residual waste - of materials which cannot be reused or recycled - to deliver environmental benefits, reduce carbon impact and provide economic opportunity. Our aim is to get the most energy out of waste, not to get the most waste into energy recovery"*. The Defra Energy from Waste Guide 2014 expands on this point *"This reflects the desire to move waste up the waste hierarchy and the drive to prevent, reuse and recycle in the first instance."*

At the time of consideration of the 2015 application it was estimated in the updated Capacity Gap Report (December 2015) that the total arisings for C&I waste from the WLP area would be approximately 1.3 million tonnes in 2032 including waste

imported from London. Therefore there was an expectation that capacity would be provided to manage an equivalent tonnage.

In considering the 2015 application it was assumed there would be a high level of recycling in C & I waste such that the residual waste would be in the order of 20%. This estimate is supported by national Commercial & Industrial Waste Survey conducted in 2009 (Final Report May 2011) which estimated c20% of C & I waste went to landfill on a regional basis. Thus of the C&I waste arising in the WLP area i.e. approximately 260,000tpa (20% of 1.3million tpa) was identified as going to landfill that could potentially be diverted to EfW. Although it should be noted that some of the residual waste might not be suitable as an input fuel to EfW and therefore an element requiring landfilling would remain.

The Rivenhall CHP plant permitted capacity is 595,000tpa; the shortfall of up to 200,000tpa further treatment identified in the then draft WLP would leave further capacity of 395,000tpa available for management of C & I waste. The CHP plant would have capacity to deal with the residue, with approximate surplus capacity of 135,000tpa (595,000 – [200,000 + 260,000tpa]). On balance, it was concluded in 2016, since the environmental impacts arising from the development had not significantly changed since 2009 when considered by the SoS, there remained a justified need for the facility that outweighed any harm.

These various arguments were accepted by the WPA in 2016 and the change in capacities approved under planning permission reference ESS/34/15/BTE. Within the WLP the capacities approved under ESS/34/15/BTE i.e. 595,000tpa CHP and 30,000tpa AD are referred to in Appendix B as “Indicative Facility Scale”. It is not considered that reference to these capacities is any acceptance or endorsement of these capacities, only a reflective of the capacities permitted under the extant planning permission not a statement of the identified need.

In view of the conflict with some criteria (landscape and heritage impacts) of Policy 10 of the WLP with respect to the current proposals, it is appropriate to re-consider the need for the facility particularly in light of more up-to date evidence relating to C&I waste arisings and its management profile in 2016. The evidence base for the WLP was based on information from 2013 and it was considered appropriate to update this information, updating C & I Waste Arising baseline and reviewing existing capacity available for the management of C & I waste within the WLP area.

Specialist consultants (BPP Consulting) were commissioned by the WPA in February 2018 to update the assessment of non-hazardous waste arisings in the WLP Area against the existing waste management capacity for non-hazardous waste management available within the WLP area.

Initially an update was undertaken to assess the estimated arisings for the period to 2035 – Waste Needs Assessment Update - Updated Baseline for Commercial & Industrial Waste May 2018. Reflecting changing national practice the 2018 needs assessment applied a different methodology to calculate C&I waste arisings to that used in the 2015 Capacity Gap update. One based on the national “reconcile” methodology, considering a number of datasets to capture quantities of C & I

waste managed rather than produced. This method is recognised to be a more robust and replicable approach.

The total quantity of non-hazardous waste of C&I origin including a proportion of London's waste to be managed was estimated to be 910,000tpa in 2016. This represented a reduction from the 1.3 million tpa estimated in the 2013 contained in the updated *Capacity Gap Report (Dec 2015)*. The revised C & I arisings figure was assessed against operational waste management capacity for C & I waste within the WLP area based on facilities identified through the process of preparing the Minerals and Waste Monitoring Report for 2016/17.

Organic waste forms a proportion of C&I waste and as a consequence of the reduction in the total tonnage of C&I waste to be managed the estimated quantity of C&I organic waste to be managed has also fallen. The shortfall in organic waste capacity (not including consented capacity) estimated in the 2018 update is 58,000tpa in 2018 rising to 139,000tpa in 2035. While less than originally estimated in 2015 the provision in Policy 1 of the WLP for additional biological treatment of up to 218,000tpa is still considered to be justified given that it would encourage the movement of waste up the waste hierarchy.

The *Non-Hazardous Waste Capacity Gap Update 2018* also confirms that the need for capacity to further manage the 200,000tpa that arises from the Tovi Eco facility (MBT) continues to exist. WLP policy 1 which provides for this with up to 200,00tpa of capacity for the "further management of non-hazardous residual waste"

The *Non-Hazardous Waste Capacity Gap Update 2018* found that the quantity of C & I waste (excluding waste suited to biological treatment) requiring management to be 854,000tpa in 2018 rising to 887,000tpa in 2035. Following the advice of NPPW cited earlier to give priority consideration to "the extent to which the capacity of existing operational facilities would satisfy any identified need when the revised arisings were compared with existing operational recovery and recycling capacity the 2018 assessment found that there is in fact no shortfall in recovery capacity to manage a tonnage of waste equivalent to the amount of C&I non-hazardous waste predicted to require management over the WLP period. Hence the dual objectives of maintaining net self-sufficiency and driving waste up the Waste Hierarchy could be met without provision of additional capacity coming on stream.

The Waste Needs Assessment Update - Updated Baseline for Commercial & Industrial Waste May 2018 and the *Non-Hazardous Waste Capacity Gap Update 2018* were shared with the applicant in May 2018 and the applicant requested time to respond to these findings. The applicant submitted additional need information in November 2018 and the applicant's consultants SLR subsequently critiqued both the BPP Consulting assessment of estimate C & I waste arisings within Essex & Southend as well as the capacity gap assessment alongside the Minerals and Waste Monitoring Report 2016/17.

With respect to the likely arisings of C & I waste whilst the applicant's consultant SLR used a different calculation method their estimate (840,000tpa) is similar to that presented in the *Waste Needs Assessment Update - Updated Baseline for*

Commercial & Industrial Waste May 2018 (approximately 900,000tpa) and thus is not disputed. Similarly calculations of LACW arisings are also very similar and not disputed.

Where there is not agreement is with respect to the existing waste management capacity within Essex and Southend to manage non-hazardous non-organic waste.

The *Non-Hazardous Waste Capacity Gap Update 2018* relied upon data collated by WPA of facility capacities. This was based on permitted capacities as defined within planning permissions for consented waste management facilities and where a planning permission did not specify a limit, an average of the actual annual input as reported through the EA WDI was used. The applicant's consultant SLR argued that maximum tonnage limits specified in planning permissions are often substantially higher than tonnages that may ultimately be processed by a facility. Also that the sites listed took a wider range of waste types and hence could not be exclusively counted towards C & I waste management capacity. An alternative capacity assessment was produced by the applicant's consultant SLR which estimated that actual capacity available for the management of C&I waste was much less than that used in the 2018 update and this was taken to demonstrate that a capacity shortfall does apparently exist. The applicant's consultant SLR also referred to data presented in the Minerals and Waste Monitoring Report 16/17 that indicates the WLP area has a substantial reliance on the export of waste, to reinforce the need case for the CHP component of the IWMF.

BPP Consulting was commissioned on behalf of the WPA to critically review the critique prepared by the applicant's consultant SLR.

As explained there is no dispute as the estimated arisings with respect to LACW and C & I non-hazardous waste, the differences in estimated tonnages not being significant.

In order to address the concerns raised by the applicant's consultant SLR, BPP Consulting has worked with the WPA to refine the capacity assigned to each of the waste management sites included in the calculations. In the process the dataset has been cleansed with some sites being dropped as a consequence of further information coming to light such as some sites had been assigned to manage C & I waste exclusively handled LACW e.g. Southend Cleansing depot and that some capacities from planning permissions had been misreported e.g. Dunmow skips. Correction of these errors does not substantially change the findings of the 2018 update.

The applicant's consultant SLR's main criticism was that the capacity calculations were based on planning permission throughput limits and, where there was no limit, average annual throughputs. It is applicant's consultant SLR's view that these were unrepresentative as many sites would not operate at these limits and therefore by using this data the available capacity was over estimated.

The applicant's consultant SLR presented alternative capacities based on the EA Waste Data Interrogator (WDI) for 2016. This data is compiled from returns submitted by operators to the EA as to their actual throughputs in any particular

year. Relying on this single dataset the applicant's consultant SLR calculated the combined available C&I waste management capacity to be only 0.25 million tpa which when compared with their predicted arisings of c 0.84 million tpa suggests a deficit in capacity of 0.59 million tpa. Using this method a need for the CHP component of the IWMF was shown to exist.

However, the applicant's consultants SLR approach assumes that a single years figures are representative of actual capacity throughout a facility's operational life. This is not accepted as waste management sites go through peaks and troughs in throughput from one year to the next. With respect to planning permission maximum limits these are usually based on the details submitted by the prospective operator in the planning application. It is therefore reasonable to assume that the capacity tonnage is representative of might be achieved even if a facility may be operating below that in any particular year. The important matter is that a facility has the potential to operate at this maximum throughput and to not take account of such could lead to significant over provision of capacity should the full capacity be realised.

To address the concerns raised by the applicant's consultant SLR, BPP Consulting undertook a further sensitivity analysis to test the robustness of the capacity estimates relied upon. They looked at different scenarios with respect to planning permission (PP) limits and Environment Permit limits and the peak throughput data reported through the EA Waste Data Interrogator (WDI) over a number of years. It was considered that the peak value provides a more representative indication of a capacity maximum than the average input value used in the previous assessment.

The following scenarios were considered.

1 Maximum theoretical – Planning permission maximum or EP whether there is no known Planning Permission limit.

2 Planning Permission maximum or WDI peak (over the last 9 years).

3 WDI 9 year peak

The Table below displays the outcome of each of the scenarios and compares it against the original assessment presented in the 2018 update and the applicant's consultants SLR's critique.

Table 4: Capacity Assessment Scenario Outcome

Facility Type	Capacity (tpa)				
	Original Assessment	Scenario 1 (Max theoretical)	Scenario 2 (Planning Plus WDI peak)	Scenario 3 (WDI Peak only)	SLR
End of Life Vehicles	405,401	1,081,349	352,929	194,770	23,000 ²
Metal Recycling	318,003	833,296	360,160	330,213	104,000 ³
Materials Recycling /Recovery	626,667	1,095,781	758,867	493,388	111,000 ⁴
Tyre Recycling	11,110	3,500	4,610	Exempt	0
Total	1,361,181	3,013,926	1,475,456	1,018,371	250,000⁵
Non Hazardous Waste Shortfall	890,000	890,000	890,000	890,000	840,000 SLR value
Surplus or shortfall against capacity need	+471,181	+2,123,926	+585,456	+128,371	-590,000

² From chart on p11

³ As above

⁴ From chart on p 17. Chart on p 15 gives 106ktpa total site throughput.

⁵ From chart on p17. Note individual facility type throughput entries given as 0.13 metal/ELV and 0.11 materials recycling sites i.e. 0.24.

As can be seen from the above table in all of the scenarios tested a surplus in operational recovery capacity is shown, ranging from approximately 130,000tpa to 2.2 million tpa. This is in contrast to the estimates produced by SLR presented in the far right column.

Based on the updated *Non-Hazardous Waste Capacity Gap Update 2018*, it would appear the additional recovery capacity provided by the MRF and MBT components of the IWMF is not actually required to achieve net self-sufficiency while moving waste to the higher level/tier of the waste hierarchy. There is already sufficient capacity to manage an equivalent tonnage of waste predicted to arise in the WLP area over the WLP period while assuring the movement of waste to the higher level/tier of the waste hierarchy.

Estimates by both the WPA's consultant BPP Consulting and the applicant's consultant SLR indicate residual C & I waste arisings to be in the region of 890,000tpa. The 2018 C & I baseline report which updated the C&I Baseline to 2016 identifies that c16% (246,647 tonnes) of C&I waste went to landfill and if it was assumed that 90% of this was divertible that would mean c222,000tpa would be available for EfW in preference to landfilling. When combined with the residue from Tovi MBT of 200,000tpa this would amount to 422,000tpa, still considerably less than the capacity proposed of 595,000tpa. The landfill tonnage was the position in 2016 and doesn't reflect the further drive to improve recycling of sector waste as reflected in the most recent Government initiatives to drive separate collection of food waste and boost recycling levels across business to c75% by 2035.

The applicant continues to argue that the WPA should make provision within the WLP area to manage residual waste arising in the WLP area. However, there is no obligation in policy for this given the WLP priority is the movement of waste up the waste hierarchy whilst ensuring net self-sufficiency in capacity provision is achieved.

The applicant has submitted further supporting information to try to demonstrate that there is a shortfall in capacity to deal with residual waste and the need for CHP/EfW capacity. The applicant states:

“...in the Resource & Waste Strategy there is a confirmation of the role for EfW to play in reducing the need for landfill, particularly those with higher efficiency such as CHP as permitted at Rivenhall. The target for landfill by 2035 is “less than 10%” and on page 78 “our primary aim is to process more waste at home” i.e. confirming what the waste industry already knows which is that RDF exports should and will reduce, contrary to the broad assumption made in the BPP conclusion. Page 79 of the Strategy says, ‘Given our projections we continue to welcome further market investment in residual waste treatment infrastructure’.”

In addition the applicant has referred to a recent report by consultants Tolvik, the most recent of which ‘*Filling the Gap – The future of Residual Waste in the UK*’, which estimates that the effect of the “Waste and Resources Strategy” would be only to reduce the estimates of national residual waste to 27mtpa and says in section 2.7: “*It is difficult not to conclude that the delta between political aspirations (as measured by indicative “goals” and generally soft targets) and the overall ability to deliver them has potentially never been so great.*’

The applicant also refers to a further Tolvik report of 2018 “*Residual Waste in London and the South East – Where it is going to go...?*”, suggesting the likely future disposal capacity shortfall and the report says “*For the optimist considering a scenario in which there is a progressive increase in recycling through to 2025, RDF exports fall only modestly post Brexit and most planned large scale EfW capacity is developed in London and the South East, existing Non-Hazardous Landfill capacity is likely to last until 2025. The risk of capacity shortfall post 2025 remains high.*”

The WPA’s consultants, BPP Consulting have considered this additional information on behalf of the WPA. The applicant has quoted figures from the Tolvik report for the likely residual waste arising in Essex (including Southend and Thurrock) as 655,000tpa in 2017. BPP have commented that it is not clear the source of the data for the Tolvik report. However, using assumptions based on the % of Thurrock’s LACW waste it is estimated that the residual waste figure for Essex and Southend would be reduced to 583,000 tonnes. Using the same methodology as applied in the Tolvik report (without confirming its validity) the WPA’s consultants BPP Consulting have recalculated the likely tonnage of residual waste requiring management under different scenarios of recycling (low – 247,000t, central – 326,000t and high – 438,000t). This strongly suggests that all other things being equal, were the Rivenhall CHP to be built it would either require the import of waste into the Plan area over and above that require to assure net self-sufficiency, or diversion of WLP area waste from management further up the Waste Hierarchy, in contravention of the WLP objectives and obligation in law. It is therefore considered this additional information does not support the need for the CHP component of the IWMF.

It is acknowledged that the CHP component of the IWMF would more than fully satisfy the shortfall identified in Policy 1 of the WLP for “further management of non-hazardous residual waste” arising from processing of LACW waste through

the Tovi MBT plant. In addition the AD component of the IWMF would contribute towards the shortfall in biological treatment for non-hazardous organic waste predicted in the 2015 Capacity Gap report and provided for in Policy 1. However, the *Non-Hazardous Waste Capacity Gap Update 2018*, the capacity assessment element of which has been updated to make it more robust in light of the criticisms made by the applicant's consultant SLR, still indicates that there is more than adequate recovery and recycling capacity overall. While a surfeit of MRF capacity may be supported due to its potential to move waste up the hierarchy, the CHP plant capacity, given it sits further down the Waste Hierarchy is not considered to be fully in compliance with the need to move waste up the Waste Hierarchy, which is both a key WLP objective and a legal requirement.

It is acknowledged that the NPPW does highlight that waste management facilities may need to be at a scale such that they are economically viable, as set out below.

“plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant; “

The WPA sought advice as to whether an EfW/CHP plant would be viable at a smaller capacity (see Appendix J). Referring to a study undertaken on behalf of Defra in 2007 based on data analysis undertaken in 2000 it was found that a plant at 200,000tpa would probably be sub-optimal in terms of potential economies to be gained but that a plant of capacity 400,000tpa and above would realise the economies of scale offered by facility scale. While there are a number of facilities at or below 200,000tpa i.e. below sub-optimal but these facilities tend to have been sized to meet contracted LACW arisings within a specific area. However the advice indicates that a merchant facility might be expected to be viable with a throughput of 400,000tpa, assuming all else remains the same, as compared with the 595,000tpa of the CHP capacity the IWMF would provide.

The CHP plant would provide heat, steam and power to the De-Ink Paper pulp Plant, but only half of the power generated by the CHP facility would be used to power the IWMF, the remainder to be exported. This would indicate the CHP plant could be significantly smaller, while still adequately meeting the needs of the IWMF itself with power. Although the revenue from power sales to the grid normally represents an important income stream to a facility developer too.

It should also be remembered that the IWMF would not just deliver CHP capacity, but, if built, would receive waste for recycling and pre-treatment. It is acknowledged that the AD facility would contribute towards meeting the capacity shortfall in biological waste treatment identified in Policy 1 of the WLP, however, the remaining capacity within the MRF, MBT and CHP plant has not been shown to be needed.

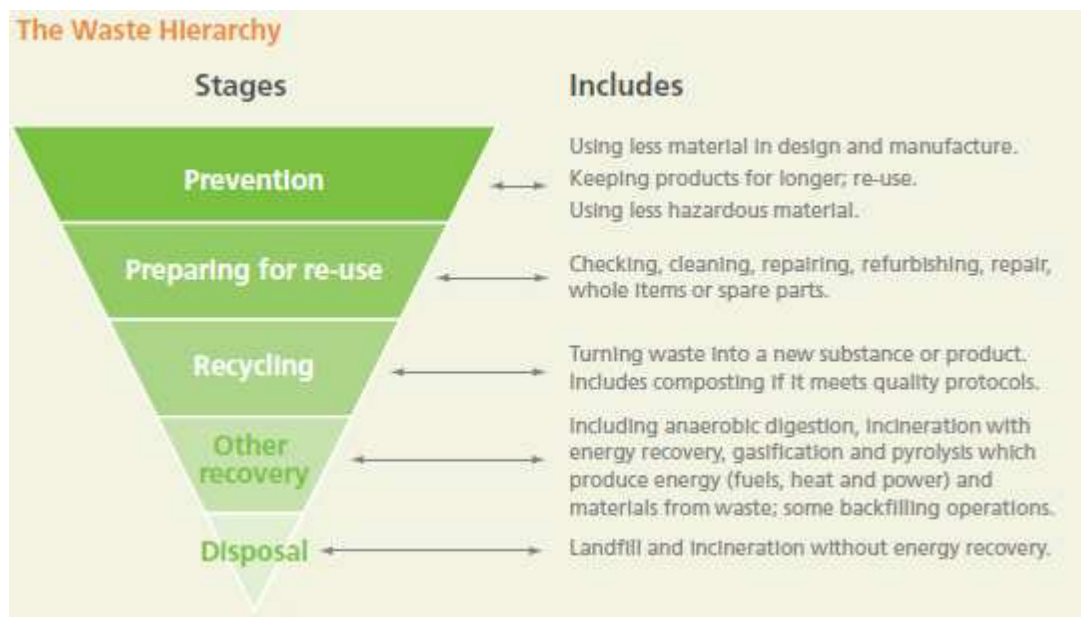
The absence of overall need for the facility is considered to be a material consideration to be given significant weight in the planning balance and its consideration is discussed in more detail below.

CONSISTENCY WITH NATIONAL AND LOCAL WASTE MANAGEMENT OBJECTIVES.

The NPPW was published in 2014 and incorporates the overall objectives of the Waste Management Plan for England 2013 and details policies to achieve those objectives. The NPPW states (emphasis added):

The Waste Management Plan for England sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country's waste ambitions through:

- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy (see below);



Source: DEFRA Guidance on applying the Waste Hierarchy, 2011

- ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;
- providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;
- helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and
- ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.

Those sections underlined above are particularly relevant in consideration of the current applications and are also reflected in the Strategic Objectives of the WLP, as set out below:

Strategic Objective 4 (SO4)

To achieve net self-sufficiency in waste management by 2032, where practicable, with an associated reduction in the amount of waste from London that is disposed of in the Plan area, in line with the London Plan.

Justification for: SO4 – In line with the adopted London Plan 2015, the WLP makes provision for a decreasing amount of waste exports from London (excluding excavation waste). With the exception of the need to take a proportion of London's waste, the WLP only makes provision for sites required to manage the amount of waste arising in the Plan area on a net self-sufficiency basis (where practicable) in conformity with the proximity principle.

And Strategic Objective 6

To support the reduction of greenhouse gas emissions, primarily by moving waste up the hierarchy to minimise the need for landfill and by minimising waste transport and distance by locating new waste facilities in proximity to key growth centres.

Justification for: SO6 – Demonstrates conformity with the NPPW and National Waste Management Plan for England (2013), which recognises that effective waste management reduces potential climatic impacts.

Appendix F presents the glossary of terms used in the body of the WLP. Net self-sufficiency is defined as “A principle resulting in the provision of waste management capacity equivalent to both the amount of waste arising and requiring management in the Plan area, whilst respecting this waste will travel across administrative boundaries...”

The Waste Hierarchy is “The overriding principle governing waste management. This concept suggests that the most effective environmental option is to reduce the amount of waste generated (reduction); where further reduction is not practicable, products and materials can sometimes be used again, either for the same or different purpose (reuse); failing that, value should be recovered from waste (through recycling, composting or energy recovery from waste); only if none of the above offer an appropriate solution should waste be disposed of (e.g. to landfill).”

Since it has been found that provision of proposed 595,000tpa CHP/EfW capacity would be significantly in excess of the Plan area requirement, this would either lead to waste being managed lower down the Waste Hierarchy (EfW instead of recycling) or result in significant importation of waste to the WLP Area above and beyond that needed to meet the aim of planning for net self-sufficiency adopted within the WLP area, the East of England and wider South East of England including London.

It is acknowledged when the previous planning application was considered in 2016 a facility of the proposed capacity and scale was considered justified, based on relevant data at that time. However, circumstances have changed the updated assessment of waste arisings and existing capacity has shown that C & I arisings

are less than previously predicted and existing capacity sufficient such that the IWMF would overprovide for treatment of residual waste.

While the indicative scale of the facility stated in the WLP Appendix B is now not supported by the assessment of waste arisings and exiting capacities, the WLP Strategy remains up to date. Overprovision of CHP/EfW capacity, is likely to give rise to the significant importation of waste from outside Essex and Southend. This consequently means waste would not be managed in accordance with the proximity principle at its point of origin, with waste travelling from further afield than is necessary, increasing waste miles. In addition the predicted shortage of residual pre-treated waste requiring disposal is likely to encourage waste that has not been subject to recovery and recycling processes to be managed at the CHP, such that it would be dealt with lower down the Waste Hierarchy.

In conclusion, based on the assessment presented in the Non-Hazardous Waste Capacity Gap Update 2018 and capacity update presented in the critical review of the applicant consultant's critique of the updated need assessment (Feb 2019), it is considered that it has not been demonstrated that there is a current and future need for all the capacity of the IWMF.

It is considered that the facility would undermine both National (NPPW) and local (WLP) objectives of through prejudicing movement up the waste hierarchy and increase the likelihood of importation of waste from outside the WLP area contrary to the proximity principle and strategic objective of the WLP seeking to achieve net self-sufficiency in waste management whilst driving waste up the waste hierarchy. Since these objectives are fundamental to ensuring sustainable waste management development, undermining these objectives is a material consideration that should be given significant weight in the planning balance.

X THE FALLBACK POSITION

It has been established in law that a Planning Authority must take into account as a material consideration any fallback position established by the applicants and give it such weight as it finds appropriate in the exercise of its planning judgment. In taking account it has also been established that the planning authority must be able to establish that on the balance of probabilities there is a realistic likelihood of the fall-back being implemented should the application be refused.⁵

It is appropriate to consider the strength of the reasonable likelihood of the fall-back being implemented. The granting of the current planning applications, in particular the increase in stack height, would allow the implementation of the development to be possible and accord with the requirements of the EP.

In November 2018 the applicant applied to vary the existing EP to allow a stack of 35m/85m AOD and proposed additional technologies to reduce emissions from the stack to below those currently required by the standards. If an EP were issued this would enable the IWMF to be progressed in accordance with the extant planning permission ESS/34/15/BTE.

⁵ Snowden v. SoSe for the Environment and the City of Bradford MC [1980] QB, recently re-affirmed by the Court of Appeal in Mansell v. Tonbridge and Malling BC [2017] EWCA 1314 (Civ).

The outcome of this EP application is unlikely to be known until May/June 2019 at the earliest.

It is highly unlikely a developer would construct the permitted proposal in the absence of an EP for a shorter stack height, given the exceptional scale of capital outlay required in construction. Without knowing the outcome of the current EP application, it is not clear at this stage whether the facility with a shorter stack could be developed and therefore the fallback position is in doubt.

Accordingly, only limited weight should be given to the ability to construct and operate the IWMF currently permitted (extant permission ESS/34/15/BTE), when considering the applications the subject of this report.

In coming to this conclusion, considering the 'fallback' position, relating to the grant of permission in 2010 (and its section 73 successor permissions) the current applications need to be determined on their own merits in the usual way with only limited weight being given to the extant planning permission as a fallback.

That said, while it is not appropriate to take full account of the extant planning permission as a fallback use of the land, and the applicants has never sought to justify their proposals in that way, it does need to be recognised that in terms of the environmental impact of the IWMF, such as landscape, visual, heritage impact, noise highway and traffic, the impacts of the facility with a 85m AOD stack were on balance found to be acceptable, as considered by the Inspector in 2010 and more recently by the WPA in February 2016.

Y UK NEED FOR ENERGY FROM WASTE

Objectors have commented that there is evidence (by Eunomia⁶) to indicate that the amount of consented EfW capacity in the UK could discourage recycling were it all to come on stream. The Environmental Services Association – the waste operator trade association - commissioned consultancy Tolvik to undertake a review of various studies considering the need for EfW capacity in the UK (Nov 2017). This review included research undertaken by Eunomia cited by objectors as evidencing the lack of need for additional EfW within the UK.

The review considered a number of different reports which looked at both waste forecasts and arisings of residual waste - after recycling - which could feed EfW facilities and compared that against existing and consented capacity as well as RDF exports from the UK. The report identified that with respect to arisings different methods had been used to estimate the amount of waste that might be available to EfW facilities in the UK. The differences in assessments of arisings were mainly attributed to different recycling rates that had been considered likely. In the case of a failure to meet the Waste Framework Directive targets of 50% household waste recycled by 2020 i.e. no increase in recycling, a national capacity shortfall of 13mtpa was predicted. As higher rates of recycling are achieved the shortfall reduces, such that under a high recycling rate scenario the national shortfall is only 0.7mtpa. The capacity gap further reduces when potential future capacity to come on line by 2022 is accounted for. Moreover when the continued export of RDF to energy efficient plant in mainland Europe is also taken into

⁶ <https://www.eunomia.co.uk/reports-tools/residual-waste-infrastructure-review-12th-issue/>

account no shortfall materialises. Overall under a static recycling rate scenario there would be a national shortfall in capacity of 8.5mtpa but under a high recycling rate scenario with targets being met over capacity of 3.8mtpa emerges

It was also noted by the Tolvik review that it was not clear what impact Brexit might have on the continued export of RDF from the UK to mainland Europe, although many suppliers are known to have established supply contracts that extend some years beyond the due date of departure. The recently released National Resource & Waste Strategy states that while Government "*continues to welcome further market investment in residual waste treatment infrastructure.*" it is within a "*long term ambition to maximise the amount of waste sent to recycling instead of incineration and landfill.*" which is reflected in the fact that active consideration is being given to the introduction of a tax on the incineration of waste. Moreover it goes on to caveat this support in the following terms "*We particularly encourage developments that increase plant efficiency, minimise environmental impacts...and progress technologies that produce outputs beyond electricity generation ...*" This is a clear signal to the market that mainstream mass burn EfW with power generation only is not supported and such development faces the spectre of an incineration tax.

Given that the normal pay back life of an EfW plant is c25 years and the evidence base document supporting the Strategy states at page 78:

"According to our internal analysis,...significant additional residual waste energy recovery capacity such as incineration or advanced conversion technologies—above that already operating or planned to 2020 – would not necessarily be needed to meet an ambition of no more than 10% Municipal Solid Waste (MSW) to landfill by 2035, if a 65% MSW recycling rate is achieved by that same year. The analysis assumes refuse derived fuel (RDF) exports remain at current levels. (emphasis added)"

It could be argued that it is a high risk to invest in additional mainstream EfW capacity in the face of an expectation of falling arisings, no certainty that the RDF export market will be adversely affected by Brexit and the possible introduction of an incineration tax. It also places a large onus on the Rivenhall CHP proposal to deliver the heat offtake component. Any prospect of the plant operating without an established heat offtake could now be said to be contrary to national Government policy.

Direct enquiries of Defra reveal that the capacity at the Rivenhall IWMF does not appear on the listing used, meaning that the above conclusion (that there may be sufficient capacity available nationally to meet the landfill diversion target of 10% by 2035 without additional capacity) holds true even without the currently consented capacity at Rivenhall IWMF developed.

Z SCALE OF FACILITY AND STACK HEIGHT

The WLP has identified a need in Policy 1 for additional treatment capacity for "further management of non-hazardous residual waste". The material to be managed is suitable for use in an EfW Facility and the identified site for such a facility is the Rivenhall site.

The WLP process in assessing the suitability of sites considered a number of factors as to the acceptability of sites. In the Rivenhall case it took account of the existing permission, which included a stack at 85m AOD (35m above surrounding ground levels).

The WLP only identifies a need for a facility to manage up to 200,000tpa of further waste management for non-hazardous residual waste. It is appropriate for the WPA to consider what would be the likely height of stack if an EfW Facility to deal with this capacity only were to be proposed.

The WPA commissioned independent advice as to whether a smaller facility of 200,000tpa throughput might operate with a shorter stack. The full advice is provided in Appendix H.

The figure below shows for a number of EfW within the UK the relationship between stack height and capacity. The red line marks the boundary between plants with throughput of 200,000tpa and below/above. The purple dots represent facilities, where like the Rivenhall IWMF, the stack starts below surrounding ground levels. The red dot represents the situation for Rivenhall.

The blue ring represents a plant that had to have an exceptionally tall stack due to its proximity to a Special Area of Conservation and is considered an outlier to the dataset i.e. it is included for comprehensiveness but ought to be disregarded.

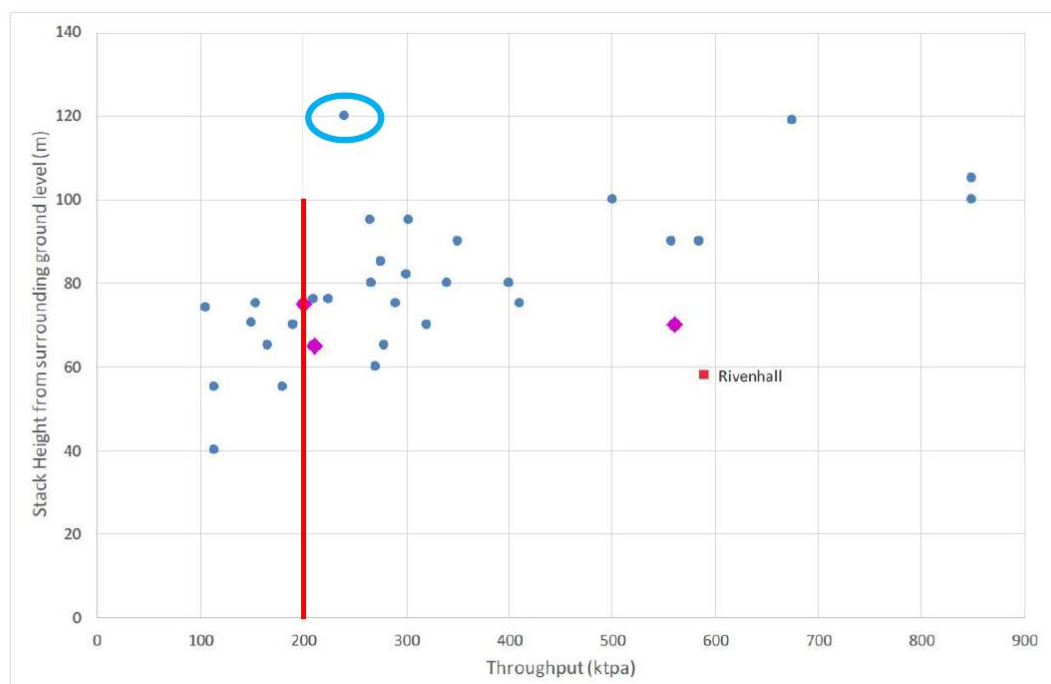


Figure 6 –Stack Height (above surrounding ground level) against Throughput

The particularly low height of the Rivenhall stack is due to the applicant's commitment to have a reduced NOx limit to that normally required.

The advice was that even if this lower NOx level was maintained it was unlikely that a stack of less than 40m above surrounding ground level or 90m AOD would

be acceptable to the EA, and it was “far more likely that that it would need to be greater than 40m but not as great as 58m currently proposed”.

This differs from the view of the applicant, who considers a similar height stack to that currently permitted by the EA (i.e. 58m) would be required for the original proposed 360,000tpa facility as well as the 595,000tpa capacity currently permitted. The applicant has argued this on the basis of the predicted change in calorific value of input material and a change in the thermal capacity of the EfW changed during the course of design stage of the proposed plant. According to WPA’s consultant the analysis prepared by the applicant’s engineering consultant (Fichtner), shows there is a relationship between a facility’s capacity and stack height as shown in Figure 6 above albeit ‘Loose’ one. Given the data of existing facilities elsewhere in the UK it is entirely conceivable “there may exist a set of design and operating parameters for which the EA might consider a reduced stack height to represent BAT...” By way of example ECC’s consultant considers that that a facility with a throughput of 200,000 tpa achieving a NOx emission concentration limit of 150 mg/m³ would likely gain a permit with a stack height of "greater than 40m but not as great as 58m currently proposed Subsequent enquiry indicates that the value may lie within the range 40m-55m. Ultimately adjudication on such matters lie within the gift of the Environment Agency

It is known that considerable objection was raised by representees during the consideration of the EP applications, that the stack was too short and therefore emissions more likely to cause harm to local residents. It is acknowledged that there is a preference from the public that if landscape character and visual impact was not a concern that the stack should be as tall as possible to maximise dispersal of the emissions from the stack.

Based on the independent advice provided it has been indicated that if a smaller EfW facility were proposed, and the operator was to retain the lower NOx emissions limit a stack as tall as that currently required by the EA permit would not be required.]

It has not been demonstrated that there is a need for a CHP/EfW facility with a capacity of 595,000tpa and evidence would indicate that a smaller facility could be both viable without the need for a stack height as high as that currently proposed, potentially a smaller facility could operate with a stack height as currently permitted. However without testing this through Environmental Permit process only limited weight can be given to this material consideration when considering the planning balance.

AA CLIMATE CHANGE

The NPPF (para 148) seeks to secure “*shape places in ways that contribute to radical reductions in greenhouse gas emissions*”. The NPPW (Section 1) recognises the role that driving waste up the Waste Hierarchy has on mitigating and adapting to climate change.

Concern has been expressed by objectors that the IWMF will not contribute to mitigating climate change due the CO² that would be emitted to the local area from the facility and the CO² generated from HGV movements bringing waste to the

facility. Objectors consider that inadequate quantification of the CO² impacts has been undertaken.

Strategic Objectives (SO4 and SO6) of the WLP are to provide for net self-sufficiency i.e. ensuring there is adequate capacity within Essex and Southend to deal with the waste arisings within Essex and Southend, such that waste should not be required to transported unnecessary distances.

Landfill contributes to greenhouse emissions, thus diversion from landfilling contributes to reducing greenhouse gases.

The IWMF would contribute to the shortfalls identified in Policy 1 of the WLP of both “biological treatment for non-hazardous organic waste” and “further management of non-hazardous residual waste” and as such would contribute to net self-sufficiency.

Policy 11 of the WLP seeks to minimise the potential contribution waste management would make to climate change *“by reducing greenhouse gas emissions, incorporating energy and water efficient design measures and being adaptable to future climate conditions”*.

The policy 11 sets out a number of factors that will be considered in the determination of applications.

These include inter-alia:

- *through transportation related to the development to limit greenhouse gas emissions.* The co-location of the MRF and MBT with CHP reduces the need for transport movements between such facilities.
- *through sustainable drainage systems.* The IWMF would capture all site surface water for use in the IWMF, however this would need to be supplemented with river water. Waste water generated by the De-ink paper pulp plant would be treated on site within the waste water treatment facility. This waste treatment facility would use, heat, steam and energy generated by the CHP to help treat the waste water.
- *where proposals are capable of directly producing energy to demonstrate that excess heat can be directed to a commercial or industrial user of heat.* The IWMF would use the heat and steam from the CHP directly in the MDIP and waste water treatment plant and energy generated by the facility would offset energy required to power the IWMF itself.
- *where proposals include AD the gas is either direct to a gas pipeline or stored for use as a fuel.* In the case of the IWMF the gas is being used directly within the CHP to generate electricity.

The Resource and Waste Strategy 2018 supports these principles but goes further as set out below:

England has around 40 EfW plants. Eight operate in Combined Heat and Power (CHP) mode, delivering greater efficiency than solely generating electricity. We want to help the companies that run EfW plants to use the heat produced to improve their efficiency, and to help industry make the right decisions over infrastructure investment.

Work is underway across Government to make the remaining plants more efficient, by assessing and removing barriers to making use of heat produced when incinerating waste. The Department for Business, Energy and Industrial Strategy (BEIS) has a Heat Networks Investment Project, with a £320m capital fund, and we are working to ensure that this project helps to utilise EfW plants as a source of heat for district heat networks where possible. As part of the review of the Waste Management Plan for England in 2019, Defra will work with the Ministry of Housing, Communities and Local Government (MHCLG) to ensure that the Waste Management Plan for England and the National Planning Policy for Waste and its supporting planning practice guidance reflects the policies set out in this Strategy. This will consider how to ensure, where appropriate, future plants are situated near potential heat customers.

In addition, we will work closely with industry to secure a substantial increase in the number of EfW plants that are formally recognised as achieving recovery status, and will ensure that all future EfW plants achieve recovery status.

The IWMF would not utilise all the heat, steam and gas generated by the CHP and AD facility about half would be used to generate electricity to be exported to the National Grid.

The EA in considering the granted EP commented as follow in the decision document with respect to energy recovery *"The Operator has not presented an R1 calculation with this application, nor have we received a separate application for a determination of whether the installation is a recovery or disposal facility. The Operator has obtained accreditation under the Defra Good Quality CHP Scheme. This process does not form part of the matters relevant to our determination, but forms part of financial aspects of the project drawing down funding through Renewable Obligations Credits (ROCs). Gaining accreditation under the scheme is however an indication of achieving a high level of energy recovery"*

Thus it would appear the IWMF is relatively efficient in terms of its energy recovery.

The applicant has suggested that subject to the outcome for the proposals of the West Tey Garden Community, there is potential to pipe the spare heat and steam to supply a district heating system at West Tey. However, the West Tey proposal is at some distance from the IWMF and the inclusion of a district heating system has not been proposed as part of the development. The West Tey proposals are at a very early stage and its development will depend on the outcome of the Local Plan. While it is a possibility there has been no commitment by the developers of West Tey that they would be willing to incorporate a district heating system into their proposals.

The change in height of the stack has not changed adversely the impacts with respect to exacerbating or reducing the effects of climate change and could be said to have improved some of them by reference to the reduced NOx emissions which have been permitted through the current EP. In conclusion therefore refusal could not be justified on these grounds.

BB BALANCE OF PLANNING CONSIDERATIONS

The key overarching purpose of planning system is to deliver sustainable development. The NPPF in particular promotes a presumption in favour of sustainable development.

Para 7. States:

“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

Para 8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPW, the BCS and the WLP incorporate this overarching principle and are all consistent with the NPPF.

Planning law requires all applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The WLP identifies the need for up to 200,000tpa of further waste management of non-hazardous residual waste (Policy 1) and identifies the Rivenhall site as a potential site for a facility that could meet this shortfall (Policy 3). It also identifies the site as a site that could meet some of the need for the shortfall of biological treatment for non-hazardous organic (policies 1 & 3). The current proposals have

to be considered against the entirety of the WLP including its policies and overall objectives which include net self-sufficiency, the proximity principle, pushing waste management up the waste hierarchy and reduce potential adverse effects on human health, amenity and the natural and historic environment.

The applications have been considered against policy 10 *Development Management Criteria* of the WLP. Each of the relevant factors of this policy have been considered, both with respect to the main change to the IWMF facility, the increase in stack height by 23m and the amendments to condition 14 and 18.

This report has also considered the impacts that might arise with respect to health, air quality, noise, ecology and light pollution and concluded that, while there are likely to be some impacts from the increase in stack height they are not either significant or could be adequately controlled through planning conditions or are subject to control through the EP administered by the EA and not give rise to any grounds for refusing the applications.

This report has also considered the impact upon landscape character and visual amenity. It has been concluded that it has not been demonstrated that the increase in stack height would not give rise to unacceptable landscape and visual impact. In addition the additional harm to the setting of Woodhouse Farm Listed Building caused by the increase in stack height is not outweighed by the benefit of the refurbishment of the Woodhouse Farm Listed Buildings. As such the proposals to increase the height of the stack are contrary to Policy 10 and the Waste Local and it is necessary to consider whether there are other material considerations which indicate otherwise.

Other material considerations that have been taken into consideration and discussed in the report are the need for the facility, the “fallback” position, the UK need for Energy from Waste, the scale of the facility and the stack height and climate change.

The need for the facility has been re-assessed in light of up to date study of waste arising and existing waste management capacity in the WLP area. It has been shown a real concern that the excess capacity of the proposal is such that it would be likely to give rise to the management of waste not in accordance with the principle of net-self-sufficiency, proximity principle and management of waste not in accordance with the waste hierarchy. This would be contrary to the overriding objectives of the WLP. This constitutes a notable change in the planning balance that is recommended to justify a reason for refusing the application on its own account.

If the conclusion as to the current extent of the need for the facility is accepted, then the weight to be given to the benefits to flow from the proposal in the public interest, other than those from the restoration of Woodhouse Farm, formerly identified by the appeal decision in 2010 and in the 2016 planning permission granted by the WPA are reduced accordingly.

As a result, it is concluded that the harm to the setting of the Grade II listed building and the lack of a sound assessment of the landscape and visual impacts

arising from the increase in stack height are no longer outweighed by the benefits of the proposals and give rise to separate reasons for refusal set out below.

Application ESS/37/17/BTE sought not only to amend conditions to allow a change in the stack (conditions 2 and 56) height but also to amend conditions 14 and 18. With respect to the changes proposed for these conditions there is no reason to withhold permission. However, as a split decision by the WPA is not best practice, planning permission for these changes is also not granted.

8. RECOMMENDED

That planning permission be refused for ESS/36/17/BTE & ESS/37/17/BTE for the following reasons:

1. The proposed development would cause (less than substantial) harm to the setting of a listed building as the development does not preserve the setting of Woodhouse Farm, a Grade II listed building, contrary to S66 (1) of the Listed Buildings and Conservation Areas Act 1990 and it is considered that there are no material considerations to override the statutory presumption against granting planning permission for the development. The unacceptable adverse impact would be contrary to the NPPF, Policy 10 of the Essex and Southend Waste Local Plan 2017, Braintree Core Strategy (2011) policy CS9 and Braintree District Local Plan Review (2005) policy RLP100
2. It has not been demonstrated that the increase in stack height and the use of the reflective materials would not have an unacceptable impact on the quality and character of the landscape, countryside and visual environment contrary to the NPPF, Policy 10 of the Essex & Southend Waste Local Plan 2017, Braintree Core Strategy (2011) policy CS8 and Braintree District Local Plan Review (2005) policy RLP80.
3. It has not been demonstrated that there is a need for the waste treatment capacity of the IWMF, in Essex and Southend-on-Sea, beyond those shortfalls identified in Policy 1 of the Waste Local Plan and as such would be, likely to give rise to waste not being managed in accordance with the principles of the Waste Hierarchy, of achieving net self-sufficiency for waste management in Essex and Southend-on-Sea and the Proximity Principle, contrary to the NPPW and would undermine the strategic objectives of the Essex and Southend Waste Local Plan 2017.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

The proposed development has been screened as required by Regulation 63 of The Conservation of Habitats and Species Regulations 2017. See Appendix K

It has been concluded that further assessment it 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

In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion, assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework. In this instance, however, it has not been possible to resolve the issues of concern so as to overcome the harm as identified in the reasons for refusal.

LOCAL MEMBER NOTIFICATION

BRAINTREE - Witham Northern
BRAINTREE - Braintree Eastern



Report to the Secretary of State for Communities and Local Government

by M P Hill BSc MSc CEng MICE FGS

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ GTN 1371 8000

Date: 22 December 2009

TOWN AND COUNTRY PLANNING ACT 1990

ESSEX COUNTY COUNCIL

APPLICATION

By

GENT FAIRHEAD & CO. LIMITED

Inquiry held on 29 September 2009

Rivenhall Airfield, Essex C5 9DF.

File Ref(s): APP/Z1585/V/09/2104804

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ACRONYMS AND ABBREVIATIONS USED IN THE TEXT

AD	Anaerobic Digestion
BAT	Best Available Technique
BDC	Braintree District Council
BDLPR	Braintree District Local Plan Review
BPEO	Best Practical Environmental Option
CABE	The Commission on Architecture and the Built Environment
CD	Inquiry Core Documents
CG	Community Group
CHP	Combined Heat and Power
C&I	Commercial and Industrial
CNEEFOE	Colchester and North East Essex Friends of the Earth
CPRE	Campaign to Protect Rural Council
Defra	Department of Environment, Food and Rural Affairs.
DMRB	Dept. of Transport's Design Manual for Roads and Bridges
DP	Development Plan
EA	Environment Agency
EAL	Environmental Assessment Level
ECC	Essex County Council
EEP	East of England Plan (2008) - the Regional Spatial Strategy
EERA	East of England Regional Assembly
EfW	Energy from Waste
EP	Environmental Permit
eRCF	The evolution of the Recycling and Composting Facility – the proposal which is the subject of the present application
ESRSP	Essex & Southend-on-sea Replacement Structure Plan
ES	Environmental Statement
FOE	Friends of the Earth
IPPC	Integrated Pollution Prevention and Control
IWMF	Integrated waste management facility
JMWMS	Joint Municipal Waste Management Strategy
LBCA	Planning (Listed Buildings and Conservation Areas) Act 1990
LCG	Local Councils Group
LVIA	Landscape and Visual Impact Assessment
MBT	Mechanical Biological Treatment
MDIP	Market de-inked paper pulp
MDR	Mixed Dry Recyclables
MOW	Mixed Organic Waste
MRF	Materials Recycling Facility
MSW	Municipal Solid Waste
mtpa	million tonnes per annum
NE	Natural England
OBC	Essex County Council Outline Business Case
P&W	Printing and Writing Paper
PASS	Planning Application Supporting Statement
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RCF	The Recycling and Composting Facility for which planning permission has been granted.
RSS	Regional Spatial Strategy
SoS	Secretary of State for Communities and Local Government
SOCG	Statement of Common Ground

SLA	Special Landscape Area
SPG	Supplementary Planning Guidance
SRF	Solid recovered fuel
SWFOE	Saffron Walden Friends of the Earth
TCPA	Town and Country Planning Act 1990
tpa	Tonnes per annum
WDA	Waste Disposal Authority
WFD	Waste Framework Directive
WID	Waste Incineration Directive
WLP	Essex & Southend-on-sea Waste Local Plan (2001)
WPA	Waste Planning Authority
WRAP	Waste and Resources Action Programme
WSE	Waste Strategy for England
WTS	Waste Transfer Station

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Rivenhall Airfield, Essex CO5 9DF.

- The application was called in for decision by the Secretary of State for Communities and Local Government by a direction, made under section 77 of the Town and Country Planning Act 1990, on 12 May 2009.
- The application was made by Gent Fairhead & Co. Limited to Essex County Council.
- The application Ref: ESS/37/08/BTE is dated 26 August 2008.
- The development proposed is 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 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.
- The reason given for making the direction was that the proposal may conflict with national policies on important matters.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
 - (i) The extent to which the proposed development is in accordance with the development plan for the area, having particular regard to the policies of the Essex & Southend Waste Local Plan 2001, the Braintree District Local Plan Review 2005 and the East of England Plan 2008.
 - (ii) The extent to which the proposal would secure a high quality of design, and its effect on the character of the area, having regard to the advice in paragraphs 33 to 39 of Planning Policy Statement 1: Delivering Sustainable Development.
 - (iii) The extent to which the proposal is consistent with advice in Planning Policy Statement 7: Sustainable Development in Rural Areas which seeks to ensure that the quality and character of the countryside is protected and, where possible, enhanced and to ensure that development proposals are in line with sustainable development principles and, consistent with these principles and taking account of the nature and scale of the development, that development is located in sustainable (accessible) locations.
 - (iv) The extent to which the proposal is consistent with advice in Planning Policy Statement 10: Waste, to provide adequate waste management facilities for the re-use, recovery and disposal of waste and to ensure that decisions take account of the waste hierarchy, the proximity principle and regional self-sufficiency.
 - (v) Whether any planning permission granted for the proposed development should be subject to any conditions and, if so, the form these should take, having regard to the advice in DOE Circular 11/95, and in particular the tests in paragraph 14 of the Annex;
 - (vi) Whether any planning permission granted should be accompanied by any planning obligations under section 106 of the 1990 Act and, if so, whether the proposed terms of such obligations are acceptable;
 - (vii) Any other matters that the Inspector considers relevant.

Summary of Recommendation: Planning permission should be granted subject to conditions.

SECTION 1 - INTRODUCTION AND PREAMBLE

1.1 The application, supported by an Environmental Statement (ES) (Documents CD/2/4 to 2/8), was submitted to Essex County Council (ECC) on 26 August 2008.

ECC confirms that the application was advertised and subject to consultation in accordance with statutory procedures and the Essex Statement of Community Involvement. In response to a request for further information made under regulation 19 of the Environmental Impact Assessment Regulations 1999, the applicants submitted additional information in December 2008 (Document CD/2/10). This information was also advertised and subject to consultation. The application was reported to ECC's Development and Regulation Committee on 24 April 2009, at which it was resolved to grant planning permission, subject to conditions and a legal agreement, and subject to the Secretary of State (SoS) not calling in the application for her own determination. The committee report and subsequent minutes can be found at Documents CD 2/12a, 2/12B and 2/13.

1.2 The application was subsequently called in for determination by the SoS in a letter dated 12 May 2009. The reason given for the direction is that the application may conflict with national policies on important matters.

1.3 No pre-inquiry meeting was held. However, on 19 August 2009, my colleague Andrew Freeman issued a pre-inquiry note to provide guidance on the procedures to be adopted in relation to the inquiry.

1.4 In September 2009 the applicants submitted an Addendum Environmental Statement (Addendum ES) which was intended to provide additional information at the inquiry. The Addendum ES (Document GF/12) provides additional information and amendments on air quality, human health risk assessment, carbon balance and ecology. It includes an air quality impact assessment based on a redesign of the scheme whereby the proposed gas engine stack would be deleted and all emissions re-routed through the CHP stack. The Addendum ES is accompanied by a Revised Non Technical Summary (Document GF/11). These documents were also advertised and subject to consultation, with a requirement that responses be submitted by 14 October 2009.

1.5 At the inquiry, the applicants confirmed that they wished the proposal to be considered on the revised design whereby all emissions would be routed through a single combined heat and power facility (CHP) stack. The revised scheme is set out in the revised set of application drawings at Document GF/13-R1. Bearing in mind the publicity given to this amendment and the opportunity for all parties and individuals to take part in the inquiry, I was satisfied that no-one would be unreasonably disadvantaged or prevented from presenting their views to the inquiry. I therefore accepted that it would be reasonable to consider the proposal on the basis of the revised design, namely with a single chimney stack.

1.6 The applicants submit that the Environmental Information for the proposal comprises the ES dated August 2008, the subsequent Regulation 19 submissions, the Addendum ES and the revised Non Technical Summary dated September 2009. These have been produced in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. I have taken account of the documents comprising the Environmental Information, together with the consultation responses and representations duly made within the advertised timescales in arriving at my recommendation. All other environmental information submitted in connection with the application, including that arising from questioning at the inquiry has also been taken into account.

1.7 The inquiry sat for 10 days between 29 September 2009 and 14 October 2009. I undertook accompanied visits to the appeal site and its surroundings, to local

villages and the local road network on 29 September and 15 October 2009. A number of unaccompanied visits to the area, including the walking of footpaths and inspections of the local road network were made before, during and after the inquiry. On 16 October 2009, I made an accompanied visit to the Frog Island Waste Management Facility operated by Shanks at Rainham in Essex. This facility includes a materials recovery facility (MRF) and a three line mechanical biological treatment (MBT) plant dealing with approximately 200,000 tonnes of waste annually. In order to minimise the impact of odour, the MBT operates under a negative air pressure and utilises bio-filters sited on its roof. The visit was arranged primarily to inspect the operation of the air treatment arrangements. A note on the facility is included at Appendix A of this report.

1.8 A Statement of Common Ground (SOCG) has been prepared between the applicants and ECC. The final version of this SOCG can be found at Document CD/13/4. The document includes draft comments from the Local Councils Group (LCG).

1.9 At the opening of the inquiry, the applicants were advised that any planning obligations under S106 of the Town and Country Planning Act 1990 should be submitted in their final form before the inquiry closed. An unsigned copy of an agreement between the applicants and ECC was submitted in its final form on 14 October 2009. The applicants indicated that a signed executed copy of the agreement would be submitted before the end of October 2009. This was received by the Planning Inspectorate within the timescale and conformed and certified copies of the completed S106 agreement can be found at Document CD/14/5.

1.10 On the final day of the inquiry proceedings (14 October 2009), a submission was received from the Environment Agency (EA) in response to the consultation exercise on the Addendum ES. The main parties and the Rule 6 parties asked for time to consider the contents of this document. Moreover, as the final date for responses to the Addendum ES was 14 October, there was a possibility that further representations could be received later that day. It was therefore agreed that any comments on the EA response and on any other representations on the Addendum ES received by 14 October, should be submitted to the Planning Inspectorate by 1600 hours on 22 October 2009. These responses can be found at Document CD/16. Moreover, any response to such comments was to be submitted within a further 7 days, namely by 1600 hours on 29 October 2009. Those responses can be found at Document CD/17. I indicated that no other representations outside these limits would be considered in my report and that the inquiry would be formally closed in writing on the first working day in November. A letter closing the inquiry was sent to the parties on 2 November 2009.

1.11 In addition to the matters on which the SoS particularly wished to be informed (set out in the summary box above), I indicated at the opening of the inquiry that I considered that the following issues should also be addressed:

- i. the need for a facility of the proposed size;
- ii. the viability of the proposed scheme including the de-inking and paper pulping facility;
- iii. the weight to be given to the fall back position of the Recycling and Composting Facility (RCF) for which planning permission was granted in 2007;

- iv. whether there is a need for the scheme to provide flexibility to accommodate future changes in waste arisings; changes in the way waste is dealt with; and changes that may occur in the pulp paper industry. If so, whether the scheme takes account of such need;
- v. the effect of the scheme on the living conditions of local residents with particular regard to noise and disturbance, air quality, odour, dust, litter, and light pollution;
- vi. the extent of any risk to human health;
- vii. the effect on highway safety and the free flow of traffic on the highway network;
- viii. the impact on the local right of way network;
- ix. the impact on ground and surface waters;
- x. the implications of the associated loss of Grade 3a agricultural land;
- xi. the effect of the proposal on habitats, wildlife and protected species;
- xii. the impact on the setting and features of special architectural or historic interest of listed buildings in the locality; and,
- xiii. the effect on the historic value of the airfield.

1.12 This report includes a brief description of the appeal site and its surroundings and contains the gist of the representations made at the inquiry, my conclusions and recommendation. Lists of appearances and documents are attached.

1.13 A number of terms have been used to describe the development. Throughout the report, I shall refer to the overall development proposal as the evolution of the recycling and composting facility (eRCF), and the proposed buildings, structures and equipment forming the facility as the proposed integrated waste management facility (IWMF)

SECTION 2 - DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The appeal site and its surroundings are described in various documents, including the statement of common ground (SOCG)(Doc. CD/13/4), the ECC Committee Report (Doc. CD/2/12A), and the proofs of evidence of various witnesses. The site is situated in an area of primarily open and generally flat countryside. Beyond the area surrounding the site the landscape is gently undulating countryside and is characterised by large open fields, small blocks of woodland and discrete, attractive villages.

2.2 The site is 25.3 hectares in area and at its northern end comprises a narrow strip of land leading southwards from the A120 Coggeshall Road. This narrow strip would accommodate the proposed access route to the IWMF. The route would utilise the existing junction off the A120 and the majority of the length of private road which currently provides access to the existing quarry workings on land to the north of the intended site of the IWMF. The private access road leads down from the A120 into the attractive wooded valley of the River Blackwater. This part of the application site lies within the Upper Blackwater Special Landscape Area (SLA), as defined in the Braintree District Local Plan Review (LP). The access road then climbs gently before reaching its junction with Church Road, a lightly trafficked rural road linking the settlement of Bradwell with various farms and dwellings to the east. Church Road provides a link to Cuthedge Lane which leads to Coggeshall Hamlet. The existing length of access road between the A120 and the Church Road is two lane, although it narrows to a single lane at the junction.

2.3 After crossing Church Lane, the access road continues southward, through agricultural land, as a single lane route with passing bays until it reaches Ash Lane. Ash Lane is a quiet rural lane edged with trees in the vicinity of the junction. At both the Church Road and Ash Lane crossing points, the access road is single lane with signs indicating that vehicles using the access road must stop at the junction before crossing onto the next section of access road. Steel bollards are sited at the corners of the Ash Lane and Church Road junctions in order to discourage vehicles from attempting to turn onto the public highway from the access road.

2.4 The access road continues southward into sand and gravel workings known as Bradwell Quarry. The proposed access to the IWMF would continue in cutting alongside a length of restored sand and gravel workings to the west of the existing quarry. To the south of the quarry, the application site widens into an irregular shaped plot of land.

2.5 This part of the application site, would accommodate the IWMF. It is situated at the southern end of the former Rivenhall Airfield. At present, it accommodates a former aircraft hanger (known as hangar No 2), and includes concrete hardstandings and runway, agricultural land and semi-mature woodland containing 6 groups of trees and 11 individually preserved trees which are the subject of Tree Preservation Orders (TPOs). Hangar No 2 is presently used for the storage of grain.

2.6 The northwestern corner of this irregular shaped plot accommodates the Grade II listed Woodhouse Farm buildings. This group of buildings are in a run-down and semi derelict condition. The farmhouse has been unoccupied for many years. The tiled roof has deteriorated to such an extent that it has had to be covered in metal cladding for protection, and several of the windows are broken and open to the elements. A structure, made of steel scaffolding, has been erected around the adjacent bakehouse in an attempt to preserve that building. However, it appears that the roof and top portions of the walls of the bakehouse have collapsed. The site is heavily overgrown and vegetation prevents ready access to this structure and an adjacent water pump, which is also listed. The former garden of Woodhouse Farm is overgrown and unkempt. Detailed descriptions of the listed buildings in this group can be found in Appendix 3 of the SOCG (Document CD/13/4).

2.7 To the east of the application site there are agricultural fields identified as being within the control of the applicants. Approximately 400m to the east of the application site boundary and Woodhouse Farm, lies a group of buildings, including the Grade II listed Allshot's Farm. However, views of this group of buildings from the west are dominated by the presence of a scrap vehicle business which operates near Allshot's Farm. Vehicles are piled on top of one another and screen views of Allshot's Farm from the vicinity of Woodhouse Farm.

2.8 Approximately 500m to the south east of the application site, beyond agricultural fields, there is a group of buildings known as the Polish site. These buildings are used by a number of businesses and form a small industrial and commercial estate to which access is gained via a public highway leading from Parkgate Road. Parkgate Road runs in an easterly direction from its junction with Western Road. It is about 1km from the application site and is separated from the site by a number of large open fields and two blocks of woodland, one being an area of mature woodland known as Storey's Wood.

2.9 To the south west of the application site, just over 1 km away, lies the village of Silver End. The village has a substantial Conservation Area and contains a large number of listed buildings, primarily related to the garden village developed in association with the Crittall company. One of the listed buildings is Wolverton which lies at the northeastern edge of the village and overlooks the open fields separating the village from the application site.

2.10 Sheepcotes Lane runs from the northeastern corner of Silver End in a northerly direction. At a bend in the lane, approximately 500m from the settlement, lies Sheepcotes Farm, another Grade II listed building. This farmhouse lies on the eastern side of Sheepcotes Lane and is about 500m west of the application site and 600m from the proposed IWMF. However, the farmhouse lies adjacent to a cluster of structures. On the eastern side of this cluster lies another large hangar associated with the former airfield, known as Hangar No 1. Although apparently not in use at present, this hangar has been used in the past for industrial/commercial purposes. There is also a tall tower of lattice construction, previously associated with the airfield but now used for telecommunications purposes.

2.11 Further along Sheepcotes Lane to the northwest of the main element of the application site lies a group of dwellings which includes a listed building known as Goslings's Farm. This dwelling is about 1km from the site of the proposed IWMF. The group of dwellings is separated from the application site by an area of land which has been previously worked for the extraction of minerals. Much of the land has been restored to agricultural use and includes a bund which is to be landscaped and planted.

2.12 To the north of the application site lies the listed building of Bradwell Hall. This building is sited only about 200 metres from the eastern edge of the existing haul road. However, it is some 1.5 km from the main element of the application site and is well screened from the site by the topography of the ground and existing trees and vegetation.

2.13 Nearer the main element of the application site there are a number of dwellings served by Cuthedge Lane, which runs in an east-west direction approximately 700 metres from the site. Herons Farm and Deeks Cottage lie to the south of Cuthedge Lane and are separated from the application site by open fields and land which is being worked for mineral extraction. At present a bund forming a noise barrier for the mineral workings helps to screen the application site from these dwellings. However, the bund is a temporary structure. Further to the east, on the northern side of Cuthedge Lane lies a farmhouse known as Haywards. This dwelling is about 700 metres from the edge of the application site and has views of the site across the flat open fields and site of the former airfield.

2.14 Long distance views of the application site can be gained from a few locations on high ground to the north of the A120. The existing telecommunications tower near Sheepcotes Farm can be seen from some viewpoints on the A120; from viewpoints on high ground to the north of the A120; from a few locations on the B1024 road linking Coggeshall and Kelvedon which is about 3km to the east of the site; and in views about 1km to the south from Parkgate Road/Western Road, as it leads towards Silver End.

2.15 A number of footpaths cross the site. Three footpaths (Nos FP19, FP57 and FP58), including the Essex Way, are crossed by the existing quarry access road. The proposed extended access road would cross FP35. In addition, FP8 which runs approximately north/south in the vicinity of the site passes alongside the complex of buildings at Woodhouse Farm. Hangar No 2 on the application site is visible from various locations along these footpaths.

SECTION 3 - PLANNING POLICY

3.1 Relevant planning policy is set out in the SOCG.

The Statutory Development Plan

3.2 The statutory development plan comprises the following documents:

- East of England Plan, The Revision to the Regional Spatial Strategy for the East of England, (May 2008) (EEP - Document CD/5/1);
- 'Saved' policies from the Adopted Essex and Southend-on-Sea Replacement Structure Plan 1996-2011 (2001) (ESRSP - Document CD/5/3);
- 'Saved' policies from the Essex and Southend Waste Local Plan (Adopted September 2001) (WLP - Document CD/5/4);
- 'Saved' policies from the Braintree District Local Plan Review (Adopted July 2005) (BDLPR - Document CD/5/5); and
- 'Saved' policies from the Essex Minerals Local Plan First Review 1996 (MLP - Document CD/5/6).

3.3 EEP Policy MW1 indicates that waste management policies should seek to ensure timely and adequate provision of facilities required for the recovery and disposal of the region's waste, whilst amongst other things, minimising the environmental impact of waste management. Policy WM2 sets targets for the recovery of municipal and C&I waste and Policy WM3 indicates that the East of England should plan for a progressive reduction in imported waste, indicating that allowance should only be made for new non-landfill waste facilities dealing primarily with waste from outside the region where there is a clear benefit.

3.4 The application site includes a 6 ha area of land identified as a "preferred location for waste management" (WM1) in Schedule 1 of the WLP. Policy W8A indicates that waste management facilities will be permitted at the locations shown in Schedule 1, subject to various criteria including requirements that there is a need for the facility and it represents the Best Practical Environmental Option (BPEO). The policy indicates that 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 waste which would not otherwise be obtained. Policy W3C indicates that, in the case of facilities with an annual capacity over 50,000 tonnes, measures will be taken to restrict the source of waste to that arising in the plan area, except where it can be shown, amongst other things, that the proposal would achieve benefits that outweigh any harm caused.

3.5 Policy RLP27 of the BDLPR indicates that development for employment uses will be concentrated in towns and villages. RLP78 indicates that the countryside will be protected for its own sake by, amongst other things, restricting new uses to those appropriate to a rural area and the strict control of new building outside existing settlements.

3.6 With the exception of the access road, part of which lies within the designated Upper Blackwater Special Landscape Area, the application site is not the subject of any allocations in the BDLPR. Furthermore, it is not referred to in Braintree District Council Draft Local Development Framework Core Strategy (2008).

3.7 I note that on 20 May 2009, the High Court upheld in part a challenge to the East of England Plan and that Policies H1, LA1, LA2, LA3 and SS7 were remitted to the SoS to the extent identified in the Schedule to the Court Order and directed that those parts of the RSS so remitted be treated as not having been approved or adopted.

National Planning Policy

3.8 The following national planning policy documents are relevant:

- The Planning System: General Principles (Document CD/6/15);
- Planning Policy Statement (PPS) 1 – Delivering Sustainable Development (Document CD/6/1);
- Planning Policy Statement: Planning and Climate Change – Supplement to Planning Policy Statement (PPS) 1 (Document CD/6/2);
- Planning Policy Statement (PPS) 7 – Sustainable Development in Rural Areas (Document CD/6/4);
- Planning Policy Statement (PPS) 9 – Biodiversity and Geological Conservation (Document CD/6/5);
- Planning Policy Statement (PPS) 10 – Planning for Sustainable Waste Management (Document CD/6/6);
- Planning Policy Guidance (PPG) 13 – Transport (Document CD/6/7);
- Planning Policy Guidance (PPG) 15 – Planning and the Historic Environment (Document CD/6/8);
- Planning Policy Guidance (PPG) 16 – Archaeology and Planning (Document CD/6/9);
- Planning Policy Statement (PPS) 22 – Renewable Energy (Document CD/6/10);
- Planning Policy Statement (PPS) 23 – Planning and Pollution Control (Document CD/6/11);
- Planning Policy Guidance (PPG) 24 – Planning and Noise (Document CD/6/12);
- Planning Policy Statement (PPS) 25 – Development and Flood Risk (Document CD/6/13);
- Minerals Policy Statement (MPS) 2 – Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (Document CD/6/14); and
- Consultation on the new Planning Policy Statement (PPS) 15 – Planning for the Historic Environment (Document CD/6/17).

Other Relevant Law and Policy

3.9 The SOCG identifies the following law and policy:

- Consolidated EC Framework Directive on Waste 2006/12/EC (previously the Waste Framework Directive 75/442/EEC (as amended) (Document CD/4/1);
- New EC Framework Directive on Waste 2008/98/EC (Document CD/4/2);
- EC Waste Incineration Directive 2000/76/EC (Document CD/4/3);
- Waste Strategy for England 2007 (May 2007) (Document CD/8/1); and
- Joint Municipal Waste Management Strategy (JMWMS) for Essex (2007 to 2032) (Document CD/8/2).

SECTION 4 - PLANNING HISTORY

4.1 The planning history of the application site and the adjacent Bradwell Quarry site is set out in the Final SOCG between the applicants and ECC (Document 13/4).

4.2 Planning permission for a recycling and composting waste management facility on the site was granted in February 2009 (Ref. ESS/38/06/BTE). That scheme is known as the RCF, although the permission has not yet been implemented. The consent relates to the development of a facility for the recovery of recyclable materials such as paper, card, plastic, metals, and fine sand and gravels from residual municipal waste. It includes a waste treatment centre utilising Anaerobic Digestion (AD) technology and Enclosed Composting for the treatment of residual municipal waste. It is intended to have an approximate eventual input of up to 510,000 tonnes per annum (tpa).

4.3 The consent includes for the redevelopment of Woodhouse Farm, which would be used as an Education Centre with associated car and coach parking for the public. It also includes the prior removal of overburden and other material at the site to lower the plant at least 11 m below existing ground level. This is intended to provide maximum visual impact mitigation and to safeguard the protection of national mineral reserves. The planning application and associated documents can be found at Documents CD/3/1 to CD/3/9

4.4 Planning permission reference ESS/07/08/BTE was granted for the extraction of sand and gravel at Bradwell Quarry, together with processing plant, and access via an improved existing junction on the A120. The permission has been implemented with a completion date of 2021. Application reference ESS/15/08/BTE is for a variation of ESS/07/98/BTE to allow amended restoration levels and the 'New Field Lagoon'. The Council has resolved to grant permission subject to completion of a legal agreement which has not yet been signed. In addition, there are a number of other planning permissions with respect to the processing plant at Bradwell Quarry.

SECTION 5 - THE PROPOSED DEVELOPMENT

5.1 The application site is identical to that of the permitted 510,000 tpa RCF. The latest proposals have evolved from the RCF and are therefore known as the evolution of the Recycling and Compost Facility (eRCF). The site is owned by the applicants.

5.2 The site area of 25.3 ha would be utilised as follows:

- 6 ha (approximately) for the proposed integrated waste management facility (IWMF) including buildings and structures;
- 2.6 ha for the redevelopment of Woodhouse Farm;
- 10.6 ha including the fresh water lagoon and proposed areas of landscaping;
- 5.1 ha for the construction of the extended haul road; and
- 1 ha which is the existing haul road to the quarry to be utilised by the proposals.

5.3 The eRCF would provide an integrated recycling, recovery and waste treatment facility. The proposals include:

1. an AD plant treating Mixed Organic Waste (MOW), which would produce biogas that would be converted to electricity by biogas engine generators;
2. a Materials Recovery Facility (MRF) for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals;
3. a Mechanical Biological Treatment facility (MBT) for the treatment of residual Municipal Solid Wastes (MSW) and/or Commercial and Industrial (C&I) waste to produce a Solid Recovered Fuel (SRF);
4. a De-inking and pulping paper recycling facility to reclaim paper pulp (this is described as Market de-inked paper pulp (MDIP);
5. a Combined Heat and Power (CHP) plant utilising SRF to produce electricity, heat and steam;
6. the extraction of minerals to enable the proposed buildings to be partially sunken below ground level within the resulting void;
7. a Visitor/Education Centre;
8. an extension to the existing access road serving Bradwell Quarry;
9. the provision of offices and vehicle parking;
10. associated engineering works and storage tanks; and
11. landscaping.

5.4 The proposed IWMF would provide treatment for 522,500 tpa of waste of a similar composition to that which would be treated by the RCF. It is intended to treat 250,000 tpa of MSW and/or C&I waste; 100,000 tpa of mixed dry recyclables (MDR) or similar C&I waste; 85,000 tpa of mixed organic waste (MOW) or similar C&I waste; and 87,500 tpa of SRF. In addition it would provide a facility for the recovery and recycling of 331,000 tpa of imported waste paper. The IWMF has therefore been designed to import and recycle or dispose of a total of up to 853,500 tonnes of waste annually.

5.5 A comparison of the permitted RCF scheme and the eRCF application is presented on Table 1 and Figures PI-1 and PI-2 of the SOCG. These tables correct a number of typographical errors that were made in the original ES dated August 2008. The SOCG also provides a description of the various elements of the eRCF scheme.

5.6 The AD plant would treat MOW from kerbside collected kitchen and green waste or similar C&I waste. It would have a treatment capacity of 85,000 tpa. As indicated above the AD process would produce biogas which would be converted to electricity. The residues from the AD process would be a compost-like output. Dependant on the quality of the waste feedstock, the resultant compost could be suitable for agricultural or horticultural uses.

5.7 The MRF would process up to 100,000 tpa of imported MDR and recover paper and residues from the MBT and AD processes. Materials recovered by the MRF would be baled and bulked up for export from the site and further reprocessing or recycling. The MRF would have a total integrated throughput of 287,500 tpa linked to other eRCF processes.

5.8 The MBT facility would treat 250,000 tpa of MSW and/or C&I waste. It would comprise five 'biodrying Halls', each with a capacity of 50,000 tpa. Before entering the MBT, the waste would be shredded to produce a consistent feedstock for the 'biodrying' process. At the end of this aerobic drying process, the weight of the waste in the MBT would be reduced by 25%. The resulting material, known as SRF, would be stabilised, sanitised and would be without noticeable odour. During the biodrying process, air would be extracted from the MBT and routed through the buildings to the CHP unit where it would provide combustion air that would be scrubbed and cleaned before discharge to the atmosphere via the CHP stack.

5.9 The Pulp Paper Facility would be used to treat up to 360,000 tpa of selected waste paper and card. This would comprise 331,000 tpa of imported materials, as well as 29,000 tpa of recovered paper and card from the MRF and MBT. The facility would produce up to 199,500 tpa of recycled pulp which would be transported off-site and used to manufacture materials such as graphics, photocopier or writing paper.

5.10 The CHP plant would treat up to 360,000 tpa of material. Its feedstock would comprise up to: 109,500 tpa of SRF produced by the MBT; 10,000 tpa of residues from the MRF; up to 165,000 tpa of process sludge from the Paper Pulping Facility; and 87,500 tpa of SRF manufactured and imported from elsewhere. The energy produced by the CHP would be converted into electricity, heat and steam. Part of the electricity would be exported from site to the National Grid, whilst the remainder would be used as a source of power for the eRCF processes. 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.

5.11 The eRCF would produce between 36 MW and 43 MW per annum of electricity. This would be generated on the site from the AD process (3 MW per annum) and between 33 MW to 40 MW per annum from the CHP plant. Approximately half the energy would be utilised on the site, enabling approximately 18 MW per annum (14.73 MW from the CHP and 3 MW from the AD) to be exported to the National Grid.

5.12 In order to enable the IWMF's buildings to be partially sunk below ground level, 760,000 m³ of boulder clay, 415,000 m³ of sand and gravel and 314,000 m³ of London clay would be excavated prior to its construction. Where possible, the excavated materials would be utilised in the construction of the IWMF, otherwise it would be exported from the site. Sand and gravel could be processed at the adjacent Bradwell Quarry, subject to a further planning permission related to that site.

5.13 Listed building consent would be applied for to enable the Grade II Listed Woodhouse Farm house and associated buildings to be redeveloped and refurbished for use as a Visitor and Education Centre. This would provide an education facility connected to the operation of the IWMF. It would also provide an area for a local heritage and airfield history displays.

5.14 The existing access road to Bradwell Quarry would be extended approximately 1 km south through the quarry workings to the IWMF. All traffic entering or leaving the IWMF would use the A120 and the existing junction which presently serves Bradwell Quarry. The extension to the existing access road through Bradwell Quarry would be an 8 m wide metalled road located in an existing and extended cutting. The existing crossing points with Church Road and Ash Lane would be improved with additional speed ramps, signalling and signage, but would remain single lane.

5.15 Offices would be provided within the IWMF. A staff and visitors car park would be developed west of Woodhouse Farm. The staff and visitor car park would not be used by HGV traffic.

5.16 The IWMF would comprise 63,583 m² of partially sunken buildings and treatment plant. The MRF, MBT and Paper Pulping Facility would be housed in two arch-roofed buildings adjacent to each other, each measuring 109 m wide x 254 m long and 20.75 m in height to their ridges. Both buildings would have "green" roof coverings capable of sustaining vegetation growth, 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 and a CHP Plant with a chimney stack 7 m in diameter extending 35 m above the site's existing ground level. In addition there would be a turbine hall; an electrical distribution hall; a Flue Gas and Exhaust Air Clean Up Complex; three AD tanks and an AD gasometer.

5.17 The IWMF would be sited below natural ground level. In order to maximise the void space, the sides of the void would be constructed with a retaining wall. The base of the void would be approximately 11 m below ground level, such that the ridge of the arched buildings would be approximately 11 m above natural ground levels, and the tops of the AD and gasometer tanks about 12 m above ground level. Cladding materials to the buildings would be dark in colour. Where the CHP stack extended above the surrounding woodland, (about 20 m above the existing woodland) it would be clad in stainless steel or a similar reflective material. This would help to minimise its visual impact by reflecting and mirroring the surrounding environment.

5.18 The main structures of the IWMF, except the CHP stack, would be no higher above the surrounding ground level than the existing hangar currently on the Site, which is about 12.5 m maximum height. The approximate footprint of the IWMF's buildings and structures is 6 ha and thereby substantially larger than the existing hangar which is only about 0.3 ha. The IWMF would project north of the existing woodland towards the adjacent quarry.

5.19 Approximately 1.7 ha of woodland would be removed, together with two Native English Oak trees and two smaller groups of trees. All these trees are covered by Tree Preservation Orders. A strip of woodland, about 20m to 25m in depth, would remain adjacent to the void created by the extraction of the minerals and overburden. The remaining woodland around the IWMF would be managed to improve both its ability to screen the development and enhance biodiversity. In addition, 19.1 ha of open habitats would be lost, including areas of grassland, arable land and bare ground.

5.20 Mitigation proposals include the planting of approximately 1.2 ha of new species rich grassland. A further 1 ha of managed species rich grassland would also be provided to the east of Woodhouse Farm outside the Planning Application area. In addition, a further 0.6 ha of new species rich grassland would be provided next to Woodhouse Farm. The green roof on the main buildings of the proposed eRCF would be about 5ha in area and allowed to establish into open habitat.

5.21 Planting would be undertaken on shallow mounds which are proposed on the southwest side of the building. The mounds would have a maximum height of 4m and a width of 20 to 25m. A total of about 2km of new hedgerow planting would be established on the northern site boundary and to either side of the extended haul road. Enhanced planting is proposed between the car park and Woodhouse Farm buildings, and a block of woodland planting would be sited on a triangular plot at the northeast side of the site. These areas of new planting (totalling about 2.2 ha), together with management of existing woodland, would enhance screening of the site and its ecological value. In addition to this planting, a 45 m wide belt of trees (approximately 1.2 ha in area) would be established outside the application area.

5.22 External lighting levels would have an average luminance of 5 lux. No external lighting, other than that used on an infrequent and intermittent basis for safety and security purposes, would operate during the night.

5.23 The IWMF would generate up to 404 daily Heavy Goods Vehicle (HGV) movements comprising 202 into and 202 out of the site a day. There may also be approximately 90 Light Goods Vehicle or car movements associated with staff, deliveries and visitors. During the construction phase, the IWMF would generate about 195 HGV movements in and 195 HGV movements out.

5.24 Waste would be delivered in enclosed vehicles or containers. All waste treatment and recycling operations would take place indoors under negative air pressure and within controlled air movement regimes, minimising the potential for nuisance such as odour, 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 need to be issued by the Environment Agency (EA) for operation of the IWMF.

5.25 The 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 on 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 accept and receive clearances from local Household Waste Recycling Centres on Sundays, Bank and Public Holidays. Due to the continuous operational nature of the waste treatment processes, the IWMF would operate on a 24 hour basis but would not involve significant external activity outside the normal operating hours for the receipt of waste.

5.26 During construction of the IWMF, a period of 18 to 24 months, it is proposed that the working hours would be 07:00 to 19:00 seven days a week.

5.27 The IWMF includes a Waste 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 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 Pulp Facility would be treated and cleaned within the Waste Water Treatment facility. It is anticipated that the IWMF would be largely self sufficient in water, by utilising rain/surface water, and would only require limited importation of water. This could be sourced either from New Field Lagoon, which is part of the existing drainage system for the restored mineral working to the north, licensed abstraction points, or obtained from the utility mains.

5.28 The internal waste reception bunkers would provide buffer storage for about 2 days of imported waste to the MBT and approximately 5 days for the AD, Pulp Facility and CHP, to ensure that waste processing and treatment operations could run continuously and that there would be spare capacity in the event of any planned or unforeseen temporary shutdown of the IWMF.

5.29 The IWMF would provide employment for about 50 people.

SECTION 6 - THE CASE FOR THE APPLICANTS

The Environmental Statement and its review by ERM

6.1 The audit of the ES by Environmental Resources Management (ERM) for Braintree DC (Document CD/2/11) found that the ES was generally of good quality with very few omissions or points of clarification required. Moreover, it indicated that there was good provision of information with only minor weaknesses which were not critical to the making of any decision. The ES audit did not simply focus on process and structure. ERM indicated that it had applied its technical expertise to make informed judgements on the robustness of the submitted assessments. Although ERM considered there was an overestimation of the likely 'demand', it indicated that as a technical assessment of particular topics based on the stated application, the Environmental Impact Assessment (EIA) was generally competent and could be considered to comply with the EIA Regulations.

6.2 Braintree DC was advised by ERM that on the majority of the issues (generally other than need and highways) the ES was a competent technical assessment and supported the assessment of the effects as being "not significant". The audit supports the assessment of the great majority of the likely impacts of the proposals. Moreover, since that audit was undertaken further work has been done in producing the Regulation 19 information and the Addendum to the ES.

6.3 The EIA procedures have been complied with. As regards any concern that the Addendum or other additional information has not been properly made available for public consultation and comment, it is noteworthy that the time allowed for comments on the Addendum was the same as for the main ES, which was itself in accordance with the period set out in the Regulations for the ES. Moreover, it is lawful for additional material to be taken into account at the inquiry, since Regulation 19 (2) of the EIA Regulations 1999 allows such material to be consulted upon at

inquiry. (See Sullivan J. in *R. (on the application of Davies) v. Secretary of State* [2008] EWCA 2223 (Admin) at paragraphs. 41-47).

Common ground

6.4 The following matters can be regarded as common ground:

- (i) The matters set out in the SOCG at least as between ECC and the Applicant.
- (ii) The proposals would generate benefits in that they would allow for sustainable waste management and permit a move further up the waste hierarchy. This appears to be accepted whether or not the paper recovery process is termed "industrial".
- (iii) It is now agreed with the Local Councils Group (LCG) that there is an undisputed need for the MBT facility in terms of MSW and C&I and that the capacity gap is at least 326,800 tpa (set against a capacity of the MBT of 250,000 tpa). The capacity gap for C&I facilities therefore well exceeds the capacity of the plant proposed on the Site.
- (iv) The grant of permission for the RCF is a material consideration.
- (v) Documents GF/17 and GF/27 represent agreement between the applicants and LCG regarding the considerable carbon savings which the eRCF represents, both in comparison with the RCF and the base case in Essex without either the eRCF or RCF, but assuming current trends in recycling etc. Such savings take into account an average distance travelled per kg of waste of 100 km. The submission by Saffron Walden Friends of the Earth (SWFOE) that biogenic CO₂ has not been taken into account is correct to a limited extent, but only because IPPC guidance does not require biogenic CO₂ to be included. The SWFOE argument is with current guidance.
- (vi) When considering the implications of the proposals for what might be termed, generically, "countryside issues" under the Development Plan and PPS7, it is appropriate to take into account the following factors -
 - (a) The remaining infrastructure of the former airfield;
 - (b) The sand and gravel workings and its associated infrastructure;
 - (c) The former radar mast now used for telecommunications;
 - (d) The extent to which the proposals may strengthen or enhance tree cover, ecological interest and/or biodiversity; and
 - (e) The extant RCF permission and fallback position.
- (vii) It also now appears to be accepted that there will not be a plume from the stack and it does not appear to be disputed that the modelled emissions show that there should not be material concerns regarding the proposals in air quality and health terms.
- (viii) The appropriateness and acceptability of the ES given the ERM audit (Document CD/2/11).
- (ix) The professional planning witness for the LCG did not consider the proposals objectionable because of the inclusion of incineration of waste through the CHP plant with recovery of energy, and did not consider that

there was any issue arising with regard to compliance with WLP Policy W7G. Nevertheless, this policy is out of date and out of step with modern waste policy given its heavy reliance on BPEO, which is no longer national policy as set out in PPS10. SWFOE acknowledged the error in their initial evidence regarding the strict application of R1 and, as the note on R1¹ (Document GF37) makes clear, if the Waste Directive 2008 applies to the eRCF, the use of the CHP would be regarded as recovery not disposal. Regardless of the strict characterisation of the CHP plant, the fact that it would meet the thermal efficiency requirements of the new Directive demonstrates that it is nonetheless a sustainable proposal.

6.5 SWFOE characterise the CHP as disposal rather than recovery of waste as a matter of EU law, reference being made to paragraphs 2.153-2.158 of the Defra Stage One: Consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC) (July 2009). The relevant extract is attached to Document OP/2. The point, if it is a good one, applies to all if not most CHP plant as the Defra Consultation points out. This does not alter the following important points:

- (i) CHP is currently supported by WSE 2007 and other national/regional policy because of its ability to recover energy whether or not it is technically recovery or disposal in EU terms; and
- (ii) The Waste Directive 2008 seeks to address the categorisation issue as the Defra Consultation explains at paragraphs 2.159-2.181. It is to be noted that Defra's view is that the burning of non-MSW waste streams in a plant designed to burn MSW (as here) would also be recovery under the new provisions (See paragraphs 2.176, 2.177 of the Defra Consultation).

Comparison between the eRCF and the RCF and the fallback position

6.6 The RCF should figure prominently in the determination of the eRCF application for two reasons:

- (i) the grant of planning permission for the RCF (on 26 February 2009) establishes the principle of development of a major waste management facility on the site against the background of current policies. SOCG Table 1 & Figs P1-1 & P1-2 set out a detailed explanation of the revisions and additions to the RCF's waste treatment capacity that have resulted in the eRCF and a detailed comparison of the developments. The waste management capacities of imported waste of similar composition (510,000 tpa & 522,500 tpa) are similar, and therefore the 'need' for this treatment capacity has already been established. The design, layout, scale, dimensions and external finishes of the eRCF, on the same site, are similar to the RCF. The main differences are the addition of the Pulp Facility and CHP plant and stack.
- (ii) The RCF provides a fallback position for the decision on the eRCF because

¹ See the Waste Directive 2008 Annex II "Recovery Operations" which includes as recovery (rather than disposal) "RI use principally as a fuel or other means to generate energy". Although the formula has been applied, in fact it applies to facilities dedicated to MSW only not to C&I or mixed facilities as the footnote reference in Annex II makes clear. However, compliance with the formula makes it clear that to the extent that the CHP were considered to be "dedicated to the processing of municipal solid waste only" it would comply.

the applicants will implement the planning permission for the RCF (Document CD3/1) if planning permission is not granted for the eRCF. The RCF would have impacts which would occur in any event should permission for the eRCF be refused. Since the site benefits from the RCF permission, it is appropriate to consider the proposals for the eRCF not only on their own merits but against that extant permission. As a permission for which there is at least a reasonable prospect of implementation should permission for the eRCF be refused, it is a material consideration and provides a baseline against which the eRCF should be considered. It is therefore unnecessary to re-consider those matters in respect of which no significant change arises.

6.7 The reason for the delay in the issue of the RCF permission was the lengthy delay in the production of the draft S106 and since it was only issued in Feb 2009, it is not surprising given the call-in that it has not been implemented. The suggestion by the LCG that the RCF scheme was indicative and a stalking horse for something else is refuted. Discussions have taken place over several years between the applicants and ECC since the allocation of the site in the WLP. During that process, indicative ideas were put forward.

6.8 The RCF represents appropriate technology as confirmed by ECC and as set out in the JMWMS. The LCG confuses the provision of appropriate technology with the development of different and even better facilities which are represented by the eRCF.

6.9 The RCF permission would not need to be amended before implementation. In contrast, the Basildon permission would have to be amended to meet the requirements of the OBC2009. The applicants have unashamedly been waiting for the ECC contract. In due course they would enter a joint venture with a major waste company. However, it would not be in the commercial interests of the applicants for details of current negotiations to be made available. In addition there are large quantities of C&I waste to be treated and every prospect of implementation of the scheme for C&I waste only.

The eRCF represents a highly sustainable evolution from the RCF, allowing for the disposal of residual waste to move higher up the waste hierarchy and the efficient use of CHP together with the MDIP. This is an important factor supporting the grant of planning permission for the current application. The consultation response from the Commission on Architecture and the Built Environment (CABE) to the RCF application on 25.10.06 (Document GF/2/B/Appx 1) anticipated the evolution of the proposals now found in the eRCF. The CABE response stated "We would encourage the applicant and the local waste authority to bear in mind the likelihood of changing techniques and requirement for dealing with waste in the years ahead, and to envisage how the facility might need to be adapted and/or extended to meet future needs." By integrating the various recovery, recycling and treatment processes, it would be possible to re-use outputs from individual waste treatment processes that would otherwise be wasted and/or require transportation off site. It is consistent with the hierarchical requirements of waste management. The proposal would be environmentally and financially sustainable.

6.10 The additional benefits of the eRCF are considerable:

- (i) The eRCF would accommodate the only proposed CHP facility capable of treating the SRF to be produced by MBT through the MSW contract. It

would produce its own SRF from C&I waste and its own MBT, if it did not obtain the ECC contract. A CHP facility capable of utilising the SRF produced from the county's MSW is excluded from the reference project and proposed procurement for the competition reasons set out in OBC 2009 paragraphs 4.3.11-4.3.14 (Document CD/8/6).

- (ii) The MDIP would provide a unique facility in the UK after 2011 for the treatment and recovery of paper waste to produce high quality paper pulp. It would take forward Defra's policy in WSE 2007 to prioritise the increased recycling and recovery of paper and to take advantage of the carbon benefits it would provide.
- (iii) Given the agreed CO₂ savings set out in Document GF/27, the proposals would meet the strategies in both WSE 2007 and the UK Low Carbon Transition Plan (July 2009) pages 162-3 (Document CD/8/8) in relation to the section dealing with reducing emissions from waste. If the UK is seeking to reduce emissions from waste of around 1 mpta, this site alone would contribute about 7% of that objective.

Need for the eRCF proposals

6.11 There is a demonstrable need in Essex for new facilities to manage both MSW and C&I wastes. Both the RCF and the eRCF would be well-equipped to deal in a modern sustainable manner with MSW and/or C&I whether or not the applicants (with an operator partner) win the MSW contract. Further, there will be no MDIP facility in the UK after 2011 to produce high quality paper pulp. The eRCF MDIP would be capable of not only meeting the Essex and the East of England's needs in terms of recycling/recovery of high quality paper (thus meeting WSE 2007 key objectives) but providing a facility for a wider area in accordance with EEP Policy WM3.

6.12 The EEP sets challenging targets for the recycling, composting and recovery of both MSW and C&I waste in accordance with the WSE 2007. By 2015, 70% of MSW and 75% of C&I waste must be recovered. Essex is expected to manage 3.3mtpa MSW and C&I waste during the period 2010/11 to 2015/16 rising to 3.7mtpa during the period 2015/16 to 2020/21. However, the need case has been assessed on a more conservative basis (2.4mtpa by 2020/21) put forward by the East of England Regional Assembly (EERA) in a report entitled 'Waste Policies for the review of the East of England Plan' dated 29 June 2009 (Document CD/5/2). As indicated in Document GF/33, consultation has commenced on this matter as part of the process of review (Document CD/5/8). There is a small change in the figures contained in the consultation document compared to those set out in June 2009 in terms of predicted MSW arisings. However, C&I predictions remain the same and the changes do not have a material impact on the analysis undertaken by the applicants.

6.13 The potential treatment capacity of the currently permitted facilities in Essex is 1.375 mtpa. There do not appear to be any current plans to bring capacity forward on the WLP preferred sites that are not already the subject of a resolution to grant planning permission. ECC indicate that it is not possible to predict whether other proposals will come forward that would be acceptable. Whatever proposals may be in contemplation by others, they are inherently uncertain. Their delivery and acceptability is uncertain, as is the extent to which they would be able to compete in the forthcoming PFI procurement.

6.14 Even with the application proposals in place, there would be a need for additional facilities, as demonstrated by the shortage of treatment capacity that exists to deal with the arisings that are specified in the regional apportionment set out in the EEP. If the reduced figures in the EERA Report of June 2009 are used, there would still be a shortage of treatment capacity and a need for additional facilities. Notwithstanding this, the figures set out in EEP Policy WM4 are the determinative figures for the purposes of this application.

6.15 The analysis undertaken in Document GF/4/A confirms that either the RCF or eRCF is critical in terms of meeting the county's targets. Even on the conservative basis referred to at paragraph 6.12 above, a serious treatment capacity gap would remain ranging from around 410,000 to 540,000 tpa. This indicates that at least one additional facility would be required regardless of whether the RCF or the eRCF were contracted to treat MSW.

6.16 The 'Updated Capacity and Need Assessment – Final Report' (Document CD/10/4) prepared by ERM for ECC in July 2009 is inaccurate. For example page D11 in Annex D identifies sites which should not be included in the list as they do not contribute to the current capacity to treat C&I waste. Contrary to the claim in paragraph 6.1 of Document LC/1/E that the overall capacities in the 2009 ERM report are as accurate as they can be, it is clear that the document contains errors. Moreover, that report will not form part of the evidence base for the Waste Development Document as stated in paragraph 3.1 of Document LC/1/E. ECC will arrange for a new report to be prepared.

6.17 Without thermal conversion of residual waste, Essex would need to permit at least 1 or 2 new large and high input capacity landfills. Such capacity is unlikely to come forward because of the difficulty of securing planning permission for disposal capacity where insufficient treatment capacity exists further up the waste hierarchy, and because of the effect of landfill tax on the economics of disposal against treatment. Thermal treatment of residual waste, incorporating CHP, as strongly supported by the WSE 2007 and the OBC 2008, increases the level of recovery and considerably reduces long term pressure on landfill needs. The policy-supported need case is further supported by the fact that most currently permitted and operational landfill capacity in the county (excepting the recently permitted Stanway Hall 'Landfill' at Colchester, which is tied to the proposed MBT facility, and the Bellhouse site at Stanway) will be closed by 2015 as indicated in Document GF/24. Additional landfill capacity will therefore be required to meet landfill needs even with all treatment capacity in place.

6.18 It appears that the ERM reports had considered "all void space without restriction". Sites such as Pitsea may well be of limited contribution. The applicants approach is therefore a more realistic analysis of landfill capacity than that adopted in the ERM reports.

6.19 The landfill policy and legal regime (including the forthcoming landfill tax increases) provide a disincentive to the continuing rates of use of landfill. In contrast, there are positive incentives for increased recycling and recovery, including the greater commercial attractiveness of recycling and recovery. This is important, since it makes proposals such as the eRCF critical to achieving and reinforcing the objectives of current policy. It is also relevant to claims about inadequacies of paper feedstock which are dismissive of the ability to divert from landfill a significant

quantity of paper and card which is currently landfilled in the East of England at a rate of about 713,000 tpa (Document CD/10/1 pages iii and 78 – Detailed Assessment of East of England Waste Arisings - Urban Mines Report, March 2009).

Relevance of the Essex Waste Management Partnership PFI OBC July 2009

6.20 The need for the eRCF is unaffected by the fact that it is not the reference project in ECC's OBC 2009. The reference project was amended to a single site not because ECC considered the application site to be unsuitable but because ECC did not have control over it, whereas it did control the Basildon site which now forms the sole reference project site. The reference project does not preclude tendering for the ECC MSW contract based on the Basildon Site and/or an additional site, such as the application site. (Paragraph 4.3.19 Document CD/8/6). ECC confirms that both the RCF and eRCF would provide suitable technologies for the proposed ECC waste contract which is explained in the JMWMS at section 4.6 (Document CD/8/2). The applicants will be taking part in the forthcoming public procurement exercise by ECC, involving the application site, whether with the RCF or the eRCF.

6.21 The application site is acknowledged as part of the "competitive landscape" for PFI procurement and is referred to under that heading in the OBC 2009 at paragraph 4.3.4. The OBC does not include provision for C&I waste which lies outside the WDA's duties, although ECC as WPA is required to take account of the need to provide for facilities for such wastes. The OBC 2009 therefore only makes provision for one part of Essex's waste needs and comprises less than 1/3 of the planned budget for ECC's waste, as indicated in Document GF/24.

6.22 Although objectors to the application proposal have made frequent reference to existing and potential increases in recycling, kerbside collections, composting, the provision of local facilities and the like, it is important to recognise that waste does not treat itself and facilities such as the eRCF are required in order to allow ECC to meet its waste targets and to increase still further recycling, treatment and recovery of waste. The proposals will assist in, and not obstruct, a continued increase in recycling and recovery of waste. The PPS10 advice for communities to take greater responsibility for their waste does not obviate the need to make provision for facilities such as the eRCF for the county generally or to meet ECC's share of London's waste.

Waste arisings

6.23 Whether or not the RCF or eRCF were originally proposed for MSW and/or C&I waste is irrelevant, as the applicants have made clear that both facilities could deal with MSW or C&I or both. The document submitted in support of the RCF application considered C&I waste at some length and made it clear before planning permission was granted that at least some of the waste to be dealt with would be C&I. (RCF Supplementary Report at Document CD/3/6, Section 5).

6.24 The treatment capacity gap for C&I waste is such that even if the applicants do not win the ECC MSW contract, there is a sufficient need for the site to deal solely with C&I waste. The first two tables at Document GF/24 show an overall treatment capacity gap (i.e. need) of between 412,762 and 537,762 tpa even on the basis that there is development of both the Basildon Site and the RCF/eRCF. This need is agreed by EEC. Even on the basis of the ERM Reports (Documents CD/10/3 and

10/4) the deduction of the treatment sites agreed with the LCG witness would give rise to a need/capacity gap of at least 326,800 tpa.

6.25 The relevant figure for determining the appeal is, in fact, the 3.7 mtpa in 2020/21 apportioned to Essex by the EEP Policy WM4. The draft figures in the EERA Report of July 2009 (Document CD/5/2), which forms the basis of the consultation currently under way, and those in the ERM Reports, have not yet been subject to the results of consultation and examination and are at a very early stage of consideration. They therefore carry little if any weight and do not provide a justification for departing from the RSS figures having regard to the clear guidance of the Secretary of State in PPS10 at paragraphs 13 to 15.

6.26 The capacity gap which would remain on the basis that both the Basildon and RCF/eRCF facilities are provided would have to be met by other sites. Only 3 of the WLP allocated sites have come forward despite the Plan being adopted in 2001. The allocations are of more than 10 years' standing if the draft plan is considered. The 3 sites which comprise the application site, the Basildon site and the permitted Stanway site, will not meet all of Essex's waste management needs.

6.27 The proposal put forward by Glendale Power for a 30,000 tpa AD power station and associated CHP system at Halstead (Document CD/15/5/B) is considered at Document GF/40. There has been no planning application for such a proposal and it is at an embryonic stage. It does not affect the conclusions of the overall analysis of the need for waste treatment facilities in Essex.

Alternative approach - the ERM Reports (Documents CD/10/3 and 10/4)

6.28 The EEP EiP Report (Document CD/5/7 Chapter 10) does not discuss the methodology or the details of the ERM assessment and cannot be regarded as an endorsement of any specific methodology. In any event, the RSS being at a higher strategic level is likely to have been based on higher level data and not subject to the sort of detailed local information and scrutiny which will be the case with the Essex and Southend waste plan. Notwithstanding this, the key is in the detail and reliability of the data. The EiP's judgment on the reliability of the data for the RSS says nothing about the reliability of the data in the reports of ERM produced for ECC.

6.29 Those who are familiar with the sites referred to in the ERM Reports, are critical of the lack of practicality or realism in the assessment of existing capacity. It is clear from the examples identified at the inquiry that reasonable care has not been used in drafting the "final" ERM 2009 report. The pet crematoria in the 2007 list of sites (Table 3.2, ERM 2007) were plainly unsuitable for inclusion. The Schedule at page C2 of the 2009 ERM report included permitted sites, whereas it was intended to show sites with a committee resolution to permit subject to legal agreement. Table 3.3 on page 16 of that report did not have figures which properly corresponded to the schedules at pages C1 and C2. The 888,000 tpa figure in that table may be accounted for by Rivenhall plus part of Basildon, but it is unsatisfactory to have to make such assumptions. It should also be noted that the arisings figures used are estimates based on figures derived from Urban Mines which in turn are derived not from East of England figures but a report from the North West.

6.30 In contrast, the applicants' assessment, which gave rise to the waste flow models at Document GF/4/B/4, considered sites in terms of what they are reasonably

capable of doing. For example transfer sites were assessed by their ability to sort materials and send such material direct to market. Moreover, EA data on actual throughputs was utilised.

6.31 Having regard to the guidance at paragraphs 13-15 of PPS10 in relation to plan reviews, the draft figures from EERA and ERM reports carry little or no weight. Moreover, as the standard of the 2009 report is not one which would normally be expected to be provided to a client, it should be given no weight in the consideration of the need case.

Conclusions on general need

6.32 The application site is plainly needed to meet the significant shortfall in Essex's current and future capacity to deal with waste. The proposal is on an allocated site in a preferred location, albeit with a larger footprint, which already has the benefit of an implementable permission for a similar scale and type of development.

The Paper Pulp Facility

6.33 The Pulp Facility (MDIP) is a further waste management facility. It would produce a product that directly replaces virgin fibre pulp in mills producing printing and writing paper (P&W). The applicants envisage concentrating on producing pulp for P&W rather than tissue. The MDIP would utilise the waste heat and steam from the CHP plant, reduce the use of virgin trees, avoid reliance on landfill, and associated methane production, and result in energy and CO₂ savings by virtue of the use of waste rather than virgin paper.

6.34 Around 13.15mtpa of waste paper, card and packaging is available for recovery in the UK. In 2008, 8.8m tonnes was collected or sorted for recycling, of which 4.18m tonnes (45%) was used in UK paper or board mills. The remainder was exported, principally to China (Document GF/24). Very little recovered medium and high grade papers are recycled for P&W because most goes to tissue mills, or is exported, and UK P&W production capacity utilising recovered paper is very low. More could become available if a ready supply of pulp were to be made available. In the UK, there are no pulp facilities comparable to that proposed and only two in Europe as a whole. There are a number of factors (e.g. procurement initiatives and social responsibility programmes) which would drive the market for P&W production utilising recovered paper.

6.35 The proposal would help to avoid sending paper waste overseas, and reduce reliance on virgin wood pulp from abroad.

6.36 With regard to the availability of feedstock, there is an ample supply within a wider area than the East of England. Moreover, there is no rational planning or sustainability/carbon reduction basis for confining 80% of the feedstock to the Region since there are as many locations within London, the South East and East Midland Regions which are as accessible to the application site as many parts of the East of England. Modelling of the carbon benefits of the eRCF was predicated on an average travel distance of 100km per kg of waste. Distance from source is a more logical basis for a planning condition than the boundaries of the Region. Notwithstanding this, no adverse consequences have been identified if the MDIP was not run at capacity.

6.37 There is a considerable resource of potentially available P&W feedstock in the East of England Region which could be targeted given national policy in WSE 2007 and commercial incentives. It is not expected that the facility would deal with waste primarily from outside the region. The following factors are noteworthy when considering feedstock:

i. At present 180,000 tpa of feedstock is provided to the former M-Real plant in Sittingbourne which will cease to operate for high quality grade paper from P&W waste by 2011. That plant is proposed to go over to the production of packaging quality paper as indicated in Document GF/30.

ii. The 2009 Urban Mines Report identified about 713,000 tpa of paper and card currently going into landfill in the East of England (Document CD/10/1 Page 78). Urban Mines noted that, along with other materials, this represents a potential resource for recycling, composting or energy recovery, should the requisite separation and treatment regimes and facilities be in place. Bearing in mind that about 36% of paper and card consumed in the UK is P&W (Document GF/24) it can be assumed that about 257,000 tpa P&W goes to landfill in the East of England. There is therefore potential for further recycling and recovery.

iii. 1,879,174 tpa of paper and card is exported through the East of England out of Felixstowe and Tilbury (Document GF/4/B/20) of which 304,186 tpa is sorted. There seems no good reason why waste which is currently passing through the East of England should not be processed at the application site if competitive terms could be offered.

6.38 The eRCF would be able to receive and process P&W recovered in the East of England Region as its presence would provide collectors with a more financially attractive destination than alternatives further afield. Processing high grade paper in the UK is plainly preferable to shipping it abroad (where the majority is used for newsprint or packaging), or sending it to landfill in the UK. Seeking to recover the waste more sustainably is in accordance with the key initiative to increase paper recycling in WSE 2007 at pages 51 and 55.

6.39 Based on discussions with paper producers and suppliers, and the advice of specialists such as Metso and Pricewaterhouse Coopers (Document GF/4/D/1), it would be possible to produce pulp to an appropriate quality at a competitive price. Document GF/31 indicates that the applicants' potential partners are keen to set up a closed loop recycling process and thereby encourage the return of used paper to their customers. There should be little need to seek feedstock that is currently being delivered to tissue mills.

6.40 There is an overwhelming need for both the proposed MSW and/or C&I waste treatment capacity including the Pulp Facility. The assertion that the proposals are not commercially attractive is unfounded given the strong interest of the commercial market in both the RCF and the eRCF, and the need for the Pulp Facility, which is supported by the World Wildlife Fund (Document GF/4/D/5).

Viability issues and the paper pulp facility

6.41 Objectors submit that they have seen no evidence that the MDIP proposal is financially viable. However, the relevant figures are commercially confidential as the

applicants are currently in negotiations regarding the proposal. In general the planning regime does not require a developer to prove viability. Nevertheless, the information provided at Section 2 of Document GF/4/C and the documents referenced therein should enable the SoS to be satisfied that there is no issue with regard to the viability of the MDIP. The capital cost of the MDIP would be less than a stand alone facility because it would be part of a much larger scheme. Moreover, relatively cheap power would be available from the CHP, thereby enabling the MDIP to operate competitively. There is genuine commercial interest in the eRCF proposals from potential operator partners and key players in the waste industry, as evidenced by the letters produced at Document GF/4/D and GF/26.

6.42 The issue of viability has arisen primarily because of EEP Policy WM3. This acknowledges that specialist waste facilities such as the MDIP, may have a wider than regional input of waste. It indicates that 'Allowance should only be made for new non-landfill waste facilities dealing primarily with waste from outside the region where there is a clear benefit, such as the provision of specialist processing or treatment facilities which would not be viable without a wider catchment and which would enable recovery of more locally arising wastes.' Viability is only an issue if the facility is one "*dealing primarily with waste from outside the region*" it being accepted that there is a clear benefit from the specialist facilities which the MDIP would provide.

6.43 The site would not be dealing *primarily* with waste from outside the catchment (which must mean more than 50%), only a proportion. The restriction in Policy WM3 therefore does not apply, although the recognition of the role of the specialist facility remains relevant.

The relationship between planning and environmental permitting

6.44 The relationship between planning and permitting is clearly set out in PPS23 paragraph 10. Amongst other things this indicates that 'The planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.'

6.45 The acceptability in principle of the proposal must be shown in land use planning terms. It is therefore appropriate to demonstrate that the impacts on the environment, human health and other related matters can be adequately controlled, managed and monitored by the EA, dealing with the technical issues of the process, and that any necessary mitigation and control of pollution can be undertaken through the EP process.

6.46 As noted already, the EA does not consider there to be an issue in principle with the acceptability of the proposed eRCF. The EA's e-mail of 5 October 2009 (Document GF/28) explains why an application for an EP is not practicable at the moment. There is no legal or even policy requirement for the EP to be submitted contemporaneously with the planning application and in a case such as the present where the process is protracted due to call-in and the need to enter into a contract with an operator, it is not surprising that the EP application has not been run in parallel with the planning application.

6.47 However, a significant amount of work has been carried out to assess the likely impacts of the proposals on matters such as air quality and the control of emissions, as can be seen from the component parts of the ES. The EA has been involved in discussions with the applicants throughout the design, modelling and application process. The recent EA letter (Document CD/15/7), to the extent that the EA has properly understood the changes and the Addendum, shows that some additional work would be needed for the EP, though it does not show any objection in principle to the proposals. The EA letter refers to the stack heights of 2 energy from waste (EfW) plants elsewhere. However, the buildings associated with those plants are substantially taller than the proposed eRCF building, and cannot be directly compared with the application proposal. The lower height of the eRCF building would result in a lower stack than would otherwise be necessary.

6.48 Notwithstanding this, the EA has sent a subsequent letter dated 22 October 2009 (CD/16/1), whereby it confirms that it does not object to the proposed eRCF. As a requirement of the Environmental Permit (EP), the applicants would be required to demonstrate that the eRCF would not have a significant impact on local air quality. This could be achieved by means other than increasing the stack height. In fact, dilute and disperse using a taller stack is one of the least preferred methods for controlling the impact of industrial emissions, with preference given to abatement and the reduction of emissions at source. The applicants would need to demonstrate that the predicted impact from the eRCF would not result in a significant increase in pollutant concentrations. Where necessary, additional controls could be used to reduce emissions. This is recognised in the latest letter from the EA which indicates that *'there may be other options available to the applicant to ensure that the best level of protection is afforded to the local environment, such as more stringent emission limits...'*.

6.49 The H1 document referred to by the EA in its letter of 13 October 2009 is a consultation document and the Environmental Assessment Levels (EALs) proposed in that document have not been formally accepted. Nevertheless, should these be formally adopted, the applicants would need to demonstrate to the EA that there would be no significant worsening of air quality with respect to these EALs. With regard to the EALs for some of the trace metals, it has already been demonstrated that assumed trace metal emissions from the CHP plant have been substantially overestimated. The CHP plant could operate at substantially more stringent emission limits, thereby providing an alternative option for reducing the impact of the plant on local air quality.

6.50 The detailed environmental assessment already undertaken has demonstrated that the impact on air quality would be acceptable. The assessment is based on the most reasonable worst case and demonstrates the appropriateness of a 35 m stack height (above existing ground levels) in terms of air quality, human health and landscape and visual impacts. After discussions with the EA (following their letter of 13 October 2009), the applicants remain confident that even if more stringent emissions limits were imposed through the permitting process, a 35 m stack height would be achievable by means of the Best Available Technique (BAT) at that time. Nevertheless, in the unlikely event that the height of the stack is required to increase by 5m (i.e. up to a height of 40 m above existing ground level), visual material has been presented to determine whether such an increase in stack height would be acceptable in landscape and visual impact terms. If planning permission were

granted, the Inspector, the SoS and the general public can be confident that the EA would ensure that any environmental risk would be adequately managed.

6.51 There is no reason to believe that the proposed technical mitigation measures could not be dealt with satisfactorily at the EP stage and thereafter monitored, enforced and reviewed where necessary by the body with the appropriate technical expertise to deal with such issues.

Issue 1: The Development Plan

6.52 Whilst the application falls to be determined in accordance with the Development Plan (DP), unless material considerations indicate otherwise, a breach of one or even several policies does not mean that the proposal considered as a whole is not in accordance with the DP. Moreover, the materiality of the fallback position may render any such breaches of little consequence since they are likely to occur in any event.

6.53 The statutory development plan includes the EEP, WLP and BDLPR. Only the EEP is up-to-date. Key portions of the WLP are not consistent with PPS10. For example, policies in the WLP rely on BPEO, whereas the Companion Guide to PPS10 (document CD/6/6/A) makes it clear at paragraph 8.26 that there is no policy expectation for the application of BPEO, and that requirements should not be placed on applicants that are inconsistent with PPS10. Furthermore, it is not the role of a development control planning inquiry to revisit the figures in the RSS for waste and regional waste apportionments, other than in accordance with the advice at paragraphs 13 to 15 of PPS10. To do otherwise would destroy the certainty which PPS10 requires, and undermine the statutory role of the RSS.

6.54 The need for the proposal has been demonstrated above. In the light of that need, the eRCF would enable delivery of the waste management objectives in EEP Policy WM1 and achievement of the recovery targets in EEP Policy WM2. It would make a major contribution to the meeting of the Landfill Allowance Trading Scheme (LATS) targets and would deliver a solution consistent with the JMWMS. It would minimise the environmental impact of waste management; manage waste as a resource; and help to secure community support and participation in promoting responsible waste behaviour. It would secure the wider environmental and economic benefits of sustainable waste management and assist almost immediately in the meeting of the Government's targets for reducing greenhouse gas emissions.

6.55 The MDIP proposal is consistent with EEP Policy WM3. It would enable the recovery of locally arising wastes together with higher grade waste paper attracted from outside the region because of the absence of similar facilities in the UK.

6.56 The eRCF would assist ECC in managing its apportionment, set out in EEP Policy WM4, in a manner which would be in accord with EEP Policy WM5. The eRCF proposal accords with the objectives of EEP Policy WM5 insofar as it would be developed at the preferred location WM1 identified in Schedule 1 of the WLP. The needs tests in WLP Policies W3C and W8A would also be met.

6.57 Objectors to the eRCF contend that the site does not comply with the DP for two principal reasons. Firstly, the application site extends considerably beyond Preferred Location WM1 and, secondly, the proposal would introduce an industrial

process onto a site part designated for waste management facilities contrary to BDLPR Policies 27 & 78. Other potential conflicts relate to assessments of the impact of the proposals and the mitigation measures, which are dealt with under specific subject headings, below.

WLP Allocation WM1 and the size of the site

6.58 The WLP and the BDLPR, unlike the EEP, are not in all respects up-to-date and do not reflect PPS10. There is reliance on BPEO which was removed from national policy and replaced by the requirements of PPS10. The RCF permission is an indicator that the eRCF should be accepted in planning terms and forms a robust fallback position. The WLP is 9 years old and based on data which is even older. The site allocations were formulated no doubt in the light of a different policy landscape for waste and different figures regarding arisings which had to be dealt with within the plan area.

6.59 The views of the EERA Regional Secretariat on the RCF are set out in a report to the regional planning panel sub committee dated 19 January 2007 (Document CD/3/2). This comments on the difference in scale between the RCF and the allocation in WM1, and states that the difference in the size of the site compared with the allocation is acceptable in strategic terms. Given the scale of the existing need and the benefits of providing the integrated eRCF, the difference in the size of the site required for the eRCF compared with the allocation is equally justified.

Whether the MDIP is a Waste Treatment or Industrial Facility

6.60 The question of whether the MDIP should be classed as an "industrial" facility is a red herring. The focus of BDLPR Policy RLP 27 is on the strategic location of employment generators and traffic, and not whether a use is characterised as "business", "commercial" or "industrial". The BDLPR does not regulate waste development and, in the light of WLP WM1, waste development on the application site would not be a breach of the DP. The eRCF is a waste facility and therefore is not in breach of RLP27. Moreover, the RCF is as much an employment generator and generator of traffic and there is little difference between it and the eRCF.

6.61 The MDIP would be a waste management facility integrated with other such facilities. Its presence would make no difference to the size of the application site, and its claimed non-compliance with Policies RLP27 & RLP78 is, on that basis, irrelevant. Co-location of waste management facilities and other industrial processes accords with PPS10 and EEP Policy WM1 and secures major benefits, including savings in energy consumption and reduction in CO₂ emissions.

6.62 In terms of the WSE 2007 (Document CD/8/1) the recycling of paper waste is as much a priority as other forms of waste management which recycle and recover waste in accordance with national and EU policy. WSE 2007 is more than simply guidance. As it notes on page 6, the waste strategy and its Annexes, together with PPS10, is part of the implementation for England of the requirements within the Framework Directive on Waste, and associated Directives, to produce waste management plans. These are the national level documents of a tiered system of waste planning in England, which together satisfy the requirements of the various Directives.

6.63 Page 13 of the WSE 2007 indicates that key waste materials have been identified where diversion from landfill could realise significant further environmental benefits. It indicates that the Government is taking action on various materials including paper, and that it is establishing with the paper industry an agreement with challenging targets to reduce paper waste and increase paper recycling. At pages 52-53, paper and card are identified as being among the priority waste materials which offer the greatest potential for reduction in greenhouse gases from increased recycling and recovery.

6.64 A district local plan does not deal with waste management facilities. Notwithstanding this, the concerns of the LCG with regard to the MDIP in relation to BDLPR Policies 27 and 78 should apply equally to the treatment of other waste materials at the eRCF, including the production of SRF through the MBT and composting through the AD. All of these processes treat waste materials and end with a recovered product. Under EU waste legislation and policy, waste remains waste until it is recovered (i.e. converted by the recovery process into some beneficial product). Accordingly, while the pulp resulting from the process would be a saleable product, until it has gone through the treatment process and been recovered, it remains waste and the processing through the MDIP is a waste management process.

6.65 The character and use of the proposals as a whole, including paper treatment, is that of a waste management facility. This is wholly consistent with the RSS Policy WM5 and WSE 2007. Permission is not sought for any general industrial facility. A similar sized waste facility, albeit without the MDIP, has been permitted in the form of the RCF. Policy RLP27 is concerned with employment and traffic, and this will arise in any event through the RCF. ECC accepts it is questionable whether the proposals represent a departure from the DP in relation to Policy RLP27, and it was only treated as such by ECC on a precautionary basis.

6.66 With regard to the claimed breaches of policy relating to agricultural land, countryside policies and the like it is relevant to note that PPS7 and PPS10 have to be read together in the light of sustainable waste management strategy. Moreover, the BDLPR does not consider waste management issues and, notwithstanding this, the RCF has very similar impacts. National policies, such as those in PPS7, also require regard to be paid to weighty issues such as sustainable waste development and the need to address climate change. These matters are addressed by the application.

Highways and transportation

6.67 It is reasonable to anticipate that the eRCF would generate no more than 404 daily HGV movements, particularly as there is potential for lorries that deliver material to the site to be used for carrying material from the site (i.e there is potential for back hauling). The operator would have control over deliveries and the despatch of material to and from the proposed plant, and there is no reason to believe it, or the hauliers themselves, would wish to operate on the basis of sub-optimal loads. Data from the inputs for the EA's 'WRATE' Life Cycle Assessment Model are an unsatisfactory substitute for the knowledge of experienced waste hauliers, which was used by the applicants.

6.68 Notwithstanding this, there has been no suggestion that any specified number of HGV movements greater than 404 would have materially different or more serious implications in highways and transportation terms. The dispute about HGV numbers primarily relates to concerns about the capacity of the proposed MDIP.

6.69 Braintree District Council resolved, despite the Highways Agency's position and without the benefit of advice from a highway engineer that it would object to the eRCF on the sole basis, in this context, of the impact of resulting HGV flows on the capacity and safe operation of the A120. However, transport planning policy indicates that facilities such as the eRCF should have good access to roads high up the roads hierarchy, and Trunk Roads should therefore be expected to accept increased traffic flows associated with it. The Highways Agency's decision not to object to the eRCF was founded on current guidance (see Document GF/10/F).

6.70 The application site is the only one of the preferred waste sites listed in the WLP to have the benefit of direct access onto the Trunk Road network. It is accepted that the A120 Trunk Road is busy and some sections operate in excess of their economic design capacity and have reached their practical capacity. However, this occurs at peak times and the road should not be regarded as unable to accommodate additional traffic. Traffic to the eRCF would avoid peak hours where practicable. Most of the traffic attracted to the eRCF would not coincide with the peak hour periods on the A120. Notwithstanding this, the catchment area for the waste arisings suggests that an alternative elsewhere would attract increased traffic flows on the A120 in any event.

6.71 The junction of the extended Bradwell Quarry site access road, which would be used to access the site, and the A120 would operate satisfactorily in the relevant design year (2018). Subject to the imposition of the proposed restriction to 404 HGV movements daily, there would be no material difference between the RCF and eRCF in terms of impacts on the capacity and safe operation of the A120.

6.72 The junctions of the access road with Church Road and Ash Lane will be improved. Both crossings have a good safety record, and the proposed improvements have the potential to further improve their performance.

6.73 Visibility on the Church Road south approach has been identified as the most critical sight line. It is agreed that the standards set out in Manual for Streets is applicable as this is a lightly-trafficked rural road. This document requires a minimum 60m 'y distance', which is achievable. No substantial issue remains in respect of these minor road crossings.

6.74 Objectors have also expressed concern about the possibility of HGVs diverting onto local roads and travelling through local villages. However, as indicated above, HGV deliveries and despatches to and from the site would be under the control of the plant operator and the proposed HGV routing agreement, which would be effective from the opening of the plant, would ensure that rat-running would not occur under normal circumstances.

6.75 In conclusion, it has been shown that the proposal accords with relevant development plan policy in the EEP (Policy T6), the WLP (Policies W4C, W10E & W10G) and the BDLPR (Policies RLP 49, 50, 52, 53, 55 & 75), bearing in mind, so far as the BDLPR is concerned, that the proposed development has specific

characteristics and locational requirements which should be taken into account when assessing compliance with these policies. There is no material difference between the RCF and eRCF in highways and transportation terms.

Landscape and Visual impact

6.76 The landscape character of the application site and its surroundings is derived from its use as a World War II airfield and an existing large quarry. The heritage significance of the airfield is assessed at Document GF/32. Although it is of some local historical significance, much of the airfield and its military buildings have disappeared and consequently it is not considered to be a particularly good surviving example of a World War II military airfield. The quality of the landscape is ordinary; its character as Essex plateau farmland has been degraded, and its sensitivity to change reduced. As the site lies on a high open plateau the perceived visual envelope of the development would extend over a considerable distance. However, there are relatively few residential properties within this envelope. The site does not lie in a designated or nationally protected landscape area, though the existing site access road passes through the Upper Blackwater Special Landscape Area which is subject to the protection afforded by BDLPR Policy RLP79. Isolated woodland blocks assist the application site's visual containment and all trees on site are protected.

6.77 The proposed facility would have few sensitive visual receptors. There are no residential properties in close proximity to the proposal and of the footpaths within the development's visual envelope, only FP8 passes in close proximity to the proposed eRCF building. The principal means of minimising the visual impact of the proposed buildings and integrating them into the landscape would be as follows:

- (i) their construction would be largely below existing ground level;
- (ii) the facility would be no higher than the existing hangar with the building design reminiscent of it;
- (iii) cladding materials would be dark and recessive;
- (iv) the substrate of the green roof would be colonised with mosses and stone crops;
- (v) the retained woodland would be managed to improve its diversity and screening quality, and new woodlands would be created; and,
- (vi) new hedging would be planted along the northern site boundary and sections of the proposed access road.

6.78 Only one property (Deeks Cottage) would experience moderate adverse visual impacts as a result of the proposed facility during construction and the early years of the facility's operation. Over the same period, only 4 other individual properties (The Lodge at Allshot's Farm, Haywards, Heron's Farm and Sheepcotes Farm) and a limited number of properties on the eastern edge of Silver End would experience minor adverse visual impacts. Users of footpath 35/68 to the north of the site would experience moderate adverse visual impact at Year 1 of operation, with other paths in the area assessed as minor adverse impact. These impacts would generally arise as a result of the new building projecting above the confines of the existing woodland screen. The proposed new hedging and woodland would take time to mature, but within 15 years they would adequately screen the proposed facility (other than the upper section of the stack) from nearby visual receptors.

6.79 Objectors have expressed concern about the possibility of dewatering of the existing woodland that would be retained adjacent to the excavation which would accommodate the eRCF. However, clay is the dominant material in the soils beneath the woodland blocks. The woodland growth is separated from the underlying sand and gravel by over 6m depth of boulder clay. The woodland trees are not dependent upon the groundwater locked in any aquifer below ground, but are reliant upon moisture held within the subsoil and top soil that overlies the boulder clay. Any dewatering related effects that occurred in the sand and gravels would not have an impact upon the woodland trees.

6.80 Notwithstanding this, it cannot be entirely discounted that the proximity of the proposed retaining wall to the trees would not have some impact on the water regime which is critical to the trees, particularly during construction. As a precautionary measure, selective coppicing would be undertaken to reduce the water demand of the trees closest to the wall. This would reduce transpiration and make the coppiced trees better adapted to any potential reduction in water supply. Such management would in any case be complementary to the management likely to be prescribed for increasing biodiversity in the woodland habitat, delivered in accordance with the Ecological Management Plan.

6.81 The development of the CHP capacity necessarily involves the provision of a chimney stack. It is acknowledged that this would be a noticeable addition to the landscape, and would be visible over a wide area given the Site's location on a high, flat plateau. However, it would be seen only as a small element of the overall view, although it is accepted that users of FP8 in particular would be conscious of the presence of the stack and associated plant. The impact of the proposed stack would be mitigated by:

- (i) the quality of the landscape in which it would be sited and its reduced sensitivity to change;
- (ii) the lowering of the stack into the ground resulting in height of only 35m above ground level;
- (iii) the cladding of its upper part in stainless steel with a reflective finish to mirror surrounding light and weather conditions, which would help to minimise the perceived scale of the stack and its visual impact;
- (iv) the presence of existing and proposed additional woodland to the south - it would protrude about 20m above the average height of the retained existing trees;
- (v) its remoteness from sensitive receptors; and,
- (vi) the absence of a visible plume.

6.82 Because the eRCF would be located in a light sensitive area, detailed consideration has been paid to minimising the risk of light pollution. Measures that would be taken include the installation of external lighting below surrounding ground level, the direction of light being downwards, and the avoidance of floodlighting during night time operations. Timers and movement sensitive lights would be fitted to the exterior of buildings to provide a safe working environment when required. The plant would only operate internally at night.

6.83 The proposed extension to the existing access road would be constructed in cutting and would run across the base of the restored quarry, therefore lights from vehicles travelling to and from the eRCF within this section would be screened from

view. An independent review of the lighting proposals (Document GF/2/D/2) puts forward a number of recommendations to further minimise the impact of external lighting and concludes that with the incorporation of these amendments the impact of the eRCF on the night sky would be minimal. The Technical Note on Lighting (Document CD/17/1), prepared in response to the objectors representations at Document CD/16/4 indicates that the final lighting design would conform to the requirements of any planning conditions. However, it is intended that:

- luminaires located around the eRCF buildings would be fixed at a maximum height of 8m above the finished surface level of the site;
- there would be no upward light from use of the proposed flat glass luminaires mounted at 0° tilt;
- the weighbridge would be illuminated;
- the lighting installation would be fully compliant with the requirements of the proposed 18.30 to 07.00 curfew;
- there would be no need to provide illumination of the 'high level access road' as maintenance and repairs in and around this area would be provided during normal daytime working hours; and,
- internal lights would either be switched off or screened by window coverings during night time operations.

6.84 The final design of the lighting scheme would incorporate these amendments, subject to conformity with the requirements of planning conditions.

6.85 In conclusion on the overall subject of the impact on the landscape, it is accepted that visual harm is inescapable in the context of the provision of a major waste management facility. However, the issue is one of degree. The degree of harm that would result in this instance is remarkably limited. The low levels of visual impact arising from such a large-scale proposal confirm that this site is ideally suited to the proposed use. It is concluded that the eRCF proposal accords with relevant policies in EEP (Policies ENV2 & ENV5), WLP (Policies W10B, Q10E & W10G) and BDLPR (Policies RLP 36, 65, 78, 79, 80, 81, 86, 87 & 90).

6.86 A postscript arises in the context of landscape and visual impact. Should it be necessary for the stack to rise 40m above ground level, the additional 5m would be imperceptible and have no impact on the appraisal of landscape and visual impact in the ES. The SoS is invited to confirm that he would not regard the addition of 5m to the stack as itself unacceptable.

Ecology

6.87 The baseline surveys revealed a number of species of nature conservation value and habitats of interest on the site, including semi-improved neutral grass land, semi-natural broadleaved woodland, the River Blackwater, ponds inhabited by great crested newts, and a variety of bird species and bats. Development of the eRCF would result in the removal of some of these habitats and disturbance to associated flora and fauna, but significant areas of habitat would remain. Significant mitigation, compensation and enhancement measures are proposed to address the effects of the eRCF.

6.88 The applicants are committed to a range of ecological enhancements that go beyond compensation. These measures include:

- 3.4ha of proposed new woodland;

- 2km of hedgerow planting linking to semi-natural habitats off-site;
- the creation or enhancement of about 7.8ha of open habitat to be managed for nature conservation (2.8ha species-rich neutral grassland and about 5ha of open habitat incorporated into the green roofs); and,
- ponds managed for great crested newts and buildings refurbished to provide specific roosting opportunities for bats.

6.89 The positive management of existing habitats for nature conservation would provide immediate benefits and, as newly-created habitats become established and available for management, the scope exists to contribute significantly towards biodiversity targets set in the EEP. The Ecology Summary Table at Document GF/8/B/1 shows a positive residual impact for three of the key habitat features at the Site, namely woodland, scrub and hedgerow network; open habitats; and ponds, which would support great crested newts. Disturbance to legally-protected species would be minimised or avoided.

6.90 NO_x concentrations as a result of emissions from the eRCF would be very small and the impact on vegetation would be negligible. Predicted concentrations as shown in Document GF/6/D are less than 2% of the critical level for the protection of vegetation.

6.91 The proposed additional woodland planting would take several years to mature; but it is nonetheless apparent that the introduction of active management would result in immediate biodiversity benefits. Cumulatively, the eRCF would result in a positive residual impact, as reflected in the Ecology Summary Table at Document GF/8/B/1. In terms of development plan policy, the eRCF accords with EEP Policy ENV3 and WLP Policy W10E, and accords or does not conflict with BDLPR Policies RLP 78, 80, 81, 82, 83 & 84. There are additional positive benefits to biodiversity as a result of the eRCF compared with the RCF.

Issue 2: Design

6.92 The approach to the design of the eRCF is described in the Planning Application Supporting Statement (PASS) and the Design and Access Statement. A site appraisal was undertaken at the outset, in accordance with BDLPR Policies RLP 90 & 91. It confirmed that the proposed design should reflect and enhance the local distinctiveness of this location in accordance with PPS1, 7 & 10. The design reflects that of the World War II hangars. Dark coloured cladding materials are proposed because they are recessive in the landscape and the building would be viewed against a dark backdrop of existing woodland. Construction of the roof as a green roof would further reduce the building's visual impact.

6.93 Another key concern driving the design has been the minimisation of the extent of visual intrusion. The sinking of the main building into the ground, retaining and supplementing peripheral trees and planting, and the use of a long, low, continuous profile have been employed as means to this end.

6.94 The design principles, location, layout, scale, dimensions and exterior design of the eRCF are essentially the same as the RCF, with a deliberate intention to minimise the changes between them, other than to enhance the project. CABE commented in a consultation response dated 25 October 2006, albeit in relation to the RCF, that the location was suitable for a waste management facility and that the proposed architectural treatment and sinking of the building and approach road into the ground

raised no concerns (Document GF/2/B/1). CABE was consulted specifically on the eRCF but did not respond, which suggests that CABE has no objection to the latest proposals.

6.95 A comparison of the RCF and the eRCF shows that the only significant change is the addition of the CHP stack. The objectors' focus on this feature supports this conclusion.

6.96 The design aspects of the proposal are appropriate for the location and provide reasonable mitigation for the visual impact which any waste facility of this kind is bound to have. Accordingly the proposals comply with design guidance in PPS1, and the principles set out in 'Designing Waste Facilities' (DWF) (Document CD/8/9), albeit that they inevitably pre-date that document. In particular, the eRCF embraces the design attributes of: functionality in use; build quality; efficiency and sustainability; designing in context; and aesthetic quality. Whilst each waste management process within the eRCF would benefit from its integration with others, there is sufficient capacity in each of the key processes to allow for variation thereby providing flexibility of use. Document GF/38 describes the flexibility of capacity which is inherent in each of the processes. The design of the MRF allows for upgrades in the eRCF's process which would meet potential changes in the type and composition of waste imported to the site. The MBT would have five autonomous process lines. In relation to the MDIP, minor modifications could be made to allow tissue paper pulp to be produced and opportunities exist to introduce a secondary treatment of the sludge arising from the de-inking process to recover a valuable secondary aggregate suitable for re-use within the aggregates market.

Design for climate change

6.97 The Climate Change Supplement to PPS1 requires proposals to make a full and appropriate contribution to climate change. Reducing carbon emissions forms part of Defra's waste strategy (CD/8/1) and part of ECC's JMWMS (Document CD/8/2)

6.98 Detailed computer modelling to assess the overall carbon balance, or global warming potential of the proposal, expressed in kg of CO₂ equivalents has been undertaken using the EA's WRATE Life Cycle Assessment Model. In order to compare results, 3 scenarios have been modelled, namely the baseline case (without either the eRCF or the RCF); inclusion of the RCF; and inclusion of the eRCF. The assessment indicates that the eRCF proposals would result in a significant reduction in emissions of CO₂. Following discussions with an expert on WRATE from ERM, the carbon benefits of the proposals are agreed and set out in Document GF/27. This indicates that the total savings of CO₂ by 2020 would be in excess of 70,000 tpa. This compares favourably with the 37,000 tpa savings from the RCF and even more favourably with the baseline scenario. The baseline scenario is identified as saving 4,117 tpa of CO₂ in 2020 partly on the basis of active waste recycling programmes already in place in Essex. However, the baseline savings are only 6% of the savings which the eRCF would produce. The eRCF scenario has a considerably greater environmental performance than the other scenarios modelled.

6.99 It has been suggested that decoupling the CHP, the MDIP and the RCF would have advantages. However, this fails to recognise that the eRCF power supply to run the entire plant is self generated at a lower carbon emission rate than electricity drawn from the National Grid. Decoupling the CHP from the rest of the scheme

would require 25MW of electricity from the National Grid, (with a higher carbon footprint), to power the waste management processes. Moreover the heat output from the CHP would be substantial.

6.100 The UK Renewable Energy Strategy (Document CD/8/4) sets out the Government's target to produce 15% of our energy from renewables by 2020 and identifies the planning system as central to its achievement. PPS22 makes clear that energy from waste is considered a source of renewable energy provided it is not the mass burn incineration of domestic waste. Document GF/37 addresses the concern of FOE that the recovery of energy through the CHP may not meet the formula for R1 recovery operations set out in Annex II of Waste Directive 2008/98/EC (Document CD/4/2), which does not come into force until late 2010. An R1 recovery operation is where the waste is used principally as a fuel or other means to generate energy. The R1 category includes incineration facilities dedicated to the processing of MSW which have an energy efficiency equal to or above a figure of 0.65 for installations permitted after 31 December 2008. The energy efficiency figure is calculated from a formula set out in the Appendix to the Directive. The formula gives a figure of 0.7732 for the CHP to be provided at the eRCF, which easily meets the requirement for classification as recovery.

6.101 The use of SRF in the proposed CHP plant, whether from the Basildon proposals or the application site itself, and the export of electricity to the National Grid would therefore contribute to meeting the Government's target. This contribution is increased significantly by the proposed co-location of the MDIP and its proposed consumption of heat from the CHP plant. Granting planning permission for the eRCF is therefore in accordance with PPS22 and the UK Renewable Energy Strategy, as well as the WSE 2007.

Issue 3: Whether the proposal is consistent with the advice in PPS7

6.102 Amongst other things, the eRCF proposal involves the loss of 1.77ha of woodland and its replacement with 3.4ha of new woodland planting, including 1.2ha outside the application site. The design seeks to minimise visual impact and reinforce local distinctiveness, and to ensure that changes from RCF (in particular, the CHP stack) do not result in material visual harm. The eRCF proposal accords with the requirements of PPS7 to protect or enhance the character of the countryside.

6.103 The objective of siting development at a location where it can be accessed in a sustainable manner, and in particular by alternative modes of transport, should be addressed pragmatically. The proposed eRCF is not, by its nature, a development which would normally be expected in or on the edge of a town or other service centre. Moreover, there is an allocation for waste management development at this location. The key issue concerns HGV movements, rather than trips by employees or members of the public.

6.104 The impact of the proposal on the best and most versatile agricultural land must be balanced against other sustainability considerations. Soils stripped from agricultural areas would be re-used sustainably. Whilst the eRCF would result in the loss of almost 12ha of Grade 3a agricultural land, there would be a similar loss if the RCF were constructed. This loss of Grade 3a agricultural land represents 0.3% of the Bradwell Hall Estate holding. The permanent severance resulting from the extended access road would also occur in the RCF scheme. Woodhouse Farm is unoccupied,

and could not form a 'commercial unit of agriculture' under the present agricultural cropping regime.

Issue 4: PPS10

6.105 The eRCF is consistent with the key planning objectives set out in PPS10. It would help to deliver sustainable development by driving waste management up the waste hierarchy and addressing waste as a resource. It would reduce the need for disposal by landfill and would recycle waste into marketable products. Moreover, it would have benefits in terms of climate change. It would also contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community and assist in the implementation of ECC's strategy to provide a framework within which the community takes more responsibility for its own waste. The eRCF would contribute to the implementation of the national waste strategy.

6.106 A number of misconceptions have been presented in the objections to the proposal. These should be rejected. It is suggested that PPS10 can be substituted in the WLP policies for BPEO. This is incorrect. If specific plan policies are out of date, then those policies (e.g. W7G) should be given little weight and the policies in PPS10 should be applied.

6.107 The concept of community engagement and self-sufficiency does not require that facilities should be directed solely to the local community, or even the district. In many cases, waste management needs to be carried out on a county wide basis. The eRCF would allow Essex to increase its provision of sustainable waste management and provide greater means to secure increases in recycling and recovery and reduce carbon emissions. It is true, as the FOE points out, that a continued increase on minimisation, recycling and composting will improve the UK's position in climate change terms and in the reuse of beneficial material, but the eRCF proposals are part of the means by which improvements in sustainable waste management could be realistically achieved. Development control inquiries are not the means to achieve policy change, as the FOE appears to think.

6.108 Moreover, although the community should be engaged by the process, and their concerns taken into account, it does not mean that there must be unanimous community support. As in the present case, concerns of the community have been met so far as possible in terms of mitigation measures. The community's needs for waste management would in part be addressed by the eRCF.

6.109 The S106 provisions would create a process for community liaison with regard to the operation of the eRCF. The applicants have agreed to supply emissions monitoring information through the liaison committee.

Air Quality

6.110 Objectors have incorrectly claimed that air quality impacts would not be assessed until the EP application is made. There has been a considerable degree of technical assessment of the air quality and health impacts of the proposal.

6.111 PPS 10 indicates that modern, appropriately-located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. Insofar as PPS10

advises that planning authorities should draw from Government Advice and research, the Health Protections Agency's recent publication of "*The Impact on Health of Emissions to Air from Municipal Waste Incinerators*" (September 2009) provides further reassurance (Document GF/9/D). That document indicates that "Modern, well managed incinerators make only a small contribution to local concentrations of air pollutants. It is possible that such small additions could have an impact on health but such effects, if they exist, are likely to be small and not detectable." The human health modelling presented in Chapter 3 of the Addendum ES (Document GF/12) confirms that the risks to human health from the proposed eRCF are negligible since the predicted daily exposure for all contaminants of potential concern is less than the relevant toxicological benchmark.

6.112 A comprehensive assessment of emissions to air from the proposed eRCF has been undertaken and described in Documents GF/6, Chapter 11 of the ES and the Regulation 19 Submission. Dispersion modelling has been used to predict airborne ground level concentrations. With a stack height of 35m, the predicted pollutant concentrations would be substantially below the relevant air quality objectives and limit values, except for arsenic. However, the assumed emissions of arsenic were substantially overestimated. In the model analysis, metal emissions were specified in three groups. Group 3 consisted of nine metals, one of which was arsenic. It was assumed for the purposes of the model that each individual metal would be emitted at the emission limit for the group as a whole. This was an extreme worst case assumption, and clearly implausible, as it could result in an emission nine times the emission limit for the Group 3 metals. Using this overestimate, in conjunction with a particularly stringent air quality limit value for arsenic due to be implemented in 2012, resulted in an exceedance of the annual mean limit. However, given the unrealistic overestimate of arsenic emissions, it would be more appropriate to specifically limit the emissions of arsenic, as opposed to increasing the height of the stack which would have limited benefit. Realistic estimates of arsenic emissions based on sampling and analysis of emissions from waste incinerators elsewhere show that arsenic levels would be significantly lower than that assumed in the dispersion modelling assessment.

6.113 Examples of contour plots using a single multi flue stack for various potential pollutants can be found at Document GF/6/B/13 and GF34. The impact of stack emissions from the eRCF would be controlled by the monitoring of stack emissions. This is a requirement of the Waste Incineration Directive (WID). The WID requires continuous monitoring of some emissions such as NO_x, CO, particles, volatile organic compounds, HCl, HF and SO₂. For others which cannot be monitored continuously, periodic monitoring on a twice yearly basis is required. Compared to monitoring at specific receptors, this has the advantage of providing emissions data for a wide area rather than at a few specific locations and ensures that emissions and modelling data relates to the emissions from the plant. It therefore provides a greater degree of certainty about the impact of the plant.

6.114 In the case of the eRCF, the critical stack height for a single stack option is about 25m in terms of the dispersal of emissions. Above 25m, the law of diminishing returns applies. Stack heights depend on a range of many different factors and there is no indicative stack height for facilities in general. The height of a building is often critical in determining the necessary height of an associated stack. A stack height of 35m is adequate to meet air quality standards and should satisfy the EA's requirements.

6.115 No visible plumes are predicted to be emitted from the stack. The plume visibility assessment assumed a moisture content of about 7% for emissions from the gas engine and CHP plant multi flue stack. Information on plume visibility is provided in the ES Addendum at Chapter 2, Appendix2-1 Section 8 (Document GF/12).

6.116 With regard to traffic emissions, the proposed 404 additional HGV movements are the same as that proposed for the RCF. Based on the current Design Manual for Roads and Bridges (DMRB) screening criteria, a detailed air quality assessment is required if there is a change in vehicle movements above a set threshold and there are sensitive receptors within 200m of the road. This is not the case for the eRCF. Nevertheless, in response to concerns about possible changes in the split of traffic on the A120, an assessment of the air quality impacts due to traffic was undertaken using the DMRB methodology (Document GF/34). This demonstrates that there are no air quality concerns with a revised traffic split of 63%/37% in terms of direction travelled. Even with an extreme assumption that all of the development traffic accessed the site from an easterly or westerly direction, predicted traffic related pollutant ground level concentrations would be very small, and it can be concluded that development traffic would not have a significant impact on air quality.

6.117 With regard to the FOE's concerns regarding PM_{2.5} emissions, even if it were assumed that all particles emitted from the eRCF were comprised of the fine fraction (PM_{2.5}) the predicted maximum concentration of such material would be 0.14 µgms/m³ which is significantly less than the target value of 25µgms/m³. The predicted maximum concentrations of such material anywhere within the model domain are well below the target value and are effectively negligible (Document GF/6/D).

6.118 The deposition of pollutants to ground has been calculated to support the Human Health Risk Assessment (HHRA), which can be found in the Addendum ES (Document GF/12). That assessment indicates that the risks to human health are negligible since the predicted daily exposure for all contaminants of potential concern is less than the toxicological benchmark. SWFOE questioned the exclusion of certain pathways from the HHRA. Document GF/9/E indicates that additional modelling was undertaken to include the ingestion of homegrown pork, beef, and milk from homegrown cows. Again, the analysis demonstrated that the risks to human health would be negligible as the predicted daily exposure for all contaminants would be less than the relevant toxicological benchmark.

Noise, vibration, dust and odour

6.119 All waste recovery, recycling and treatment operations would be conducted within environmentally controlled buildings, sited below surrounding ground level. The buildings would be insulated with acoustic cladding to reduce noise. Vehicles would enter and leave the building through high speed action roller shutter doors. The buildings would be operated under negative pressure. The continuous 24 hour operation of the plant would ensure that the holding and storage times of unprocessed waste would be minimised. Bioaerosols and odours would be controlled contained, and managed, as would noise and dust.

6.120 No technical or other evidence has been provided which undermines the assessment of noise and vibration impacts, and the mitigation measures proposed for construction and operational noise, as set out in the ES at Chapter 12, the Addendum ES at Document GF/12, and the Written Representations in respect of Noise Impact Assessment by Daniel Atkinson at Document GF/2/D/1. The reception of waste would be limited to the operating hours of 07.00 to 18.30 on weekdays, and 07.00 to 13:00 on Saturdays, excluding Sundays and Bank Holidays. Processing would take place on a 24 hour, 7 days per week basis, but would be undertaken inside environmentally controlled buildings, partly constructed below surrounding ground level and 1.1km from the nearest settlement.

6.121 The summary in Document GF/2/D/1 indicates that there would be no significant impact from construction noise at neighbouring residential receptors. The three suggested methods of assessment given in BS 5228:2009 Part1: Noise, have been used to assess the impact of constructional noise. These all show that there would be no significant impact from construction noise at neighbouring residential receptors. The predicted construction noise level falls within the range 44 dB(A) to 52 dB(A), and thereby considerably below the threshold of 65db(A) set out for daytime noise construction in the code of practice with regard to the 5 dB(A) change method. Moreover, the assessment of construction noise has been undertaken on a worst case scenario. As the construction would involve excavations, it is highly likely that the change in landform would result in considerably greater attenuation of noise levels at receptors than those predicted. The concerns regarding vehicle reversing alarms and the sounding of vehicle horns could be adequately addressed by management controls, including for example broadband reversing alarms where the perceived impact of tonal reversing alarms does not arise.

6.122 With regard to operational noise, the summary indicates that noise levels would be very low both day and night. The assessment of the operational noise level at all receptor locations for both day and night time periods shows that noise levels of operations would be below the level of 'marginal significance' according to British Standard 4142. The physical noise levels predicted for daytime operations fall within the range of 22 to 34 dB(A), and for night time periods 22 to 30 dB(A). The subjective perception of noise levels in the range 25 to 35 dB(A) may be described as being the equivalent to a quiet bedroom or a still night in the countryside away from traffic. Such levels of noise would not have a material impact on the amenity of local residents.

6.123 With regard to the tranquillity mapping described by the CPRE, the site of the IWMF appears to be near the middle of the scale, suggesting that it is neither tranquil nor not tranquil (Document GF/35). The noise assessment has demonstrated that the current levels of peace and quiet would be maintained and proposals for lighting the new building would minimise light pollution into the night sky.

6.124 The change in noise levels attributable to increased road traffic flows resulting from the eRCF would be imperceptible, being considerably lower than 1 dB(A).

Issues 5 & 6: Conditions and Planning Obligations

6.125 The main contentious issue is the proposed condition requiring 80% of the feedstock for the MDIP to be sourced from the East of England region. It is disputed that this is either necessary or appropriate in terms of planning, policy or climate

change objectives. The MDIP would be the only one of its kind in the UK once Sittingbourne closes in 2011, and, regardless of the policy position in adjoining regions, it is undisputed that no other such facility will be available in the UK.

6.126 The MDIP could help to reduce the export of high grade waste paper; reduce the use of such waste paper for less sustainable paper products, and help avoid the greater use of virgin paper pulp. There is no sustainability or carbon emissions basis for suggesting that waste exports or pulp imports should be preferred to using the MDIP at the Site. In terms of climate change, it is agreed that the MDIP proposals would provide substantial CO₂ savings, based on an average 100km travel distance for the sourcing of waste paper rather than the sourcing area being restricted to the East of England Region. There are a large number of potential locations from which to source waste paper outside the East of England region which are comparable in distance from the application site as many of the settlements within the region. For example, within the East of England approximate distances are Bedford 103km; Norwich 118 km; Peterborough 138 km; Kings Lynn 150km; Hunstanton 171 km. To locations outside the region, approximate distances are Central London 90 km; Ashford 122km; Aylesbury 134km; Guildford 145km; and Northampton 155 km. This underlines the lack of rationale in selecting the region as the focus for the condition.

6.127 The only justification for sourcing waste from the East of England relates to the self-sufficiency argument. However, this is undermined by EEP Policy WM3, bearing in mind the uniqueness of the proposed plant. There is no justification for the proposed 80/20 split. It is unreasonable, and cannot be made reasonable by introducing a relaxation as suggested by ECC. Notwithstanding this, if an 80/20 split were considered to be necessary it would be preferable, more certain and proportionate to impose either a condition that the 80% portion should come from within a fixed distance (say 150km) or that it should be sourced from within the three neighbouring regions, namely the East, the South East and London. The additional ES information provided under Regulation 19 (Document CD/2/10) did not support an 80/20 criterion but stated (at paragraph 19.2.4) that the application was in conformity with EEP Policy WM3.

Issue 7: Other Matters

Listed buildings & the historic environment

6.128 The SoS is required, in the course of deciding whether to grant planning permission for development which affects a Listed Building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Listed Buildings Act 1990, Section 66(1)).

6.129 The application contemplates the refurbishment and re-use of Woodhouse Farm, the Bake House and the Water Pump, all of which are listed. All are in poor condition. Although specific schemes of work have not been advanced at this stage, ECC and the LCG do not dispute that their refurbishment and re-use would enhance their character. That conclusion is not undermined by criticism of the way the building has been allowed to deteriorate without beneficial use.

6.130 The poor state of the buildings is such that any sensible and meaningful repairs would require Listed Building Consent. The buildings require structural

repair. BDC has an opportunity to require repairs to be undertaken, but no proposals have been put forward by any party which would indicate what is possible or necessary to bring the buildings back into a suitable state of repair.

6.131 In relation to the setting of these Listed Buildings, it is noteworthy that WLP Policy W8A contemplates major waste development within their vicinity. WLP Schedule 1, WM1, requires that screening and landscaping of waste management development should have regard to preserving the setting of the listed buildings at Woodhouse Farm. Such measures are employed in the eRCF proposal. The only listed buildings referred to in the Schedule at WM1 are those at Woodhouse Farm. This is a realistic reflection of the potential impacts on Listed Buildings and their setting arising from development of the preferred site. The evidence has confirmed in particular that the proposed eRCF would have no impact on the setting of other Listed Buildings, including Allshot's and Shepcotes Farms, because of the distance between them and the impact upon them of existing development. The proposed eRCF does not affect the setting of Listed Buildings farther afield.

6.132 Objectors do not suggest that there is any material difference between RCF and eRCF in terms of impact on the setting of these Listed Buildings, except for the impact of the stack. The car parking proposed need not harm their setting.

6.133 A degree of consensus emerged during the course of the inquiry concerning the quality and accuracy of the photographic evidence available to assist the decision-maker on this issue: a particular example being that at Document GF/5/B/16. The stack, whilst noticeable above the trees from within the vicinity of Woodhouse Farm, would amount to a modest part of the wider view.

6.134 Albeit limited weight attaches to draft PPS15, there was no dispute that the benefits of the proposed eRCF in terms of low carbon energy production and the extent to which the design has sought to contribute to the distinctive character of the area should weigh positively so far as impacts on listed buildings are concerned. The climate change issues found in draft PPS15 however are required to be considered by the PPS on Planning and Climate Change (Supplement to PPS1).

6.135 In summary, the proposed parking and CHP stack would not have a significant adverse impact on the setting of nearby Listed Buildings and the benefits of restoration would far outweigh the resulting impacts.

6.136 Turning to the setting of the Silver End Conservation Area, it is acknowledged that the edge of the Conservation Area, shown on the drawing at Document G/5/D/10, is well-screened by vegetation and trees. The proposed eRCF would preserve the character and appearance of that small part of the Conservation Area that flanks open countryside to the east.

The historic airfield

6.137 No aspect of the airfield use remains. All that remains are a number of items of infrastructure including some of the hard surfaced areas and some hangers. The airfield facilities themselves are not designated or protected in any way. The note at Document GF/32 indicates, the history of the airfield by B A Stait (1984) states that it has "no special claim to fame". There are no significant issues arising with regard to the heritage significance of the former airfield.

Minerals

6.138 The siting of the eRCF below existing ground level is essential to reduce its visual impact and there is an overriding need to extract the sand and gravel on the site in accordance with Essex Mineral Local Plan First Review Policy MLP4. The eRCF accords with Structure Plan Policy MIN4 because the mineral resource would not be sterilised.

Perception of risk to health

6.139 The Community Group simply highlights its concern on this matter. The potential additional pathways identified by FOE did not undermine the conclusions of the HHRA (Document GF/9/E). There was no challenge to the conclusion that the eRCF would pose negligible risk to human health.

Overall Conclusion

6.140 The proposals are needed now to address a significant current waste management capacity need and to achieve climate change reductions in a manner consistent with current policy. The fact that the proposals would not meet all the needs of Essex in terms of waste capacity does not allow the luxury of time to allow the gradual development of policy, as some such as the FOE would prefer to see. The eRCF would make a strategic contribution to sustainable development.

SECTION 7 - THE CASE FOR ESSEX COUNTY COUNCIL

7.1 The committee report to ECC's Development and Regulation Committee of 24 April 2009 (Document CD2/12A), is a reasoned document which explains the basis of the committee resolution to inform the SoS that the Council was minded to grant planning permission subject to a number of matters. ECC recognised that despite non-compliance with some policy, a whole raft of development plan and national policy guidance was supportive of the proposals. Moreover, when the physical impacts of the proposal were examined, it was judged that they had been minimised, and they would have no materially harmful effects. The officer's report acknowledged that it is necessary to facilitate the delivery of waste management sites in order to meet the demands of local and national planning policy, especially the objective of driving the management of waste up the waste hierarchy. This calls for a flexible approach to be adopted. The resolution to grant planning permission should carry significant weight in the planning balance.

7.2 The response of ECC's built environment department as part of the consultation process on the application on which the Local Councils Group (LCG) relies (Document LCG/8/2 Document JA1/4) was a preliminary response by the built environment department. The final response is one of "no objection", for reasons explained in the officer's report. The process shows careful and conscientious consideration of the proposals from the built environment team.

7.3 The statements of Lord Hanningfield, the Leader of the Council, to the effect that there would be no incinerator in Essex without a referendum are understood to

refer to mass burn incineration, which is not proposed here. In any event, this is not a planning matter. The proposal was and is to be assessed in accordance with planning policy.

Issues raised by the call-in and pre-inquiry note

7.4 ECC's case is set out in Document ECC/2 and the officer's report at Documents CD/12A and 12/B.

Issue (i) – the extent to which the proposal is in accord with the development plan

7.5 The proposal is seen as a departure from the development plan, firstly, because it extends beyond the boundaries of the site allocated for waste management in WLP Policy W8A and Schedule WM1, and secondly, because it is in conflict with countryside policies of the BDLPR, namely Policies RLP27 and 78. ECC considers that the MDIP would be an industrial activity in the countryside. However, these are not significant departures from the development plan.

7.6 A large part of the area where the buildings are proposed is allocated for waste management facilities. The proposed buildings would extend beyond the allocated site, albeit to a limited extent. However, the principle of developing a waste management facility at this location accessed off the A120 is supported by the development plan.

7.7 Moreover, the WLP allocation does not incorporate land for access and does not incorporate Woodhouse Farm. The former is a necessary part of any proposal and the proposals for the latter are clearly beneficial. The proposed lagoon is outside the allocated site area but is also present in the RCF proposal for which planning permission has been granted. The RCF permission establishes the principle of waste facilities extending beyond the allocated site. Seen in this context the departure is not a matter of significant weight. It is notable that the RCF facilities were supported at the strategic level by the regional planning body [Document CD3/2].

7.8 When considering the RCF proposal, it was reasoned that the allocation of 6ha was based on the area required for a typical mass burn incinerator facility, considered at that time to be about 2.5ha. At the time of the public inquiry into the WLP, the technologies of MBT and AD were not as fully developed as today, or the site area required to implement them appreciated. The current proposals seek to drive the treatment of waste further up the waste hierarchy than the RCF proposals by incorporating a CHP plant utilizing residues from the MBT to generate electricity for processing and treatment of waste, and to provide electricity to the National Grid. Although the building would be larger than recommended at the time of the WLP by the Inspector, the possibility of sinking a waste facility into the ground had not been envisaged. The guidance in the WLP on the size of buildings at the Rivenhall site is intended to address the visual impact of any such buildings. The substance of the policy has been met by the proposal to sink the buildings into the site, which would substantially reduce the bulk of the visible structures when viewed from outside the site. The principle of an incinerator and a chimney was not discounted by the Inspector at the WLP inquiry. (CD/9/1A page 109, para 37.19)

7.9 So far as the BDLPR countryside policies are concerned, the proposed MDIP would be located within the building envelope, a large part of which is within the

allocated waste site. It would not of itself add any impact to the proposal which would be different to the impacts that would arise from the 'core' waste facilities. Moreover, the distinction between waste development and industrial development is not clear cut. Waste management development could be seen as a subset of industrial activity, and again, this departure is not viewed as a matter of significant weight.

7.10 ECC's officers and committee did not reach a view as to whether the proposals comply with the development plan overall, as the proposal was considered to be a justifiable departure from certain discrete policies of the development plan. However, the officer's report identifies an extensive degree of policy compliance.

7.11 Need is a matter to be addressed under the development plan. WLP policy W8A indicates that waste management facilities will be permitted at the sites allocated in Schedule 1 subject to a number of criteria being met, including there being a need for the facility to manage waste arising in Essex and Southend. The consideration of need also arises in the guidance of PPS10. It is common ground between the main parties that the question of need should be determined in the context of the RSS figures for Essex's apportionment. This approach is required by PPS10, and reinforced by the June 2009 report of the Regional Planning Body (Document CD5/2). Those figures demonstrate a clear need for the facilities so far as they provide for MSW and/or C&I waste. The proposals comply with the RSS (policies WM1 and WM4) so far as the question of need is concerned. It is also agreed that the assessment of need should not be based upon the emerging revised Regional figures.

7.12 There is a need for the facilities even if the analysis is based upon the more conservative figures set out in the report on waste arisings and existing treatment capacity prepared by ERM in 2007 on behalf of the WPA (Document CD 10/3). Since the capacity analysis in the ERM reports are not reliable, and are likely to be an overestimate, the actual level of need would be greater.

7.13 Although no party supports the use of the consultation figures for waste arisings issued by the regional planning body (Document CD 5/8), both the applicants and ECC agree that even on the basis of these figures, a clear need for the facility exists.

7.14 The JMWMS (Document CD 8/2) is not technically a planning policy, but it interacts with planning policy because it represents the agreed strategy of the waste collection authority and the disposal authority on how the waste needs of Essex are to be met. The JMWMS clearly supports the development of MBT and AD facilities, and facilities to create SRF and to burn it to produce energy. It expressly endorses the proximity principle for the purposes of managing residual waste, which would include SRF. Moreover, it aims "to deliver an innovative and resource efficient waste management system for the county". The JMWMS is therefore supportive of the proposals. There is no proposal for a CHP in the county apart from the eRCF.

7.15 The OBCs 2008 and 2009 are not planning policy but an outline business case for the purposes of obtaining central government funding for the disposal of MSW. The RCF only dropped out of the OBC after 2008 because the county did not control the site, and therefore it could not be used as the reference case for the OBC. In addition, inclusion of a CHP plant in the OBC would exclude competition, because the

only site currently being put forward with a proposal for such a facility is the application site at Rivenhall. The significance of the OBC is that it evidences ECC's need and desire for an operator and site to handle its MSW contract. The RCF and the eRCF would be able to bid for that contract and the additional competition they would introduce would be welcomed by the WDA. It demonstrates that the eRCF could meet the county's need to dispose of its MSW, quite apart from its capacity to meet C&I waste arisings. The facilities contained in the OBC would not be adequate to dispose of all of the county's MSW arisings.

7.16 There is therefore a need for the type of facility proposed in order to achieve the national waste objectives set out in PPS10 paragraphs 1 and 3 and Policy MW1 of the RSS, and to achieve the recycling targets for Essex and the East of England, set out in Policy MW2 of the RSS. The proposed facility would help to deliver these objectives by moving waste up the hierarchy. It would recover recyclables, produce compost and reduce the need for disposal of residual material to landfill by using such material as a fuel for combustion in the CHP plant. It would also use imported solid recovered fuel (SRF) from other permitted waste management facilities in Essex, which might otherwise go to landfill. The scheme would generate electricity and provide a specialized facility for the recovery of recycled paper. In recovering paper pulp, the residues arising from the process would also be used as a fuel in the CHP, removing the need for offsite disposal and the potential for such material to be sent to landfill. The need for specialized waste facilities serving more than the local area is recognized in RSS policy MW3.

7.17 With regard to the need for the MDIP facility, the applicants have been open about the difficulties currently faced in sourcing sorted paper and card of the required quality from within the region. However, the provision of the facility is likely to stimulate greater recovery of paper waste from existing waste. It cannot be argued that there is no need for the MDIP given that it would be the only facility of its kind in the country and the material to feed it undoubtedly exists. RSS policy WM3 supports such specialist facilities and acknowledges that some compromise to the proximity principle may be appropriate in such cases. There is a balance to be struck between self-sufficiency and the proximity principle on the one hand, and the operator's need for commercial security on the other. This underlies ECC's structured approach to a condition relating to paper and card waste from outside the region (See paragraph 7.41 below).

7.18 In summary, most of the policies in the development plan are complied with, and to the extent they are not, the non-compliance is justified. In particular, the evidence demonstrates that there is a need for the facilities, and the application site is an appropriate location to accommodate that need.

Issue (ii): the quality of design and effect on the character of the area (including CD 8/9, Designing Waste Facilities (Defra, 2008)).

7.19 The proposal has been designed to reflect the site's history as an airfield. The 2 arched roof main buildings would reflect the design of a hangar, with green roofs to minimise their visual impact and provide potential habitat to replace some that would be lost as a result of the development. The proposal has been designed aesthetically rather than functionally. It reflects a previous use of the site to which the community attaches some significance and which is regarded as an acceptable and

proud part of its history. CAGE supported the design of the RCF proposal which has much in common with the eRCF.

7.20 Other aspects of good design include:

- (i) The sinking of the plant within the ground to reduce its visual impact. Such an approach would also reduce the visual impact of the access and enable the proposal to employ the minimal use of bunding and screen planting.
- (ii) The positioning and reflective finish of the stack so as to mitigate its visual impact.
- (iii) Minimal use of lighting on and around the plant.
- (iv) Measures to reduce the operational impacts, such as negative pressure within the building.
- (v) Extensive landscape mitigation and additional tree planting.
- (vi) Co-location of the SRF producing facilities with the CHP and MDIP plant.
- (vii) Taking the opportunity to refurbish and re-use the currently run down listed Woodhouse Farm.

7.21 The Defra guidance 'Designing Waste Facilities' (Document CD/8/9) acknowledges that getting waste facilities to "fit in" with the existing fabric is often inappropriate or impossible because of the scale of buildings involved. This should not be read as advising against buildings that do not fit in with their context. Rather, it is an acknowledgement that it would be inappropriate and unrealistic to judge the success of a design by reference to whether it fits in or not. Design of waste facilities need to be judged flexibly, recognising the inevitable limitations which their function places upon their design. The guidance also supports the use of imaginative solutions to minimise the impact of stacks, and advises that careful consideration be given to whether 'hiding' a new building is really appropriate, pointing out that "new buildings should not automatically be seen as a negative".

7.22 The proposal does 'fit in' with its setting. The main buildings and the stack have been thoughtfully designed to respect their context and minimise their impact. The main point of concern of objectors is the stack. It is impossible to hide the stack, but this need not be seen as a negative feature in the landscape. In any event, if it is accepted that there is a need for the eRCF then the stack is inevitable. In this case its impact has been minimised.

7.23 It is considered that there is an opportunity to enhance the sense of arrival at the facility by requiring details of materials and colours to be controlled by condition and by providing public art on the front of the building. The impact of the proposal could be further controlled by means of a legal obligation to maintain planting and provide additional planting adjacent to the southern boundary of the site as soon as possible after the issue of any planning permission.

7.24 Overall the scheme is of good design and would not have an adverse effect on the character of the area.

Issue (iii): The extent to which the proposal is consistent with PPS7

7.25 The site is not located within an area of particularly sensitive countryside and there are commercial and mineral developments in operation nearby. The site itself has features of previously developed land, being the site of the former airfield. The

principle of a waste management facility in this location served from the A120 is enshrined in the allocation in the WLP. The WLP inspector did not rule out an incinerator on the site, indeed WLP policy W7G expressly contemplates that such development may be acceptable. The RCF permission is a weighty material consideration so far as the acceptability of the size of the development and its impacts on the countryside are concerned, as it represents a fall-back position.

7.26 One of the main concerns so far as countryside impact is concerned is the effect of the stack. Its impact has been minimised through its location and design. The proposed height is understood to be the minimum necessary to comply with relevant emissions standards and the width allows a number of chimneys to be accommodated within the single stack.

7.27 The relationship of the MDIP facility with countryside policy is addressed above at paragraph 7.9. Its co-location with waste facilities maximizes the efficient use of energy. Moreover, the access to the site directly off the A120 is a requirement of the WLP, with respect to preferred site WM1. Moreover, the facility would be located centrally in terms of its ability to serve Essex.

7.28 The development would provide some enhancement of the countryside. Although about 1.6ha of woodland would be lost, some subject to TPOs, the proposal includes planting of approximately 3.4ha of additional woodland and 2kms of new hedgerow. About 19.1ha of open habitats would be lost, although the proposal includes the long term management of both existing and new areas of habitat, including the green roofs of the proposed main buildings. The proposal also includes the management of existing and proposed water bodies to enhance bio-diversity, together with mitigation measures with respect to various species, some of which are protected.

7.29 There would be a loss of some 12ha of best and most versatile agricultural land. Although the loss of such land should be avoided, the emphasis in the last 5 years has moved to soil resource protection. It is noteworthy that Natural England did not object to the proposal. Soils stripped from agricultural areas would be used on screening bunds; on new areas of woodland and grassland; and to enhance the restoration of agricultural areas within the adjacent quarry.

7.30 The refurbishment of the derelict listed buildings at Woodhouse Farm, bringing them back into beneficial afteruse, would be an enhancement of the countryside. Overall, it is concluded that there would be no conflict with the objectives of PPS7.

Issue (iv): The extent to which the proposal is consistent with PPS10

7.31 The proposals comply with the objectives set out in paragraph 3 of PPS10. The development would support sustainable waste management by providing a facility which would enable waste to be treated at a higher level of the waste hierarchy. The AD would create compost suitable for use in agriculture together with biogas for use in electricity generation. Methane generated by landfilling would be reduced. The MRF would ensure the recovery of recyclables. The MBT would shred and dry waste to allow recovery of recyclables in the MRF and produce SRF for the CHP. In turn the CHP would reduce the need for landfilling of residuals from the MBT as well as providing a facility to use other SRF produced in Essex. The CHP would also deal with residues for the MDIP facility.

7.32 With regard to self sufficiency, the facility would meet a need in the region to deal with MSW and/or C&I waste. The facility would meet the third objective by pushing waste up the waste hierarchy and helping to achieve national and regional recycling targets.

7.33 The application was supported by an EIA which included an assessment of the impact on health and the environment. It was subject to consultation with the EA, Natural England and the Primary Care Trust, all of whom raised no objection to the proposal. Subject to appropriate conditions and obligations, the impacts of the development could be adequately controlled or mitigated, and the proposal would pose no significant risk to human health and the environment.

7.34 The application was subject to full consultation with the public and consultees. The proposed technologies are in line with those identified in the JMWMS, such that if planning permission were granted the facility could compete for MSW contracts within Essex. The development would maximize the efficient use of energy generated at the site, by co-locating the MDIP with the CHP plant and thereby providing potential to achieve wide environmental benefits. This has in part given weight to the justification for a departure from development plan policies in terms of the site's location in the countryside.

7.35 The integrated nature of the proposal minimises the need for the export of residuals, including on-site use of SRF and paper pulp residues in the CHP plant. The proposals also include the on-site collection, recirculation and treatment of water, minimising the need for fresh water and for off-site treatment of dirty water. The design and layout supports a sustainable form of waste management.

7.36 The eRCF can meet the need to treat both MSW and C&I waste arisings, consistently with PPS10 paragraph 8. The need case supporting the proposal does not rely on "spurious precision" in relation to estimated waste arisings, as deprecated by paragraph 10 of the PPS. The need case is clear and comfortably met. It is based on the RSS and advice from the regional planning body.

7.37 The WLP identifies much of the application site for waste management facilities, without any restriction being placed on the type of facility in question. To that extent the WLP is consistent with the role of development plans as described in paragraphs 17 to 19 of PPS10.

7.38 The proposals meet the guidance in paragraph 24 of PPS10 relating to development on unallocated sites and there is no evidence that the proposals would prejudice the movement of waste up the waste hierarchy. In this respect the proposal is in accord with paragraph 25 of the guidance.

7.39 Although the MDIP facility may not be justifiable on the basis of need to process sorted paper waste arising entirely within the region, the underlying aims of sustainable development are met by this unique facility.

7.40 The CHP in particular would assist in reducing the amount of residual waste that needs to be consigned to landfill, and would generate useful energy from waste, consistently with the aim of using resources prudently and using waste as a source of

energy. For all the above reasons, the proposal is consistent with the objectives of PPS10.

Issue (v): Conditions

7.41 The suggested conditions that should be applied in the event of planning permission being granted are set out at Document ECC/7. The only condition which is contentious between ECC and the applicants is the condition relating to the proportion of imports to feed the MDIP facility. This condition is necessary to ensure that the applicants have an incentive to seek feed stock from within the region, and that an initial inability to do so does not result in a total abandonment of the proximity and self sufficiency principles for the future.

Issue (vi): Section 106 Obligations

7.42 Planning permission should be subject to a 106 agreement in the form submitted. Attention is drawn to the proposal for a community liaison group.

Issue (vii): Listed Buildings (Woodhouse Farm)

7.43 Woodhouse Farm is listed as a building at risk. It is in urgent need of care yet there is no proposal or prospect of any care being given to it apart from the eRCF or RCF proposals. Witnesses for the Local Councils Group and the Community Group accept that in principle the proposed refurbishment and re-use of the Farmhouse is a benefit. The form, specification and merits of any listed building application would be assessed by Braintree DC as the local planning authority. The quality of the restoration is therefore in that objector's hands.

7.44 The main issue of concern to objectors appears to be the effect of the chimney on the setting of the listed buildings. However, the chimney would only be seen in certain views and would be some distance away from the building. Overall the setting of the listed building would not be adversely affected. Notwithstanding this, the much needed refurbishment of the fabric of the listed building that would be brought about by the proposals would outweigh any harm to its setting.

7.45 The choice is between further decay of the listed building, or restoring it and bringing it back into active and beneficial use, when it would be seen and enjoyed by members of the public visiting the site. The effect on the listed building is therefore positive overall.

7.46 Objectors also refer to the impact on the Silver End Conservation Area, but this is so far away from the site that it would not be harmed by the scheme.

Issue (viii): The fall-back position

7.47 The RCF is relevant in two main ways. Firstly, as a fall-back and, secondly, as a recent planning permission for similar development on an identical site. The fall-back position was not taken into account in ECC's consideration of the scheme. No assumptions were made as to whether the RCF would proceed if the eRCF were refused permission. However, the second of the two factors was taken into account by comparing the merits of the eRCF to those of the RCF.

7.48 The RCF would not be an unacceptably harmful development. It is supported by current planning policy and justified on its merits. Moreover, it is consistent with and would further the aims of the JMWMS. There is no reason to doubt the applicants' evidence that it would implement the RCF if the eRCF were refused permission, particularly given the position on need. The RCF therefore represents a fall-back position for the site against which the eRCF falls to be considered.

7.49 It is also relevant as a recent planning decision for similar, though not identical, development having similar environmental impacts, covering a similar site, and which had been assessed in the same policy framework as the eRCF. The RCF sets a benchmark against which the differences between the RCF and eRCF should be assessed. The RCF permission demonstrates the acceptance of the principle of built waste management facilities on a site extending beyond the boundaries of the WM1 allocation, which was supported at the regional level (Document CD 3/2). It also demonstrates an acceptance of the visual and other environmental impacts, including traffic impacts that would be introduced by the RCF. The real difference between the two proposals is the chimney stack.

7.50 Objectors have concerns about reliability of the applicants' 404 HGV movement cap, and have sought to cast doubt upon the relevance of the RCF as a fall-back so far as traffic movements are concerned. The applicants indicate that they could control HGVs entering the site by contractual means. The proposed condition limiting the site to 404 HGV movements is clear, precise and enforceable. It also provides an incentive to the applicants to ensure that vehicle movements are used efficiently. It supports sustainable transport objectives. In contrast, the RCF permission contains no condition expressly setting a movement cap. The 404 HGV movements cap would therefore be a benefit.

Issue (ix): Flexibility

7.51 Draft condition 19 would allow some control over the detailed configuration and layout of the plant.

SECTION 8 - THE CASE FOR THE LOCAL COUNCILS GROUP

The need for the facility

8.1 For policy reasons the applicants must demonstrate need. However, even if need is demonstrated, it has to be weighed against harm that may arise, for example, the harm that would be caused to the countryside. The application proposes an IWMF that is too large to be accommodated on the preferred site in the WLP, and its capacity would be far greater than the perceived need.

8.2 There are two/three aspects of need to examine, namely that relating to MSW/C&I waste and to the paper pulp facility. The position in respect of MSW is by and large clear. ECC as WDA are satisfied as is evidenced by their OBC 2009 (CD/8/6) that a single MBT plant at Basildon will give them sufficient capacity to deal with likely MSW arisings. There is therefore no "primary" need for this facility to deal with MSW. The only advantage of the application proposal is that it would create more competition and provide a "home" for SRF arising from Basildon. These aspects might perhaps be considered as secondary or ancillary need.

8.3 However, very little weight should be given to these two points. ECC can and will ensure competition by allowing all potential operators to have access to the Basildon site on equal terms. Furthermore ECC are comfortable in not determining at this point in time the destiny of the SRF arisings. Although, at present, there is no other facility in Essex for securing energy from the SRF, ECC's strategy is to deal with that in due course. The JMWMS (CD/8/2) indicates that ECC will deal with it as far as it would be consistent with the proximity principle. Rivenhall may not be the most suitable location having regard to such principle. Moreover, SRF is a valuable fuel and there can be no doubt that there is a developing market for it. Other sites such as Sandon may come forward.

8.4 As regards C&I waste, it is acknowledged that the needs argument of the applicants are more persuasive. However, even on the 2007 analysis, the case for an MBT dealing with C&I waste is marginal, under the "best case" scenario put forward in the 'Waste Arisings, Capacity and Future Requirements Study: Final Report (February 2007)' as described in Document LC/1/A. The best case scenario assumes 0% growth in waste production, C&I waste generation remaining at 2002/3 levels. In contrast the worst case scenario does not reflect the current downturn, nor does it consider the overall thrust of current waste management policy. It represents a maximum level of C&I waste growth, assuming the economy continues to grow and no waste reduction measures are implemented.

8.5 One MBT facility may be justified, but this could be met by the ECC resolution to grant permission for development at Stanway. The 2009 analysis, adjusted, shows the same result, namely that there is "headroom" or overcapacity taking both MSW and C&I waste into account.

8.6 The current adopted RSS policies are based on anticipated levels of waste arisings which are simply not occurring at present. The actual arisings are significantly lower than estimated and the emerging regional studies suggest quite strongly that general C&I waste arisings are unlikely to increase significantly above present volumes in future. This has prompted a review of policy which is continuing with discussions with the individual WPAs. ECC acknowledges the need to take account of the EERA findings, in progressing work on the Waste Core Strategy. Caution should therefore be applied when giving weight to any need based on clearly outdated estimates.

8.7 With regard to the proposed MDIP, it has been estimated by Urban Mines that 437,000 tonnes of paper and card are currently recovered in the East of England for recycling (P72-CD/10/1). This figure is not disputed. Moreover, at best, only about 36% of this recovered paper would be of a suitable quality for the MDIP proposed i.e. 157,000 tpa. This is significantly (203,000 tpa) less than the required input and the recovered paper is already being used in other processing facilities. Even this figure is too high and only around 18-20% of recovered paper is within the essential uncoated wood free grades. The applicants therefore have to rely on their view that additional resources can be obtained by improving the rate of recovery of paper consumed in the East of England, by obtaining paper passing through the region for export and from the supply to an existing MDIP at Sittingbourne which is to close, but which sources most of its material from outside the East of England. The applicants are being over optimistic in this regard.

8.8 It is not disputed that potentially higher volumes of paper consumed in the East of England could be recovered for recycling, although there is no certainty as to the additional percentage which could be recovered. This is recognised in the report entitled 'Market De-inked Pulp Facility - Pre Feasibility Study' (CD/10/2) published by The Waste and Resources Action Programme (WRAP) in January 2005. This notes that previous research has shown that in the office sector there is an irretrievable loss of around 15% of all office paper. Moreover, it would be uneconomic to collect a proportion of fibre, particularly from small businesses employing up to 10 people, and some fibre is already used by mills with integrated facilities. It must also be borne in mind that planned and incremental increases in the paper industry will result in competition for recovered paper feedstock.

8.9 Potential feedstock of waste paper can be "lost" because it may be too contaminated and because of difficulties in collection and sorting. These factors must be viewed against a background where only a small proportion (36%) of recovered paper is likely to be suitable for the proposed MDIP facility. The applicants' approach appears to be over ambitious.

8.10 Similarly, there is uncertainty as to the paper which can be "diverted" from export. In policy terms, it is questionable whether waste paper arisings which have occurred in other parts of the country should be attracted to Rivenhall having regard to the proximity principle and communities taking responsibility for their own waste.

8.11 With regard to the existing MDIP facility at Sittingbourne, it is recognised that this is scheduled to close in 2011. However, there is no firm evidence to show that its current input would be available to Rivenhall. Furthermore, there is likely to be a three year gap between Sittingbourne closing and Rivenhall becoming operational. The current supply would almost certainly be attracted to other markets. The demands of the tissue making market could well intervene. Feedstock would have to be obtained from the market and the applicants rely heavily upon their ability to offer competitive prices. Their assertion to be able to do so is largely unproven. A full viability appraisal has not been produced.

8.12 In conclusion, there is significant doubt as to whether there is a realistic or adequate supply available within the East of England and if this scheme were permitted it is likely that a significant proportion of the paper would be attracted from outside of the region which would not of itself be desirable. This is demonstrated in the applicants' wish to amend or remove the original terms of suggested Condition 27 (now renumbered as Condition 30).

8.13 There are no free standing MDIP facilities in the UK and for efficiency and market reasons, it is much more likely, as indicated in the WRAP study (Page 143 Document CD/10/2), that these would be built as part of integrated paper mills. Historically, MDIP mills have been difficult to justify on economic grounds. It is cheaper for a paper mill to utilise de-inked pulp that has been produced on site in an integrated process. This avoids additional processing costs, such as drying prior to transportation.

8.14 The overall need for the IWMF has not been fully demonstrated, and insofar that any need has been demonstrated, the weight to be applied is not significant.

Landscape/visual impact

8.15 The site lies within open countryside in an area that is regarded as tranquil. Even the applicants' landscape witness accepts a description of "relatively tranquil". Generally the site forms part of a high open plateau from where and across which there are distant views. It is not accepted that the remnants of the World War II airfield, existing industrial uses, and the existence of gravel workings has "despoiled" the area to the extent suggested by the applicants. Although there are a number of businesses in the locality, such as those using former agricultural buildings at Allshot's Farm, these businesses are well established and are generally contained within defensible curtilages and do not impose themselves on the countryside to an extent that they detract from its open and rural character .

8.16 The Landscape Character Assessment undertaken by Chris Blandford Associates (Doc GF/5/B/4) describes the area away from the main roads and the sand and gravel pit as tranquil. It also indicates that the character of the area has a moderate to high sensitivity to change. Clearly there is some doubt as to whether the site could accommodate the proposed development without significant consequence.

8.17 The proposed building and other structures would have a footprint of more than 6 ha, and the development would result in the remodelling of an even greater area together with the loss of 1.7 hectares of semi-mature woodland and other associated engineering works. It is a major development.

8.18 There is a well used network of footpaths in the vicinity of the application site and the development would have a significant impact in particular on users of footpaths 8 and 35. For example, walkers on footpath 8, apart from seeing the stack would also, when approaching the site from the south, be likely to see the rear of the AD tanks, particularly in winter. Moreover as walkers passed the listed buildings at Woodhouse Farm, the backdrop would be dominated by the stack. Although a hedge would partially screen views, walkers on footpath 35 would on occasions be able to see the front of the building, which would be some 200m wide and 20m in height.

8.19 The proposed development would have a detrimental impact on the setting of the listed buildings at Woodhouse Farm. The proposed stack would tower over Woodhouse Farm, and its impact would be even greater if the EA require an even taller stack. The development would be visible over the tops of existing trees. The development would also be visible from Silver End and detrimental to the setting of the village.

8.20 Away from the site, views of the building, much less the stack, would be possible, as demonstrated in the montages at locations 2 and 5, namely Sheepcotes Lane and Cuthedge Lane, in Document GF/5/B/11. It is clear from these montages that the building would be visible at both locations even at year 15. Moreover, these montages should be interpreted with caution, many, for example, do not show the correct proportions of the proposed stack. The stack is considerably wider than shown on many of the montages. Moreover, the rate of growth of new vegetation is unlikely to be as rapid as anticipated in the montages. For example, the applicants accept that to effectively replace some of the lost woodland would take around 40 years.

8.21 The montages at location 6, (Drwgs 8.7.11 and 12 in Doc GF/5/B/11), taken from Holfield Grange to the north of the A120, more than 3 kilometres from the site, show that the stack and the front of the building would be visible for significant distances. Drawing number GF/5/D/9 shows the stack potentially having an impact over a very large area.

8.22 Document CD/16/3 sets out the LCG's view that the applicants have not adopted a realistic approach to optimising the stack height. It is likely that a stack significantly taller than 35m in height would be required with consequential increased visual impact. The applicants should have engaged in a dialogue with the EA prior to the inquiry in order to establish the likely range of the required stack height. Planning permission should not be granted with such significant uncertainty remaining over the stack height. A further application to ECC for an increase stack height would not meet the requirements for certainty and good planning as set out in national guidance.

8.23 The Defra Guidance entitled 'Designing Waste Facilities – a guide to modern design in waste' (Document CD/8/9) recognises at page 70 that the siting of a large building in the countryside is generally contrary to the principles of planning set out in PPS1 and other national guidance. It also warns about seeking to hide buildings with unnatural earth bunds. More importantly it indicates that the scale of buildings can present considerable challenges which make "fitting in" with the existing fabric often inappropriate or impossible. This is one of those cases. The proposal is not compliant with PPS 7 or policy 78 of the BDLPR.

8.24 It has long been a major element of national policy that the countryside should be protected for its own sake. Moreover, generally speaking significant developments in the countryside fly in the face of policies on sustainability. Substantial weight should be given to the adverse impact this proposal would have on the countryside together, obviously, with the associated breaches of current countryside policy.

8.25 It is acknowledged that part of the application site is allocated for a waste management facility. However, in accepting this as a preferred site in a countryside location, the Inspector who held the Inquiry into the WLP, recommended that the site be reduced in size from that originally put forward and made a specific recommendation as to the size of any building associated with a waste management facility. Moreover, the eRCF differs from the RCF. The excavated hollow would be greater; the extent and height of the buildings would be greater (the building footprint would be 17% larger); the space for the buildings would be cut more squarely into the landscape and involve the loss of more woodland; and a substantial stack would be built. There is no specific support from EERA for either the stack or the paper pulp facility, nor any view given by CABA on this scheme.

8.26 The eRCF involves the loss of a greater depth of woodland than the RCF. Moreover, the stress caused to existing vegetation, by coppicing and the dewatering of soils that would occur, could result in further loss of vegetation.

8.27 In summary, the proposal would have a detrimental visual effect and be harmful to the landscape of the area.

Traffic Generation/Highways

8.28 The applicants maintain that HGV movement would be restricted to 404 per day, requiring an average payload of 23 tonnes per load. They acknowledge that this can only occur if virtually all of the waste comes via a waste transfer station (WTS) and has undergone some form of compaction. Such an approach does not stand up to scrutiny.

8.29 The applicants concede that the necessary network of WTSs does not presently exist. Moreover, the letters submitted from hauliers (GF/2/B Tab 15) do not convincingly demonstrate that average payloads of 23 tonnes can be achieved. Not all vehicles making deliveries to the site would be under the direct control of either the applicants or the waste operator. As the facility would operate in the open market, it would be unrealistic for the operator to insist that only full loads (23 tonnes) be delivered to the site. In addition there is no convincing evidence that a backload system could operate.

8.30 If the RCF was expected to generate 404 HGV movements in carrying 906,000 tpa, it is illogical to expect the eRCF to generate the same number of HGV movements when dealing with 40% more, namely 1,272,075 tpa. Either the traffic generated by the RCF was over estimated or that of the eRCF was under estimated. There can be no doubt that the eRCF would generate more traffic than the RCF. Using RCF payloads, the eRCF would be likely to generate about 548 HGV movements (Doc LC/3/A). If the EA's conversion factors for analysing waste and calculating volumes were used, the payloads of vehicles would be significantly lower than those used in the assessments by the applicants (Document LC/1/A). Traffic generation should be assessed on a realistic but worse case scenario. It is likely to be about 37% higher than that suggested by the applicants.

8.31 The Highways Agency only accepted that the eRCF would not have an adverse impact on the trunk road network on the basis that there would be no additional trips generated by the eRCF when compared with the RCF (Documents GF/10/B/6 and 7). It is not known what approach the Highways Agency would have taken if it had been advised that the likely HGV movements generated would be greater than predicted.

8.32 The sole access for the proposal is onto the existing A120. This is a road which is currently operating well beyond its economic, design and practical capacity. This results in flow breakdown, reduced average speeds and extensive queuing, and there is no prospect of the A120 being improved in the near future. As a general guide, Annex D of TA46/97 indicates that the Congestion Reference Flow for a single 7.3m trunk road is 22,000 vehicles per day. The Annual Average Daily Traffic Flow for the A120 Coggeshall Road in 2008 was 24,144, demonstrating that the road has no spare capacity, resulting in congestion during the peak periods (Document LC/3/A).

8.33 An additional 404 HGV movements a day would result in a 30% increase of such traffic on the A120. If the likely traffic generation is greater, then the percentage increase would be even higher. This additional traffic would further reduce road safety. The applicants argue that the road would accommodate the additional traffic as the increase would be relatively small. Although the A120 may be able to accommodate the additional traffic it would be at the expense of further congestion. It cannot be right to simply allow more and more traffic onto this road.

8.34 When dealing with other development proposals in the area, ECC has sought to ensure that additional traffic is not generated on this road. Moreover there is no doubt that local residents are inconvenienced by existing traffic levels on the A120 (Document LC/4/A). There must be a point where potential traffic generation dictates that development should not be permitted. Policy T6 of the East of England Plan refers to the economic importance of the strategic road network to the region. The policy seeks to improve journey reliability by tackling congestion; to improve the safety and efficiency of the network; and to mitigate the environmental impacts of traffic. If permitted, the eRCF proposal would exacerbate the current difficulties.

8.35 The access road to the site crosses two country roads, Church Road and Ash Lane. Many HGVs merely slow at these junctions rather than stop. There have been accidents at these junctions in the past. The proposed trebling of HGV traffic on the access road would increase the risk of accidents at these junctions. The additional traffic passing through the Upper Blackwater Special Landscape Area would be detrimental to the rural character and peaceful nature of the countryside.

8.36 In relation to other highway matters, it must be recognised that the application site is remote. The proposal would not be readily accessed by public transport, walking and cycling. It would not reduce the need to travel by car. In this respect it is not PPG13 compliant. This, and the fact that the proposal does not comply with PPS7 should be given significant weight and militate against the scheme. The proposal is not a use which must occur in a countryside location. An urban area or fringe location with good access to the main road network would be more suitable and appropriate.

8.37 There is also concern that HGVs associated with the development would use local roads to the detriment of highway safety and the free flow of traffic on such routes. The waste operator would not have full control over all vehicles visiting the premises. They would not be contracted directly to the operator. This is evident from the Section 106 Agreement. Moreover this is a facility that would "welcome" substantial amounts of waste for recycling and treatment. Paper collectors, for example, may wish to visit at the conclusion of their rounds. The operator would have relatively little control of many vehicles visiting the site and would be able to do little more than politely request third parties to use the appropriate roads to access the site. Whilst the Section 106 Agreement provides for third party drivers to be disciplined, it would be difficult to enforce the routing requirements particularly when the policing would have to be undertaken by the public who would not necessarily be aware that a particular vehicle should not be on a particular road.

Other Matters

Ecology

8.38 When considering the ecological impact of the proposal, the applicants' evidence at Document GF/8/B/1 indicates that in five respects a negative impact would be certain. This leads to a requirement to judge the likely success of the mitigation measures. Paragraphs 5.4 and 5.5 of the 'Guidelines for Ecological Impact Assessment in the United Kingdom' (Document GF/8/B/2) refer to the potential uncertainty of mitigation measures and arguably give a warning that there can be no guarantee in respect of such matters. The applicants have given no categorical

assurances that the proposed mitigation/compensation measures would be totally effective. Local residents are concerned about the potential impact of the proposal as a result of factors such as light and noise pollution, and traffic generation, and the difficulty of ensuring that mitigation/compensation measures would be successful. There will always be some risks associated with such a large scale development. Moreover, the applicants accept that it would take many years to replace the lost woodland.

Noise

8.39 Noise levels in the locality are at present very low. The principle sources of noise appear to be agricultural vehicles, the quarry and distant traffic noise as indicated for example in paragraph 12.3.3 of the ES (Document CD2/7/12). It is especially quiet at night, when noise is almost undetectable. Any quarry noise is of a temporary nature and is necessitated by the fact that the development has to occur where the gravel exists. By contrast a countryside location for this development is not essential.

8.40 At certain times the overall noise climate is likely to increase. For example, Table 12-3 of Document CD2/7/12 indicates that a background noise survey gave readings of 29-43 dBL_{A90} during the day at Herons Farm. In contrast, paragraph 40 of Document GF/2/D/1 indicates that worst case noise levels at receptor locations during construction could be between 44dB(A) and 52db(A). There are also concerns about noise being contained within the building, given the size of the door openings and the number of vehicles visiting each day. The noise limits set out in the suggested planning conditions are indicative of the increase in noise levels that would be likely to occur.

Air quality

8.41 Whilst air quality may remain within legal limits it would nevertheless deteriorate. This is unwelcome. Moreover, in response to the formal consultation on the application the EA advised that the proposal in respect of the stack did not appear to represent Best Available Technology. Design changes have been undertaken since that time, but there is no observation from EA on this amended proposal. The EA points out that it is not enough to demonstrate that the EALs would not be breached. There is a statutory requirement to ensure that air quality is not significantly worsened. This raises concerns about the approach adopted by the applicants who have concentrated on compliance with EALs whilst not addressing the issue of actual air quality. EC Directive 2008/50/EC (due to be implemented in 2010) states that 'air quality status should be maintained where it is already good, or improved'. The eRCF would result in a deterioration in local air quality. The EA points out that NO₂ and CO₂ would increase, resulting in a significant worsening of air quality.

8.42 In Document CD/15/7, the EA indicates that the long term annual mean (µg/m³) for arsenic set out in the latest version of H1, which is presently out for consultation, will be 0.003. This is half the figure used by the applicants, and if the revised figure were used the level of arsenic would be equalled or exceeded at no less than 23 locations. The peak concentration at Footpath 35 of 0.0068 would be 127% above the proposed new figure.

8.43 It is recognised that an EP application could not be made until there was a known identifiable operator. However, given the concerns of the local residents it is unfortunate that greater dialogue with the EA has not taken place in order to allay the fears of the local community. These fears cannot be totally dismissed. They are genuinely held and reasonably so. The extract from the Encyclopaedia of Planning Law at Document GF/3/B/3 indicates, in these circumstances, that some weight should be given to the fears and concerns of the local community. In this regard, it is unfortunate that the applicants have declined to monitor air quality at the boundaries of the site.

Lighting

8.44 The proposal is at a location where at present there is little or no artificial light at night. The scheme would change this situation. The extent of change is unknown as full details of the proposal and its lighting are unknown. However, the facility would operate 24 hours per day, 7 days a week. Staff would be present at all times. The applicants accept that in the morning, between 07:00 hours and daylight, and again in the early evening, between dusk and 18:30 hours, lighting would be essential. The facility would be open for business during these hours receiving waste etc. Outside of these hours, it is suggested that external lighting would only be used when necessary and that such lighting could be controlled by movement sensors. It is doubtful whether such an approach is realistic.

8.45 Light pollution is another factor whereby the development would have a detrimental impact on the area, the extent of which is unknown. As indicated at CD/16/4, the precise form of lighting that would be installed at the site is uncertain; the lighting schedule put forward by the applicants is subject to change. Notwithstanding this, it is essential that the proposal to provide full cut-off lighting at zero tilt, with an average lighting level of no more than 5 lux is adhered to. The site is known locally for its 'dark skies', affording views of the starry night sky. Such locations are becoming increasingly rare in Essex.

8.46 The proposed lighting schedule for Woodhouse Farm car park gives two options. The option with 8m lighting columns is the 'least worse' solution. It would provide more uniformity of light, and lower peak measurements than the option using lighting bollards which would give rise to substantial levels of sideways light emission. The whole site, including the Woodhouse Farm car park, should be designated as being an area classed as E1 under the Institute of Lighting Engineers Guidance Notes, namely the most sensitive, with the most control needed. The whole of the site is currently in a dark unlit location.

8.47 Proposed Design 2 for the lighting of the main plant area is preferable. This requires fewer lights and would result in a lower average and peak level of lighting. Notwithstanding this, there would be some reflection of light contributing to light pollution, and during misty conditions light would scatter within droplets of water in the air.

Overall conclusion on other matters

8.48 Although the effects on ecology, the consequences of noise, the reduction in air quality and the likely effect of lighting are all matters which may not individually justify refusing this application, they would cause harm to the area. When combined

with the landscape and visual impacts of the development, they would have a significant adverse impact on the character of the area and the living conditions of local residents.

The Fallback position

8.49 It is acknowledged that the existing planning permission for the RCF is a material consideration. However, little weight should be given to it, because there is no convincing evidence that it would be implemented. ECC resolved to approve the application in 2007 but it was not until 2009 that the requisite Section 106 Agreement was completed. Following the resolution to approve the scheme, the applicants wrote to ECC describing the RCF as an “indicative” scheme (Document LC/8/B/7).

8.50 At paragraph 4.4 of the Planning Application Support Statement for the present proposal (Document CD2/4), the applicants rightly advise that the RCF no longer represents the most suitable technology having regard to the JMWMS. The applicants accept that an amendment to the RCF planning permission would be likely before its implementation and point out that they have been waiting, along with others in the industry, for ECC to award a long term contract for MSW. Moreover, there is no evidence of detailed marketing or negotiations with a waste operator – the letters produced by the applicants show no more than a general intention. In addition there is no evidence demonstrating the viability of the RCF for C&I waste only.

8.51 To date, no real steps have been taken to implement the RCF permission. The applicants would not operate the RCF but would look for a partner waste organisation. It is not evident that a partner has yet been identified, let alone terms agreed with one.

Policy Implications

The Development Plan

8.52 The three most relevant components of the Development Plan (DP) are the Southend & Essex Waste Local Plan (WLP), the East of England Plan (EEP) and the Braintree and District local Plan Review (BDLPR). All contain relevant policies.

8.53 The WLP whilst adopted in 2001 is still broadly consistent with the subsequent PPS10. It adopts, for example, the waste hierarchy (see Policy W3A) and identifies certain sites for waste management facilities. The WLP proposes a site specific approach which is promoted in PPS10. The WLP should be given significant weight. The application site was specifically considered in the preparation of the WLP and whilst identified as a preferred site, limitations on both the size of the site and the extent of building coverage were imposed. This proposal is not restricted to the allocated site and the building footprint greatly exceeds that approved. Moreover, a paper pulp facility was not envisaged by the WLP at all. The proposal does not therefore accord with the WLP.

8.54 Notwithstanding this, the WLP was developed at time when WPAs were less confident about the community's ability to achieve and sustain high levels of recycling and composting. There have been considerable improvements in recycling and composting performance since then. The WLP was cautious in its approach,

seeking to ensure that it delivered a sufficient number of sites that could accommodate the larger waste management facilities that were expected. The eRCF proposals involve a building whose footprint alone exceeds the size of the allocated site.

8.55 There are also clear breaches of the BDLPR with regard to policies 27, 78 and 88. These relate to the location of employment, protection of the countryside, and loss of best and most versatile agricultural land. The application site includes over 11ha of Grade 3a agricultural land which would be lost as a consequence of the proposal. These breaches all militate against this proposal.

8.56 The EEP provides an overall vision and objectives largely in line with PPS10. Whilst it seeks to ensure timely provision of facilities required for recovery and disposal etc of waste, it requires, like PPS10, a balancing exercise to be undertaken in order to minimise for example the environmental impact of such facilities. On balance the application proposal does not comply with policy WM1.

8.57 Overall, the proposal is not in accordance with the development plan.

PPSs 7, 10 and PPG 13

8.58 For the reasons explained above, the proposal is not PPS7 or PPG13 compliant. With regard to PPS10, it is acknowledged that it provides some support for additional waste treatment facilities. However, this should not be at any cost. The proposal is not fully compliant with PPS10 because: -

- (i) there is either no, or certainly not a full need for a facility of this scale;
- (ii) it would not contribute positively to the character and quality of the area;
- (iii) it would result in significant visual intrusion;
- (iv) the traffic generated would be unacceptable especially on the A120;
- (v) the scheme does not reflect the concerns or the interests of the local community;
- (vi) it conflicts with other land use policies (e.g. policies that seek to protect agricultural land and policies aimed at the protection of the countryside).

PPS1 Design Paragraphs 33-39

8.59 The Defra Guidance on the design of waste facilities referred to above (Document CD/8/9) indicates that in most cases even medium sized waste facilities will not be effectively screened by landscaping and bunds. Because of its size, this proposal is not accepted or welcomed by the community. PPS1 emphasises the need for development to take the opportunities available for improving the character of the area and the way in which it functions. This proposal does not comply with PPS1.

8.60 The introduction of such a substantial building for industrial purposes; the additional HGV movements that would be generated; and the associated noise, light and general activity that would arise, would combine to create an unacceptable impact on the character of the area.

SECTION 9 - THE CASE FOR THE COMMUNITY GROUP

9.1 The Community Group (CG) has sought to compliment the evidence of the Local Councils Group. It is beyond the resources of local volunteers to challenge the complex and wide ranging evidence regarding the need for, or the viability of, a large scale waste management installation. The evidence of the CG therefore concentrated on the matters of concern to local people where it was considered feasible to bring forward additional material.

The impact on the character of the landscape and heritage features

9.2 The surroundings of the site are predominantly rural. The aerial photographs (such as that at Document CG/1/B Appendix C) and the range of ground level photographs (in particular those at Documents CG/2/B appendix 1 and CG/1/B appendix E) demonstrate its rural character. It is accepted that it is not "pristine" countryside. The remnants of the airfield, the commercial and industrial uses in the vicinity, the sand and gravel workings and the towers are evident. However, when examined at a sensible scale, and not focusing on the area restricted to the site of the 6ha building and its immediate vicinity, these proposals clearly relate to a site in open countryside, dominated by large arable fields with woodland. The existing commercial and industrial uses occupy a very small proportion of the surrounding area. They are contained within defensible curtilages and do not detract from the open and rural character of the area. The applicants' description of the site as being "despoiled" is incorrect.

9.3 The nearby mineral workings are temporary; they have 12 years to run and the restoration is on-going as the reserves are dug. The relatively transient impact of the workings ought not to be given great weight. Because of the topography – the site is on a boulder clay plateau – there are many opportunities for long distance views in the area. For example, the existing hanger on the application site can be seen from a kilometre away to the west, namely from the edge of Silver End. The surrounding area and Woodhouse Farm are accessed by local people via the public right of way network, which is well used.

9.4 The evidence of the CG and of third parties shows that this is valued countryside. It forms the rural setting of Kelvedon, Coggeshall, Silver End and Bradwell and is enjoyed by local residents. Some have houses looking over the site. Many more experience it using the local roads and footpaths. It has ecology of local interest. Its biodiversity is rich. The ecological survey shows four bat species, great crested newts and brown hares, resident on and around the site. Notwithstanding the mineral working and the industrial/commercial activity, the area is identified by the CPRE as relatively tranquil, including having dark night time skies (see Document CG/1/B Appendix D). A national tranquillity map has been published which identifies the relative level of tranquillity in each 500 metre square in England. A place where tranquillity is most likely to be felt is represented in green on the map. The application site lies within an area shown as green on the map. In a report published by CPRE and the former Countryside Agency in 1995, tranquil areas were defined as 'places which are sufficiently far away from the visual or noise intrusion of development or traffic to be considered unspoilt by urban influences'.

9.5 The most detailed published landscape assessment in the applicants' evidence is the extract from 'Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments' prepared by Chris Blandford Associates and published in 2006 (Document GF/5/B (4)). Under the heading "Silver End Farmland Plateau" it indicates that "away from the main roads, that lie adjacent to the character area, and the sand and gravel pit, most of the area is tranquil." It is recorded that: "Overall, this character area has moderate to high sensitivity to change." The CG has sought to illustrate the detail of the existing landscape in its evidence. The photographs in CG/2/B appendix 1 are particularly useful because they were taken in January with bare deciduous trees. The winter visibility of the existing hanger can be compared with the autumn position. The CG was concerned at the time of preparing its evidence (before the ECC Committee Meeting of 24th April 2009) that the applicants' original illustrations of existing trees in the application drawings were inaccurate and that accordingly assessments of visual impact were understated.

9.6 A description of the listed buildings in the vicinity of the site and of the conservation area of Silver End is given in Document CG/4/1. Silver End was a model village created by the Crittall Company. As an important collection of Modern Movement buildings the village was designated as a conservation area in 1983 with a later Article 4 Direction to safeguard the character and appearance of the area, and the individual houses. The village contains a number of listed buildings, notably three managers' houses, one of which is known as Wolverton. It is visible across open countryside to the north east, and the application site is visible from it. Whilst much of the rest of the perimeter of the village is wooded, the flat plateau landscape results in a strong visual connection between the village and the application site.

9.7 Woodhouse Farm was listed Grade II in 1988. The farmhouse is of early 17th century origin with later additions. It has an oak frame and queen post roof, with hand made clay tiles. The building is in a poor state of repair and has been on the Buildings at Risk register, with its condition described as 'very bad', since 1987. There can be difficulties associated with the issuing of a repair notice and it is not necessarily the best course of action to achieve the preservation of a building. However, the neglect of Woodhouse Farm has continued for too long, and urgent repairs are necessary. It should be feasible for some repair work to be undertaken without awaiting the commencement of full refurbishment of this group of buildings. There is no schedule of immediate remedial works to secure the survival of the group of buildings. A nearby pump is also listed and an ancillary building to the rear, described as a bake house, brewhouse and stable is also listed Grade II. Lack of maintenance has led to the total collapse of the roof. The setting of the historic farmsteads on and around the application site relies on their relationship to the landscape, which can be affected by the introduction of alien elements such as chimneys or flues.

9.8 The setting of the listed buildings and the conservation area should not be narrowly defined. Paragraph 4.14 of PPG15 states that 'Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This should also, in the SoS's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area, but would affect its setting, or views into or out of the area.'

9.9 The applicants propose that the Woodhouse Farm complex be converted to an education centre. However, no listed building application has been submitted, and so it is not clear whether such proposals would secure the retention and restoration of the historic features of the buildings. Floor loading and fire regulation requirements could make this an inappropriate use of the buildings. Car parking, access and landscaping works could damage the immediate setting of the historic buildings. Woodhouse Farm is close to the proposed waste management facility. At present the westerly view from the farmhouse is of trees and the end of the existing hangar. This would be replaced by the roofs of the proposed IWMF and the chimney towering above. From this distance there would be noise, disturbance and possibly odour. Overall the setting of the historic farmstead would be completely transformed.

9.10 The setting of Woodhouse Farm is of most concern, but given the open landscape and the length of views this permits, other settings would be affected. The Silver End Conservation Area and the listed building known as Wolverton have already been referred to. In addition, Allshot's Farm is about 400m from the application site and would therefore be close to the IWMF. The damage already caused to the setting of the listed building at Allshot's Farm by the existing scrapyard would be exacerbated by the close view of the proposed chimney.

9.11 Herons Farm is some 900 metres from the site of the proposed chimney. Although not a listed building, Herons Farm is one of the historic farmsteads on the plateau. Existing views of blocks of woodland from this farm would have the addition of the proposed chimney stack and the roofs of the IWMF. The impact at Haywards Farm, another historic farmstead, would be similar.

9.12 Porters Farm and Rooks Hall are listed buildings situated about 1.4km and 1.8km respectively to the southeast of the application site. Parkgate Farm lies about 1.1 km to the south of the application site. Although not a listed building, it is one of the historic farmstead groups in the area. The proposed chimney at the IWMF would be visible from all three locations.

9.13 Sheepcotes Farm is a listed building sited about 600m west of the proposed IWMF. At present there is tall conifer planting at the rear of the plot which screens the farm buildings from the airfield. However, if this were removed, the proposed chimney and roofs of the IWMF would be visible at a close distance. Goslings Farm is a listed building sited about 1km to the northwest of the proposed IWMF, with no intervening woodland.

9.14 PPG15 makes it clear that the whole historic environment, not just the immediate settings of historic buildings and conservation areas, needs appreciation and protection. The proposed stack and roofs of the IWMF would be visible from many historic buildings, sometimes in an overpowering way. This would compromise the relationship between the historic buildings and their landscape setting. The historic environment would be further eroded by the increased number of HGV movements that would take place on the A120.

Traffic

9.15 Mr. Nee's evidence, at Document CG /3/A, emphasises the concerns of local people with regard to the existing congested state of the highway network, in particular the A120 and A12 Trunk Roads. The A120, from which access is to be

taken, is operating above its design capacity and there are frequent queues. Examples of congestion incidents are given in the document. The section of this road between Braintree and Colchester is single carriageway and the Highways Agency announced in July 2009 that plans to re-route this section of the highway have been dropped. It is likely to be many years before this length of the A120 is significantly improved.

9.16 The junction of the A12 and A120 at Marks Tey is listed as having high levels of NO_x at present. It is one of 18 air quality hot spots in the county. The additional HGV movements associated with the IWMF would exacerbate this situation.

9.17 There is particular concern about the likelihood of HGV traffic using local roads to gain access to the site when the primary routes are heavily congested or blocked. HGV traffic would divert through local villages such as Kelvedon and Feering under such circumstances. The onus would be on local villagers to police the HGV movements. It is inevitable that some HGV drivers would attempt to access the site via local roads through villages. For example the natural route from Witham would be the roads towards Braintree via Cressing (B1018) or through Rivenhall and Silver End.

9.18 A number of road accidents have taken place in the vicinity of the proposed access as indicated in Document CG/3/A. One serious accident took place at the junction of the site access road and Church Lane; several others have taken place on a 650m length the A120, in the vicinity of the access road junction. The proposed development would result in a significant increase in the number of HGVs using the access road and the nearby sections of the A120.

9.19 The EEP encourages modes of transport other than by road for the transport of waste. The only type of access envisaged for the application proposal is by means of road transport.

The eRCF, the permitted RCF and the allocation for waste management, WM1, in The Waste Local Plan

9.20 The proposal is for a very large scale waste management facility in the countryside, involving the loss of 1.6 ha of woodland and the sinking of its 6ha built form, to its eaves, into the ground. It is accepted that the principle of a waste management facility, on a relatively modest 6 ha site, incorporating the existing hanger, was established in the WLP. It is also acknowledged that permission was granted by ECC for the RCF in February 2009. It is therefore important to consider the differences between the RCF and the eRCF.

9.21 The eRCF would have a larger footprint and there would be differences in the details of construction and amount of excavation necessary. However, the critical difference between the two schemes is the incorporation of the CHP plant in conjunction with the waste paper processing. This would necessitate a chimney stack of a diameter of 7m and at least 35m in height above existing ground level, with the possibility that the EA may require a larger chimney, as a result of the EP process, than is envisaged by the applicants.

9.22 On this point, the response of the EA to the consultation on the Addendum Environmental Statement is of concern. The EA appears to cast doubt on the

acceptability of a 35m stack in meeting the requirements to protect the local environment. The Agency refers to recent permits for plants with "significantly smaller" waste throughputs yet having stacks of 75m and 65m i.e. around double the height of the stack proposed by the applicants at Rivenhall Airfield. As indicated in Document CD/16/2, this raises a number of issues:

i. Why did the applicants not engage at an earlier stage with the EA, at least to establish the likely range of stack heights required?

ii. The reliability of the applicants' evidence in respect of emissions modelling and stack height. The EA letter casts doubt on whether a 35m stack would be Best Available Technology in respect of a number of issues. The ground level emissions take up too much headroom between ambient and total pollution levels. It is not enough to demonstrate that levels do not exceed legal maxima; air quality should be protected, especially where it is already good. Moreover, the EA questions the high exit flue temperature of 150 deg C and consider that this raises issues about the efficiency of the proposed re-use of heat within the plant. This could have an impact on the required stack height, as a more efficient use of heat would reduce exit temperature, and thereby reduce the buoyancy of the plume with a resulting need for a higher stack.

iii. How a recommendation to the SoS could encompass such a wide disparity between the applicants' position on stack height and that of the statutory regulatory body, the EA.

iv. The greater intrusion on the rural landscape that would be caused by a stack height of the order suggested by the EA, together with the likely increased visibility from conservation areas, listed buildings and footpaths.

v. The possibility that a grant of planning permission for the eRCF could not be implemented without a further application to ECC for a much higher chimney, when the issue of the chimney height had been a key planning issue at the Inquiry

The visual impact of the chimney on the landscape

9.23 The applicants accept that the chimney stack would be a noticeable addition to the landscape and that it would be visible from an extensive area, although they argue that the change to landscape character would be localized. However, there is a clear distinction between the solid chimney proposed and the lattice structure of the existing tower. Moreover, the chimney would draw the eye to the long, low building of the proposed IWMF, as can be seen in the montage at Document GF/5/D/2 – the view east from Sheepcotes Lane near Wolverton.

9.24 The applicants also accept that the perceived visual envelope of the development would extend over a considerable distance. However, the CG does not agree with the applicants' submission that "the chimney would be visible but only as a small element of the overall view and would not give rise to unacceptable levels of visual impact". The applicants' landscape witness focused on the impacts on a limited number of residential properties. The concerns of the CG are wider, going to the impact on all of those travelling across and enjoying the surrounding countryside.

9.25 The impact of the stack is illustrated in the visualisations at CG/2/B (appendix 1) and the related comments. Some of the applicants' montages, particularly the appearance of the proposed stack and the screening effect of trees, are not accurate representations of the proposal. The stack would be more prominent than shown, and many of the existing trees are shown unrealistically high. The differences between the applicants and the CG as to the extent of the visibility of the site have narrowed as evidence has been prepared. The CG's visualisations are similar to the applicants' montages at Document GF/5/D /6 (from Footpath 8 near Polish Camp) and Document GF /5/B/16 (from Woodhouse Farm Garden).

9.26 The chimney would be visually harmful because it would convey an emphatic large scale industrial image, which would be something alien to this rural location. However carefully the chimney was finished, whether mirrored or otherwise, it would be perceived in this way. It is very doubtful that the light cloud reflective effect in the applicants' montages would be seen for long periods. The applicants acknowledge that it would subject to both aspect and weather conditions. The damaging impact on the setting of the listed buildings and the Silver End Conservation Area follows from the above. The settings are part of the overall rural landscape and would be compromised by this very visible element of industrial character.

Other impacts

9.27 There is concern about the loss of woodland that would occur and the ecological impact of the development. The estimated period for the maturing of new habitats is very considerable. The applicants' ecological evidence indicates a 40 year medium term, and 80 years long term, requirement for woodland growth. In addition there is doubt as to the protection which could be given to the retained woodland on the edge of the excavation, given the depth and sheer sides of the proposed excavation.

9.28 The traffic/highway impact is put forward as being the same for the eRCF as the RCF, namely 202 HGVs in and 202 out, all via A120 existing access. A condition is proposed to ensure this. Both this safeguard and the HGV routeing scheme in the S106 agreement are essential.

9.29 The effect of artificial light at night is also of concern. Light pollution must be minimized, given the existing character of this area. There is a doubt as to how shift changes and other movement during the hours of darkness could take place without light escape.

9.30 The local community is worried about the impact of emissions and the potential risk to health. It is accepted that given the policy position in PPS 10 these matters would have to be further addressed by the EA in the consideration of the EP.

Matters raised by the Secretary of State and the Inspector

9.31 The above factors give rise to the following conclusions:

- The eRCF proposal is not in accord with the WLP 2001, because of its scale and the fact that it is much greater in extent than the Policy WM1 allocation. There is also conflict with the provisions of the EEP 2008, Section 8, and Policy ENV2 because

of the harm which would be caused by the visual intrusion of the chimney stack in the landscape. As a result of its height, this essential element of the eRCF would have an impact which could not be successfully mitigated.

- The incorporation of the chimney and its adverse impact on the landscape is in conflict with the aim of PPS 1, para.34 – it would be inappropriate in its context and harmful to the character and quality of the area.
- Similarly, the proposal is in conflict with Key Principles (iv) and (vi) of PPS 7 because of the harm that would be caused to the character of the countryside by the scale of the chimney.
- Visual intrusion is one of the locational factors in Annex E of PPS 10 – considerations include the setting of the proposed location.
- The setting of listed buildings in the vicinity of the site would be harmed by the visual intrusion of the chimney. The same harm would be caused to the setting of the Silver End Conservation Area on its eastern side. PPS 10, Annex E(e), PPG 15, and the LB&CA Act 1990 s.66 require that these factors are taken into account.
- The intrusive effect of the chimney would be readily perceived by users of the local footpath network. The degree of access to the countryside in this area afforded by the public rights of way is a significant factor in weighing the impact.

SECTION 10 - THE CASES FOR OTHER PARTIES AND INDIVIDUALS

1. Saffron Walden Friends of the Earth (SWFOE)

10.1 The case for SWFOE can be found at Documents OP/1 and OP/2.

10.2 The RCF proposal did not meet all the requirements of Defra's Waste Strategy for England (WSE) 2007, but the proposal was flexible and could have been modified. It was proportionate to the needs of Essex and provided an opportunity to deal with some C&I waste. WSE 2007 stipulates the need for flexibility. Waste disposal technology has changed and will change in the future. The achievement of recycling targets will change the amount and constitution of residual waste.

10.3 In contrast to the RCF, the proposed eRCF is excessive. It would provide facilities for the treatment of 850,000 tpa of waste, which is over 300,000 tonnes more than the total household waste arisings in Essex in 2007/8 (JMWMS Document CD/8/2). The proposal includes an incinerator.

10.4 Incinerators have to work within a tight schedule of feedstuff loads for safety and efficiency reasons. Changes in the MBT processes at Basildon or Rivenhall could result in lower tonnages of SRF than anticipated. There could also be pressure to retain plastic in the SRF to maintain bulk and calorific value. This would increase the fossil derived fuel carbon dioxide, with implications for carbon emission balances. The pressures for a regular supply of feedstock for the incinerator would have an impact on decisions taken with regard to the MBT processes. It is likely to encourage the production of more SRF at the eRCF, which could only be achieved by reducing

the amount of recycling and composting that would otherwise be achieved. As incinerators normally have a 25 year life span and require a constant supply of fuel, the whole system would be very inflexible. This is contrary to the flexibility required by WSE 2007.

10.5 The fundamental difference between the two schemes is the introduction of the paper pulping plant (MDIP) for the treatment of 360,000tpa of paper. Such plants are high users of electricity and heat. The MDIP operation would be an industrial process and could not be regarded as a recycling operation. As such it would be in contravention of the Braintree District Local Plan Review. Such a proposal should be subject to a separate application and EIA, which would consider the appropriateness of the choice of site for such a development, especially in relation to transport. It is likely that the waste paper would be sourced from many areas in the UK. Moreover, the A120 is already congested at Marks Tey. The manipulation of lorry loads to produce the same number of HGV movements for the eRCF as predicted for the RCF could prejudice the success of the MDIP. The complications of lorry journeys could make it more difficult for the facility to compete in the market.

10.6 The production requirements of the MDIP dictate the nature and size of the waste disposal facilities rather than the aims of the Essex Waste Strategy. Policy WM3 of the RSS requires local authorities to reduce the amount of imported waste. Imported waste should only be allowed if new specialist waste facilities requiring a wide catchment area would bring a clear benefit to the Region. As only 10% of paper waste is likely to be high grade, the provision of a specialist recycling facility is unlikely to provide a significant benefit to either Essex or the Region. Out of an intended intake of 360,000tpa high grade paper, only 29,000tpa would be from local waste supplies.

10.7 The MDIP would require water over and above that obtained from recycling and rainwater collection. Water abstraction could have an impact on the River Blackwater. A water study should have been undertaken to assess the impact of water requirements.

10.8 An incinerator or a CHP produces more CO₂ per tonne of waste than an AD. Notwithstanding this, the situation is complicated by the recommendation of the International Committee on Climate Change that biogenic CO₂ should not be taken into account as it has already been sequestered in the growing plant and the overall balance is neutral. This convention has been utilised in the WRATE assessment process. However, this is incorrect as biogenic CO₂ should be included in carbon emission calculations for a number of reasons; the most obvious being that it is still CO₂ contributing to climate change whereas sequestered carbon remains truly neutral. The WRATE model therefore dramatically underestimates greenhouse gas production. In the context of the waste hierarchy, the production of biogenic CO₂ is regarded as recovery and the energy created is part of the recycled energy target, which also qualifies as saving of the CO₂ created by the average national power station in producing the same amount of electricity. The CO₂ savings from surplus energy supplied to the national grid would depend upon the content of the SRF to be burnt. Predictions can only be approximate and the savings would probably be near to neutral, whereas with AD all electricity /heat generated would be recovery.

10.9 Under the 2006 Waste Framework Directive (WFD), which is currently applicable, and relevant case law, incineration is correctly classified as disposal rather than recovery, unless it can satisfy a number of tests. The combustion of the waste must fulfil a useful function as a means of generating energy and such combustion must replace a source of primary energy, which would otherwise have been used to fulfil that function. This is not the case in the eRCF proposal. Energy production would be a by-product of waste disposal.

10.10 The 2008 WFD will reclassify certain forms of incineration as recovery, rather than disposal, subject to the organic content of the waste and the efficiency of the incinerator (Extract from Consultation Document is included in Inquiry Document OP/2). The R1 test relates only to incineration facilities dedicated to the processing of MSW. It is doubtful whether the eRCF would meet these standards and the scheme would therefore be at the bottom of the waste hierarchy. Even if the incineration element of the eRCF could be classified as recovery, it would reduce the level of recycling and therefore run counter to the objectives of the waste hierarchy. Research by the FOE shows that, in general, incineration and recycling are competitive rather than complementary – they compete for the same waste streams. The incineration element would therefore reduce pressure for recycling, yet in Essex there is a huge disparity between the best and worst performing districts in terms of recycling.

10.11 Defra's WSE 2007 encourages energy from waste (EfW) as part of its energy balance, and advocates anaerobic digestion (AD) for this purpose. Nowhere is incineration specifically encouraged in WSE 2007. The eRCF would reduce the level of AD that would otherwise be undertaken, by introducing incineration.

10.12 The proposal runs directly counter to the County's JMWMS. Incineration is not envisaged in the JMWMS, whereas AD is repeatedly advocated as ECC's preferred option. Incineration could be harmful to public health. The recent Health Protection Agency report on 'The Impact on Health of Emissions to Air from Municipal Waste Incinerators' admits that 'although no absolute assurance of a zero effect on public health can be provided the additional burden on the health of the local population is likely to be very small'. The most difficult problem to assess is that of deposition of long lasting dioxins and furans into soil and onto crops and grass and thence into the food chain. In the early 1990s inadequately monitored mass burn incinerators created a serious problem by contaminating fish, milk, chicken and eggs, leading to a situation in some areas where babies were absorbing more than the safe level from mothers' milk. These incinerators have now been closed. Future levels depend entirely on operators maintaining good practices and carrying out regular monitoring, together with regular testing of background levels in the food chain by the public agencies responsible.

10.13 Dioxins cannot easily be continuously monitored. Escapes could occur between monitoring sessions. In relation to air quality, some continuous background modelling would provide a baseline. NO_x assessments should have been included in the air quality assessment as it can have effects on vegetation and could therefore be an issue with County Wildlife Sites and agricultural land being at risk. No predictions have been provided for PM_{2.5}. A limit value of 25µgms/m³ for PM_{2.5} is likely to be introduced into the EU Air Quality Directive before 2015. Traffic emissions should also have been added to the predictions. Air standards legislation should have been the definitive requirement, rather than DMRB guidance.

10.14 The predicted levels of arsenic cannot be ignored and the matter cannot be left to a planning condition limiting emission levels to below the EAL. The modelling undertaken by the applicants may have been conservative, but arsenic is a carcinogen and so could be regarded as having no safe threshold limit.

10.15 When other satisfactory and safe methods of disposal are available, such as AD, then it is wrong to choose any alternative methods that pose serious health risks unless rigorously controlled. It is also noteworthy that SRFs can contain plastics and incineration of such material cannot be considered a recovery.

2. Colchester and North East Essex Friends of the Earth (CNEEFOE)

10.16 The case for CNEEFOE can be found at Documents OP/6.

10.17 There is a long history of opposition to incineration in Essex. There is no need for such major facilities at Rivenhall. An incinerator for SRF would destroy valuable materials, increase pollution, and emit gases that would contribute to climate change. High recycling rates together with local composting would be less costly than a strategy of large centralised facilities involving incineration and long term contracts. Moreover, there is ample landfill capacity in the County.

10.18 Recycling is better than incineration and landfilling from a climate change point of view. Burning SRF is particularly polluting. A number of incinerator projects have proved to be costly disasters.

10.19 The site and access routes are not suitable to accommodate such a large industrial plant with the associated hundreds of additional HGV movements that it would generate. The proposed eRCF on the site would be harmful to wildlife, the rural landscape and the historic heritage of the area.

10.20 The paper pulping plant would be better sited adjacent to a plant making recycled paper, or at least near the coast or adjacent to a rail line where alternative means of transport could be employed.

10.21 AD plants should be sited near sources of food and agricultural waste. They should be local facilities rather than centralised plants. It would be far more efficient to use the biogas from an AD plant to heat homes, rather than to produce electricity.

10.22 Recyclables should be collected separately and sorted at the kerbside for local baling, rather than waste being mixed and having to be sent to an MRF. Materials become contaminated and degraded when mixed, and a centralised MRF would use far more energy than a system where separated waste is collected at the kerbside. Clean separately collected recyclables command higher prices than materials recovered by means of an MRF.

10.23 The proposal would inhibit the rapidly increasing recycling and composting rates that are taking place in Essex. Colchester has the highest usage of home compost bins in the UK. The amount of municipal waste collected by Councils in England has been decreasing over the last few years.

10.24 There is a need for flexibility in dealing with waste over the next decade. No long term contracts should be entered into. As indicated in Document OP/6 Appendix 7, such contracts would limit the ability to increase recycling and prevent new technologies being adopted.

10.25 The appeal proposal would shred and burn a valuable resource, thereby causing environmental damage and restricting opportunities to reduce the production of gases which contribute to climate change.

3. Mr Stewart Davis – Kelvedon Resident

10.26 Mr Davis' submission can be found at Document OP/3. He points out that the A120/A12 route is already congested, and even if HGVs visiting the site were scheduled to avoid peak times, the periods of congestion during the day would be expanded.

10.27 Congestion would motivate drivers to seek other routes, which are unsuitable for HGV traffic. It would be impractical to enforce a contracted route, as this would require monitoring all vehicle trips.

10.28 The high quality pulp produced at the MDIP would have to be delivered in an uncontaminated state to paper mills. This would require the use of clean vehicles. Waste delivery vehicles may not be suitable, thereby resulting in more journeys than currently predicted by the applicants.

10.29 The need for the MDIP is questionable. A number of paper mills in the UK have closed recently because of over capacity in the market. Paper consumption is going down. The de-inking and remaking of paper uses more energy than making paper from new pulp obtained from sustainable forests.

10.30 The applicants have referred to obtaining waste from outside Essex. Where would it stop? Waste could be imported from anywhere with the result that roads would become more and more congested.

4. Mrs Eleanor Davis – Kelvedon Resident

10.31 Mrs Davis' submission can be found at Document OP/4. She considers that the road network is inadequate to serve the development. Roads in the area are busy and frequently congested. Either the road network should be improved, or preferably waste should be delivered to such a site by rail.

10.32 There is no overriding need for an incinerator. Any need would decline over the next few years as efforts to reduce our carbon footprint result in reduced waste arisings and increased recycling.

10.33 The eRCF would be a blot on the landscape and would create undesirable emissions. The incinerator would attract waste from a wide area.

5. Mr Robert Gordon – Silver End Resident

10.34 Mr Gordon lives in Silver End, 1km from the site of the proposed eRCF. He is concerned that noise and odour generated by the development would have a harmful

effect on the local population and on wildlife. The site is unique. It is a plateau inhabited by hares, skylarks and many other species. All would be at risk. A screening hedge would be of little use.

10.35 The impact of 400 HGV movements per day would be severe. Local roads would be affected, as the routing proposals would be subject to abuse.

10.36 The owner of the land has not recognised the significance of the site as an airfield used by the USAF and RAF.

6. Mrs Kate Ashton – Rivenhall Resident

10.37 Mrs Ashton's evidence, and appendices, can be found at Document OP/5.

10.38 The roads between Kelvedon, Rivenhall and Silver End are not suitable to accommodate an increase in HGV traffic. They are winding and narrow. In places they are not wide enough to allow HGVs to pass one another. HGVs using the local road network would harm the character of the countryside and be extremely detrimental to highway safety. There can be no guarantee that all HGVs associated with the proposed development would follow the defined access route.

10.39 In addition, there is potential for further mineral development in the area. If this and the eRCF development were to take place, an industrial landscape would be created and the character of the countryside would be destroyed. Such a combination of development would result in more than 1000 additional HGV movements on the A120. This would cause such serious congestion that lorries would be forced to use the local road network.

10.40 It was originally proposed that a waste treatment plant at Rivenhall Airfield would deal with local waste. However, the proposal has grown to an extent that it would be a major industrial development that would deal with waste from as far afield as the East Midlands. The complex would so large that it would ruin the rural character of the area. The proposed chimney stack would be seen for miles.

10.41 There can be no guarantee that emissions would not cause harm to human health or wildlife. The development has the potential to produce odours and bio-aerosols. Mrs Ashton's husband and son both suffer from asthma, and this would undoubtedly be exacerbated by any emissions.

10.42 Waste recycling figures in Braintree District Council are well ahead of targets. Waste management in the future should be undertaken within each district, and not on a vast centralised basis which increases the need for transport and environmental impacts.

6. Mr Brian Saville

10.43 Mr Saville lives at Herons Farm, which overlooks the application site. His family have lived there for generations. He regularly uses Church Road and is concerned about road safety at the access road junctions with Church Road and Ash Lane. On three occasions last year, vehicles came out of the Quarry access road immediately in front of his car, whilst he was travelling along Church Road. The access road is used as a 'rat run' when congestion occurs on the A120. There have

been two major accidents in the past, one at the Church Road junction and the other at the Ash Lane junction.

10.44 At present the access road carries about 200 to 300 vehicles per day. Adding a further 400 HGV movements would result in extremely dangerous conditions for road users. Many HGVs slow down, but do not stop at the junction. The proposal to trim existing hedges and replace signs would have little impact on road safety.

7. Ms Felicity Mawson - Witham Resident

10.45 Ms Mawson's statement can be found at Document OP/7. She is concerned that the future generation would have to suffer the 'blot on the landscape' that would be created by the development of the eRCF. The countryside would be despoiled.

10.46 HGVs would be likely to use the local road network, as the A12 road is already busy and congested. This would cause additional noise, vibration and reduced air quality from exhaust fumes. Local people's health and quality of life would be compromised.

10.47 Ms Mawson is also concerned about the consequences of potential accidents and the release of pollutants at the plant. Such a large plant would concentrate the various risks in one place.

SECTION 11 - WRITTEN REPRESENTATIONS

11.1 The application has been subject to three consultation periods; the first following the submission of the original application and ES, the second following the submission of the Regulation 19 additional information, and the third following the submission of the addendum to the ES. The responses to the first two consultation periods are summarised in the report to the ECC Development and Regulation Committee (Section 6 of Document CD/2/12A). Amongst other things these indicate that the East of England Development Agency broadly supports the application; the Highways Agency was satisfied that the proposal would not have an adverse effect on the A120 Trunk road, and the Environment Agency (EA) indicated that it had no objection subject to a number of comments. The EA pointed out that various mitigation measures should be undertaken and that an Environmental Permit would have to be obtained which would require the applicants to demonstrate that a high level of protection of the environment would be achieved. The Primary Care trust also had no objection, subject to certain mitigation measures being implemented in relation to air quality and road safety.

11.2 The Highway Authority did not object to the proposals subject to a number of highway improvements being secured by means of condition or legal agreement. Natural England (NE) also had no objection, provided proposed mitigation measures are undertaken. NE considered that the proposed ecological management plan would have a long term positive impact on ecological assets. However, Essex Wildlife Trust objected to the proposals on a number of grounds, including the proposed loss of 50m of species rich hedgerow, the loss of 1.6ha of woodland and resulting disturbance to the remaining area, and the loss of 19.1ha of open habitats. The Ramblers' Association also objected to the scheme pointing out that the airfield is on an elevated site which provides commanding views in all directions. The Association considers that the site has many of the characteristics of a greenfield site. It argues

that noise, dust, and traffic would be a nuisance for nearby residents and users of the local rights of way network. Written objections were also made by Braintree DC, a number of Parish Councils and the CPRE Essex. The objections from these bodies were expanded upon and explained by witnesses at the inquiry and are set out in preceding sections of this report.

11.3 In addition to the consultation responses, ECC received representations from 820 individuals and organisations, the vast majority objecting to the proposals. These can be found at Document 3. A summary of the representations is set out in Appendix F of Document CD/2/12/A. Amongst other things, objectors submit that there is no overriding need for the development and that such development is contrary to prevailing planning policy, in terms of national guidance and the development plan. Moreover, it is argued that the site and proposed development are far larger than that set out in the WLP and are excessive in terms of the needs of North Essex. The proposal is in breach of the proximity principle and would result in inappropriate industrial development in the countryside. There is concern that waste would be imported from outside Essex. Objectors argue that such development should be located near the coast, away from human habitation, and close to infrastructure that would provide appropriate access.

11.4 It is also argued that development would blight the countryside. The scheme would be readily visible in the landscape and the proposed chimney stack would be very prominent and visible for miles. The proposed height of the stack is uncertain. The photomontages presented by the applicants are inaccurate. Moreover, they show trees in leaf and therefore suggest greater screening than would be available in winter. The long term viability of the remaining trees is in doubt because of the reduction in water that would be available. New planting would not be effective as a screen for 10 to 15 years. There would be a loss of good quality agricultural land.

11.5 There is also concern that the development would result in a loss of habitats, grassland and woodland. It would be detrimental to protected species. The proposal would be harmful to the Upper Blackwater Special Landscape Area (SLA) as the access road passes through the SLA.

11.6 Objectors submit that the development would discourage recycling. It is argued that waste management should be undertaken at a District level and that facilities such as the CHP cannot run economically without a guaranteed supply of combustible material.

11.7 In relation to traffic generation, it is submitted that the number of vehicles anticipated by the applicants is not realistic and the road network would not be able to cope with the increased traffic. The A12 and A120 are already congested at peak periods and when accidents occur. At such times, HGVs associated with the site would use the local road network. There has been no attempt to make use of other forms of transport. Moreover, the additional traffic would contravene Government guidelines on CO₂ emissions and carbon footprints.

11.8 Objectors consider that the proposals would cause problems of light pollution, litter, odour, dust, noise and disturbance, and would encourage vermin. This would be harmful to the living conditions of local residents.

11.9 There is also concern about the impact of emissions from the eRCF on human health, wildlife and the growing of crops. The proposal could result in contamination of ground and surface water. Moreover, there is a risk of accidents which could pose a hazard.

11.10 There would be a detrimental impact on listed buildings in the area. The setting of Woodhouse Farm would be affected by the proposed nearby chimney and the car park.

11.11 In addition to the representations submitted to ECC, consultation responses were sent the Planning Inspectorate on the Addendum to the ES. Moreover, more than 80 further written representations were submitted which can be found at Documents CD/15/1 to 7. Again, the vast majority of these representations are objections to the proposal. The representations reflect many of the arguments set out in the representations sent to ECC and point out that only one letter of support for the proposal was submitted. It is argued that the proposals are in conflict with national, regional and local planning policies and do not represent the Best Practical Environmental Option. The proposal is for a large scale industrial development in the countryside. It would be poorly located and harmful to the quiet rural character of the area and to wildlife and protected species. It would be inadequately screened and readily visible in the landscape.

11.12 The chimney stack would be a prominent and intrusive feature, which could not be disguised or blended into the colour of the sky. Moreover, there is no certainty that a 35m high chimney would be adequate. The planning application and Environmental Permit application should have been progressed together. Government guidance encourages certainty in the planning system and suggests that applicants should work with pollution control authorities. If it were eventually decided by the EA that a 40m or even 45m high stack was necessary, a further planning application would be required.

11.13 Objectors submit that the eRCF would cause light pollution in an area that is light sensitive. Furthermore it would create noise and disturbance, dust and odour, and attract vermin and seagulls. It would be harmful to the living conditions of local residents. It would result in the loss of Grade 3a agricultural land. Moreover, the development conflicts with the proximity principle and is entirely reliant on road transport. The anticipated HGV traffic figures are unreliable. The additional HGV traffic would exacerbate congestion and create safety problems, particularly on local roads and at the junctions of the access road with Church Road and Ash Lane. Congestion on the A120 is already a problem. On many days traffic travelling in an easterly direction is almost stationary from Marks Tey to past Coggeshall, and in a westerly direction from the Quarry access road to Braintree roundabout.

11.14 Again, it is argued that the proposal would create a risk to human health and the environment, and that the potential for the development to emit harmful gases and contaminate ground water has not been adequately assessed. The emissions of arsenic and lead would be close to legal limits. Lead levels could rise to more than 5 times the background levels. Furthermore, there has been a failure to predict or monitor NO_x changes, which can have a significant impact on vegetation. In addition, there is uncertainty over the wind direction data used by the applicants. The need for the development has not been justified and the development would discourage recycling. There is a need for flexibility in waste management in future

years. The eRCF proposal does not permit such flexibility. Moreover, it would result in waste being imported into Essex.

11.15 It is also submitted that the development would harm the setting of many listed buildings and the conservation area at Silver End. There is concern that the proposal would be detrimental to the historic value of the airfield.

11.16 Brooks Newmark MP, the local Member of Parliament, indicates that he is opposed to the construction of an incinerator at Rivenhall. He shares many of the concerns of local residents and considers that such development is neither in keeping with the needs of the local community nor the countryside.

11.17 Natural England (NE) confirms that it raised no objection to the application when initially consulted. It accepts the view expressed in the Addendum ES that the site comprises a range of habitats and that these suggest that the UK Biodiversity Action Plan Priority Habitat, Open Habitat Mosaics on Previously Developed Land is applicable. However, it appears to lack many of the key physical features commonly regarded as increasing biodiversity, and any areas of marginal or pioneer habitat are small and widely dispersed. NE agrees that ECC were justified in assigning only a limited level of significance to the site's Habitats Action Plan status under its PPS9 duties.

11.18 Jeremy Elden, Director of Glendale Power Ltd, indicates that the company has recently announced plans for a 30,000 tpa Anaerobic Digestion (AD) power station and associated CHP system in Halstead, some 8 miles (13 kms) from the application site (Document CD/15/5/B). The plant is intended to process segregated organic waste. An AD plant smaller than that proposed at Rivenhall has been chosen for a number of reasons. Firstly, it would meet a local need rather than a larger or regional need. Secondly, it would be linked to a district heating scheme. This is only economical for small generators, as the quantity of heat involved in larger generators would be too much to meet the requirements of users within a radius of about 500 metres, which is a feasible distance to carry heat by means of hot water. Thirdly, larger plants inevitably involve greater transport distances for materials which offsets any economies of scale.

11.19 Mr Elden points out that in Essex there two main sources of organic waste suitable for feedstock for an AD plant of the type contemplated by Glendale Power, namely municipal and C&I waste. The Essex Waste Partnership of local authorities together with Colchester BC anticipates a total of 88,000tpa of municipal demand. C&I quantities are harder to assess. One estimate based on population and total UK volumes, suggests a C&I feedstock availability in Essex of around 105,000 tpa. An alternative estimate based on the 2008 Regional Biowastes Study produced by Eunomia for the East of England Regional Assembly gives an estimate of 84,000 tpa C&I feedstocks within the county. Total feedstocks in the County are therefore around 170,000tpa of which about 30-40,000tpa are currently treated. Based on a transport cost versus plant size analysis, Glendale Power considers that the most economic size of AD plant has a capacity in the range of 30-45,000 tpa. In view of Glendale Power's proposal, the applicants are incorrect to suggest few, if any alternative waste processing facilities are likely to be developed in Essex apart from one or more major facilities at Basildon, Rivenhall or Stanway.

11.20 In a letter dated 13 October 2009 (CD/15/7), the Environment Agency (EA) comments on the Addendum to the ES, pointing out that it is concerned that “the proposed stack height of 35m may not provide the best level of protection for the local environment, in particular for short term means of SO₂ and NO₂ and long term means for several of the trace elements which have very low Environmental Assessment Levels (EALs)”. The EA draws attention to a number of EfW plants for which it has recently granted permits and which have stack heights considerably higher than that proposed for the application site, together with significantly smaller annual throughputs. The Agency provides further comments on the Addendum, notably pointing out that it is not acceptable for the applicants to simply state that EALs are predicted not to be breached. Best Available Technique (BAT) requires minimisation of any impact.

11.21 However, in a subsequent letter (Document CD/16/1) the EA seeks to highlight that it is not objecting to the eRCF, but wishes to make clear that a future environmental permit may contradict the requirements of a planning permission. If the stack height was restricted to 35 metres by a planning permission, there may be options other than an increased height of stack available to the applicants to ensure that the best level of protection is afforded to the local environment, such as more stringent emission limits, should this prove necessary. However, until a detailed assessment is conducted during the determination of a permit application, there can be no guarantee that the stack height proposed would represent the Best Available Techniques (BAT) to minimise the impact of the installation on the environment. The EA points out that the detailed comments made in the appendix of the letter dated 13 October 2009 were intended to identify specific areas where further work would be required to adequately demonstrate that BAT was being used to minimise the environmental impact.

11.22 Although reference was made in the letter dated 13 October to two other EfW plants with taller stacks, the EA points out that each case must be taken on its own merits and the necessary stack height would depend on site and installation specific characteristics. It cannot be inferred that a shorter stack would not be acceptable. However, limiting the stack height would reduce the options available to the applicants to ensure that air quality is satisfactorily protected.

11.23 Feering Parish Council (PC) is concerned about the impact of emissions from the plant and subsequent air pollution. It is also concerned about the detrimental impact of additional traffic that would be generated on the local road network, particularly when the A12 or A120 were closed. The PC submits that there should be a rail link provided to the site. It is also suggested that if planning permission were granted, a S106 agreement should be drawn up to provide a flood lagoon at Bradwell to relieve flooding problems in Coggeshall, Kelvedon and Feering.

SECTION 12 - CONDITIONS AND OBLIGATIONS

12.1 Document ECC/8 sets out the final version of the conditions suggested by ECC. The first column gives the original set of conditions which ECC intended to impose following its resolution to grant planning permission for the eRCF on 24 April 2009. The central column sets out the latest set of suggested conditions after discussions

with the applicants, together with the reasons for those conditions. The third column sets out, where applicable, comments by the applicants and ECC.

12.2 Turning to the list of conditions, ECC and the applicants submit that the nature of the development justifies a 5 year period for commencement of the development, with 30 days notification of commencement. These are considered to be realistic limits by the main parties.

12.3 The maximum number of HGV movements permitted in relation to the eRCF would be the same as that allowed by the extant permission for the RCF. No assessment has been made of the impact of a larger number of additional movements. The LCG considers that the condition would be difficult to enforce other than after the event of a breach. The applicants are satisfied that the number of HGV movements permitted by Condition 3 would be sufficient to allow the IWMF to operate efficiently. The number of HGV movements permitted on Sunday and Bank Holidays is not identified but would be limited to operations permitted by conditions 34 and 36. These conditions relate to temporary changes approved in writing by the WPA and the clearance of waste from Household Recycling Centres which again would be largely under the control of the WPA.

12.4 Condition 5 requires a daily record of HGV movements in and out of the site. In order to provide information that would assist in the monitoring of the traffic routing provisions set out in the S106 agreement (see paragraphs 12.21-22 below), it is suggested that Condition 5 should include a requirement to log 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. The applicants query the necessity to record such movements as the condition is intended to help control vehicle movements.

12.5 The LCG would like to see a condition requiring the buildings at Woodhouse Farm to be brought into a good state of repair. The applicants could eventually claim that they have failed to achieve further planning consent and Listed Building Consent (LBC) for the Woodhouse Farm complex and no refurbishment would be undertaken. It is argued that to bring the building into a good state of repair would not necessarily require further planning permission and LBC. However, the applicants point out that the covenants of the S106 agreement require the developer to make application for beneficial re-use of the building and to use reasonable endeavours to reinstate and refurbish the farm complex. ECC points out that the works required to bring the buildings into a good state of repair are substantial and may well require LBC in any case.

12.6 Condition 16 requires provision of an artistic feature on or near the north elevation of the proposed IWMF. BDLPR Policy RLP94 indicates that the District Council will seek the promotion of public art or local crafts in the public realm and that major development will make provision for the commissioning of suitable and durable features. It is pointed out that the site could be seen from the public footpath network.

12.7 Condition 17 requires a management plan to be submitted to ensure that there is no visible plume from the stack. The applicants argue that this requirement overlaps with the environmental permitting regime. ECC submits that it is a planning

matter which the EA may not address. The LCG are concerned that the condition does not categorically state that there will be no plume.

12.8 In relation to Condition 21, the LCG points out that no parking areas have been shown on the plans for the parking of HGVs. In response, the applicants submit that there is no intention to provide any substantial parking for HGVs in the open air on the site.

12.9 The LCG considers that a condition should be imposed requiring electricity produced at the plant to go to the National Grid. However, the applicants point out that it is not entirely within their control that the electricity produced at the plant would be supplied to the National Grid.

12.10 In relation to Condition 28, ECC submits that SRF should only be sourced from elsewhere in the East of England for a period of one year from the date of agreement with the WPA. In contrast the applicants argue that the sourcing of such material should be permitted for a period of 5 years, as a period of only one year would lead to problems of uncertainty.

12.11 Turning to condition 30, ECC submits that the proposed condition allowing some paper waste from outside the region is reasonable because it takes account of the fact that the applicants may not initially be able to source 80% of the paper feed from within the region - it provides a mechanism for agreeing a larger proportion. The applicants argue that the MDIP would be a unique facility in the UK and that the condition is unreasonable. It would not be possible to immediately source 80% of the feedstock from within the region and the relaxation allowed under the condition would therefore be necessary at the outset. Moreover, Policy WM3 of the East of England Plan (Document CD/5/1) indicates allowance can be made for specialist processing or treatment facilities to deal with waste primarily from outside the region where there is a clear benefit. The principle of self sufficiency therefore does not apply in this respect. The applicants argue that a restriction limiting feedstock to within a radius by road of 150km, or to the 3 regions bounding the East of England would be more reasonable and practical. This would help to control the distance feedstocks were transported and thereby limit emissions resulting from the transport of waste. The modelling of the carbon benefits of the eRCF was predicated on an average travel distance of 100km per kg of waste.

12.12 However, ECC submits that even in the circumstances where an immediate relaxation is necessary, the suggested condition is reasonable, because the terms of the condition require ECC to authorise a greater proportion of imports. There are no circumstances where the condition would be unreasonable. At the same time, the condition ensures that the applicants have an incentive to seek feedstock from within the region, and that an initial inability to do so would not result in a total abandonment of the proximity and self sufficiency principle in the future. The figure of 20% is derived from the application. The regulation 19 information provided by the applicants stated that the Region could provide a significant proportion if not all of the paper feed stock for the MDIP [CD 2/10, p19-16]. This forms the basis of ECC's 20%/80% split.

12.13 The LCG are opposed to Condition 35 insofar as it would allow construction to take place for 12 hours on Sundays. ECC points out that a similar condition was applied to the RCF permission and the applicants argue that the PFI programme

expectations suggest that the plant would need to be constructed within 2 years which may well necessitate Sunday working.

12.14 There is some concern that Condition 38 does not specify where the noise measurements should be made. It is suggested that the wording in the last sentence of Condition 39 should be added to Condition 38.

12.15 Cllr Abbott for the LCG is concerned that Conditions 39 and 40 allow much higher noise levels than predicted by the applicants. The proposed (LAeq 1hour) limit is 42dB between 1900 and 2300 hours, and 40 dB between 2300 and 0700, whereas the application predicts levels of 30dB and as low as 22dB. Moreover, it is considered that Condition 42 is unreasonable in allowing an increase in noise up to 70dB (LAeq 1 hour) for up to 8 weeks per year. Condition 41 is considered to be inadequate.

12.16 The LCG considers that Condition 44 should specifically require lighting with zero tilt and that lights should not be sited above existing ground levels. In response ECC submits that the condition provides adequate control. It considers that specific controls imposed at this stage, before the lighting scheme is finally designed, could be counter-productive.

12.17 The applicants submit that Condition 52 should be deleted as it is a matter that would be dealt with when application is made for an Environmental Permit (EP). However, ECC points out that the EP would not control the excavation and construction of the plant and the condition is not unduly restrictive.

12.18 The LCG would like to see a complete prohibition of the works set out in Condition 55 during the bird nesting season. The applicants point out that this would be unreasonable if no bird nesting were taking place at the location in question.

12.19 Amongst other things, Condition 56 controls the height of the proposed stack. The applicants consider that it is unlikely that the EA would require a stack taller than 85m AOD (35 m above existing ground level) as part of the EP process. Nevertheless, the visual impact of a stack up to 90m AOD in height has been assessed and shown in at least one montage submitted by the applicants. The applicants seek the SoS's view on this matter. A Section 73 application would have to be made if a taller stack were to be required, but the views of the SoS would obviously be helpful if they were known in advance.

12.20 Condition 60 relates to the management and watering of trees adjacent to the proposed retaining wall for the period of excavation and construction of the IWMF. The LCG submits that these measures should continue during the operational phase. However, ECC argues that the trees rely on surface water rather than ground water in the substrata and therefore there would be no need to continue watering after construction is complete.

12.21 A conformed and a certified copy of the completed S106 agreement can be found at Document CD/14/5. The S106 agreement includes a covenant whereby the developer would not implement the planning permission until the highway works set out in Schedule 1 were completed. The works include improvements to the access road crossings at Church Road and Ash Lane and at locations where public rights of way cross the access road. These works are necessary in the interests of the safety

of users of the local highway and rights of way network. Some parts of the proposed highway works would be dedicated where they would form part of the public highway network. A section of the existing access road would also be widened.

12.22 The document also makes provision for a traffic routing management scheme in a form to be agreed with the County Council. Plan No 2 of the document shows the routes intended for HGVs and Schedule 6 sets out details of the scheme.

12.23 The third schedule relates to the setting up of a Site Liaison Committee. This would provide a forum between the operator, the local authorities and the local population to discuss the ongoing operations of the development and to assess compliance with various aspects of the control of the development. It would provide an opportunity for the results of air quality monitoring required by the EA, and ground water monitoring results to be presented to representatives of the local community. The LCG would like to see ambient air quality monitoring being undertaken at specified receptor locations. However, the applicants point out that this would be subject to so many variables that the data would be of limited value and it would be preferable and more meaningful to monitor emissions from the stack as is likely to be required by the EA.

12.24 The document also makes provision for the refurbishment of the Woodhouse Farm complex, providing amongst other things an education centre for the public, and an area to be set aside for local heritage, and an airfield museum.

12.25 The fourth schedule relates to a management plan to ensure that all retained and proposed vegetation is managed in a manner that would mitigate the visual impact of the development and improve and enhance the ecological value of the area. The management plan would cover a period of 20 years from the commencement of beneficial use of the facility. The document also provides for the planting of trees and shrubs for woodland and hedgerow areas, and seeding for areas of open habitat.

12.26 Clause 3.15 of the document seeks to ensure that the development is implemented and that the permission is not used merely to extract minerals from the site.

12.27 The document also makes provision for a level two and, where appropriate, a level three survey, in accordance with the 2006 English Heritage guidance entitled 'Understanding Historic Buildings: A guide to good recording practice', for all buildings and structures within a defined area set out in the document. It also provides for funding a presentation of the findings.

12.28 Provision is made for a groundwater monitoring scheme to be undertaken and if necessary for mitigation measures to be taken. The monitoring would continue until such time as it could be demonstrated that the development would not cause material adverse effects on ground water levels.

12.29 The agreement also links the Paper Recycling Facility (MDIP) to the CHP plant, except for periods of maintenance, thereby ensuring that the MDIP is an integral part of the overall plant.

12.30 The eighth schedule makes provision for the setting up of a Community Trust Fund to fund local community projects, and requires the developer to pay to the Trust Fund 5 pence per tonne of waste imported to the site.

SECTION 13 - INSPECTOR'S CONCLUSIONS

Note: Source references to earlier paragraphs of this report are shown in brackets thus [].

13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the application should be determined in accordance with the development plan unless material considerations indicate otherwise. Bearing in mind the matters on which the Secretary of State (SoS) wishes to be informed, the evidence submitted at the inquiry, the written submissions and my inspections of the site and its surroundings, I consider that the main considerations in this case are as follows:

- i. the relationship of the proposed development to prevailing planning policy;
- ii. whether the design of the proposal is of high quality and would result in a sustainable form of development;
- iii. the visual impact of the proposal and its effect on the character of the surrounding area and the wider countryside, bearing in mind the guidance in Planning Policy Statement (PPS) 7;
- iv. the extent to which the proposal is consistent with advice in PPS10 to provide adequate waste management facilities for the re-use, recovery and disposal of waste and to ensure that decisions take account of the waste hierarchy, the proximity principle and regional self-sufficiency;
- v. whether there is a need for a facility of the proposed size;
- vi. whether the overall scheme, including the de-inking and paper pulping facility, represents a viable proposal;
- vii. the weight to be given to the fallback position of the RCF permission granted in 2007;
- viii. whether there is a need for the scheme to provide flexibility to accommodate future changes in waste arisings and the way in which waste is dealt with, and if so, whether the scheme takes account of such need;
- ix. the effect of the scheme on the living conditions of local residents with particular regard to noise and disturbance, air quality, odour, dust, litter, outlook, and light pollution;
- x. whether the development would create a material risk to human health;
- xi. the effect of the proposal on highway safety and the free flow of traffic on the highway network;
- xii. the effect of the proposal on the local right of way network;
- xiii. the implications for the local ground and surface water regimes;
- xiv. the implications of the associated loss of Grade 3a agricultural land;
- xv. the effect of the proposal on habitats, wildlife and protected species;
- xvi. the impacts on the setting of listed buildings in the locality and the setting of the Silver End Conservation Area, and the desirability of preserving the listed

buildings or their settings or any features of special architectural or historic interest which they possess; and,

xvii. the effect on the historic value of the airfield.

i. Prevailing Planning Policy

13.2 When considering the extent to which the scheme is in accord with the development plan, the applicants submit that only the Regional Spatial Strategy (RSS) (which I shall refer to as the East of England Plan (EEP)) is up to date. I agree that it is the most up to date of the documents which make up the development plan, but the saved policies of the Essex and Southend-on-Sea Replacement Structure Plan 1996-2011 (ESRSP), the Essex and Southend Waste Local Plan (WLP) and the Braintree District Local Plan Review (BDLPR) are also of relevance in this case. Some policies in the WLP require consideration of the Best Practical Environmental Option (BPEO), whereas the Companion Guide to PPS10 indicates that there is no policy expectation for the application of BPEO, and that requirements that are inconsistent with PPS10 should not be placed on applicants. Nevertheless, it seems to me that the WLP is still broadly consistent with the subsequent PPS10. [3.4, 6.54, 8.53]

13.3 Many objectors argue that the proposal does not accord with the development plan. ECC, however, points out that although the proposal does not comply with some policy, a whole raft of development plan and national policy guidance is supportive of the eRCF scheme. ECC considers the proposal is a departure from the development plan primarily for two reasons, although they argue that these are not significant departures. Firstly, the site extends beyond the boundaries of the site allocated for waste management in WLP Policy W8A and Schedule WM1. Nevertheless, the principle of developing a waste management facility at this location accessed off the A120 is supported by the development plan. Moreover, the allocation does not incorporate land for access and does not include Woodhouse Farm. The former is a necessary part of any proposal and the latter is an element of the scheme which is clearly beneficial in this case. It must also be borne in mind that the RCF permission establishes the principle of waste management facilities extending beyond the allocated site. For these reasons, I agree with ECC that the weight to be given to this departure is limited. [3.4, 7.1, 7.5-7.7, 8.53, 11.3]

13.4 The second reason is that the Market De-inked Paper Pulp facility (MDIP) is considered to be an industrial activity. Siting such development in the countryside would be contrary to BDLPR Policies RLP27 & RLP78. Policy RLP27 seeks to ensure that development for employment is concentrated on suitable sites in towns and villages. However, it seems to me that the MDIP is an integrated part of the eRCF designed to recover high quality pulp from waste. EU waste legislation and policy indicates that waste remains waste until it is recovered. The processing of waste paper through the MDIP would be a waste management process. I have no hesitation in concluding that the MDIP would be a waste management facility. The BDLPR does not regulate waste development. Notwithstanding this, the focus of Policy RLP27 is on the strategic location of employment and traffic generators. The RCF which has already been permitted is also a generator of employment and traffic and there is little difference between it and the eRCF in this respect. [3.5, 6.64, 7.9, 8.55]

13.5 Policy RLP78 seeks to restrict new development in the countryside. However, a large part of the area where the integrated waste management facility

(IWMF) buildings are proposed is allocated for waste management facilities and again the permitted development of the RCF establishes the principle of large scale waste management development at this site. For these reasons, I give only limited weight to the claimed conflict with BDLPR Policies RLP27 & RLP78 on these matters.

13.6 Need is a matter to be addressed under the development plan. Amongst other things WLP Policy W8A seeks to ensure that there is a need for the facility to manage waste arising in Essex and Southend. The consideration of need also arises in the guidance of PPS10. I assess the need for the eRCF below and conclude that there is a need for waste treatment facilities having a capacity at least that of the proposed eRCF in order to achieve the national waste objectives set out in PPS10 and Policy MW1 of the EEP, and to achieve the recycling targets for Essex and the East of England, set out in Policy MW2 of the EEP. [6.55, 7.11, 7.12]

13.7 The LCG submits that the proposal does not comply with EEP Policy WM1, pointing out that the policy requires the environmental impact of waste management to be minimised, including impacts arising from the movement of waste. I have considered these issues under a number of headings below, and although the development would have a number of detrimental impacts, including an impact on the character and appearance of the area; increased HGV movements on the A120; a detrimental impact on the living conditions of local residents; and loss of Grade 3a agricultural land; I am not convinced that the impacts are so great that they make the proposal unacceptable. In my opinion, the scheme has been designed to minimise the impact of waste management and does not therefore conflict with EEP Policy WM1. [8.56]

13.8 I am satisfied that the proposed MDIP is consistent with EEP Policy WM3. It would enable the recovery of locally arising wastes together with higher grade waste paper attracted from outside the region because of the absence of similar facilities in the UK. [6.56]

13.9 Objectors point to the congestion which presently occurs on the A120 and submit that, by adding further HGV traffic to the A120, the proposal would conflict with EEP Policy T6 which, amongst other things, seeks to improve journey reliability on the regional road network as a result of tackling congestion. However, paragraph 7.18 of the EEP makes it clear that the regional road network should be the lowest level road network carrying significant volumes of HGVs. Policy T6 relates to the improvement, management and maintenance of the strategic and regional road networks, and thereby aims to ensure that they are fit for purpose. Traffic generated by the proposal would access the site directly via the A120 Trunk road and would therefore be directed immediately to the appropriate road network level. In this respect the proposal does not conflict with EEP Policy T6. [6.75, 8.34]

13.10 For all the above reasons, I consider that the proposal is broadly consistent with the policies of the development plan, although it does not comply with all policies. For example, the loss of Grade 3a agricultural land would be in conflict with BDLPR Policy RLP 88, and the visual impact of the chimney would have some detrimental impact on the landscape character and thereby conflict with the objectives of RLP 78 and EEP Policy ENV2. However, in relation to the requirements of EEP Policy ENV2, it is arguable that appropriate mitigation measures would be provided to meet the unavoidable damage to the landscape character that would be caused by the proposed chimney stack. [6.85, 8.55, 9.31]

13.11 I have considered the proposal in the light of national guidance. Whilst there is some conflict with the guidance, again for example, the loss of agricultural land and the impact of the proposed stack on the landscape character, I am nevertheless satisfied, for the reasons given in the following sections, that the proposal is generally in accord with national guidance, including that contained in PPS1, PPS7, PPS10, PPG15, PPS22 and PPS23.

ii. The quality of the design and sustainability implications

13.12 The design, layout, scale, dimensions and external finishes of the eRCF are similar to those of the RCF, albeit that the eRCF would have a footprint about 17% larger than the permitted scheme. The main difference between the schemes is the addition of the MDIP facility, the CHP plant, and the stack. Bearing in mind the nature and size of the proposed development, I consider that it would be remarkably discreet within the landscape. The IWMF would be sited below existing ground level which would result in a large proportion of the structure being hidden from view and the rooftop level of the main buildings would be no higher than the existing hangar on the site. Moreover, the large arched roofs of the main buildings would resemble those of an aircraft hangar and thereby reflect the past use of the site as an airfield. [6.6, 6.94, 7.19, 8.25]

13.13 The cladding materials would be dark and recessive and the green roof of the main buildings would be colonised with mosses. The application site lies in an unlit area which is sensitive to light pollution. However, it seems to me that lighting at the site would be as unobtrusive as possible. Most, if not all, lighting units would be sited below existing ground level and designed to avoid light spillage. In addition, the extension to the access road would be built in cutting or on the existing quarry floor so that traffic generated by the site would be screened from many viewpoints, although the access road would be crossed by a number of footpaths. [6.6, 6.84, 6.93, 7.20, 11.3]

13.14 I consider that the combination of the above features, together with the proposed additional woodland and hedgerow planting, would help to alleviate the impact that such a large development would have upon its surroundings. In relation to the RCF proposal, CABE commented that the location was suitable for a waste management facility and that the proposed architectural treatment and sinking of the building and approach road into the ground raised no concerns. CABE made no consultation response in relation to the eRCF. [6.95, 7.19, 7.28]

13.15 The proposed stack would be an intrusive feature in the landscape. Again, however, the design of the scheme has sought to minimize this impact. The scheme has been amended so that only one stack would be built, albeit that it would be some 7m wide. Nevertheless, it is predicted that there would be no visible plume rising from the stack and the structure would be clad in a reflective finish. This and its siting, where a significant proportion would be screened from view, would help to mitigate its impact. [6.4, 6.82, 6.116, 7.20, 9.23-26, 11.4, 11.12, 12.7]

13.16 It seems to me that each of the waste management processes within the eRCF would benefit from the proposed integration with others. However, there is sufficient capacity in each of the processes to allow for variation thereby providing flexibility of use. [6.97]

13.17 The Climate Change Supplement to PPS1 requires that proposals make an appropriate contribution to climate change. Analysis using the EA's 'WRATE' Life Cycle Assessment Model indicates that the eRCF would result in a significant reduction in CO₂ emissions. The total savings of CO₂ by 2020 would be in excess of 70,000 tpa which compares favourably with the 37,000 tpa savings from the RCF. The integrated nature of the development would enable the power supply required to run the entire plant to be self generated at a lower carbon emission rate than electricity drawn from the National Grid. Decoupling the CHP from the rest of the scheme would require 25MW of electricity from the National Grid to power the waste management processes. [6.99, 6.100]

13.18 I am mindful that the WRATE analysis does not take account of the production of biogenic CO₂ in the carbon balance. This approach is justified on the basis that CO₂ has already been sequestered in the growing plant and the overall balance is therefore neutral. Saffron Walden Friends of the Earth (SWFOE), on the other hand submits that biogenic CO₂ should be included in carbon emission calculations, not least because the production of biogenic CO₂ contributes to climate change, whereas sequestered carbon remains truly neutral. There is some merit in this argument, although, as the applicants point out, FOE's concern on this matter primarily relates to its disagreement with current guidance. IPPC guidance does not require biogenic CO₂ to be included. It may well be that other methods of dealing with organic waste, such as composting, would result in carbon being sequestered for a considerably longer period than in the case of incineration where much of the carbon would normally be released immediately. However, there is no dispute that the applicants have adhered to current guidance in assessing the carbon balance. [6.4, 10.8]

13.19 PPS22 indicates that energy from waste is considered to be a source of renewable energy provided it is not the mass burn incineration of domestic waste. SWFOE submits that the CHP should be characterised as disposal rather than recovery of waste as a matter of EU law. It also argues that recovery of energy through the CHP does not meet the formula for R1 recovery operations set out in Annex II of Waste Directive 2008/98/EC, which comes into force in late 2010. However, the energy efficiency figure formula set out in the Appendix to the Directive indicates that the CHP would meet the requirement for classification as recovery. Moreover, as the applicants point out, CHP is currently supported by WSE 2007 and other national and regional policy because of its ability to recover energy whether or not it is technically recovery or disposal in EU terms. The Waste Directive 2008 seeks to address the categorisation issue. The use of SRF in the proposed CHP plant and the export of electricity to the National Grid would contribute to meeting the Government's Renewable Energy target of producing 15% of UK energy from renewables by 2020. The contribution would be increased by the proposed co-location of the MDIP and its consumption of heat from the CHP plant. For these reasons, I agree with the applicants that the eRCF proposal is in accord with the objectives of PPS22, the UK Renewable Energy Strategy, and WSE 2007 in this respect. [6.5, 6.101, 6.102, 7.27, 10.9-10]

13.20 Objectors submit that it is inappropriate to site such large scale development within the countryside. I am mindful that the application site can only be accessed by means of road transport and that for the workforce and visitors it would not be readily accessible by means other than the private car. However,

such a development would not necessarily be readily sited at the edge of a town or service centre. Moreover, permission has already been granted for a major waste management facility at this location. [8.23, 11.3, 11.16]

13.21 The operational impacts of the development would be minimised by the use of negative air pressure within the buildings and a design which would allow, and require, all loading and unloading of material to take place within the buildings.

13.22 For all the above reasons, I conclude that the design of the eRCF is of high quality and that it would be a sustainable form of development which would enable the management of waste to be undertaken in a sustainable manner.

iii. The impact on the character and appearance of the area.

13.23 My conclusions on this issue are interlinked with my comments on the impact of the development on the living conditions of local residents. My conclusions, at paragraphs 13.66 to 13.85 below, should therefore be read in conjunction with the following comments.

13.24 The site is situated in an area of primarily open, flat countryside, which allows long distance views from some locations. The character of the site and its immediate surroundings is heavily influenced by the remains of runways and buildings from the former Rivenhall Airfield; the nearby excavations at Bradwell Quarry; and blocks of woodland immediately to the south and east of the proposed location of the IWMF. The wider landscape beyond this area comprises gently undulating countryside, characterised by large open fields, small blocks of woodland and discrete, attractive villages. The existing access to the quarry, which would be used to provide access to the IWMF, passes through the Upper Blackwater Special Landscape Area. [2.1, 2.2, 6.77]

13.25 The site of the proposed IWMF and its immediate surroundings is not subject to any special landscape designation and is not, in my judgment, an area of particularly sensitive countryside. Its character as Essex plateau farmland has been degraded by the airfield infrastructure, the nearby quarry and isolated pockets of commercial development in the locality. The principle of a waste management facility at this location served from the A120 is established by the allocation in the WLP. The WLP inspector did not rule out an incinerator on the site, and WLP policy W7G suggests that such development may be acceptable. Moreover, as I conclude at paragraph 13.60 below, the RCF permission establishes the principle of large scale waste management at the application site, and the potential environmental impacts of the RCF are a material consideration in the present case. [2.5, 2.7, 6.77, 7.25, 8.16]

13.26 The eRCF has been designed in a manner that would limit its impact on the landscape. The building would be sited below existing ground level and the proposed extension to the access road would be primarily in cutting; the arched roofs of the main buildings would reflect the design of aircraft hangars; cladding materials would be dark and recessive; the green roof of the building would become colonised with mosses; and new hedging together with existing and proposed woodland would help to screen the development.

13.27 Lighting of the development would have some impact on the character of this presently unlit area. Again the design of the development is such that this

impact would be minimised. Most lights would be sited below existing ground level with flat glass luminaires mounted at zero tilt. Outside the hours of 0700 to 18.30 hours, external lighting would operate only in response to movement sensors. The disturbance caused by the coming and going of vehicles would also be reduced by the fact that much of the access road would be in cutting. [6.82-84]

13.28 I deal with the matter of tranquillity at paragraph 13.71 below and conclude that impact of the development on the tranquillity of the area would not be serious, once the construction operations are complete. [6.124, 8.15, 9.5]

13.29 The eRCF would have a slightly greater footprint than the RCF and it would be constructed further into the existing belt of woodland to the south. However, the main difference between the two schemes, in relation to the impact on the character and appearance of the area, would be the addition of the proposed stack. This would be a noticeable and substantial feature. It would rise 35m above existing ground level and be some 7m in diameter. It would, however, be partially screened by woodland to the south, east, and west and by the IWMF building when viewed from the north. Nevertheless, from many locations the top 20 metres of the stack would be visible. Moreover, the topography of the area would enable long distance views of the top section of the stack from some locations. Although the stack would be a relatively minor element in the landscape as a whole, and there would be no visible plume, I consider that it would appear as an industrial feature which would have some detrimental effect on the present lightly developed, semi-rural character of its surroundings. [6.103, 8.20]

13.30 On the other hand, the mitigation measures associated with the development would result in some enhancement of the countryside. The proposed woodland planting would cover a greater area than the area of woodland that would be lost, and the 2kms of new hedgerow would be of particular benefit. There would be a loss of 19.1 ha of existing open habitat, although much of this is not of high quality, and the proposal would provide for the management of remaining areas of habitat and various areas of new habitat. Moreover, the proposal includes the management of existing and proposed water bodies which would enhance the bio-diversity of the area. I also consider that the proposed refurbishment of the derelict listed buildings at Woodhouse Farm would be of benefit to the character and appearance of the countryside. [7.28, 8.19]

13.31 In conclusion, I consider that the eRCF would have some urbanising and detrimental impact on the semi-rural character and appearance of the area, and in this respect it would conflict with the aims of BDLPR Policy RLP78 and EEP Policy ENV2. However, I am mindful that the rural character of the area has already been degraded. Moreover, when compared to the RCF proposals, the main additional impact of the eRCF on the character and appearance of the area would be as a result of the proposed stack. This would have a materially detrimental effect on the character of the area, although as it would be partly screened it would not, in my judgement, be an overwhelming feature in the landscape. Bearing in mind the benefits that would be provided by additional woodland and hedgerow planting, over and above that which would be provided by the RCF development, I conclude that the overall impact of the eRCF upon the character and appearance of the area would be detrimental but limited. By providing these mitigation measures where a detrimental impact is unavoidable, the proposal arguably meets the requirements of EEP Policy ENV2 and I consider that the overall impact would be acceptable. I agree

with the applicants that the limited visual impact arising from such a large-scale proposal suggests that the site is reasonably well located for the proposed use. On balance, I consider that the proposal respects the objectives of PPS7 and the extent of conflict with the guidance is limited. [7.30]

iv. Consistency with PPS10

13.32 PPS10 seeks a step change in the way waste is handled by moving the management of waste up the waste hierarchy. The guidance indicates that the overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. The eRCF would provide various means of dealing with waste, all of which would help to reduce the need for landfill. The various elements of the integrated plant would recycle waste, produce compost, and create energy from waste.

13.33 Some objectors argue that the development would discourage measures aimed at separating waste at the point of collection, whilst others are concerned that the demand for feedstock for the CHP would discourage recycling and result in certain wastes being managed at a point lower on the waste hierarchy than would otherwise occur. Under certain circumstances, where, for example, overall waste volumes reduced significantly, I agree that the existence of the eRCF could potentially reduce the incentive to separate waste at the point of collection. On the other hand, as markets for recycled waste develop, a reduction in the availability of recycled waste could increase its value and thereby enhance any incentive to separate waste at the point of collection. Similar arguments could be made in relation to feedstock for the CHP. [10.4, 11.16]

13.34 In reality, challenging targets are in place, relating to the recycling and recovery of value from waste, and the elimination of landfilling untreated municipal and commercial waste by 2021. In meeting these targets, I have no doubt that significant waste management facilities with overall capacities greater than that of the eRCF will be required, in addition to the current and future incentives to reduce waste, re-use materials, and separate waste at the point of collection. ECC considers that the type of facility now proposed at the application site will be necessary if it is to meet the national waste objectives set out in PPS10 paragraphs 1 and 3 and the challenging targets set out in EEP Policy MW2. [7.16]

13.35 The proposed facility would help to deliver these objectives by moving waste up the hierarchy. It would recover recyclables, produce compost and reduce the need for disposal of residual material to landfill by using such material as a fuel for combustion in the CHP plant. It would also use imported SRF from other permitted waste management facilities in Essex, which might otherwise go to landfill. The scheme would generate electricity and provide a specialized facility for the recovery of recycled paper. Although the combustion of waste is only one step above landfilling in the waste hierarchy, the CHP is only one of the facilities that would be available at the eRCF. In my judgment, this integrated plant would allow the anticipated waste arisings to be managed as far up the waste hierarchy as reasonably and practically possible. Moreover, it would significantly reduce the amount of residual waste that would need to be sent to landfill. In these respects the proposal is in accord with the objectives of PPS10. [7.16]

13.36 In relation to the aim of protecting human health and the environment, I consider that by reducing the amount of material sent to landfill; recycling material; and using waste as a resource; the eRCF would be beneficial to the environment and thereby to human health. However, the question arises as to whether the emissions from the plant would conflict with the aim of protecting human health and the environment. I deal with these matters at sections x and xv below, and conclude that the plant could be operated without causing any material harm to human health or the environment. The dispersion modelling assessments undertaken to date show that the risks to human health would be negligible and I am satisfied that this matter would be adequately dealt with by the Environmental Permitting regime.

13.37 Objectors argue that the proposal does not comply with PPS10 because (i) there is no need for a facility of this size; (ii) it would not contribute positively to the character of the area; (iii) it would result in visual intrusion; (iv) the traffic generated on the A120 would be unacceptable; (v) the scheme does not reflect the concerns of the local community; and (vi) it conflicts with other land use policies. I consider the need for the facility in the section below and conclude that a need has been demonstrated for waste treatment facilities having a capacity at least that of the proposed eRCF. In relation to the impact of the proposal on the character and appearance of the area, I conclude at paragraph 13.31 above that although the eRCF would have some detrimental impact on the rural character and attractive appearance of the area, the mitigation measures that would be put in place would reduce this impact to an acceptable level. Similarly, I am satisfied that the condition limiting the daily HGV movements generated by the development to no more than 404, and the provisions of the S106 agreement with regard to traffic routeing, would ensure that the impact of generated traffic on the local road network would be acceptable. [8.58]

13.38 Clearly the local community have deeply held concerns regarding the proposal in relation to a range of matters. However, although planning strategies should reflect the concerns and interests of communities, this requirement applies not only to the immediate local community but the wider community to which the strategies apply. I consider that the design of the scheme, and the mitigation measures employed have addressed the concerns of the community so far as possible and to a reasonable extent. Obviously this has involved a balance in seeking to minimise the impacts of the development whilst making use of the benefits that the development could provide. The eRCF would allow Essex to increase its provision of sustainable waste management, secure increases in recycling and recovery, and reduce carbon emissions. The community's needs for waste management would in part be addressed by the eRCF. [6.108, 6.109]

13.39 I am mindful that the proposal conflicts with some objectives of planning policy. For example, it would result in the loss of some of the best and most versatile agricultural land, and it is not fully in accord with WLP Policy W8A in that the application site is larger than the allocated site and the proposed building is substantially larger than envisaged. However, these matters must be balanced against the benefits of the proposal and other sustainability issues. Moreover, account must be taken of the wide range of mitigation measures which would minimise the impacts of the development.

13.40 Overall, I am satisfied that the proposal is consistent with the key planning objectives set out in PPS10. It 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. With regard to self sufficiency, the facility would meet a need in the region to deal with MSW and/or C&I waste. The development would help to reduce carbon emissions and would have benefits in terms of climate change. It would also contribute to the implementation of the national waste strategy. The impacts of the development could be adequately controlled or mitigated, and the proposal would pose no significant risk to human health and the environment. In my opinion, the design of the development and the associated mitigation measures would help to support the objectives of sustainable waste management. [6.99, 6.106, 7.31-33]

v. The need for the proposed facility

13.41 PPS10 indicates that where proposals are consistent with an up-to-date development plan, applicants should not be required to demonstrate a quantitative or market need for their proposal. Although the WLP allocates a site for waste management facilities at Rivenhall Airfield, in accordance with Policy W8A and Schedule 1, the allocated site is far smaller than the application site. Moreover, the size of the proposed IWMF is clearly much larger in area than that envisaged in Schedule 1. Furthermore, Policy W8A requires a number of criteria to be satisfied if waste management facilities are to be permitted. One of these is that there is a need for the facility to manage waste arisings in Essex and Southend. I appreciate that the WLP pre-dates PPS10 and is arguably out of date in that it requires, for example, waste management proposals to represent the BPEO. Notwithstanding this, it cannot be argued that the proposal is fully in accord with an up-to-date development plan. Given the difference in size between the proposed development and the development anticipated on the allocated site, I consider that the need for a facility of the proposed size should be demonstrated. [7.11]

13.42 The EEP sets challenging targets for the recycling, composting and recovery of both MSW and C&I waste in accordance with the WSE 2007. By 2015, 70% of MSW and 75% of C&I waste must be recovered. The Plan anticipates provisional median waste arisings for MSW and C&I waste for Essex and Southend, including the required apportionment of London Waste, for the period 2015/16 to 2020/21 to be 3.67mtpa. However, the applicants' need case has been assessed on a more conservative basis, using the 2.4mtpa for 2020/21, which is put forward by the East of England Regional Assembly (EERA) in its report entitled 'Waste Policies for the Review of the East of England Plan' dated 29 June 2009. Nevertheless, as this document is at the consultation stage, the larger EEP figure should be used. Indeed, as the applicants point out, the consultation process on the EERA Report of July 2009 has not yet been completed and subject to examination and therefore the document carries little weight. Accordingly, the 3.67mtpa figure in EEP Policy WM4 is the figure which should be used at present. [6.25]

13.43 In contrast to these figures, the potential treatment capacity of the currently permitted facilities in Essex is only 1.375 mtpa, and there do not appear to be any current plans to bring capacity forward on the WLP preferred sites that are not already the subject of a resolution to grant planning permission. Therefore, even on the basis of the reduced figures in the consultation document, I am satisfied that there is a need in Essex for new facilities to manage both MSW and C&I wastes. The LCG submits that the EEP policies are based on arisings which are not occurring at

present; the actual arisings being lower than estimated. However, I give little weight to the 'Updated Capacity and Need Assessment – Final Report' prepared by ERM for ECC in July 2009, as it contains a number of inaccuracies and will not form part of the evidence base for ECC's Waste Development Document. [6.13 -6.16, 6.30, 7.11-7.13, 8.6]

13.44 Many objectors, including the LCG consider that the capacity of the proposed eRCF is far greater than the perceived need. However, even on the basis of the lower, but disputed, figures for need based on the ERM reports, there is still a need for the proposed MBT facility in terms of MSW and C&I waste arisings. These figures result in a capacity gap of 326,800 tpa, compared to the proposed MBT capacity of 250,000 tpa. Using the reduced EEP figures, the overall treatment capacity gap in 2021 is likely to be between 412,762 and 537,762 tpa even on the basis that the Basildon site and the eRCF is developed. The capacity gap for C&I facilities exceeds the capacity of the proposed development. Moreover, the waste management capacities of the RCF and eRCF are similar for imported waste of similar composition, and therefore the 'need' for the treatment capacity has arguably already been established. [6.4, 6.6, 6.12, 6.25, 8.1, 10.3, 10.17, 11.3]

13.45 The figures put forward by the applicants suggest that without thermal conversion of residual waste, Essex would need to permit at least 1 or 2 new large landfills. Such capacity is unlikely to come forward because of the difficulty of securing planning permission for disposal capacity where insufficient treatment capacity exists further up the waste hierarchy. Thermal treatment of residual waste, incorporating CHP, is supported by the WSE 2007 and ECC's OBC 2008. It increases the level of recovery and reduces pressure for additional landfill. The CHP would make use of imported solid recovered fuel (SRF) from other permitted waste management facilities in Essex. Although the LCG argues that this would be a marketable fuel, the SRF could go to landfill if an end user is not found. The LCG submits that the use of the SRF merely meets a secondary or ancillary need. However, ensuring that good use would be made of such fuel meets a material need in my judgment. Moreover, the CHP would reduce the need for landfilling of residuals from the MBT, and by using residues from the paper pulp recovery process as a fuel, it would remove a need for offsite disposal of such material and the potential for it to be sent to landfill. [6.18, 7.16, 7.31, 8.2]

13.46 The LCG argues that there is no primary need for the eRCF because ECC would allow all potential operators to have access to the Basildon site on equal terms and thereby meet its need to deal with MSW arisings at that site. However, the eRCF would accommodate the only proposed CHP facility capable of treating the SRF to be produced by MBT through the MSW contract. Moreover, I agree with the applicants that the need for the eRCF is unaffected by the fact that it is not the reference project in ECC's OBC 2009. The reference project was amended to a single site not because ECC considered the application site to be unsuitable, but because ECC did not have control over it. ECC confirms that the eRCF would provide suitable technology for the proposed ECC waste contract. It submits that the significance of the OBC is that it provides evidence of ECC's need for an operator and site to handle its MSW contract. The eRCF would be able to bid for that contract and the additional competition it would introduce would be welcomed by the WDA. The eRCF could meet ECC's need to dispose of its MSW, quite apart from its capacity to meet C&I waste arisings. [6.10, 6.21, 7.15]

13.47 The treatment capacity gap for C&I waste is such that even if the applicants did not win the ECC MSW contract, there is a sufficient need for the site to deal solely with C&I waste. The proposal put forward by Glendale Power for a 30,000 tpa AD power station and associated CHP system at Halstead is at an embryonic stage. Even it were to proceed, there would still be a need for waste treatment facilities in Essex of a greater magnitude than the capacity of the eRCF. [6.25, 6.28, 11.18]

13.48 It is argued by some objectors that there is no need for the development because recycling rates are increasing throughout the country and the application proposal could undermine efforts to increase recycling. There is no doubt that significant improvements in the separation of waste and subsequent recycling are taking place. This could well reduce the quantity of waste that would need to be sent to a facility such as the eRCF. However, the eRCF has the potential to increase still further the amount of recycling, treatment and recovery of waste in the County, and it seems to me that such facilities will be necessary to help ECC to meet its waste targets. There is no reason why the proposal should obstruct a continued increase in the recycling and recovery of waste. [6.23, 10.2, 10.32, 11.14]

13.49 I appreciate the concern that recyclable material should not be incinerated. Such an approach encourages the treatment of waste at a lower level in the waste hierarchy than need be the case. However, the application proposal would provide facilities to maximise the recovery of recyclable material and there is no reason to believe that materials which could reasonably be recycled would be used as fuel in the CHP.

13.50 With regard to the proposed MDIP, the LCG points out that only about 36% of recovered paper is likely to be suitable for use at the facility. It is argued that the applicants are over ambitious in their approach to the amount of feedstock that would be available. However, I am mindful that there will be no MDIP facility in the UK after 2011 to produce high quality paper pulp. The proposed MDIP at Rivenhall would be capable of meeting the needs of Essex and the East of England in terms of the recycling and recovery of high quality paper, thus meeting WSE 2007 key objectives. The facility is likely to stimulate greater recovery of high quality paper waste. I agree with the applicants that it would help to divert a significant quantity of paper and card from landfill. At present some 713,000 tpa of such waste is currently landfilled in the East of England. The MDIP would provide a facility to meet the needs of a wider area in accordance with EEP Policy WM3. [6.12, 6.20, 7.17, 8.7-8.12, 10.29]

13.51 In summary, I consider that the eRCF would help to satisfy a substantial and demonstrable need for MSW and/or C&I waste to be dealt with in Essex and for ECC to meet challenging targets set out in the EEP. The individual elements of the integrated plant would also help to satisfy various needs, including the need to move the treatment of waste further up the waste hierarchy and minimise the amount of waste that would otherwise be sent to landfill. I conclude that a need has been demonstrated for waste treatment facilities having a capacity at least that of the proposed eRCF.

vi. The viability of the proposal

13.52 Objectors question the viability of the scheme as a whole, and in particular that of the proposed MDIP. They point out that a full viability appraisal has not been provided by the applicants. Sufficient feedstock for the MDIP would not be available within the East of England Region and the operators would be reliant on their ability to offer competitive prices for feedstock. Furthermore, it is argued by objectors that it would be cheaper to produce pulp on the same site as a paper mill in an integrated paper production process. This would remove the need to dry the pulp prior to transportation. [8.11-8.13]

13.53 Clearly the proposed MDIP would require a large amount of feedstock. This would increase the demand for high quality paper waste and could well lead to an increase in the price of such waste on the open market. However, this, in turn could encourage increased recovery of high quality paper waste and ensure that better use is made of such waste.

13.54 The applicants submit that there is genuine commercial interest in the eRCF proposals from potential operator partners and key players. They point out that negotiations are presently taking place in relation to various aspects of the proposed MDIP, but these are commercially confidential. This is understandable given the present status of the scheme. Notwithstanding this, it seems to me to be a logical argument that the capital cost of the MDIP would be less than a stand alone facility, as it would be part of a much larger scheme. Moreover, relatively cheap power would be available from the CHP, thereby enabling the MDIP to operate competitively. I accept that the cost savings achieved by using heat and electricity generated by the CHP are likely to outweigh the additional costs of drying the pulp and transporting it to a paper mill. I have no reason to doubt that the MDIP would be capable of competing with a similar facility sited at a paper mill and in this respect it is a viable proposal. [6.42]

13.55 The applicants point out that the planning regime does not normally require a developer to prove viability. It is submitted that the issue of viability has arisen primarily because of EEP Policy WM3, which, although seeking a reduction in the amount of waste imported into the region, acknowledges that specialist waste facilities such as the MDIP, may have a wider than regional input of waste. However, the policy indicates that allowance should only be made for such facilities where there is a clear benefit, such as the provision of specialist treatment facilities which would not be viable without a wider catchment and which would enable recovery of more locally arising wastes. In relation to Policy WM3, viability is only an issue if the facility is one "*dealing primarily with waste from outside the region*". At paragraphs 13.144 – 13.149 below, I consider Condition 30 which seeks to restrict the amount of feedstock for the MDIP from outside the region. I conclude in that section that 50% of the feedstock should be sourced from within the region. On that basis, the issue of viability does not arise in relation to Policy WM3.

vii. The fallback position

13.56 Objectors argue that little weight should be placed on the extant permission for the RCF as there is no evidence that it would be implemented. It is pointed out that ECC resolved to approve the application for the RCF in 2007, yet planning permission was not granted until 2009 after the completion of the relevant

S106 agreement. Moreover, it is claimed that the applicants have described the RCF as an indicative scheme and acknowledge that it no longer represents the most suitable technology having regard to the JMWMS. Objectors point out that there is no evidence of detailed marketing or negotiations between the applicants and a waste operator, and to date no steps have been taken to implement the permission. [8.49-51]

13.57 The applicants have made no secret of the fact that they wish to provide a facility at Rivenhall airfield that would be capable of winning a major contract to deal with MSW arising in Essex. It seems to me that the eRCF is a major amendment to the RCF intended to maximise the chances and capability of winning a contract to deal with MSW arising in Essex. It is understandable that the applicants seek to build a facility that would be capable of dealing with as wide a range of waste as possible. A plant which is capable of dealing with large quantities of MSW and/or C&I waste (and in this case is combined with a specialised waste paper facility), provides considerable flexibility in terms of the type of waste that could be treated and the customers that could be served. It seems to me that such flexibility helps to maximise the economic viability of the project.

13.58 However, there is no overriding evidence that the RCF would not be viable. On the contrary, it seems to me that it would be capable of dealing at least with a substantial element of the County's MSW, and if this work failed to materialise it would be capable of dealing with C&I waste. ECC indicate that the RCF is consistent with, and would further, the aims of the JMWMS. [6.8, 7.15, 7.48]

13.59 Although the RCF proposal was put forward some years ago, the permission is recent and up to date. It is not surprising that details of any negotiations between the applicants and waste operators in relation to the building and operation of the RCF have not been put before the inquiry, partly because of commercial confidentiality and partly because of the present uncertainty regarding the outcome of the planning application for the eRCF. It is conceivable, if not likely, that any such negotiations regarding the RCF are on hold until the fate of the eRCF proposal is determined. [6.9]

13.60 For these reasons, I consider that there is a reasonable prospect of the RCF proposal being implemented in the event that the eRCF proposal is refused. Accordingly, I conclude that the RCF permission establishes the principle of large scale waste management at the application site, and that the potential environmental impacts of the RCF are a material consideration in the present case. [6.6, 7.49]

viii. The flexibility of the development

13.61 It seems to me that if a proposal is to be sustainable and economically viable in the long term, one of its attributes must be a degree of flexibility to accommodate future changes in waste arisings and in waste management techniques and practices. I agree with the SWFOE that the achievement of recycling targets will change the amount and constitution of residual waste. [10.2]

13.62 The SWFOE argues that as incinerators normally have a 25 year life span and require a constant supply of fuel, the whole eRCF system would be very inflexible. Objectors to the eRCF point to a need for flexibility in dealing with waste in future. Moreover, I note that Chapter 5 paragraph 23 of WSE 2007 indicates that

building facilities with an appropriate amount of flexibility is one of the keys to ensure that high rates of recycling and EfW can co-exist. [10.4, 10.24, 11.14]

13.63 I am mindful that the eRCF would have multiple process lines. For example, the MBT would have five autonomous process lines. The applicants argue that each of the facilities would have an inherent flexibility of capacity. The MRF would have the ability to allow rejects from one process line to become the feedstock of another. Moreover, minor modification to the MDIP would allow the facility to produce tissue paper pulp and it would be possible to introduce secondary treatment of the sludge from the MDIP to recover an aggregate. [6.97]

13.64 It is arguable that the integrated nature of the proposed eRCF; its exceptionally large scale; and the very significant amount of investment that would obviously be needed for its development would, in combination, result in a degree of inflexibility. On the other hand, the modular nature of the design, the flexibility of capacity of each process, and ability to make alterations to various modules would allow the eRCF to be adapted to varying compositions of waste. Moreover, the multiple autonomous process lines would allow a particular process to be upgraded in stages if necessary. For example, a CHP process line could be upgraded or replaced without shutting down the entire CHP process. In this respect, the large scale of the development provides opportunity for changes to be made to the process without endangering the overall viability of the operation.

13.65 On balance, I consider that the design of the proposal and its multiple autonomous process lines would provide a reasonable and sufficient degree of flexibility to enable future changes in the composition of waste and the ways in which waste is managed to be accommodated. In this respect, the scheme would not be detrimental to the achievement of increased rates of recycling.

ix. The effect on the living conditions of local residents

13.66 The eRCF proposal has the potential to cause harm to the living conditions of local residents in a number of ways. Some of the impacts are dealt with in other sections of these conclusions. I consider the issues as follows:

Noise and disturbance

13.67 Objectors point out that existing noise levels in the locality are low. It is especially quiet at night. The main potential sources of noise and disturbance from the proposal arise from the construction process, the operating of the IWMP, and from traffic generated by the development. It seems to me that the greatest potential is likely to be during the construction phase. This is the period when maximum noise levels are predicted. The applicants have used the three suggested methods of assessment given in BS 5228:2009 Part1: Noise to consider the impact of construction noise. These all show that there would be no significant impact from construction noise at neighbouring residential receptors. The predicted construction noise level falls within the range 44 dB(A) to 52 dB(A). Moreover, the assessment of construction noise has been undertaken on a worst case scenario, as the work would include excavations, and it is highly likely that the change in landform would result in considerably greater attenuation of noise levels at receptors than predicted. [6.122, 6.123, 8.39, 8.40]

13.68 I agree with the applicants that the potential for noise from vehicle reversing alarms and the sounding of vehicle horns could be adequately controlled by appropriate management of the site.

13.69 Noise and disturbance generated by the operation of the plant would also be mitigated by the low level siting of the development and the partial screening provided by bunding. The waste management operations would be undertaken within environmentally controlled buildings, sited below surrounding ground level. The buildings would be insulated with acoustic cladding to reduce noise, and vehicles would enter and leave the building through high speed action roller shutter doors. The reception of waste would be limited to the operating hours of 07.00 to 18.30 on weekdays, and 07.00 to 13:00 on Saturdays. The assessment of operational noise level at all receptor locations for both day and night time periods shows that noise levels of operations would be below the level of 'marginal significance' according to British Standard 4142. The physical noise levels predicted for daytime operations fall within the range of 22 to 34 dB(A), and 22 to 30 dB(A) for night time periods. I am satisfied that such levels of noise would not have a material impact on the amenity of local residents. [6.123]

13.70 A significant proportion of the proposed extension to the access road would be in cutting, which would help to attenuate the noise of HGVs on this road. Moreover, lorries would be unloaded and loaded within the environmentally controlled buildings. The applicants point out that the change in noise levels attributable to increased road traffic flows resulting from the eRCF would be imperceptible, being considerably lower than 1dB. [6.125]

13.71 With regard to the tranquillity mapping described by the CPRE, the applicants argue that the site of the IWMF appears to be near the middle of the scale, suggesting that it is neither tranquil nor not tranquil. On the other hand, the version of the map supplied by the CPRE suggests that it is nearer the tranquil side of the scale. From my inspections of the site and its surroundings I am inclined to agree with the CPRE on this point, when considering noise. Although I conclude that the development would not have an unacceptable impact on the residential amenity of local residents as a result of the generation of noise, it seems to me that the development would have some detrimental impact on the present tranquillity of the area. However, bearing in mind the reasonably low levels of noise that would be generated, particularly during the operating phase of the facility, I am not convinced that the impact on tranquillity would be serious, once the construction operations are complete. [6.124, 9.4]

Air quality, odour and dust

13.72 Objectors are concerned about the impact of the development on air quality as a result of emissions from the stack; odours from the operations of the IWMF; and from additional traffic generated by the development. With regard to air quality, the SWFOE points out that no predictions have been provided for PM_{2.5}. However, as indicated at paragraph 13.91 below, even if all particles emitted from the eRCF were assumed to be PM_{2.5} the predicted maximum concentrations of such material would be 0.14 µgms/m³ which is significantly less than the target value of 25µgms/m³. [6.118, 10.13, 10.46]

13.73 Objectors submit that traffic emissions should have been added to the predictions. Air standards legislation should have been the definitive requirement, rather than the guidance in the Design Manual for Roads and Bridges (DMRB). [10.13]

13.74 As a requirement of the Environmental Permit (EP), the applicants would be required to demonstrate that the eRCF would not have a significant impact on local air quality. Notwithstanding this, the applicants point out that the environmental assessment already undertaken has demonstrated that the impact on air quality would be acceptable. Dispersion modelling has been used to predict airborne ground level concentrations of emissions from the stack. Certain emissions would be continually monitored, whilst others, which cannot be monitored continuously, would be monitored on a regular basis. The impact on air quality from stack emissions would be minimised by the use of exhaust gas scrubbing facilities and filters. No visible plumes are predicted to be emitted from the stack. [6.48, 6.51, 6.112, 6.114, 6.116]

13.75 The reception, shredding and sorting of waste, and the MBT processes, would be carried out within buildings which would operate under negative air pressure, thereby allowing odours and dust generated by these processes to be dealt with within the IWMF. The continuous 24 hour operation of the plant would ensure that the holding and storage times of unprocessed waste would be minimised, which would help to reduce the amount of odour generated within the plant. I am satisfied that current pollution control techniques would ensure that odour, dust and bio-aerosol emissions from the operations would not cause harm to human health or local amenity. [5.24]

13.76 As regards vehicle emissions, I am mindful that the total number of HGV movements associated with the operation of the proposed eRCF would not exceed 404 per day. Nevertheless, an assessment of the air quality impacts due to this traffic has been undertaken using the DMRB methodology. This demonstrated that traffic related pollutant ground level concentrations would be very small, even if it were assumed that all of the traffic associated with the IWMF accessed the site from an easterly or westerly direction. Although SWFOE argues that air standards legislation should have been the definitive requirement, I am mindful that the number of HGV movements would not increase from that already permitted for the RCF. Notwithstanding this, the DMRB assessment shows that the impact of vehicle emissions on air quality would not be significant. [6.117, 10.13]

Litter

13.77 A number of objectors are concerned that the proposal would lead to problems of litter and would attract vermin. However, waste would be delivered in enclosed vehicles or containers and all waste treatment and recycling operations would take place indoors under negative air pressure with controlled air movement regimes. I consider that these arrangements would ensure that litter problems would not arise and that the operation would not attract insects, vermin and birds. [5.24, 11.8]

Light Pollution

13.78 Many objectors are concerned that the eRCF would cause light pollution in an area that is light sensitive. However, outside the working hours of 0700 to 1830

there would be no external lighting, other than that used on an infrequent and intermittent basis for safety and security purposes. The LCG is sceptical as to whether such an arrangement would be practical. However, I see no reason why the plant could not be operated in this way. Internal lights would either be switched off or screened by window coverings during night time operations. Moreover, it is intended that external lighting levels would have an average luminance of 5 lux. The applicants indicate that external lighting units would be sited a maximum of 8m above finished ground level and that the use of flat glass luminaries at 0° tilt would produce no upward light. Given the depth of the excavation in which the buildings would be sited, it would appear that most lights would be sited below surrounding ground level. Moreover as the proposed extension to the existing access road would be constructed in cutting, lights from vehicles travelling to and from the eRCF on this section of the road would be screened from view. [6.83, 6.84, 8.44-47, 9.29, 11.13, 12.16]

13.79 Nevertheless, I am mindful that there is little or no artificial light at present in the vicinity of the site and that the area is valued by local residents for its clear skies in terms of light pollution. Even with the measures proposed by the applicants, it seems to me that the development could well create some light pollution and thereby cause some detriment to the amenities of the area in this respect. However, I consider that the proposed lighting arrangements, (which could be adequately controlled by condition as discussed in paragraph 13.153 below) would limit this impact to an acceptable level. In the wintertime there would be some impact during the hours of 0700 to 1830, but this would be kept to a minimum by the proposed methods of external lighting. Outside those hours, light pollution would occur on a relatively infrequent basis for short periods. As I indicate below, I am satisfied that Condition 44 would enable ECC to ensure that the potential for light spillage would be minimised.

Outlook

13.80 I deal with the visual impact of the development on the landscape at paragraphs 13.23 – 13.31 above. The siting of the IWMF below ground level would significantly reduce the visual impact of the proposed building that would otherwise occur. Moreover, the proposed dark colour and green roof of the main structure would make the buildings recessive and help them to blend into the background. The roof of the proposed IWMF and the stack would be visible from properties on the eastern edge of Silver End, from Sheepcotes Lane and Cuthedge Lane. Sheepcotes Farm is probably the closest to the site, being about 600 metres to the west. However, that dwelling is screened from the site by tall conifer hedging and is situated close to Hangar No 1 on the airfield, and the existing telecommunications tower. It seems to me that the development would have little impact on the outlook from this dwelling. [6.78]

13.81 There are a number of dwellings in Silver End from which the site would be visible, including the listed dwelling known as Wolverton. However, these dwellings are at least 1km from the application site. Bearing these distances in mind and the intervening vegetation, I consider that the development would not have a serious impact on the outlook presently enjoyed from these dwellings. In reaching this conclusion, I have had the benefit of visiting the area on a number of occasions and the evidence presented in relation to the various montages.

13.82 Dwellings such as Herons Farm, Deeks Cottage, and Haywards Farm are sited off Cuthedge Lane to the north of the application site. There would be a noticeable deterioration in the existing view from Deeks Cottage. The applicants recognise that Deeks Cottage would experience moderate adverse visual impacts as a result of the proposed facility during construction and the early years of the facility's operation, although they consider it to be the only property that would be affected to such an extent. Herons Farm appears to be partially screened from the application site by a bund presently in place to screen the existing quarrying operations, although this bund is likely to be removed in due course. These dwellings are between about 700m and 1km from the site of the proposed IWMF. Although there would be some detrimental impact on the outlook from these properties, I again consider that it would not be so serious that planning permission should be withheld for this reason. Given the distances between the properties, the flat nature of the intervening ground and the measures taken to reduce the visual impact of the development, it seems to me that the proposal would not be an overbearing or unacceptably intrusive feature in views from these properties. [2.13, 6.79, 8.20, 9.10, 9.11, 9.13]

13.83 Views of the top of the proposed stack would be visible from properties to the south of the application site in the vicinity of Western Road and Parkgate Road. However, these dwellings are well over 1km from the application site and in most cases there are significant blocks of woodland between the dwellings and the site. I consider that the views of the top of the stack that would arise from this direction would have no serious impact on the outlook from these dwellings.

13.84 Long distance views of the development would be possible from some locations on high ground to the north of the A120. Similarly, long distance views of the top of the proposed stack would be possible from some properties between Coggeshall Hamlet and Kelvedon. However, the views of the development would be so distant that it would have no significant impact on the general outlook from these properties. [8.21]

Conclusion on impact on living conditions

13.85 There would be some detrimental impact on the living conditions of occupiers of residential properties in the locality. There would be an increase in the level of noise in the area, although this would primarily be confined to the construction phase and even then would be well within acceptable limits. There would also be some impact on the tranquillity of the area and a small increase in light pollution, although these would be limited and minor. I am satisfied that air quality could be adequately controlled and there would be no noticeable emissions of dust or odour. The outlook from a small number of properties would be detrimentally affected, but again the impact would be relatively minor. Overall, I conclude that the proposal would not have an unacceptable impact on the living conditions of local residents.

x. The risks to human health

13.86 Many local residents have expressed fears that the eRCF would lead to deterioration in air quality and would present a risk to human health. The SWFOE argues that dioxins cannot easily be continuously monitored and escapes could occur between monitoring sessions. However, the applicants point to the advice in PPS 10

that modern, appropriately-located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. The human health modelling presented in the Addendum ES indicates that the risks to human health from the proposed eRCF would be negligible. The predicted daily exposure for all contaminants of potential concern is less than the relevant toxicological benchmark. [6.112, 10.13, 10.46, 11.14]

13.87 Dispersion modelling, used to predict airborne ground level concentrations, shows that with a stack height of 35m (above existing ground levels), the predicted pollutant concentrations would be substantially below the relevant air quality objectives and limit values, except for arsenic. However, the assumed emissions of arsenic were substantially overestimated because, for the purposes of the model, the emissions of arsenic were assumed to be at the same level as the whole of the group of nine metals within which it fell in the assessment. This was an extreme worst case assumption, and considered by the applicants to be implausible, as it could result in an emission nine times the emission limit for the group of metals as a whole. The applicants argue that it would be more appropriate to specifically limit the emissions of arsenic, as opposed to increasing the height of the stack. [6.113]

13.88 Although this approach would rely heavily on the monitoring of emissions to ensure that there is no risk from emissions of arsenic, I am mindful that the assessment uses a new and far more stringent air quality limit for arsenic, which is not due to be implemented until 2012. Moreover, realistic estimates of arsenic emissions based on sampling and analysis of emissions from waste incinerators elsewhere show that arsenic levels would be significantly lower than that assumed in the dispersion modelling assessment. I note that the EA and the Primary Care Trust have not raised objections to the proposed eRCF [6.114, 7.33]

13.89 The LCG and CG point out that there is a statutory requirement to ensure that air quality is not significantly worsened, yet the emission of contaminants from the IWMF would result in deterioration of air quality. I am mindful of the advice in PPS23 that planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. As I conclude at paragraph 13.158 below, it is unfortunate that further progress has not been made in discussions between the EA and the applicants regarding the height of the stack that would be necessary. Nevertheless, the EA does not appear to have an objection in principle to the IWMF. The applicants point out that as a requirement of the Environmental Permit (EP), they would have to demonstrate that the eRCF would not have a significant impact on local air quality and human health. This could be achieved by means other than increasing the stack height. In fact, a dilute and disperse approach by using a taller stack is one of the least preferred methods for controlling the impact of industrial emissions. Preference is given to abatement and the reduction of emissions at source. The applicants submit that the CHP plant could operate at substantially more stringent emission limits, thereby providing an alternative option for reducing the impact of the plant on local air quality. [6.49, 8.41, 9.22]

13.90 With regard to traffic emissions, the CG points out that there are high levels of NO_x at the junction of the A12 and A120 at Marks Tey. It is one of 18 air quality hot spots in the county and the additional HGV movements associated with the IWMF would exacerbate this situation. However, the proposed 404 additional

HGV movements associated with the eRCF are the same as that proposed for the RCF, for which planning permission has already been granted. Although the DMRB screening criteria does not require a detailed air quality assessment in this case, an assessment was undertaken using the DMRB methodology as a result of concerns about possible changes in the split of traffic on the A120. Even with an extreme assumption that all of the development traffic accessed the site from a single direction, it was shown that development traffic would not have a significant impact on air quality.

13.91 The SWFOE is concerned that no predictions have been provided for PM_{2.5} and a limit value of 25µgms/m³ for PM_{2.5} is likely to be introduced into the EU Air Quality Directive before 2015. However, even if it were assumed that all particles emitted from the eRCF were comprised of the fine fraction (PM_{2.5}) the predicted maximum concentrations of such material would be 0.14 µgms/m³ which is significantly less than the target value of 25µgms/m³ and effectively negligible. [6.118, 10.13]

13.92 The Human Health Risk Assessment (HHRA) indicates that the risks to human health are negligible since the predicted daily exposure for all contaminants of potential concern is less than the toxicological benchmark. SWFOE questioned the exclusion of certain pathways from the HHRA, although the applicants had undertaken a survey beforehand to establish which pathways were likely to be realistic. This indicated that meat production does not take place in the immediate locality. Nevertheless, additional modelling was undertaken to include the ingestion of homegrown pork and beef, and milk from homegrown cows. Again, the analysis demonstrated that the risks to human health would be negligible. [6.119]

13.93 Despite the results of the assessments undertaken by the applicants, many local residents remain concerned about the potential health risk of emissions from the eRCF. Local residents' fears about the harmful effects on health of such a facility are capable of being a material consideration, notwithstanding that there may be no objective evidence to support such a fear. By itself, unfounded fear would rarely be a reason to justify withholding planning permission. Nevertheless, it seems to me that the anxiety caused by the potential risk of pollutants, even though the physical health risks may be negligible, could have an impact on the well being and the living conditions of local residents.

13.94 Many residents would like to see regular monitoring of air quality at specified receptor locations as a means of providing assurance regarding the risk of health from emissions at the plant. I can see merit in this approach but I have to accept that such measurements may not provide results which accurately reflect the impact of emissions from the eRCF. I consider the matter at paragraph 13.162 below and conclude that more meaningful and accurate measurement of emissions from the plant would be obtained by regular monitoring of emissions from the stack itself. This would have the advantage of providing emissions data for a wide area, rather than at a few specific locations, and would ensure that the collected data related to emissions from the plant. The S106 agreement would ensure that such information would be available to local residents by means of the proposed Site Liaison Committee. [6.114, 8.43, 12.23]

13.95 In conclusion, I am satisfied that the plant could be operated without causing any material harm to human health, and that this matter would be

adequately dealt with by the Environmental Permitting regime. Despite this, the concern of local residents regarding the risk to health, albeit unfounded, would remain as a detrimental impact of the development. Nevertheless, these fears would be ameliorated to some extent by the proposed arrangements for the results of monitoring of emissions to be provided to the Site Liaison Committee.

xi. Highway Safety and the Free Flow of traffic

13.96 As previously indicated, the impacts of the present proposal must be considered in the light of the extant permission for the RCF, which in my judgment provides a fall back position. In relation to the RCF there would be no control on the daily number of HGV movements by means of a condition. Notwithstanding this, the applicants indicate that the eRCF would generate no more than the 404 daily HGV movements anticipated in relation to the RCF. In this respect it is arguable that the proposal would have no greater impact than the scheme already permitted. [6.68]

13.97 The access road that would serve the development would link directly onto the A120, which is part of the trunk road network. The S106 agreement provides for traffic routeing arrangements to ensure that HGVs travelling to and from the site use a network of main roads and thereby avoid the local road network. Local residents argue that the A120 is frequently congested and the additional traffic generated by the development would exacerbate this situation. Moreover, it is argued that it would not be practical to enforce the traffic routeing arrangements and that HGV drivers would use the local road network to gain access to and from the site where a shorter route was available, or when the main road network was congested. The LCG submits that vehicles would be arriving from a wide range of places and that the eRCF operator would not have control over many of these vehicles. [8.37, 9.15, 10.38, 10.39, 10.44, 10.46]

13.98 I agree that many of the local roads in the area are narrow, winding and unsuitable for use by HGVs. However, the applicants point out that the eRCF would not be open to the public and the operator would have control over deliveries and the despatch of material to and from the proposed plant. Under such circumstances, I am satisfied that it should be possible to ensure that traffic routeing arrangements are enforced. [6.68, 9.17]

13.99 There is no doubt that volumes of traffic on the A120 are such that the road has reached its practical capacity and sections are regularly congested. However, as the applicants point out, for the most part this congestion occurs at peak times and the road should not necessarily be regarded as unable to accommodate additional traffic. During my site visits, I saw queues developing at peak times, particularly near Marks Tey where the A120 meets the A12. However, on most of these occasions, traffic continued to move, albeit slowly, and the levels of congestion were not unduly serious. Nevertheless, these were merely snapshots on particular days and I have no doubt that far more serious congestion occurs on a not infrequent basis. [6.71, 8.32, 9.16]

13.100 Notwithstanding this, it is likely that much of the traffic associated with the eRCF would travel outside peak periods and would not add to congestion problems. It must also be remembered that by restricting daily HGV movements to no more than 404, the proposal would not increase volumes of traffic over and above the figures associated with the RCF which has already been approved.

13.101 Many objectors doubt whether the eRCF could operate at full capacity with only 404 daily HGV movements. I have some sympathy with this argument as it was previously anticipated that the RCF would also generate 404 daily HGV movements, yet the RCF would involve the movement of 906,000tpa of material compared to the 1,272,075tpa associated with the eRCF, an increase of about 40%. The applicants have derived the HGV movements for the eRCF on the assumption that each lorry would be carrying the maximum weight permitted for that vehicle, arguing that there is no reason to believe that the operator or hauliers would wish to operate on the basis of sub-optimal loads. This is a logical argument, although I have some concern as to whether the calculations are somewhat theoretical and idealised, and do not make sufficient allowance for contingencies. [6.68, 8.28, 8.30, 11.7]

13.102 The applicants submit that there is no evidence that any specified number of HGV movements greater than 404 would have materially different or more serious implications in highways and transportation terms. This may be so, although it seems to me that the Highways Agency may well have required further information when consulted on the scheme, if the generation of HGVs was anticipated to be significantly greater than 404 movements per day. Notwithstanding this, the applicants have willingly agreed to the proposed planning conditions limiting the number of daily HGV movements to 404, and are satisfied that the eRCF could be operated economically and viably with such a restriction. They argue that the number of vehicle movements can be minimised by the use of 'back hauling' (i.e. using the same lorries that deliver material to the site to carry material from the site). [6.69, 8.31]

13.103 The site access road has junctions with Ash Lane and Church Road. Although there have been accidents at these junctions, it appears that the number of incidents have been few in number and it does not seem to me that the accident record is of serious concern. I note that the Highway Authority did not object to the application. The proposal would result in improvements at the junctions, and given the low volumes of traffic on the two local roads, I consider there is no reason to justify withholding planning permission for the development on the grounds of road safety at these junctions. [6.73, 6.74, 8.35, 9.18, 11.2]

13.104 For all of the above reasons, I conclude that the proposed restriction on the number of HGV movements is reasonable and appropriate and that the development would not have an unacceptable impact on highway safety and the free flow of traffic on the road network.

xii. The impact on the local right of way network

13.105 The network of footpaths in the area is well used. Three footpaths, including the Essex Way, cross the existing quarry access road. The proposed extension of the access road would cross footpath 35. Footpath 8 passes alongside the complex of buildings at Woodhouse Farm. [2.15, 8.18, 9.4]

13.106 Walkers on footpath 8 would pass close to the IWMF. Apart from seeing the stack, they would also, when approaching the site from the south, be likely to see the rear of the AD tanks, particularly in wintertime when many trees would have lost their leaves. A hedge would partially screen views from footpath 35, although it

is likely that walkers on footpath 35 would, on occasions, have views of part of the front of the building, which would be some 200m wide and 20m in height. The applicants acknowledge that users of footpath 35/68 to the north of the site would experience moderate adverse visual impact at Year 1 of operation, with other paths in the area assessed as minor adverse impact. [6.79, 8.18, 9.25, 9.31]

13.107 As indicated above, I have no doubt that the development would have some harmful effect on the present rural character of the area. This impact would be apparent to users of the footpath network. Moreover, the comings and goings of vehicles serving the site and activities at the site would also have a detrimental impact on the present tranquillity of the area. Nevertheless, these impacts would be ameliorated by the various mitigation measures such as hedge and woodland planting; the proposed dark colour of the building; the proposed green roof; the siting of the extension to the access road and the IWMF building itself within cutting (which would help to control noise and visual impact); and the intention to undertake all operations within environmentally controlled buildings. Overall, I consider that the impact on the right of way network would be detrimental but not to an unacceptable degree. [6.48, 6.89, 6.120]

xiii. Ground and surface water

13.108 The SWFOE submits that the proposed MDIP would require water over and above that obtained from recycling and rainwater collection. It is argued that water abstraction could have an impact on the River Blackwater and that a water study should have been undertaken to assess the impact of water requirements. Other objectors are concerned that the proposed eRCF could result in contamination of ground and surface water. [10.7, 11.9, 11.14, 12.28]

13.109 I am mindful that the proposals include the on-site collection, recirculation and treatment of water, minimising the need for fresh water. All surface water outside the buildings would be kept separate from drainage systems within the buildings. All drainage and water collected within the buildings and used in the Pulp Facility would be treated and cleaned within the Waste Water Treatment facility. It is anticipated that the IWMF would be largely self sufficient in water, by utilising rain/surface water, and would only require limited importation of water. This could be sourced from New Field Lagoon, which is part of the existing drainage system for the restored mineral working to the north, from licensed abstraction points, or obtained from the utility mains. Moreover, ground water monitoring would be undertaken and the results made available to the Site Liaison Committee. Bearing in mind the proposed methods for dealing with water; the monitoring that would be undertaken; the 1.5 km distance between the proposed IWMF and the River Blackwater; and the geology of the area with its significant clay strata, I conclude that the development could be built and operated without causing harm to the River Blackwater or causing contamination to groundwater. [5.27, 7.35,]

13.110 A number of objectors are concerned that the excavations involved in the development would result in the dewatering of soils to the detriment of existing trees and vegetation. However, the geology of the area suggests that existing trees rely on surface water, rather than ground water in the substrata. Clay is the dominant material in the soils beneath the woodland blocks. Woodland growth is separated from the underlying sand and gravel by over 6m depth of boulder clay. The trees are not dependent upon the groundwater locked in any aquifer below ground, but are

reliant upon moisture held within the subsoil and top soil that overlies the boulder clay. Any localized lowering of the water table as a result of excavations would have little impact on vegetation. [6.80, 8.26, 11.4, 12.20]

xiv. Loss of agricultural land

13.111 The development would result in the loss of almost 12ha of Grade 3a agricultural land, and in this respect the proposal is in conflict with local and national planning policies. However, there would be a similar loss if the RCF were constructed. Moreover, the impact of such a loss of best and most versatile agricultural land must be balanced against other sustainability considerations. [6.67, 6.105, 8.55, 8.58, 11.4, 11.13]

13.112 Although a loss of such agricultural land should be avoided where possible, ECC points out that the emphasis in the last 5 years has moved to soil resource protection. Soils stripped from agricultural areas would be re-used sustainably. It would be used on screening bunds; on new areas of woodland and grassland; and to enhance the restoration of agricultural areas within the adjacent quarry. The proposed loss of Grade 3a agricultural land represents 0.3% of the Bradwell Hall Estate holding. Moreover, Woodhouse Farm is unoccupied, and could not form a 'commercial unit of agriculture' under the present agricultural cropping regime. It is also noteworthy that Natural England did not object to the proposal. For all these reasons, I conclude that the loss of Grade 3a agricultural land in this case is not an overriding issue. (6.105, 7.29)

xv. Habitats, Wildlife and Protected Species

13.113 About 19.1ha of open habitats would be lost. However, a large proportion of these are of low ecological value being arable land, species poor semi-improved grassland and bare ground. Mitigation measures include the planting of 1.8ha of new species rich grassland together with the provision of a further 1ha of managed species rich grassland to the east of Woodhouse Farm outside the Planning Application area. Moreover, the green roof on the main buildings of the proposed eRCF would be about 5ha in area and allowed to establish into open habitat. Bearing in mind that the new habitats would be the subject of an Ecological Management Plan, I agree with the applicants that the overall residual impact of the development is likely to be positive in terms of the value of open habitat. [5.20, 6.89, 6.90, 7.28, 11.2, 11.5].

13.114 Although between 1.6 and 1.7ha of existing woodland would be lost, the proposal includes planting of approximately 3.4ha of additional woodland and 2kms of new hedgerows. Objectors are concerned that the rate of growth of new vegetation is unlikely to be rapid and point out that the applicants accept that it would take up to 40 years to effectively replace some of the lost woodland. In the short term, I agree with objectors that the loss of woodland is likely to outweigh the positive impacts of the new planting. However, I note that the retained woodland would be managed to improve its diversity and screening quality. Bearing this in mind and the significant amount of new woodland and hedgerow to be planted and managed, it seems to me that the overall effect would be positive within a reasonably short space of time, despite the time necessary for woodland to provide significant screening. Certainly, in terms of habitat value the provision of additional

woodland and hedgerows would outweigh the loss of existing woodland within a short period. [5.19, 6.78, 6.90, 6.92, 7.28, 8.17, 8.20, 9.27]

13.115 With regard to protected and otherwise notable species, surveys have revealed that several species of bat utilise the site. In addition a small population of great nested newts were found and a range of bird species breed in the area. Brown hares can be found on the site. However, surveys for badger revealed only the presence of latrine sites. [6.88, 9.4]

13.116 Without mitigation the development would have a detrimental impact on protected species. However, the development includes a range of mitigation, compensation and enhancement measures. A number of ponds would be managed in the interests of great crested newts; bat boxes and various nesting boxes for birds would be provided; and buildings would be refurbished to provide specific roosting opportunities for bats. In addition habitats would be managed and created to provide foraging opportunities. I am satisfied that these and other measures would ensure that disturbance to protected species would be minimised or avoided. [6.88, 6.89]

13.117 Bearing in mind that the proposal includes the management of existing and proposed water bodies; the creation and management of new habitats; and the planting of woodland and hedgerows, I consider that overall it would enhance the bio-diversity of the area. [7.28]

xvi. The impact on Listed Buildings and the Silver End Conservation Area

13.118 When considering development proposals which affect a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess. There can be no doubt that the proposed development would cause some harm to the setting of the Listed Building complex at Woodhouse Farm. The close proximity of such a large development, with its associated lighting and parking facilities, and the visible presence of the chimney stack would have some detrimental effect upon the rural setting which the building presently enjoys. In addition the movement of such a large number of HGVs in the locality would be likely to create some noise and disturbance and generate a sense of activity in the immediate locality. However, I must bear in mind the fall back position arising from the extant planning permission for the RCF and the fact that the existing rural character of the area is already compromised to some extent by the presence of the remnants of the former airfield; the nearby scrapyards at Allshot's Farm; and the ongoing mineral workings at Bradwell Quarry which are likely to continue until 2021. [2.5, 2.7, 4.4, 8.18, 8.19, 11.10]

13.119 More importantly, I am mindful that the Woodhouse Farm complex is in an extremely poor state of repair and that the site of the complex is overgrown, derelict and untidy. The proposal to refurbish the buildings and bring them into meaningful use would, in my judgment outweigh any harmful impact on the setting of the complex that would be caused by the IWMMF development. [2.6, 7.43, 9.7]

13.120 The setting of the Listed Building at Allshot's Farm is already severely compromised, in my judgment, by the presence of the nearby vehicle scrapyard.

Bearing in mind that this building is a further 400 metres beyond the Woodhouse Farm complex, I consider that the presence of the proposed development would have little or no impact on Allshot's Farm and its present setting would be preserved.

13.121 The listed building at Sheepcotes Farm is about 600m from the proposed IWMF. At present there is a tall conifer hedge at the rear of the plot which screens the farm buildings from the airfield. Moreover, the setting of the building is already influenced by the presence of the nearby former airfield hangar; the existing telecommunications tower; and the former runways of the airfield. The construction and operation of the IWMF would have some detrimental impact on the setting of Sheepcotes Farm. However, given the distance to the application site, the present conifer screening and the impact of existing development, I conclude that the effect of the proposed IWMF on the setting of the building would be minimal. [2.10, 9.13]

13.122 The other listed buildings in the locality, and the edge of the Silver End Conservation Area are at least 1km from the site of the proposed IWMF. Given these distances; the siting of the proposed IWMF and access road extension below existing ground levels; and existing intervening vegetation, which in some cases would provide significant screening, I am satisfied that the IWMF and its operations would have only a minor impact on the setting of these buildings and the conservation area. Moreover, because of the proposed hedgerow and woodland planting, and other landscaping works associated with the development, I consider that the scheme as a whole would preserve the settings of these buildings and of the conservation area. [2.9, 2.11, 2.12, 7.46, 9.12, 9.26, 11.15]

13.123 Section 72 of the above Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 4.14 of PPG15 indicates that the desirability of preserving or enhancing the area should also be a material consideration when considering proposals which are outside the conservation area but which would affect its setting, or views in or out of the area. Bearing in mind my conclusion that the scheme as a whole would preserve the setting of the conservation area, I am satisfied, for the same reasons that it would also preserve the character and appearance of the Silver End Conservation Area. [6.137, 9.6, 9.8]

xvii. The historic value of the airfield

13.124 A number of objectors are concerned about the impact the development would have upon the historic value of the airfield. However, much of the airfield and its military buildings have disappeared. The applicants submit that the airfield is not a particularly good surviving example of a World War II military airfield. I have no detailed evidence which contradicts this view. The airfield facilities themselves are not designated or protected in any way. [6.77, 6.138, 10.36, 11.15]

13.125 I note that the provision within the S106 agreement relating to the Woodhouse Farm includes for an area to be set aside within the refurbished complex for a local heritage and airfield museum. In my opinion, this would be a practical method of recognising the contribution made by the airfield to the war effort and would be commensurate with the historic value of the site. I can see no justification for withholding planning permission at this site because of its historic value as an airfield. [5.13, 12.24]

Other matters

13.126 With regard to the suggestion put forward by Feering PC that provision be made for a flood lagoon at Bradwell to relieve flooding problems in Coggeshall, Kelvedon and Feering, I agree with the comments made in the ECC committee report of 24 April 2009 (Document CD/2/12A), that to require a contribution for such development would not be in accord with the criteria for planning obligations set out in Circular 05/2005. The application site is not located in a flood risk area and the scheme would have no impact upon the flows of the River Blackwater. [11.23]

Mitigation measures

13.127 As indicated above, the development would have some harmful impact on the environment. It would result in a loss of existing habitat, both open and woodland. It would generate a degree of activity, noise and disturbance, light pollution, potentially some odour, and would be detrimental to air quality as a result of the emissions from the plant and the HGV traffic that would be generated. It would result in a loss of Grade 3a agricultural land and would have a visual impact on the landscape, not least from the proposed chimney stack. The perceived risk to human health also represents a negative impact, albeit that I am satisfied that any such risk would be negligible and does not justify such fears.

13.128 In my judgment, the proposals include measures that would substantially mitigate these impacts. Moreover, the imposition of suitable conditions, IPPC control and the provisions of the S106 agreement would ensure that such impacts were kept within acceptable limits. In particular, I am mindful that the additional woodland planting, the proposed hedge planting and provision of replacement habitats, including the lagoon, the green roof of the building, and other features would mitigate against the loss of woodland and habitats. These features, in combination with the siting of much of the access road within cutting, the main building within an excavated area, the design of the main building in the form of two vast hangars, the siting and partial screening of the stack, would significantly mitigate the visual impact of the development within the landscape and the impact on the character of the area.

13.129 It seems to me that the impacts should be considered in the light of the extant permission for the RCF which provides a fall back position. On this point, I am mindful that there would be no control on the number of HGV movements generated by the RCF in terms of a planning condition.

Overall conclusion

13.130 Although the development would cause harm in a number of ways, I consider that the proposed mitigation measures would ensure that such harm would be minimised to such an extent that there would be no unacceptable harm either to the environment or to the local population. On the other hand, the proposal would provide a range of important benefits, not least a means of undertaking waste management in a sustainable manner which would assist in meeting the challenging waste management targets set out in the EEP. Overall, I consider that the scheme's conflict with a small number of planning policies is far outweighed by the support given by a range of other planning policies and, on balance, it seems to me that the proposal is in accord with the development plan and Government guidance.

Conditions and obligations

13.131 I shall recommend that planning permission be granted for the eRCF subject to conditions. In the event that the SoS agrees and decides to grant planning permission it seems to me that such permission should be subject to the conditions set out in the central column of Appendix B of this report. The appendix is based on the final draft of the suggested list of conditions put forward by ECC (Document ECC/8). I have amended the list of conditions in the central column to reflect my comments below. In general, the conditions are reasonable and necessary and meet the tests set out in paragraph 14 of Circular 11/95. Where I make no comment on a condition set out in ECC/8, I consider that condition to be appropriate and necessary for the reasons set out in Appendix B and Document ECC/8.

13.132 I consider that a 5 year limit for commencement of the development as set out in Condition 1 is appropriate and realistic, bearing in mind the nature of the development and the need for an Environmental Permit to be obtained before work could realistically commence on site. Condition 2 is necessary to clarify the details of the development and to avoid any doubt as to the relevant drawing numbers. I have added this reason to the schedule.

13.133 It is necessary to limit the maximum number of HGV movements as set out in Condition 3, because no assessment has been made of the impact of a larger number of additional HGV movements on the trunk road network and there is no dispute that the network already suffers from congestion from time to time [12.3].

13.134 In the interests of road safety and to avoid congestion on the local road network it is important to take steps to minimise the likelihood of HGVs using local roads to gain access to and from the site. The traffic routing provisions of the S106 agreement would make an important contribution to this objective. To help make those provisions viable, I consider that it is necessary to log various details relating to each vehicle visiting the site. I therefore consider that it is necessary for Condition 5 to be amended to read that '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.' [12.4].

13.135 The words 'Figure1-2 annexed hereto' should be deleted from Condition 8 and replaced with 'application drawing Figure 1-2'. The drawing is listed in Condition 2 and there is no need to attach the drawing to the formal grant of planning permission.

13.136 'Plan 1' referred to in Condition 13 can be found in the S106 agreement. The wording in the condition should be amended to reflect this.

13.137 Condition 14 seeks to control the design of the stack. The applicants seek the SoS's views on the acceptability of a 40 m high (above existing ground level) stack (rather than the 35 m high stack applied for) in the event that the EA requires a higher stack as part of the EP procedure. Although Condition 14 relates to

the design of the stack, Condition 56 controls the height of the stack and therefore Condition 14 would be unaffected by any such change in height.

13.138 I do not consider that it is appropriate to impose a condition requiring the buildings at Woodhouse Farm to be brought into a good state of repair. I agree with ECC that such works may require Listed Building Consent and a further grant of planning permission. It would be unreasonable to impose a condition requiring such development, as the applicants would not have control over the decision which permitted such development. I am satisfied that the matter is best covered by the provisions of the S106 agreement. [12.5]

13.139 I have concerns as to whether Condition 16 meets the tests for conditions set out in Circular 11/95, particularly in relation to necessity and its relevance to the development. I appreciate that BDLPR Policy RLP94 indicates that major development will make provision for the commissioning of suitable and durable public works of art, and that the site can be seen from the public footpath. However, the development would not be located in a public place and it cannot be readily described as falling within the public realm. Moreover, I am not convinced that a work of art at this location is either relevant to the development or would make a positive contribution to the environment and the wider community. For all these reasons, I consider that Condition 16 should not be imposed. [12.6]

13.140 I consider that Condition 17 should be imposed. It is important that all possible measures are taken to ensure that there is no visible plume from the stack. Not only would a plume give the area a somewhat industrialised character, but it would unnecessarily increase fears about the possibility of environmental pollution and risks to human health, no matter how unfounded those fears may be. I am not convinced that these are matters that would necessarily form part of the EP regime and would be dealt with by the EA. I am mindful of the LCG's concern that the condition does not categorically state that there will be no plume. However, it seems to me that the Condition in its present form adopts a reasonable and pragmatic approach to the matter. [12.7]

13.141 With regard to Condition 21, the LCG is concerned that the application drawings do not identify any parking areas for HGVs. However, I support the approach that substantial provision should not be made for the parking of HGVs in the open air on the site. To encourage such parking would not be beneficial to the character of the area. Condition 21 should remain unaltered. [12.8]

13.142 As the development has been partly promoted on the argument that the excess electricity produced at the plant would be sold to the National Grid, I have some sympathy with the LCG's submission that a condition should be imposed requiring such electricity to go to the National Grid. However, it is unreasonable to impose a condition requiring the applicants to meet a requirement which is not entirely within their control. It would plainly be in the applicants' interests to sell the excess electricity and I conclude that it would be unreasonable to impose such a condition on this issue. [12.9]

13.143 In relation to Condition 28, I agree with the applicants that restricting the sourcing of SRF from outside Essex and Southend, but within the remainder of the East of England for a period of only one year from the date of agreement with the WPA, could lead to problems of uncertainty. The ability to enter into contracts for

such a limited period could unreasonably handicap the applicants in the operation of the plant. Nevertheless, it is important that all possible efforts are made to ensure that such material is sourced from within the local area in the interests of the proximity principle and the ability of the plant to deal with local waste arisings. Changes in the availability of supply in the locality should therefore be accommodated within a reasonable period. It seems to me that a reasonable and realistic approach would be to adopt a time period of 3 years in this case. I therefore consider that the reference to '[one/five] years' in paragraph (ii) of Condition 28 be amended to 'three years'. [12.10]

13.144 Condition 30 is a source of conflict between the parties. The applicants argue that it would not be possible to source 80% of the feedstock for the MDIP from within the region and the relaxation contained in the condition would therefore have to operate from the outset. In this respect the condition is unreasonable. Moreover, it is pointed out that the MDIP would be a unique facility in the UK. Policy WM3 of the East of England Plan indicates that allowance can be made for specialist processing or treatment facilities to deal with waste primarily from outside the region where there is a clear benefit.

13.145 On the other hand, I am mindful that the figure of 80% is derived from the application. As ECC points out, the regulation 19 information provided by the applicants stated that the Region could provide a significant proportion, if not all of the paper feed stock for the MDIP. Moreover, Policy WM3 places some weight on a progressive reduction of waste imported into the East of England.

13.146 It seems to me that the MDIP would be of benefit in a number of ways. It would provide a means of recycling high quality waste paper in a beneficial way. It would reduce the need to use virgin fibre for making high quality paper and in due course it would probably encourage an increase in the amount of high quality waste paper that is recovered for recycling. In these respects, the facility could be of benefit to an area larger than the East of England region.

13.147 I have some concern that the applicants did not make it clear at the outset that in reality more than 20% of the feedstock would have to be sourced from outside the region. On the other hand, it would have been unduly optimistic to expect that nearly all the relevant potential feedstock in the East of England would become available for the MDIP.

13.148 If planning permission is to be granted, the condition should be realistic and reasonable. Moreover, it seems to me that there are a number of somewhat competing objectives in relation to this condition. Firstly, the distance that waste is transported should be minimised, in accordance with the proximity principle. Secondly, and linked to the first objective, the operators of the facility should be encouraged to source locally produced feedstock wherever possible and thereby contribute to the objective of self sufficiency in dealing with waste. Thirdly, the MDIP must be viable if the benefits which it could provide are to be achieved. The applicants argue that a restriction on feedstock in terms of the distance from source, rather than being based on the regional boundary would be more realistic, practical and capable of meeting the objective of minimising the distance waste is transported. A figure of 150 km is suggested.

13.149 There are clearly merits in this approach. However, in view of the proximity and overwhelming size of London, I am concerned that this approach could result in the vast majority of the waste paper feedstock being transported from London thereby reducing any incentive to encourage the sourcing of feedstock from within the region. I therefore support the general approach adopted by ECC, although I do not agree that a requirement for 80% of the feedstock to be sourced in East of England would be reasonable, even if the terms of the condition required ECC to authorise a greater proportion of imports if the 80% target could not be met. The applicants do not expect the facility to deal with waste primarily from outside the region and therefore it seems that a requirement for 50% of the waste to be sourced from within the region would be reasonable given the flexibility provided by the suggested condition. I conclude that Condition 30 should be imposed, subject to the figure of '20%' in paragraph (i) being replaced by '50%' and the figure of '80%' in paragraph (ii) being replaced by '50%'. I have amended two typing errors in the second paragraph, replacing 'operation' with 'operator' and 'cad' with 'card'. [6.37, 6.38, 12.11, 12.12]

13.150 I have concern about the hours of working on a Sunday that would be permitted during construction by Condition 35. However, I am mindful that the development is sited some distance from the nearest residential dwellings and once excavation is completed a large proportion of the work would be undertaken below natural ground levels. Moreover, a similar condition applied to the RCF permission. Bearing these points in mind, the substantial nature of the development and the aim of completing construction within about 2 years to meet the likely demands for the facility, I conclude that Condition 35 should be applied in its present form.

13.151 I agree that Condition 38 should specify where noise measurements are to be made and that the following words should be included in the condition: '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'.

13.152 PPS10 makes it clear that when assessing planning applications for waste management facilities consideration should be given to the likely impact of the proposal on the local environment and on amenity. Although the pollution control regime may well result in the application of noise limits to the processes that would take place at the eRCF, it is reasonable for the planning system to seek to control noise to ensure that residential amenity is not harmed. The LCG is concerned that Conditions 39 and 40 allow higher noise levels than predicted by the applicants. That may be so, but it seems to me that the limits applied by those conditions are reasonable and should ensure that residential amenity is not significantly harmed by noise generated at the site. Condition 42 allows higher levels of noise for temporary periods, but this is intended to allow operations such as the construction of bunds which in themselves would assist in reducing the impact of the development on residential amenity. I consider that the noise levels set out in these conditions are reasonable and that the suggested conditions should be imposed. [12.15]

13.153 With regard to Condition 44, I am mindful that the applicants have indicated that external lighting units would be sited a maximum of 8 m above finished ground level and that the use of flat glass luminaries at 0° tilt would produce no upward light. However, I am satisfied that Condition 44 would enable ECC to ensure that the potential for light spillage would be minimised and I accept ECC's

argument that excessive specification before a final lighting scheme is adopted could be counter-productive. There are a number of factors to be taken into account, including considerations of average and peak levels of lighting and the number and siting of lighting units. For these reasons, I conclude that Condition 44 should remain in its present form. [6.83, 8.39-42, 12.16]

13.154 I agree with ECC that Condition 52 should be imposed. Firstly, the pollution control regime would not necessarily be applicable to the excavation and construction of the plant. Moreover, odour has the potential to cause significant harm to residential amenity and the environment, and it is not unreasonable that the planning system should have some control over this highly controversial issue which can be difficult to control and enforce if measures are not taken to provide control at the outset. Although there could well be some overlap between the planning and pollution control regimes on this matter, it is not unreasonable that the planning authority should be satisfied that appropriate measures have been taken to control fugitive odours before beneficial occupation of the IWMF is permitted. [12.17]

13.155 With regard to Condition 55, I agree with the applicants that it would be unreasonable to prohibit the works set out in the condition from taking place during the bird nesting season, if such work would not affect nesting birds. Condition 55 should remain in its present form.

13.156 Condition 56 indicates that the stack height should not exceed 85 m AOD (35m above existing ground level). The applicants consider it unlikely that a taller stack would be necessary to meet the requirements of the pollution control regime. Nevertheless, if a taller stack were required, a further planning application under Section 73 of the 1990 Act would be necessary. The applicants seek the SoS's view as to whether a taller stack, up to 90m AOD, would be acceptable. Clearly, it is a matter for the SoS whether he wishes to comment on this matter. Generally, he would not be expected to do so, particularly if insufficient information was before him. In this case, the appellants have put forward some evidence on the matter, including at least one montage of a 40m high (90m AOD) stack. Moreover, the LCG has presented some counter evidence, together with a number of montages of such a feature.

13.157 Overall, however, less information has been provided about the impact of a 40m high stack compared to that which has been presented in relation to a 35 m high stack. It would be expected that the detailed assessment of a 40m high stack would be as thorough as that for a 35 m high stack, and in this respect I consider that insufficient information has been submitted in relation for example to montages from various locations, an assessment of zone of theoretical visibility, and the opinions of all parties who may be affected by such development. Clearly, a 40m high stack would have a greater visual impact than a 35m high stack and in this respect the balance of harm versus the benefit of the eRCF would be affected.

13.158 I am mindful that the advice in the Defra document entitled 'Designing Waste Facilities' indicates that the required height of emission stacks should not be underestimated (Doc CD/8/9 Page 74). It is unfortunate that further progress on this matter has not been made in discussions between the EA and the applicants. I appreciate that only the proposed operator can apply for an Environmental Permit, as indicated in the e-mail from the EA dated 5 October 2009 (Document GF/28) and that this requirement has prevented the applicants from making a formal application

to the EA. Although detailed discussions have obviously taken place, it seems to me that insufficient progress has been made, for whatever reason, because such an important issue as the required height of the stack has not been resolved. The advice in paragraph 28 of PPS10 that waste planning authorities and pollution control authorities should work closely to ensure integrated and timely decisions under the complementary regimes has not been followed insofar as such an important matter has not been assessed in some detail by the EA. It is not for me to determine why the advice has not been followed, but the result is that important information, which ideally should have been presented to the inquiry, has not been available.

13.159 On the basis of the evidence presented to date, and my inspections of the site and its surroundings, it seems to me that the benefits of the eRCF proposal may well outweigh the harm that the development would cause even if a 40m stack were required. However, until a more thorough assessment is undertaken and the views of all those who may be affected by such a change in the proposal have been thoroughly canvassed, it seems to me that no firm conclusions can be reached. With regard to the existing proposals, Condition 56 is appropriate.

13.160 Turning to Condition 60, the LCG submits that the management and watering of trees adjacent to the proposed retaining wall should continue during the operational phase of the development. However, evidence submitted by the applicants suggests that the trees rely on surface water in the topsoil and subsoil rather than on ground water in the substrata and ECC considers that there is therefore no need to continue watering after construction is complete. It is arguable that the future maintenance of the trees would be adequately covered by the provisions of the management plan for existing and proposed planting set out in the S106 agreement. Nevertheless, given the disturbance to the natural conditions which would be caused by the development, it seems to me that it would be wise to ensure that watering of these trees continued during the first growing season after the completion of construction if this proved necessary. I consider that the condition should be amended by including the words '*and throughout the first growing season after completion of construction where necessary*' after the words '*and construction of the IWMF*'.

13.161 I consider that the provisions of the S106 agreement are necessary to ensure that the necessary highway and access works are completed at the appropriate time in the interests of road safety; traffic routing arrangements are put in place again in the interests of road safety and to minimise any impact on the local road network; a Site Liaison Committee is set up and operates, to ensure good communications between the operator of the plant and the local community; the refurbishment of the Woodhouse Farm complex takes place in the interests of preserving the listed buildings and providing facilities that would be of benefit to the local community; a management plan is put into operation to mitigate the visual impact of the development and to enhance the ecological value of the area; to ensure that minerals are not extracted and the site then remains undeveloped; to ensure a survey of historic buildings is undertaken and the results are appropriately recorded; to ensure groundwater is monitored and any necessary mitigation measures are undertaken; to ensure the MDIP is operated as an integral part of the IWMF; and to provide for the setting up and operation of a Community Trust Fund for the benefit of the local community.

13.162 I can understand the desire of the community group and the LCG for ambient air quality monitoring to be undertaken at specified receptor locations and for the results to be made available to the local community. I have no doubt that the results of such monitoring could assist in allaying the fears of the local community about the potential of the plant to cause harm to human health and the local environment. However, as the applicants point out, such monitoring would be subject to a wide range of variables and would be of limited value in identifying the impact of the development itself. A more meaningful and accurate measurement of the emissions from the plant would be obtained from the regular monitoring of emissions from the stack. This is a requirement of the Waste Incineration Directive (WID) and would result in continuous monitoring of some emissions and regular periodic monitoring of others. It has the advantage of providing emissions data for a wide area rather than at a few specific locations and would ensure that emissions and modelling data related to the emissions from the plant. The S106 agreement provides for the results of such monitoring and also ground water monitoring to be presented to the Site Liaison Committee. I conclude that this approach would result in more meaningful measurements of emissions from the eRCF. [6.114, 12.23]

SECTION 14 - RECOMMENDATION

14.1 I recommend that planning permission be granted for the proposed 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 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. The permission should be subject to the conditions set out in the centre column of Appendix B of this report.

MP Hill

INSPECTOR

APPEARANCES

FOR THE APPLICANTS:

David Elvin QC assisted by Simon Pickles, of Counsel	instructed by Linklaters LLP on behalf of Gent Fairhead & Co Limited.
They called:	
Steven Smith BSc MSc	Associate, Golder Associates (UK) Ltd
Andrew Sierakowski BSc MSc LLM MRTPI MIHBC AMCIWM	Senior Minerals and Waste Planner, Golder Associates (UK) Ltd.
Ralph Keeble BSc MICE MCIWM	Director, Ralph Keeble Consulting Ltd.
Christine Marsh BA(Hons) DipLA MLA	Senior Landscape Architect, Golder Associates (UK) Ltd
Dr Amanda Gair BSc (Hons) PhD MIES MIAQM	Head of Air Quality Team, SLR Consulting.
David Hall BSc MSc CGeol MGS	Principal, Golder Associates (UK) Ltd.
Dr Ian James Fairclough MSc PhD MIEEM	Senior Ecologist, Golder Associates (UK) Ltd.
Jeff Thornton BSc(Hons) MSc	Technical Development Director for Contaminated Land, Golder Associates (UK) Ltd.
Justin Bass MSc MCILT	Associate, Intermodal Transportation Ltd

FOR THE WASTE PLANNING AUTHORITY:

James Pereira of Counsel	instructed by Solicitor to Essex County Council
He called	
Claire Tomalin BSc MA MRTPI	Senior Planner, Essex County Council.

FOR BRAINTREE DISTRICT COUNCIL AND VARIOUS PARISH COUNCILS (The Local Councils Group):

David Whipps, Solicitor LARTPI	Holmes and Hills Solicitors
He called	
Ian Gilder MA DipTP MRTPI FRSA	Head of Planning, Environmental Resources Management.
Teresa Lambert BA(Hons) DipTP MRTPI	Development Control Manager, Braintree District Council.
Melanie A'lee MIHIE	Associate, Waterman Boreham Ltd.
Tony Dunn MA(Oxon) MBA	Clerk to Bradwell Parish Council.
Mrs T Sivyver	Coggeshall Parish Council.
Robert Wright IEng MSOE MBES	Rivenhall Parish Council.
Alan Waive	Silver End Parish Council.
James Abbott BSc (Hons)	Braintree District Councillor and Rivenhall Parish Councillor.

FOR THE COMMUNITY GROUP:

John Dagg of Counsel	instructed by Alan Stones RIBA MRTPI MIHBC
He called	
John Palombi	Chairman of Witham & Countryside Society, Trustee

Philip Hughes
Barry Nee BA MA
Alan Stones AADip DipTP
RIBA MRTPI MIHBC

Director of CPRESsex.
District Councillor and Silver End Parish Councillor.
Resident of Kelvedon.
Consultant in urban design and historic buildings
conservation.

INTERESTED PERSONS:

Paul Gadd	representing Saffron Walden Friends of the Earth
David Rice	Local resident, Braintree.
Stewart Davis	Local resident, Kelvedon.
Eleanor Davis	Local resident, Kelvedon.
Paula Whitney	representing Colchester and North East Essex Friends of the Earth
Kate Ashton	Local resident, Rivenhall.
Felicity Mawson	Local resident, Witham.
Brian Saville	Local resident, Bradwall
Robert Gordon	Local resident , Silver End

DOCUMENTS

- 1 Lists of persons present at the inquiry
- 2 ECC's Letter of Notification of inquiry.
- 3 Copies of Representations received by ECC

Submitted by Applicants – Gent Fairhead & Co Ltd (GF)

GF/2/A	Proof of Evidence of Steven Smith
GF/2/B	Appendices to Proof of Evidence of Steven Smith
GF/2/C	Rebuttal Proof of Evidence of Steven Smith
GF/2/D	Appendices to Rebuttal Proof of Evidence of Steven Smith
GF/2/E	Presentation of Evidence of Steven Smith
GF/3/A	Proof of Evidence of Andrew Sierakowski
GF/3/B	Appendices to Proof of Evidence of Andrew Sierakowski
GF/4/A	Proof of Evidence of Ralph Keeble
GF/4/B	Appendices to Proof of Evidence of Ralph Keeble
GF/4/C	Rebuttal Proof of Evidence of Ralph Keeble
GF/4/D	Appendices to Rebuttal Proof of Evidence of Ralph Keeble
GF/5/A	Proof of Evidence of Christine Marsh
GF/5/B	Appendices to Proof of Evidence of Christine Marsh
GF/5/C	Rebuttal Proof of Evidence of Christine Marsh
GF/5/D	Appendices to Rebuttal Proof of Evidence of Christine Marsh
GF/6/A	Proof of Evidence of Dr Amanda Gair
GF/6/B	Appendices to Proof of Evidence of Dr Amanda Gair

GF/6/C	Rebuttal Proof of Evidence of Dr Amanda Gair
GF/6/D	Response to Friends of the Earth – Air Quality
GF/7/A	Proof of Evidence of David Hall
GF/7/B	Appendices to Proof of Evidence of David Hall
GF/7/C	Supplemental Proof of Evidence of David Hall
GF/7/D	Appendices to Supplemental Proof of Evidence of David Hall
GF/7/E	Rebuttal Proof of Evidence of David Hall
GF/7/F	Appendices to Rebuttal Proof of Evidence of David Hall
GF/8/A	Proof of Evidence of Dr Ian James Fairclough
GF/8/B	Appendices to Proof of Evidence of Dr Ian James Fairclough
GF/8/C	Rebuttal Proof of Evidence of Dr Ian James Fairclough
GF/8/D	Appendices to Rebuttal Proof of Evidence of Dr Ian James Fairclough
GF/9/A	Proof of evidence of Jeff Thornton
GF/9/B	Appendices to Proof of Evidence of Jeff Thornton
GF/9/C	Supplemental Proof of Evidence of Jeff Thornton
GF/9/D	Appendices to Supplemental Proof of Evidence of Jeff Thornton
GF/9/E	Response to Friends of the Earth – HHRA
GF/10/A	Proof of Evidence of Justin Bass
GF/10/B	Appendices to Proof of Evidence of Justin Bass
GF/10/C	Rebuttal Proof of Evidence of Justin Bass
GF/10/D	Appendices to Rebuttal Proof of Evidence of Justin Bass
GF/10/E	Email from the Highways Agency dated 9 June 2009
GF/10/F	Letter from the Highways Agency dated 8 October 2009
GF/11	Revised Non-Technical Summary
GF/12	Addendum Environmental Statement
GF/13	Application Drawings
GF/13-R1	Revised Application Drawings (to replace GF/13)
GF/14	Erratum to GF/5/B/13 (Appendix 13 to Proof of Evidence of Christine Marsh)
GF/15	Erratum to GF/2/A and GF/2/B (Evidence of Steven Smith)
GF/15/A	Further Erratum to GF/2/A (Evidence of Steve Smith)
GF/16	Erratum to Chapter 2 of GF/12 (the Air Quality Chapter of the ES Addendum)
GF/17	Agreed note on the WRATE Modelling
GF/18	Proposed Site Itinerary
GF/19	Applicant List of Appearances
GF/20/A	List of Inquiry Documents – Day 1 (Tuesday 29 September 2009)

GF/20/B	List of Inquiry Documents – Day 2 (Wednesday 30 September 2009)
GF/20/C	List of Inquiry Documents – Day 5 (Tuesday 6 th October 2009)
GF/20/D	List of Inquiry Documents – Day 5 (Tuesday 6 th October 2009)
GF/20/E	List of Inquiry Documents – Day 8 (Friday 9 th October 2009)
GF/20/F	List of Inquiry Documents – Day 10 (Wednesday 14 th October 2009)
GF/21	Opening Submissions on behalf of the Applicant
GF/22	Erratum to GF/6/B/10 (Appendix 10 to the Proof of Evidence of Amanda Gair)
GF/23	Erratum to GF/5/A (Proof of Evidence of Christine Marsh)
GF/24	Summary Data to Support Evidence of Ralph Keeble
GF/25/A	Indicative Inquiry Programme (Day 2)
GF/25/B	Indicative Inquiry Programme (Day 2)
GF/25/C	Indicative Inquiry Programme (Day 3)
GF/25/D	Indicative Inquiry Programme (Day 5)
GF/25/E	Indicative Inquiry Programme (Day 6)
GF/25/F	Indicative Inquiry Programme (Day 6)
GF/25/G	Indicative Inquiry Programme (Day 8)
GF/25/H	Indicative Inquiry Programme (Day 9)
GF/26	Letter from Shanks to Ralph Keeble dated 21 September 2009
GF/27	Note of WRATE Modelling – Agreed Between David Hall and Ian Gilder
GF/28	Email from the Environment Agency in Respect of the Environmental Permit Application
GF/29	Negotiation of the RCF Section 106 Agreement
GF/30	Supplementary Note to Ralph Keeble's Evidence
GF/31	Supplementary Note on Tissue Mill Feedstock – by Ralph Keeble
GF/32	Note on Heritage Significance of Rivenhall Airfield
GF/33	Supplementary Note of EERA Review Consultation – by Ralph Keeble
GF/34	Supplementary Information - prepared by Amanda Gair
GF/35	Note on Tranquillity Mapping
GF/36	Erratum to CD/2/6 (Appendix 1 to the Ecological Impact Assessment Chapter)
GF/37	Note addressing question raised by Friends of the Earth regarding the "R1 Formula" (i.e. whether the eRCF would be categorised as "recovery" or "disposal" pursuant to Directive 2008/98/EC)
GF/38	Flexibility of the eRCF
GF/39	Directions to Frog Island WMF for site visit on Friday 16 October (Meeting there at 10.30am)
GF/40	Note addressing letter to the Inquiry from Glendale Power dated 8 October 2009 (CD/15/5/B)
GF/41	eRCF Preliminary Lighting Schedule
GF/42	eRCF Maintenance Note

GF/43	Explanation of changes to application drawings
GF/44	Closing submissions
GF/45	Drawing showing calculation of eRCF building area(in response to CD1/13/2 – Local Council's response to SoCG)

Submitted by Essex County Council (ECC)

ECC/1	Statement of Case
ECC/2	Proof of Evidence of Claire Tomalin
ECC/3	Summary Proof of Evidence of Claire Tomalin
ECC/4	Opening Submissions on behalf of ECC
ECC/5	Email from ERM to Lesley Stenhouse at ECC and Response
ECC/6	Supplementary Note of EERA Review Consultation – prepared by Claire Tomalin
ECC/7	Proposed Conditions (with comments where condition not agreed between ECC and the Applicant)
ECC/8	Revised version of ECC/7 with changes marked to show additional comments following Inquiry session on 13 October 2009
ECC/9	Closing submissions

Submitted by Local Council's Group (LC)

LC/1/A	Proof of Evidence of Ian Gilder
LC/1/B	Appendices to Proof of Evidence of Ian Gilder
LC/1/C	Supplementary Proof of Evidence of Ian Gilder
LC/1/D	Rebuttal Proof of Evidence of Ian Gilder
LC/1/E	Note on ERM 2009 Report (CD/10/4)
LC/2/A	Proof of Evidence of Teresa Mary Lambert
LC/2/B	Appendices to Proof of Evidence of Teresa Mary Lambert
LC/3/A	Proof of Evidence of Melanie A'Lee
LC/3/B	Appendices to Proof of Evidence of Melanie A'Lee
LC/4/A	Proof of Evidence of Tony Dunn
LC/4/B	Appendices to Proof of Evidence of Tony Dunn
LC/5/A	Proof of Evidence of Michael Horne
LC/6/A	Proof of Evidence of Robert Wright
LC/7/A	Proof of Evidence of Alan Waine
LC/8/A	Proof of Evidence of James Abbott
LC/8/B	Appendices to Proof of Evidence of James Abbott
LC/9	List of Appearances for the Local Councils
LC/10	Opening Submissions on behalf of the Local Councils
LC/11/A	Plan showing Parish boundaries

LC/11/B	Plan showing certain referenced roundabouts
LC/11/C	Plan showing certain referenced local roads
LC/12	Closing submissions
LC13-14	These have been numbered as CD/16/3-4

Submitted by Community Group (CG)

CG/1/A	Proof of Evidence of John Palombi
CG/1/B	Appendices to Proof of Evidence of John Palombi
CG/2/A	Proof of Evidence of Philip Hughes
CG/2/B	Appendices to Proof of Evidence of Philip Hughes
CG/3/A	Proof of Evidence of Barry Nee
CG/4/A	Proof of Evidence of Alan Stones
CG/4/B	Appendices to Proof of Evidence of Alan Stones
CG/5	List of Appearances and Opening Submissions on behalf of the CG
CG/6	Closing submissions

Submitted by other parties and individuals (OP)

OP/1	Submission on behalf of Saffron Walden Friends of the Earth, together extract of Environmental Report, dated February 2008, to Essex County Council by Eunomia.
OP/2	Oral statement of behalf of Saffron Walden Friends of the Earth including extract from DEFRA Stage One: Consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC) (July 2009)
OP/3	Submission from Stewart Davis
OP/4	Submission from Eleanor Davis
OP/5	Submission from Kate Ashton, including appendices.
OP/6	Submission by Paula Whitney, together with 7 appendices, on behalf of Colchester and North East Essex Friends of the Earth
OP/7	Submission by Felicity Mawson

CORE DOCUMENTS (referenced as: CD/[Section No]/[Ref No], e.g. the call in letter is CD/1/1)

Section No	Ref No	Document Title or Description
1		Call In Letter
1	1	Government Office for the East of England Call in Letter - 12.05.09
2		eRCF Planning Application and Associated Documents - ESS/37/08/BTE
2	1	Letter to ECC - Ref. Screening & Scoping - 22.05.08
2	2	eRCF Formal Scoping Opinion Request - 22.05.08
2	3	Letter to ECC - Ref. Planning Application & EIA - 26.08.08

2	4	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 1 - 26.08.08
2	5	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 1 of 4 - 26.08.08
2	6	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 2 of 4 - 26.08.08
2	7	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 3 of 4 - 26.08.08
2	8	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 4 of 4 - 26.08.08
2	9	Letter to ECC - Ref. Regulation 19 - Additional Information - 09.12.08
2	10	Regulation 19 Additional Information - 09.12.08
2	11	ERM, Rivenhall Airfield – Evolution of the Recycling and Composting Facility: Review of Environmental Statement, Final Report, November 2008
2	12A	ECC Report to Committee (DR/19/09) - 24.04.09
2	12B	Addendum to ECC Report to Committee - 24.04.09
2	13	Minutes of the Development & Regulation Committee - 24.04.09
3		RCF Planning Application and Associated Documents - ESS/38/06/BTE
3	1	Planning permission dated 26 February 2009 (Ref:KA/DEV/2848)
3	2	Minutes of the East of England Regional Planning Panel Sub-Committee of 19 January 2007
3	3	Rivenhall Airfield Recycling & Composting Facility, Volume 1 - Planning Application Supporting Statement – July 2006
3	4	Rivenhall Airfield Recycling & Composting Facility, Volume 2 - Environmental Statement, File 1 of 2- July 2006
3	5	Rivenhall Airfield Recycling & Composting Facility, Volume 2 - Environmental Statement, File 2 of 2- July 2006
3	6	Rivenhall Airfield Recycling & Composting Facility Supplementary Report, Nov 2006
3	7	Section 106 Agreement dated 26 February 2009 between Gent Fairhead & Co Ltd (1), Essex County Council (2), Barclays Bank Plc (3), Gent Fairhead Aggregates Ltd and Cemex Operations Ltd (4) and The Bradwell Estate (5)
3	8	Letter from Go-East dated 26 April 2007 in response to the referral by ECC of ESS/38/06/BTE
3	9	ECC Committee Report - ESS/38/06/BTE - 30 March 2007 (DR/015/07)
4		European Legislation and Guidance
4	1	Consolidated EC Framework Directive on Waste 2006/12/EC (previously the Waste Framework Directive 75/442/EEC (as amended))
4	2	New EC Framework Directive on Waste 2008/98/EC
4	3	EC Waste Incineration Directive 2000/76/EC
4	4	EC Landfill Directive 1999/31/EC
4	5	EC Groundwater Directive 2006/118/EC
4	6	EC Reference Document on Best Available Techniques in the Pulp and Paper Industry, 2001
4	7	EC Directive on Air Quality 2008/50/EC
4	8	The IPPC Directive (Directive 2008/01/EC)
5		Statutory Development Plan and Associated Documents
5	1	East of England Plan, The Revision to the Regional Spatial Strategy for the East of England, (May 2008)
5	2	Report to the Regional Planning Panel on the 29 June 2009 entitled 'Waste Policies for the review of the East of England Plan'
5	3	Essex and Southend Replacement Structure Plan (Adopted April 2001)

5	4	Essex and Southend Waste Local Plan (Adopted September 2001)
5	5	Braintree District Local Plan Review (Adopted July 2005)
5	6	Essex Minerals Local Plan First Review (January 1997)
5	7	Extract from the Report of the Panel, dated June 2006, Following the Examination in Public of the East of England Plan December 2004
5	8	Technical Paper on Waste for the Review of the East of England Plan – Consultation Document, August 2009
6		National Planning Policy
6	1	Planning Policy Statement (PPS) 1 – Delivering Sustainable Development
6	2	Planning and Climate Change – Supplement to PPS 1
6	3	Consultation Paper on PPS4 – Planning for Sustainable Economic Development 2007
6	4	PPS 7 – Sustainable Development in Rural Area
6	5	PPS 9 – Biodiversity and Geological Conservation
6	6	PPS 10 – Planning for Sustainable Waste Management
6	6A	Extract from the Companion Guide to PPS 10
6	7	Planning Policy Guidance (PPG) 13 – Transport
6	8	PPG 15 – Planning and the Historic Environment
6	9	PPG 16 – Archaeology and Planning
6	10	PPS 22 – Renewable Energy 2004
6	11	PPS 23 – Planning and Pollution Control
6	11A	Planning Policy Statement 23: Planning and Pollution Control Annex 1: Pollution Control, Air and Water Quality
6	12	PPG 24 – Planning and Noise
6	13	PPS 25 – Development and Flood Risk
6	14	Minerals Policy Statement (MPS) 2 – Controlling and Mitigating the Environmental Effects of Minerals Extraction in England
6	15	The Planning System: General Principles (ODPM, 24.02.2004)
6	16	PPS Planning for the Historic Environment: Historic Environment Planning Practice Guide (Living Draft – 24 July 2009)
6	17	Consultation paper on a new Planning Policy Statement 15: Planning for the Historic Environment (DCLG July 2009)
7		Circulars
7	1	Circular 11/95: Use of conditions in planning permission
7	2	Circular 05/05: Planning obligations
8		Other Law, Policy and Strategy Documentation
8	1	DEFRA Waste Strategy for England 2007 (May 2007)
8	2	Joint Municipal Waste Management Strategy for Essex (2007 to 2032)
8	3	DEFRA – Waste Infrastructure Delivery Programme Information Note on Combined Heat & Power (January 2009)
8	4	The UK Renewable Energy Strategy 2009
8	5	Essex Waste Management Partnership PFI, Outline Business Case, April 2008 (Executive Summary)
8	6	Essex Waste Management Partnership PFI, Outline Business Case, July 2009 (main body only, no appendices)
8	7	English Heritage (2006) <i>Understanding Historic Buildings: A guide to good recording practices</i>
8	8	The UK Low Carbon Transition Plan – National strategy for climate and energy
8	9	Designing waste facilities – a guide to modern design in waste (DEFRA/CABE 2008)
9		Previous Inquiry Documents and Other Planning Permissions
9	1A	Essex and Southend-on-Sea Waste Local Plan, Public Inquiry, 25 October 1999 – 5 January 2000, Report of the Inspector, July 2000

9	1B	Secretary of State's decision in respect of CD/9/1A
9	2	Planning Permission ESS/07/98/BTE: Minerals Local Plan Site R, Bradwell Sand and Gravel Pit and Rivenhall Airfield, Bradwell
9	3	ESS/15/08/BTE, Report from the Head of Environmental Planning at ECC approving variation of ESS/07/98/BTE to allow amended restoration levels.
10		Industry Reports and Assessments
10	1	Urban Mines – Detailed Assessment of East of England Waste Arisings for the East of England Regional Assembly (March 2009)
10	2	WRAP Market De-Inked Pulp Feasibility Study, 2005
10	3	Waste Arisings, Capacity and Future Requirements Study Final Report (ERM, February 2007)
10	4	Updated Capacity and Need Assessment Final Report (ERM, July 2009)
11		The Council Group Documents
11	1	[NOT USED]
11	2	Braintree District Council, Committee Report – 25 November 2008
11	3	Braintree District Council, Minutes of Planning Committee Meeting – 25 November 2008
11	4	Braintree District Council, Committee Report – 20 January 2009
11	5	Braintree District Council, Minutes of Planning Committee Meeting – 20 January 2009
11	6	[NOT USED]
11	7	[NOT USED]
11	8	Braintree District Council, Cabinet Meeting, Minutes of Meeting – 11 May 2009
12		The Community Group Documents
12	1	Kelvedon Village Plan, Kelvedon Parish 2002
12	2	Bradwell Village Action Plan, Bradwell Village Action Group, 2003
12	3	The Countryside Agency, Rivenhall Village Design Statement, July 2005
13		Statement of Common Ground
13	1	Draft Statement of Common Ground agreed between Gent Fairhead & Co. Ltd and ECC, dated 26 August 2009
13	2	Draft Appendix to CD/13/1 prepared by the Councils Group
13	3	CD13/1 with slight amendments shown in track changes (incorporating CD/13/2 as Appendix 1)
13	4	Final Statement of Common Ground
14		Section 106 Agreement
14	1	Draft Section 106 Agreement agreed between Gent Fairhead & Co. Ltd and ECC, dated 26 August 2009
14	2	Note setting out changes to be made to CD/14/1 prior to engrossment of Section 106 Agreement to incorporate comments of Local Councils
14	3	Further changes to be made to CD/14/1 to incorporate comments of Local Councils
14	4	Engrossment version of S106 (being CD/14/1 incorporating changes set out in CD/14/3)
14	5	Conformed and certified copies of completed S106 agreement
15		Third Party Correspondence
15	1	File of third party correspondence received from PINS on 3 August 2009
15	2	Correspondence received from PINS up to and including 25 September 2009
15	3	Letter submitted by Mr B T Hill to Inspector at Inquiry dated 5 October 2009
15	4	Correspondence received from PINS on 8 October 2009 (comprising 3 letters and 3 emails CD/15/4/A to CD/15/4/F)
15	5	Correspondence received from PINS between 9 and 12 October 2009 (CD/15/5/A to CD/15/5/F)
15	6	Correspondence received from PINS on 13 October 2009
15	7	Letter from Environment Agency to PINS dated 13 October 2009
16		Comments on the EA response to Addendum to ES and on any other representations on the Addendum received by 14 October 2009.

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| 16 | 1 | Letter from EA dated 22 October 2009 clarifying earlier comments |
| 16 | 2 | Comments on EA letter from Community Group dated 22 October 2009 |
| 16 | 3 | Comments on EA letter from Local Council's Group dated 22 October 2009 |
| 16 | 4 | Comments on lighting schedules from Local Council's Group dated 22 October 2009 |
| 17 | | Final responses submitted by 29 October 2009 to evidence submitted at CD/16 above. |
| 17 | 1 | Technical Note on Exterior Lighting, prepared by Pell Frishmann (dated 26 October 2009) on behalf of the applicants in response to representations from the LCG and CG's dated 22 October 2009. |
| 17 | 2 | Applicants response to representations made by Local Councils Group and Community Group on 22 October 2009 (CD/16 above) - Prepared by Dr Amanda Gair, 29 October 2009 |

Appendix A – Brief Description of the Frog Island Waste Management Facility at Rainham

- 1) I undertook an accompanied visit to the Frog Island Waste Management Facility on 16 October 2009.
- 2) The Frog Island development comprises a materials recycling facility (MRF) and a mechanical biological treatment plant (MBT). The MBT plant processes about 200,000 tpa of municipal solid waste (MSW) and C&I waste on three lines each taking about 70,000 tpa. The plant operates with a negative internal air pressure and each line has a large biological filter on the roof designed to deal with odours. The object of the site visit was to inspect the operation and efficiency of the plant with regard to the generation of dust, and odour.
- 3) The plant is situated on the edge of the River Thames and is some distance from the nearest residential properties. There were high levels of noise at the end of each line within the plant, at the point where vehicle trailers were being loaded before removing residues from the plant. However, the plant appears to be well insulated for sound because the level of noise outside the building was low and not intrusive.
- 4) The plant is fitted with fast operating roller shutter doors and these appear to work well. However, the reception area for the delivery of waste is too small. I noted that vehicles were depositing their loads whilst the roller shutter doors were open – they did not appear to have sufficient room to move fully into the building before tipping the waste. Some waste spilled outside the line of the doors as the vehicles moved forward, lowering their trailer bodies and leaving the building. This spill of waste prevented the doors from being closed fully from time to time and there was some odour from waste at the point of delivery. Nevertheless, the negative air pressure system appeared to work well, because there was no other apparent odour emanating from the plant except that at the point of delivery.
- 5) I have no doubt that this problem is due to the limited size of the delivery area, which prevents some vehicles from unloading entirely within the building. The negative air pressure also clearly assisted with dust control. There was a significant amount of dust inside the plant, particularly at the end of the MBT lines. However, this is kept within the plant and I saw no obvious signs of dust nuisance outside the building.
- 6) Finally, I inspected the biological filters on the roof. These were filled with wood bark and the only odour emanating from this part of the plant was the smell of wood bark.

Appendix B – List of Proposed Planning Conditions

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
Commencement		
1. Commencement within 5 years, 30 days prior notification of commencement.	<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Not less than 30 days prior notification of commencement of the development shall be given in writing to the Waste Planning Authority.</p> <p>Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).</p>	
Approved Plans and Details		
2. The development hereby permitted shall only be carried out in accordance with the details submitted by way of the application and subsequent submitted information.	2. The development hereby permitted shall only be carried out in accordance with drawing numbers:	ECC: Inspector to decide if any additional material to be specifically referenced.
	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	
	Reason: For the sake of clarity and the avoidance of doubt	
Traffic and Access		

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<p>3. The maximum number of HGV movements a day associate with the associated waste management facility shall be no more than 404 HGV movements a day. Records shall be maintained and submitted upon request.</p>	<p>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 IWMF² 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.</p> <p>No HGV movements shall take place outside the hours of operation authorised in Conditions 34 & 36 of this permission.</p> <p>¹An HGV shall be defined as having a gross vehicle weight of 7.5 tonnes or more.</p> <p>² IWMF shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.</p> <p>Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policy MLP13 and WLP policies WLP W4C & W10E.</p>	
<p>3. The maximum number of HGV movements a day associate with the associated waste management facility shall be no more than 404 HGV movements a day. Records shall be maintained and submitted upon request.</p>	<p>4. The total number of Heavy Goods Vehicles [HGV¹] vehicle movements associated with the construction of the IWMF (including deliveries of building materials) when combined with the maximum permitted vehicle movements under Condition 3 shall not exceed the following limits:</p> <p>404 movements 202 in and 202 out per day (Monday to Sunday).</p> <p>No HGV movements shall take place outside the hours of operation authorised in Condition 35 of this permission.</p> <p>² IWMF shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.</p> <p>Reason: In the interests of highway safety and safeguarding local amenity and to comply with WLP Policy W10E.</p>	
<p>3. The maximum number of HGV movements a day associate with the associated waste management facility shall be no more than 404 HGV movements a day. Records shall be maintained and submitted upon request.</p>	<p>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.</p> <p>Reason: To enable the Waste Planning Authority to monitor HGV movements and in the interests of highway safety, safeguarding local amenity and to comply with MLP policy MLP13 and WLP policy W10E.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<p>4. Details of the extended access road to be submitted including removal of lay-by on single lane section with upgrading of surface to passing bay.</p> <p>5. No construction works for the development until the access road extension and widening and all footpath crossover points have been provided.</p> <p>34. No development shall commence until the layout of the cross over points of rights of way with the haul road, both existing and proposed, have been submitted for approval.</p>	<p>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.</p> <p>Reason: In the interests of pedestrian safety and safeguarding local environment and amenity and compliance with WLP policy W10E & W10G, and MLP policy MLP13.</p>	
<p>5. No construction works for the development until the access road extension and widening and all footpath crossover points have been provided.</p>	<p>7. No works on the construction of the IWMF shall commence until the access road extension and widening and all footpath crossover points have been constructed.</p> <p>Reason: In the interests of pedestrian safety and safeguarding local environment and amenity and compliance with WLP policy W10E & W10G, and MLP policy MLP13.</p>	
<p>6. All vehicles shall only enter and leave the Site using the Coggeshall Road (A120) junction.</p>	<p>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.</p> <p>Reason: In the interests of pedestrian safety and safeguarding local environment and amenity and compliance with WLP policies W4C & W10E and MLP policies MLP3 & MLP13.</p>	
<p>7. No vehicles shall park within passing bays on the access road between Church Road and Ash Lane.</p>	<p>9. No vehicles shall park on the haul road between the A120 and Ash Lane.</p> <p>Reason: In the interests of safeguarding the local environment and amenity and to comply with MLP Policy MLP13 and WLP Policy W10E.</p>	
<p>Cultural Heritage</p>		
<p>8. No development until a programme for archaeological investigation.</p>	<p>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.</p> <p>Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy MLP13 and WLP policy W10E.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
9. No demolition of airfield buildings until level 3 survey undertaken.	<p>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.</p> <p>Reason: To ensure that any historical interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy MLP13 and WLP policy W10E.</p>	
10. No development affecting the moat until details of the proposed improvements and water supply submitted for approval.	<p>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.</p> <p>Reason: To ensure protection of any historical and/or ecological interest to comply with MLP policy MLP13 and WLP policy W10E.</p>	
11. No development until details of signage, telecommunications and lighting within the vicinity of Woodhouse Farm have been submitted.	<p>13. No development shall commence until details of signage, telecommunications equipment and lighting within the Woodhouse Farm complex (comprising Woodhouse Farm house, 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.</p> <p>Reason: To protect the setting and appearance of the Listed Buildings and to comply with WLP policy W10E and BDLPR policy RLP100.</p>	
Design and Layout		
<p>12. No development shall commence until details of the design of the chimney including elevations, sections, plan views to appropriate scales and construction details have been submitted.</p> <p>&</p> <p>14. No development shall commence until information on effect of weathering on the proposed chimney material and how the chimney would be maintained to retain the quality of the surface have been submitted.</p>	<p>14. No development shall commence until details of the design of the stack serving the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The details to be submitted shall include:</p> <p>(a) elevations, sections and plan views to appropriate scales and construction details;</p> <p>(b) samples of the finish of the stack to provide a mirrored reflective surface; and</p> <p>(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.</p> <p>The stack shall be constructed and maintained in accordance with the details approved</p> <p>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and Adopted Braintree Local Plan Review 2005 (BDLPR) policy RLP78.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
13. No development shall commence until design details including external construction, materials, colours and finishes of the external cladding of the buildings and structures have been submitted including the provision of an artistic feature on or near the north elevation.	<p>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 writing by the Waste Planning Authority. The development shall be implemented in accordance with the details and samples approved.</p> <p>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policies RLP78 & RLP90.</p>	
13. No development shall commence until design details including external construction, materials, colours and finishes of the external cladding of the buildings and structures have been submitted including the provision of an artistic feature on or near the north elevation.	16. Not used	
15. No development shall commence until management measures for the CHP plant have been submitted to ensure there is no visible plume from the chimney.	<p>17. 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.</p> <p>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policy RLP78.</p>	
16. No development shall commence until details of the green roofs have been submitted.	<p>18. 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.</p> <p>Reason: To limit the impacts on local amenity and the local environment and to ensure enhancement of biodiversity and to comply with WLP policy W10E and BDLPR policies, RLP78 & RLP90.</p>	
17. No development shall take place until details of the layout of the waste management facility have been submitted.	<p>19. 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.</p> <p>Reason: To ensure control of the development and in the interests of local amenity with respect to control of noise, dust, odour and light and to comply with WLP policy W10E.</p>	
<p>18. No beneficial use of the waste management facility until details for parking of cars, HGVs and any other vehicles that may use the waste management facility.</p> <p>&</p> <p>49. No redundant plant or machinery, containers, skips, trailers or vehicles shall be parked other than within designated areas.</p>	<p>20. 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.</p> <p>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policy RLP78.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
18. No beneficial use of the waste management facility until details for parking of cars, HGVs and any other vehicles that may use the waste management facility.	<p>21. 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.</p> <p>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policy RLP78 and RLP100.</p>	
Water Resources		
19. No development shall take place until a detailed scheme for foul water has been submitted and approved.	<p>22. 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.</p> <p>Reason: To minimise the risk of pollution of water courses, aquifers and minimise the risk of flooding to comply with WLP policy W4B & W10E and BDLPR policy RLP 100.</p>	
20. No development shall take place until a detailed scheme of the surface water drainage and the ground water management system, including details of water flows between Upper lagoon and New Field lagoon.	<p>23. 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.</p> <p>Reason: To minimise the risk of pollution of water courses, aquifers and minimise the risk of flooding to comply with MLP policy MLP13 and WLP policies W4B & W10E.</p>	
21. No excavation shall take place until a scheme identifying locations for the installation of boreholes to monitor groundwater has been submitted.	<p>24. 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.</p> <p>Reason: To minimise the risk of pollution of water courses, aquifers and minimise the risk of flooding to comply with MLP policy MLP13 and WLP policies W4B & W10E.</p>	
22. In the event that contamination is found the developer shall submit details of mitigation and remediation for approval.	<p>25. 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.</p> <p>Reason: To minimise the risk of pollution of water courses, aquifers and to comply with MLP policy MLP13 and WLP policies W4B & W10E and BDLPR policy RLP64.</p>	
Waste Management		

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
23. No element of the development may be implemented in isolation of others.	<p>26. 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.</p> <p>Reason: To ensure the development is operated as an integrated waste management facility as proposed, maximising the benefits of the co-location of the different elements and to comply with RSS policies WM1 & WM3 and WLP policies W4C, W8A & W7G.</p>	
24. No waste shall be brought onto the Site for processing in the MRF, AD, MBT and CHP plant (except waste paper and card) other than that arising from within the administrative area of Essex and Southend-on-Sea. Submission of monitoring data.	<p>27. 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.</p> <p>Reason: To ensure the development is operated as an integrated waste management facility as proposed, maximising the benefits of the co-location of the different elements and to comply with RSS policies WM1 & WM3 and WLP policies W4C, W8A & W7G.</p>	
	<p>28. (i) SRF shall be sourced internally from the IWMF or within the administrative boundaries of Essex and Southend-on-Sea.</p> <p>(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.</p> <p>(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.</p> <p>Reason: In the interests of the environment by assisting Essex and Southend-on-Sea to become self-sufficient for managing its own waste ensuring that the waste is transported proximate to the site thereby minimising transportation distances, reducing pollution and amenity and to comply with RSS policies WM1, WM3, WM4 & WM5 and WLP policies W3A, W3C, W6A, W7A, W7B, W7C and W10E.</p>	<p>GFC: Five years appropriate</p> <p>ECC: One year appropriate</p>
25. No wastes other than dry non-hazardous Municipal Solid Waste and Commercial & Industrial wastes shall be brought onto the Site for processing, treatment or disposal.	<p>29. 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.</p> <p>Reason: Waste material of a greater quantity would raise additional environmental concerns, which would need to be considered afresh and to comply with RSS policies SS1, WM1, WM2, WM3 & WM4 and WLP policies W3A, W3C, W8A, & W10E.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<p>26. No more than 435,000 tpa of waste (MSW and/or C&I) as MOW, MDR or unsorted waste, shall be imported to the Site, except C&I waste in the form of paper and card. No more than 331,000 tpa of paper and card shall be brought to the Site. No more than 87,500 tpa of SRF shall be imported to the Site. Records shall be kept and provided upon request.</p>	<p><i>[NO CONDITION REQUIRED - MERGED WITH PREVIOUS CONDITION]</i></p>	
<p>27. No more than 20% of the imported waste paper and card shall be from sources outside the East of England Region. Records shall be kept and provided upon request.</p>	<p>30. (i) No more than 50% of the imported waste paper and card (based on a nominal imported tonnage of pre-sorted waste paper and card of 360,000 tpa) shall be sourced from outside the administrative boundaries of the East of England Region.</p> <p>(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.</p> <p>(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.</p> <p>Reason: In the interests of the environment by assisting the East of England Region to become self-sufficient for managing its own waste ensuring that the waste is transported proximate to the site thereby minimising transportation distances, reducing pollution and minimising the impact upon the local environment and amenity and to comply with RSS policies WM1, WM3 & WM4, WLP policies W3A, W3C, W8A, W10E, the London Plan (February 2008) policies 4A.21 and 4A.22, the South East Plan (may 2009) policies W3, W4, W10 and W17.</p>	<p>GFC do not agree to proposed condition. Applicant would prefer one of the following, in order of preference:</p> <p>No Condition</p> <p>OR</p> <p>Waste paper and card imported to the site shall be sourced from within a 150km radius of the development site by road. Records of the source of waste imported to the site shall be kept for 2 years and shall be submitted to the Waste Planning Authority within 14 days of a written request.</p> <p>OR</p> <p>Waste paper and card to be imported to the site shall only be sourced from the East of England Region, London and the South East Region. Records of the source of waste imported to the site shall be kept for 2 years and shall be submitted to the Waste Planning Authority within 14 days of a written request.</p> <p>Reason: To comply with RSS policy WM3.</p>

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
28. No waste brought onto the Site shall be discharged, deposited, handled, stored, composted or otherwise processed outside the buildings.	<p>31. No waste brought onto the site shall be deposited, handled, stored, composted or otherwise processed outside the IWMF buildings and structures.</p> <p>Reason: To ensure minimum disturbance from operations and to avoid nuisance to local amenity and compliance with WLP policy W10E and BDLPR policy RLP62.</p>	
29. No waste materials other than those arriving in enclosed containers, and enclosed or sheeted vehicles shall be accepted for processing.	<p>32. All waste materials shall be imported and exported from the site in enclosed, containerised or sheeted vehicles.</p> <p>Reason: To ensure controlled waste operations and the containment of waste materials in compliance with WLP policy W10E and BDLPR policy RLP62.</p>	
30. No vehicles shall leave the waste management facility site without first having been cleansed of all loose residual mineral or waste materials from the vehicle's body and chassis.	<p>33. 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.</p> <p>Reason: In the interests of limiting the effects on local amenity and highway safety, to control the impacts of the development and compliance with WLP policy W10E and BDLPR policy RLP62</p>	
Hours of Working		
31. No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between 07:00-18:30 hours Monday to Friday, and 07:00 - 13:00 hours Saturdays and not on Sundays, Bank and Public Holidays except for occasional maintenance of machinery, unless otherwise approved in writing by the Waste Planning Authority.	<p>34. No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between the following hours:</p> <p>07:00-18:30 hours Monday to Friday, and</p> <p>07:00 -13:00 hours Saturdays</p> <p>and shall not take place on Sundays, Bank and Public Holidays</p> <p>except for water pumping, environmental monitoring and occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.</p> <p>Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and compliance with MLP policy MLP13, WLP policies W10E & W10F and BDLPR policy RLP62.</p>	Consistent with the hours of the adjacent Bradwell Quarry.
32. The construction works (including deliveries of building materials) for the waste management facility, 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 otherwise approved in writing by the Waste Planning Authority.	<p>35. 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.</p> <p>Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and compliance with WLP policies W10E & W10F and BDLPR policy RLP62.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties																										
33. No waste or processed materials shall be delivered to or removed from any part of the waste management facility other than between 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 as required and then only between 10:00 and 16:00 hours.	<p>36. No waste or processed materials shall be imported or exported from any part of the IWMF other than between the following hours</p> <p>07:00 and 18:30 hours Monday to Friday and</p> <p>07:00 and 13:00 hours on Saturdays, and not on Sundays, Public or Bank Holidays</p> <p>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.</p> <p>Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and compliance with WLP policies W10E & W10F and BDLPR policy RLP62.</p>																											
Footpaths																												
35. No development shall take place until signs have been erected on both sides of the haul/access road where footpaths cross the haul road	<p>37. 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.</p> <p>Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with MLP policy MLP13 and WLP policy W10G.</p>																											
Noise																												
36. Except for temporary operations, between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level (L _{Aeq 1 hour}) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the L _{Aeq 1 hour} levels set out in the following table:	<p>38. 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 (L_{Aeq 1 hour}) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the L_{Aeq 1 hour} levels set out in the following table:</p> <table><tr><th>Noise Sensitive Properties</th><th>Location Criterion dB L A eq 1 hour</th></tr><tr><td>Herring's Farm</td><td>45</td></tr><tr><td>Deeks Cottage</td><td>45</td></tr><tr><td>Haywards</td><td>45</td></tr><tr><td>Allshot's Farm</td><td>47</td></tr><tr><td>The Lodge</td><td>49</td></tr><tr><td>Sheepcotes Farm</td><td>45</td></tr><tr><td>Greenpastures Bungalow</td><td>45</td></tr><tr><td>Goslings Cottage</td><td>47</td></tr><tr><td>Goslings Farm</td><td>47</td></tr><tr><td>Goslings Barn</td><td>47</td></tr><tr><td>Bumby Hall</td><td>45</td></tr><tr><td>Parkgate Farm Cottages</td><td>45</td></tr></table>	Noise Sensitive Properties	Location Criterion dB L A eq 1 hour	Herring's Farm	45	Deeks Cottage	45	Haywards	45	Allshot's Farm	47	The Lodge	49	Sheepcotes Farm	45	Greenpastures Bungalow	45	Goslings Cottage	47	Goslings Farm	47	Goslings Barn	47	Bumby Hall	45	Parkgate Farm Cottages	45	
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Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
	<p>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.</p> <p>Reason: In the interests of residential and local amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP62.</p>	
<p>37. The free field Equivalent Continuous Noise Level ($L_{Aeq\ 1\ hour}$) shall not exceed 47 dB(A) $L_{Aeq\ 1\ hour}$ between the hours of 19:00 and 23:00, as measured or predicted at noise sensitive properties adjoining the Site.</p>	<p>39. The free field Equivalent Continuous Noise Level ($L_{Aeq\ 1\ hour}$) shall not exceed 42 dB(A) $L_{Aeq\ 1\ hour}$ 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.</p> <p>Reason: In the interests of residential and local amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP62.</p>	
<p>38. The free field Equivalent Continuous Noise Level ($L_{Aeq\ 1\ hour}$) shall not exceed 40 dB(A) $L_{Aeq\ 1\ hour}$ between the hours of 23:00 and 07:00, as measured and/or predicted at 1 m from the façade of the bedroom at noise sensitive properties adjoining the Site.</p>	<p>40. The free field Equivalent Continuous Noise Level ($L_{Aeq\ 1\ hour}$) shall not exceed 40 dB(A) $L_{Aeq\ 5min}$ 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.</p> <p>Reason: In the interests of residential and local amenity and to comply with WLP policy W10E and BDLPR policy RLP62.</p>	
<p>39. Noise levels shall be monitored at three monthly intervals at up to five locations as agreed with the Mineral/Waste Planning Authority.</p>	<p>41. 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 LA_{90} and L_{Aeq} 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.</p> <p>Reason: In the interests of amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP62.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<p>40. For temporary operations, the free field noise level at sensitive properties shall not exceed 70 dB a L_{Aeq} 1 hour at noise sensitive properties adjoining the Site, 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.</p>	<p>42. 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 L_{Aeq} 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.</p> <p>In the interests of residential and local amenity and to comply with MLP policy MLP13.</p>	
Lighting		
<p>41. No external lighting shall be installed on-site except in accordance with details to be submitted to and approved. The lighting shall not exceed 5 lux maintained average luminance.</p>	<p>43. 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.</p> <p>Reason: In the interests of local amenity and fauna and to comply with WLP policy W10E and BDLPR policies RLP 65 & RLP90.</p>	
<p>41. No external lighting shall be installed on-site except in accordance with details to be submitted to and approved. The lighting shall not exceed 5 lux maintained average luminance.</p>	<p>44. 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.</p> <p>Reason: In the interests of local amenity and fauna and to comply with WLP policy W10E and BDLPR policies RLP 65 & RLP90.</p>	
Operations		

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
42. No development shall commence until a detailing phasing scheme for the construction of the haul road, creation of the retaining wall and extraction of the minerals has been submitted for approval.	<p>45. No development shall commence until a detailed phasing scheme for the construction of the access road 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.</p> <p>Reason: To ensure control of the development and minimise the impact of the development on local amenity and the environment and to comply with MLP policy MLP13 and WLP policy W10E.</p>	
43. No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted for approval.	<p>46. 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.</p> <p>Reason: To minimise soil compaction and structural damage of the soil and to protect the soil resource and to comply with MLP policy MLP13 and WLP W10E.</p>	
43. No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted for approval.	<p>47. 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:</p> <p>(a) During the months November to March (inclusive);</p> <p>(b) 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 BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or</p> <p>(c) When there are pools of water on the soil surface.</p> <p>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.</p> <p>Reason: To minimise the structural damage and compaction of the soil and to comply with MLP policy MLP13 and WLP policy W10E.</p>	
44. No processing other than dry screening of excavated sand and gravel shall take place within the Application Site.	<p>48. 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.</p> <p>Reason: To ensure that there are no adverse impacts on the local amenity from development not already assessed in the application details and to comply with MLP policy MLP10, MLP11, & MLP13.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
45. Any fuel, lubricant or chemical storage above ground and refuelling facilities shall be sited on an impermeable base and surrounded and bunded.	<p>49. 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.</p> <p>Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy MLP13 and WLP policies W4B & W10E.</p>	
46. Prior to commencement details of any permanent site perimeter fencing details shall be submitted for approval.	<p>50. 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.</p> <p>Reason: In the interest of the amenity of the local area and to comply with MLP policy MLP13, WLP policy W10E and BDLPR 78.</p>	
47. No development shall take place until details of external equipment required to control any fugitive dust from the handling/storage/processing of waste have been.	<p>51. (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 IWMF</p> <p>(b) No beneficial occupation of the IWMF 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:</p> <p>(i) ; The suppression of dust caused by handling, storage and processing of waste; and</p> <p>(ii) Dust suppression on haul roads, including speed limits;</p> <p>In relation each scheme provision for monitoring and review.</p> <p>The development shall be implemented in accordance with the approved schemes and programme for the duration of the development hereby permitted.</p> <p>Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP Policy MLP13 and WLP policy W10E.</p>	
48. Prior to the importation of waste details of external equipment required to prevent fugitive odour nuisance shall be submitted.	<p>52. (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.</p> <p>(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.</p> <p>Reason: In the interest of local amenity and to comply with MLP policy MLP13 and WLP policy W10E.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
Ecology		
52.If the development hereby approved is not commenced within one year of the date of this consent a further wildlife survey of the Site shall be carried out to update the information on the species and the impact of development and the report of survey together with an amended mitigation strategy as appropriate shall be submitted for approval.	<p>53. Prior to the commencement of development a further ecological survey of the Site shall be carried out to update the information contained within the Environmental Statement and the impact of the development assessed 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.</p> <p>Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with RSS policies ENV1 & ENV 2, MLP policy MLP13, WLP policy W10E and BDLPR policy RLP84.</p>	
50. No Development shall commence until a ecological management plan has been submitted to include management and mitigation measures with respect to GCNs, Bats, Badgers, protected bird species and other ecologically sensitive habitats and species and for proposed new habitats before and during construction and during operation of the development.	<p>54. No development shall commence until a habitat management plan including details of the proposed management and mitigation measures described in the Environmental Statement (amended) has been submitted to and approved in writing by the Waste Planning Authority. The plan shall include:</p> <ul style="list-style-type: none"> (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 yr 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. <p>The development shall be implemented in accordance with the approved plan.</p> <p>Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with RSS policies ENV1 & ENV 2, MLP policy MLP13, WLP policy W10E and BDLPR policy RLP84.</p>	
53. No construction / demolition / excavation works or removal of hedgerows or trees shall be carried out on-site during the bird nesting season and only after an intensive nest search.	<p>55. 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.</p> <p>Reason: To ensure that breeding birds are not disturbed by the removal of habitat or development and in accordance with MLP policy MLP13 and WLP policy W10E and BDLPR policy RLP84.</p>	
Screening and Landscaping		

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
54. There shall only be one stack the CHP stack. The CHP stack shall not exceed 81 m AOD.	<p>56. 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.</p> <p>Reason: In the interest of the amenity of the local area and to comply with WLP policy W10E and BDLPR policy RLP90</p>	
55. All landscaping and planting shall be undertaken during the first available planting season.	<p>57. 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.</p> <p>Reason: To comply with section 197 of the Town and Country Planning Act 1990 [as amended] to improve the appearance of the site in the interest of visual amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</p>	
56. Any tree or shrub forming part of a planting scheme is damaged, diseased or removed within the period of the operations or 5 years after completion of the operations shall be replaced by the applicants during the next planting season.	<p>58. 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.</p> <p>Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</p>	
57. No development shall take place until details of tree retention and protection measures have been submitted.	<p>59. 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.</p> <p>Reason: In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</p>	
58. No development until details for the protection and watering of trees adjacent to the retaining wall have been submitted and approved.	<p>60. 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.</p> <p>Reason: In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<p>Woodhouse</p> <p>Farm/Visitors/Education Centre</p>		
<p>59. No beneficial use shall take place of the visitor and education centre and/or waste management facility until the works to Woodhouse Farm (which require further permissions/consents) have been implemented.</p> <p>60. No development shall commence until details have been submitted of the detailed layout of the parking area adjacent to Woodhouse Farm including hard and soft landscaping details have been submitted for approval.</p> <p>61. No parking within the Woodhouse Farm complex shall take place until suitable vehicle restrictions have been submitted for approval and implemented to prevent access by HGVs except for specific deliveries to the complex.</p>	<p>61. 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.</p> <p>Reason: In the interest of the amenity of the local area and to comply with WLP policy W10E and BDLPR policy RLP90 and RLP100.</p>	
	<p>62. 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 have been submitted to and approved in writing by the Waste Planning Authority. The traffic calming measures shall be provided in accordance with the details approved.</p> <p>Reason: To ensure minimum impact on the safe movement of otters and voles and to comply with WLP policy W10E.</p>	
	<p>63. 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.</p> <p>Reason: In the interests of highway safety and safeguarding local amenity and to comply with WLP Policy W10E and BDLPR policy RLP87.</p>	

Mr David Watkins
Linklaters LLP
One Silk Street
London
EC2Y 8HQ

Our Ref: APP/Z1585/V/09/2104804

2 March 2010

Dear Mr Watkins,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77.
APPLICATION BY GENT FAIRHEAD & Co LIMITED
RIVENHALL AIRFIELD, ESSEX, C5 9DF. APPLICATION REF: ESS/37/08/BTE.**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, M P Hill BSc MSc CEng MICE FGS, who held a public local inquiry which opened on 29 September into your client's application 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, at Rivenhall Airfield, Essex, C5 9DF, in accordance with application reference ESS/37/08/BTE, dated 28 August 2008.

2. It was directed on 12 May 2009, in pursuance of Section 77 of the Town and Country Planning Act 1990, that the application be referred to the Secretary of State instead of being dealt with by the relevant planning authority, Essex County Council because the proposals may conflict with national policies on important matters.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted subject to conditions. For the reasons given below, the Secretary of State agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Michael Taylor
Decision Officer
Planning Central Casework Division,
Department for Communities and Local Government
1/J1 Eland House
Bressenden Place
London, SW1E 5DU

Tel: 030344 41631
Email: PCC@communities.gsi.gov.uk

Procedural matters

4. The Secretary of State notes that the applicants wished the proposal to be considered on the basis of a revised design. Like the Inspector, the Secretary of State does not consider that any prejudice has been caused to any party by accepting these amendments, and has determined the application on this basis (IR1.5).

5. In reaching his decision, the Secretary of State has taken into account the Environmental Information which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and comprises those documents set out by the Inspector at IR1.6. The Secretary of State considers that the environmental information as a whole meets the requirements of these regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

6. The Secretary of State notes that the Inspector closed the inquiry in writing on 2 November, having taken into account correspondence received after the last sitting day of the inquiry from the main parties in relation to representations from the Environment Agency (IR1.10). These matters have been dealt with by the Inspector in his report, and the Secretary of State has concluded on them later in this letter. Other correspondence unrelated to this matter was also received from 8 other parties after the last sitting day of the inquiry and the Secretary of State has carefully considered this. However, he does not consider that it raises any new issues which would either affect his decision, or require him to refer back to parties prior to reaching his decision. Copies of this correspondence are not attached to this letter but may be obtained on written request to the above address.

Policy Considerations

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises those documents listed at IR3.2. The Secretary of State agrees with the Inspector that the main development plan policies relevant to this application are those set out in IR3.3-3.5.

8. Other material considerations include the national planning guidance listed at IR3.8 and those other documents listed at IR3.9. Circular 11/95, *Use of Conditions in Planning Permission*, and Circular 05/2005, *Planning Obligations* are also material considerations.

9. The Secretary of State has had special regard to the desirability of preserving nearby listed buildings and their settings, or any features of special architectural or historic interest which they possess, as required by sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In view of the possible impact of the proposal on the Silver End Conservation Area, the Secretary of State has also paid special attention to the desirability of preserving or enhancing the character or appearance of this area, as required by section 72 of the same Act.

10. Since the inquiry closed the Government has published PPS4: *Planning for Sustainable Economic Growth*. The policies in this document replace, amongst other things, certain relevant policies in PPS7: *Sustainable Development in Rural Areas*. However, the Secretary of State does not consider that there has been any material change in those policies to the extent that it would affect his decision or require him to refer back to parties for further representations prior to reaching his decision.

Main Issues

11. The Secretary of State considers the main issues in this case are those set out by the Inspector at IR13.1.

Prevailing planning policy

12. The Secretary of State agrees with the Inspector's reasoning and conclusions on prevailing planning policy as set out in IR13.2-13.11. He agrees that the proposal is broadly consistent with the policies of the development plan, although it does not comply with all policies (IR13.10). He also agrees that the proposal is generally in accord with national guidance, including that contained in PPS1, PPS7, PPS10, PPG15, PPS22 and PPS23, albeit he accepts there is some conflict (IR13.11). These issues are considered further below.

The quality of the design and sustainability implications, and impact on character and appearance of the area

13. The Secretary of State agrees with the Inspector's reasoning and conclusions on the quality of design, sustainability, and impact on the character and appearance of the area as set out in IR13.12-13.31. He agrees that the design of the proposal would be of high quality (IR13.22), including, for example, the siting of the buildings below ground level and the green roof of the main buildings which would be colonised with mosses (IR13.13). He also agrees that it would be a sustainable form of development which would enable the management of waste to be undertaken in a sustainable manner (IR13.22), including the use of solid recovered fuel in the proposed CHP plant and the export of electricity to the National Grid, which would contribute to meeting the Government's Renewable Energy targets (IR13.19). He further agrees that the proposal would have some urbanising and detrimental impact on the semi-rural character and appearance of the area, for example as a result of the proposed stack, but that with the mitigation measures proposed the overall impact on the character and appearance of the area would be limited (IR13.31).

Consistency with PPS10

14. The Secretary of State agrees with the Inspector's reasoning and conclusions on consistency with PPS10 as set out in IR13.32-13.40. 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 (IR13.40).

Need, viability, flexibility and fallback position

15. The Secretary of State agrees with the Inspector's reasoning and conclusions on need, viability, flexibility and the fallback position as set out in IR13.41-13.65. He agrees that the proposal would help to satisfy a substantial and demonstrable need for municipal solid waste and/or commercial and industrial waste to be dealt with in Essex and for Essex County Council to meet challenging targets set out in the East of England Plan (IR13.51). In terms of viability, he agrees that there is no reason to doubt that the MDIP would be capable of competing with a similar facility sited at a paper mill and in this respect it is a viable proposal (IR13.54). On the fallback position, the Secretary of State agrees that there was a reasonable prospect of the recycling and composting facility for which planning permission has already been granted being implemented in the event that he had refused planning permission for the proposal before him (IR13.60). As for the flexibility of the proposal, the Secretary of State agrees that its design and its multiple autonomous process lines would provide a reasonable and sufficient degree of flexibility to enable future changes in the composition of waste and the ways in which waste is managed to be accommodated (IR13.65).

The effect on the living condition of local residents, including the risks to human health

16. The Secretary of State agrees with the Inspector's reasoning and conclusions on the effect on the living condition of local residents, including the risks to human health as set out in IR13.66-13.95. He agrees that air quality could be adequately controlled and there would be no noticeable emissions of dust or odour, but that there would be some minor detrimental impact on living conditions with respect to noise, impact on tranquillity, increase in light, and outlook. However, he is satisfied that the detrimental impacts would be relatively minor and would not be unacceptable (IR13.85). With respect to the risks to human health, the Secretary of State agrees with the Inspector that the plant could be operated without causing any material harm to human health, and that this matter would be adequately dealt with by the Environmental Permitting regime. Like the Inspector, he accepts that the concern of local residents regarding the risk to health would remain as a detrimental impact of the development (IR13.95).

Highway safety and the free flow of traffic

17. For the reasons given in IR13.96-13.104, the Secretary of State agrees with the Inspector's conclusion that the proposed restriction on the number of HGV movements is reasonable and appropriate and that the development would not have an unacceptable impact on highway safety and the free flow of traffic on the road network (IR13.104).

Impact on the local right of way network

18. For the reasons given in IR13.105-13.107, the Secretary of State agrees with the Inspector's conclusion that the impact on the right of way network would be detrimental, (for example, in terms of visual impact) but not to an unacceptable degree (IR13.107).

Ground and surface water; loss of agricultural land; and, habitats, wildlife and protected species

19. The Secretary of State agrees with the Inspector's reasoning and conclusions on ground and surface water; loss of agricultural land; and, habitats, wildlife and protected species, as set out in IR13.108-13.117. With regard to ground and surface water, the Secretary of State agrees that the proposal could be built and operated without causing harm to the River Blackwater or causing contamination to groundwater (IR13.109), and that any localised lowering of the water table as a result of excavations would have little impact on vegetation (IR13.110). On the loss of agricultural land, the Secretary of State agrees that the proposal would result in the loss of Grade 3a agricultural land, which represents a conflict with local and national planning policies (IR13.111). However, he also agrees that its loss is not an overriding issue (IR13.112). With respect to habitats, wildlife and protected species, the Secretary of State agrees with the Inspector that, taking into account the proposed management of existing and proposed water bodies, the creation and management of new habitats, and the planting of woodland and hedgerows, the overall bio-diversity of the area would be enhanced (IR13.117).

The impact on listed buildings and the Silver End Conservation area, and the historic value of the airfield

20. The Secretary of State agrees with the Inspector's reasoning and conclusions on the impact on listed buildings and the Silver End Conservation area, and the historic value of the airfield, as set out in IR13.118-13.125. He agrees that the scheme as a whole would preserve the settings, character and appearance of the listed buildings and of the conservation area (IR13.122 and 13.123). He also agrees that there is no justification for withholding planning permission at the site because of its historic value as an airfield (IR13.125).

Other matters and mitigation measures

21. The Secretary of State agrees with the Inspector's reasoning and conclusions on other matters and mitigation measures, as set out in IR13.126-13.129.

Conditions and obligations

22. The Secretary of State agrees with the Inspector's reasoning and conclusions on conditions and obligations, as set out in IR13.131-13.162. On the specific matter of the Secretary of State's view on whether a taller stack would be acceptable, he agrees with the Inspector's opinion at IR13.159 that until a more thorough assessment is undertaken and the views of all those who may be affected by such a change in the proposal have been thoroughly canvassed, no firm conclusions can be reached, and that with regard to the existing proposals, condition 56 is appropriate.

23. The Secretary of State is satisfied that the recommended conditions are reasonable and necessary and meet the tests of Circular 11/95. He also considers that the s106 agreement is relevant to the proposal and would meet the tests contained Circular 05/2005.

Overall conclusion

24. As set out above, the Secretary of State has identified some conflict with development plan policies, such as those brought about by the impact on the character and appearance of the area, impact on living conditions, and loss of Grade 3a agricultural land. However, he also considers that mitigation measures proposed would reduce this impact, and that they are not of such a magnitude as to refuse planning permission.

25. Those factors in favour of the proposal include that it would meet a need for the sustainable management of waste in line with PPS10, and would help to reduce carbon emissions. The proposal would also operate without causing any material harm to human health.

26. Having weighed up all relevant considerations, the Secretary of State concludes that the factors which weigh in favour of the proposed development outweigh its shortcomings and overcome the limited conflicts with the development plan which he has identified. Therefore he does not consider that there are any material considerations of sufficient weight which would justify refusing planning permission.

Formal decision

27. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission 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 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) subject to the conditions listed in Annex A.

28. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

29. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

30. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

31. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

32. A copy of this letter has been sent to Essex County Council and all parties who appeared at the inquiry.

Yours sincerely

Michael Taylor
Authorised by Secretary of State to sign in that behalf

Annex A – Planning Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. 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 drawing numbers:

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

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 (IWMF²) 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 IWMF 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 IWMF (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 IWMF 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 IWMF 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

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

16. Not used

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. (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.

29. 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.

30. (i) No more than 50% of the imported waste paper and card (based on a nominal imported tonnage of pre-sorted waste paper and card of 360,000 tpa) shall be sourced from outside the administrative boundaries of the East of England Region.

(ii) If the Waste Planning Authority is satisfied that the operator has used its reasonable endeavours to source 50% of the imported pre-sorted waste paper and card from within the East of England region, then the imported pre-sorted waste paper and card may be sourced from outside the East of England Region for a period of up to 5 years from the date of written agreement of the Waste Planning Authority.

(iii) No development shall commence until a scheme giving effect to the requirement of clause (i) above of this condition is submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented as approved.

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

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

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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 L A eq 1 hour

Herring's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49
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.

39. The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 42 dB(A) LAeq 1hour 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.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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 condition³ 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.

48. 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.

49. 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.

50. 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.

51. (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 IWMF

(b) No beneficial occupation of the IWMF 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.

52. (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.

53. Prior to the commencement of development a further ecological survey of the Site shall be carried out to update the information contained within the Environmental Statement and the impact of the development assessed 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.

54. No development shall commence until a habitat management plan including details of the proposed management and mitigation measures described in the Environmental Statement (amended) has been submitted to and approved in writing by the Waste Planning Authority. The 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 yr 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 plan.

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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.

63. 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.

ESSEX COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England)
Order 2010**

In pursuance of the powers exercised by it as County Planning Authority, Essex County Council has considered an application to carry out the following development:

Variation of condition 2 (application drawings) of planning permission ESS/55/14/BTE to allow amended layout of the Integrated Waste Management Facility. The 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. And approval of details required by condition (the details taking account of the proposed amended drawings), the conditions sought to be discharged are as follows: 6 (access road, cross over points), 13 (Signage, Telecommunications & Lighting at Woodhouse Farm complex), 14 (Stack design and finishes), 15 (design details and construction materials), 17 (management plan for the CHP), 18 (green roof), 20 (construction compounds, parking of vehicles), 22 (foul water management), 23 (surface water drainage and ground water management), 24, (groundwater monitoring), 37 (signs on access road at footpath crossings), 43 (lighting scheme during construction), 45 (phasing scheme for access road, retaining wall and mineral extraction), 50 (fencing – temporary and permanent), 53 (ecological survey update), 54 (Habitat Management Plan update), 57 (landscaping – bunding & planting), 59 (trees, shrubs and hedgerows – retention and protection), 60 (tree management and watering adjacent to retaining wall), 61 (Woodhouse Farm parking and landscaping), 62 (traffic calming measures at River Blackwater for otters and voles) and 63 (access road crossing points – lining and signing)

Location: Land at Rivenhall Airfield, Coggeshall Road (A120), Braintree CO5 9DF

and in accordance with the said application and the plan(s) accompanying it, hereby gives notice of its decision to GRANT PERMISSION FOR the said development subject to compliance with the following conditions and reasons:

- 1 The development hereby permitted shall be begun before the 2 March 2016. The date of commencement of the development shall be notified in writing to the Waste Planning Authority within 7 days of commencement.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall only be carried out in accordance with planning application ECC ref ESS/37/08/BTE (PINS Ref. APP/Z1585/V/09/2104804) dated 26 August 2008 (as amended) and

As amended by Non-Material Amendment application reference ESS/37/08/BTE/NMA2 dated 4 September 2012, accompanied by letter from Berwin Leighton Paisner dated 29 August 2012 and email dated 18 September 2012 as approved by the Waste Planning Authority on 25 October 2012.

and

As amended by planning application reference ESS/44/14/BTE dated 5 August 2014, accompanied by letter from Holmes & Hills dated 5 August 2014, report entitled "Business development since obtaining planning permission" dated August 2014, report "Changes in the Case for Need since September 2009" dated August 2014 and letters from Honace dated 5 August 2014 and Golder Associates dated 4 August 2014 and granted by the Waste Planning Authority on 4 December 2014.

and

As amended by planning application reference ESS/55/14/BTE dated 12 December 2014, accompanied by letter from Holmes & Hills LLP dated 12 December 2014, SLR report "Justification for Removal of Fuel Sourcing Conditions" Rev 4" dated December 2014 and letter from Honace dated 5 August 2014 and Golder Associates dated 4 August 2014.

And

As amended by planning application reference ESS/34/15/BTE dated 4 August 2015 and drawing numbers:

Drawing Ref	Title	Dated
1-1A	Land Ownership & Proposed Site Plan	21/12/15
1-2B	Proposed Planning Application Area and Site Plan	21/05/15
1-5B	Typical Arrangement and Architectural Features	21/05/15
1-8	Schematic Arrangement of Woodhouse Farm	21/05/15
1-9A	Simplified Process Flow	21/05/15
1-10A	Integrated Process Flow	21/05/15
3-3B	Site Plan Layout	21/05/15
3-8E	Building and Process Cross Sections	Dec 2015
3-12E	Building and Process Layout and Cross Sections	Dec 2015

3-14B	Upper Lagoon & Wetland Shelf	18/12/14
3-16	Services Plan	21/05/15
3-19D	General Arrangement & Front Elevation	Dec 2015
8-6A	Landscape Mitigation Measures	21/05/15
IT569/SK/06 A	Proposed Improvements to Site Access Road Junction with Church Road	05/08/08
IT569/SK/07 A	Proposed Improvements to Site Access Road Junction with Ash Lane	05/08/08
19-2C	Tree Survey	21/05/15
19-3C	The Constraints and Protection Plan	21/05/15
19-5A	Base Plan Woodhouse Farm	21/05/15
IWMF RP 01	IWMF Roof Layout Plan	24/12/15

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application drawings, details (except as varied by other conditions), to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies P1, S1, S10, S11, S12, DM1, DM2 and DM3, WLP policies W3A, W4A, W4B, W4C, W7A, W7C, W7G, W8A, W10B, W10E, W10F and W10G, BCS policies CS5, CS7, CS8 and CS9 and BDLPR 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.

- 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 (IWMF²) 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.

¹ An HGV shall be defined as having a gross vehicle weight of 7.5 tonnes or more

²IWMF shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A and W10E and BDLPR policies RLP 36 and RLP 90.

- 4 The total number of HGV vehicle movements associated with the construction of the IWMF (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.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A and W10E and BDLPR policies RLP 36 and RLP 90.

- 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.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A and W10E and BDLPR policies RLP 36, RLP62 and RLP 90.

- 6 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the extended access road and crossing points with Public Right of Way. The approved details include the application for approval of details reserved by condition dated 4 August 2015 and include the following drawings:

Drawing Ref	Title	Date
IT569/PAA/01A	Horizontal & vertical alignment of extended access road Sheet 1	18/11/15
IT569/PAA/02C	Horizontal & vertical alignment of extended access road Sheet 2	18/11/15
IT569/PAA/03	Extended access road cross sections, Sheet 1	14/05/15
IT569/PAA/04	Extended access road cross sections, Sheet 2	14/05/15
IT569/PAA/05	Extended access road cross sections, Sheet 3	14/05/15
IT569/PAA/06	Extended access road cross sections, Sheet 4	14/05/15
IT569/PAA/07A	Extended access road cross sections, Sheet 5	14/07/15
IT569/PAA/08	Typical drainage details	May 2015

IT569/PAA/09	Typical access road detailed cross sections	May 2015
IT569/PAA/10	Drainage long section detail, Sheet 1	May 2015
IT569/PAA/11	Drainage long section detail, Sheet 2	May 2015
142064-DC-GA-C-116 C	Access road longitudinal section	17/12/15
142064-DC-GA-C-117	Access road cross sections	Jun 2015
IT569_WR_01_Rev A	Widening details for access road between Church Road and Ash lane	15/05/2015
IT569/S278_01G	Footpath crossing typical detail	12/11/15

***Reason:** In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLPR policies RLP 36, RLP 49 and RLP 90.*

- 7 No works on the construction of the IWMF shall commence until the access road extension and widening and all footpath cross-over points have been constructed.

***Reason:** In the interests of highway and pedestrian safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLPR policies RLP 36 RLP 49 and RLP 90.*

- 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.

***Reason:** In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLPR policies RLP 36, RLP 49 and RLP 90.*

- 9 No vehicles shall park on the haul road between the A120 and Ash Lane.

***Reason:** In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLPR policies RLP 36, RLP 49 and RLP 90.*

- 10 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the scheme and programme of archaeological investigation and recording approved on 16 February 2016 under condition 10 of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following documents:

- Project Design for Archaeological Monitoring & Recording dated November 2014 by Archaeology South-East

- Figure 2 Integrated Waste Management Facility (IWMF) Areas 1-3 – Archaeological mitigation strategy.

Upon completion of the archaeological field work, the investigations shall be written up in a report and submitted for approval in writing by the Waste Planning Authority.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10 and DM1, WLP policy W10E and BDLPR policies RLP105 and RLP 106.

- 11 The development shall be implemented in accordance with approved details with respect to the recording of the airfield buildings/structures. The record of airfield buildings/structures was approved on 16 February 2016 under condition 11 of planning permission ESS/55/14/BTE. The approved details include application for approval of details reserved by condition dated 4 August 2015 and the following document "Type T2 Aircraft Hanger at Woodhouse Farm & Other WWII structures at Rivenhall Airfield – Historic Building Records dated December 2010.

Reason: To ensure that any heritage interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10 and DM1, WLP policy W10E and in accordance with the NPPF.

- 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.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to protect the setting of the Woodhouse Farm Listed Buildings and in accordance with MLP policies S10 and DM1, WLP policy W10E, BCS policy CS5, CS8 and CS9 and BDLPR policies RLP 80, RLP 84 and RLP 100.

- 13 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the 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 legal agreement dated 30 October 2009 associated with ESS/37/08/BTE]). The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings & documents:

Drawing Ref.	Title	Dated
135	Site plan & signage proposals	Jul 2015
	APC Communications solutions – Internet & voice solutions V2	14/07/15
	Pell Frischmann – Exterior lighting design	23/07/15
DW40019H001/P1	Proposed lighting layout	22/07/2015
CW40019H001	Proposed lighting to car parking and pedestrian areas	23/07/2015
	The Pharos LED bollard – Urbis Schreder	
	The Axia (the Green light) - Schreder	

The signage, telecommunications equipment and lighting shall be implemented in accordance with the details approved.

Reason: To protect the setting of the Listed Buildings and in the interest of visual amenity and to comply with MLP policy DM1, WLP policies, W8A W10B and W10E, BCS policy CS9 and BDLPR policies RLP 36, RLP 65, RLP 90 and RLP 100.

- 14 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the design and maintenance of the stack. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings and specifications:

Drawing Ref.	Title	Dated
LA01A	Chimney stack top cladding details plan & elevations	23/07/15
LA02A	Chimney stack top cladding details fixing details	23/07/15
	Alucobond reflect- technical data sheet	
	Alucobond – cleaning & maintenance of stove-lacquered surfaces	
	Genie – Self-propelled telescopic booms - specifications	
	Genie – Self-propelled telescopic booms - features	

The stack shall be constructed and maintained in accordance with the approved details throughout the life of the IWMF.

Reason: In the interest of visual amenity and to protect the countryside and to comply with WLP policies W8A, W10B and W10E and BCS policy CS5, BDLPR policies RLP 36, RLP 65 and RLP 90.

- 15 Prior to construction of the IWMF buildings or the structures to the rear of the main building details of the IWMF buildings and structures including the

design and samples of the external construction materials, colours and finishes of the external cladding of the, and design and operation of the vehicle entry and exit doors, shall be submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the details and samples approved.

Reason: For the avoidance of doubt, in the interests of visual and landscape amenity and to comply with WLP policies W8A, W10B, W10E and BCS policy CS5 and BDLPR policy RLP 90.

16 (Intentionally blank)

17 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the management plan for the CHP plant to ensure there is no visible plume from the stack. . The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and documents referenced

- S1552-0700-0008RSF entitled "CHP Management Plan for Plume Abatement" Issue no. 5 dated 16/02/16 by Fichtner
- S1552-0700-0013RSF entitled "Plume Visibility Analysis" both by Fichtner.

The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, to protect the countryside and to comply with WLP policies W8A, W10B and W10E and BCS policy CS5 and BDLPR policies RLP 36, RLP 65 and RLP 90.

18 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the green roof for the main IWFMF building. The approved details include the application for approval of details reserved by condition dated 4 August 2015, statement by Honace "Condition 18 Green Roof" and document entitled "Bauder extensive biodiverse vegetation (XF301)". The green roof shall be implemented in accordance with the details approved.

Reason: In the interests of visual and landscape amenity and enhancement of ecological biodiversity and to comply with WLP policies W8A, W10B and W10E, BCS policy CS8 and BDLPR policies RLP 80, RLP 84 and RLP 90.

19 No works to install process equipment or plant within the IWFMF shall commence until details of the IWFMF 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.

Reason: To ensure the layout and configuration of the process equipment and plant would not give rise to impacts not assessed as part of the application and Environmental Statement and to protect local amenity and to comply with WLP policies W8A, W10B and W10E, BCS policy CS5 and

BDLPR policies RLP 36, RLP 62 and RLP 90.

- 20 The development hereby permitted shall be implemented in accordance with the details submitted with respect to construction compounds and parking of all vehicles and plant and equipment associated with the extraction of materials and the construction of the IWMF. The approved details include the application for approval of details reserved by condition dated 4 August 2015 and as set out on drawing CCE-HZI-50043049 Rev 0.3 dated 17/12/15. .

Reason: In the interest of visual amenity, to protect biodiversity and the countryside and to comply with MLP policies S10 and DM1, WLP policies W8A, W10B, W10E and BCS policies CS5 and CS8 and BDLPR policies RLP 36, RLP 65, RLP 80 and RLP 90.

- 21 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.

Reason: In the interest of visual amenity, to protect biodiversity and the countryside and to comply with WLP policies W8A, W10B, W10E, BCS policies CS5 and CS8 and BDLPR policies RLP 36, RLP 65, RLP 80, RLP 84 and RLP 90.

- 22 The development hereby permitted shall be implemented in accordance with the details submitted with respect to foul water management. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings and documents:

Drawing Ref	Title	Dated
142064-DC-GA-C-108G	Proposed drainage layout Sheet 1 of 2	16/10/15
142064-DC-GA-C-109G	Proposed drainage layout Sheet 2 of 2	16/10/15
142064-DC-GA-C-111A	Drainage Construction details	30/06/15

And email from Honace with enclosures dated 22/01/16 (17:13).

The foul water management scheme shall be implemented in accordance with the details.

Reason: To minimise the risk of pollution on ground and surface water, to minimise the risk of flooding and to comply with WLP policies W4A, W4B,

W8A and W10E and BDLPR policies RLP 36, RLP 62, RLP 71 and RLP 72.

- 23 The development hereby permitted shall be implemented in accordance with the details submitted with respect to surface water drainage and ground water management. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings and documents:

Drawing Ref	Title	Dated
142064-DC-GA-C-108G	Proposed drainage layout Sheet 1 of 2	16/10/15
142064-DC-GA-C-109G	Proposed drainage layout Sheet 2 of 2	16/10/15
142064-DC-GA-C-111A	Drainage Construction details	30/06/15

And email from Honace with enclosures dated 22/01/16 (17:13).

The surface water drainage and ground water management scheme shall be implemented in accordance with the approved details.

Reason: To minimise the risk of pollution on ground and surface water, to minimise the risk of flooding and to comply with WLP policies W4A, W4B, W8A and W10E and BDLPR policies RLP 36, RLP 62, RLP 71, RLP 72 and RLP90.

- 24 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the scheme of ground water monitoring. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings and documents:

Drawing ref	Title	Dated
SOD-24 Rev A	Ground water borehole monitoring points	29/07/15
6-4	Groundwater Monitoring points	12/05/11
13 Rev A	Ground water Monitoring points	20/03/14
213033-150	As-built borehole locations	17/09/14
142064-DC-GA-C-111A	Drainage Construction details	30/06/15

- Appendix A – Bradwell Quarry Groundwater Monitoring plots Jan 2008 to Jul 2015
- CC Ground Investigations Ltd – Key to exploratory hole logs
- CC Ground Investigations Ltd – Rotary borehole log for borehole nos. BH10 (sheets 1 to 4) dated 2014, BH11 (sheets 1 to 6) dated 2014, BH19 (sheets 1 to 4) dated 2014,
- Email from Honace dated 11/02/16 (09:19)
- Email from Honace dated 11/02/16 (13:59)

Reason: To minimise the risk of pollution to ground and surface water and to comply with MLP policies MLP S1, S10 and DM1, WLP policies W4A, W4B, W8A and W10E and BDLPR policies RLP 36, RLP 62, RLP 71 and RLP 72.

- 25 The development hereby permitted shall be implemented in accordance with the details submitted with respect to land contamination and land remediation and mitigation measures where contamination is identified approved on 16 February 2016 under condition 25 of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following documents:
- Condition 25 – Contaminated Land by Honace
 - Rivenhall – Record Site Plan & Schedule of buildings
 - Analytical Report Number : 14-59380 dated September 2014 by i2 Analytical Ltd
 - Drawing no. 213033-150 As-Built Borehole Locations dated 14 July 2014

Reason: To minimise the risk of pollution to ground and surface water, to minimise the risk of flooding and to comply with MLP policies MLP S1, S10 and DM1, WLP policies W4A, W4B, W8A and W10E and BDLPR policies RLP 36, RLP 62, RLP 64, RLP 71 and RLP 72.

- 26 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.

Reason: To ensure the market de-inked paper pulp plant only remains at the site as a direct consequence of its co-location with the IWMF and to protect the countryside from inappropriate development and to comply with WLP policies W8A and W7G and BCS policy CS5.

- 27 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.

Reason: In the interests of the environment by assisting the Essex and Southend-on-Sea waste planning authorities to become self-sufficient for managing the equivalent of the waste arising in their administrative areas, ensuring that the waste is transported in accordance with the proximity principle, minimising pollution and minimising the impact upon the local environment and amenity and to comply with WLP policies W3A, W3C and W10E.

28 (Intentionally blank)

29 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.

Reason: To ensure the scale of the facility would not give rise to impacts not assessed as part of the planning application and Environmental Statement and to protect local amenity and to comply with WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLPR policies RLP 36, RLP 62 and RLP 90.

30 (Intentionally blank)

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

Reason: To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLPR policies RLP 36, RLP 62 and RLP 90.

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

Reason: To ensure minimum nuisance from operations on local amenity, particularly litter and odour and to comply with WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLPR policies RLP 36, RLP 62 and RLP 90.

33 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.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policies W3A, W4C, W8A and W10E and BDLPR policies RLP 36 and RLP 90.

34 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.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies S1, S10 and DM1, WLP policies W10E and W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.

- 35 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.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies S1, S10 and DM1, WLP policies W10E and W10F and BDLPR policies RLP 36 RLP 62 and RLP 90.

- 36 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.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policies W10E and W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.

- 37 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the signage for Public Rights of Way where they cross the access road. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawing no. IT569/S278_01G entitled "Footpath crossing typical detail" dated 12/11/15. The signage for Public Rights of Way implemented in accordance with the approved details and shall be maintained throughout the life of the IWMF.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with MLP policies S1, DM1, WLP policies W3A, W4C, W8A, W10E and W10G and BDLPR policies RLP 36, RLP 49, RLP 62 and RLP 90

- 38 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	47
The Lodge	49
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.

Reason: In the interests of residential and local amenity and to comply with MLP policies S1, S10, DM1, WLP policies W3A, W8A, W10E, W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.

- 39 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.

Reason: In the interests of residential and local amenity and to comply with WLP policies W3A, W8A, W10E, W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.

- 40 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.

Reason: In the interests of residential and local amenity and to comply with WLP policies W3A, W8A, W10E, W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.

- 41 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 IWMP, the frequency of the monitoring may be modified by agreement with the Waste Planning Authority.

Reason: In the interests of residential and local amenity and to comply with MLP policies S1, S10, DM1, WLP policies W3A, W8A, W10E, W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.

- 42 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.

Reason: In the interests of amenity and to comply with MLP policies S1, S10, DM1, WLP policies W3A, W8A, W10E, W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.

- 43 The development hereby permitted shall be implemented in accordance with the details submitted with respect to lighting. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following documents:

- Condition 43 Construction lighting By Honace
- Hilcare Ltd – Project P118536R2a – Reschemed scheme as a flat open area using 6m columns and the specified number of flood lights dated 03/08/2015 including with data sheets, light locations and light level calculations

The lighting shall be erected, installed and operated in accordance with the approved details throughout the life of the IWMP. The lighting details with respect to excavation of materials 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. No lighting for construction of the IWMP shall 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 lighting shall be maintained such that no lighting shall exceed 5 lux maintained average luminance.

Reason: In the interests of residential and local amenity and protection of the environment and in the interest of protecting biodiversity and in the interests of highway safety and to comply with MLP policies S1, S10, S12, DM1, WLP policies W3A, W8A, W10E and W10F, BCS policies CS5 and CS8 and BDLPR policies RLP 36, RLP 62, RLP 65 and RLP 90.

- 44 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.

Reason: In the interests of residential and local amenity and protection of the environment and in the interest of protecting biodiversity, in the interests of highway safety and to comply with MLP policies S1, S10, S12, DM1, WLP policies W3A, W8A, W10E and W10F, BCS policies CS5 and CS8 and BDLPR policies RLP 36, RLP 62, RLP 65 and RLP 90.

- 45 The development hereby permitted shall be implemented in accordance with the details submitted with respect to phasing of the construction of the access road, creation of the retaining structures around the site of the IWMF and extraction of the minerals. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings:

Drawing Ref	Title	Dated
IT569_PAA_12	Access Road construction phasing	Jul 2015
142064-DC-GA-C-118 B	Proposed earthworks sequencing	25/01/16

Reason: In the interests of residential and local amenity and protection of the environment and in the interest of protecting biodiversity, in the interests of highway safety and to comply with MLP policies S1, S10, S12, DM1, WLP policies W3A, W8A, W10E and W10F, BCS policies CS5 and CS8 and BDLPR policies RLP 36, RLP 62, RLP 65 and RLP 90.

- 46 The development hereby permitted shall be implemented in accordance with the details submitted with respect to soil handling, soil storage and machine movements and the end use of soils as approved on 16 February 2016 under condition 46 of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following documents:

- Condition 46 – Soil Handling by Honace
- Figure 5-1 Agricultural land classification – Rivenhall Airfield RCF

dated 10 July 2006

- Figure 5-2 Soil types – Rivenhall Airfield RCF dated 10 July 2006
- Drawing no. 5-4 Agricultural Land Classification – Site A2 Bradwell Quarry dated 11 May 2011
- Drawing 5-5 Soil types – Site A2 Bradwell Quarry dated 11 May 2011

Reason: To minimise structural damage and compaction of the soil and ensure sustainable use of surplus soils and to aid in the restoration and planting of the site and to comply with MLP policies S1, S10 and DM1 and WLP policies W3A and W10E.

- 47 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 condition³ 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.

Reason: To minimise structural damage and compaction of the soil and to aid in the restoration and planting of the site and to comply with MLP policies S1, S10 and DM1 and WLP policies W3A and W10E.

- 48 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.

Reason: To ensure that there are no adverse impacts on local amenity from the development not previously assessed in the planning application and Environmental Statement and to comply with MLP policies S1, S10, DM1 and DM3, WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLPR policies RLP 36, RLP 62 and RLP 90.

- 49 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.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with MLP policies S1, S10 and DM1, WLP policies W3A, W4A, W4B, W8A, and W10E and BDLPR policies RLP 36 and RLP 62.

- 50 The development hereby permitted shall be implemented in accordance with the details submitted with respect to temporary and permanent site perimeter fencing. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the drawings and documents

Drawing Ref	Title	Dated
CCE-HZI-500430049 Rev 0.3	Construction site layout	17/12/2015
732.1/08A HDA D1	Rabbit proof fence detail	Jun 2015
732.1/10A HDA D3	Tree protection fencing – BS 5837:2012	Jul 2015

- Condition 50 Temporary & permanent fencing by Honace
- Jacksons – Securi Mesh 358 Mesh – welded mesh panels
- Jacksons – Securi Mesh Gates – welded mesh panel

The temporary and permanent fencing and gates shall be erected in accordance with the details approved and maintained throughout the life of the IWMF.

Reason: In the interest of visual amenity, to protect the countryside and to comply with MLP policies S10 and DM1, WLP policy W10E and BCS policies CS5 and BDLPR policies RLP 36, RLP 65 and RLP 90.

- 51 (a) The development hereby permitted shall be implemented in accordance with the details submitted with respect to a scheme and programme of measures for the suppression of dust as approved on 16 February 2016 under condition 51a of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following documents:

- Condition 51a – Dust minimisation scheme by Honace
- Construction dust – HSE Information Sheet no. 36 (revision 2)

(b) No beneficial occupation of the IWMF 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.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies S1, S10, DM1, WLP policies W3A, W8A and W10E and BDLPR policies RLP 36, RLP 62 and RLP 90.

- 52 (a) The development hereby permitted shall be implemented in accordance with the details submitted with respect to measures to control fugitive odour from the excavation of materials and construction of the IWMF as approved on 16 February 2016 under condition 52a of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following document "Condition 52a – Odour minimisation scheme by Honace"

(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.

Reason: In the interests of local amenity and to comply with WLP policies W3A, W8A and W10E and BDLPR policies RLP 36, RLP 62 and RLP 90.

- 53 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the ecological information and mitigation. The approved ecological information and mitigation includes the following:

Ecological information 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 details approved included letter dated 19 May 2011 from Golder Associates with accompanying application form and Ecology report dated October 2010.

The application for approval of details reserved by condition dated 4 August 2015 and the information contained within the Ecological report by Green Environmental Consultants dated July 2015 and Appendix 7-1 Baseline ecology report August 2008.

Ecological mitigation shall be carried out in accordance with the approved details throughout the life of the IWMF.

Reason: To make appropriate provision for conserving and enhancing the natural environment, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLPR policies RLP 80, RLP 81 and RLP 84.

- 54 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the habitat management plan. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the "Habitat Management Plan – revised July 2015 – report number 499/10" by Green Environmental Consultants and appendices A to E.

The development shall be implemented in accordance with the approved habitat management plan throughout the life of the IWMF.

Reason: To make appropriate provision for conserving and enhancing the natural environment, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLPR policies RLP 80, RLP 81 and RLP 84.

- 55 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.

Reason: To make appropriate provision for conserving and enhancing the natural environment, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLPR policies RLP 80, RLP 81 and RLP 84.

- 56 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.

Reason: In the interest of visual amenity, to protect the countryside and to comply with WLP policies W8A and W10E, BCS policy CS5 and BDLPR policies RLP 36, RLP 65 and RLP 90.

- 57 The development hereby permitted shall be implemented in accordance with the details submitted with respect to bunding and planting. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings

Drawing Ref	Title	Dated
732.1_07B HDA SA1	Soft landscape proposals site access	Jun 2015
732.1_02G HDA SL1	Soft landscape proposals sheet 1 of 5	18/12/15
732.1_03G HDA SL2	Soft landscape proposals sheet 2 of 5	18/12/15
732.1_04G HDA SL3	Soft landscape proposals sheet 3 of 5	18/12/15
732.1_05G HDA SL4	Soft landscape proposals sheet 4 of 5	18/12/15
732.1_06G HDA SL5	Soft landscape proposals sheet 5 of 5	18/12/15
732.1_09 HDA D2	Standard tree pit detail	Jun 2015

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity, to protect the countryside and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLPR policies RLP 36, RLP 62, and RLP 90.

- 58 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.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity, to protect the countryside and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLPR policies RLP 36, RLP 62 and RLP 90.

- 59 The development hereby permitted shall be implemented in accordance with the details submitted with respect to tree retention and protection measures. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings:

Drawing Ref	Title	Dated
732.1_07B HDA SA1	Soft landscape proposals site access	Jun 2015
732.1_02G HDA SL1	Soft landscape proposals sheet 1 of 5	18/12/15
732.1_03G HDA SL2	Soft landscape proposals sheet 2 of 5	18/12/15
732.1_04G HDA SL3	Soft landscape proposals sheet 3 of 5	18/12/15
732.1_05G HDA SL4	Soft landscape proposals sheet 4 of 5	18/12/15
732.1_06G HDA SL5	Soft landscape proposals sheet 5 of 5	18/12/15
732.1_10A HDA D3	Tree protection fencing	Jul 2015
732.1_08A HDA D3	Rabbit proof fence detail	Jun 2015

The tree protection measures shall be implemented at the time of planting and maintained throughout the life of the IWMF.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment, including adjacent TPO woodland and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLPR policies RLP 80, RLP 81 and RLP 90.

- 60 The development hereby permitted shall be implemented in accordance with the details submitted with respect to management and watering of trees adjacent to the retaining wall surrounding the IWMF. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the statement by HDA entitled "Rivenhall

Integrated Waste Management Facility – Condition 60” dated 8 June 2015. The management and watering shall be carried out in accordance with the approved details throughout the life of the IWMF.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment, including adjacent TPO woodland and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLPR policies RLP 80, RLP 81 and RLP 90.

- 61 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the layout of parking area including hard and soft landscaping and lighting adjacent to Woodhouse Farm. The approved details include: the application for approval of details reserved by condition dated 4 August 2015, the Statement by Honace entitled “Condition 61 Woodhouse Farm Parking & Lighting” and the followings drawings:

Drawing ref	Title	Dated
IT569/CP/01 Rev B	Woodhouse car park layout and typical details	21/07/15
732.1_05G HDA SL4	Soft landscape proposals sheet 4 of 5	18/12/15
DW40019H001 Rev p1	Proposed lighting layout	22/07/15

The parking, lighting and landscaping shall be maintained in accordance with the details approved throughout the life of the IWMF.

Reason: To protect the setting of the Listed Buildings and in the interest of visual amenity and to comply with MLP policy DM1, WLP policies W8A and W10E, BCS policy CS9 and BDLPR policies RLP 36, RLP 65, RLP 90 and RLP 100.

- 62 The development hereby permitted shall be implemented in accordance with the details submitted with respect to traffic calming measures designed to reduce the speed of traffic using the access road in the vicinity of the River Blackwater. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings:

Drawing Ref	Title	Dated
IT569_S278_01G	Footpath crossing typical detail	12/11/15
IT569_S278_02C	Vole and otter crossing	24/07/2015
SignPlot v3.10	“Vole and otter crossing” sign	

The traffic calming measures shall be maintained throughout the life of the IWMF in accordance with the approved details.

***Reason:** To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLPR policy RLP 84.*

- 63 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the lining and signing of the crossing points of the access road with Church Road and Ash Lane. . The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings:

Drawing ref	Title	Dated
IT569/S278/03 C	Proposed improvements to site access road junction with Church Road	June 2015
IT569/S278/04 C	Proposed improvements to site access road junction with Ash Lane	June 2015
SignPlot v3.10	"Heavy Plant crossing" sign	
SignPlot v3.10	"Stop" sign	
SignPlot v3.10	Priority sign	

The lining and signing shall be maintained in accordance with the approved details throughout the life of the IWMF.

***Reason:** In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLPR policies RLP 36 and RLP 49.*

- 64 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the scheme and programme of historic building recording for Woodhouse Farm and buildings (including Bakehouse & pump) approved on 16 February 2016 under condition 64 of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following documents:

- Brief for Historic Building Recording at Woodhouse Farm, Kelvedon by Place Services.
- Written Scheme of Investigation Historic Building Recording at Woodhouse Farm ASE Project 8293
- Figure 2 Location of buildings to be recorded at Woodhouse Farm, IWMF, Rivenhall dated Feb 2015

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 as part of this permission. Upon completion of the programme of historic building recording, the recordings shall be written up in a report and submitted for approval in writing by the Waste Planning Authority.

***Reason:** To ensure that any heritage interest has been adequately investigated and recorded prior to the development taking place and to*

comply with MLP policies S10 and DM1, WLP policy W10E, BCS policy CS9 and BDLPR policy RLP 100 and the NPPF.

- 65 There shall be no use of the access road from the A120 to the IWMF except by traffic associated with the IWMF, Bradwell Quarry or to access agricultural land for agricultural purposes.

Reason: In the interests of highway safety, as traffic movements above those associated with the IWMF, Bradwell Quarry and existing agricultural movements would need to be considered afresh and to comply with MLP policies S1 and DM1, WLP policies W4C, W8A and W10E and BDLPR policies RLP 36 and RLP 54.

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

Reason: To ensure that if the development of the IWMF is not progressed to a beneficial use within a reasonable period, that the site is either planned for an alternative use or the site rehabilitated in the interests, of minimising the adverse environment impacts of incomplete implementation and in accordance with WLP W8A, W10E and MLP DM1 and BCS policies CS5 and CS8.

- 67 No clearance works 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 legal agreement dated 30 October 2009 associated with ESS/37/08/BTE]) shall be undertaken until the Waste Planning Authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 53 of the Conservation and Species Regulations 2010, giving authorisation for the works.

Reason: In the interests of protection of protected bat species and in accordance with MLP policies S10 and DM1, WLP policies W10E, BCS policy CS8 and BDLPR policy RLP 84.

- 68 Within 6 years of the date of commencement of development as notified under condition 1, Woodhouse Farm and buildings shall be refurbished to a visitor and education centre.

Reason: To ensure the timely refurbishment of the Listed Buildings and their being brought into beneficial in order to protect thee heritage assets and to comply with MLP policies S10 and DM1, WLP policy W10E, BCS policy CS9 and BDLPR policy RLP 100 and the NPPF.

- 69 Following the approval of details required by condition 19 and prior to the installation of process equipment and plant, an updated noise assessment shall be undertaken and submitted to the Waste Planning Authority for approval to demonstrate that the maximum noise levels set out in condition 38 would not be exceeded. Installation of process equipment and plant for the IWMF shall not commence until the updated noise assessment has been approved by the Waste Planning Authority.

Reason: In the interests of residential and local amenity and to comply with WLP policies W3A, W8A, W10E, W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.

INFORMATIVES

- This planning permission is subject to a legal agreement
- Reference to Solid Recovered Fuel (SRF) for the purposes of this planning permission is considered to be the same as Refuse Derived Fuel (RDF)
- The material used to surface the haul road would preferably be hot rolled asphalt.

Reason for Approval

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against the following policies of the development plan:

Essex & Southend Waste Local Plan (WLP) adopted 2001

W3A - Waste Strategy
W3C - Receipt of Essex wastes only
W4A - Flooding and surface water
W4B - Surface & ground water
W4C - Highways
W7A - Composting within buildings
W7C - Support for anaerobic digestion and composting
W7G - Energy from waste incineration
W8A - Preferred locations for waste management
W10E - Development control criteria
W10F - Hours of working
W10G - Safeguarding/improvements to Rights of Way

Minerals Local Plan (MLP) adopted 2014

P1 - Preferred and reserve sites for sand and gravel extraction
S1 - Presumption in favour of sustainable development/ Sustainable development locations
S10 - Protecting and enhancing the environment and local amenity

S11 - Access and transportation
S12 - Mineral site restoration and afteruse
DM1 - Development management criteria
DM2 - Planning conditions and legal agreements
DM3 - Primary processing plant

Braintree District Council Local Development Framework Core Strategy (BCS) adopted 2011

CS5 - Countryside
CS6 - Promoting accessibility for all
CS8 - Natural Environment and Biodiversity
CS9 - Built and Historic Environment

Braintree District Local Plan Review (BDLPR) 2005

RLP 36 - Industrial & Environmental Standards
RLP 54 - Transport Assessments
RLP 62 - Pollution control
RLP 63 - Air quality
RLP 64 - Contaminated land
RLP 65 - External Lighting
RLP 71 - Water supply and land drainage
RLP 72 - Water quality
RLP 80 - Landscape Features and Habitats
RLP 81 - Trees, Woodland, Grasslands and Hedgerows
RLP 84 - Protected species
RLP 86 - Rivers corridors
RLP 87 - Protected Lanes
RLP 90 - Layout and design of development
RLP 100 - Alterations, extensions and changes of use to Listed Buildings and their settings
RLP 105 - Archaeological Evaluation
RLP 106 - Archaeological Excavation and Monitoring

Statement of Reasons

The key overarching purpose of planning is to deliver sustainable development. The NPPF in particular promotes a presumption in favour of sustainable development; referred to as the 'golden thread' running through decision taking. The National Planning Policy for Waste, the BCS, the WLP and the emerging RWLP also refer to sustainability objectives.

At paragraph 6 of the Framework it is stated that "*the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.*" In an economic role planning should "*be contributing to building a strong, responsive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.*" In a social role planning should be "*supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations;*

and by creating high quality built environment, with accessible local services that reflect the community's needs and support is health, social and cultural well-being." In an environmental role planning should be *"contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy."*

While the amendments would result in a change in capacities of the IWMF it is still considered that the facility would provide an integrated approach to waste management. The MBT & MRF would ensure recyclables are recovered prior to use of the residue as a fuel source for the CHP, in accordance with the principle of pushing waste up the waste hierarchy. The on-site de-ink paper pulp plant would make direct efficient use of the heat and steam from the CHP and produce recycled paper pulp in the UK reducing the need for imported supplies. The remaining capacity of the CHP, in combination with biogas from the AD facility, would generate "green" electricity, contributing to sustainable development, reducing carbon emissions from non-fossil fuel electricity generation and contributing to reducing the impacts of climate change.

The IWMF would provide waste management capacity for C & I waste within Essex & Southend further up the waste hierarchy and thereby reducing C & I waste going to landfill. The IWMF would create capacity to utilise SRF/RDF generated in the county. Even if the IWMF was not awarded the contract for the management of SRF/RDF generated at Tovi Eco Park by the WDA the IWMF capacity to deal with SRF/RDF would ensure that Essex & Southend had capacity to deal with SRF/RDF helping to achieve net self-sufficiency for the County's waste management needs. The spare capacity in the CHP would encourage waste currently landfilled to be used as a resource from which energy could be recovered again helping to move waste management up the waste hierarchy.

No objection has been received from the Environment Agency with respect to the potential emissions from the CHP plant and Government guidance is clear that unless statutory bodies raise concerns with respect to emissions it is not the planning authorities' role to refuse the application on pollution or health grounds. These will be addressed through the Environmental Permit and the planning authority should assume these control mechanisms would work effectively.

The concern that the application should have been a new full application was considered by the WPA and it was concluded that the way the conditions were imposed in the 2010 planning permission reflected the Inspector's intention to allow flexibility in the implementation of the consent and that the application could be considered by way of a variation to the original consent.

The application was supported by an Environmental Statement. No significant adverse effects have been identified arising from the proposed changes which were not already addressed by mitigation or secured by condition. As a result of the amendments, there would be no additional impacts with respect to traffic, landscape, visual impact, impacts on the Historic environment, archaeology, ecology or impacts of residential amenity, which are not already mitigated by the proposals and/or controlled by existing or proposed conditions or obligations of the legal agreement.

While the facility would utilise more water from an existing permitted abstraction licence, there is storage capacity within the site to utilise this abstraction and ensure adequate water supply even in dry periods, without adverse impact. Therefore the proposals are in accordance with WLP policies W8A, W4A, W4B, W4C, W10E and BDLP policies RLP 36, 54, 62, 63, 64, 65, 71, 72, 80, 81, 84, 86, 87, 90, 100, 105 and 106.

The Inspector in considering the original application stated

The eRCF is consistent with the key planning objectives set out in PPS10 [now superseded and embodied within the NPPW]. It would help to deliver sustainable development by driving waste management up the waste hierarchy and addressing waste as a resource. It would reduce the need for disposal by landfill and would recycle waste into marketable products. Moreover, it would have benefits in terms of climate change. It would also contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community and assist in the implementation of ECC's strategy to provide a framework within which the community takes more responsibility for its own waste. The eRCF would contribute to the implementation of the national waste strategy.

It is not considered that the proposed changes would undermine these original conclusions. The proposal is sustainable development, in that it meets the needs of Essex & Southend; contributes to the sustainable management of waste; provides recycling capacity for C & I waste; provides reprocessing capacity for recovered paper efficiently using on site heat and power; provides a source of energy offsetting fossil fuels and reducing greenhouse gases from alternative forms of energy, better waste management, in particular by providing capacity to divert C & I waste from landfill; and is in accordance with the principles of the waste hierarchy set out in the National Planning Policy for Waste.

The development is therefore considered to represent sustainable development for the purposes of the NPPF and is considered to comply with the relevant policies of the development plan taken as a whole.

There are no other policies or other material considerations which are overriding or warrant the withholding of permission.

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.

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

The Waste Planning Authority has engaged with the applicant 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.

Dated: 26 February 2016

COUNTY HALL
CHELMSFORD

Signed:

A handwritten signature in black ink, appearing to be 'A. Cook', written over a horizontal line.

Andrew Cook - Director for Operations, Environment and Economy

IMPORTANT - ATTENTION IS DRAWN TO THE NOTES ON THE NEXT PAGE

NOTES

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision that relates to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- Alternatively, if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

GLOSSARY OF ABBREVIATIONS

AD	Anaerobic digestion
AOD	Above Ordnance Datum
BAT	Best Available Technique
BCS	Braintree Core Strategy 2011
BDC	Braintree District Council
BDLPR	Braintree District Local Plan Review
BPP	BBP Consulting – The WPA’s specialist consultant
CA	Conservation Area
CHP	Combined Heat and Power
C & I	Commercial & Industrial
CWS	County Wildlife Site
DEFRA	Department of Environment, Food and Rural Affairs
EA	Environment Agency
EfW	Energy from Waste
EiP	Examination in Public
ELV	Emission Limit Value
EP	Environmental Permit
ES	Environmental Statement
FP	Footpath
eRCF	Evolution of the Recycling and Composting Facility
ES	Environmental Statement
HGV	Heavy Goods Vehicle
IED	Industrial Emissions Directive
IWMF	Integrated Waste Management Facility
IED	Industrial Emissions Directive

LACW Local Authority Collected Waste – waste collected by district/borough and city councils from residents and some businesses.

LBCA Planning (Listed Buildings and Conservation Areas) Act 1990

LVIA Landscape and Visual Impact Assessment

MBT Mechanical Biological Treatment

MDIP Merchant De-Ink Paper Pulp Plant

MOW Mixed Organic Waste

MRF Material Recycling Facility

MSW Municipal Solid Waste

MWI Municipal Waste Incinerators

MPA Minerals Planning Authority

NCV Net Calorific Value

NPPF National Planning Policy Framework

NPPW National Planning Policy for Waste

NWMPE National Waste Management Plan for England

OBC Outline Business Case

PAIN Parishes Against Incineration

PHE Public Health England

PM10 is particulate matter 10 micrometres or less in diameter

PM2.5 is particulate matter 2.5 micrometres or less in diameter

PP Planning Permission

RCF Recycling and Composting Facility

RDF Refuse Derived Fuel

RCF Recycling and Composting Facility

SRF Solid Recovered Fuel

SLR SLR Consulting – The applicant's specialist consultant

SO Strategic Objective

SoS Secretary of State for Housing, Communities & Local Government
SRF Solid Recovered Fuel
WDA Waste Disposal Authority
WDI Waste Data Interrogator
WPA Waste Planning Authority
WLP Waste Local Plan 2017
ZTV Sone of Theoretical Visibility

APPRAISAL OF ENVIRONMENTAL STATEMENT

Planning Applications ESS/37/16/BTE & ESS/37/16/BTE:

Environmental Impact Assessment (EIA)

An Environmental Statement (ES) was submitted with the original application (ESS/37/08/BTE) in 2008. This ES was updated by additional Information required by the WPA under Regulation 19 of the EIA Regulations 1999 and further amended by an Addendum submitted as part of the Call-In Inquiry to determine the application. Update/addendums to this original ES have subsequently been submitted with respect to planning applications ESS/41/14/BTE, ESS/55/14/BTE and ESS/34/15/BTE.

The matters addressed by the ES and addendums to date are set out below:

- Land use and Contaminated Land
- Water Resources
- Ecological risk assessment
- Landscape and Visual Impact
- Cultural Heritage
- Travel and Transport
- Air Quality
- Noise and Vibration
- Social and Community Issues
- Nuisances
- Human Health Risk Assessment

An EIA Scoping Opinion request was made under the Environmental Impact Assessment Regulations 2011 in relation to the increase in stack of 105m in was issued in March 2017. It identified the subject areas that should be addressed by an update/addendum to the ES. As the Scoping Opinion was submitted under the EIA 2011 Regulations, the applications are required to be determined in accordance with 2011 EIA Regulations as required by the transition arrangements for the 2017 EIA Regulations, despite the EIA Regulations 2017 coming into effect on the 16 May 2017.

The Addendum ES submitted with current applications ESS/36/17/BTE & ESS/37/16/BTE covering the following matters:

Landscape & Visual Impact
Cultural Heritage
Air Quality
Human Health Risk Assessment
Noise
Cumulative Impact

EIA SUMMARY AND RECOMMENDATIONS

The following provides a summary of the significant effects that could potentially arise as a result of the proposed changes to the integrated waste management facility and the mitigation proposed.

Landscape & Visual Impact

The EIA initially included an LVIA that considered the increase in stack height. This was done by updating information with respect to the baseline conditions, considering any changes in legislation and guidance, including landscape character assessments. The LVIA looked at baseline changes to the site and its surrounds and with respect to visual receptors whether there had been any changes. The original 8 viewpoints plus the view from Woodhouse Farm for which photomontages had originally been produced were presented with the addition of further montage for each site showing the increased stack height. (Photographs were taken prior to 2015)

A Zone of Theoretical Visibility was produced to a distance of 10km. The ZTV was based on whether a view would be possible, only taking account of obstructions of 8m or higher and from this ZTV additional points Viewpoints 9 to 31 were selected and clarification provided as to whether the stack would be visible or not.

The table of visual impacts for the various visual point receptors used in 2008 was reproduced (i.e. assessment of stack at 35m high) along with a written description of the likely changes in impact upon those receptors.

The LVIA concluded that “The degree of change is assessed as not constituting a significant harm to the landscape and visual receptors in that landscape.”

The LVIA was independently reviewed by a landscape consultancy (Liz Lake Associates) on behalf of ECC. The main points required by the WPA following this review were that:

- A physical method should be used to allow verification of the montages and identification of any another visual receptor/viewpoints and enable fuller assessment of the visual and landscape impact.
- Clarification of the assessment methodology.
- One drawing showing all points referred to in the LVIA's
- Reassessment of baseline conditions, taking account of GLVIA3 guidance
- A written assessment of the landscape and visual impact of the increased height on all assessment points.
- Reconsideration of the stack finish
- Clarification was sought as to how often a visible plume would be seen.

An addendum LVIA was submitted. The Addendum considered changes in the baseline situation, since the 2008 application assessment, which was considered mainly to be the progression of mineral extraction.

The Addendum LVIA asserts that the local landscape character as industrial and that the airfield and its remaining buildings “continues to exert an industrialising influence on the surrounding rural character.” The IWMMF was considered to add a further industrial activity in the landscape.

In November 2017 a crane was located on site and the crane arm extended to the height of the proposed stack. Photographs were then taken from the photomontage locations and comparison provided to demonstrate that in most cases the montages had been largely accurate. Comparisons were provided of the 2015 photomontages and the photos with the crane were created for the 8 original viewpoints plus from Woodhouse based on photographs taken in January 2017 & May 2017 (sunnier day). The montages were based on likely views at year 1 rather than year 15, as it was difficult to predict likely changes to the landscape in that period.

It had been requested by the WPA that a visual/landscape assessment was undertaken from each location. The addendum provided comment as to whether the crane representing the stack was visible or not from the various locations and discussion provided of the visual/landscape impact. The WPA had requested and envisaged that a tabulated visual and landscape impact assessment would be provided for each point from which conclusions would be drawn as to the proposals impact, but this was not included.

The discussion of the landscape impact within the Addendum LVIA, notes that the Regional landscape Charter assessment for the area of Central Essex Farmlands was assessed as good to ordinary and has a moderate to sensitivity to change for all types of development, this has not changed since 2008. The magnitude of change on the local landscape resulting from the proposal is assessed as being Medium to Low. This is justified on the basis that the change in stack height is minimal when seen in relation to the overall size of the IWMF (which has been permitted), the extent of the quarry operations and the size of the disused airfield. While it is acknowledged that the quarry options are temporary and that the area will be restored, such that in the future a higher quality landscape will be created, it is argued that the landscape will be lacking in good quality features for a number of years. The impact is assessed as Minor adverse justified on the basis that there will be no visible plume, the stacks “optical clock and that the local landscape character is said to be “industrial” in nature” and the area is not designated as a Valued Landscape in accordance with the NPPF.

The discussion of the visual impact with the Addendum LVIA, refers to the following factors in terms of the context of the assessment, namely, the proposal to have no visual plume, the presence of existing high structures in the area, the “optical clock” proposed, the ongoing mineral extraction adjacent to the IWMF site and that views beyond 2km have not been considered on the basis that any impact was likely to be insignificant in terms of the harm caused. The magnitude of change was assessed as no higher than Medium and would not affect any receptors with high sensitivity to change and thus it was assessed that the change would have at worst Moderate Adverse from receptor P2 and P6 a PRoW from Cut hedge Lane to the NE to Sheepcotes Lane in the WS passing north of the IWMF.

No additional mitigation is proposed, but the applicant has indicated a willingness to create a fund to finance off-site additional planting.

Comments:

It is commented that the LVIA does assert that the surrounding baseline landscape has industrial elements, such that the impact of the stack has been considered in this context. It is considered that any contribution that mineral extraction contribute to this baseline is inappropriate as the landscape upon restoration and establishment of restoration planting would in time enhance the landscape value of the surrounding area. The used baseline landscape is considered to be unrepresentative and hence landscape character impacts have been underestimated

It is not considered that a systematic visual impact assessment has been undertaken for all receptors points.

The impact of solar reflection has not been considered as part of the LVIA.

Cultural Heritage

A Heritage Statement was included within the Environmental Statement, considering the impact of the proposed increase in stack height on Heritage Assets.

It was noted that there are 105 designated Heritage Assets within 3km of the study area, the majority within 1km. The heritage assets were identified as being largely *rural in character, being farms and country estates, although the landscape in which they are situated has a mixture of rural and industrial land-uses.*

It was also noted *"The immediate topography around the site forms a flat plateau at about 50 m Above Ordnance Datum, so even vegetation of small stature has the ability to restrict views. Whilst the Stack will, theoretically, be visible from some distance the heritage assets (Listed Buildings) benefit from intervening screening offered by buildings, agricultural barns, hedgerows and woodland area and the orientation and outlook of the Listed Buildings reduce direct views of the stack."*

The Heritage Statements sets out the findings of previous archaeological investigations undertaken as part of mineral extraction. A watching brief was undertaken during the clearance of the last remaining area required to be disturbed as part the IWMF development, nothing of interest was found.

The Heritage Statement considers the heritage assets within 3 zones those within 1km, those within 1 to 2km and those in 2 to 3 km.

Those assets with 1km and 2 km full consideration of the contribution the setting makes to their significance. Those within 2 to 3km are not considered in detail.

Woodhouse Farm and associated buildings and pump are the closest heritage asset to the stack. It is stated that the wider setting of this group in which the stack would be visible does not contribute to the significance of this asset. It is concluded *"The stack will (as before) be visible from Woodhouse Farm and the proposed variation in stack height will lead to less than substantial harm on the designated asset."*

It is noted that the current derelict condition of the building is considered to detract from the setting of this group of assets. However, Woodhouse Farm and buildings will be redeveloped, refurbished and brought back into beneficial use as offices and a visitor/heritage centre as part of the IWMF works. Therefore it is stated that there

would eventually support in mitigating the overall change in setting. It is concluded that the change in stack height would lead to less than substantial harm, as was the case with the original stack height and the change would give rise to a neutral impact.

In considering the impact overall on heritage assets it is noted that the significance for the majority of heritage assets derives from the following factors: age (survival), associations as groups of assets and architectural value. Many of the assets are working farmsteads so the relationship with the landscape is less specific/more generic than it would be if they were part of a designed landscape. It is concluded the character of the landscape is incidental to the significance of the heritage assets rather than integral to it. Accordingly it is concluded the impacts on this wider setting arising from the increase in stack height would not represent a major effect on these factors from which they derive their significance. As a result the impacts upon heritage assets identified are Neutral/Negligible, with one asset Rook Hall identified as Slight Adverse impact.

No additional mitigation is proposed as part of this application

Comment: ECC Place Service (historic buildings) is satisfied that the Heritage Statement is adequate. The WPA would comment that it is considered that the industrial elements in the overall landscape have been over emphasised and the effects of ongoing mineral extraction are only temporary and restoration will see parts of the airfield restored back to agriculture.

Air Quality

An addendum air quality assessment has been submitted, supported by a detailed air dispersion modelling assessment, considering the impact upon air quality arising from the increase in stack height to 108m AOD.

Since the air quality assessment undertaken for the 2015 planning application applications for an Environmental Permit have been made such that assessments submitted with the EP and undertaken by the Environment Agency as part of their consideration of the EA have been relied upon in assessing the impact of the development upon air quality.

In assessing the first Environmental Permit the EA's Air Quality Modelling & Assessment Unit considered the impacts associated with the IWMF stack at 85m AOD and concluded that the IWMF was:

- unlikely to contribute to exceedances of air quality Environmental Quality standard (EQS) for human health
- with respect to the Human Health Risk Assessment would not result in any exceedance of the COT-TDI (Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment – Tolerable Daily Intake).

As part of a second EP application to the EA a fully updated Addendum Air Quality Assessment was undertaken taking on board all the requirements of the EP.

A part of this air quality assessment the impact of air quality on ecosystems with a stack of 108m was undertaken. The assessment was undertaken in accordance with EA guidance, taking account of broad habitat types as there are no designated sites requiring consideration. The impact of nitrogen and acid ashes on sensitive habitats was undertaken. It was concluded that impact of emissions on non-statutory sites was not significant against EA guidance levels.

A report on the significance of air quality effects has also been undertaken by the applicant and incorporated data from Andrewsfield Meteorological Station as well as Stansted. Previously the dispersion modelling had relied upon Stansted data as insufficient data was available at Andrewsfield station. The sensitivity analysis demonstrates that the data and weather station location have negligible change to the conclusions of the Dispersion Modelling Assessment. Overall the increase in stack height improves dispersion, such that the impact of emissions from the IWMF on local air quality would be less than that than with a 85m stack and demonstrates that local air quality, human health and habitats would not be adversely affected.

Comment: The assessment would indicate that there are no major concerns with respect to air quality that would give cause for concern with respect to the determination of the planning application. However, the assessment and control of emissions is a matter for consideration and control through the Environmental Permit administered by the Environment Agency.

Health Risk Assessment

An Addendum HIA has been submitted, a full HIA having been submitted with application ESS/34/15/BTE. The addendum assessment considers the impacts of the increased stack height. The Health Risk Assessment has relied upon a Dispersion Modelling Assessment.

Dispersion Modelling Assessment

The dispersion modelling assessment was undertaken with reference to relevant legislation.

In the UK, the levels of pollution in the atmosphere are controlled by a number of European Directives, which have been fully implemented, and by the National Air Quality Strategy. These have led to the setting of a number of Air Quality Objectives (AQOs) for the most significant pollutants, such as oxides of nitrogen and particulate matter. The AQOs are set at a level well below those at which significant adverse health effects have been observed in the general population and in particularly sensitive groups. For other pollutants, the Environment Agency sets control levels, called Environmental Assessment Levels (EALs), based on work by the World Health Organisation and other national and international bodies. AQOs and EALs are collectively referred to as Air Quality Assessment Levels (AQALs).

The assessment utilised ambient air quality data collected by the UK Government and by local authorities, as the current levels of pollutants in the atmosphere close to the IWMF. The assessment identified a number of receptors, including closest houses and footpaths and designated ecological sites. The model used is one acceptable to the Environment Agency and local authorities. The model uses local weather data and takes into account local buildings and terrain.

In running the model emissions from the CHP plant have been assumed to comply with the limits prescribed within Industrial Emissions Directive, with the exception of NO_x where a lower Emission Limit Value (ELV) of 150mg/Nm³ and emissions from the gas fired boilers are assumed to comply with the limits prescribed within Environment Agency guidance.

It has been assumed the each plant forming part of the IWMF would operate all year at the emission limit, which was considered a conservative approach.

The model was used to predict the ground level concentration of pollutants on a long term and short term basis across a grid of points. In addition concentrations were predicted at identified sensitive receptors, both residential and ecological. The dispersion model considered a range of pollutants including the following, Nitrogen dioxide, Sulphur dioxide, Particulate matter, carbon monoxide, Hydrogen chloride, Hydrogen fluoride, Ammonia, Metals, Volatile Organic Compounds (VOCs), Dioxins and furans, Polychlorinated biphenyl (PCBs) and Polycyclic Aromatic Hydrocarbons (PAHs).

Health Risk Assessment

The health risk assessment considered the various pathways through which an impact could arise, including through inhalation, ingestion of soil, water, home grown vegetables, animals and milk and breast milk.

In considering the impacts the assessment has utilised the background levels as they are now, not with the already permitted IWMF with a stack of 85m AOD.

The impact of air quality on human health has been assessed using a standard industry recognised approach.

- a. The Environment Agency has stated that the contribution to air quality can be screened out as 'insignificant' if the short term contribution is less than 10% of the AQAL and the long term contribution is less than 1% of the AQAL. These screening criteria have been applied initially.
- b. For those pollutants which are not screened out, the background concentration has been reviewed to see if there is any potential for any exceedances of an assessment level.

The assessment confirms that the proposals to increase the height of the CHP stack by 23 m would result in the impact of many pollutants on human health being screened out as 'insignificant'. For those which cannot be screened out, the background concentrations are low and there is little chance of significant pollution. Those pollutants that couldn't be screened out included nickel, cadmium and chromium.

Of all the pollutants considered with a Tolerable Daily Intake (TDI), nickel is the pollutant that results in the highest level of existing exposure (MDI). The combined impact of nickel from existing background sources and contributions from the IWMF at the point of maximum impact is 177.14% of the ingestion TDI for children. However, the process contribution from the IWMF for nickel is exceptionally small,

being only 0.24% of the TDI at the point of maximum impact, and 0.20% or less at receptors. This is based on the worst-case assumption that emissions of nickel are 44% of the group Emission Limit Value (ELV). The analysis by the Environment Agency states that this is an outlier, the monitoring data shows that this was for a single facility, the third highest concentration was 11% of the ELV. If it is assumed that emissions of nickel are 11% of the group ELV the impact is less than 1% of the TDI for ingestion at the point of maximum impact for an agricultural child receptor. On this basis, the IWMF would not increase the health risks from nickel for children significantly. Similarly, the ingestion of cadmium and chromium from existing background sources and contributions from the IWMF also exceeds the ingestion TDI for children. However, the process contribution from the proposed IWMF for cadmium is again exceptionally small, being only 0.19% of the TDI at the point of maximum impact for an agricultural receptor, and 0.16% or less at actual receptors. The process contribution for chromium is again exceptionally small, being only 0.34% of the TDI at the point of maximum impact, and 0.27% or less at receptors.

The TDI is set at a level “that can be ingested daily over a lifetime without appreciable health risk”. The ingestion of cadmium and chromium by children as a result of background sources is already above the TDI. On the basis that the process contribution of these substances is exceptionally small, the IWMF would not increase the health risks from this pollutant significantly. For all other pollutants, the combined impact from the IWMF plus the existing MDI is below the TDI, so there would not be an appreciable health risk based on the emission of these pollutants.

The conclusions of the Health Risk Assessment & Dispersion Modelling Assessment are that there would be no significant impact on local air quality, the general population or the local community.

Comment: The Health Risk Assessment and Dispersion Modelling Assessment that form part of the EIA were submitted as part of the Environmental Permit and considered by the Environment Agency when making their decision to issue an Environmental Permit.

Noise

The noise levels arising from the proposed IWMF have been re-assessed taking account of the increased stack height. This re-assessment was required as part of the Environmental Permit applications submitted to the EA.

The assessment has taken account of criteria from both the NPPF, BS standards and the WHO. The assessment has used available information with respect to likely noise generation of the various plant and equipment to be used at the IWMF and where information is not available it has been based on experience of similar operations to understand the sound levels associated with IWMF.

Original baseline surveys have been compared with more recent noise monitoring undertaken in 2014 to 2017 which has shown the acoustic environment has not changed.

By increasing the height of the stack the emission point would be further away from the receptors and so the contribution to overall sound levels will be very slightly

lower; however, the stack is not significant source and the overall sound levels remain unchanged. Noise levels resulting from the operation of the IWMF still comply and satisfy the existing planning condition(s) relating to noise limits.

The assessment has demonstrated that the IWMF will produce sound levels at the closest sensitive receptors that comply with the planning condition noise limits. The assessment has also considered a range of authoritative guidance NPPF, BS Standards and WHO and has demonstrated that the predicted sound levels will comply with recommendations set out in these documents.

Comment: As detail of the plant is required to be approved at a later stage further reassessment would be required to further demonstrate compliance.

Cumulative Impact

Updates to the original 2008 Environmental Statement have been provided as part of subsequent applications, which have taken into account of changes to the IWMF and other nearby developments namely extension of Bradwell Quarry into sites A3 and A4. The update provided with the current application has also considered the proposed improvement/realignment of the A120 and planning permission granted on appeal to extend Silver End on its north east boundary with a housing development for 350 houses.

Comment: Appropriate consideration was given to cumulative impacts.

REPRESENTATIONS

Below is a summary of points raised by representees, group under topic headings but otherwise presented in no particular order.

Topic headings are as follows:

- Comments of Local Braintree District Council Members
- Determination Process
- Nature of the Proposals
- Need
- EIA Scoping Opinion
- ECC interests in the IWMF
- Location
- Design
- Stack height
- Air Quality/Emissions/Health Impacts
- Stack cladding
- Landscape & Visual
- Heritage
- Traffic & Highways
- Ecology
- Water usage Other
- Applicants financial situation

	<u>Observation</u>	<u>Comment</u>
	Comments of Local Braintree District Council Members	
1.	Braintree District Local Members comment – the increase in stack height by 23m is 65% increase in stack height and is a significant and material planning consideration which needs to be critically assessed in landscape and visual impact terms	See section 7 Appraisal part M
2.	Braintree District Council Members – the increase in height would have an increased adverse impact upon the rural landscape and an increased industrialising effect,	See section 7 Appraisal part M
3.	Braintree District Council Members – application has caused much local concern and ECC members and officers should ensure any LVIA is fit for purpose.	See section 7 Appraisal parts A and M

4.	Braintree District Council Members – of the opinion would not be entirely inappropriate to refuse planning permission.	See section 7 Appraisal
	Determination Process	
5.	There has been extreme planning creep and further creep expected. Lack of openness and transparency as plant capacity has increased.	See section 7 Appraisal part A
6.	This facility has been going on for decades; the applicant keeps changing their mind, as if they are trying to wear down the opposition.	See section 7 Appraisal part A
7.	Significant planning creep with the removal of the geographical limits allowing waste to be imported into Essex	See section 7 Appraisal part A
8.	Inadequate consultation, not covering greater enough area, over too short a period	Consultation was in accordance with the Statement of Community Involvement and additional time given due to the consultation starting in holiday period.
9.	No consultation with EA on original application hence EA permit refusal over stack height	The EA have been consulted on all planning applications with respect to the Rivenhall IWMF
10.	Changes in incinerator capacity in 2016 were not subject of consultation with EA	See above
11.	A new planning application is required with clear indication of the planned technologies, now totally different to that originally permitted.	See section 7 Appraisal part A
12.	No public engagement, despite suggested in EIA Scoping Opinion	See section 7 Appraisal part A
13.	There has been no real engagement with the community by the applicant. Engagement started in 2014 and there have only been 4 meetings. There has been no community engagement on this new application.	See section 7 Appraisal part A
14.	Applicant claims there has been community engagement, but there has been no engagement with respect to this application, no meetings or information provided to community.	Initially no public engagement was undertaken, but in Jan 2019 the applicant with its new partner Indaver undertook 3 public drop-in sessions.
15.	Decision on this application should be referred to an independent body to make an impartial decision	See section 7 Appraisal part A

16.	ECC has a conflict of interest as the IWMF is cited in its own Waste Local Plan, therefore considered to have a pecuniary interest.	See section 7 Appraisal part B
17.	Applications should be determined by an independent body due to the following: <ul style="list-style-type: none"> • Conflicting advice on need for facility • Conflicting advice re visual impact • A further EA permit application • A sea change in understanding of impacts of small particles, CO2 and NOx • Issues raised technical nature beyond average person 	See section 7 Appraisal part A
18.	Appears decision has already been made as the IWMF site is already cited within ECC Waste Local Plan	See section 7 Appraisal part B
19.	There is variation between information in the planning application and that contained in the environmental permit application. The application should be refused until a permit is in place with a known stack height.	The applicant would be required to comply with the details of each application, these details can modify during the process. The environmental permit and planning application were not submitted at the same time as thus may have differed. The planning permission and environmental permit determination processes are independent of each other.
20.	The application should have included consultation with local schools due to the area of dispersion over which the emissions would spread.	The applications were consulted on in accordance with the Statement of Community Involvement.
21.	The consultation period was over the school holiday period restricting residents' ability to respond.	An extended period of consultation was allowed beyond the school holiday period.
22.	The drawings accompanying the application are misleading as to the height of stack applied for.	It is thought some confusion has arisen due the reference to heights above surrounding ground levels and heights Above Ordnance Datum. In addition the lower section of the proposed stack is below surrounding ground levels.
23.	20 days is an inadequate period to consider the complex information supporting the application and suggest	The applications were consulted on in accordance with the Statement of Community

	the application is being fast tracked by ECC	Involvement. Additional time has been given to receive consultation responses and representations at each consultation stage.
24.	The application should not have been a variation; it should have been a reconsideration of the need and impact of the whole facility.	See section 7 Appraisal part A
25.	Due to the complexity and changes in the proposals the application should be called –in for determination by the secretary of state	See section 7 Appraisal part A
26.	ECC cannot make a sound impartial transparent decision on either of these applications	See section 7 Appraisal part B
27.	The application should be referred to the National Planning Casework Unit for consideration as to whether the matter should be called in for determination by the SOS.	See section 7 Appraisal part A
28.	Differences between documentation submitted to EA and that submitted with Planning Application	The nature of the documentation required to support an environmental permit is different to that required for a planning application.
29.	The conditions of the original permission should be upheld, to maintain the protection originally considered necessary and uphold the integrity of the planning system	See section 7 Appraisal part A
30.	Consider the response prepared by the applicant to the PAIN report is unprofessional and dismissive.	The WPA has considered all the matters raised by PAIN.
31.	The applicant's information is too technical and large for a lay person to understand in 21 days.	The application has raised issues of a technical nature and the need for the application to be supported by an Addendum EIA does mean that the documentation is extensive. Additional time has been given to consultees and representees to allow comments. The application has also been subject to consultation with technical bodies.
32.	The fragmented planning applications, means the project has not been clear and/or transparent.	See section 7 Appraisal part A
33.	Due to scale of plant the applications	See section 7 Appraisal part A

	should be considered at public inquiry.	
34.	Current proposals barely recognisable from those considered to the Public Inquiry.	See section 7 Appraisal part A
35.	Important consultees have not been listed in the EIA and/or consulted on the application.	See section 5 Consultations
36.	What are implications of confidentiality agreement between ECC and Gent Fairhead	There is no confidentiality agreement between ECC and Gent Fairhead.
37.	The Community consultation events held in January 2019 – were the first held by the applicant in relation to the planning applications, they were poorly advertised and held between 4-7pm, except for Coggeshall between 4-9 at request of Parish Council and therefore difficult for all to attend.	The WPA cannot control the public engagement events by the applicant. That said 3 events at 3 different locations on 3 different dates were held over a reasonable time period.
38.	The information boards at the Community Events were confusing referring to both heights of the stack	The WPA acknowledges that some information presented was confusing and could lead to a misunderstanding of the facts.
39.	One of the information boards at the Community Events included the ECC logo, implying collaboration or partnership with the applicant – which is misleading.	The ECC logo did appear on one board, but this was with reference to the Essex & Southend Waste Local Plan. However use of the logo could have misled visitors to the exhibition that ECC endorsed the proposals. The logo was used without the prior approval of ECC
40.	Information presented at the Community Events was misleading presenting quotes with respect to the application in 2016 and from the Inspector's report from 2010 regarding visual impact. The original 2008 and 2015 applications did not change the height of the stack, both were comments made with respect to a 35m stack and therefore not relevant and misleading.	The WPA acknowledges that some information presented was confusing and could lead to a misunderstanding of the facts.
41.	Information presented at the Community Events stated the last application ESS/34/15/BTE relating to changes in capacities was determined in Feb 2015, when in fact it was Feb 2016.	Planning application ESS/34/15/BTE was submitted in 2015 but determined in February 2016. The error was noticed by the applicant and corrected in time for the third public event.
42.	Representations made by the public are	The WPA has taken the

	not available on the web, ECC are not being transparent	decision not to make representations available online to avoid any accidental disclosure of personal information.
	Nature of the Proposals	
43.	Indaver Gent Fairhead's new partners only intend to build the incinerator. What guarantees are there that the rest of the facility will be built?	If the IWMF progresses the planning permission is for an integrated facility requiring all elements to be built and operated.
44.	If facility is only to be an incinerator, surely this requires a new planning application.	The current applications do not propose only progressing the incinerator/CHP element of the IWMF
	Need	
45.	In 2010 when granted recycling rates were 5%, but now they are 50/60% with a target of 70% by 2020. Given this in 3 years time they may be no need for an incinerator and thus what % of the waste burnt in the facility will be from Essex.	See section 7 Appraisal part E and V
46.	No need for this facility as Essex is near to meeting its recycling targets and the facility would discourage recycling.	See section 7 Appraisal part E and V
47.	The size of the plant is too big for amount of waste generated nearby. To make it viable waste will come from outside of Essex of no benefit to Essex residents.	See section 7 Appraisal part V
48.	Too justify the stack on the basis that it will produce 28 megawatts of power is misleading as this is only equivalent to 4500 homes.	The production of energy forms only part of the need consideration for the IWMF. See section 7 Appraisal part V
49.	Recent press articles have stated that there are too many incinerators in the UK and the UK will reach capacity in 2018. Waste is being transported between countries contrary to the proximity principle and discouraging recycling.	See section 7 Appraisal part Y and V
50.	A report published August 2017 (<i>Eunomia, Residual Waste Infrastructure Review: 12th Issue</i>) made the following statement: <i>"with more facilities still in the construction pipeline, the report forecasts that the UK's supply of treatment capacity will exceed the available quantity of</i>	See section 7 Appraisal part Y

	<p><i>residual waste in 2020/21. Were all facilities to operate at full capacity, together they would limit the UK's recycling rate to no more than 63%."</i></p> <p>Thus there will not be the waste to fuel the facility and will discourage recycling.</p>	
51.	The overall IWMF proposals are in conflict with the original Inspector's report – current proposals contradict the spirit and philosophy of the original decision	See section 7 Appraisal part V
52.	The proposals would be contrary to the Government's recently published "A Green Future: Our 25 year Plan to improve the Environment" Which seeks to achieve clean air, increased recycling, waste reduction and improve the natural environment.	See section 7 Appraisal
53.	Incinerator will continue to change with the ultimate removal of the anaerobic digestions and mechanically and biologically treat waste aspect being totally removed as recent contracts for these services have already been let by ECC - there have already been gradual changes moving this towards a facility that is focused on incineration - this should not be allowed to continue	It is not currently proposed to remove the AD or MBT elements of the proposal. Future applications would have to be dealt with on their individual merits.
54.	Recent problems with the Basildon plant (providing SRF) and the ensuing legal battle mean most, if not all, the waste will be trucked in from a distance, and this is not sustainable	See section 7 Appraisal parts B, V and Y.
55.	Waste may be incinerated from anywhere but Essex	See section 7 Appraisal part V
56.	ECC needs this incinerator and is both relying on it from a waste management perspective as well as a solution to their SRF from Basildon as opposed to their current contracts - this should not be the basis for the application to be granted	See section 7 Appraisal parts A and V
57.	The facility will generate large amounts of ash which will require special dedicated landfill within Essex.	See section 7 Appraisal parts F
58.	Where will the toxic ash generated by the facility be disposed of?	See section 7 Appraisal parts F

59.	Set to be largest facility in the UK, drawing waste from outside Essex	See section 7 Appraisal part Y and V
60.	Contrary to ECC Organisation Plan 2018/19 page 18 which seeks to reduce waste and costs for disposal to taxpayers and reduce carbon emissions	<p>The commitment in the ECC Organisation Strategy states <i>“Reduce the environmental impact and cost to the taxpayer of dealing with waste, by operating efficient waste management services and working effectively with partners and communities”</i>. This relates to the waste management services provided by the WDA and as explained in Section 7 Appraisal part B the WDA has not connection with the IWMF</p> <p>In addition the strategy states <i>“Reduce carbon emissions and energy costs for the public and businesses, by developing new strategies that promote clean growth and affordable energy”</i>. Similar goals are contained within the NPPF which are taken into consideration see Section 7 Appraisal.</p>
61.	Many supermarkets have made commitments to reduce packaging, or make reusable or compostable packaging over the next 4 to 8 years, such that by 2025, this facility will be no longer needed.	See section 7 Appraisal parts E and V
62.	There is a wholesale change of attitude to waste that grows with each day that passes.	See section 7 Appraisal parts E and V
63.	The Inspector in granting the original facility recognised the recycling elements linked benefits of producing heat and power to reprocess paper – this balance was lost when the capacities were changed in 2016. The changes reduced the flexibility of the plant.	A decision was been made on ESS/34/15/BTE, it is not possible at this stage to reconsider that decision.
64.	The change in capacities in 2016 reduced the recycling element of the facility, reduced the amount of energy recovered from a greater volume of waste.	Noted
65.	Given the doubts about available waste paper and card in 2010 and the reduced size of the paper facility in 2016, the size	The WPA is unable to amend the capacity of the CHP as part of this application. It can only

	of the CHP should be reduced.	approve or refuse the proposals with respect to the stack height change.
66.	Significant weight should be given to the National Waste Management Plan, (NWMP) and National Planning Policy For Waste (NPPW) and Braintree District Local Plan, particularly promoting sustainable development	See section 7 Appraisal
67.	World as a whole moving away from burning waste, do not consider applicant has shown a need for the facility in Essex	See section 7 Appraisal part V
68.	The applicant's statement that they have spent a lot of money on the scheme is irrelevant to the planning consideration of the application.	The cost to the applicant is not a planning consideration
69.	Proposals seem to be moving away from integrated waste facility with CHP, AD, MRF, MBT and MDIP to a waste incinerator with some paper recycling. Consider whole scheme should be reconsidered in light of new technologies and County waste needs.	See section 7 Appraisal part V
70.	Investment into waste burning infrastructure is a disincentive to recycling. The problem of plastics at source needs to be addressed.	See section 7 Appraisal part E and V
71.	The facility is too big and waste will be drawn in from region, with associated transport problems	See section 7 Appraisal part V
72.	The incinerator will move disposal of waste down the waste hierarchy it will disposal to atmosphere.	See section 7 Appraisal part V and W
73.	Is the Waste Local Plan still relevant?	See section 7 Appraisal
74.	Is incineration an effective and efficient way of disposing of waste, in view of the knowledge that is developing with respect to the health impacts.	See section 7 Appraisal parts E and V
75.	What will the incinerator burn if waste reduction and waste recycling is successful?	See section 7 Appraisal part V
76.	What research has ECC done on the impact of recycling rates on such a facility?	See section 7 Appraisal part E
77.	The DEFRA Waste Management Summaries for 2016 and 2017 show there is no short fall in capacity when compared against inputs.	These summaries are not assessing arisings against capacities. These show that the amount of waste operational incinerators received and the maximum amount they are

		permitted to receive as stated in the environmental permits issued by the Environment Agency.
78.	With recycling rates for household waste in Essex reaching 50% and the change in public attitude to minimising waste, there won't be sufficient waste to supply the incinerator.	See section 7 Appraisal part E
79.	Essex would be become a net importer of waste	See section 7 Appraisal part V and Y
80.	At the Community Event the applicant's representative would not confirm that waste wouldn't be imported from outside the county to the facility.	The current permission for the IWMF does not preclude importation of SRF from outside the County; such a requirement would be unenforceable as it is contrary to the principles of Net Self Sufficiency and the Proximity Principle.
81.	At the Community Event the applicant's representative stated that the emissions from the stack would not be worse than those from an emergency vehicle, like an ambulance.	It is not possible to confirm whether this statement is an accurate record of what was stated, but matters with respect to emissions from the stack would be addressed as part of the Environmental Permit by the Environment Agency.
82.	At the Public Engagement event the applicant presented a drawing of all the incinerators in Europe, as if to say if it's right and OK there its right and OK in England.	Noted
83.	ECC and the EA seem to be pushing for and allowing hundreds of incinerators.	ECC as WPA has to determine planning applications that are submitted to it in accordance with the Development Plan and other material considerations. The EA has to determine Environmental Permits applications in accordance with the national regulations. Neither the WPA nor EA can control what applications are submitted to them.
84.	Where is all the waste coming from	See section 7 Appraisal part V
85.	As Indaver operate in Europe including involvement in Felixstowe port, will we see waste imported from Europe?	See section 7 Appraisal parts V and Y
	EIA Scoping Opinion	

86.	The application is not supported by a new Heritage Assessment, LVIA (Landscape & Visual Impact Assessment) and other reports as required by the EIA Scoping Opinion ESS/24/17/BTE/SPO. The application is therefore invalid and should be refused.	See section 7 Appraisal part A
87.	Separate LVIA & Heritage Statements have not been submitted	The ES did include separate Heritage and LVIA statements.
88.	The applicant has not fully complied with the Scoping Opinion ESS/24/17/BTE/SPO. By disregarding the Scoping Opinion it demonstrates the applicant is not competent or ethically responsible to construct or operate a facility. The applicant was advised to contact consultees direct but no approach was made to Coggeshall Parish Council.	Under the 2011 EIA Regs which are the relevant regulations with respect to this application, the applicant is not required to comply with the Scoping Opinion.
89.	The Scoping Opinion suggested that drop-in sessions were held during the consultation period, no such events were held.	The Statement of Community Involvement encourages pre-application community involvement, but the WPA cannot require this. Drop in sessions were held in January 2019.
90.	The Scoping document makes reference to Coggeshall PC request for clarification as to the water management system as to whether there will be a discharge to River Blackwater. This clarification has not been provided as part of the planning application.	The applicant has permission for a water abstraction licence from the river Blackwater, but no discharge licence. The IWMF includes a waste water treatment plant to treat and recirculate water, such that discharge is not required. The applicant has indicated they may wish to discharge to the River Blackwater but this would require an additional licence from the EA. No such licence has been applied for at this stage.
91.	The application is not valid as it has not fulfilled all the requirements of the Scoping Opinion (ESS/24/17/BTE/SPO).	The Scoping Opinion was issued under the 2011 EIA Regulations, as the Scoping Opinion was issued prior to the 2017 EIA Regulations coming into effect. The 2011 EIA Regulations do not require the applicant to be bound by the outcome of the Scoping Opinion

		decision and therefore the application could not be invalidated on these grounds.
92.	Scoping Opinion suggested a 10km radius for assessments this was not adopted by the applicant.	The Zone of Theoretical Visibility was considered to 10km radius
	ECC interests in the IWMF	
93.	ECC has a pecuniary interest in the IWMF	See section 7 Appraisal part B
94.	ECC has a conflict of interest as it is both the Waste Planning Authority and Waste Disposal Authority.	See section 7 Appraisal part B
95.	ECC has a conflict of interest in dealing with this application and it should be referred to an independent body.	See section 7 Appraisal part B
96.	Applications should be considered by an independent body as ECC is likely to be sole customer	See section 7 Appraisal part A & B
97.	The IWMF facility is a facility cited in the Waste Local Plan and therefore the decision has already been predetermined	See Appraisal part K
98.	If ECC needs an IWMF then they should pursue their own facility in a location where the impact on the environment is minimised.	See section 7 Appraisal part B
	Location	
99.	Location too close to residential areas, large number of people and an area of invaluable natural and cultural heritage.	See section 7 Appraisal
100.	Businesses have invested in Coggeshall and this facility will detract from Coggeshall discouraging visitors and employees.	See section 7 Appraisal
101.	Site is principally a rural location and will be transformed into an industrial zone.	See section 7 Appraisal
	Design	
102.	No detailed design as required by condition 19 has been submitted as required by planning permission and therefore permission should not be granted. The final plant and its requirements won't be known until his is submitted.	The physical envelope and the details of the main buildings and structures of the IWMF are known. The details of the process layout and configuration are required prior to installation of the process equipment and plant under condition 19. The details of plant and processes are

		required in detail as part of the Environmental Permit to enable consideration of pollution control measures. Once these have been confirmed through the Environmental Permit process the applicant will be in a position to confirm the process layout and configuration.
103.	The use of the reflective finish has not been proven and its effectiveness in different lighting conditions	See Section 7 Appraisal parts M and Q
104.	Consideration has not been given to how the reflective finish would be maintained.	Details for the maintenance of the reflective finish have been considered approved and are proposed to be amended as part of the S73 application due to the proposed change in height.
105.	The level of impact arising from glint and glare has been based on criteria used in the aviation industry rather than local or residential amenity impact and no thresholds or criteria for describing effects are identified	See Section 7 Appraisal parts M and N
106.	The increase in stack will on average double the period of likely glint and glare.	See Section 7 Appraisal parts M and N
107.	It is not clear how the findings of the Glint & Glare report were considered in the LVIA.	See Section 7 Appraisal parts M and N
108.	The glint and glare report identified substantial periods of time when receptors would suffer glint and glare effects.	See Section 7 Appraisal parts M and N
109.	The glint and glare report considered the proposed change in height of the stack rather than the whole stack	See Section 7 Appraisal parts M and N
110.	The glint and glare report claims that the impact would reduce over time	See Section 7 Appraisal parts M and N
	Stack height	
111.	The original stack height of 85m AOD was flawed, other EfW facilities have much higher stacks eg Hoddesdon at 350,000tpa has a double stack of 78m.	The proposed increased stack height has been permitted by the EA.
112.	There is confusion between the drawings and the description of development as to the height of the stack, some show 105m AOD but the description states 108m	The stack is proposed to be 108m AOD or approx. 58m above surrounding ground levels. Drawings accompanying

	AOD.	the application show the stack at 108m AOD. Some confusion may have arisen in that the 2 nd Environmental Permit application to the EA was initially for a stack of 105m AOD, but during the determination of the EP was increased to 108m AOD.
113.	The applicant justified the application on the basis of the original stack height at 85m AOD and should be required to comply with restriction.	Each application has to be considered on its individual merits.
114.	A taller stack would cause safety issues for aircraft, including civil, military and commercial aircraft	Civil Aviation Authority requires all structures over 150m to be lit, the proposed stack is below this height
115.	The higher stack will need lighting for aircraft – no light pollution assessment of this additional impact has been undertaken	See above. No lighting of the stack is proposed.
116.	There are 8 small airstrips nearby, regular hot air balloon flights in the area at risk with a higher stack	See above
117.	The higher stack will require additional safety lighting causing additional light pollution which has not been assessed	See above
118.	The stack will need to be lit for safety reasons	See above
119.	The mirror finish will reflect the lighting needed for the facility increasing its visual impact.	See Section 7 Appraisal parts M, N and Q
120.	Condition 56 was imposed by the SoS to limit the development, stack no higher than 35m AOD. This restriction should be enforced.	Each application has to be considered on its individual merits. See Appraisal
121.	It is noted in the Inspector's report of March 2010 that "A further application to ECC for an increase stack height would not meet the requirements for certainty and good planning as set out in national guidance".	The quote is from the Planning Inspector's report 2010 following the Public Inquiry in 2009. However, it is not the Inspector's view but a quote from "Section 8 – The Case For The Local Councils Group" paragraph 8.22 where the Inspector has reported the views of The Local Councils Group.
122.	Allowing a higher stack would contradict the PINS decision, which included condition 56 limiting the height of the	Each application has to be considered on its individual merits. See Appraisal

	stack.	
123.	Details of the stack were submitted and approved under condition 14 and construction started on the basis of the approved details, they should be required to maintain the same height stack.	Each application has to be considered on its individual merits. See Appraisal
124.	Allowing a higher stack would set a dangerous precedent for ignoring the PINS and SoS's decisions (particularly condition 56 – stack height), and sends a message that ECC thinks it's able to overturn these decisions.	Each application has to be considered on its individual merits. See Appraisal Section 7 part A
125.	Planning permission was refused in West Street Coggeshall on landscape and heritage grounds by PINS and allowing a 58m stack would set a precedent contrary to that planning decision.	See Appraisal Section 7 part N
126.	A higher stack results in greater safety concerns for aircraft – these have been voiced by Essex Air Ambulance	No direct correspondence has been received from the Essex Air Ambulance as to the potential safety issue with the height of the stack.
127.	The financial analysis of Best Available Technology (BAT) with respect to stack height does not make sense. It suggests it is cheaper to build a stack 58m than it is to build one that is 35m. Are costs being cut or is cost being prioritised over structure. Clarification is required.	This was information provided to support the EP. The graph shows the benefit from dispersion in relation to the increased cost of a higher stack.
128.	The drawings are misleading, it appears the applicant is claiming the overall stack height has not changed, but there is an increase in height and this would breach condition 56 of the existing permission	It is not clear which drawings are being referred to, but the applications do specifically seek to increase the stack height.
129.	The proposed height of 55m is well below the 70-120m range which the EA recommends	The proposed stack height has been permitted by the EA
130.	Better height, perspective and proportionality should have been provided, comparison with existing pylons and trees is simply misleading	A crane at the proposed stack height was utilised to inform the Addendum LVIA.
131.	The stack is not tall enough to allow the chemical fallout to miss the nearest historical village.	The proposed stack height has been determined through the Environmental Permit process administered by the EA. Dispersion is a factor in that permitting process.
132.	The committee was misled with regard to the effectiveness of the below ground element of the stack. This was reported	The stack does in part start below natural ground levels. The acceptability of the stack

	by the officer in charge emphasising that the stack below ground was effective where this is simply not the case (please see doc DR/05/16)	height is a matter for the EA that has been considered through the Environmental Permit process.
133.	The stack is proposed to be the lowest that can be got away with; this may reduce the planning objection to the visual impact of the stack but will add to the local impact of the plume. Should the stack be high enough to spread the plume higher it will become a massive eyesore in this predominantly rural environment.	The acceptability of the stack height with respect to pollution control is a matter for the EA that has been considered through the Environmental Permit process.
134.	There are no details as how the stack would be constructed, including its foundations.	This is not a planning matter, the development would require to meet building regulations.
135.	The issuing of an EA permit does not necessarily mean that planning permission should be granted	The planning application will be considered on its individual merits against the Development Plan and any other material considerations
136.	The argument put forward by the applicant that some of the stack is below ground is ridiculous, it is the height above ground that affects the dispersion achieved.	The control of pollution from the stack is a matter for control under the Environmental Permit administered by the EA. The height of the stack has been determined by the EA taking into consideration surrounding ground levels.
137.	There is confusion over the height of the stack required. The Environmental Permit requires the stack to be 78m above surrounding grounds levels, surrounding ground vary around the site from 50m AOD to 53m AOD. The planning applications are for 108m stack but the requirements of the permit could require up to 111m AOD.	The planning application is for a stack height of 108m AOD. The Environmental Permit currently issued requires a stack 78m above natural ground levels. The applicant has based their calculation on average ground levels which are 50m AOD and hence a proposed stack of 108m AOD
138.	Information presented at the Community Event re the height of the stack was misleading. It stated the proposed stack was a similar height to the existing Sheepcotes Communication tower. The tower is 47m above ground (as presented in a previous district application for communication dishes) and the proposed stack 58m above ground – an 11m difference 23.5% taller not “similar in	The information was misleading in that there is a difference in height between the Communication tower and the stack. The top of Communication tower has been surveyed at 100m AOD and the stack would be 108m AOD, so the proposed stack would be 8m higher than the existing

	height” The tower is also a lattice structure while the stack is a solid structure. The stack will have a significant visual impact in a predominantly flat landscape.	communication tower. See Appraisal Section 7 parts M and N
	Air Quality/Emissions/Health Impacts	
139.	No Health Impact Assessment has been submitted, only that which supported the Environmental Permit application.	A Health Impact Assessment formed part of the ES and was found to be acceptable by statutory consultees
140.	ECC Organisational Plan for 2018/19 at page 15 seeks to improve the health of people in Essex	With respect to the health impacts of the proposal these have been considered as part of Environmental Permit processes administered by the EA.
141.	The Government has stated that it is committed to: making the necessary decisions now to realise our vision of stimulating economic growth and tackling the deficit, maximising wellbeing and protecting our environment, without affecting the ability of future generations to do the same.	See Section 7 Appraisal part O
142.	There has been a sea change with regard to national air quality awareness with Braintree identified as a nitrogen dioxide hot spot and the incinerator now contradicts new government targets and aspirations for air quality improvements - this planning application goes against national and even international movements towards greener and more sustainable waste and energy-making facilities	See Section 7 Appraisal part O
143.	Concern re health impacts increased potential for Dementia, Parkinson, cancers, respiratory diseases, low birth weights and pre-term birth.	See Section 7 Appraisal part O
144.	There is no mention of small particulates (pm10 and pm2.5) in the air quality assessment and these are emitted by diesel vehicles which the Government says will be banned from 2040, so why are they acceptable to be dispersed from the stack. This contradicts the direction of government's national air quality policy	See section 7 Appraisal part O

	and its overall air quality aspirations	
145.	Research projects indicate that there is a relationship between infant mortality and the location of incinerators, but this research has not been properly investigated by Central Government and/or the EA.	See section 7 Appraisal part O
146.	The Joint Strategic Needs Assessment and Health & Wellbeing Strategy for Essex state that there need to be measures implemented to improve environmental factors such as reduction in waste and air pollution. The emissions from this facility would contradict these aims.	See section 7 Appraisal part O
147.	The human health risk assessment lists a number of sensitive receptors. One is HH26 and named Coggeshall. It is described as an agricultural location but is in the centre of Coggeshall. Given this error the document needs amending and resubmitting.	While it is acknowledged that HH26 is not an agricultural receptor location, this in fact actually means a more stringent consideration of the impacts has been undertaken, because it assumes a potentially higher level of ingestion of pollutants assuming that potentially vegetables and meats may have been sourced from land adjacent to receptor location, increasing the potential impact of pollutants on the residents at this location.
148.	Air pollution in Braintree exceeds the safe level for public health as set out in a recent Friends of the Earth report and referred to in an article in the Braintree & Witham Times 5-5-17	See section 7 Appraisal part O
149.	The British Society for Ecological Medicine studies have shown an increased rates of cancer in adults and children for town near incinerators and higher rates of mortality for concern sufferers near incinerators.	See section 7 Appraisal part O
150.	Children are at risk of respiratory and other long-term illnesses from the toxic emissions	See section 7 Appraisal part O
151.	For maintenance requirements the stack will need to be shut down at least once or twice a year to be cleaned. This will lead to additional and unusual emissions but these do not appear to have been included within the air quality	Such factors will have been considered by the EA in the determination of the Environmental Permit

	assessment.	
152.	The additional traffic will make the A12 and A120 even busier with consequential increase in emissions	See section 7 Appraisal part O
153.	The application does not take account of the additional noise and emissions from the proposed new A120 routes and widened A12	Cumulative impacts assessed as part of the EIA can only take account of developments that are committed, namely have planning permission. Proposals with respect to the A12 and A120 are at too early stage to been taken account of in this decision. However, in the future the EIA that would need to accompany any applications for the A12 and/or A120 would need to take account of any permitted development including the IWMP.
154.	The traffic emissions required to import the 595,000 tonnes of what to the incinerator, will create more emissions than would be saved through the energy generated	See section 7 Appraisal part O
155.	The stack height should be determined by best performance and minimal emissions rather than planning acceptability and cost. Reduction in emissions should be the only reason behind seeking a certain height, and reducing emissions to the lowest point possible should be the goal.	The proposed height of the stack has been defined as part of the Environmental Permit (including BAT) process.
156.	The emissions would adversely contribute to changing weather patterns	See section 7 Appraisal part AA
157.	The stack is not tall enough to disperse chemicals and fumes adequately which will give rise to health impacts	The proposed height of the stack has been defined as part of the Environmental Permit process.
158.	The facility will give rise to odour from the delivery of waste and the emissions from the stack	The delivery of waste will take place inside the building to minimise odour. The Environmental Permit includes an odour management plan.
159.	Real time data of emissions from the stack should be provided via the internet	This is matter for the EA
160.	Concerned re health risks as current research into the impacts is not comprehensive enough to determine the health impacts.	See section 7 Appraisal part O
161.	Concerned pollution will get into food, air, water supplies posing a major threat to	See section 7 Appraisal part O. The Environmental Permit

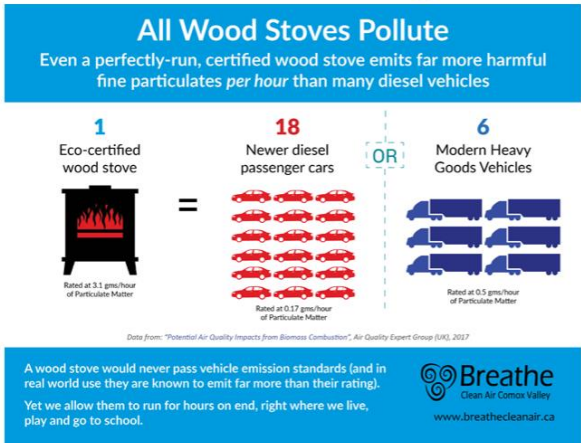
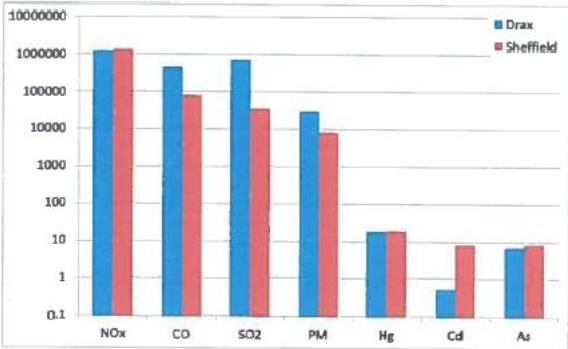
	our health	process considers the impacts upon soils, air, and water and the potential ingestion on health.
162.	Toxic fumes will not be dispersed adequately when there is no wind and the weather is foggy and wet.	Pollution control is considered through the Environmental Permit process.
163.	Do not have confidence in the assessments undertaken by the EA in issuing an Environmental Permit for the facility.	The WPA has to assume all pollution control regimes will operate effectively NPPF para 183.
164.	Inadequate consideration within the EIA of the impact upon climate change, the facility and associated traffic are likely to generate from 631,000tpa of CO2.	See section 7 Appraisal part AA
165.	500,000 tpa of CO2 will be generated from the incinerator and HGVs delivering the waste not assisting with reducing climate change	See section 7 Appraisal part AA
166.	Planning policy with respect to protection of the environment and humans and climate change has changed since the IWMF was considered by the Inspector in 2010	See section 7 Appraisal parts O, and AA
167.	The carbon footprint of the facility has not been considered in detail at any point as the facility has evolved	See section 7 Appraisal part AA
168.	The Royal College of Physicians published a report in 2016 (<i>Every breath we take: the lifelong impact of air pollution</i>), in which it states that small particles (such as those that will be released by the IWMF) can cause Dementia, Parkinson's disease, cancer and have a deleterious effect on respiratory diseases.	See section 7 Appraisal part O
169.	The NPPF at para 120 seeks <i>"To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues,</i>	This para number is from a previous version to the current NPPF, however there remains a similar requirement at para 204. See section 7 Appraisal part O

	<i>responsibility for securing a safe development rests with the developer and/or landowner.”</i>	
170.	Emerging District Local Plans (Braintree/Colchester/Tendring) propose new towns, increasing population and whose health would be impacted by these proposals	See section 7 Appraisal part O
171.	The health impacts have been assessed by the EA against guidance that is at least 6 to 10 years old	See section 7 Appraisal part O
172.	The facility will give rise to CO ₂ , NO _x , Volatile Organic Compounds, Cadmium, Benzene and Butadiene in an area of high pollution, ECC has a responsibility to protect health and well-being of residents	See section 7 Appraisal part O
173.	The impacts on air quality and health are highly technical, beyond ECC understanding and therefore should be referred to the SoS	See section 7 Appraisal part A and O
174.	Defra describes poor air quality as “the largest environmental risk to public health”	See section 7 Appraisal part O
175.	National Audit Office in 2017 published a new air quality report “Why air quality matters” and recognises poor air quality is a risk to health and the environment, in particular particulate matter, nitrogen dioxide and poor air quality generally.	See section 7 Appraisal part O
176.	The action group have carried out its own predictions of the air quality impact, for example indicating 89,000 school pupils will be affected within a 5 mile radius.	See section 7 Appraisal part O
177.	Concern has been raised as to the impact of air quality upon agricultural land in terms of deposited pollutants.	This matter was addressed as part of the EA permitting process.
178.	With respect to climate change and CO ₂ the application should take account of the NPPF and the draft NPPF	See section 7 Appraisal part P and O.
179.	The applicant states that there would be no health impacts from the development, but in fact the Human Health Risk Assessment Report by Fitchner actually states “ The facility will not result in appreciable health risks resulting from its operation”	See section 7 Appraisal part O

180.	An incinerator should not be built so close to residents in Silver End	See section 7 Appraisal part K & O
181.	When the new 350 houses are built in Silver End they will be even closer to the incinerator than current houses in Silver End housing is	The EIA that supported the housing application, considered Cumulative Impacts and took into account the proximity of the permitted Integrated Waste Management Facility.
182.	Hazardous industrial process should be sited away from areas of population.	See section 7 Appraisal parts K and O
183.	Popular area to move to for healthy environment, which would not be the case if incinerator in the area	See section 7 Appraisal parts K and O
184.	The proposed increase in stack height is admission that the levels of atmospheric pollution will be a problem if the plant is built.	See section 7 Appraisal part O
185.	Since the original permission was granted there has been an increase in the understanding of the adverse impacts of incineration	See section 7 Appraisal part O
186.	CO2 production should be something we are trying to decrease not increase.	See section 7 Appraisal parts AA
187.	Silver End is in a rural setting away from industry and pollution, the IWMF will pollute our air.	See section 7 Appraisal part O
188.	ECC Public Health officer has suggested that traffic movements from facility would reduce air quality and that HGVs should be limited to Euro 6 standard vehicles only. Even with this restriction CO2 emissions would be 31,000tpa, this is not taken account of by the EA in considering air quality.	See section 7 Appraisal part O and P
189.	The proposed Garden Communities will mean many more residents will be impacted by the emissions	See section 7 Appraisal part O
190.	Not convinced by air quality information, consider the emissions are a death sentence for the community	See section 7 Appraisal part O
191.	The proposed facility will mean emissions would be blown over Colchester, one of the largest towns in Essex, affecting all the inhabitants.	See section 7 Appraisal part O
192.	Ecologists and environmentalists have recognised that burning waste will cost the planet and future generations	See section 7 Appraisal part S and O
193.	The small particulates in the air and ash are not good for our children's health.	See section 7 Appraisal part O

194.	What will happen to the thousands of tonnes of ash that will be generated?	See section Appraisal part F
195.	Consideration must be given to the current poor air quality, and that the UK is exceeding levels; the incinerator will only contribute along with the additional traffic emissions	See section 7 Appraisal part O
196.	The incinerator will create a plume of pollution that will impact residents of Braintree, Colchester, Coggeshall, Siler End, Witham, Kelvedon and Feering.	See section 7 Appraisal part O
197.	What research has ECC done into the health impacts?	See section 7 Appraisal part O
198.	The recent Public Health England research will not have taken account of the recent research on the impact of fine particulate matter that will be emitted.	See section 7 Appraisal part O
199.	The case of Ella Kissi-Deborah from South London was in the press in summer 2018 where it was shown there was a direct relationship between the young girl's asthma attacks and pollution spikes in the area and that pollution contributed to the seriousness of the girl's asthma. Ella died in Feb 2013. A new inquest has been granted in Jan 2019 to reconsider the cause of death.	See section 7 Appraisal part O
200.	The proposed incinerator goes against the Governments commitments within the "Clean Air Strategy"	See section 7 Appraisal part O
201.	Fine particulates pm10 and below are known to cause health impacts, these will be generated by the incinerator and its traffic. Some towns/areas in the UK exceed the WHO guidelines on these particulates.	See section 7 Appraisal part O
202.	Since the proposals were last considered in Feb 2016, air quality and especially small particles (pm 10 and pm2.5) have become significant issues and must now be considered a health and environmental issue.	See section 7 Appraisal part O
203.	Chief Medical Officer's Annual Report 2018 refers to air pollution as an issue to be addressed to improve the health landscape	See section 7 Appraisal part O
204.	Emissions from the incinerator re likely to be as bad as coal fired power station	See section 7 Appraisal part O
205.	ECC should be protecting Essex's air quality, not allowing incineration and	See section 7 Appraisal part O

	more lorry movements	
206.	The applicant is now applying for an amended Environmental Permit, with a stack of 85m AOD, but using more advanced technologies to improve emissions. The applicant was required as part of the last EP to use Best Available Technologies, it now appears that this was not the case, as improved technologies are now proposed.	Consideration of changes to Environmental Permit is a matter for the EA
207.	The stack is required by condition 17 not to have a visible plume. The applicant's data shows that based on 2010 data the plume would be visible for 549 hours a year.	See section 7 Appraisal part M and O
208.	At the Community Event information was provided of sensitive receptors which were considered as part of the Air Quality Assessment, the information did now show what levels of emissions would be experienced at each receptor.	The information presented was only part of that submitted with the planning application full details are available on ECCs planning application website.
209.	The NPPF at Para 107e states that planning authorities "should contribute to and enhance the natural and local environment by: ... e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; ..."	See section 7 Appraisal
210.	ECC must consider recent empirical data on small particulates and air quality and their impact upon public health in accordance with Para 170e NPPF	See Appraisal section 7 part O
211.	It was stated at the Community Events that the approx. 200, 000 tonnes of ash would be used as aggregate.	Bottom ash can be reprocessed and used as secondary aggregate. No ash processing facility is proposed as part of the IWMP, bottom ash would need to be exported. Fly ash is also generated; this is hazardous waste and would need to be disposed to a suitably permitted

		facility.
212.	210,000tpa of ash would be generated, increasing the amount of waste to disposed of in Essex and no facilities to deal with this ash within Essex	See above. Depending on the source of the waste, some of the ash would be generated from Essex Waste
213.	Power generation from incineration generates more CO2 than coal, oil or gas powered generation	See section 7 Appraisal part AA
214.	The previous Environmental Permit application was on the basis of Best Available Technique. The new Environmental Permit application includes additional technologies that improve emissions. Is this was available with the higher stack what was it not proposed to ensure all BAT were being used	The acceptability of emissions controls is a matter for the Environment Agency.
215.	<p>Emissions from the facility would amount to 210,000 woodstoves</p>  <p>The infographic shows that 1 eco-certified wood stove emits as much particulate matter as 18 newer diesel passenger cars or 6 modern heavy goods vehicles. A wood stove is rated at 3.1 gms/hour of particulate matter, while a newer diesel car is rated at 0.17 gms/hour and a modern heavy goods vehicle is rated at 0.5 gms/hour. The infographic also includes a quote from the Air Quality Expert Group (AQU) in 2017: 'Even a perfectly-run, certified wood stove emits far more harmful fine particulates per hour than many diesel vehicles'. A note at the bottom states: 'A wood stove would never pass vehicle emission standards (and in real world use they are known to emit far more than their rating). Yet we allow them to run for hours on end, right where we live, play and go to school.' The Breathe Clean Air Comes Valley logo and website are also present.</p>	The acceptability of emissions controls is a matter for the Environment Agency.
216.	<p>Emissions from the facility would be similar to outputs from a coal fired power station</p>  <p>The bar chart compares emissions of Drax (blue bars) and Sheffield (red bars) across seven pollutants: NOx, CO, SO2, PM, Hg, Cd, and As. The y-axis is on a logarithmic scale from 0.1 to 10,000,000. Drax emissions are generally higher than Sheffield's for most pollutants, particularly for NOx, CO, and SO2.</p>	The acceptability of emissions controls is a matter for the Environment Agency.
	Stack cladding	
217.	Due to recent failing of claddings, there should be a thorough assessment of the materials to be used and a fire prevention	The development would be subject to building control regulations

	plan should be in place before planning permission is granted	
218.	The use of the mirror cladding is contrary to Landscape Character Assessments guidance which suggests “ <i>Conserve and promote the use of building materials, which are in keeping with local vernacular/landscape character.</i> ”	See section 7 Appraisal parts M and N
	Landscape & Visual	
219.	A higher stack will become the most visible feature in the surrounding area which is largely flat and with little coverage	See section 7 Appraisal part M and N
220.	The chimney stack will be a really big bolt on the countryside landscape.	See section 7 Appraisal part M and N
221.	The landscape and visual impact assessment (LVIA) is flawed and should be dismissed	See section 7 Appraisal part M and N
222.	A full LVIA should be submitted not an addendum to the original.	See section 7 Appraisal part M and N
223.	The LVIA is not considered to have been carried out in accordance with Guidelines for LVIA 2013 by the Landscape Institute	See section 7 Appraisal part M and N
224.	Wrong to say the area is industrial in character, the mineral workings are only temporary in nature	See section 7 Appraisal part M and N
225.	Within 1 km of the site only 1.59% of the land could be considered to be industrial, therefore it is wrong to describe the area as industrial. The photographs included in the LVIA confirm its rural nature.	See section 7 Appraisal part M and N
226.	The methodology and representative viewpoints have not agreed with ECC in advance of the preparation of the LVIA in accordance with GLVI3 2013. Nothing in the documentation suggests this has been done	See section 7 Appraisal part M and N
227.	The LVIA does not consider views from the Essex Way near Wright’s or Curd’s Hall Farm	See section 7 Appraisal part M and N
228.	The LVIA fails to consider the effect of the stack on the setting of two ancient woodlands Storey’s Wood and Link’s Wood, although they were referred to in the Scoping Opinion decision.	It is not considered that the value of these ancient woodland arises from their setting.
229.	The LVIA does not consider the nearby heritage assets, their significance and the impact of the proposals. States there will be no change even on Woodhouse Farm	A separate Heritage Assessment formed part of the Environmental Statement and assessed the impact of the

		proposals on Heritage Assets including Woodhouse Farm.
230.	The LVIA only considers a limit number of viewpoints, despite the significant increase in height.	See section 7 Appraisal part M and N
231.	The LVIA while providing photographs of viewpoints does not assess the visual and landscape impact at these viewpoints.	See section 7 Appraisal part M and N
232.	There is no detail to explain the methods used to produce photomontages in the LVIA, such as location, viewpoint, and direction of the photograph, camera type, and direction of view.	See section 7 Appraisal part M and N
233.	The photos in the LVIA are small and pixelated making interpretation difficult.	See section 7 Appraisal part M and N
234.	The LVIA does not consider key views from PRoW and local roads.	See section 7 Appraisal part M and N
235.	The LVIA does not consider views from West Coggeshall	See section 7 Appraisal part m and N
236.	The application states that you will not see smoke from the stack, but this is untrue at the supporting documents state that at times the plume will be visible.	See section 7 Appraisal part I, M, N, and O
237.	The plume will be visible for a significant proportion of the year, contrary to the planning conditions	See section 7 Appraisal part I
238.	The WPA cannot make a valid assessment of the visual and landscape impact on a flawed LVIA	See section 7 Appraisal part M and N
239.	The data on mixing ratios and percentage for water vapour in the application do not correlate revealing in excess of 20% water vapour in the plume, such that there will be significant periods of visibility contrary to conditions	See section 7 Appraisal part I
240.	The proposals to clad the building in mirrors to reflect the surrounding landscape in the day and 'blend in' will have the opposite effect at night and instead become a beacon and increase light pollution	See section 7 Appraisal part M and N
241.	The increased stack height will have an adverse impact on the rural landscape and an increased industrialising effect	See section 7 Appraisal parts M and N
242.	Stack will be the most visible feature in the surrounding area which is largely flat and open	See section 7 Appraisal parts M and N
243.	A 10km radius should be used for	See section 7 Appraisal parts M

	consideration of visual impacts.	and N
244.	The facility will discourage visitors to historic Coggeshall and its attraction including the Vineyard	The location of a waste management at the site was considered and accepted as part of the WLP, which was subject to examination in public.
245.	The Vineyard in West Street has been restricted in its development due to environmental concerns, the IWMF would be visible from several locations with Coggeshall.	See section 7 Appraisal parts M and N
246.	The stack will be a considerable blot on the rural Essex countryside.	See section 7 Appraisal parts M and N
247.	An illumination/visual impact study should accommodate night time and take into consideration a naturally dark (and becoming rarer) landscape	See section 7 Appraisal parts L, M and Q
248.	The Dutch Nursery site has been identified in the emerging Braintree Local Plan for "Comprehensive Development". In considering development on this site the developers have been required to consider the frontage onto West Street frontage which is elevated and forms the western access into Coggeshall and is lined by a number of Listed Buildings. Redevelopment of the site is also required to consider the setting in landscape, visual and heritage impact terms. This development is not supported by adequate similar assessment.	See section 7 Appraisal parts M and N
249.	Any revised LVIA should consider views from West Street and the visual impact upon Coggeshall.	See section 7 Appraisal parts M and N
250.	If a revised LVIA is submitted it should be subject to further consultation	Consultation & notification was provided with respect to the Addendum LVIA
251.	Comparison of the stack with a pylon is not appropriate a pylon is an open structure and is visible from miles away, the stack will be solid in nature and higher with a plume and would be very visible.	See section 7 Appraisal parts M and N
252.	The stack will detract from the local area, reducing tourism and businesses, mental health and wellbeing of residents	See section 7 Appraisal
253.	Will detract from Coggeshall & Blackwater Valley which has historical and natural interest and attracts visitors supporting local economy	See section 7 Appraisal

254.	The stack will reflect the sun, increasing its visibility as seen from distance, or artificial light at night from the plant	See section 7 Appraisal parts M, N and Q
255.	Negative impact upon the tranquillity of the area, caused by air quality, light and sound pollution.	See section 7 Appraisal parts M, N, O, Q and R
256.	The stack will be prominent in the landscape and symbol of industrialisation	See section 7 Appraisal parts M and N
257.	Despite resubmission of the LVIA there are still omissions, it has not been prepared in accordance with the guidelines, mineral working are not generally considered to be “industrial landscape” as they are temporary, many receptors are considered not to have been considered. The conclusion that the impact is unchanged despite an extra 23m of stack is inconceivable.	See section 7 Appraisal parts M and N.
258.	No visual assessment has been provided on the impact when viewed from the Essex Way, and more distant footpaths including Coggeshall 17 and 18	No specific assessment has been made from the Essex Way or from Coggeshall FP 17 and 18 which lie to the north west of Coggeshall. While the ZTV would indicate there may be views, at a distance, however, viewpoints in closer proximity to the stack north east of the site eg from Cut Hedge Lane have been assessed. With respect to north west of Coggeshall assessment has been carried out from near Holfield Grange
259.	The LVIA accompanying the application provides insufficient detail to enable a comprehensive and robust judgement to be made regarding the effects of the proposed development on landscape character and visual amenity	See section 7 Appraisal parts M and N
260.	Viewpoint 7 allows a comparison of the stack (58m) with the Marconi Tower (47m), at this point the 2 structures are equidistant from the viewpoint, but in the montage the two structures appear the same height.	The distance between the viewpoint and the 2 towers is similar but different and therefore there difference in height cannot be directly compared.
261.	The stack is stated to be not dissimilar than the existing Sheepcotes Communications tower, but this is 47m, 11m shorter and is an open lattice structure. A better comparison would have been Nelsons Column 10% lower	See section 7 Appraisal parts M and N

	and 20% slimmer.	
262.	The glint & glare assessment shows that the taller stack nearly doubles the average period of glare	See section 7 Appraisal parts M and N
263.	The conclusion of the glint and glare that the increase in stack height would not give rise to increase the impacts, is not relevant, consideration should have been given for the whole stack.	See section 7 Appraisal parts M and N
264.	The landscaping proposals include Ash which re now subject to Ash die back	Ash has now been removed from the planting pallet.
265.	Description and assessment of the landscape and visual impacts in the Addendum LVIA is considered brief	See section 7 Appraisal parts M and N
266.	Consider the Addendum LVIA has not been prepared in accordance with the current recognised best practice guidelines 2013.	See section 7 Appraisal parts M and N
267.	Baseline landscape character assessment is described as industrial, due to the quarrying activities. Quarrying is temporary and the restored landscape would be far more sensitive to inappropriate change.	See section 7 Appraisal parts M and N
268.	The landscape character is described by the applicant as industrial. If a 1km radius is taken from the site the total area of land in industrial use is 5ha 1.59% of the land around the site is therefore industrial. Hard to conclude that the landscape is an industrial landscape.	See section 7 Appraisal parts M and N
269.	The Zone of Theoretical Visibility (ZTV) has been relied upon too heavily. It is essential that site surveys are undertaken to provide an accurate baseline assessment of visibility.	See section 7 Appraisal parts M and N
270.	The ZTV is inaccurate and has been relied upon in the LVIA and Heritage Assessment and therefore these assessments are based on inaccurate information.	See section 7 Appraisal parts M and N
271.	Addendum LVIA is considered to not include a number of important visual receptors, including properties to the north, within Coggeshall and from public rights of way, including the Essex Way.	See section 7 Appraisal parts M and N
272.	Consider visual impacts in Addendum LVIA to have been underestimated, likely to be moderate significance.	See section 7 Appraisal parts M and N

273.	The LVIA does not properly consider the Landscape Character Assessment 2006. For the Character Area B18 – Silver End Farmland Plateau, where new development or take on board the landscape guidelines which suggest <i>“Ensure that new build is in keeping with landscape character. Conserve and enhance the landscape setting of settlements. Maintain characteristic open views across the farmland. Ensure any new development within the farmland is small-scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles.”</i>	See section 7 Appraisal parts M and N
274.	The plume is likely to be visible, contrary to condition 17, during temperatures of -4 degrees C	See section 7 Appraisal part I
275.	If the plume is visible the increased stack height would exacerbate the visual impact of the stack, which has not been considered	See section 7 Appraisal part I
276.	The proposed method of plume abatement by means of selective reheating places undue confidence in the accuracy of the ADMS model, there has been insufficient testing of the model to give certainty. Alternative methods of abatement should have been considered. No cost benefit analysis has been undertaken.	See section 7 Appraisal part I
277.	The applicant’s predictions indicate 3.5% of the time a plume would be visible far from the no visible plume required by condition 17.	See section 7 Appraisal part I
278.	The VIA has not properly considered the impact on residential properties, particularly that living spaces may be not be on the ground floor.	See section 7 Appraisal parts M and N
279.	The local landscape would be blighted by the plant. The plant would be out of proportion and scale to the surroundings	See section 7 Appraisal parts M and N
280.	The proposed 58m stack would double the height of the recently refused Waterbeach Incinerator.	The stack proposed at Waterbeach was 80m high, such that the Rivenhall stack would be in fact shorter.
281.	The stack will be a blot on the rural	See section 7 Appraisal parts M

	landscape	and N
282.	Consider the additional height will be intrusive from miles around and that it is not necessary that there are improved technologies to treat emissions such that the stack could be shorter.	See section 7 Appraisal parts M and N
283.	Consider the LVIA undertaken by Hutchinson Duckett is not a balanced and impartial assessment of the impact of the proposal as required by the Guidelines for Landscape and Visual Impact Assessments in that it is highly selective in its use of quotations from the Landscape Character Assessments 2006	See section 7 Appraisal parts M and N
284.	Question the validity of the ZTV, as it shows areas where the stack would be theoretically possible where in fact they physically could not be possible and thus brings into question its accuracy.	The ZTV drawings were used as a tool to assist in the identification of potential visual receptors, which was then verified by field observations undertaken as part of the LVIA. The ZTV drawings are not used in the assessment of landscape or visual effects; they are only used to identify where potential views may theoretically be possible and to aid further site work.
285.	The LVIA states that the screening of the stack will improve as planting matures and reaches 15m to 20m high. Much of the planting has already take place as part of the quarry restoration and therefore it is not considered this would be the case.	See Appraisal Section 7 part M and N. It should be noted not all screen planting associated with the IWMF has been undertaken.
286.	Hankinson Duckett Associates LVIA fails to acknowledge in the text of their report the key fact that in many instances hedgerows will obscure the view of a 35m ASGL stack but that a 58m ASGL stack would still be highly visible	See section 7 Appraisal parts M and N
287.	The ZTV is considered to be flawed and used to underpin many of the assessments, landscape, visual, heritage, glint and glare	See section 7 Appraisal parts M and N
288.	The stack would be 190ft (58m) tall, there is nothing similar in the landscape and will have a significant impact in the predominantly flat landscape.	See section 7 Appraisal parts M and N
289.	On the public exhibition boards the following statement was presented	The WPA agrees that the information presented was

	<p><i>“The existing IWMF planning permission established the principle of the stack within the landscape. In line with Essex County Council’s original decision of the 26 February 2016 to grant planning permission ESS/34/15/BTE, the landscape and visual impacts resulting from the proposed 23m increase in the 7m diameter stack to a facility with a total operational footprint of 5.64ha within the footprint of a former quarry are not significant: “The low levels of visual impact arising from such a large-scale proposal confirm that this site is ideally suited to the proposed use.”</i></p> <p>This information is misleading and implies ECC were considering the change in height in 2016 and that ECC considered there were no impacts, but the quote was from the Planning Inspectors report of 2010.</p>	<p>confusing. Application ESS/34/15/BTE included approval of the details of the materials to clad the stack. There was no change in height as part of that application. The Committee Report for ESS/34/15/BTE referred to a quote from the Planning Inspector with respect to the visual impact of the IWMF as originally proposed.</p>
	Heritage	
290.	Historic England has stated ECC should seek specialist advice.	County’s Historic advisor has been consulted
291.	There is no adequate heritage Statement submitted with the application in accordance with the requirements of the NPPF & S 66 of the 1990 Act.	A Heritage Statement is included in the ES
292.	Consideration of the heritage impacts must follow the steps set out in the NPPF and S66 of the 1990 Act	See section 7 Appraisal part N
293.	The stack at 58m high will have a negative visual impact on the surrounding landscape and on the landscape settings of the Conservation areas of Silver End and Coggeshall.	See section 7 Appraisal parts M and N
294.	Coggeshall Conservation Area is renowned example of medieval street pattern and has many listed buildings (approx. 200) from that period, including Grange Barn and Paycockes (both Grade I, NT attractions), The Abbey, Highfields and St Peter’s Church. A recent development was refused on appeal due to the negative impact on the landscape setting of the historic village and listed buildings. A 58m stack would be clearly visible on the ridge above Coggeshall	See section 7 Appraisal part N

	having a significant impact upon and devaluing the historic setting of the medieval settlement and associated buildings of national importance.	
295.	Visual impact should consider impact on heritage assets. The zone of visual impact should be overlain with the heritage assets in that zone to assess the impact.	The plan showing the Zone of Theoretical Visibility did identify heritage assets,
296.	Silver End is a fine example of a planned garden village following the principles of the Garden City movement. Silver End is in a rural setting on a flat topped ridge between the valleys of the River Brain & Blackwater, it is raised above surrounding landscape with views over it. Character areas numbers 4 and 9 would have clear views of the stack. The stack and its associated buildings would have a negative impact upon the landscape setting of whole settlement and CA disrupting the historical site of the Rivenhall Airfield, the remaining medieval field pattern and ancient woodland. This is contrary to the aims of the NPPF.	See section 7 Appraisal part and N
297.	The increased stack will have a harmful effect on the setting and significance of the heritage assets in the area and this harm is not outweighed by the public benefits derived from the development. ECC must attribute great weight to this impact and refuse permission.	See section 7 Appraisal part N
298.	The chemical fallout will damage many historical buildings which are located in and around Coggeshall a town first recorded in the Domesday book.	The impact upon the environment was considered by the EA in considering the Environmental Permit application
299.	The increased stack will have a negative impact upon the Listed Building Woodhouse Farm	See appraisal
300.	Do not consider the Heritage Statement has properly considered the impact on Listed Buildings near Goslings Farm, which includes first floor living spaces	See section 7 Appraisal part N
301.	The proposed stack would visible over a wide geographical area overshadowing the medieval villages for which the area is famous.	See section 7 Appraisal parts M and N
302.	The village of Coggeshall has 239 Listed Buildings including 5 Grade I listings,	See appraisal. The theoretical ZTV indicates

	including Grange Barn (NT tithe barn) and the stack would be visible from the Barn.	that the stack would not be visible from the Grange Barn.
	Traffic & Highways	
303.	IWMF will result in 400 additional lorry movements a day on the A120 on the already congested road, and the new A120 has no approved route or timetable for completion.	See section 7 Appraisal part P
304.	There are no up to date figures on vehicle numbers on the A120 or estimates of future HGV movements.	See section 7 Appraisal part P
305.	The traffic assessment is from 2010 and should be re-assessed and the original body responsible for highways re-engaged.	See section 7 Appraisal part P
306.	A decision on the facility should be postponed until the route of the new A120 is known.	See section 7 Appraisal part P
307.	The Highways Agency need to be re-engaged and a new traffic assessment undertaken based on current traffic data.	See section 7 Appraisal part P
308.	The facility should be located nearer to the A12, as the A120 is not a dual carriageway and could not cope with the traffic.	See section 7 Appraisal part P
309.	HGVs will use minor roads to access the site and will cause delays in Rivenhall, Silver End, Cressing & Witham	HGV access is only permitted via the existing A120 access and funds have been secured through the legal agreement for signage should HGVs be found to not be using the appropriate routes
310.	Concern HGVs will use rural lanes if A120 is congested HGVs	See above
311.	The additional traffic will make the A12 and A120 even busier which are already dangerous and over congested	See section 7 Appraisal part P
312.	The assessments need to take account of the proposed routes for the A120.	See section 7 Appraisal part P
313.	The previous removal of conditions with respect to source of materials means that HGV journeys could be longer, with consequential increased CO2 emissions.	No change is proposed to HGV movements as part of this application.
314.	If A120 progressed a publicly funded junction will be provided for the IWMF – as tax payers we find this objectionable	If option Dis taken forward by Highways England (HE), it is likely there would be a junction for Bradwell Quarry/Rivenhall IWMF. The junctions would be

		provided as part of the road scheme but connection to the quarry/waste facility would be at the developers' expense.
315.	Understood Gent Fairhead would part fund A120 new route	Gent Fairhead are not required/or have offered to part fund A120. They were be required to pay for connection to any junction as explained above if Route D were progressed by HE
316.	It was stated at the Community Events there would be only 200 lorry loads/movement, but it is known there would be in excess of 400 lorry loads/movements	There is no change to the number of permitted HGV movements. The facility is permitted such that there may be up to 404 HGV movements a day (202 in 202 out)
317.	It was stated at the Community Event that waste vehicle were already passing through Essex on the A120, such that there would be no additional HGV movements on the A120.	It is known that waste is exported to Europe which could be via ports within Essex and Suffolk, such that HGVs transporting this waste could be passing through Essex and potentially using the A120. No firm data is known.
	Ecology	
318.	The EIA is required to consider ecological impacts not just impacts on protected species. The NPPF sets out impacts on the Natural Environment are a material consideration.	See section 7 Appraisal part S
319.	Has the necessary Habitats Regulations 2017 Appropriate Assessment been carried out in light of recent policy from Natural England?	See section 7 Appraisal part S
320.	An additional wildlife study should be carried out based on the increased stack height, especially migratory birds including, but not limited to Geese and Swallows	See section 7 Appraisal part S
321.	Insufficient information on ecology and protected species has been provided	The original and subsequent planning applications for the IWMF have been supported by ecological assessments. No objections have been raised by Natural England, Essex Wildlife Trust or the County's ecological consultant
322.	The extraction and discharge of water	The abstraction and discharge

	into the River Blackwater will devastate the ecology of the river	of water from the River Blackwater is administered by the Environment Agency. No discharge is permitted to the River Blackwater. There is an existing Abstraction licence issued by the Environment Agency to abstract water from the River Blackwater.
323.	Insufficient consideration has been given to the impact of pollution/acid rain upon ecology including the Ancient Woodlands, flora and fauna including bees and other insects and river water	The EA in consideration of the EP considered the environmental impact of the changes to air quality.
324.	The IWMF will impact river water quality and thus upon river ecology, including otters, kingfishers, trout.	See section 7 Appraisal part Sand T.
325.	In a period of ecological crisis, we should not be making the problem worse, by reducing air quality	See section 7 Appraisal part S
326.	There are beehives within Coggeshall producing award winning honey, the pollutants have potential to impact upon these bees and the honey they produce.	See section 7 Appraisal part S
327.	Marks Hall Estate is an arboretum approx. 5km from the site and a local wildlife site and includes areas of ancient woodland.. It is considered the impacts of the increased stack height and likely dispersed emissions have not been adequately assessed as part of the EIA.	The EIA has considered the potential impact on ecology including CWS sites in closer proximity to the Marks Hall arboretum and concluded there would not be significant impact. The impact of emissions is also considered as part of the EP process by the EA.
328.	Why has ECC allowed TPO trees to be cut down and bat habitats destroyed.	The loss of an area of TPO Woodland was considered in the balance of issues when the original RCF was determined by the Inspector in 2009/10. Subject to mitigation the impacts on bat habitats was not considered significant.
	Water usage	
329.	The SoS decision in 2010 refers to water use from outside the site would be “minimal”; this does not appear to be the case now.	See section 7 Appraisal part T
330.	There remains uncertainty as to whether a discharge licence will be applied for and concern that there will be further changes	See section 7 Appraisal part S

	to the proposed water management	
331.	Information as to water flow analysis is unclear, and should be provided for winter and summer periods	This is matter for the EA
332.	It is not clear who would monitor water usage and take action if limits are exceeded.	This is a matter for the EA
333.	The abstraction and discharge of water is a risk to local water resources	This is a matter for the EA
334.	There remains uncertainty with respect to water management, smaller temporary lagoons are proposed to allow management of water during the construction of the main lagoon and this leads to uncertainty whether there would be need for greater abstraction or need for discharge.	See section 7 Appraisal part T
335.	Concern that the required abstraction from the River Blackwater would impact upon the health of the river.	An abstraction licence is already in place administered by the EA. The Abstraction Licence is subject to restrictions to ensure abstraction does not impact adversely upon flows within the river.
	Other	
336.	The site lies on the watershed of the rivers Brain and Blackwater and water will percolate through ground water to affect the rivers water quality	The control of water quality is a matter for the Environmental Permit. All water arising within the IWMPF will be managed within the IWMPF, there is a water treatment facility as part of the IWMPF
337.	There have been devastating reports in Northern Ireland as to the long-term benefit and financial feasibility of Anaerobic Digestion Facilities.	Noted
338.	There is no consideration of the potential Silver End Garden Suburb being considered by Braintree District Council.	This proposal is at pre-application/pre-local plan allocation stage and therefore not required to be considered. If progressed the application/EIA for the Garden Suburb would need to take account of any IWMPF permission.
339.	If this facility goes ahead it will decrease property prices, who will compensate?	The impact of planning permission on surrounding properties prices is not a land

		use planning issue and there is no recourse for compensation.
	Applicants financial situation	
340.	Indications are that the applicant has insufficient funds to develop the facility.	See section 7 Appraisal part D
341.	Publicly available evidence demonstrates the applicant does not appear to have sufficient funds to develop the facility, thus there are significant long –term risks to ECC in permitting this facility.	See section 7 Appraisal part D
342.	If the developer became insolvent the risk would fall back on the procuring authority.	See section 7 Appraisal part D
343.	Stack height costs and the subsequent BAT versus cost analysis is distorted as these costs do not include the base construction costs jeopardising the financial viability and funding of the project	See section 7 Appraisal part D
344.	Financial viability is low as a result of the withdrawal of funding.	See section 7 Appraisal part D
345.	Consider the WPA should assess whether the applicant has adequate finance to start and complete the development as material consideration in the determination.	See section 7 Appraisal part D
346.	ECC therefore run the risk of making a very expensive financial mistake in using public money to build an incinerator at great cost, whilst the levels of waste it is designed to burn increasingly diminishes.	See section 7 Appraisal part B and D
347.	The stack height costs and the subsequent BAT verses cost analysis is distorted as these costs do not include the base construction costs jeopardising the financial viability and funding of the project	The BAT assessment is part of the consideration of the EP by the EA and not a planning matter. Also see section 7 Appraisal part D
348.	The applicant states that the reason for proceeding is large investment that has already been made by the applicant. This is no reason to continue.	The commercial investment by the applicant is not a material planning consideration.
349.	No business case has been presented of the future sustainability of this facility. No detail as to where the business will come from, no projected P & L account or balance sheet. ECC must possess this information.	Financial viability is not a planning issue. This is merchant facility i.e. there are no existing contracts with ECC as Waste Disposal Authority.

DR/05/16

committee DEVELOPMENT & REGULATION

date 26 February 2016

MINERALS AND WASTE

Proposal: **Variation of condition 2 (application drawings) of planning permission ESS/55/14/BTE to allow amended layout of the Integrated Waste Management Facility. The 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. And approval of details required by condition (the details taking account of the proposed amended drawings), the conditions sought to be discharged are as follows: 6 (access road, cross over points), 13 Signage, Telecommunications & Lighting at Woodhouse Farm complex, 14 Stack design and finishes, 17 (management plan for the CHP), 18 (green roof), 20 (construction compounds, parking of vehicles), 22 (foul water management), 23 (surface water drainage and ground water management), 24, (groundwater monitoring), 37 (signs on access road at footpath crossings), 43 (lighting scheme during construction), 45 (phasing scheme for access road, retaining wall and mineral extraction), 50 (fencing – temporary and permanent), 53 (ecological survey update), 54 (Habitat Management Plan update), 57 (landscaping – bunding & planting), 59 (trees, shrubs and hedgerows – retention and protection), 60 (tree management and watering adjacent to retaining wall), 61 (Woodhouse Farm parking and landscaping), 62 (traffic calming measures at River Blackwater for otters and voles) and 63 (access road crossing points – lining and signing)**

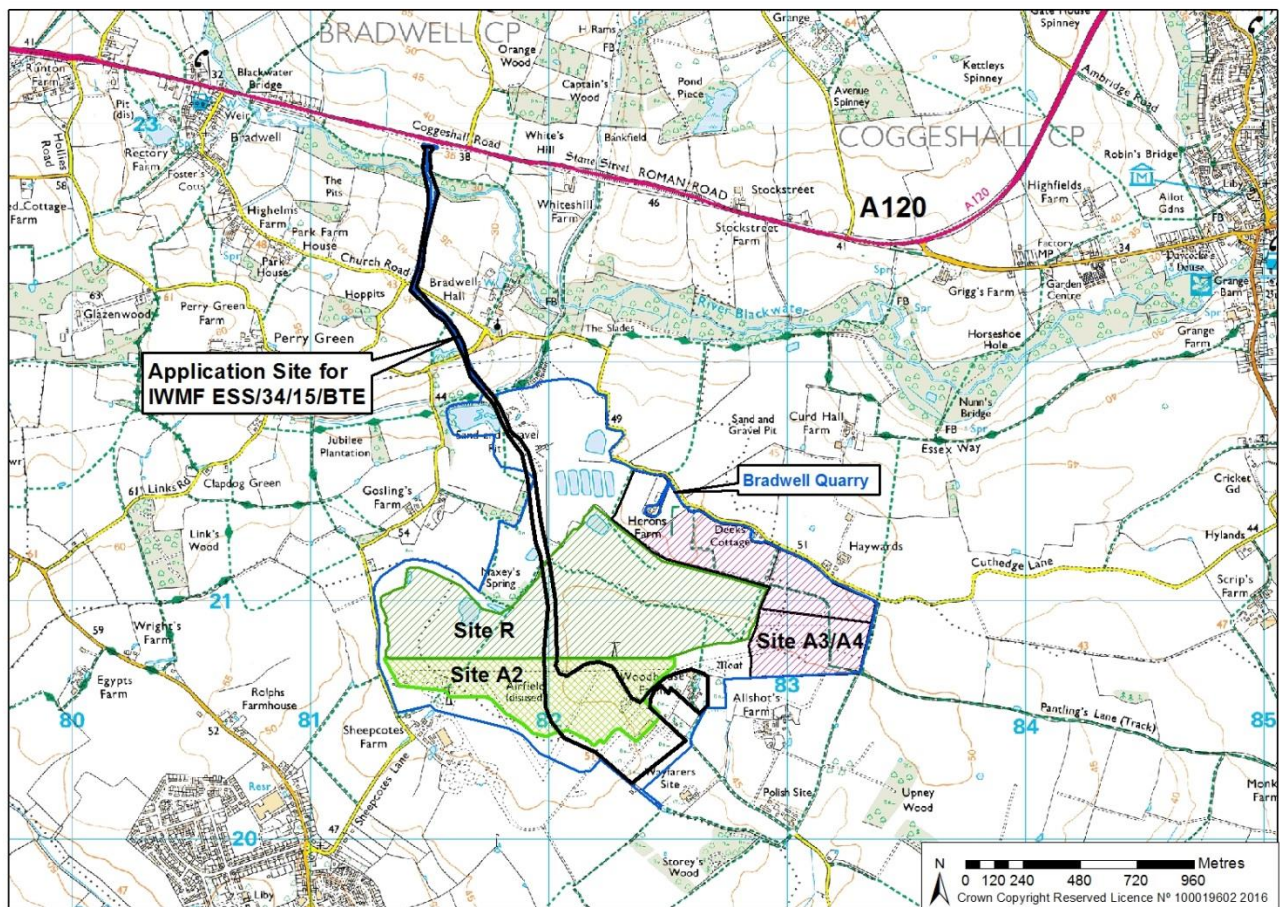
Location: **Land at Rivenhall Airfield, Coggeshall Road (A120), Braintree CO5 9DF**Ref: **ESS/34/15/BTE**Applicant: **Gent Fairhead & Co. Limited**

Report by Director of Operations: Environment and Economy

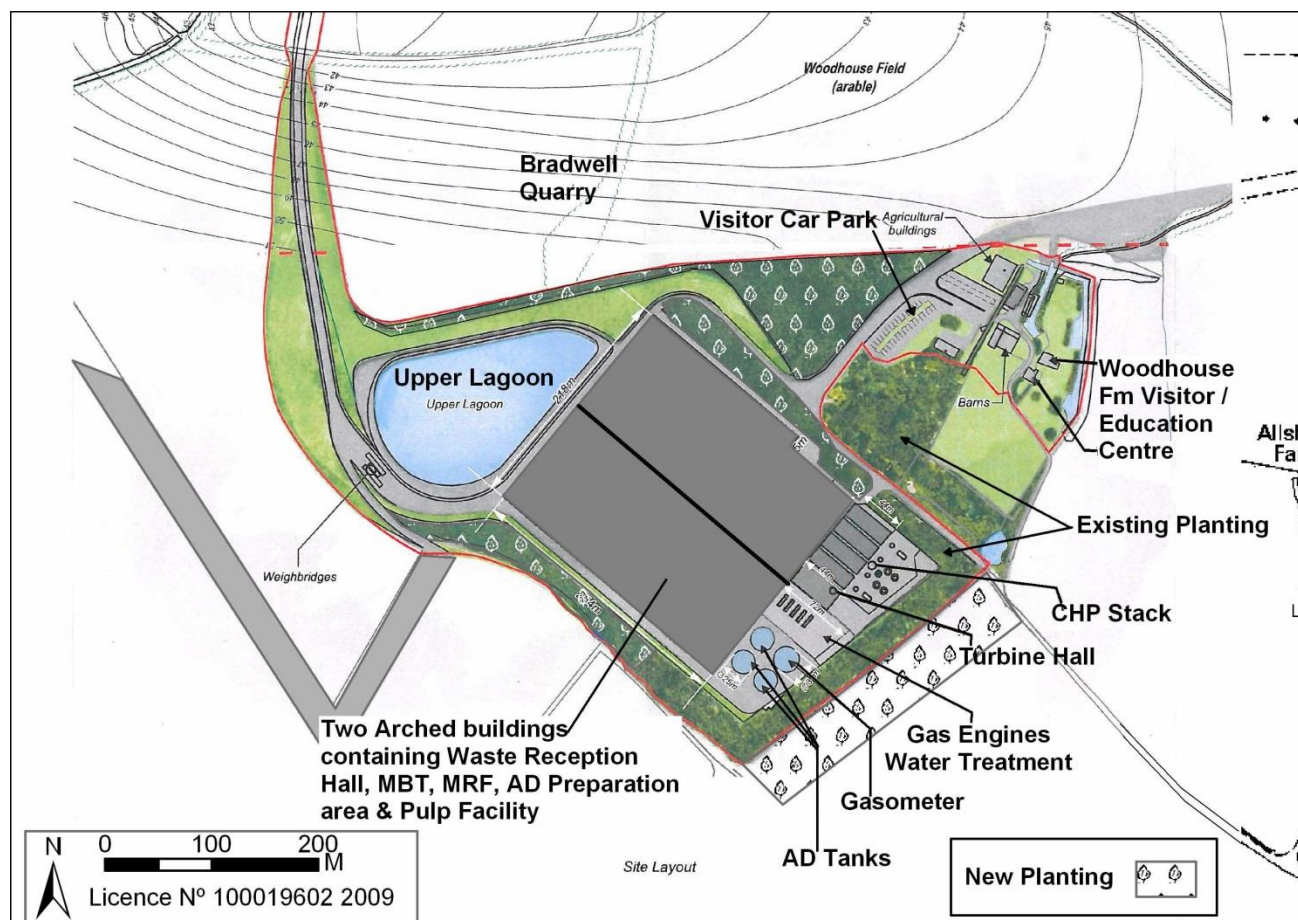
Enquiries to: Claire Tomalin Tel: 03330 136821

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

Location plan



Permitted layout of ESS/37/08/BTE



Proposed Layout ESS/34/15/BTE – internal layout of the building only indicative



1. BACKGROUND

In 2006 a planning application (ESS/38/06/BTE) was made for a Recycling & Composting facility (RCF) at Rivenhall airfield. The proposal included a two arch building sunk below natural ground levels following mineral extraction. The application included a Materials Recycling Facility, Mechanical Biological Treatment facility and Anaerobic digestion. The planning permission was issued in 2009, but expired in 2014.

In August 2008 a further planning application (ESS/37/08/BTE) was made for the evolution to the Recycling & Composting Facility (the eRCF, now known as the Integrated Waste Management Facility (IWMF)) at Rivenhall airfield. This application included the same elements as the 2006 application but extended the facility to include a Combined Heat Power plant and de-ink paper pulp facility but remained on the same footprint as the RCF. The application was “called-in” for determination by the Secretary of State (SoS). The Committee nonetheless considered the application in April 2009 and it was resolved 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 (SoS) issued the Inspector’s report and decision on 2 March 2010, granting planning permission subject to conditions and a legal agreement. The Inspectors Report and SoS decision letter from 2010 are attached at Appendix H & I

To date the planning permission issued by the S-o-S has not been implemented.

The permitted IWMF scheme is a waste facility permitted to receive Local Authority Collected Waste (LACW) and/or Commercial and Industrial (C& I) waste. The permitted IWMF consists of a two-arched roofed building set partly below ground level. Some plant would be located to the rear of the building, but would be no higher than the height of the building except for a stack limited to 85m Above Ordnance Datum (or 35m above natural surrounding ground levels).

The permitted IWMF includes an

- Anaerobic Digestion (AD) facility treating food and green waste generating biogas for production of electricity on site and generating a compost like output.
- Materials Recycling facility (MRF) which would sort through waste recovering recyclables such as paper, card, plastics and metal. Recyclables, except some paper would be exported from the site for reprocessing.
- Mechanical Biological Treatment (MBT) facility, treating waste by mechanical treatment e.g. shredding and then biological treatment using air and moisture to bio-stabilise the waste, the output being a Refuse Derived Fuel (RDF)
- Combined Heat and Power (CHP) plant, using the RDF generated on site and some imported to RDF/Solid Recovered Fuel (SRF) to generate heat, steam and electricity to be used on site. Some electricity would be exported

- to the National Grid.
- De-Ink Paper pulp plant would reprocess waste paper imported to the site, as well as any suitable paper recovered by the MRF and would utilise, heat, steam and power generated by the CHP. Paper pulp board would be exported from the site

The IWMF planning permission also included the extraction of 750,000 tonnes of sand and gravel, as well as clays and overburden, to enable the building and plant to be partly below natural ground levels. In 2011 a planning application (ESS/32/11/BTE – site A2) was made for the extraction of sand and gravel within the area known as site A2 and included the site of the IWMF. Planning permission was granted in February 2013 which gave consent to extract the majority of the mineral permitted to be removed as part of the IWMF. There remains 100,000 tonnes of sand and gravel to be extracted below Tree Preservation Order (TPO) woodland within the site of IWMF. Site A2 has now been worked for sand and gravel, the airfield hangar removed and the area under restoration. The site for the IWMF is permitted to be restored to a bowl under the mineral permission and is required to be restored independently to this if the IWMF permission was not implemented.

In October 2014 the Committee considered a planning application (ESS/41/14/BTE) to amend the original planning permission for the IWMF to allow an extension of time of 2 years to the period for implementation of the planning permission. Planning permission was granted for a one year extension of time in December 2014 such that the permission is required to be implemented by 2 March 2016. The applicant has appealed (PINS Ref APP/Z1585/W/15/3053088) decision, seeking to obtain the additional year until 2 March 2017 and a decision is awaited from the Planning Inspectorate.

A further planning application (ESS/55/14/BTE) was made in December 2014 and considered by the Committee in February 2015, which sought to delete two condition such that the imported RDF/SRF to be utilised in the CHP facility and paper and card to be processed within the paper pulp facility could be sourced without constraint as to its geographical source i.e. outside of Essex & Southend. The application was granted and the conditions deleted. The most recent permission for the IWMF is therefore ESS/55/14/BTE. A copy of the conditions attached to ESS/55/14/BTE is set out in Appendix A.

The variation application for the IWMF seeks to vary planning permission ESS/55/14/BTE and secure discharge of some conditions.

Since the submission of the application to vary the IWMF permission a separate planning application (ESS/07/16/BTE) was made in January 2016, to allow utilisation of the overburden from the IWMF site to be used in the restoration of Bradwell Quarry, rather than as currently permitted which requires it to be exported from the site. This separate application also seeks to allow the remaining mineral within the IWMF site to be processed at Bradwell Quarry and to allow creation of a temporary water lagoon to enable the permitted New Field Lagoon to be constructed while still ensuring adequate water supply for the quarry and capacity to manage surface water. This application is currently at consultation stage, but in

the event it was unacceptable, implementation of the IWMF overburden would not be precluded as the overburden could still be exported as currently permitted.

The current application (ESS/34/15/BTE) has been supported by all of the previous submitted Environment Impact Assessment (EIA) information, and is also supported by a review of all the matters previously considered to assess whether as a result of the proposed amendments further reassessment of the environmental impacts were required. Where appropriate updates were provided.

Further information has been required to be submitted to support the current planning application.

This further EIA information was submitted to cover the following matters:

- An updated and comprehensive assessment of the environmental baseline applicable to the entirety of the proposed development.
- A cumulative Impact Assessment taking account of all reasonable foreseeable developments, including the adjacent mineral workings, the necessary connection to the National Grid, water abstraction and discharge pipework.

It should be noted that while the further information considered the environmental impact of the cabling required to connect the IWMF to the National Grid and the pipework for the water abstraction and the potential future water abstraction with discharge, the routes of the cabling and pipework do not form part of the current application.

A review of the Environmental Statement is set out in Appendix G

An Environmental Permit application for the IWMF was submitted to the Environment Agency in November 2015 and was subject of public consultation by the EA. To date an Environmental Permit remains to be issued.

NB There is a glossary of abbreviations at Appendix J.

2. SITE

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

The area for development of the IWMF lies on the southern part of the former Rivenhall airfield, now largely removed following mineral extraction as part of Bradwell Quarry. The site of the IWMF itself is located approximately 1.7km south of Coggeshall Road and includes the Grade II Listed Woodhouse Farm and its buildings and includes the 6ha area identified as a “preferred location for waste management” (WM1) in the Waste Local Plan 2001. The site also includes TPO woodland.

The site for the IWMF overlaps with Bradwell Quarry where sand and gravel extraction with low level restoration to agriculture/biodiversity/water and woodland is anticipated to be completed by 2018. However further preferred/reserved sites are allocated in the Minerals Local Plan 2014 which would extend the life of the quarry if granted. The location plan shows the extent of previous and current mineral extraction areas; Site R permitted in 2001; site A2 permitted in 2011 (which included extraction in part of the site for the IWMF); and sites A3 and A4 which were granted permission in March 2015 and extraction is now operational in this area.

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. 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, although the restored minerals workings to the north are at a lower level. There are limited elevated viewpoints from which to oversee the site, but there are some views from higher ground to the north east.

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

The permitted access route to the site would share the existing access on the A120 and the access road currently used to access Bradwell Quarry. The access route crosses the River Blackwater by two bailey style bridges and crosses Church Road and Ash Lane (a Protected Lane as defined in Braintree District Local Plan Review 2005 - BDLPR). The access road is two way from the A120 to Church Road, then single lane with passing bays between Church Road and Ash Lane and then two way south of Ash Lane. The crossing points on Church Road and Ash Lane are both single lane width only.

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

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

There are seven Grade II Listed properties in the vicinity of the site, including, Allshots Farm (400m away) and Sheepcotes Farm (470m away) located to the east

and west of the airfield respectively. To the south west Bower Hall (1.2km away) and to the south east Porter's Farm (1.3km away) and to the north west Goslings Farm (900m away), to the north east Curd Hall (1.3km away) and finally to the east of the haul road Bradwell Hall (200m away from haul road).

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

3. PROPOSAL

The current application includes 2 main elements namely:

- I. To amend the permitted plans for the IWMF (as set out in Condition 2). The main changes arising from this are a slightly reduced building size and change to the size and capacity of the different waste processes forming the IWMF.
- II. To discharge a number of the pre-commencement conditions attached to ESS/55/14/BTE. The discharge of the conditions has been submitted with the application as the details submitted take account of the changes proposed as amendments to permitted drawings approved under Condition 2.

Amendments to condition 2 of ESS/55/14/BTE

With respect to the amendment of details the application seeks to amend the drawings set out within condition 2 of the planning permission, which propose changes in the physical layout and size of the buildings and plant, and changes the changes the capacities of the various waste of the IWMF.

The changes in the proposed capacities of the different IWMF processes are set out below:

Process	Previous tpa	Proposed tpa
Materials recycling facility (MRF)	287,500	300,000
Mechanical Biological Treatment (MBT)	250,000	170,000
Anaerobic digestion (AD)	85,000	30,000
Combined Heat & Power (CHP)	360,000	595,000
De-ink paper pulp plant	360,000	170,000
Total	1,342,500	1,265,000

The total tonnage of waste and waste paper to be imported to the site is not proposed to be changed; this is controlled by condition at 853,000 tonnes per annum. Some of the waste materials delivered to the site are likely to go through more than process, thus the totals above exceed the maximum input figure. For example the waste material that would go through the MBT process would also go through the MRF (to recover recyclables) and the residue would be RDF for use in the CHP plant.

Only an indicative internal and external layout for the IWMF is provided within the application, the detail of the plant is required to be approved by condition prior to installation. The planning permission was conditioned in this way as the exact detail of the plant would not be known until completion of the Environmental Permitting process administered by the Environment Agency.

The MRF contained within the main building would consist of two process lines; one to recover recycle from the output of the MBT, giving the last opportunity to recover recyclates, the other to deal with C & I waste which had not been subject to pre-sorting prior to receipt at the IWMF. This is not dissimilar to what could happen under the original permission.

In the original proposals sludges generated by the de-ink paper plant were to be used as fuel within the CHP. However the clay materials separated from these sludges are now proposed to be exported from the site and used as soil conditioner.

Extracts from the previously approved and proposed layouts earlier in this report show the overall layout of the permitted facility and the proposed amendments. A comparison of the cross sections for both the permitted and the indicative internal layout of the main building are set out in Appendix B. All submitted drawings and supporting information can be viewed at www.essex.gov.uk/viewplanning. The physical changes to structures and buildings and the location of various elements of the IWMF are described and summarised below:

Structure	Permitted	Proposed
<u>Main facility building</u>		
Length at longest point	298m	262m
Length at shortest point	254m	224m
Width at front	218m	204m
Width at rear	203m	188m
Roof design	2 arches	Unchanged
Max height of arched roofs	60.75m AOD	Unchanged
Base height north end	35m AOD	Unchanged
Base height south end	33m & 30m AOD	35m and 30m AOD
MRF location	Within the main building	Unchanged
MBT location	Within the main building	Unchanged
Waste paper storage and marketed-inked paper pulp (MDIP) plant	Within the main building	Unchanged
<u>CHP Plant</u>		
Boiler lines	4	2
Height south section	54m AOD	60.75m AOD
Height north section	60.75m AOD	Unchanged
AD Tanks	Located to the rear of the building 63m AOD	Located within the main building with the gasometer tank to rear of main

		building height 59.6m AOD
Waste Water Treatment building	Located rear of main building below boilers 40m x 72m x 21m	Contained within main building
<u>RDF bunker</u> Location	Mainly with main building 9m AOD	Within main building 18m AOD
Base depth		
Retaining structures to void	Vertical concrete walls	Reinforced slopes (soil nailed walls)
<u>Upper Lagoon</u> Area	1.6ha	1ha
Capacity	90,000m ³	25,00m ³
New Field Lagoon (outside site) Max capacity	750,000m ³	726,000m ³
Access road around the perimeter of main building of the IWMF	Height 33 – 40m AOD	Height 35m -30m AOD

The permitted IWMF includes extending the existing access road from the mineral processing area of Bradwell Quarry to the site of the IWMF. The permitted IWMF includes improving the crossing points with Church Road and Ash Lane, such as improved surfacing, lining, signing and traffic calming. The permitted IWMF also includes making the section of existing access road between Church Road and Ash Lane, which is currently single lane with passing places two lane, with the crossing points remaining single lane. There are no other changes to the access road as part of this application, except for some minor changes. The minor changes include a slight horizontal and vertical realignment of the access road near the IWMF itself and a change in levels of the access road that passes around the buildings and plant of the IWMF.

The application proposes modifications to the locations of doors into the main building. Originally two doors were located on the front of building, but circulation of vehicles as permitted meant that vehicle entrance and exits to the building were located on the sides of the buildings. The indicative revised internal layout for the main building proposes four doors on the front of the building as well doors on the sides of the building with vehicles utilising these front doors as part of the circulation of vehicles through and around the facility.

The permitted IWMF envisaged that the water required for the facility would be stored within Upper Lagoon (within the site north of the building) fed from New Field Lagoon (outside the site and formed as part of the mineral restoration). The Upper Lagoon would be used to collect all surface water from the facility i.e. from roofs and would be used to store water collected from the waste processes which would have been previously treated in a Waste Water Treatment Plant on site. Surface water from the surrounding agricultural land would feed New Field Lagoon and water would be extracted from New Field Lagoon as needed. It was anticipated that these supplies would supply much of the facility with water, but would be supplemented with water from an abstraction point or from mains water.

The current application has amended the water management to the facility. The size of Upper Lagoon has been reduced and New Field Lagoon is a similar size but the shape has been amended as permitted under the restoration scheme for Bradwell Quarry. In developing the detail of the facility, the paper pulp technology has been amended and a greater volume of water is required, to achieve the high quality recycled paper pulp. Thus the proposals include utilisation of an existing abstraction licence which allows abstraction of water from the River Blackwater. The licence is subject to both volume and time of year limitations as well as their needing to be a minimum flow within the river for abstraction to be permitted. The pipework and abstraction point needed to utilise this water supply do not form part of the application, but the amended/updated Environmental Statement (ES) considers the Environmental Impacts of the likely route of the pipework. The capacity within Upper Lagoon and New Field Lagoon would enable water to be abstracted and stored such that should there be periods of drought, there would still be adequate water to supply the facility. Water would be treated on site such that water would be recirculated through the lagoons with no need for a discharge from the facility.

The CHP, when initially proposed as part of the planning application envisaged 4 boiler lines at 90,000tpa (total 360,000tpa). The evidence submitted at the Public Inquiry envisaged 3 lines and this has now been reduced to 2 and the footprint of the CHP reduced from 12,200m² to 11,200m².

The amount of electricity to be generated at the facility has changed due to the change in size of capacities, in particular the capacity of the CHP. Under the permitted scheme the combined output of the AD and CHP facility was 36-43 MW. About half the power would have been used on site such that it was anticipated that 21MW could have been exported to the National Grid. The combined electrical output of the AD and CHP under the amended proposals would be approximately 50MW, the majority produced by the CHP. Power would be used on site such that approximately 28MW would be available for export to the National Grid, an increase of 9MW.

In order to export electricity to the National Grid there is likely to be an underground cable to the sub-station near Galleys Corner, south east of Braintree. This cable does not form part of the planning application but the environmental impacts of the likely route, which mainly follows the route of the access road and existing highways, has been assessed as part of the ES. The laying of the cable would likely be permitted development by the electricity statutory undertaker. There would also be need for pipework to enable abstraction of water from the River Blackwater. Once again the pipework does not form part of the application, but the Environment Impacts have been considered.

The height of the CHP stack (85m AOD i.e. 35m above surrounding natural ground levels) is not proposed to be changed.

The application does not propose changes to the maximum number of HGV movements (404 daily movements 202 in 202 out) Monday to Friday and (202 daily movements 101 in 101 out) Saturdays. However with a change in capacities of the

various elements of the IWMF, the resulting the HGV movements and payloads associated with the different processes have changed (i.e. CHP, MDIP, WWTP consumables and sludge from the MDIP). Taking account of these changes It has been demonstrated that the IWMF could still be operated within the permitted HGV limits. A summary of the previous and proposed HGV movements associated with each of the different elements of the IWMF are set out in Appendix C

The permitted hours for construction and subsequent operation of the IWMF are also not proposed to be changed. During the construction period of 18 to 24 months the hours of operation would be 07:00 to 19:00 seven days a week. The permitted hours of operation for the receipt of incoming waste and departure of outgoing recycled, composted materials, ash and residues etc. are 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 permitted hours also allow potential deliveries from ECCs Waste Disposal Authority (WDA) outside of these hours. Due to the continuous operational nature of the waste treatment processes, the waste management facility would operate on a 24 hour basis but this would not involve external activity for large scale plant or HGV movements outside the normal operating hours for the receipt of waste.

The proposals continue to include the restoration of Woodhouse Farm buildings with their use as an education visitor centre, with space for a heritage area for the WWII airfield. The applicant as part of the current application has offered to provide the role of an education/waste minimisation officer to be based at the Rivenhall site.

Submission of details required by Pre- Commencement Conditions

Several of the conditions of planning permission ESS/15/14/BTE require the submission of details prior to commencement of development. Some of the details required are affected by the changes proposed under condition 2 and therefore have been submitted as part of the application, such that if the changes proposed under condition 2 are found to be acceptable the details submitted with respect to conditions are relevant to the revised permission.

The list below gives the condition numbers from planning permission ESS/55/14/BTE and the subject matter of the details submitted to discharge the conditions

- 6 - Access road, cross over points
- 13 - Signage, Telecommunications & Lighting at Woodhouse Farm complex,
- 14 - Stack design and finishes,
- 15 - Design details and construction materials
- 17 - Management plan for the CHP,
- 18 - Green roof,
- 20 - Construction compounds, parking of vehicles,
- 22 - Foul water management,
- 23 - Surface water drainage and ground water management,
- 24 - Groundwater monitoring,
- 37 - Signs on access road at footpath crossings,

- 43 - Lighting scheme during construction,
- 45 - Phasing scheme for access road, retaining wall and mineral extraction,
- 50 - Fencing – temporary and permanent,
- 53 - Ecological survey update,
- 54 - Habitat Management Plan update,
- 57 - Landscaping, bunding and planting,
- 59 - Trees, shrubs and hedgerows – retention and protection,
- 60 - Tree management and watering adjacent to retaining wall,
- 61 - Woodhouse Farm parking and landscaping,
- 62 - Traffic calming measures at River Blackwater for otters and voles and
- 63 - Access road crossing points including lining and signing

The majority of the information is submitted in plan form and therefore not described in detail here. All drawings and details can be viewed at www.essex.gov.uk/viewplanning

The application was supported by the original Environmental Statement (ES) submitted in 2008 with additional information to update and take account of the proposed changes. Further information to support the ES was also required and submitted. The further information clarified the different assessments that have been relied upon to make updates to the original ES. The further information also considered the cumulative impacts of the development with any other relevant developments. In doing so it assessed the environmental impact of the pipework that would be required to link the site to the water abstraction point and the impact of potential discharge from the site. The further information also assessed the cabling route that would be required to enable export of surplus electricity to the National Grid. However, while this enables the Cumulative Environmental Impact of the cable/pipework to be considered, the application, if granted, would not give consent for the route of the pipework or the electricity cable.

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 (BDLPR) 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>BDLPR</u>
Waste strategy	W3A			
Receipt of Essex wastes only	W3C			
Flooding and surface water	W4A			
Surface & ground water	W4B			
Highways	W4C			
Composting within buildings	W7A			
Support for anaerobic digestion and composting	W7C			
Energy from waste incineration	W7G			
Preferred locations for waste	W8A			

management				
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
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 National Planning Policy Framework (NPPF) 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 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 NPPF 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 NPPF 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 NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

The NPPF combined and streamlined all planning policy except for waste. Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management is a material consideration in planning decisions.

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.

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).

The WLP 2001 is not considered up-to-date however the overarching principles of the Waste Hierarchy and the Proximity Principle do form part of its core emphasis. The Waste Planning Authority (WPA) has recently prepared a Pre-Submission draft Replacement Waste Local Plan (RWLP) with public engagement anticipated in March 2016. The document is supported by an evidence base including The Waste Capacity Gap Report of 2014, an Addendum to this document published in 2015 and a further update which is anticipated to be published shortly. The RWLP process has also considered a number of potential sites for waste management and suggested preferred sites on the basis of selection criteria seeking to give rise to the least environmental impact. None of these documents have been subject to an Examination in Public and therefore can only be given limited weight, but do provide the best information available as to waste arisings and capacities required for the Essex & Southend in the future.

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. At a Braintree District Council meeting on 30 June 2014 it was however resolved not to proceed with the Draft Site Allocation and Development Management Plan. Work has now instead commenced on a new Local Plan, which will set out the Council's strategy for future development and growth up to 2033. The new Local Plan will ultimately replace the BLP and BCS however at the current time it is not considered is at a sufficient stage to have significant weight in the determination of this application.

5. CONSULTATIONS

The application has been subject to two periods of consultation in August 2015 and January 2016. The responses from both consultations are set out below. Where specific comments were provided with respect to pre-commencement conditions these are identified.

BRAINTREE DISTRICT COUNCIL: Object on the following grounds:

- It appears to be the case that the implementation of the IWMF has been compromised by a combination of the economic downturn and the opening of the Courtauld Road facility. As a result of these factors its planned function has shifted from being a facility designed to treat a mix of Municipal Solid Waste (MSW), dry recyclables, green waste, with the input of Solid Recovered Fuel (SRF) being a relatively small element (87,500 tpa), to a facility that will focus on Commercial & Industrial (C & I) waste and making use of an evidently expanding supply of SRF which is currently being exported from the Courtauld Road facility, and no longer has the value it was expected to have when the IWMF was approved. In some ways, SRF seems to represent the new lowest rung of the waste hierarchy now that much less waste is landfilled. Also, the facility would treat much less green waste and much less paper and card for pulping.
- The District Council acknowledge that the appeal Inspector accepted the need for flexibility in the integrated processes within the IWMF and did not set maxima or minima for individual elements, it is also clear that weight was attached to the extent to which the different elements interacted and drove treatment up the waste hierarchy. Now that the proposals show a dramatic drop in the volume of C & I paper to be recycled there must equally be a reduction in the extent to which the Combined Heat and Power (CHP) supports the paper pulping function. In this respect, and combined with the reduction in green waste recycling/ recovery through Anaerobic Digestion, there would appear to be a down-grading of its status as a facility that moves waste treatment up the waste hierarchy.
- Given the doubts that existed at the appeal stage about the ability to source paper and card (and the market for the de-inked paper) and the fact that the volume to be processed is now to be so much less, the need for the scale of CHP must be reduced as well. This brings into doubt the justification for the mix of treatment now proposed in the context of waste policy.

- It is noted that the policy context in which such proposals are considered has also changed significantly since the appeal decision in 2009. The saved policies of the Essex and Southend Waste Local Plan (WLP) remain extant, but are considered somewhat out of date in line with relevant NPPF guidance. In the absence of up to date waste local plan policies, significant weight is given to the National Waste Management Plan for England (NWMP) and National Planning Policy for Waste (NPPW). Relevant saved policies of the Braintree District Local Plan Review (BDLPR) remain extant. The objectives of policy remain that of promoting the sustainable management of waste in accordance with the waste hierarchy, without giving rise to unacceptable adverse impact on the environment or local amenity.
- In view of all of the above factors, the District Council expresses serious reservations about the County Council's decision to consider such a significant change to the waste treatment mix proposed for the IWMF through the Section 73 application route as these changes relate to the fundamental justification and needs case upon which permission was sought and granted. With a significant change to the anticipated treatment mix, the needs case and justification need to be robustly tested in the context of prevailing policy and circumstances.

ENVIRONMENT AGENCY:

Variation of Condition 2 (application details): No objection. Consider that the proposed modifications to the building size, retaining wall design and realignment of the access road do not appear to have any material impacts that would lead them to alter any advice given on planning matters in their earlier comments on the approved integrated waste management facility. No comments to make on the changes to the various new drawings submitted for the purpose of this application.

Condition 14 (stack design): No specific comments on the discharge of this condition.

Condition 17 (Management plan for stack plume): No objection: Air dispersion modelling will need to be submitted in support of an application for an Environmental Permit. It will be assessed along with other factors such as energy efficiency which can impact on the visibility of the plume. Will however take into account the requirement of the planning permission to ensure there is no visible plume from the stack. We have no other comments on this matter in terms of planning.

Conditions 22 (Foul water management): No objection. It is understood foul water from offices etc would be managed using Klaargesters, the output from which would be removed from site.

Condition 23 (Surface water and groundwater management): No objection. Initially raised some concerns with respect to the use of groundwater as part of the water supply which would require an abstraction licence. Also that the water balance calculations for the closed loop water system, were based on an average year and did not take account of the fact that abstraction using the existing abstraction licence from the River Blackwater is subject to restrictions and it might not be possible to be used in all years. Additional information was provided by the

applicant as to the management of groundwater within the excavation and water balance calculations provided to demonstrate that the proposed closed loop system utilising the existing abstraction would be adequate to provide adequate water, taking into account potential draught years, resolving the concerns.

Condition 24 (Groundwater monitoring): No objection. Initially raised concerns that the proposed the groundwater monitoring scheme did not include monitoring of the quality of ground water or make provision for monitoring prior to commencement. But, additional information was provided by the applicant confirming the water quality analysis to be undertaken and that some groundwater monitoring data is already available, which would provide an adequate baseline, resolving these concerns.

NATURAL ENGLAND: No comments to make

HISTORIC ENGLAND: No comments to make as no Listed Building of Grade I or II* are affected by the proposals.

HIGHWAYS ENGLAND: No objection

NATIONAL PLANNING CASE WORK UNIT: No comments received

PUBLIC HEALTH: No comments received

FIRE & RESCUE: No objection, further details would be required as part of building regulations.

THE COMMUNITY GROUP (Stop the Incinerator): Object on the following grounds:

- Application should not have been accepted as a variation, a new application should have been required.
- Incinerator is 65% larger with consequent increase in air pollution and need to export ash
- Height of stack still not clear
- The original intention of a closed loop relationship between the various types of waste processing is further compromised by paper sludge no longer being used as fuel and instead being exported by road
- Also concerned there might be road access via Woodhouse Lane

ESSEX WILDLIFE TRUST: No comments received.

RSPB: No comments received

ESSEX RAMBLERS:

Condition 2: Object on the grounds the application did not adequately show the location of existing public rights of way (PRoW) and thus does not show their interaction with the access road or how FP8, which passes through Woodhouse Farm Complex might be affected.

Comment: The drawings have been amended to include the locations of PRoW.

Condition 6: Object on the basis that insufficient detail had been provided of the proposed crossing points with access road and that the access road route would appear to be contiguous with the access road and in fact the routes of FP 56 and FP 57 are not on their definitive map routes.

Comment: Additional detail has been supplied for each crossing point and a separate PRow diversion application has been made for the routes of FP56 and FP 57 to ensure the definitive routes are those on the ground. The need for this diversion application relates to an historical situation not directly related to the IWMF proposals or the current planning application.

Condition 57: Express concern that the drawings do not show a gate to prevent access from Woodhouse Lane to the site.

Comment: The drawings have been amended to show a gate at the exit to Woodhouse Farm. A gate has been retained in case of the need for emergency access.

ESSEX BRIDLEWAY ASSOCIATION: No comments received

HIGHWAY AUTHORITY: No objection. From a highway and transportation perspective the impact of the proposal is acceptable subject to all previous highway related obligations and planning conditions relating to the construction of an Integrated Waste Management facility at Rivenhall Airfield being carried forward to planning application ESS/34/15/BTE.

The Highway Authority acknowledges that the applicant has requested variation of the timing of the highway works and payment of highway related contributions contained within the S106. The Highway Authority is satisfied that these changes are appropriate and are required to reflect changes in circumstances that have occurred since the original S106 was drafted.

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

COUNTY COUNCIL'S NOISE CONSULTANT – No objection. The noise assessment demonstrates the amended proposals could be undertaken in accordance with the existing maximum noise limits. However, an updated noise assessment would be required once the details of plant have been confirmed.

COUNTY COUNCIL'S AIR QUALITY CONSULTANT: Condition 17 (Management of visible plume) No objection. The submitted management would indicate that based on previous weather conditions there would have been one event when the plume would have been visible, but considers there should be a requirement to review the management plan, for visual plume monitoring and an action plan to record and respond to any occurrence of visible plume during operation.

Comment: The applicant subsequently submitted a management plan which addressed the above matters and was acceptable to the County's Air Quality Consultant.

ECC AS WASTE DISPOSAL AUTHORITY : No comments received

LEAD LOCAL FLOOD AUTHORITY: No objection

PLACE SERVICES (Ecology)

Condition 53 & 54 (Ecological survey update & Habitat Management Plan update): No objection. The general quality of these documents is noted and welcomed. As well as the relative longevity through the Section 106 agreement. Monitoring will be provided in the annual reports. It should be sufficient to demonstrate that all of the objectives in the Management Plan have been reached.

Some confusion exists as to nature of material to be used as part of the green roof.

Comment: Different substrates would be used below the growing green roof matting. Crushed concrete originally proposed to create habitats on the roof is now proposed to be used to create habitats on the sloping retaining walls.

Bats are known to roost in the Woodhouse Farm buildings and adjacent trees. A condition should be imposed requiring no works to Woodhouse Farm buildings until a licence has been obtained from Natural England.

PLACE SERVICES (Trees): No objection

PLACE SERVICES (Urban Design): No objection, subject to the window frames being grey.

Comment: The proposals have been amended to include grey window frames

PLACE SERVICES (Landscape): No objection

PLACE SERVICES (Historic Environment): No objection

PLACE SERVICES (Historic Buildings):

Condition 2: No objection

Condition 13 (signage, telecommunications and lighting at the Woodhouse Farm complex): No objection

Condition 61 (landscaping Woodhouse Farm complex): No objection

BRADWELL PARISH COUNCIL: Objects with particular reference as follows;

- Transport, while the number of vehicle movements in and out of the site will probably not exceed that allowed, there appears to be significant unnecessary movement of waste around Essex in order to maximise the use of ECC owned waste treatment facilities.

Comment: LACW is managed by ECC's Waste Disposal Authority. LACW is either bulked up at waste transfer stations or taken directly to the waste management facility at Tovi Eco Park, Courtauld Road, Basildon operated by Abaser Balfour Betty. The WDA has a contract for waste to be dealt with at Tovi Eco Park until 2040 and thus untreated LACW would not be available for importation at the Rivenhall IWMF – See appraisal for more detail.

- While the input volumes of waste remain within the approved levels, there is no mention of output volumes or the nature of output emissions/gases. The input volumes to the CHP have increased by 22-65% and the nature of the material which is being input has changed. Without the technical information as to nature of the inputs and emission volumes the Parish Council are not able to comment, but the total volume of output gases/emissions will not have gone down.

KELVEDON PARISH COUNCIL: Object on the following grounds

Firmly of the view that more variations are being requested than are reasonable without a whole new planning application being presented. This further variation represents further planning creep which has been allowed by ECC since 2010.

The application lacks clarity & details in particular:

- a) The nature of the site seems to have changed from a reprocessing site into a full blown incineration plant that was not allowed in the original planning permission and this could become one of the 10 biggest incinerators in the UK.
- b) Much of the supporting literature dates back to 2008 and relates to an entirely different situation/market conditions and/or application and thence should be discounted or a new full application made.
- c) The Parish Council would like to see the legal advice ECC has received – internal or from an independent Barrister?
- d) No mention is made of ESS/24/14/BTE – the gravel that needs to be extracted to facilitate this site. Will the site hover above the ground or nestle into the landscape?

Comment: The mineral required to be extracted to facilitate the IWMF was largely extracted as part of planning permission ESS/32/11/BTE for site A2.

Approximately 100,000 tonnes remain to be extracted as part of the IWMF development. Restoration of site A2 has commenced, such that it would be necessary to remove replaced overburden. This would either be exported from site or retained on site for restoration of other areas of Bradwell Quarry which is currently being applied for under planning application ESS/07/16/BTE).

- e) The applicant has previously been refused their own entrance/exit on to the A120. What is the true level of lorry movements & how will local road networks cope with this extra volume of traffic?

Comment: The IWMF would utilise the existing access onto the A120 which would be shared with Bradwell Quarry. There is no intention for HGV traffic to utilise local roads and an obligation exists within a legal agreement to utilise only trunk or main roads

- f) There has been no public consultation with the surrounding, expanding community – why not?

Comment: Consultation has been carried out in accordance with the adopted Statement of Community Involvement

- g) No design details have ever been released covering filtration, stack height, downwind contamination, firefighting methodology, health risk, detection & sensing the effect on local amenities/footpaths.

- h) Given the changing business conditions in the bulk waste industry and the creation of the Basildon (underutilised) IWMF, is there a social or business need for this plant?

- i) Where is the detailed work outlining the social & historical impact on the surrounding community? Gent Fairhead have already let one historic building – Woodhouse Farm – fall into a perilous state.

- j) We have seen no modelling by Gent Fairhead of the effect of noxious gases and/or dangerous heavy metals on surrounding areas.

Given all of these omissions the application needs to be turned down and a whole new & honest application made for what is effectively a new plant/works.

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

1. The proposal is described as an “amendment” but would involve, we understand, a 60-65% increase in volume. This is a major development of an industrial incinerator, not an amendment to a local central heating plant.
2. It would have a significant and damaging effect on the environment and its residents – benzene gas, for example, one of the outputs, is toxic and would damage crops (the incinerator is set in arable land), people’s health, and the fabric of heritage and listed buildings in nearby Coggeshall, which is in the direction of the prevailing winds.
3. In a rural setting, a major incinerator of this kind would have an enormous and ugly visual impact and would be “over-bearing, out-of-scale and out of character”.
4. The proposal, especially when linked with the gravel extraction proposal (ref ESS/24/14/BTE), would dramatically increase traffic on the A120 with an untenable increase in heavy vehicle movements.
5. A number of important details are lacking in the application, such as the height of the stack, filtration methods, methane monitoring arrangements and gas cleaning processes.
6. Conditions - The application seeks to remove the consented drawings in condition 2 of ESS/55/14/BTE with the intention of both changing the internal layout of the plant and significantly altering the process balance.
7. Size and Scale -The Application is referred to as “minor” change to the plant, but includes: a major change to the water cycle of the plant, abstracting water from an area of Protected Drinking Water Supply namely the Blackwater (EA Source), discharge effluent into an area of nitrate vulnerable Zone in addition to the stack pollutants and discharge effluent into water into the Blackwater.
Comment: No discharge is proposed as part of the application see Section F of Appraisal.
8. The applicant proposes an increase the CHP from 360,000 tpa to 595,000 tpa. We object to this increase since it clearly reduces all the recycling elements from the consented plant to balance the increased burning capacity thereby increasing the outputs and pollutants NPPW
9. Planning inconsistencies the application states that more ‘additional and more detailed information will be provided post the planning deadlines’ raising significant uncertainty with regard to the final design and specification. Consequently we object to the development of this magnitude and do not support the commencement or construction/development with incomplete plans and specification yet to be agreed.
10. Usage There are now several new facilities that have been completed during the delay associated with this plant and as such there is underutilisation at these plants. Proposed facility will not recycle commercial wastes, only generate RDF. More residues would be exported off site than recycle.
11. Environmental Impact The variation of the facility now proposes that of the (increased) 863,700 tpa inputs, only 163,771 tpa would be exported as recyclates.
12. Uncertainty as will remove all previously agreed internal processing details as set out in condition 2 and no correlation between this and the Environmental Agency permit application, which impacts on the stack height conditions such as ‘no visible’ plume ‘
13. The impact of pollutants on Historic buildings in Coggeshall.
14. Support the application being ‘called in’ in by the Secretary of State and subject of a fresh Public Inquiry.

RIVENHALL PARISH COUNCIL (adjacent): Object

- The application is seeking to significantly vary the nature of the plant – yet at the same time removing the previously set out internal processing detail and substituting this with "indicative" drawings.
- There have been various planning permissions on the site. It is not the role of the planning system to allow “planning creep” whereby a scheme is moved by stages to something substantially different to that originally consented.
- It is accepted that the external appearance of the plant is not proposed to change significantly (though the stack height remains uncertain), however the key matter in this application is the proposed major change in the function of the plant in the way it treats waste, which was of course a key consideration of the 2009 Inquiry and the Secretary of State’s decision.
- The applicant has already had over 5 years to submit details and apply for an Environmental Permit. He has been given an extra year to March 2016 by Essex County Council yet is appealing to the Planning Inspectorate for another year to 2017 – a matter on which the Parish Council has already commented.
- At this late stage, it is unacceptable to allow a significant change in the function of the plant through a Section 73 application. The effect of the application to change the process flow diagrams and remove internal layout detail covered by condition 2 is not a minor change, it is a fundamental change, as discussed in more detail below.
- Furthermore, the applicant has stated in the current application that yet more applications will be submitted, which just adds to the planning creep.
- The intensified emphasis on incineration and raises questions about the description that it is an "integrated facility" and the status as a claimed “Combined Heat and Power” (CHP) plant. That latter description was only ever based on using heat and steam from the incinerator to (internal) benefit of the paper pulping plant, not for any external benefit. Now the new application proposes almost halving the capacity of the paper pulping plant.
- It is clear that the application seeks to make way for a much larger incinerator capacity by reducing recycling elements of the facility and changing the balance of internal waste circulation/export from the plant.
- The calculation shown by the applicant relating to energy yield is not a material consideration. The consented facility had an incinerator/CHP capacity of 360ktpa, not over 400ktpa as claimed. The consent capacity was set out both in the process diagrams, the text and was related to the transport assessments.
- The paper pulping plant is now proposed in the new application to be reduced from 360ktpa to just 170ktpa, a reduction of 53%. The paper pulping plant was advanced by the applicant, and was key to the 2010 decision, as a justification for such a large plant, located as it is in the countryside.
- The AD (food composting) plant is proposed to be reduced from 85ktpa to just 30ktpa.
- The "eRCF" was proposed as a "closed loop" system where the paper pulping plant and incinerator (CHP) were closely linked. This proposal was used to justify the CHP designation. However, now not only is the

incinerator proposed to rely far more on imported RDF (337.5ktpa), the previous proposal to use sludge from the paper pulping plant to fuel the incinerator has been abandoned. It is now proposed to export the sludge (68ktpa) by road.

- So it is clear that in order to make the incinerator capacity much larger, recycling elements of the plant have been greatly reduced, so that the overall plant capacity stays within its previous planning limit on total tonnage inputs.
- The much larger incinerator also results in the export of ash by road more than doubling. With the additional export of paper pulp sludge, the "closed loop" scenario of the consented plant is now much weakened (see details below).
- The current application includes a helpful comparison of the consented haulage tonnages and that now proposed as set out in tables 1 and 2 of the Traffic Flow Review. This information confirms the sharp shift in emphasis of the plant away from an integrated facility with a significant recycling function, towards a plant dominated by the burning and disposal of waste.
- The consented plant flows in table 1 show that of the 853,500 tpa total inputs, 300,500 tpa is exported as recycled product – a conversion rate of 35%. The landfill and ash exports are shown as totalling 117,575 tpa, a conversion rate of 14%. [It is understood that the balance tonnage loss is due to drying, digestion and burning].
- The new proposal in table 2 shows that of the total inputs of 863,692 tpa (note this breaches condition 29 of the consent), 163,771 tpa is exported as recycled product – a conversion rate of just 19%, almost halving that of the original consent proposal. The landfill, ash and new element of exported sludge are shown as totalling 231,054 tpa, a conversion rate of 27%, almost double that of the original consented proposal.
- So now, the applicant proposes that the plant will export far more waste material than recycled product, whereas in the 2010 consent it was the other way round.
- The Government required Gent Fairhead to submit updated Environmental information as set out in the letter of 13th November 2015 in respect of the Appeal for another year on the consent. Gent Fairhead has already had 6 years to submit the required pre-commencement details and legal matters. The Parish Council supports the ECC decision to only allow one year up to March 2016 and not another year to 2017. Essex County Council also required this updated information for the S73 "variation" application.
- The letter to Gent Fairhead set out a requirement to see "easily accessible documents". The Parish Council is concerned that the Applicant/Appellant actually submitted another large body of information spread across numerous documents that did not meet that test – and also introduced yet more new matters that have not been considered before in the planning history of the site. The Parish Council notes that with the new information uploaded to the Essex County Council website, there are now 370

documents, for what is described as a minor “variation of conditions” application by the Applicant/Appellant.

- The new matters relate to the fact that Gent Fairhead now states an intention to use the River Blackwater for both major water abstraction and the discharge of effluent. This is set out in a number of the new documents, including maps showing pipeline routes. The document “Foreseeable Developments” (Jan 2016) states “The River Blackwater would be the primary source for industrial water use at the site”.
- The Parish Council would submit to ECC that the River Blackwater is an important water body, both in terms of water resources (agriculture and water transfer as Essex has a summer deficit) and for its habitats. It flows along the boundary of Rivenhall Parish (downstream of the proposed waste plant) and the Parish Council has always sought to protect the quality and setting of the river and its tributaries.
- The recently expired water abstraction permit for the site was strictly limited in volume and time of year. It did not support what is now proposed and the current planning consent does not either. The Inspector to the 2009 Inquiry, whose report informed the Secretary of State decision in March 2010, concluded that use of water from outside the plant would be “minimal” as the evidence submitted by Gent Fairhead stated that water would be derived largely from internal recycling and rainwater. There was never any discussion of discharge to the river then or until now. Nor has there been any consideration until now of long pipelines across the countryside to a new abstraction/discharge location on the river, as described by Gent Fairhead in the new information.
- The plant water cycle has been consistently, over a period of some 8 years now, been described as a “Closed Loop” system. But the Applicant/Appellant now states that the plant would use both the public water main and the river for industrial processes with effluent discharge to the river. It is not evident as to why this change is being proposed, nor why it was not made clear years ago, nor why it is necessary now given that the primary water user on the site, the paper pulping unit, is proposed to be reduced in capacity by over 50% in the S73 application as compared to the extant consent.
- The much more significant use of the River Blackwater would require submission to the Environment Agency of detailed reports and the Parish Council understands that this process would be lengthy. Yet whilst the new planning information describes the new proposal for water use, the Environmental Permit application currently before the EA for the facility specifically rules out discharge to the river. Therefore, this matter is being treated inconsistently by the Applicant/Appellant and it raises another layer of uncertainty regarding the plant as a whole, which would be a heavy user of water on a 24/7 basis.
- The Parish Council supports the view that the length of time, the

uncertainty, the complexity and the inconsistency that has built up surrounding this site points to the need for a refusal of the S73 application and should the developer wish to continue, a completely fresh (and concise and accessible) planning application, to be judged against current planning policies

SILVER END PARISH COUNCIL (adjacent): Object, on the following grounds

- Increased capacity of incinerator at a reduction of recycling capacity. Should promote recycling not incineration.
- Grave concern over lack of internal detail, relies on indicative drawings and cannot be adhered to. Trying to modify parts of inquiry findings in an ad hoc fashion therefore annulling the inquiry findings.
- Serious concerns that there are no details of chimney height and details of the impact of increased emissions.
- Access roads are included on the plans that were not approved by the Inspector, particularly that by the hanger at Sheepcotes Lane.
- Undermining the Inspector's decision as this is the second minor change, both of which have had significant effect, not minor. A new application should be made and taken before the Inspector if deemed appropriate.

FEERING PARISH COUNCIL (not adjacent): No objection, would hope that the abstraction of water from the River Blackwater during high flows might be stored at the IWMF lagoons to reduce the potential for flooding downstream.

CRESSING PARISH COUNCIL (not adjacent): Object on the following grounds

- Proposals would be detrimental to our area
- The recycling element has been reduced and there a considerable increase in the burning of waste which will produce a more toxic exhaust.
- Increased burning of waste not only produces more harmful emissions but also creates more toxic ash. The ash has to be removed by road more frequently and thus creates more risk due to the accident potential of carrying these materials on rural roads.
- Also handling and loading of toxic ash creates a greater hazard and risk of accidental spillage.
- Cressing Parish will be downwind of the toxic plumes when the wind is blowing from the South East.
- The Human Health Risk Assessment appears to be flawed.
- The dispersion model has been over simplified and appears to bear little relation to the special and complex landscape, not taking account of local height variations or the shape of the arched roof.
- Higher number of vehicles could end up carrying highly toxic waste to transport it to landfill sites.
- Concerns about the possible detrimental effect on animals, residents and farmland in not only the immediate vicinity of the plant, but also outside of the 1 kilometre envelope.
- The stack height of 35m would appear to be highly unsuitable for purpose given the comparison to similar but smaller plants. For example, a much small incinerator at Ipswich was recently required by the Environment Agency to have a stack height of 81.5m.

- The changes proposed represent a fundamental change in use of the plant rather than a variation. The original application was the subject of a public inquiry and the amendments to the planning conditions are significant enough to warrant another public inquiry. Cressing Parish Council would therefore like to request an explanation of why this particular application is being handled as a variation and would strongly request that this is reconsidered.
- Concerned about the uncertainty regarding this plant and the “indicative” drawings amplify this uncertainty. The original purpose was for a balanced plant handling relatively local waste. Clearly if the application is approved, this would no longer be the case.
- It is also understood that no real world monitoring would be required which is also a huge concern given the uncertainty surrounding this plant.
- Would like assurance that the appropriate EU laws have been considered and taken account of.
- The traffic assessment assumes free flow of traffic on A120 and ignores the fact that there will be times when the traffic is stationary and vehicle will try to find alternative routes.
- Difficulty accessing the application details over the web and understanding the context of the vast number of documents submitted.
- There is confusion as to whether there would be a discharge from the facility or whether it would be a closed loop system. It is unclear where the 500 to 1500 tonnes of water per day would be supplied from
- Some drawings remain marked as indicative; surely they should be final at this stage.

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

LOCAL MEMBER – BRAINTREE - Witham Northern: The following is a summary of the matters of concern raised (a full copy of the comments can be found at Appendix D):

- The site has gone through a series of planning applications and variations over several years but to date nothing has been developed.
- Concerned that application accepted as variation, when the changes are not minor.
- The S73 application seeks, along with other things, to remove the consented drawings in condition 2 of ESS/55/14/BTE with the intention of: changing the internal layout of the plant, significantly altering the process balance, and a slightly smaller plant footprint and related changes to the surrounding walls and access road.
- The application is supported by a large number of documents, which makes it difficult to understand and has caused confusion to Parishes and residents.

- Some drawings are labelled preliminary and indicative which gives rise to uncertainty and the detail won't be known until details are submitted under condition 19 later after commencement. Further uncertainty due to changes to the water management such that the plant might not be able to operate. And reference to alternative water management system, with possibility of a discharge to the river. Also the Environment Permit outcome could significantly influence the physical detail and process functions of the plant in respect of water. Concern that development could start without all details in place. Consider the Inspector did support flexibility, but in order to "ensure that high rates of recycling and EfW can co-exist".
- The applicants refer to the facility producing "green" and renewable" power, only the biodegradable fraction of waste can be classed as a fuel source for renewable energy.
- The permitted input capacity in respect of ESS/55/14/BTE is 853,500tpa. The S73 application seeks to increase this to 863,700tpa. The permitted incinerator/CHP capacity is 360,000tpa. The S73 application seeks to increase this to 595,000tpa, an increase of 65%. Incinerator is the dominant consideration with the applicants seeking to link the Rivenhall facility with the expected SRF outputs from Basildon.
- It is an issue of commercial procurement as to where the SRF from Basildon goes in the long term and it could go to other plants.
- To keep the overall "headroom" capacity similar to the extant consent, the S73 application proposes to reduce all the recycling elements, reducing the size of the paper pulp plant by more than half, AD reduction by 65%. The MRF seen as a processing line to produce RDF for the incinerator/CHP, recycling element is reduced.
- All these matters raise questions about the changed process flows in relation to the Waste Hierarchy and the need to move waste management up the Hierarchy, not down.
- The emphasis for the proposed facility at Rivenhall is much more towards handling commercial waste, why is there less of an emphasis on recycling. Would the Inspector still conclude the facility was moving waste management up the waste hierarchy and could maximise recycling.
- The paper plant has been halved will heat be wasted?
- The application documentation is confusing in that it also refers to potential for greater abstraction and discharge. The potential change is not explained and one considered by the Inspector in 2009 and reference is also made to the pipework that would be required. Greater water use could impact upon the ecology of the river and general supply of water.
- Strong local populations of wildlife have built up in the area, which could be

impacted upon noise and light pollution. Will the mitigation be adequate, particularly has the lighting be designed to minimise light pollution and impacts upon bats that have roosts at Woodhouse Farm and protect Rivenhall Airfield as a “Dark Skies” area.

- A key planning issue is the incinerator stack height and its impact upon the listed buildings at Woodhouse Farm. However the degree of harm to the setting of the listed buildings at Woodhouse farm cannot be known until the final stack height is known. Stacks at other similar facilities have been much higher
- Whilst control of emissions to air are largely an issue for the permitting process, information is supplied within the S73 application. Concern has been raised as to likely pollutants and the methodology of modelling with respect to the surrounding terrain.
- Condition submissions there is a vast amount of documentation, but noted that some drawings still refer to detail being submitted later, how can a condition be discharged if it is not the full detail.

6. REPRESENTATIONS

Eighteen properties were directly notified of the application. At the time of publication comments had been received from 108 representees (including Witham Town Council) some submitting more than one response. Some representees have raised their objections with Priti Patel MP who has forwarded their comments to the WPA for consideration as part of the application. 228 residents signed a petition. The petition objected to the application on the following grounds *“We object to the suggested increased use of the proposed incinerator which brings with it additional risk of pollution to the air we breathe. We also remain concerned at the proposed of more than 400 extra lorry ‘movements’ each day given the already dangerous driving conditions on a congested A120.”*

The comments raised by representees are set out in full in Appendix E The main issues raised by the responses are summarised below:

- Do not consider that the application should be considered as a variation to the original permission due the substantial changes, in particular the significant change in the CHP capacity and need to import additional water.
- “Planning creep” is being allowed through the various different applications.
- Concern that the planning application can be determined and implemented before the Environmental Permit has been determined by the Environment Agency.
- Concern that some details are only indicative and would be agreed later.
- Application should be subject of a further public inquiry.
- The delay in implementation of the development.
- The health impacts of the emissions from the CHP facility, particularly in view of its increased capacity.

- Do not consider the A120 has capacity to deal with existing traffic without adding additional traffic.
- Congestion or accidents on A120 will cause traffic to use alternatives routes using narrow roads and passing through villages.
- Concerned access would be gained from Woodhouse Lane.
- Impact of emissions on human health, which would be increased due to increase in CHP capacity.
- Concerned that the stack is too short when compared to other sites.
- Impacts of emissions & noise on flora and fauna.
- Impacts of emissions on surrounding farmland.
- Impacts of acid rain on buildings, particularly historic buildings.
- Need for the facility for Essex's waste.
- Concerned that the incinerator will discourage recycling, in particular reduction in size of AD, MBT and paper pulp plant.
- Concerns and confusion of the proposed water management system that might include discharge to the River Blackwater.
- Facility too close to residential properties and nearby villages.
- Facility would impact upon rural setting and ecology.
- Consultation not wide spread enough, too short a period was given for consultation and the number of documents overwhelming and difficult to access via the web.
- Stack will be visually intrusive.

7. APPRAISAL

The key matters and issues for consideration are:

- A. Nature/type of application
- B. Principle and Need for the IWMF and Acceptability of the Proposed Changes
- C. Height of the stack, Emissions & Health impacts
- D. Traffic & Highways
- E. Public Rights Of Way
- F. Water Environment
- G. Landscape and visual Impact
- H. Ecology
- I. Historic Environment & Archaeology
- J. Residential Impact – noise dust & odour
- K. Cumulative Impact
- L. Legal Agreement
- M. Commencement of Development

A NATURE/TYPE OF APPLICATION

The application has been submitted as a variation to the existing planning permission ESS/55/14/BTE. Considerable objection has been raised, including by Braintree District Council, residents and one of the Local Members that the application has been accepted as a variation to the existing planning permission, rather than a full planning application.

During pre-application discussions the WPA took legal advice as to whether the application could be accepted as a variation application as allowed for under section 73 of the Town & Country Planning Act 1990. While the size of the various elements of the waste management processes are proposed to be changed, (the most significant being the increase in the size of the CHP element of the application from 360,000tpa to 595,000tpa), the revised proposal is still within the original description of development. The planning conditions as imposed by the SoS in 2010 do not specify the size or give a maximum size for each of the waste management processes, only a maximum total waste annual tonnage to be imported, and the application does not seek to change this maximum limit. Drawings permitted under condition 2 included a flow chart which did state the likely throughputs and capacities of the various elements, however other conditions of the permission, namely condition 19 of the permission, also anticipated that the details of the plant would need to be agreed at a later date, when the exact plant and capacities were known.

The Inspector at the Public Inquiry in 2009 specifically looked at whether the facility had flexibility to respond to changing waste markets and new technologies. He stated:

Whilst each waste management process within the eRCF would benefit from its integration with others, there is sufficient capacity in each of the key processes to allow for variation thereby providing flexibility of use. Document GF/38 describes the flexibility of capacity which is inherent in each of the processes. The design of the MRF allows for upgrades in the eRCF's process which would meet potential changes in the type and composition of waste imported to the site.

And

A plant which is capable of dealing with large quantities of MSW and/or C&I waste (and in this case is combined with a specialised waste paper facility), provides considerable flexibility in terms of the type of waste that could be treated and the customers that could be served. It seems to me that such flexibility helps to maximise the economic viability of the project.

And

It seems to me that if a proposal is to be sustainable and economically viable in the long term, one of its attributes must be a degree of flexibility to accommodate future changes in waste arisings and in waste management techniques and practices.

The SoS in his decision letter stated:

As for the flexibility of the proposal, the Secretary of State agrees that its design and its multiple autonomous process lines would provide a reasonable and sufficient degree of flexibility to enable future changes in the composition of waste and the ways in which waste is managed to be accommodated

The development would be contained largely within the same envelope that was

previously permitted. The main two-arched building would be slightly smaller, however the CHP plant would be higher and bulkier to the rear of the building but would not be above the height of the building permitted as part of the original application. In addition the permitted larger AD plant required large tanks to be located to the rear of the building, the majority of these are proposed to be smaller and located within the main building reducing the bulk of structures to the south west to the rear of the building. The proposals would still involve pre-sorting (to remove recyclables) and pre-treatment of waste prior to its utilisation in the Combined Heat and Power Plant. The proposal would still use heat, steam and energy from the CHP to power the IWMF and in particular the steam to reprocess waste paper. However paper pulp waste was to be used as a fuel originally and is now proposed to be exported. It is still considered overall that there is integration between the different processes permitted by the SoS's decision.

It was therefore concluded that the application could be submitted as a variation application, as the SoS decision had permitted flexibility in the size of the various waste management processes and the proposed amended dimensions of the buildings and plant are not substantially different to those permitted i.e. the proposals are contained within the previously permitted envelope.

Objections have also been raised that the WPA has allowed "planning creep" through the various applications from that in 2006 with the eRCF through to the current application. The WPA has to determine the applications that have been submitted and must consider each application on its individual merits taking into account national and local policy and ensuring development does not give to adverse impact on the environment. The application for the IWMF was granted by the SoS and the SoS positively choose not to limit the capacities of the various elements of the IWMF to allow flexibility hence it is considered possible for the applicant to apply to vary the extant planning permission.

With respect to the determination of the application, the consideration of issues would be no different whether the application was a variation or a new application. Even if the application had been a new application, the existence of the planning permission for the IWMF would have been a material consideration in the determination process.

Concern has been raised as to the number of documents that the application, the ES and the ES update are made up of. In particular, that the amount of information and number of documents is over-whelming and that there have been difficulties viewing these over the web and understanding the context of each document. The application and supporting documents amount to several volumes. It is not possible for each volume to be uploaded to the web as a single document; it has to be broken down into smaller parts to enable the documents to be uploaded and to ensure the documents can be opened by the user. This does mean there are a lot of individual documents to review and it is appreciated that there is a lot of information to understand. While in this case there is considerable information for the public to view, it is still considered that the information being available on the web provides a greater opportunity for all to see.

Concern has been raised that some documents state "preliminary" or "indicative"

on them, the detail of plant is required to be submitted under condition 19 of the permission prior to installation. This allowed flexibility, as potentially plant type and location might have to change in response to changes in technology between determination of the original application and development of the IWMF and/or in response to requirements of the Environmental Permit. However, this has not prevented the WPA dealing with the discharge of details in relation to various other matters.

B PRINCIPLE AND NEED FOR THE IWMF AND ACCEPTABILITY OF THE PROPOSED CHANGES

Principle of the Integrated Waste Management Facility in this location

The principle of a waste management facility in this location was first established through the Waste Local Plan 2001 when a 6 ha site known as WM1 was allocated, which included the then existing airfield hangar. WM1 was allocated as a suitable site for a major waste management facility and through other policies of the WLP was considered suitable for AD (WLP policy W7C), MRF (WLP policy W7E) and incineration (W7G). The principle of a larger site (25.3ha), with a waste facility partly sunken below ground levels was first accepted when planning permission was granted for a Recycling and Composting Facility (ESS/38/06/BTE - this permission has subsequently expired). The application for the evolution Recycling and Composting Facility (eRCF), now referred to as the IWMF, was on the same footprint of ESS/38/06/BTE but changed the mix/size of the waste management processes on the site and extended these to include the CHP facility and the MDIP plant. The IWMF (ESS/37/08/BTE) planning permission issued by the SoS maintained the same size building as the first permission, but amended the nature and size of plant to the rear/south of the main building, which included the CHP plant. The current application is on the same footprint as the original permission and largely contained within the same envelope of space as that already granted. However, the CHP plant is physically bigger to the rear of the building, but remains no higher than the building. The facility continues to include a chimney at 85m AOD, although its position has changed marginally by about 17m. The visual and landscape impacts of the proposed physical changes will be considered later in the report.

The application for the IWMF was considered against the WLP 2001, the Regional Spatial Strategy (RSS) and Planning Policy Statement 10 (PPS10). The RSS has subsequently been abolished, the NPPF published and PPS10 now replaced with NPPW. In terms of locational criteria for waste management facilities, these have brought no significant changes. Of perhaps note is that the NPPF now does not require protection of the countryside for its own sake, only where there are particular designations. The NPPW objectives are the same as PPS10 including net self-sufficiency and the proximity principle seeking to locate waste facilities such that communities and businesses take more responsibility for their own waste, thereby reducing waste miles. The NPPW recognises *“that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant”*.

The NPPW locational criteria include consideration of the following factors,

protection of the water environment, landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, air emissions, including dust, odours and vermin and birds, noise, light and vibration, litter and potential land use conflict. All of these factors were considered by the WPA when making its resolution on the original IWMF application and were considered by the Inspector as part of the Public Inquiry and will be considered as part of this consideration of this application with respect to the changes that arise from the amendments proposed.

As part of the emerging Replacement Waste Local Plan the application site (25.3ha) has been assessed alongside many other sites as to its acceptability for waste management development. Within the Pre-Submission draft RWLP the site is identified as both a Strategic Site Allocation for both “Biological Waste Management” and “Other Waste Management”.

It is therefore considered that the principle of a waste management facility on the application site, including the physical scale of buildings, plant and stack is established due to the previous planning history, subject to the proposed amendments delivering a sustainable waste management facility and not giving rise to adverse environmental impacts.

Need and justification for proposed amended capacities

The applicant has justified the proposed changes to the capacity of the various elements of the IWMF on the basis that the available waste is now different to that available at the time of the determination of the application.

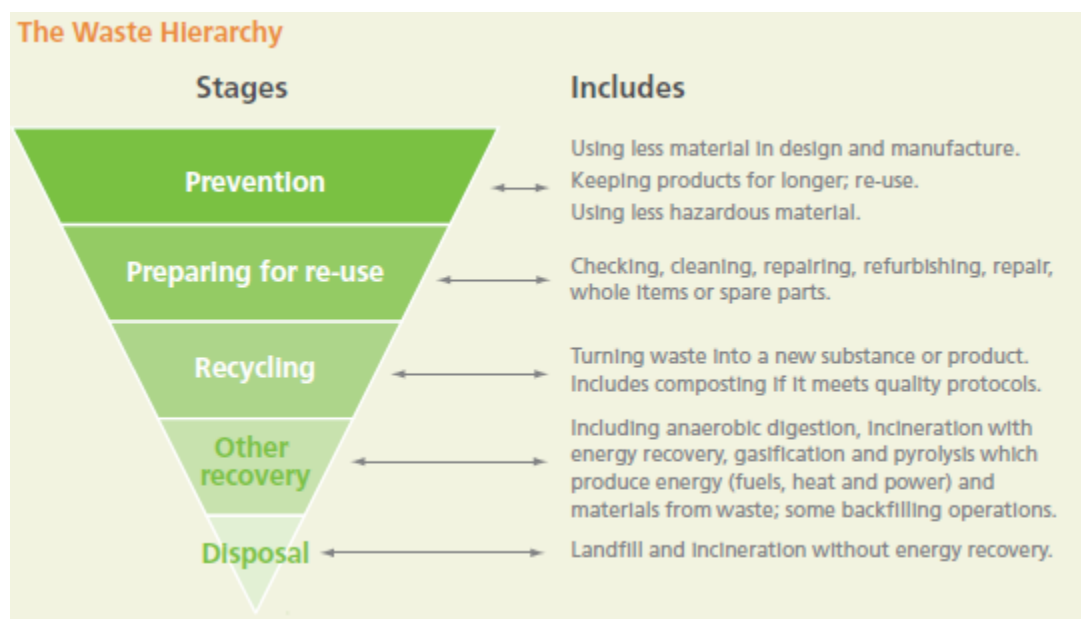
The existing planning permission was granted on the basis that the IWMF would deal with Local Authority Collected Waste (LACW) and/or Commercial and Industrial Waste (C & I).

Change in circumstances with respect to LACW since 2009

With respect to the availability of LACW, at the time of the Public Inquiry the Waste Disposal Authority were basing their Outline Business Case for a solution for the disposal of Essex’s LACW on the Rivenhall site. However, ultimately the WDA went for a single site solution, on a site over which the WDA had control at Courtauld Road, Basildon (now named Tovi Eco Park). A MBT facility is now operational, although still in its commissioning phase, and is operated under contract from the WDA by Urbaser Balfour Beatty. A series of waste transfer stations (some of which include MRFs) have been established across the County where waste is part sorted and then bulked up and transported to the MBT at Tovi Eco Park. The WDA contract with Urbaser Balfour Beatty is in place until 2040 (with an option to extend by 5 years). In addition to this contract, the WDA has contracts in place in the short-term to provide facilities for LACW biowaste (food and green waste) which do not involve the facilities permitted at the Rivenhall IWMF. The WDA is still considering longer-term solutions for LACW biowaste. Adequate facilities exist to recover LACW recyclates either through door step recycling collections or MRFs located with the waste transfer stations or at Tovi Eco Park.

The emerging (unpublished) evidence base for the Waste Local Plan

acknowledges that in terms of facilities for LACW there is adequate capacity currently to manage all LACW. However, the treatment of residual waste through the MBT at Tovi Eco Park produces approximately 200,000tpa Refuse Derived Fuel (RDF)/Solid Recovered Fuel (SRF). There is currently no operational facility within Essex or Southend that could utilise this material for the production of power, although there is capacity for the material to be landfilled. However, landfill is at the bottom of the Waste Hierarchy, while energy recovery through power generation is preferred to landfill.



Source: DEFRA Review of Waste Policy in England and Wales, 2011

As the WDA has contracted capacity to deal with all LACW for Essex & Southend, except for RDF and biowaste in the long-term, it is unlikely the Rivenhall IWMF would receive LACW unless there was a change in circumstances with respect to the existing contracts which the WDA have in place.

Hence it is anticipated the Rivenhall IWMF would mainly receive C & I waste and operate as a merchant waste facility. While not receiving LACW it must be remembered that LACW makes up only around 15% of all waste generated in Essex and Southend and while the WDA only needs to provide disposal facilities for LACW the WPA must make provision for treatment and disposal of all wastes within Essex & Southend as well as making some provision for London's waste.

Change in nature of C & I Waste since 2009

The applicant has therefore justified the change in capacities of the various waste processes on the likely availability of the C& I waste, since this is the waste the facility would cater for. The applicant has stated that there have been comparable changes with respect to C & I waste arisings as there have been with respect to the make-up of LACW. The impact of Landfill tax on C & I waste has been significant and positive. Landfill tax has risen from £8/tonne in 2007 to £82.50/tonne in 2015, which has resulted in all sizes of business, where practical, to minimise their waste generation and looking to recycle where possible. Waste operators dealing with C & I waste have also amended their practices rather than being transfer businesses taking waste to landfill; waste operators seek to sort and

recover recyclables and rather than disposing of residue to landfill, generating a RDF.

ECC as WPA has dealt with applications that support the applicant's statements, for example applications have been granted for waste recycling/transfer business such as, Colchester Skip Hire and Heard Environmental at Basildon. The WPA is also aware that many skip hire operators now as part of their businesses seek where possible to recover recyclables reducing the volume required for landfill. Thus the WPA has evidence to support the applicant's view that the treatment of C & I waste has changed. In addition the reduction in waste to landfill has also been evidenced through the slow down in completion of existing landfill, immediately partly to do with the recession, but also in part due to alternatives being found whether this be through, reduction, re-use, recycling or used as RDF. The reduction in inputs rates was part of the justification put forward by an operator recently with respect to the extension of time for Pitsea Landfill. The applicant states there are several waste transfer/recycling operators now produce an RDF which is being exported from Essex rather than the residue being landfilled.

In considering the changes in the capacities of the various elements of the IWMF, it must be remembered, that while the application was submitted on the basis of certain capacities for each facility, the SoS state did not impose conditions specifically stating what the capacities of each element of the IWMF was, ensuring there was flexibility for the facility to adapt to changes in technology and waste arisings. In addition it must be remembered the NPPW only requires the developer *"to demonstrate the quantitative or market need for new or enhanced waste management where the proposals are not consistent with an up to date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need."* The WLP was adopted in 2001 and while it is acknowledged to be in need of updating and the new RWLP is in preparation, the principles of the waste hierarchy and the proximity principle remain at the heart of the WLP. It is therefore considered that there is not a strong case for the applicant to be required to fully justify the need for the change in capacities. However, the report will consider these issues as considerable objection has been raised as to the reduction in what are seen as the "recycling" elements of the IWMF and the increase in the incineration element i.e. the CHP.

The report considers the need for the proposed changed capacities for each element of the IWMF, taking account of existing operational capacities within Essex and Southend.

Anaerobic digestion

The original scheme was based on a capacity of 85,000 tonnes per year for the AD facility and this was and remains the need arising for LACW. However, this need has been met by the WDA via contracts which do not envisage the Rivenhall facility being utilised. Hence the AD capacity would be primarily for the treatment of C & I biowaste. The evidence base for the RWLP has estimated the tonnage of C & I biowaste on the basis of 13%¹ of all C & I waste being biowaste. This

¹ Source National Waste Management Plan for England 2013

percentage is based on a national figure so there is potential for local variation, but it is the best available and on which the RWLP has considered likely arisings within the emerging evidence base for RWLP (currently unpublished). Taking account of existing operational biowaste treatment facilities including windrow composting, AD and In-Vessel Composting (IVC), it is estimated up to as much as 339,000tpa by 2031/2 of C & I biowaste treatment capacity will be needed. Although emerging evidence would indicate that this may be an over estimate.

The IWMF has proposed a change in the size of the AD facility from 85,000tpa to 30,000tpa. The estimated arising figures would indicate that there is potential for a greater demand for biowaste treatment than would be met by the reduced AD facility at the IWMF. But nonetheless the capacity proposed by the IWMF would meet part of the estimated shortfall of capacity in C & I biowaste treatment. It is not necessary that this waste development meets all of the shortfall, but there is evidence that there is a need for the proposed AD facility. Central Government's recent change in financial support for AD facilities has also significantly changed the viability of AD facilities.

Biogas from the AD plant would be used to generate electricity on site, providing a renewable source of energy. The export of electricity from the site is discussed in more detail later.

Materials Recycling Facility & Mechanical Biological Treatment.

The capacity of the MRF is similar to the original proposals (287,500tpa now 270,000tpa), except it would be used to recover recyclables from C & I waste. The indicative layout includes two lines for the MRF. One would treat waste that has had little pre-sorting by the waste collector prior to its receipt at the IWMF. The other MRF line would deal with C & I with a higher proportion of putrescible waste which would pass through MBT. The output from the MBT would then pass through the MRF to give the last opportunity to recover recyclates before utilisation of the residue in the CHP. The MBT has been sized by the applicant on the basis of the likely tonnage of C & I waste needing MBT, the MBT element of the IWMF has been reduced from 250,000tpa to 170,000tpa. The make-up of C & I waste is different to LACW. The evidence base for the RWLP states the proportion of putrescible waste within Essex LACW is 21.6%, while the proportion of C & I is estimated nationally to be 13% of total waste. While it is likely that the level of pre-separation is different for LACW and C & I waste, based on these proportions it is likely that C & I waste received at the facility would have a smaller proportion of putrescible waste and this therefore supports the reduction in the size of the volume of waste needing treatment (bio-stabilisation and drying) through the MBT.

Objections and concerns have been raised by BDC, local Parish Councils, the Local Member (Witham Northern) and many residents that the change in size of the different elements of the IWMF would discourage recycling. It should be noted that the MRF capacity has not been significantly reduced, such that the same capacity is proposed to recover recyclates as was the case under the original mix.

Within the evidence base for the WLP the arisings for C & I waste are estimated at approximately 1.3 to 1.5million tpa to be managed each year until 2032. The majority of London's waste dealt with in Essex currently goes to landfill, namely

Pitsea, but this does not preclude provision being made to manage this waste in a manner further up the waste hierarchy. Based on existing permitted and operational capacity (including landfill) there is no shortfall in disposal capacity. However, as mentioned, some of this capacity is landfill capacity. While there are no explicit recycling or recovery targets for C & I waste the need to encourage waste to move from landfill (at the bottom of the waste hierarchy) remains a National objective as set out in the Waste Management Plan for England as well as the NPPW, seeking *“to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country’s waste ambitions...”*

Increasing re-use, recycling and recovery is an objective of the emerging RWLP. The provision of the MRF and MBT at the IWMF would potentially ensure diversion from landfill as well as increased recovery of recyclate from C & I waste. It is acknowledged that as there is existing capacity, albeit within landfills, it could potentially encourage C & I waste to be imported from outside Essex & Southend. However, it should be noted that through a condition of the existing permission, (not proposed to be changed by the current application) the source of LACW and/or C & I waste is limited to be sourced Essex & Southend area only. The condition was imposed to ensure the capacity of the AD, MRF, and MBT at the IWMF contributes to Essex & Southend’s self-sufficiency. It should be noted that the condition only relates to C & I and LACW going to the AD, MRF and MBT, SRF/RDF and waste paper can be imported to the site with no constraint as to its geographical source.

The current landfill rate for C & I waste is 50% across the UK as set out in the DEFRA document “Energy from Waste— A guide to the debate 2014”. However, the expectation is that recycling rates will increase for C & I waste and that at some point in the future recycling rates similar to LACW should be achieved, with the percentage going to landfill reduced to similar levels, that is, 20% of residual C & I waste rather than the current 50%.

Applying the landfill percentage rate of 50% to the C & I waste arisings estimated in the RWLP would derive a figure of 650,000 to 750,000tpa of C & I waste that currently goes to landfill. Applying the landfill percentage rate of 20% to the C & I waste figure for future years, would derive a figure of 260,000 to 300,000tpa going to landfill.

The amended IWMF is intended to receive 300,000tpa of residual C & I waste, consequently, in the future, if C & I waste landfill reduced to 20%, there would still be a need for the facility to divert waste from landfill providing a facility with the last opportunity to recover recyclables and the residue being utilised in the CHP recovering the energy.

Therefore the concern raised by objectors that the amendments to the IWMF would inhibit recycling and consume materials which could otherwise be managed higher up in the waste hierarchy is not borne out by the figures above. This is only really justifiable when opportunities are not taken to separate and remove recyclable materials from waste.

The proposal intends to receive RDF, which has been pre-treated or would be pre-treated on site and this would minimise the material that is capable of being recycled being used as RDF. It should also be remembered it is not solely the responsibility of the operator of the IWMF to provide treatment facilities at higher levels. Compliance with the waste hierarchy is incumbent upon both the producers of the waste as well as the waste industry and not singularly within individual management facilities.

Higher rates of recycling can and do co-exist with higher levels of recovery as in the case within Europe. The DEFRA documents "Energy from Waste – A guide to the debate" acknowledges this fact, identifying that in 2010 Austria achieved 70% recycling (including composting) alongside 30% waste which was incinerated; Germany achieved 62% recycling alongside 38% incineration. This compares to the UK with 39% recycling and 12% incineration. As indicated, this guide states that *'at present 50% of commercial and industrial waste goes to landfill presenting a significant opportunity for those authorities and plants to exploit it'*. This document also states that *"The Government considers there is potential room for growth in both recycling and energy recovery – at the expense of landfill."*

It is therefore considered that the IWMF would provide facilities that would contribute to pushing waste management of C & I within Essex & Southend up the waste hierarchy.

Market De-Ink Paper-pulp Plant (MDIP)

The capacity of the MDIP has reduced from 360,000tpa to 170,000tpa. The applicant has justified this reduction on the basis that the market has changed since 2009, due to both the recession and the move to use less white paper. However, if constructed it would be the only facility focusing on printing and writing papers in the UK with the potential to encourage recycling of high-grade paper. Currently such paper is exported overseas for reprocessing. The applicant states there is a demand for "white" recycled paper pulp, replacing virgin pulp inputs to produce products that can be badged "recycled". The applicant has commented that there is flexibility within the layout of the IWMF to add a second line of production. This would however, need to be subject of a further planning application, to amend the internal layout. Also, if such a proposal resulted in waste inputs above 853,000tpa or resulted in HGV movements in excess of the permitted limits, further planning approval would be required.

The application acknowledges that the tonnage of waste sludges from the MDIP which were proposed to be utilised in the CHP have reduced. The applicant has explained that with improved technologies some of this sludge material can be recovered and utilised in agriculture rather than needing disposal. , This would be in accordance with Waste Hierarchy, the waste being recovered rather than disposed of. It was recognised by the Inspector that there might be future developments with respect to the paper sludge. He stated:

"... it would be possible to introduce secondary treatment of the sludge from the MDIP to recover an aggregate."

However, it would require the export of the sludge increasing the vehicle

movements associated with exporting this material from the facility. However, it should be emphasised the applicant considers these movements could still be accommodated within the existing permitted vehicle movement limits by utilising vehicles bringing materials to the site not leaving empty, known as back hauling.

While the capacity of the paper pulp plant has been reduced, the facility would still utilise the heat and steam generated on site, making the most efficient use of this energy resource.

CHP & Energy Generation

The capacity of the CHP is proposed to increase from 360,000tpa to 595,000tpa. The applicant in explaining this change in increase has argued that the increase is only one of 489,000tpa to 595,000tpa, on the basis that the calorific value of the waste has changed. The applicant explains the original CHP capacity was on the basis of waste having Net Calorific Value (NCV) of 16 mega joules/kg for an assumed 8000hrs per year operation of the furnaces. The current proposal would utilise waste at a NCV of 12mj/kg over 8250hrs per year. Consequently the original furnaces would have required $(360,000 \times 16 / 12 \times 8150 / 8000)$ 489,000tpa of waste to generate the same amount of energy.

The change in the NCV figure used is justified by the applicant as a result of the standardisation by the EU of NCV specification of RDF /SRF from 12-20 MJ/kg to 9-12MJ/kg. Also it would enable the IWMF operator to bid for contracts to manage SRF/RDF generated within the UK. The applicant states that at present 3 million tonnes of SRF/RDF is exported from the UK each year.

Rivenhall is identified within the emerging Pre-Submission draft RWLP (unpublished) as a site that would be suitable for "Other Waste Management" which could include CHP/Energy from Waste. It should also be noted that one of the key underlying principles in the NPPW is for communities and businesses to engage with and take more responsibility for the waste they generate, not to send it elsewhere.

At present, the Essex Waste Disposal Authority (WDA) is exploring long term options surrounding the final destination for the stabilised residual household waste output of the Tovi Eco Park Facility. This programme of work will be developed after the facility has achieved full service commencement. Currently the output of the facility, around 200,000tpa of SRF, is exported under a short term contract with Suez Environmental up to 2018. It is sent from Thurrock via Tilbury Docks and utilised in energy plants in the Netherlands.

It is anticipated that the Waste Disposal Authority will secure the long term solution for the management of the SRF/RDF through a competitive tender process. The developers of the IWMF could bid for this contract, but the decision as to whether the Rivenhall IWMF might be awarded that contract would be made independently by the WDA. The decision as to whether Rivenhall might be awarded that contract is not one over which the WPA has any involvement.

Regardless of the outcome of the competitive process, the emerging RWLP acknowledges that there is need to provide capacity to manage this waste within

Essex and Southend-on-Sea. The Plan is based on the principle of net self-sufficiency, where practicable. This means having sufficient waste transfer, recycling, recovery, and disposal capacity within the Plan area to manage the amount of waste generated, limiting the reliance on facilities outside of the Plan area whilst recognising that waste will travel across administrative borders. It is therefore recognised that the WPA should make provision for the management of waste arising in the County including SRF/RDF. This means that even if the SRF from Tovi Eco Park were not managed at Rivenhall, the WPA will provide for facilities that result in net self-sufficiency. Thus if the SRF from Tovi Eco Park continued to be exported from the County in the long term, there would be facilities within Essex & Southend receiving similar quantities of waste from elsewhere. As there is no explicit target for management of SRF/RDF, the locations where SRF/RDF is potentially being landfilled or exported within the Plan area is not something that is explicitly monitored.

It is recognised that the input capacity of the proposed CHP is considerably in excess of the 200,000tpa of SRF/RDF to be generated by Tovi Eco Park. The remaining 395,000tpa of capacity could either utilise SRF/RDF to be made on site from C & I waste residue having passed through the MRF/MBT process and waste arising from the MDIP that cannot be recycled, or other imported SRF/RDF. This SRF/RDF could be sourced from within Essex & Southend or from elsewhere. The evidence base for the RWLP, apart from the SRF/RDF to be generated at Tovi Eco Park, has not quantified what other SRF/RDF is being produced in the county, so the data is not available as to how much recycling (as opposed to transfer) capacity exists or whether potentially SRF/RDF is being landfilled or exported from Essex.

It is recognised that the spare capacity could result in RDF being imported to the county. However, the NPPW requires WPAs to identify sites “...for new or enhanced waste management facilities in appropriate locations” and this includes “...*plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant*”. While this refers to LACW the principle is as relevant to C & I waste which makes up a greater proportion of all waste arisings. Facilities are required to achieve the ambition of the NPPW “...*to work towards a more sustainable and efficient approach to resource use and management*”. RDF imported to Essex might divert RDF going overseas, helping the UK achieve net self-sufficiency for its own waste.

The total amount of electricity to be generated from both the AD facility and CHP would be approximately 49MW. Approximately half of the energy to be generated by the facility would be utilised on site in the operation of the AD, MBT, MRF, MDIP and the CHP. The proportion of the electricity to be exported from the IWMF has increased from 21MW to 28 MW as part of the amendments.

The promotion of waste as a valuable resource in the production of energy has been actively encouraged by the Government for a number of years and more recently is referred to in the Government Review on Waste National Policy Statement for Energy (2011) EN-1 and National Policy Statement (NPS) for

Renewable Energy Infrastructure (2011) EN-3. In particular it should be noted that the use of residual waste as a source of energy offsets fossil fuels and reduces greenhouse gases from alternative forms of waste management, in particular landfill where considerable negative greenhouse gas impacts are present.

Additionally, there is a pressing need for energy security. The UK faces a growing dependency on imported fossil fuels. By 2020, the UK could be importing nearly 50% of its oil and 55% or more of its gas, with household electricity prices increasing mostly due to global fossil fuel prices. Generating energy from waste rather than from these fossil fuels provides a domestically derived energy source and gives the UK greater fuel security, greater energy independence and protection from fossil fuel price fluctuations. The gap between electricity supply (capacity) and demand is growing ever smaller, with many fossil fuel powered plants reaching the end of their useful life.

Renewable sources such as wind and solar are not discounted, but the intermittent nature of such technologies to generate electricity is an identified issue. Additionally, the recent announcement by the Government to withdraw subsidies for onshore wind turbines and introduce quite onerous planning legislation, means there is likely to be a significant reduction in such renewable technologies coming forward.

One of the government's overarching aims is to provide energy security. The increased generating capacity of the IWMF would contribute towards energy security, through residual waste treatment, lessening the dependency on imported fossil fuels for energy generation, providing the diversification the Government seeks on energy generation, moving away from the reliance on just the traditional fuels of coal, gas and nuclear.

The NPPF actively encourages *any* energy development, stating under Paragraph 98 *"that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable."*

The National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3) 2011 states that the *"recovery of energy from the combustion of waste, where in accordance with the waste hierarchy, will play an increasingly important role in meeting the UK's energy needs. Where the waste burned is deemed renewable, this can also contribute to meeting the UK's renewable energy targets. Further, the recovery of energy from the combustion of waste forms an important element of waste management strategies in both England and Wales."*

The increased element of exported electricity is considered in accordance with the Government objectives for the provision of energy from waste.

Concern has been raised as to whether the IWMF, particularly the CHP, is pushing waste up the waste hierarchy. The classification of a recovery operation or a

disposal operation becomes uncertain when considering waste incineration. An Incinerator could be classified as either a recovery operation (Use principally as a fuel or other means to generate energy) or a disposal operation (Incineration on land).

In 2003, the European Court of Justice made two judgements that established principles to differentiate between Recovery operations and Disposal operations. To be classed as a Recovery operation the process must meet the following criteria:

- The combustion of waste must generate more energy than the consumption of energy by the process itself;
The IWMF would generate enough power to run the IWMF itself with all its various waste processes, MRF, MBT, AD and CHP as well as power the MDIP and allow export of 28MW of power
- The greater part of the waste must be consumed during the operation;
The CHP would utilise 595,000tpa and generate approximately 160,000tpa of ashes and residues, therefore demonstrating consuming the greater part.
- The greater amount of the energy generated must be recovered and used (either as heat or electricity);
The CHP would not only generate the heat and steam to be used by the MDIP directly, but would power the facility and generate 28MW of power (including the AD facility)
- The waste must replace the use of a source of primary energy.
The waste would replace a primary source of energy such as gas or coal.

Against these criteria it can be seen that the CHP as part of the IWMF would provide a facility pushing waste up the waste hierarchy.

Therefore while it recognised that the size of the CHP has increased significantly, the facility provides an opportunity for net self-sufficiency for utilisation of SRF/RDF and contribute to reducing the landfill of C & I waste and increasing the production of “green” energy. The proposals are therefore considered to be in accordance with the NPPF, NPPW and national energy policy.

C HEIGHT OF THE STACK, EMISSIONS & HEALTH IMPACTS

The height of the stack for dispersal of the emissions from the CHP and the potential impacts on health have been two of the major objections raised within letters of representation both from individuals, Parish Councils and one of the Local Members. This was the case with the original application and has raised even more concern due to the increase in the capacity of the CHP element of the IWMF.

Frequently the issue of emissions/air quality and impacts on human health are of a great concern to communities that live within the vicinity of a proposed CHP/Energy from waste facility the NPPW acknowledges that incinerator applications are likely to be controversial. In particular concern has been raised as to the acceptability of the height of the stack and its ability to safely disperse emissions. The height of the stack is limited by an existing planning condition at

85m AOD or approximately 35m above natural ground levels. The applicant at the time of Public Inquiry demonstrated that a stack of this height could be acceptable and no objection was raised at that time by the Environment Agency. However, it was acknowledged by the EA at that time that only upon considering an Environmental Permit for the facility could any conclusion be reached as to the acceptability of the height of the stack.

Representations have made reference to other energy from waste facilities/incinerators where the stack heights have been much higher and hence concern that the stack height would seem to be unlikely to be acceptable. One factor on this site to be borne in mind is that some of the stack and treatment plant for emissions are below natural ground levels due to the facility being partly sunken into the ground. The stack heights which have been referred to in representations are for facilities located at ground level.

The applicant submitted information on air quality as part of the original application that has been updated as part of the current application. The conclusions of the applicant's air quality studies are that the amended development is forecast to have no significant effects on air quality and no significant cumulative effects are forecast to occur.

A Human Health risk assessment was part of the original application and was updated as part of the current application. The conclusions of the study are that the emissions to air from the proposal would not pose unacceptable health risks to residential or farming locations in the vicinity of the proposed facility.

It should be noted that the responsibilities regarding emissions/air quality and impact on human health fall into various remits, primarily through the Environment Agency permitting regime and in part through the planning and Environmental Health. In simple terms the Environment Agency are responsible for setting and enforcing emission limits from the operations of the IWMF including emissions from the stack. The WPA, in conjunction with the BDC Environmental Health Officers are responsible for emissions from other activities (e.g. construction phase and traffic).

The role of the WPA and the Environment Agency is set out in paragraph 122 of the NPPF :

'... local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively...'

Additionally, the National Planning Policy on Waste 2014 states under para 7 “*Waste Planning authorities should - concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced*”

And

“...consider the likely Impact on the local environment and on amenity ...Waste Planning Authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies.”

The National Planning Guidance further reiterates this by stating that

“The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.”

Consequently, it is not for the Waste Planning Authority to consider in detail the impacts of the stack emissions when considering the merits of the planning application. The control of the emissions from the stack is fully within the remit of the Environment Agency through its permitting process. However, it is not for the planning authority to dismiss this issue. If the Environment Agency or any other relevant health authorities/agencies in their consultation responses consider that the air quality emissions would exceed permissible levels and have an adverse impact on air, it can be considered that the site is not suitable for the intended use being considered by the planning authority.

The Government's position is clear, planning authorities should call on the advice of the relevant bodies and work on the assumption that the relevant pollution control regime will be properly applied and enforced. It is also clear that refusing permission or requiring specific mitigation, when the matter is within the remit of another relevant body, is not appropriate. This approach would be consistent with the position set out in the National Policy Statement for Energy EN-1 that states that generally, those aspects of energy infrastructure which are most likely to have a significantly detrimental impact on health are subject to separate regulation (for example for air pollution) which will constitute effective mitigation, so that it is unlikely that health concerns will either constitute a reason to refuse permission or require specific mitigation.

The Environment Agency, Environmental Health and Public Health have all been consulted and none have raised any objections in principle, with the Environment Agency noting that it is their responsibility through the permitting process to manage emissions from the process (i.e. stack emissions).

It is noted that research carried by the Health Protection Agency in 2009² concluded the following:

“The Health Protection Agency has reviewed research undertaken to examine the suggested links between emissions from municipal waste incinerators and effects on health. While it is not possible to rule out adverse health effects from modern,

² The Impact on Health of Emissions to Air From Municipal Waste Incinerators. Advice from the Health Protection Agency. February 2010

well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants. The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has reviewed recent data and has concluded that there is no need to change its previous advice, namely that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended.”

The Agency's role is to provide expert advice on public health matters to Government, stakeholders and the public. The regulation of municipal waste incinerators is the responsibility of the Environment Agency.”

It is acknowledged that this statement is in relation to Municipal Solid Waste (MSW) now called LACW, but the overall nature of C & I waste is not significantly different. The consideration required by the WPA is whether or not the proposal would give rise to *unacceptable* air quality emissions that would exceed permissible levels and have an adverse impact on human health and air quality. In considering this it must take the advice of the relevant technical authorities, i.e. the Environment Agency, Public Health and Environmental Health. None of the relevant technical authorities have stated that the proposal would give rise to unacceptable air quality emissions that would exceed permissible levels and have an adverse impact on human health and air quality.

The outcome of the relevant technical experts is clear, it is considered that there would not be any unacceptable air quality emissions that would exceed permissible levels and have an adverse impact on human health and air quality.

The public's concerns or perceptions in relation to health and air quality are considerable for this application and are a material consideration.

Public concern can sometimes be associated with the previous generation of incinerators; however the implementation of new EC Directives resulted in the closure of many old incinerators across Europe, including the UK, which could not comply with new standards. The UK Health Protection Agency's (pre-cursor to Public Health England) Position Paper on Municipal Waste Incineration (2010) mentioned above found that in most cases an incinerator contributes only a small proportion to the local level of pollutants and concluded that the effects on health from emissions to air from incineration are likely to be small in relation to other known risks to health. This is in respect of modern incinerators as opposed to the previous generation of incinerators. The Health Protection Agency concluded that there is little evidence that emissions from incinerators make respiratory problems worse; similarly, there is no consistent evidence of a link between exposure to emissions from incinerators and an increased rate of cancer. This is the opinion of the relevant body and one which the planning authority should rely upon and, as stated in para 7 of the National Planning Policy for Waste 2014, planning

authorities “....*should avoid carrying out their own detailed assessment of epidemiological and other health studies*”.

It is not simply that the public concerns on this matter should be dismissed, but for them to carry significant weight within the planning application there would need to be reliable evidence to suggest that perceptions of risk are objectively justified, i.e. that the operation of the IWWMF plant actually would pose an actual risk. The Environment Agency has not objected and the report referred to above evidences that, subject to an Environmental Permit, the IWWMF would not pose a risk and the planning authority should rely on the experts in this matter.

The Environmental Permit currently being considered by the Environment Agency is the arena in which the emissions from the process/stack will be subject to detailed scrutiny and where the expertise lies.

In conclusion the relevant technical bodies, Public Health and the Environment Agency have raised no concerns. As a reminder of the roles, case law, *Cornwall Waste Forum v SoS for Communities and Others 2012*, the judge stated that “*It is not the job of the planning system to duplicate controls which are the statutory responsibility of other bodies...Nor should planning authorities substitute their own judgement on pollution control issues for that of the bodies with the relevant expertise and responsibility for statutory control over those matters.*”

In accordance with the National Planning Policy on Waste 2014 the planning authority has sought appropriate technical advice to satisfy itself that the operation would not result in any significant air quality, pollution or health impacts and there is no reliable evidence to suggest that perceptions of risk are objectively justified, i.e. that the operation of the IWWMF actually would pose an actual health risk; none of the consultees conclude that this would be the case. The concerns raised by residents regarding risk to human health are noted, but it is not considered that as part of the planning process (in accordance with previous case law and guidance) that substantial weight can be attached to these concerns in the determination of this planning application.

D TRAFFIC AND HIGHWAYS

Concern has been raised by representees as to the impact of traffic on the A120, in view of the existing heavy traffic that uses the road and the likely congestion the IWWMF traffic would cause. Concern has also been raised with respect to the potential for traffic to use alternative routes if the A120 is congested.

Similar concerns were raised with respect to the original application and the Inspector commented:

“It is accepted that the A120 Trunk Road is busy and some sections operate in excess of their economic design capacity and have reached their practical capacity. However, this occurs at peak times and the road should not be regarded as unable to accommodate additional traffic. Traffic to the eRCF would avoid peak hours where practicable.”

And

“Objectors have also expressed concern about the possibility of HGVs diverting onto local roads and travelling through local villages. However, as indicated above, HGV deliveries and despatches to and from the site would be under the control of the plant operator and the proposed HGV routeing agreement, which would be effective from the opening of the plant, would ensure that rat-running would not occur under normal circumstances.”

It has been demonstrated by the applicant that the proposed amendment to the various capacities and operation of the site could be achieved within the existing HGV movements. See appendix C. The number of HGV movements is not proposed to be changed and are limited by condition to 404 movements (202 in 202 out) Monday to Friday and 202 movements (101 in 101 out on Saturdays). The existing planning permission is subject to an obligation such that the operator is required to ensure HGV vehicles only use main roads to access the facility. All vehicles associated with the site are required to use the access onto the A120; no vehicular access is permitted from Woodhouse Lane. Funds have also been secured through the S106 agreement to enable the Highway Authority to put in place appropriate directional signage to the facility. In addition there is an obligation to review the need for two way crossings at Ash Lane & Church Road should queuing of vehicles occur to the detriment of the public highway. In addition funds are secured for highway works should the A120 ever be de-trunked.

No objection was raised by the Highway Agency to the original application or by Highways England with respect to the current application. In addition the Highways Authority has raised no objection to the use of the crossings with Ash Lane and Church Road subject of the imposition of similar conditions and obligations with respect to traffic movements and highway works as existing.

The Highways Authority have raised no objection to the discharge of condition of condition 6 (access and cross-over points), but have suggested that while not public highway the surfacing should be hot rolled asphalt rather than asphalt concrete and this could be added as an informative. In addition no objection has been raised with respect to details submitted under condition 20 (construction compounds and parking). It is therefore considered these conditions (6 & 20) can be discharged.

Plans submitted with the application make reference to routes giving access to Hangar No. 1, located adjacent to Shepcotes Lane. While use of the proposed access road is acceptable for agricultural traffic which previously used the old airfield tracks, no permission has been sought as part of this application or the original application for use of the IWMF access road as means of access to Hangar No.1. This is a matter for Braintree District Council and would need to have a separate planning permission which would need to consider the highway impacts of any additional usage of the access onto the A120. Therefore an additional condition could be imposed to address this matter by limiting use of the access road to the IWMF, the adjacent agricultural land and the existing use of Bradwell Quarry.

In conclusion, subject to the re-imposition of existing conditions and an additional condition limiting access as suggested above it is considered the amendments to condition 2 would not give rise to adverse impact on highway safety or capacity and are therefore in accordance with the WLP policies W8A and W10E.

E PUBLIC RIGHTS OF WAY

Concerns were raised by the Ramblers Association as to the lack of detail with respect to the routes of PRow on the drawings submitted under the changes to condition 2 and also the detail with respect to the various crossing points for public rights of way under condition 63.

Revised drawings have been submitted including the routes of PRow and additional more specific information has been provided for each crossing with a PRow. It should be noted that there are no new crossing points, crossings already exist due to the quarry access road and haul road. No adverse comments were received with respect to the proposed signage at crossing points submitted under condition 37.

In light of the above matters being addressed and receiving no adverse comments from the County's PRow team, it is considered that conditions 63 (crossing points) and 37 (PRow signage) in respect to PRow are in accordance with WLP policies W10E and W10G and can be fully discharged.

F WATER ENVIRONMENT

Concern has been raised by local residents and the Local Member (Witham Northern) as to the change in the arrangements for water supply to the facility. The currently permitted scheme envisaged the water needed for the facility to be provided from a combination of surface water collected both on the site and surrounding agricultural land and a limited amount from either an abstraction licence from the River Blackwater or from mains water. The water was to be stored in the Upper Lagoon and New Field Lagoon. Water arising from the waste processes was to be treated in a Waste Water Treatment Plant (WWTP) such that the water could be recirculated. The water supply as now proposed relies more heavily on water from the River Blackwater utilising an existing abstraction licence, but still also utilises surface water collected on site and draining from surrounding agricultural land. The water would continue to be stored within Upper Lagoon and New Field Lagoons and treated in on site WWTP and recirculated through the lagoons for reuse on site, a "closed loop system". It is acknowledged that the existing abstraction licence from Blackwater has limitations as the total volume of water that may be extracted, times of years and requires minimum flows in the River Blackwater. The applicant has demonstrated that even when there are periods of draught the capacity within the lagoons would ensure an adequate supply of water to the IWMPF.

The existing abstraction licence is not in use at present and no infrastructure exists. The licence is due to expire but the EA has indicated there is no reason why the licence would not to be renewed. The route of the pipework required to connect the site to the abstraction point has not been finalised and does not form

part of this planning application. A further approval would be required.

Confusion has arisen, as to the proposed water system, as the applicant also referred in the planning application documentation to a potential further alternative arrangement for water management whereby more water would be abstracted from the River Blackwater and then, following treatment to a standard equivalent to that when it was abstracted, be discharged into the River Blackwater. Such proposals would require new abstraction licence and a discharge licence from the EA and these would only be granted if the EA considered these would not result in unacceptable impacts on the environment. It is understood pre-application discussions have been held with the EA for such an arrangement but no licence applications have been made. The current application remains on the basis of utilising surface water collected on site and from the surrounding agricultural land and utilising the existing abstraction licence from the River Blackwater, the “closed loop system”.

The EA has not raised objection to the proposed arrangement of utilising the existing abstraction from the Blackwater River, with storage of water in Upper Lagoon and New Field Lagoon.

Details have been submitted with respect to foul water management (Condition 22), surface and groundwater management (condition 23) and groundwater monitoring (condition 24) and the EA have no objection to discharge of these conditions.

G LANDSCAPE & VISUAL IMPACT

In 2009, in considering the landscape and visual impact of the proposals, the Inspector took into account a number of factors including the existing landscape character and the proximity of existing properties and PRoW. It was noted that there are only a few residential properties located in close proximity to the site. The Inspector considered the impact of the various elements of the proposal including the buildings and plant themselves, the chimney stack, the access road and the proposed lighting. The Inspector took account of the proposed mitigation, including the part sunken nature of the buildings and plant, the location of the extended access road within a cutting, the proposed green roof, proposed landscape planting, the reflective finish of the chimney and the measures proposed to minimise light pollution and said:

“In conclusion on the overall subject of the impact on the landscape, it is accepted that visual harm is inescapable in the context of the provision of a major waste management facility. However, the issue is one of degree. The degree of harm that would result in this instance is remarkably limited. The low levels of visual impact arising from such a large-scale proposal confirm that this site is ideally suited to the proposed use.”

The amendments to the proposals do not significantly change any of these elements. The buildings are slightly smaller, the arrangement of plant to the rear of the buildings has changed and the location of chimney moved by 17 m. However, the changes do not result in a significant change to the landscape and

visual impacts. The number of tanks associated with the AD facility to the rear of the building has been reduced from four to one, reducing the bulk of these structures to the rear of the building; alternative plant relating to air cooling equipment has replaced that of the AD tanks, but remains below the height of the main building. The CHP plant is now higher and bulkier than before but remains below the height of the main building and views of the plant through the retained tree would be against the backdrop of the main building.

The different mitigations previously proposed would not be changed as a result of the amendments. In fact the reduction in the size of the main building has enabled an additional 5m of the woodland to the south of the buildings and plant to be retained, increasing the thickness of this screening belt. The creation of excavated slopes and soil nail walls as opposed to use of remaining walls means that additional areas are available on the slopes for planting and habitat creation.

Details of the landscape details required by conditions 57 and 59 have been submitted including species, sizes, spacing and protection measures and no objections have been raised to the planting details. In addition details have been submitted under condition 18 for the green roof, under condition 60 details for management of existing trees and under condition 61 landscaping details for the parking area adjacent to Woodhouse Farm. No adverse comments have been received. Details have been submitted required by condition 15 with respect to the building materials for the main two-arched roof building and no adverse comments have been received. It is therefore considered these conditions can be discharged in full.

Details have also been submitted with respect to the phasing of the haul road, the retaining walls and mineral extraction as required by condition 45. The working of the majority of the mineral previously means that little is left to be worked, in addition the construction of the retaining walls is less complicated as the reduced building size has enabled there to be slopes and soil nail walls rather than the need to construct vertical retaining walls. No adverse comments have been received and it is considered the condition could be discharged.

In order to minimise the impact of the stack/chimney the details of the finish for the stack were required to be submitted (Condition 14) along with details as to how the plume from the stack would be managed to avoid a visual plume (condition 17).

It should be emphasised the reason the details were required by these conditions relates to the physical external appearance of the stack and plume and the resulting visual impact. The conditions were not imposed to control emissions from the stack that are a matter for the Environment Agency. It is not necessary for the EA to have reached its conclusions with respect to the height of the stack for the details of its external appearance to be approved. A new planning application would be required if the stack height was found to be unacceptable by the EA and would have to be considered on its individual merits.

The details of the stack finish as submitted would provide the mirror like finish envisaged at the application stage and include the method of placement, cleaning and maintenance and thus it is considered the condition could be discharged.

The County's air quality consultant has reviewed the measures to prevent a visual plume from the stack, namely the removal of water vapour from the emissions and has concluded that the proposed measures would ensure under the majority of circumstances with no visual plume. The air quality consultant requested a management plan which would allow review the management techniques should there be any occurrences of a visual plume and a suitable management plan has been submitted by the applicant. It is therefore considered condition 17 (plume management) can be discharged.

With respect to landscape and visual impact it is considered that there are no changes that would materially alter the original conclusions of the Inspector and therefore the proposals are in accordance with WLP policies W10E & W10G and BDLPR policies RLP 80, 81, 86, 87 and 90.

H ECOLOGY

The proposed changes to the development do not involve any additional land.

The Inspector in considering the original application noted that there were species of nature conservation value (Great Crested Newts (GCN & bats) and habitats of interest on the site semi-improved natural grassland, semi-natural broadleaved woodland, the River Blackwater and ponds). It was also recognised by the Inspector that the applicant had committed to a range of ecological enhancements that went beyond compensation, including additional woodland, hedgerows and areas of open habitat and ponds management for GCN and proposed bat roosts within the refurbished buildings. It was acknowledged that some of these would take time to mature. He concluded that the ecological impact overall would be a residual positive benefit.

The ES has been updated with respect to ecology and no new issues have arisen that weren't previously identified as part of the original consideration and the proposed mitigation remains the same. The green roof proposals have been amended slightly in that areas of substrate (crushed concrete and sand and gravel) were to be left exposed on the roof, but now the building's roof is to be entirely growing green roof matting. Areas of exposed substrate are now proposed on the soil nail walls instead, to create the same type of habitats as were to be provided on the roof.

Conditions 53 (ecology survey) and condition 54 (Ecological Management Plan) have been previously submitted and in part discharged, but survey updates have been provided due to the passing of time.

Natural England has raised no objection to the amendments to the proposals or the discharge of the conditions. The County's ecologist is satisfied with submitted details with respect to the condition 53 (ecological survey update) and condition 54 (Habitat Management Plan) and these conditions can be discharged. No adverse comments have been received with respect to the traffic calming measures for the haul road required under condition 62 to protect otters and voles.

It is known that there are bat roosts within the Woodhouse Farm buildings and to ensure there is no doubt as to the need for a licence from Natural England prior to any works to these buildings, which might impact upon the bats, the ecologist has requested an additional condition to this effect, which could be imposed if planning permission were granted.

Lighting details have been submitted for construction lighting (condition 43) and condition 13 (Woodhouse Farm lighting). The County's lighting consultant has raised no objection to the lighting scheme and notes the scheme has been designed with a good understanding exterior lighting design and good lighting practices, achieving adequate lighting without light pollution. The consultant did raise some concerns with respect to the potential impact of lighting upon bats recorded in the site, particularly as roosts have been identified in Woodhouse Farm area. Representees have also raised concerns with respect to lighting both with respect to light pollution and impact upon wildlife. Additional information was submitted by the applicant's ecological consultant, who concluded the light levels would not have an adverse impact on the bats and there were unlit routes which would allow them to move about unhindered and the County's lighting consultants is satisfied with this additional information. It is therefore considered the details submitted with respect to lighting (conditions 43 and 13) can be discharged.

The additional ES information submitted with the application has included consideration of the cumulative ecological impacts of the pipework that would be needed to connect the IWMF to the abstraction point on the River Blackwater and the cable route for the electricity cable that would be need to link the IWMF to the National Grid to enable the export of electricity. The majority of the route for the water pipe would follow the IWMF access road. As such the ecological impact would be minimal and no specific issues have been raised with respect to species or habitats. In any event a separate approval would be required for the pipework when the ecological impacts would be considered in more detail.

The additional ES has noted that the presence of GCN have been recorded near the electricity substation at Galleys Corner which is the likely connection point to the National Grid. It is likely the electricity cable would be put in place by the electricity statutory undertaker and thus could be carried out under permitted development rights. Nonetheless the statutory undertaker would still need to ensure there was no harm to this protected species and it is considered appropriate to impose an informative to this effect should permission be granted. It is considered that the additional ecological impacts arising from the electricity cable and pipework are not such that the proposals with these additional works would give rise significant adverse impacts upon ecology.

Subject to the additional condition with respect to the need for a bat licence the amended development details do not give rise to any additional adverse impacts not addressed through the original mitigation and the proposals are considered to be in accordance with WLP policy W10E and do not conflict with BDLPR policies, 80, 81 & 84.

I HISTORIC ENVIRONMENT & ARCHAEOLOGY

The nearest Listed Building to the IWMF is Woodhouse Farm and buildings which are proposed to be refurbished as part of the development and utilised as an education/visitor centre. The impact of the IWMF, namely the parking for the facility to be located to the northwest of Woodhouse Farm and the CHP stack were considered by the Inspector. He concluded “...*the proposed parking and CHP stack would not have a significant adverse impact on the setting of nearby Listed Buildings and the benefits of restoration would far outweigh the resulting impacts.*” The location of the CHP stack has been slightly amended by the revised layout for the facility such that the stack is 17m to the south east. It is not considered that the difference in location would be discernible from Woodhouse Farm and therefore would not change the overall conclusion that any impact upon the setting of the Listed Building was outweighed by the benefits of their restoration. A Listed Building consent application has been made to BDC for the refurbishment works and is currently under consideration. It is therefore considered the application is in accordance with WLP policy W10E, BDLPR policy RLP 101 and the NPPF in that any impacts on the setting of Listed Building are far outweighed by the benefits of restoration.

Details under condition 13 have been submitted with respect to signage, lighting, telecommunications and no objection has been raised by the County's Historic buildings advisor.

With respect to the refurbishment of Woodhouse Farm and buildings as a visitor education centre it is understood that a Listed Building consent application has been made to Braintree District Council, but cannot be determined until additional information has been submitted. In order to ensure that there is timely restoration of the buildings, which are in very poor state of repair, it is considered appropriate to impose an additional condition setting a long stop date as to when the refurbishment of these buildings should be completed. It has to be acknowledging that obtaining the Listed Building consent and the necessary licence from Natural England due to bats that reside within the buildings are not quick processes, and therefore any long-stop date needs to be reasonable. It is therefore considered that a period of 6 years for the completion of the refurbishment works would not be unreasonable starting from commencement of development of the IWMF. Should planning permission be granted such a condition could be imposed.

The majority of the application site has already been the subject of archaeological investigation as part of previous mineral workings, only a small area of the site remains to be investigated, but a scheme of investigation is in place for this area. It is therefore considered the amendments to the IWMF are in accordance with WLP policy W10E and BDLPR policies RLP105 and RLP 106.

J RESIDENTIAL IMPACT

Concerns with respect to air quality caused by emissions from the stack have been considered in Section C earlier. Concern has also been raised with respect to deterioration of air quality due to the HGV movements. No additional HGV movements are proposed as part of the amendments and therefore there would no

additional air quality impacts than those previously considered by the Inspector and considered to be acceptable.

Details have been submitted with respect to the control of dust (condition 51a) and odour (condition 52a) separately to the current application and approved.

The revised layout and changes to the location of plant have been reassessed in terms of the likely noise impacts and it has been demonstrated that the revised facility could be operated within the maximum noise limits set out within the existing conditions. The Inspector in determining the 2008 application considered the proposed maximum limits would ensure there would be no adverse impact on residential amenity. The County's noise consultant considers that it has been demonstrated that revised proposals could be operated within the existing permitted noise limits, but has requested that upon finalisation of the plant details (under condition 19) that the noise assessment be required to be updated to verify that the maximum noise limits would not be exceeded. Such a requirement could be secured by condition if planning permission were granted.

It is considered subject to the previous conditions controlling, hours of operation, noise, dust and light and the additional noise condition, there are no adverse impacts arising from the proposed amendments that would warrant refusal of the permission and the proposals are in accordance with WLP policy W10E and W10F and BDLPR policies RLP 36, 62 and 63.

K CUMULATIVE IMPACT

The Environmental Statement has considered the cumulative impact of the development both in terms of other developments in the area, including non-mineral development, although it should be remembered that the assessment can only take account of development that is reasonably likely to come forward i.e. has planning permission or is identified in a Development Document. This included the cumulative impact of the adjacent mineral workings both permitted and within the Minerals Local Plan has been assessed. Also the impacts of ancillary development that would be required to facilitate the development of the IWMF, namely the necessary water pipework and electricity cables.

No significant adverse environmental impacts were identified.

The environmental impact of both just abstraction and abstraction with discharge has both been considered as part of the ES. An assessment of the impact of the likely routes of the pipework has been considered. No significant issues have been identified, but the routes would need to be subject of appropriate archaeological and ecological assessment, which could form part of any further approval.

The water pipework and electric cable would result in short sections of hedgerow loss amounting to 50m in total but replacement hedging could be provided. The connection point for the electricity substation is in an area where GCN have been recorded in the past, but the statutory undertaker would have a duty under The Wildlife & Countryside Act to address this issue before carrying out any such

works.

L LEGAL AGREEMENT

There is an existing legal agreement associated with the 2009 SoS decision. The obligations within this agreement remain associated with subsequent superseding variation permissions (ESS/41/14/BTE & ESS/55/14/BTE) by way of deeds of variation.

The heads of terms from the 2008 Committee report for the original application ESS/37/08/BTE are set out in Appendix F for reference. In summary the obligations related to highway works, funding for signage to direct HGV traffic to the site, highway works in the event the A120 was de-trunked, refurbishment of the Wood House Farm complex for a visitor/education centre including provision of Heritage Room and education areas, requirement for a liaison group, groundwater monitoring outside the site, historical record surveys, planting details outside the site and requirement for an ecological management plan.

If the current application were granted there would also be a need for a further deed of variation to ensure the obligations remain associated with the any new planning permission.

The WPA has proposed a minor change to the obligations within the original legal agreement, requiring the minutes of the liaison group to be provided within 3 weeks of the meeting rather than just prior to the next meeting. In addition, as mentioned previously, the applicant has proposed to provide a member of staff who would have the role of an education/waste minimisation officer. To secure this offer an additional obligation would be required. Both these amendments are set out within the Recommendation.

In addition to the above changes the applicant has applied for two minor changes in response to changes in circumstances since the original agreement. The first relates to the necessity to complete the highway works prior to implementation. The applicant has requested certain activities may be excluded from the definition of implementation with respect to the legal agreement namely tree and scrub clearance and archaeological work. Both these activities would generate limited additional traffic movements. The highway works are relatively minor relating to lining and signing at the crossings with Church Road and Ash Lane. Normally highway works are required to be completed before development commences in order to ensure that there is no impact on the safety and capacity of the highway network and is often the construction of the access itself. In this case the access to the public highway is already established and the Highway Authority has no objection to the impact on Church Road and Ash Lane of traffic generated from tree and scrub felling and archaeology prior to the completion of the Highway Works. It is therefore considered that the propose change would not give rise to any adverse highway impacts.

In addition the applicant has also requested the trigger for the requirement to deposit monies in relation to the de-trunking of the A120 be amended from prior to the application for the Works Licence necessary for the Highways Works to prior to

beneficial use of the IWMF. The timescale chosen at the time of the signing in 2009 reflected the circumstances at that time when it was anticipated the Highways Agency would be agreeing an alignment for a new A120 between Braintree and Marks Tey and a timetable for commencement established. This did not come to fruition and at the current time there is no agreed scheme for an enhanced and/or replacement A120 or any anticipated timescale for such a scheme. The Highways Authority has no objection to this suggested change in view of the change in circumstances. It is therefore considered reasonable that the payment of monies for any highway works that might be necessary upon de-trunking of the A120 is postponed until the IWMF is in beneficial use. This would still ensure the monies were available in a reasonable time since the IWMF permission has to be implemented by 2 March 2016 (or 2 March 2017 if the current appeal is upheld) and construction is expected to take 1-2 years. Thus the contribution money would therefore be available within 2 to 3 years, it is unlikely that a new scheme for the A120 would be agreed and implemented before this time.

M COMMENCEMENT OF DEVELOPMENT

The current planning permission and, if planning permission is granted, the new planning permission, would have a commencement date of 2 March 2016. If resolved to be granted the applicant has sought to ensure that a decision notice could be issued promptly and has been seeking to obtain a highway Works Licence to enable the necessary highway works to be undertaken. It is considered the applicant has submitted all necessary information to discharge pre-commencement conditions and obligations and intends to implement the planning permission prior to the 2 March 2016. Should permission be granted it should be noted that is not necessary for the Environment Permit to be determined for the developer to lawfully commence the development. However, clearly the developer would be taking a commercial risk should an Environmental Permit ultimately not be issued and the facility be unable to operate. It is considered appropriate that in case this situation should arise, a condition should be added to the permission which requires a plan of action for an alternative use for the IWMF site or rehabilitation scheme for the site if the IWMF is not brought into use within 5 years of commencement. The period suggested has been calculated on the basis that the Environmental Permit application process could take as long as a year to conclude and construction of the IWMF is likely to take between 1 and 2 years. Therefore to allow a degree of flexibility it is considered that a 5 year period would not be unreasonable and ensure the application site does not remain uncertain for an unreasonable period.

8. CONCLUSION

The key overarching purpose of planning is to deliver sustainable development. The NPPF in particular promotes a presumption in favour of sustainable development; referred to as the 'golden thread' running through decision taking. The National Planning Policy for Waste, the BCS, the WLP and the emerging RWLP also refer to sustainability objectives.

At paragraph 6 of the Framework it is stated that "*the purpose of the planning*

system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.” In an economic role planning should “be contributing to building a strong, responsive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.” In a social role planning should be “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating high quality built environment, with accessible local services that reflect the community’s needs and support is health, social and cultural well-being.” In an environmental role planning should be “contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.”

While the amendments would result in a change in capacities of the IWMF it is still considered that the facility would provide an integrated approach to waste management. The MBT & MRF would ensure recyclables are recovered prior to use of the residue as a fuel source for the CHP, in accordance with the principle of pushing waste up the waste hierarchy. The on-site de-ink paper pulp plant would make direct efficient use of the heat and steam from the CHP and produce recycled paper pulp in the UK reducing the need for imported supplies. The remaining capacity of the CHP, in combination with biogas from the AD facility, would generate “green” electricity, contributing to sustainable development, reducing carbon emissions from non-fossil fuel electricity generation and contributing to reducing the impacts of climate change.

The IWMF would provide waste management capacity for C & I waste within Essex & Southend further up the waste hierarchy and thereby reducing C & I waste going to landfill. The IWMF would create capacity to utilise SRF/RDF generated in the county. Even if the IWMF was not awarded the contract for the management of SRF/RDF generated at Tovi Eco Park by the WDA the IWMF capacity to deal with SRF/RDF would ensure that Essex & Southend had capacity to deal with SRF/RDF helping to achieve net self-sufficiency for the County’s waste management needs. The spare capacity in the CHP would encourage waste currently landfilled to be used as a resource from which energy could be recovered again helping to move waste management up the waste hierarchy.

No objection has been received from the Environment Agency with respect to the potential emissions from the CHP plant and Government guidance is clear that unless statutory bodies raise concerns with respect to emissions it is not the planning authorities’ role to refuse the application on pollution or health grounds. These will be addressed through the Environmental Permit and the planning authority should assume these control mechanisms would work effectively.

The concern that the application should have been a new full application was considered by the WPA and it was concluded that the way the conditions were imposed in the 2010 planning permission reflected the Inspector’s intention to allow flexibility in the implementation of the consent and that the application could be considered by way of a variation to the original consent.

The application was supported by an Environmental Statement. No significant adverse effects have been identified arising from the proposed changes which were not already addressed by mitigation or secured by condition. As a result of the amendments, there would be no additional impacts with respect to traffic, landscape, visual impact, impacts on the Historic environment, archaeology, ecology or impacts of residential amenity, which are not already mitigated by the proposals and/or controlled by existing or proposed conditions or obligations of the legal agreement. While the facility would utilise more water from an existing permitted abstraction licence, there is storage capacity within the site to utilise this abstraction and ensure adequate water supply even in dry periods, without adverse impact. Therefore the proposals are in accordance with WLP policies W8A, W4A, W4B, W4C, W10E and BDLPR policies RLP 36, 54, 62, 63, 64, 65, 71, 72, 80, 81, 84, 86, 87, 90, 100, 105 and 106.

The Inspector in considering the original application stated

The eRCF is consistent with the key planning objectives set out in PPS10 [now superseded and embodied within the NPPW]. It would help to deliver sustainable development by driving waste management up the waste hierarchy and addressing waste as a resource. It would reduce the need for disposal by landfill and would recycle waste into marketable products. Moreover, it would have benefits in terms of climate change. It would also contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community and assist in the implementation of ECC's strategy to provide a framework within which the community takes more responsibility for its own waste. The eRCF would contribute to the implementation of the national waste strategy.

It is not considered that the proposed changes would undermine these original conclusions. The proposal is sustainable development, in that it meets the needs of Essex & Southend; contributes to the sustainable management of waste; provides recycling capacity for C & I waste; provides reprocessing capacity for recovered paper efficiently using on site heat and power; provides a source of energy offsetting fossil fuels and reducing greenhouse gases from alternative forms of energy, better waste management, in particular by providing capacity to divert C & I waste from landfill; and is in accordance with the principles of the waste hierarchy set out in the National Planning Policy for Waste.

The development is therefore considered to represent sustainable development for the purposes of the NPPF and is considered to comply with the relevant policies of the development plan taken as a whole.

9. RECOMMENDED

That planning permission be **granted**, subject to the following:

- 1) A deed of variation to be completed within 3 months prior to issuing of the planning permission to address the following:
 - 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), ESS/41/14/BTE
and ESS/55/14/BTE.

- to amend the obligation with respect to liaison group requiring minutes to be produced shortly following the meeting
- to make provision for an education and waste minimisation officer at the IWMF
- To amend the requirement for the contribution towards highways works associated with the de-trunking of the A120 such that it shall be required prior to beneficial use of the IWMF

2) Condition 2 be updated to refer to the submitted amended plans

3) The details submitted to discharge conditions 6, 13, 14, 15, 17, 18, 20, 22, 23, 24, 37, 43, 45, 50, 53, 54, 57, 59, 60, 61, 62 and 63 be approved and the details included in the planning permission,

4) Additional conditions to address the following

65. There shall be no use of the access road to the IWMF accept by traffic associated with the IWMF, Bradwell Quarry or to access adjacent agricultural land for agricultural purposes.

66. That should the IWMF not be brought into use within 5 years of commencement the operator will submit a plan of action for an alternative use or scheme of rehabilitation.

67. Obtain a bat licence from Natural England prior to commencement of works affecting Woodhouse Farm & Buildings.

68. Woodhouse Farm and buildings to be refurbished to a visitor/education centre within 6 years of commencement of the IWMF development

69. Upon finalisation of the details of plant as required by condition 19 an updated noise assessment shall be submitted.

5) Any other conditions where details have been previously been discharged the approved details are to be incorporated into the planning permission.

6) All other conditions of the planning permission ESS/55/14/BTE to be re-imposed.

BACKGROUND PAPERS

Planning Application & Environmental Statement ESS/34/15/BTE
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 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

IWMF Planning permission ESS/55/14/BTE

Planning conditions and reasons

- 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.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall only be carried out in accordance with planning application ECC ref ESS/37/08/BTE (PINS Ref. APP/Z1585/V/09/2104804) dated 26 August 2008 (as amended) 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

As amended by Non-Material Amendment application reference ESS/37/08/BTE/NMA2 dated 4 September 2012, accompanied by letter from Berwin Leighton Paisner dated 29 August 2012 and email dated 18 September 2012 as approved by the Waste Planning Authority on 25 October 2012.

As amended by planning application reference ESS/44/14/BTE dated 5 August 2014, accompanied by letter from Holmes & Hills dated 5 August 2014, report entitled "Business development since obtaining planning permission" dated August 2014, report "Changes in the Case for Need since September 2009" dated August 2014 and letters from Honace dated 5 August 2014 and Golder Associates dated 4 August 2014 and granted by the Waste Planning Authority on 4 December 2014.

As amended by planning application reference ESS/55/14/BTE dated 12 December 2014, accompanied by letter from Holmes & Hills LLP dated 12 December 2014, SLR report "Justification for Removal of Fuel Sourcing Conditions" Rev 4" dated December 2014 and letter from Honace dated 5 August 2014 and Golder Associates dated 4 August 2014.

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application drawings, details (except as varied by other conditions), to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies P1, S1, S10, S11, S12, DM1, DM2 and DM3, WLP policies W3A, W4A, W4B, W4C, W7A, W7C, W7G, W8A, W10B, W10E, W10F and W10G, BCS policies CS5, CS7, 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.

- 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 (IWMF²) 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.

¹ An HGV shall be defined as having a gross vehicle weight of 7.5 tonnes or more

² IWMF shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A and W10E and BDLP policies RLP 36 and RLP 90.

- 4 The total number of HGV vehicle movements associated with the construction of the IWMF (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.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A and W10E and BDLP policies RLP 36 and RLP 90.

- 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.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A and W10E and BDLP policies RLP 36, RLP62 and RLP 90.

- 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.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLP policies RLP 36, RLP 49 and RLP 90.

- 7 No works on the construction of the IWMF shall commence until the access road extension and widening and all footpath cross-over points have been constructed.

Reason: In the interests of highway and pedestrian safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLP policies RLP 36 RLP 49 and RLP 90.

- 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.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLP policies RLP 36, RLP 49 and RLP 90.

- 9 No vehicles shall park on the haul road between the A120 and Ash Lane.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLP policies RLP 36, RLP 49 and RLP 90.

- 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.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10 and DM1, WLP policy W10E and BDLP policies RLP105 and RLP 106.

- 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.

Reason: To ensure that any heritage interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10 and DM1, WLP policy W10E and in accordance with the NPPF.

- 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.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to protect the setting of the Woodhouse Farm Listed Buildings and in accordance with MLP policies S10 and DM1, WLP policy W10E, BCS policy CS5, CS8 and CS9 and BDLP policies RLP 80, RLP 84 and RLP 100.

- 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.

Reason: To protect the setting of the Listed Buildings and in the interest of visual amenity and to comply with MLP policy DM1, WLP policies, W8A W10B and W10E, BCS policy CS9 and BDLP policies RLP 36, RLP 65, RLP 90 and RLP 100.

- 14 No development shall commence until details of the design of the stack serving the IWMF 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.

Reason: In the interest of visual amenity and to protect the countryside and to comply with WLP policies W8A, W10B and W10E and BCS policy CS5, BDLP policies RLP 36, RLP 65 and RLP 90.

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

Reason: For the avoidance of doubt, in the interests of visual and landscape amenity and to comply with WLP policies W8A, W10B, W10E and BCS policy CS5 and BDLP policy RLP 90.

- 16 Not used

- 17 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.

Reason: In the interest of visual amenity, to protect the countryside and to comply with WLP policies W8A, W10B and W10E and BCS policy CS5 and BDLP policies RLP 36, RLP 65 and RLP 90.

- 18 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.

Reason: In the interests of visual and landscape amenity and enhancement of ecological biodiversity and to comply with WLP policies W8A, W10B and W10E, BCS policy CS8 and BDLP policies RLP 80, RLP 84 and RLP 90.

- 19 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.

Reason: To ensure the layout and configuration of the process equipment and plant would not give rise to impacts not assessed as part of the application and Environmental Statement and to protect local amenity and to comply with WLP policies W8A, W10B and

W10E, BCS policy CS5 and BDLP policies RLP 36, RLP 62 and RLP 90.

- 20 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.

Reason: In the interest of visual amenity, to protect biodiversity and the countryside and to comply with MLP policies S10 and DM1, WLP policies W8A, W10B, W10E and BCS policies CS5 and CS8 and BDLP policies RLP 36, RLP 65, RLP 80 and RLP 90.

- 21 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.

Reason: In the interest of visual amenity, to protect biodiversity and the countryside and to comply with WLP policies W8A, W10B, W10E, BCS policies CS5 and CS8 and BDLP policies RLP 36, RLP 65, RLP 80, RLP 84 and RLP 90.

- 22 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.

Reason: To minimise the risk of pollution on ground and surface water, to minimise the risk of flooding and to comply with WLP policies W4A, W4B, W8A and W10E and BLP policies RLP 36, RLP 62, RLP 71 and RLP 72.

- 23 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.

Reason: To minimise the risk of pollution on ground and surface water, to minimise the risk of flooding and to comply with WLP policies W4A, W4B, W8A and W10E and BLP policies RLP 36, RLP 62, RLP 71, RLP 72 and RLP90.

- 24 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.

Reason: To minimise the risk of pollution to ground and surface water and to comply with MLP policies MLP S1, S10 and DM1, WLP policies W4A, W4B, W8A and W10E and BLP policies RLP 36, RLP 62, RLP 71 and RLP 72.

- 25 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.

Reason: To minimise the risk of pollution to ground and surface water, to minimise the risk of flooding and to comply with MLP policies MLP S1, S10 and DM1, WLP policies W4A, W4B, W8A and W10E and BLP policies RLP 36, RLP 62, RLP 64, RLP 71 and RLP 72.

- 26 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.

Reason: To ensure the market de-inked paper pulp plant only remains at the site as a direct consequence of its co-location with the IWMF and to protect the countryside from inappropriate development and to comply with WLP policies W8A and W7G and BCS policy CS5.

- 27 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.

Reason: In the interests of the environment by assisting the Essex and Southend-on-Sea waste planning authorities to become self-sufficient for managing the equivalent of the waste arising in their administrative areas, ensuring that the waste is transported in accordance with the proximity principle, minimising pollution and minimising the impact upon the local environment and amenity and to comply with WLP policies W3A, W3C and W10E.

- 28 Deleted

- 29 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.

Reason: To ensure the scale of the facility would not give rise to impacts not assessed as part of the planning application and Environmental Statement and to protect local amenity and to comply with WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLP policies RLP 36, RLP 62 and RLP 90.

- 30 Deleted

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

Reason: To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLP policies RLP 36, RLP 62 and RLP 90.

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

Reason: To ensure minimum nuisance from operations on local amenity, particularly litter and odour and to comply with WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLP policies RLP 36, RLP 62 and RLP 90.

- 33 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.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policies W3A, W4C, W8A and W10E and BDLP policies RLP 36 and RLP 90.

- 34 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.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies S1, S10 and DM1, WLP policies W10E and W10F and BDLP policies RLP 36, RLP 62 and RLP 90.

- 35 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.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies S1, S10 and DM1, WLP policies W10E and W10F and BDLP policies RLP 36 RLP 62 and RLP 90.

- 36 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.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policies W10E and W10F and BDLP policies RLP 36, RLP 62 and RLP 90.

- 37 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.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with MLP policies S1, DM1, WLP policies W3A, W4C, W8A, W10E and W10G and BDLP policies RLP 36, RLP 49, RLP 62 and RLP 90

- 38 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	47
The Lodge	49

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.

Reason: In the interests of residential and local amenity and to comply with MLP policies S1, S10, DM1, WLP policies W3A, W8A, W10E, W10F and BDLP policies RLP 36, RLP 62 and RLP 90.

- 39 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.

Reason: In the interests of residential and local amenity and to comply with WLP policies W3A, W8A, W10E, W10F and BDLP policies RLP 36, RLP 62 and RLP 90.

- 40 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.

Reason: In the interests of residential and local amenity and to comply with WLP policies W3A, W8A, W10E, W10F and BDLP policies RLP 36, RLP 62 and RLP 90.

- 41 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 IWMP, the frequency of the monitoring may be modified by agreement with the Waste Planning Authority.

Reason: In the interests of residential and local amenity and to comply with MLP policies S1, S10, DM1, WLP policies W3A, W8A, W10E, W10F and BDLP policies RLP 36, RLP 62 and RLP 90.

- 42 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.

Reason: In the interests of amenity and to comply with MLP policies S1, S10, DM1, WLP

policies W3A, W8A, W10E, W10F and BDLP policies RLP 36, RLP 62 and RLP 90.

- 43 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.

Reason: In the interests of residential and local amenity and protection of the environment and in the interest of protecting biodiversity and in the interests of highway safety and to comply with MLP policies S1, S10, S12, DM1, WLP policies W3A, W8A, W10E and W10F, BCS policies CS5 and CS8 and BDLP policies RLP 36, RLP 62, RLP 65 and RLP 90.

- 44 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.

Reason: In the interests of residential and local amenity and protection of the environment and in the interest of protecting biodiversity, in the interests of highway safety and to comply with MLP policies S1, S10, S12, DM1, WLP policies W3A, W8A, W10E and W10F, BCS policies CS5 and CS8 and BDLP policies RLP 36, RLP 62, RLP 65 and RLP 90.

- 45 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.

Reason: In the interests of residential and local amenity and protection of the environment and in the interest of protecting biodiversity, in the interests of highway safety and to comply with MLP policies S1, S10, S12, DM1, WLP policies W3A, W8A, W10E and W10F, BCS policies CS5 and CS8 and BDLP policies RLP 36, RLP 62, RLP 65 and RLP 90.

- 46 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.

Reason: To minimise structural damage and compaction of the soil and ensure sustainable use of surplus soils and to aid in the restoration and planting of the site and to comply with MLP policies S1, S10 and DM1 and WLP policies W3A and W10E.

- 47 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

condition³ 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.

Reason: To minimise structural damage and compaction of the soil and to aid in the restoration and planting of the site and to comply with MLP policies S1, S10 and DM1 and WLP policies W3A and W10E.

- 48 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.

Reason: To ensure that there are no adverse impacts on local amenity from the development not previously assessed in the planning application and Environmental Statement and to comply with MLP policies S1, S10, DM1 and DM3, WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLP policies RLP 36, RLP 62 and RLP 90.

- 49 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.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with MLP policies S1, S10 and DM1, WLP policies W3A, W4A, W4B, W8A, and W10E and BDLP policies RLP 36 and RLP 62.

- 50 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.

Reason: In the interest of visual amenity, to protect the countryside and to comply with MLP policies S10 and DM1, WLP policy W10E and BCS policies CS5 and BDLP policies RLP 36, RLP 65 and RLP 90.

- 51 (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 IWMF

(b) No beneficial occupation of the IWMF 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.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies S1, S10, DM1, WLP policies W3A, W8A and W10E and BDLP policies RLP 36, RLP 62 and RLP 90.

- 52 (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.

Reason: In the interests of local amenity and to comply with WLP policies W3A, W8A and W10E and BDLP policies RLP 36, RLP 62 and RLP 90.

- 53 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.

Reason: To make appropriate provision for conserving and enhancing the natural environment, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLP policies RLP 80, RLP 81 and RLP 84.

- 54 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.

Reason: To make appropriate provision for conserving and enhancing the natural environment, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLP policies RLP 80, RLP 81 and RLP 84.

- 55 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.

Reason: To make appropriate provision for conserving and enhancing the natural environment, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLP policies RLP 80, RLP 81 and RLP 84.

- 56 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.

Reason: In the interest of visual amenity, to protect the countryside and to comply with WLP policies W8A and W10E, BCS policy CS5 and BDLP policies RLP 36, RLP 65 and RLP 90.

- 57 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.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity, to protect the countryside and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLP policies RLP 36, RLP 62, and RLP 90.

- 58 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.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity, to protect the countryside and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLP policies RLP 36, RLP 62 and RLP 90.

- 59 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.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment, including adjacent TPO woodland and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLP policies RLP 80, RLP 81 and RLP 90.

- 60 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.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment, including adjacent TPO woodland and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLP policies RLP 80, RLP 81 and RLP 90.

- 61 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.

Reason: To protect the setting of the Listed Buildings and in the interest of visual amenity and to comply with MLP policy DM1, WLP policies W8A and W10E, BCS policy CS9 and BDLP policies RLP 36, RLP 65, RLP 90 and RLP 100.

- 62 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.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLP policy RLP 84.

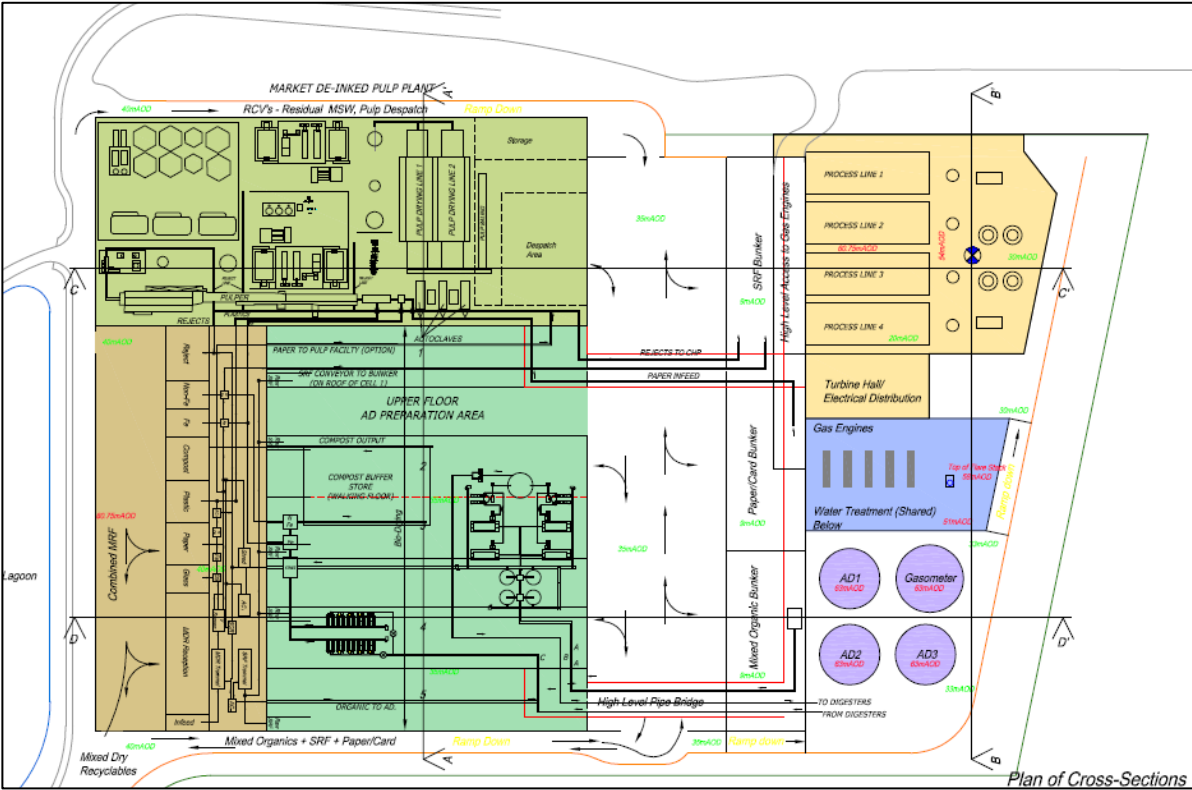
- 63 Prior to commencement of development, details of the lining and signing of the crossing points of the access road with Church Road and Ash Lane shall be submitted to and approved in writing with the Waste Planning Authority. The lining and signing shall require users of the access road to "Stop" rather than "Give Way". The details shall be implemented as approved.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLP policies RLP 36 and RLP 49.

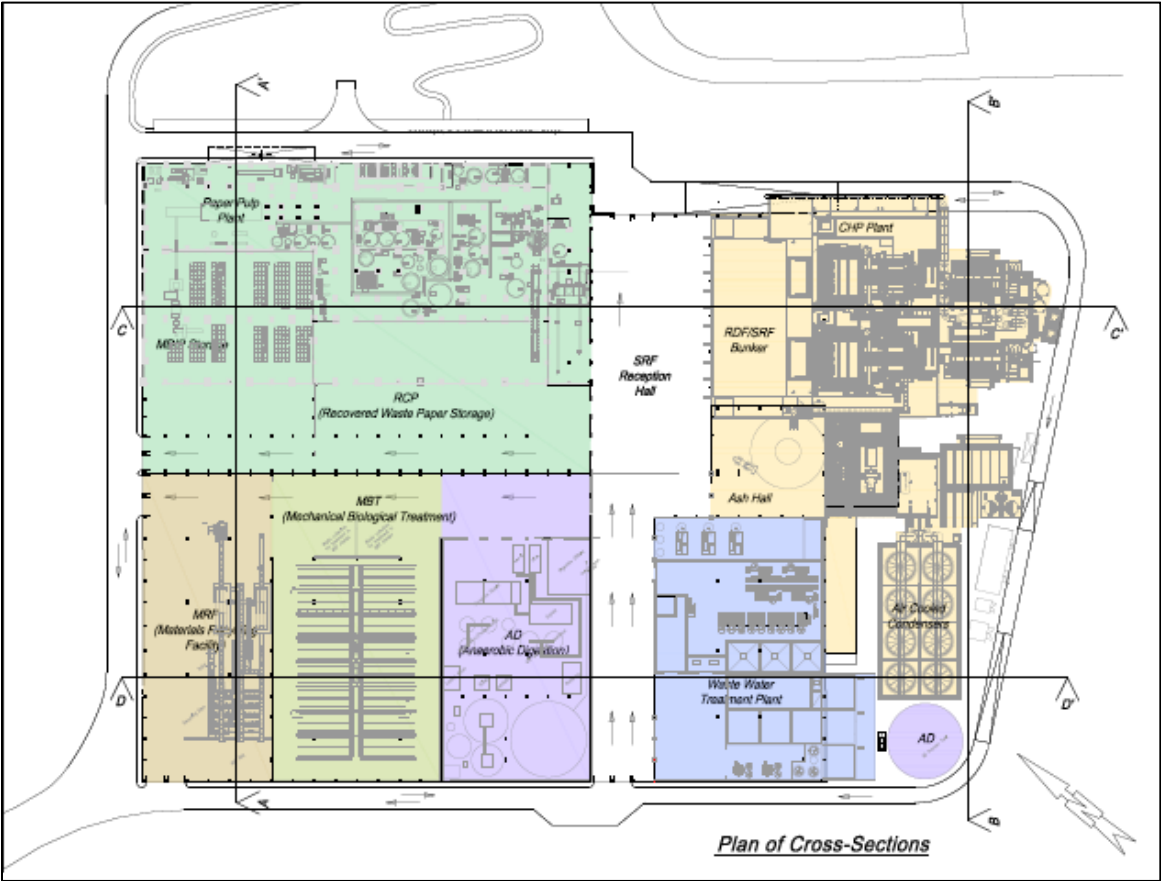
- 64 No development shall take place until a written scheme and programme of historic building recording for Woodhouse Farm and buildings (including Bakehouse & pump) has been submitted to and approved in writing by the Mineral Planning Authority. The written scheme and programme of historic building recording shall be implemented prior to the commencement of any demolition, works or conversion of any kind taking place at Woodhouse Farm and buildings as part of this permission.

Reason: To ensure that any heritage interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10 and DM1, WLP policy W10E, BCS policy CS9 and BDLP policy RLP 100 and the NPPF.

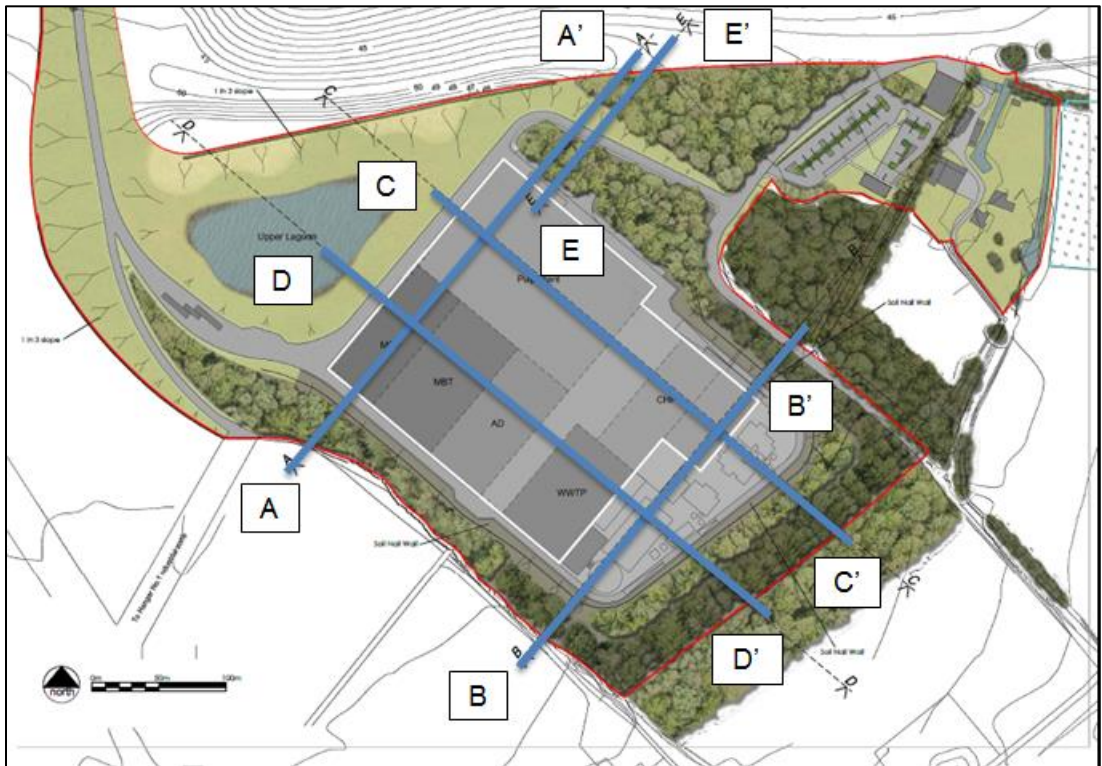
Indicative detailed layout for IWMF



Current Plan of Cross Sections

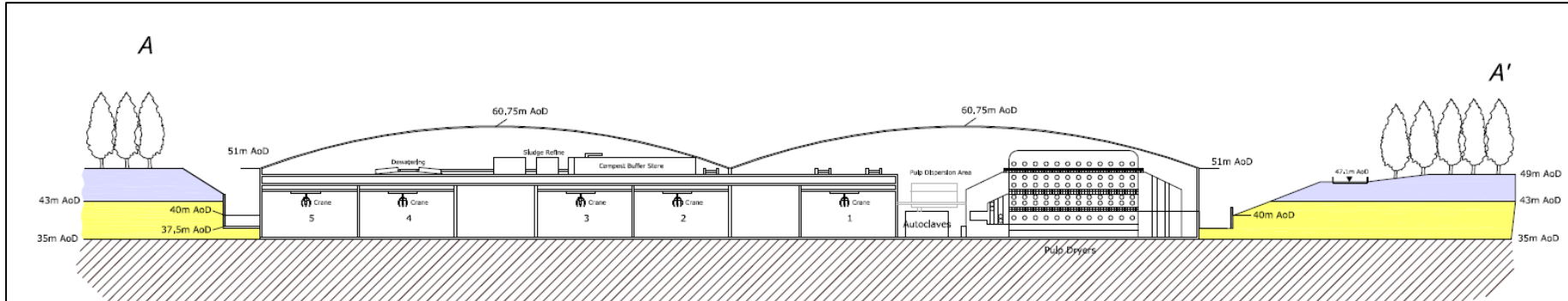


Location of cross sections

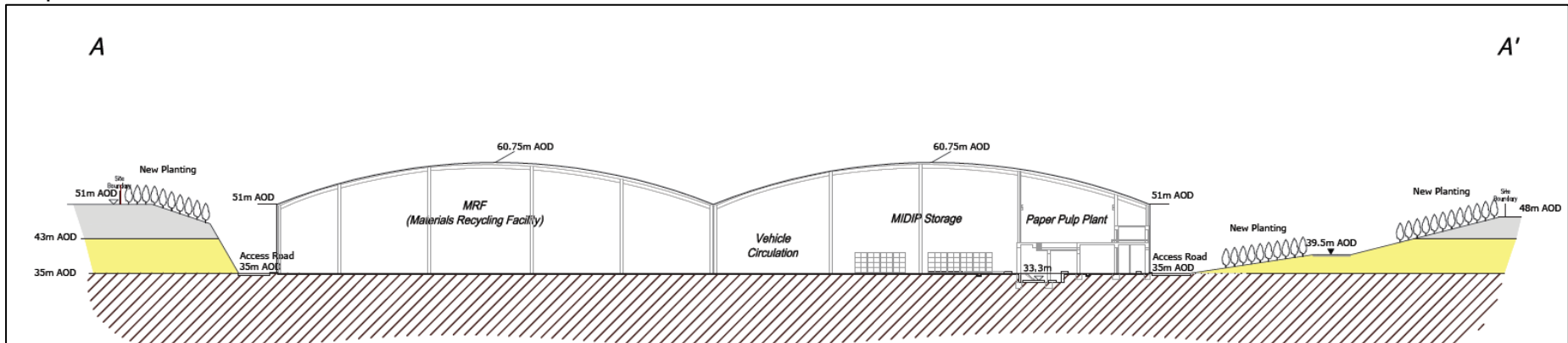


Cross Sections – A – A'

Permitted ESS/37/08/BTE

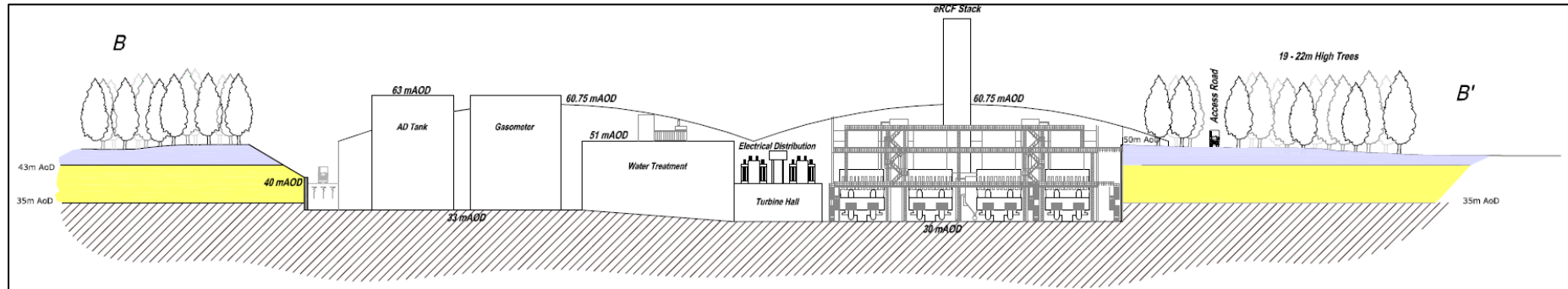


Proposed ESS/34/15/BTE

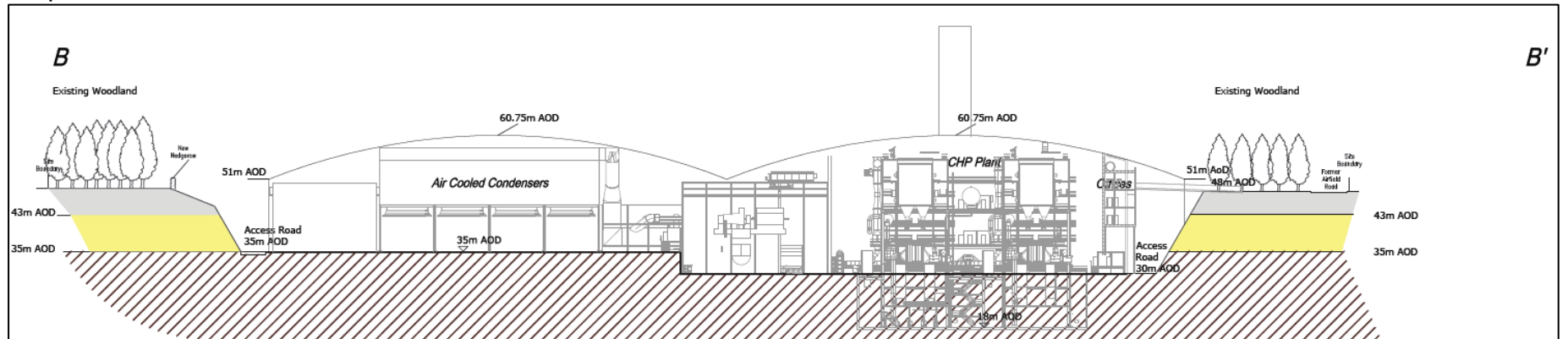


Cross Sections – B – B'

Permitted ESS/37/08/BTE

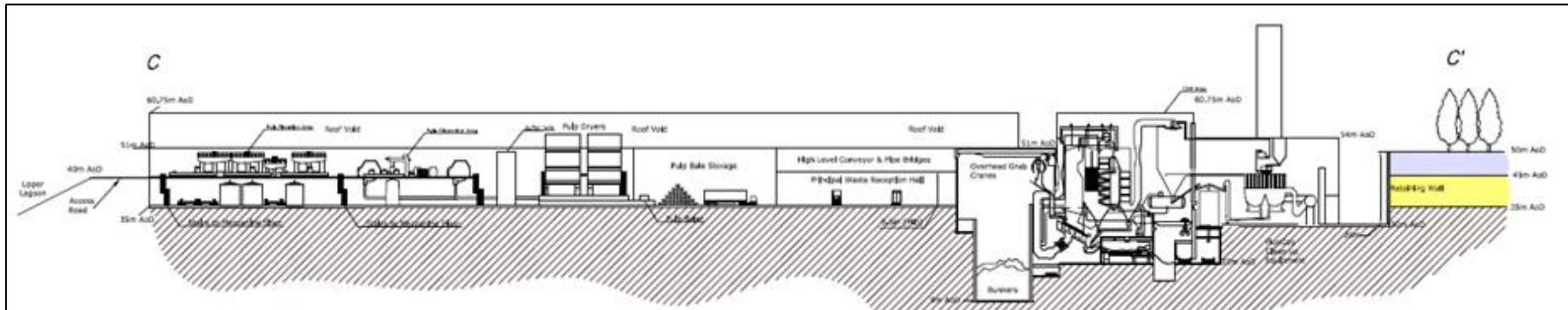


Proposed ESS/34/15/BTE

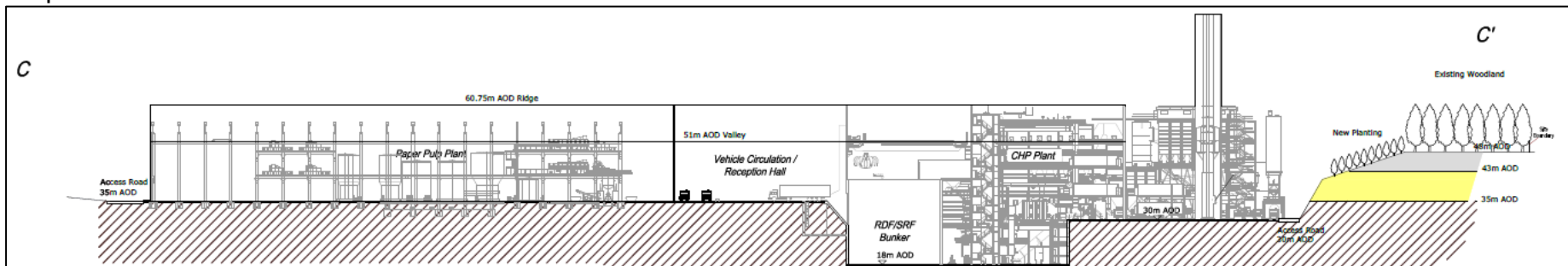


Cross Sections – C – C'

Permitted ESS/37/08/BTE

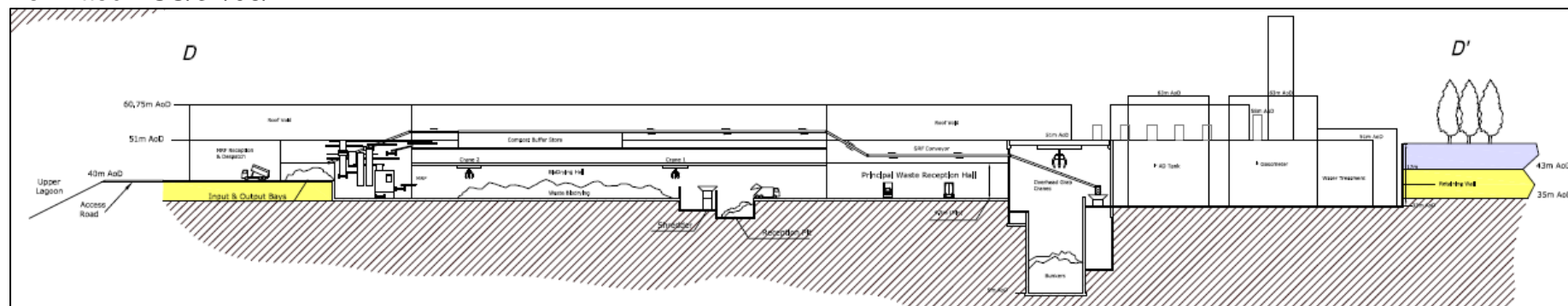


Proposed ESS/34/15/BTE

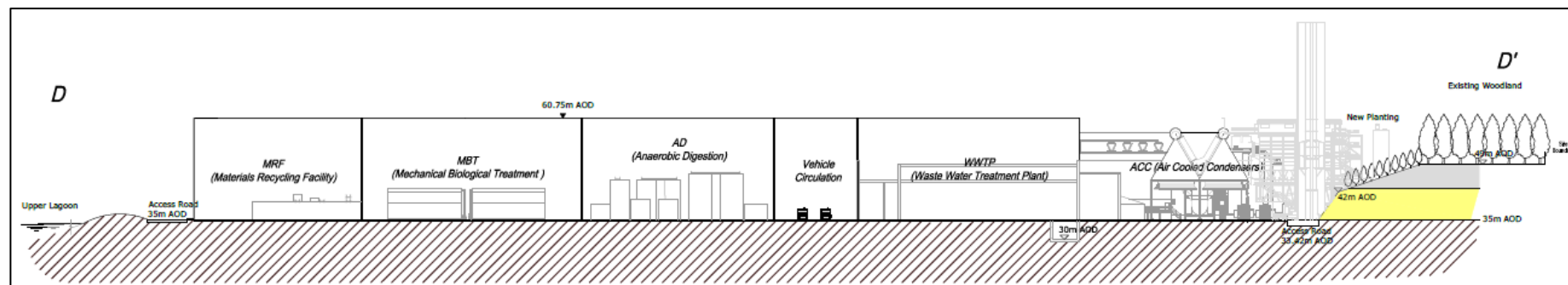


Cross Sections – D – D'

Permitted ESS/37/08/BTE

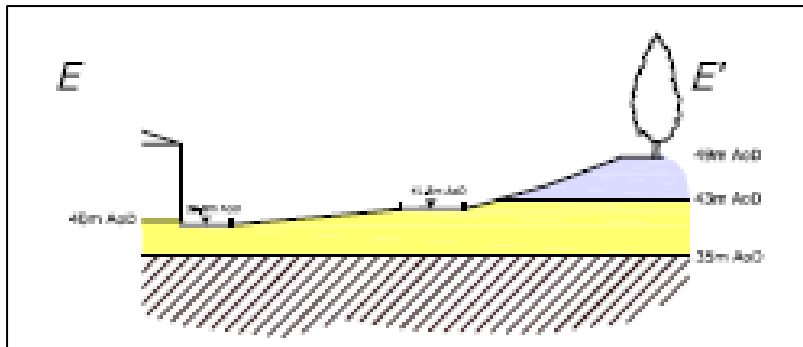


Proposed ESS/34/15/BTE

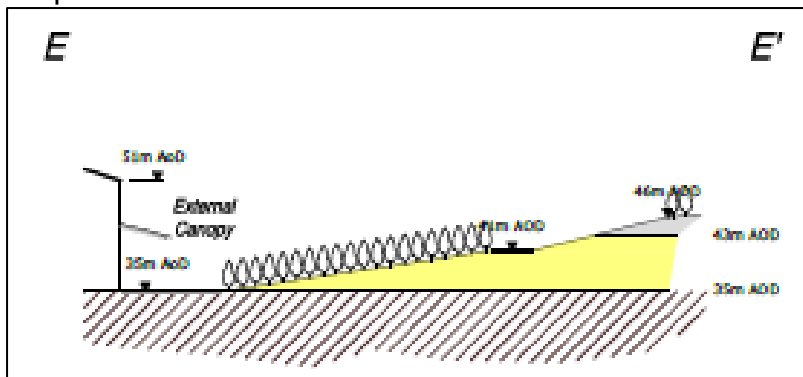


Cross Sections – E – E'

Permitted ESS/37/08/BTE



Proposed ESS/34/15/BTE



TRAFFIC MOVEMENTS

Figures in *italics* are those submitted as part of the application for the permitted IWMF (ECC ref ESS/37/08/BTE) and those in plain text are those submitted as part of current application. All movements are based on a 278 working days

IWMF Daily Imports (in full, out empty)

	ESS/37/08/BTE			ESS/34/15/BTE		
	Total tonnage '000	Vehicle payload	One way movements per day	Total tonnage '000	Vehicle payload	One way movements per day
MBT	250	24	38	170	25	25
MRF	100	15	24	150	25	22
AD	85	24	13	25	15	6
SRF/RDF	87.5	22	15	337.5	25	49
Waste paper	331	25	48	35	20	7
				120	20	20
CHP, MDIP & WWTP consumables				26.2	20	5
Total one way			138			134

IWMF Daily exports (in empty, out full)

	ESS/37/08/BTE			ESS/34/15/BTE		
	Total tonnage '000	Vehicle payload	One way movement	Total tonnage '000	Vehicle payload	One way movement
Rejects from MBT & MRF	42.5	25	7	1.5	22	1
Recyclables & compost	101.0	25	16	45.0	24	7
				8.8	20	2
Ashes & residues	75.1	25	12	147.0	25	22
				14.3	22	3
Recycled paper pulp	199.5	25	29	110.0	25	16
Sludge from MDIP				68.3	15	17
Total one way			64			68

Total one way			202			202
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The above demonstrates that no more than 404 movements per day total would be generated by the amended proposals.

Full comments of the Local Member for Witham Northern

The site has gone through a series of planning applications and variations from an original proposal for a "Recycling and Composting Facility" (RCF) to the "Evolution of the RCF" (eRCF), to the IWMF and now the S73 variation application. None of the previous versions of the facility have been started.

This history was added to with the additional Environmental information as requested by the Government in relation to the Appeal for another year - which was also required by ECC.

I did ask to see the opinion that ECC has apparently obtained as to why the current variation application was accepted as a "change to the conditions". This request was refused. Therefore as a Member with part of the site in the division I represent, I have been unable to explain to local residents and parish councils who have asked me, why this application has been deemed minor, when the implications of it would appear to be far from minor.

The S73 application seeks, along with other things, to remove the consented drawings in condition 2 of ESS/55/14/BTE with the intention of:

- (i) changing the internal layout of the plant,
- (ii) significantly altering the process balance,
- (iii) a slightly smaller plant footprint and related changes to the surrounding walls and access road.

This application is also accompanied by a series of condition discharge applications.

Given the "minor" status of the application, I note that the whole application (together with the condition discharge applications) consists now of 370 documents on the ECC website, some of which are duplicates. The documents are not set out in a way which makes for ease of understanding the different status of the documents and as ECC does not publish consultee responses, it is not possible to follow the application in terms of key responses as they are submitted.

I have had many requests by e-mail and telephone from interested persons and parish councils who are confused by the complexity of this application and further complication of the parallel other applications and the ongoing Appeal.

The S73 application does not, in itself attempt to substitute back in all the drawings being amended. Some drawings which appear to be current are labelled as "indicative or "preliminary". Even the updated Environmental information submitted at the end of 2015/early 2016 shows a number of key drawings as "indicative" or "preliminary" including 3-19 (front elevation), 3-12 (building and process layout sections), 3-8 (building process cross sections).

The applicant states that a condition 19 submission will fill in the missing drawings but does not say when this will be even whilst submitting information stating that the development will begin soon.

It appears (Statement of Support para 4.5) that the applicant may change the plant processes via condition 19 in response to the Permit application to the EA.

This raises uncertainty as to the final intentions and appears to be incompatible with the Intention to Start application ESS/55/14/BTE/LA2 which has been submitted to ECC. I have submitted separate comments regarding this application, but would in the context of the S73 application reiterate what appears to be a risk that the facility could be commenced without all the elements of the facility having been finalised and without contractors having been appointed. It is notable that the S73 application gives a good deal of internal detail regarding the incinerator/CHP, but much less for other elements.

Another area of uncertainty is that the updated Environmental information introduces new matters, most notably in relation to water (see below) which could affect the ability of the plant to operate at all, as a separate (and complex) new water licence from the EA would be required which may not be determined for many months, even while construction was underway.

The outcome of the facility Permit application and the outcome of the stated intention to apply for a new abstraction/discharge licence are unknown, both of which could significantly influence the physical detail and process functions of the plant in respect of water.

In total, how could construction of such a large and complex development begin when the plans and permit/licences are not finalised and agreed ? Why has the level of uncertainty increased in the 6 years since planning permission was granted, instead of the normal closing down of uncertainty via finalisation of details and permitting in a timely way? In a report for Atkins, regarding the delivery of the Basildon MBT plant, they stated that "planning and permitting had been secured in good time".

The applicants refer to the need for flexibility and state that (Statement of Support para 4.1) the extant permission was "conceptual". This is not what the Inspector to the 2009 concluded. In his report he did support flexibility, but in order to "ensure that high rates of recycling and EfW can co-exist". The Inspector made an "on balance" decision that the evidence of high levels of recycling were benefits that carried weight to consider against the harm caused by the facility being built in the countryside.

The applicants refer to the facility producing "green" and renewable" power. They do not however qualify such statements by explaining that only the biodegradable fraction of waste can be classed as a fuel source for renewable energy. The Government is perfectly clear about this.

As stated above, the S73 application seeks not only to remove agreed plans and substitute them at a later date, but also to significantly alter the process balance of

the plant, which was a key consideration at the 2009 planning inquiry and subsequently the grant of consent by the SoS in March 2010.

The headroom capacity rises slightly in the S73 application. The permitted input capacity in respect of ESS/55/14/BTE is 853,500 tpa. The S73 application seeks to increase this to 863,700 tpa. Whilst a modest increase, this is a breach of condition 29 of the extant consent.

The permitted incinerator/CHP capacity is 360,000 tpa. The S73 application seeks to increase this to 595,000 tpa, an increase of 65%. The applicant argues that the increase is not so large based on energy considerations, but the normal way of assessing the capacity of processing elements is by tonnages, as has been the case throughout the planning history of this site.

The applicants signposted their intention to increase the incineration capacity in previous applications, including the "hinterland" application that removed geographical sourcing. However since the first iteration of the "eRCF" it has been clear that waste incineration was a dominant consideration with the applicants seeking to link the Rivenhall facility with the expected SRF outputs from Basildon. This is confirmed again in the S73 application where at para 6.6 of the Statement of Support, it is stated that "only" Rivenhall could take the Basildon outputs. The applicants go further at para. 8.11 by stating that the "furnace specification has been changed to take account of RDF specification including Essex County Council at Basildon."

It is an issue of commercial procurement as to where the SRF from Basildon goes in the long term. However, it is clear that Rivenhall is not the only plant that could take the material. There are operating plants within the region that could take the material and which state they have had discussions with ECC. In a written response to me, ECC confirmed that as well as Rivenhall (which of course is not built) the decision as to the timing of seeking a future longer term contract(s) took into account another plant within Essex that is proposed to be built at Thurrock, as well as other plants in the South East.

To keep the overall "headroom" capacity similar to the extant consent, the S73 application proposes to reduce all the recycling elements.

This relates notably to the paper pulping element of the facility (the main "anchor" for the Combined Heat and Power (CHP) function). The paper pulping capacity is proposed to be more than halved in the S73 application from 360,000 tpa to 170,000tpa. This is a decrease of 53%.

The other major elements of the plant that recycle waste are also proposed to be decreased in capacity. The AD capacity is proposed to be reduced from the extant consent of 85,000 tpa to 30,000 tpa. This is a reduction of 65%.

In terms of the MRF facility, the applicants state that this is to be considered as a processing line to produce RDF for the incinerator/CHP. It is not clear why this change is proposed but the effect is to further decrease the recycling performance

compared to the extant consent. The recycling output of the MRF in the S73 application is about 15% of capacity in tonnage terms.

All these matters raise questions about the changed process flows in relation to the Waste Hierarchy and the need to move waste management up the Hierarchy, not down.

The applicant states that ECC has provided for municipal waste treatment via a network of transfer stations, the Basildon MBT (under commission) and two AD plants for food waste – one operating at Halstead and one to be built at Basildon. The emphasis for the proposed facility at Rivenhall is therefore much more towards handling commercial waste.

The applicant has long stated that the non-hazardous commercial wastes they would be handling are similar to municipal wastes. ECC data shows that the commercial waste sector in Essex is larger than the municipal waste sector. Therefore it is unclear as to why waste should not be recycled at the same or a similar level as in the consented plant. Why for example, is it proposed to decrease AD capacity by 65% when there is a significant commercial food waste market?

In this matter, it is noted that the S73 application states that materials entering both the MBT and MRF units of the facility will be initially shredded. It is not normal practice to shred waste entering an MRF and some materials, due to the stated process flow, will go through shredding twice. This will reduce the effectiveness of recycling compared to a normal MRF set-up.

When the Inspector considered the facility at the Inquiry in 2009, he concluded that it did offer the prospects for moving waste management up the waste hierarchy and could maximise recycling. A question to be asked now is - would he come to the same conclusion with the S73 application?

The consented flows detailed in the Inspector's report were 853,500 tonnes per annum total site inputs, with 300,500 tpa recyclates (materials, paper pulp and compost) exported off site - a recycling rate of 35%.

The S73 version of the facility now proposes that of the (increased) 863,700 tpa inputs, 163,771 tpa would be exported as recyclates - a recycling rate of 19% (these figures and those below regarding in and out tonnage flows are derived from the Intermodal document).

The switch in process balance is such that in the S73 application the amount of material exported off site to landfill and as ash would be 231,054 tpa - significantly more than the recyclates. This includes the intention in the S73 application not to use the paper sludge internally as fuel for the incinerator/CHP (as in the extant consent), but to export it off site (68,000 tpa).

The “anchor” for the consented plant was a paper pulping unit of 360,000 tpa capacity. This would have used heat, steam and power from the proposed incinerator/CHP. In the proposed S73 version, the capacity of the pulping unit is more than halved. This raises questions about the energy balance of the facility.

Given the much larger incinerator/CHP and the much smaller paper pulping unit, will heat be wasted?

I referred above to the new matters introduced by the applicant in the updated Environmental information. The stated intention, which I note was denied by the applicants when I questioned it in the autumn of 2015, is to use the River Blackwater more intensively for abstraction and now (new proposal) for discharge as well. Effluent discharge was never part of the extant consent nor ever suggested by the applicants to the Inspector in 2009. Why has this issue emerged now? It is not clear, especially given the smaller pulping plant (the dominant user of water), why the proposed water use has changed so much.

This new matter in the planning considerations is in conflict with the Permit application to the EA, which was made in late 2015. Despite the S73 and the Permit documents both being drawn up in 2015, the Permit application maintains the proposal for a "Closed Loop" water cycle and categorically rules out discharge. Confusingly, the applicant refers in the S73 updated Environmental information to the proposal for abstracting more and discharging to the river as a "Closed Loop".

Whilst it is accepted that the permitting regime is separate from the planning regime, it is confusing and raises uncertainty if significant matters in the two regimes are treated in materially different ways.

The use of water at the facility is an important issue as many of the processes will require high and continuous 24/7 water resources/demand – notably the paper pulping unit. The extant planning consent with the "Closed Loop" water system needs "minimal" (quote from 2009 Inspectors Report) use of external water and "Zero Discharges" externally. The Inspector concluded in his Report based on the information submitted in evidence by the applicant that water would be derived largely from storage lagoons, internal recycling and rainwater.

Consistent with these conclusions, the applicant did obtain a limited (winter only and capped) licence to abstract (but not discharge) "top up" from the River Blackwater - but this has lapsed.

Confirmation of the proposed change to the water cycle is contained in the new document submitted within the updated Environmental information entitled "Forseeable Developments" (Jan 2016). This states that:

"The River Blackwater would be the primary source for industrial water use at the site".

The document also states that a new licence application to the EA, (to be submitted in the first quarter of 2016) is expected to ask for both increased abstraction (all year round) and discharge to the river.

References to the intention to both abstract and discharge to the river, along with pipe routes and a new abstraction/discharge point on the river are found in numerous documents including on noise, transport, ecology, archaeology and grid connection.

The facility would have a water turnover of thousands of tonnes per day (table 10.1 of the updated Environmental information suggests a total water turnover in/out of 3,609 cubic metres per 24 hour day). More intensive use of the river raises questions about the ecology of the river (it supports species such as otters and water voles), existing water uses such as agriculture, and the wider significance because Essex is the driest county in the UK. Essex already relies on a water transfer system in the summer as this county is not "net self sufficient". This transfer system includes use of the River Blackwater for water that after treatment enters the mains for human consumption.

The extant consent is based on a net loss of 121 cubic metres per day of water. The applicant now states in the updated Environmental information that this would rise to 497 cubic metres per day.

Despite all of the above, the water flow schematic drawing, listed as a current document on the ECC web page for the application, shows no discharge to the River Blackwater.

Historic development of the area has largely left the former WW2 Rivenhall Airfield and immediate surrounds to nature and farming, with the more recent Bradwell Quarry extensions, but with a requirement to restore to agriculture and habitat. The land immediately around the proposed facility includes habitat in the form of TPO woodland and old farm buildings.

Strong local populations of wildlife have built up in the area which are regularly recorded by local people and interest groups. Given the scale of the proposed facility it is unclear, especially in regards of impacts such as noise and light pollution, how the ecology will be maintained and not harmed. On or very near the site, there are great crested newts, at least 3 species of bat, otters (River Blackwater), brown hare, deer and many bird species including owls (several species), buzzards, kestrels, woodpeckers and red kites. Birds identified in the Gent Fairhead assessments (from the 2000s) included Red Listed bird species. GCN and all bats are protected in law.

Will the measures proposed to protect species actually work given the scale and impacts of the proposal? The applicant states that great crested newts have been removed from the site and fences erected to prevent re-entry. Have assessments been carried out to find out if the surrounding habitat has provided protection to these evicted protected animals? The applicant also confirms that roosting and nesting sites for barn owls, bats and breeding birds have been/will be removed. Where will they go? Does the surrounding habitat have the ability to support them, especially given the impacts this major industrial facility will bring? Reference is made to putting up boxes. But sensitive (including nocturnal) species will not use boxes if disturbed.

The updated Environmental information shows an earthworking sequence (again marked "preliminary") with a large stockpile of soil very close to the edge of the retained TPO woodland. It is standard practice to require that no storage of machines or materials should take place within the root protection areas of trees.

The applicant states in the updated Environmental information that the facility will not cause light pollution. The Honace document of July 2015 states that there will be a "low impact of light pollution" and that light sources will be "directed downwards".

However, the submitted construction lighting details (condition 43) show a large number of badly designed lighting units with very poor directional control. These comprise "bog standard" non-asymmetric floodlights, illustrated facing sideways and such that 50% of output would go into the sky. Bulkhead lights are shown (presumably for the accommodation areas) which again, are "bog standard" design with no regard for amenity or ecology. They are sometimes referred to as "glare bombs" as they can be seen from long distances.

Permanent lighting is proposed at the listed Woodhouse Farm (where there are bat roosts in the roof space and in nearby agricultural buildings). Woodhouse Farm and the associated buildings (owned by GF) are proposed to be redeveloped as part of the facility. As well as the immediate surrounds of the farm, the ecology of the adjacent areas of TPO woodland would be at risk of harm unless the lighting is very carefully designed and controlled. Whilst the LED column mounted lights (subject to being angled at zero tilt (i.e. flat to ground) are acceptable, the proposed bollard lights have a variant illustrated in the documents with no baffling. They would be seen as high glare sources at distance unless they include effective internal baffling to angle the light output downwards. It would also be essential to protect sensitive species and the locally dark landscape character of the airfield that the conditioned hours of use were complied with.

In respect of the proposed permanent lighting for Woodhouse Farm and the car park area (and the construction lighting discussed below) it is important to note that the colour of the light sources is a vital consideration when minimising light pollution in a dark skies area. White light has a far greater light pollution impact than "cooler" colours - i.e. more yellow colours. White LEDs in particular have a significant light pollution potential due to being "blue rich" and there is some evidence that they are detrimental to human health and wildlife. These units should be avoided.

The construction layout shows a large number of "light masts". It is difficult to see how the industrial development of the site, in a currently quiet, rural and peacefully dark (at night) environment will do anything other than cause harm to the bat populations that feed and roost at the site. The details state that the lights will be on 6m columns and that some of these will be positioned such that the heads will be above local ground level. The discussion from the applicant about light levels diminishing with distance is of course an obvious fact, but this does not address the fact that these units would be visible over long distances if above local ground level and will cause sky glow even if below local ground level. The airfield is a very dark area where even porch lights can be seen from houses right across the width of the airfield. The applicant discusses lux levels similar to moonlight around the proposed lit area at Woodhouse Farm (0.2 lux quoted). Current ambient light levels on a starlit moonless night are less than 0.01 lux, as I have routinely measured.

So the design and height of all lighting, including the construction lighting, needs to be carefully assessed in the context of the area (not desktop) and the hours of use strictly adhered to to avoid significant harm being caused.

It is noted that no details of operational lighting for the facility itself (condition 44) have been submitted.

By acknowledgment of the applicant Rivenhall Airfield is a “Dark Skies” area - where good views of the natural night sky can be obtained and appreciated by local people.

Paragraph 125 of the NPPF states that

“By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

A key planning issue is the incinerator stack height. The extant consent allows for a 35m stack (above local ground level). The listed buildings at Woodhouse Farm are close to the proposed waste plant – less than 200m. Local and national policy has consistently pointed to the importance of protecting designated heritage assets and the need to consider the degree of harm from any proposed development that may affect listed buildings.

However the degree of harm to the setting of the listed buildings at Woodhouse farm cannot be known until the final stack height is known.

The height of the stack will not be certain until the EA completes its consideration of the Permit application. Determination is not expected for several months. The 35m stack that Gent Fairhead states it will build is barely half the height of typical stacks for installations of the type and size proposed (source: FoI request to the EA for a complete list of incineration facility stack heights in England).

For instance, the incinerator stack height at the Great Blakeney site near Ipswich, (which is a smaller capacity plant than that proposed at Rivenhall) is 81.5m (as required by the EA). A similar stack (if required by the EA at Rivenhall) would be seen as a large structure above the listed buildings at Woodhouse Farm – approximately half way up the sky to the zenith as seen from the front door of the farm.

At the 2009 Inquiry, the stack height was a key consideration in terms of the listed buildings and in terms of landscape impact in the countryside. The extant planning consent requires (by condition 14) that all details of the stack should be submitted prior to commencement of development and shall be maintained as such. Yet if the EA does require a much higher stack there is a risk that the applicant could have commenced building (on the basis of a 35m stack) and that any requirement for a higher stack would require the applicant to go back to ECC for another planning application, both in breach of the extant planning conditions and at the risk of increased harm to the listed buildings and the countryside.

The Inspector to the 2009 Inquiry (and subsequently, the SoS) were both clear that all details of the stack had to be agreed prior to commencement to avoid risk with regard to impacts.

The height limitation that the applicants themselves offered in terms of a 35m stack height, (and which the Inspector and SoS agreed with in relation to the extant consent) amounts to an agreed height restriction, which is a criteria set down in the NPPfW.

Whilst control of emissions to air are largely an issue for the permitting process, information is supplied within the S73 application. The Human Health Risk Assessment data can only be considered as uncertain due to the fact that the EA will determine what is acceptable, the stack height, etc. It is noted that some of the levels for metals are potentially high and residents have raised concerns with me about this. Whilst the applicants rely on a modelled "worst case" location for emission levels in a field to the north east of the plant, in reality a "real world" worst case could be abnormal emissions in adverse weather conditions (eg temperature inversion) being blown towards Silver End where several thousand people live about a mile from the plant (some closer than that).

Having studied the dispersion model used, I remain concerned that it appears to be simplistic. It appears to have only 3 elements - a simple terrain (agricultural land of defined roughness), an oblong block for the plant, and the stack.

In reality the facility would be surrounded on 3 sides by woodland, with tree heights up to 20m (within 15m of the top of the stack). There are also large changes in ground levels due to the nearby quarry and the building itself would not be a simple oblong, but would be a twin arched roof with the long axis almost at right angles to the most prevalent wind direction, which is south west. This raises questions as to whether the plume could be grounded by eddy currents over the building and the woodland.

Condition submissions

Due to the vast amount of documentation (which has been added to and changed during the consultation period) I have not had time to go through all the documents, including all the condition applications and I know many other people have had the same experience. However I noted that once again, the word "preliminary" appears - such as in the condition 6 drawings which also refer to further information to be submitted "in the detailed design". How can condition discharge details be termed "preliminary"? The whole purpose of such submissions is to give final and certain details to the LPA.

Notes on apparent errors that appear in the application:

The application form at Q7 states incorrectly that the site cannot be seen from PRow. It can in fact be seen at close proximity from PRow Kelvedon 8.

The Statement of Support states that by moving the stack in the S73 application to the north east, this takes it further away from PRow Kelvedon 8. This is incorrect - it moves it closer.

The applicant continues to state that the only access will be via the haul road to the A120. However, the S73 plans clearly show (as previous plans have done over many years) an access road linked to Woodhouse Lane at the point where PRow Kelvedon 8 diverts towards Woodhouse Farm. Given that ECC has allowed access via Woodhouse Lane in relation to the A3 and A4 minerals extension to Bradwell Quarry, there is a risk that this access could be applied to be used for part of the waste site traffic, or as a "second access" when the A120 is blocked. If this took place, due to restrictions on some local roads, it would mean HGVs would have to come through Rivenhall and/or the Conservation Area in Silver End. Drawing 3-3B shows the access road to Woodhouse Lane.

The Statement of Support at para. 7.8 states that paper pulp sludges will go to the incinerator/CHP. But the transport assessment (Intermodal) states that the sludge will be exported off site.

Representations

Observation	Comment
APPLICATION TYPE & DETAIL	
Another attempt to vary the planning consent granted in 2010, which was itself a variation of a prior permission.	See appraisal section A
Objection on the grounds of documentation. Documentation cited in the letter from the agent is not present and as such the application cannot be fully and completely evaluated.	All documentation was available on the ECC website, although it is understood it was slow at times.
Applicants should provide information in a more accessible format or ECC should provide commentary and/or arrange further public engagement events to demonstrate full public consultation has been carried out.	Consultation was in accordance with Statement of Community Involvement
Essex County Council is in danger of bringing itself into disrepute by expecting lay people to understand the complex language used in planning applications of this kind. Proposal will have an impact on the lives of residents living in Coggeshall, Kelvedon, Silver End and the surrounding areas for many years to come. The least that the County Council should do is to write to all residents in plain English and enclose a direct link to the documents on the website.	See above and appraisal section A
Very difficult to review, understand and assess the new information provided.	See appraisal section A
Proposal is a new application being disguised as a variation, which is not acceptable. Applicant is abusing the planning system.	See appraisal section A
Witham Town Council recommends refusal on the basis that the impacts of the changes proposed are so significant as to warrant a fresh application.	See appraisal section A
Fresh application required	See appraisal section A
Secretary of State for Communities and Local Government granted planning permission in March 2010. It took until August 2014 for the applicant to seek extension of the period for commencement. In January 2015 the applicant sought removal of conditions 28 and 30, which restrict geographical source of solid recovered fuel, waste paper and card. Now the applicant seeks amendment to the layout of the integrated waste management facility.	See appraisal section A
Not be possible to support an agreed start date on a project where the design of the plant is still not in the public domain.	See appraisal section A
There are a significant number of changes to the proposed development that have yet to be agreed. Change and uncertainty creates further distress to those people who will be affected by this project.	See appraisal section A
Objection on the ground of planning history. Proposal represents an incinerator that was originally rejected. The amendment represents significant Planning Creep. Proposal is now different size and purpose, tending towards the original refused application. Not a minor change to the small incinerator	See appraisal section A

concession allowed specially for the generation of power for on-site consumption.	
In March 2010 the applicant accepted the Secretary of State for Communities and Local Government decision – now seek to amend plans and restrictions. Fresh planning application should be required to due changes to the original planning application.	See appraisal section A
Planning process has been long and drawn out.	The application has been subject to two periods of consultation
Queries why the recycling plant is no longer required when recycling is being encouraged.	
Concerned that the application was accepted as a “variation” by ECC when proposal is a fundamental change to the function of the plant.	See appraisal section A
Queries legality of amendment.	See appraisal section A
Inspector and Secretary of State would have not supported what is now being proposed.	See appraisal
Applicant proposes indicative drawings, instead of drawings previously detailed and agreed. This is inconsistent with the condition that planning is to commence by March 2016.	See appraisal section A
Understood that ECC procured legal advice about whether the application should be regarded as a variation of the previous application, which suggests ECC uncertainty.	See appraisal section A
The planning system is being abused.	See appraisal section A
Queries end plans for Rivenhall and continued “planning creep”.	See appraisal section A
‘Planning creep’ for 16 years plus.	See appraisal section A
Applicant is already had over 5 years to build on this site.	The planning permission is time limited and if not implemented will eventually expire
No internal processing detail.	See appraisal section A
Full public consultation required.	Application subject to consultation in accordance with the adopted Statement of Community Involvement
Insufficient consultation has been undertaken with the local community	See above
21 days to responds to application seems grossly inadequate.	See above
The documents relate to an earlier consultation and due to proposed changes, the prior consultation materials are not applicable.	The historical Environmental Statement was relevant to the consideration of the application.
The reports are outdated and not enough information.	See above
Full and proper inquiry should be undertaken.	It is matter for the SoS as whether the application is “called in”
Requests Government “calls in” application.	See above
Less process information than in the original application – unsafe to grant permission for larger facility.	See appraisal section A
Application has been hurried through to cover up the risks and impact on the local community.	Application has been with ECC since August 2015 and subject of 2 periods of consultation.
Applicant has not commenced development and waited until the last minute to apply for changes in an effort to ask for larger capacity for the incinerator.	The application was valid and therefore could not refuse to accept.
NEED	
Concerns re reduction in recycling and plan to bring in	See appraisal section B

rubbish from any geographic location.	
Concerns re reduction in recycling and plan to bring in rubbish from any geographic location.	See appraisal section B
Threat of proposal has been hanging over residents for more than 10 years – still unresolved.	See appraisal section B
Increase the overall burn capacity by 98% from that originally requested.	See appraisal section B
Proposed tonnage to be burnt at Rivenhall is far in excess of the original RCF and the revised eRCF.	See appraisal section B
Proposal is not a recycling plant and the applicant is not investing in green and renewable energy – misleading and disingenuous to state otherwise.	See appraisal section B
Preference for much more recycling and no incineration	See appraisal section B
Proposal undermines the decision by the government inspector as proposal is for a much greater amount of material to be incinerated than the inspector considered.	See appraisal section B
The capacity of the plant now exceeds the total waste we produce in Essex, in breach of the 'proximity principle'.	See appraisal section B
Requests reconsideration as to how the site can deliver the recycling strategy for the good of the county and commission a service from a supplier that is truly fit for the future of the planet.	See appraisal section B
Removal of geographical restrictions for waste collection and delivery is contrary to the concept of waste sufficiency expressed in recent Essex Waste Plan consultation.	See appraisal section B
Queries why rural villages should take on waste from elsewhere.	See appraisal section B
Proposal is morally incorrect.	See appraisal section B
Proposed size is unnecessary.	See appraisal section B
Braintree District has a good recycling record and burning waste is counter to the ethos of recycling	See appraisal section B
No need – proposal will benefit only the developers.	See appraisal section B
No need to develop such a large site with capacity many times larger than needed to deal with waste in North Essex, particularly as Essex is demonstrating good progress with recycling.	See appraisal section B
Alternative sights away from settlements have to be considered.	See appraisal section B
Queries need for incinerator in the UK re existing and proposed facilities.	See appraisal section B
Emphasis on burning waste rather than recycling, goes against national and European policies aimed at reducing and recycling waste.	See appraisal section B
Incinerator nearby in Ipswich.	See appraisal section B
As the local area considerably exceeds the recycling targets, the plant would be burning waste from area where they don't make the same effort and given time will be an incinerator for London waste.	See appraisal section B
If there is a need for an incinerator within Essex there are other areas, such as Thurrock or Bradwell Power Station, that are far more suitable for an incinerator	See appraisal section B
Waste reduction and recycling is the only solution, which would also save valuable natural resources.	See appraisal section B
Queries whether this is a sustainable policy for the District or the County.	See appraisal section B

Concerns that the proposed increase in the burning levels will reduce recycling. Reuse/recycle should be first approach.	See appraisal section B
Opposes burning with the reduction in MBT and AD plants.	See appraisal section B
Queries paper pulping unit reduction.	See appraisal section B
Incineration destroys resources forever.	See appraisal section B
Plant will clearly need to be “fed” for decades to make it viable, with material brought from further and further afield.	See appraisal section B
Queries whether the proposal contravenes local, national and European policies aimed at reducing and recycling waste. Public statement on the legal position requested.	See appraisal section B
Proposal is inappropriate and goes beyond what was originally approved – waste now being taken from outside of area and increased incineration.	See appraisal section B
Council appearing to side with the developer.	Each application has to be considered on its individual merits.
Objection on the grounds of commercial viability. There are other, more commercially viable alternative regional incinerators with capacity. Intention to use this facility to address the Basildon SRF waste. However, if GF are not given this contract the commercial viability is further questioned. New Nuclear plant at Bradwell – queries need to use an incinerator to generate power.	See appraisal section B
Intention to raise a FOIA request to understand the budgetary assumptions and projections of Essex County Council. ECC has made significant budgetary assumptions leading to support of the continued expansion of the Rivenhall site.	The WPA has not involvement in the decision as to suitable contractor for disposal of waste.
Conflicting public statement regarding the extent of proposed amendments. Figures provided by Councillor James Abbott in the Braintree and Witham Times (3 September 2015) suggest incineration would increase to 595,000tpa (a 98% increase from the original 300,000tpa and 65% from the most recent permission) and recycling would be decrease from 360,000tpa to 170,000tpa.	See appraisal section B
Proposal will be one of the biggest in England – burning 595,000tpa of waste.	See appraisal section B
Proposed capacity to burn 595,000 tonnes of waste per year is a 65% increase beyond that permitted in 2010 and almost 100% more than that permitted by the original permission.	See appraisal section B
Closed loop relationship between various types of waste processing is compromised by the removal of paper sludge by road instead of by incineration.	See appraisal section B
Nothing showing that best available technology will be used.	Best Practical Environmental Option now not a requirement
Objects due to Essex County Council paying private companies £15 million a year to incinerate 200,000 tonnes of household waste – causing air pollution and adding to climate changing.	See appraisal section B
Demands a sustainable Essex waste strategy based on at least 70% recycling by 2020.	See appraisal section B
Queries why the land cannot be used for mineral	Each application has to be considered

extraction. Has been accepted as part of the mineral extraction plan and at least in 20 years the land can be returned to nature by creating lakes etc.	on its individual merits
Benefits of proposal, such as recycling, are outweighed by the negative impact.	See appraisal
Requests that the efficacy of the proposal be considered and that any decision is morally, ethically and environmentally right.	See appraisal section B
At the second Essex & Southend Waste Local Plan Public Inquiry in November 1999 ECC were very much in favour of development – despite objections re air quality being affected by the level of dioxin (a cancer causing agent) and the increased traffic levels on the already crowded A120, in addition to the approved mineral site at Bradwell	See appraisal section B
Not 'green' as about half a million tonnes of carbon dioxide will be released into the atmosphere every year.	See appraisal section B
HIGHWAYS & ACCESS	
Proposal will result in detrimental changes in the locality – particularly from traffic.	See appraisal section D
Insufficient information on additional traffic movements to the A120.	No additional HGV traffic movements are proposed and movements are limited by condition
Objects on heavy traffic increase.	See above
The A120 is already overloaded with traffic, particularly heavy haulage and other commercial traffic.	See above
Increased traffic would prevent residents from accessing work, school, towns and villages safely and without stress and encumbrance.	See above
Object to the proposed increase in incinerator capacity by 65% and consequent need to export ash by road.	See above
Increased accidents at Coggeshall to Earls Colne crossing on A120.	See above
Potential for deadlock on roads when proposed housing is completed.	See above
Excludes van usage of roads from internet ordering.	See above
The B1018 is already a very busy and noisy road from 4:30am to 7:30pm – proposed increase in traffic will have a detrimental effect on the surrounding roads and rural environment.	See above
A120 often closed due to accidents, diverting traffic through Coggeshall, Feering, Kelvedon, Bradwell and Silver End.	See appraisal section D
Potential for increased levels of HGV movements affecting Witham	See appraisal section D
Review required of the suitability of the A120 to cope with the additional vehicle movements proposed given the state of the A120 with high levels of congestion and dangerous driving conditions.	See appraisal section D
Disruptive waste wagons running through village constantly.	See appraisal section D
Combined effect of proposal and ESS/24/15/BTE (gravel extraction) will result in overloading of the A120 and other roads in the area.	See appraisal section D
Galleys Corner roundabout will be permanently busy.	See appraisal section D

Queries how lorries will access the site when the A120 blocked due to accidents or roadwork.	
Waste transfer at Cordons Farm has resulted in a witnessed increase in HGVs that travel in and out of the village and at Galleys roundabout. Observed driving along the B1018, down Polecat Road and through Cressing village and the conservation area - particularly if the A120/Galleys roundabout is congested.	A routing agreement is in place through the legal agreement.
Concerned that even more HGVs will travel through the village to reach or leave the site, particularly when there is an accident on the A120, and use the same route through Cressing and Lanham Green Road to cut through to Bradwell.	See above
Lorries will use Woodhouse Lane	See appraisal section D
Roads are already busy due to the extra traffic from the nearby mineral extraction plant.	HGV movements are limited for both the quarry & the IWMF
The infrastructure needs to be in place for such a large scale development. Duelling of A120 required.	See appraisal section D
Local B roads are inadequate.	Access is only permitted via the access on the A120
One reason planning permission was refused by the Minister of State in 1995 for the Rivenhall site was the unsuitability of the A120 for the extra heavy traffic.	The Inspector did not raise significant highway concerns with respect to A120 in relation to this application at the Public Inquiry in 2009
Traffic lights required at the junction due to lorries pulling out.	The Highways England has raised no objection to the existing access arrangements.
Laybys required on A120 to allow lorries to pull off to allow emergency vehicles to pass.	The Highways England has raised no objection with respect to use of the A120
Queries contingencies when A120 is blocked.	No specific contingencies, Police would deal as appropriate
Transport studies need to be revisited.	Highways England has not required a reassessment
Requests condition re alternative fuels for partners.	Not something that can be controlled through planning conditions
Vehicles trying to access the Airfield will try to use quiet, bendy country lanes that are not suitable for long vehicles, increasing the risk of traffic incidents, noise and exhaust pollution for local residents.	Current IWMF permission is subject to routing agreement which if approved would be carried forward.
EMISSIONS & HEALTH IMPACTS	
Increase in lorry movements which will add further pollution.	No additional traffic movements are proposed as part of this variation application.
Proximity to residents.	See appraisal section C & J
A bigger throughput of waste to be burnt will mean increased pollution from the incinerator.	See appraisal section C
Submitted reports relate to previous matter and do not take into account increase in capacity and pollution.	See appraisal section C
Air pollution will rise in a rural area which is not acceptable for people who live and work locally.	See appraisal – section C
Objection on the grounds of social and historical impact. Sulphur dioxide (bad eggs) will be smell in the local communities and does not reflect the current understanding and awareness of environmental issues and concerns.	See appraisal section C
Air pollution will damage to homes and many	See appraisal section C

important buildings, due to acid rain. Much of Coggeshall is listed.	
Requests that conclusions arising from Environment Agency public consultation of December 2015 re Environmental Permit should be in considered in determination of planning application.	See appraisal section C
Objection on the grounds of planning detail. Detail provided not in accordance with RIBA design detail requirements. Therefore, high risk approach commercially, technically, environmentally and from a human health perspective – uncertainty re what you are getting, how it will work, to what standards and with what technology.	See appraisal section C
Continuous monitoring statistics required by EA before permit is issued. In this regard, regulatory departments/agencies and industry have been found lacking.	This is a matter for Environment Agency. See appraisal section C
Proposed that pollution plume will be “within legal limits”. However, it is an indisputable fact that pollution levels will rise in largely a rural area with currently with good air quality.	See appraisal section C
Filters will not stop all pollutants –including heavy metals, gases, particulates and chemicals such as dioxins.	See appraisal section C
Proposed 35m stack is likely to be much higher.	See appraisal section C
Notwithstanding wind direction, communities for 5-10+ miles in all directions are at risk of being affected.	See appraisal section C
Effects of long term exposure to incinerator emissions are controversial. Queries why a condition that pollution monitoring should be set up in nearby communities was turned down as it resulted in there being no regular “real world” monitoring in the wider area subject to the plume.	See appraisal section C
ECC must not allow commencement without appropriate input/licencing from EA – particularly re the height of the chimney.	The WPA does not have powers to prevent implementation prior to an Environmental Permit being in place
Concerns regarding pollutants – the accumulation in the environment and inhalation by humans. Increased amount and types of waste will increase pollutants.	See appraisal – section C
Queries whether pollutants should be monitored by a third party.	These are matters that would be controlled by the Environmental Permit administered
At the proposed 595,000 tonnes per annum, the Rivenhall Airfield incinerator would be one of the largest in England – queries re stack height. Proposed 35m high, yet a smaller capacity incinerator at Ipswich was required by the Environment Agency to have a 81.5m stack.	See appraisal section C
Increased infant mortality.	See appraisal section C
Significantly environmental impact due to increase in emissions and traffic.	See appraisal section C
Proposal will result in contamination of surrounding farmland.	See appraisal section C
Toxic and harmful gases released, potentially affecting Braintree and farmland.	See appraisal section C
Disappointed that it is still a consideration to burn potentially harmful substances and that the Environment Agency is not opposed to it.	See appraisal section C
ECC will be liable for medical problems as ECC is	See appraisal section C

wholly responsible for the health of this county.	
The risk of dangerous pollution resulting from the burner is serious unless the burner is working at full capacity 24 hours a day, year round.	Control of emissions would be through an Environmental Permit administered by the Environment Agency
Risk to local flora and fauna from pollution.	See above
Stack height still unknown.	See appraisal section C
Evidence that the proposal would cause illness.	See appraisal section C
Proposal would affect asthmatics, children, elderly and disabled.	See appraisal section C
Harmful gases of Butadiene, Benzene, Sulphur Dioxide and Cadmium will be emitted. These are especially harmful to the surrounding arable land.	See appraisal section C
Butadiene is a recognised as a carcinogen which can affect many organs in the human body.	See appraisal section C
Benzene is a carcinogen, especially in relation to anaemia and leukaemia.	See appraisal section C
Sulphur Dioxide causes breathing problems and acid rain which will affect historic buildings.	See appraisal section C
Cadmium contaminates crops and consumers.	See appraisal section C
No documented evidence of concentration and contamination levels at the edges of the research area.	See appraisal section C
Modelling shows dispersal towards Coggeshall. However, the equipment that detects and senses the output of gases are mainly not in the direction of the prevailing winds (towards Coggeshall) so a true reading of a populated area has not been gained.	See appraisal section C
Coggeshall is in a 'dip' so contamination will linger.	See appraisal section C
Contamination will impact on Coggeshall schools and surrounding households.	See appraisal section C
Any health risk is not acceptable especially where children are concerned.	See appraisal section C
The Emission Limit Value (ELV) levels are at the maximum – no leeway for human error.	See appraisal section C
Not enough evidence to prove that the surrounding area will be unaffected.	See appraisal section C
Essex County Council should be looking after the children of the future and their health.	See appraisal section C
Will affect Coggeshall and surrounding villages as the prevailing winds will drift over depositing dioxins and particulates.	See appraisal section C
Wind generally blows from the west – any gasses will blow over a densely populated residential area.	See appraisal section C
Effect of the gasses on the local farmland (mainly used for arable) and wildlife needs to be addressed.	See appraisal section C
Little information relating to environmental standards and best practices.	See appraisal section C
Inconsistencies in air quality documents and no supporting data re pollution levels key sites.	See appraisal section C
Applicant will manage compliance with permitted levels of pollution by trading its various allowances across other incinerators it owns – therefore no guarantee that air quality will be acceptable.	The is matter for Environment Agency
Massive increase in the size of the proposed incinerator, yet only a minimal increase in the emissions proposed.	See appraisal section C
Further investigation required.	See appraisal section C
Air pollution and gases that will affect surrounding area	See appraisal section C

Concerns regarding the effect of the proposal on the woodlands and wildlife.	See appraisal section C
Potential for human health risk from pollutants such as cadmium, benzene and nitrous oxide.	See appraisal section C
Application states that the design is at the RIBA detailed design stage, yet information submitted indicates that it is not the case. For example, no information relating to filtration or how the output emission requirements can be met.	See appraisal section C
Proposal is totally inappropriate in an area that is used for farming and the growing of food crops due to the health risks associated with pollutants.	See appraisal section C
Proposal will pollute the entire site for hundreds of years.	See appraisal section C
Pollution will cause acid rain.	See appraisal section C
Emissions of sulphurous compounds such as sulphur dioxide are noxious and, particularly in still weather conditions, cause respiratory distress.	See appraisal section C
Objection on the grounds of health risk. Significant Human health risk due to lack of detail, which results real in uncertainty surrounding the emissions from the plant. The human health risk assessment excludes a number of pathways and must consider the impact on the surrounding arable land – it is based on the original 2008/10 documentation. GF group ELV suggesting that trading of ELV values between Rivenhall and other better or less polluting plants/facilities will occur – further jeopardising the accuracy of the health risk assessment as the data is provided at 100% ELV with no headroom.	See appraisal section C
Objection on the grounds of air quality. Changes in air quality and gas dispersions a result of the proposal. Only modelled 5 of the emissions (gas dispersion) – a need for more extended determination of the air quality with respect to the chemical outputs especially with respect to Dioxins. No technical information or reference standards demonstrating how the applicant intends to achieve or exceed any of their air quality objectives.	See appraisal section C
Objection on the grounds of plant waste. Application does not contain any information or detail as to how the highly contaminated waste from the incinerator known as Incinerator Bottom Ash or Bottom fillings will be processed and disposed of.	This material would be exported from the site and disposed at a suitable licenced facility.
Vital that emissions from the stack are permanently within the approved range – this will not be achieved with a stack height of 35 metres.	See appraisal section C
Queries why a 35 metre stack at Rivenhall (largest in Europe) would be of sufficient height for the safe dispersal of emissions when other stacks are at least twice that height.	See appraisal section C
When, where and amount of fallout would depend on weather conditions on any given day.	See appraisal section C
Emissions should be constantly monitored and results freely available in real time on the internet.	See appraisal section C
Historic data or inspection is of no use if damage has already been done to local people, crops and the local environment.	See appraisal section C

The time lapse in shutting down the incinerator and the possibility of higher levels of toxins being emitted makes constant monitoring essential.	See appraisal section C
Queries provisions to alert the public to a disaster and commence evacuation.	See appraisal section C
Application materials relate to visible plume abatement and visible plume analysis. While preference would be no emissions from the plant – most important that there should be no significant output of pollutants or toxins. Visibility is of secondary importance.	The plume management is to minimise visual impact and a matter from the WPA. Emissions are a matter for the Environment Agency.
Uranium, explosives and ammunition have been recently discovered at a Hampshire County Council Waste Site. Rivenhall site will have no radioactivity detection equipment to detect raised levels of radiation – caused by genuine mistakes through to criminality to terrorism.	Matter for control through the Environmental Permit administered by the Environment Agency
Radioactivity is not significantly reduced by the incineration process – risking damage to the surrounding area for many years to come (eg Chernobyl contamination in Wales).	See above
Requests inclusion of radioactivity detection equipment through which each incoming truck would have to pass.	See above
No confidence that plant can prevent toxins, pollutants and dangerous materials from endangering the wellbeing of the public.	See appraisal section C
Damage to local ecological systems.	See appraisal section C
The fallout or plume from the chimney stack and its height have not been researched and proven to be safe.	See appraisal section C
There is a lack of Human Health Risk Assessments relating to the impact of the emissions throughout the food chain – essential as most of the emissions will be over arable land.	See appraisal section C
Human health impacts not independently tested.	See appraisal section C
No incinerator operator can 100% guarantee all of the waste types suit the set criteria and more importantly they cannot guarantee that the waste emissions will not be harmful – as shown by historical examples.	See appraisal section C
Emissions will result in strain on surgeries and hospitals in the local area.	See appraisal section C
Concerned re health risk from a site handling potentially toxic waste materials.	See appraisal section C
Pollution of farmland that could consign food products to be considered unfit for human consumption, resulting in damage claims.	See appraisal section C
Air pollution is likely to be greater due to the amount of unknown material being burnt.	See appraisal section C
Proposal retains the original 35m high stack, but now intends to burn a significantly larger amount of waste, including commercial and industrial waste	See appraisal section C
Asthma and breathing problems are linked to air pollution.	See appraisal section C
Increased levels of pollution affecting Witham residents	See appraisal section C
Radioactivity is not significantly reduced by the incineration process and a large proportion of it could be exhausted from the stack, risking damage to the	See appraisal section C

surrounding area potentially for many years.	
Concerns re submission to the EA re ultrafine particulates.	See appraisal section C
The nearest/fairly new GT Blakeney (Suffolk) site doesn't go into details re the particulates. Only the last 90 days on their website. This monitoring is not helpful.	See appraisal section C
Monitoring does make clear is that particulates measurements for both their "lines" are shown between 0 and 2 sometimes higher – the levels which are particularly dangerous as they have larger surface areas and "attract" more pollutants to attach to them.	See appraisal section C
Ultrafine particulates when combined in the stack with other pollutants need close attention. Applicant needs to comment on the real problem of ultrafine particulates – particularly re lungs, blood stream and other organs.	See appraisal section C
Examples of the effects of ultrafine particulates from other places around the world.	See appraisal section C
Concerns re effect of ultrafine particulates on health.	See appraisal section C
Requests that applicant pay for/monitor air and soil outside application area. Details to be made publically available.	See appraisal section C
Higher stack not wanted, but required for dispersal.	See appraisal section C
Backup systems required in case of failure.	See appraisal section C
Robust monitoring required.	See appraisal section C
Off-site monitoring required.	See appraisal section C
Queries whether applicant proposes real "state of the art" monitoring re ultrafine particles.	See appraisal section C
Stack emissions could drop on Tiptree ridge and the low hills of Wickham Bishops.	See appraisal section C
Heavy metals attach to ultrafine particulates.	See appraisal section C
Time lag in science re action/monitoring/abatement.	See appraisal section C
Public Health England is looking up to 15kms from incinerators re effects on health – 20kms required.	See appraisal section C
Accurate assessment of background levels required before development.	See appraisal section C
Queries proposal re Clean Air Zones and effects on the health of residents.	See appraisal section C
Top of stack monitoring required.	See appraisal section C
Tens of thousands of people live nearby.	See appraisal section C
Concerns re fire and explosions in dry conditions.	See appraisal section C
Concerns re bottom ash.	See appraisal section C
Concerns re hazardous nature of final waste products - fly ash and burnt metal attached to the ultrafine particulates.	See appraisal section C
Not clear how much pollution from the plume will blow towards Cressing or dispersion model does not reflect the actual landscape surrounding the site - there are tall trees, a quarry and farming land in the vicinity, plus roof shape of the proposed building.	See appraisal section C
Concerned that there are pollutants listed as moderate adverse. Should be treating all its pollution, not simply discharging them into the atmosphere.	See appraisal section C
OTHER ENVIRONMENTAL IMPACTS	
Destruction of woodland and other habitats of known protected and listed species	See appraisal section H
Applicant proposes to extract local water. Queries	See appraisal section F

how is ECC/Braintree DC with that element of the proposal.	
The developer has been given more than enough time.	See appraisal section M
Objection on the grounds of existing and proposed planning. Application has not been considered in conjunction with the intended gravel extraction and combined impact on the local transport infrastructure. Application has not been considered in connection with the requirements for new housing in the surrounding area and the wider impact of the emissions on these proposals.	The EIA has considered cumulative impacts, see appraisal section K
Another amendment to the permission that went to a Public Enquiry. Queries whether the Public Enquiry findings, restrictions etc. are still being adhered to and whether Public Enquiry findings can be ignored by way of subsequent planning applications.	See appraisal
Concerned at the proposal to both extract water from the river Blackwater and discharge effluent into it - not something that can be decided as a section73 application.	Discharge into the river does not form part of the proposals.
The Inspector to the 2009 Inquiry, whose report informed the Secretary of State decision in March 2010 to grant planning permission clearly stated that use of water from outside the plant would be "minimal" as water would be derived largely from internal recycling and rainwater. Now not the case - no way of knowing whether that original planning permission would have been granted had all the current facts been before the Secretary of State. Blatant conflict with the Environmental Permit application now before the Agency – which specifically ruled out discharge to the River Blackwater.	See appraisal section F
GENERAL	
Development will depreciate property and suppress the area.	Property values are no a planning matter
Amendment/removal of stack height condition will remove any protection for the local community. With the limited information contained within the submission, there is no possibility of the stack being designed at this stage and therefore no means of verifying any information as to sight lines etc.	The height restriction on the stack is not to be removed
Money is primate consideration. Big companies who have no consideration for community.	Consideration of profits is not a planning matter.
Queries whether permission can be granted without being able to approve the design of the stack and sight lines.	The stack height is known and details submitted with respect to its visual appearance.
Concerns regarding the security of the plant and its potential vulnerability to hostile acts (terrorism, dumping etc.)	The site is to be fenced and the operator would be responsible for on site security
Intake material will be checked intermittently to ensure that it only consists of approved materials, but no mention of any radioactivity detection equipment (eg. Geiger counter) to detect levels of radiation.	Control of waste types is a matter controlled through the Environmental Permit
Concerns re 24/7 operation of the plant when built.	The noise and light impacts of the proposal have been considered and hours of operation for arrival of

	vehicles are subject to control by condition
Council should consider the wishes and health of the community they have been elected to serve, not corporate giants with no regard for the people of the area or the environment.	Each application is considered on its individual planning merits
If the plant became unused, the result would be mountains of waste, for which no one has responsibility, resulting in fire, pollution and health hazard.	The site would be subject to an Environmental Permit & monitoring by the EA
Queries how facility will be monitored and controlled re pollution.	See above
Once in place, there will be inevitable scaling-up of the site operation.	Any increase in HGV movements or total annual inputs would need to be subject of a further planning application.
Queries the applicant's business capabilities.	This is not a planning matter
Queries commercial arrangements with the ECC and whether proposal has already cost the public money.	The WPA has no involvement in the procurement of waste contracts.
Queries ECC stake in the proposal.	See above
Queries planned decommissioning arrangements.	These would be addressed through the Permit and future planning applications
Energy From Waste not going into national grid and who will be using & benefiting from it.	Electricity would be exported to the National Grid and some energy used on site.
Queries company structure.	Not a land use planning matter
Proposal will impact on quality of life.	See appraisal
The original proposal was that the use of water from outside of the site would be minimal, as it would come from internal recycling and rainwater. This fundamental change will require a new permit from the Environment Agency and assuming it is agreed, will set the project back at least 7 months.	See appraisal section F
LANDSCAPE & AMENITY	
Farmland already in decline due to residential property construction.	The impact of loss of farmland was assessed as part of the EIA of the original application and found not to be significant
Imperative to protect open countryside and prime farm land.	See above and see appraisal section G
Destruction of farmland.	See above
Size of the stack is still unknown and will be an eyesore on the countryside.	See appraisal section C
Area is popular for cycling due to unspoilt countryside.	See appraisal section G
Proposal should not be near residential areas.	See appraisal section B
Area is very popular with the residents of the local area for recreation (walking, cycling, running, horse riding etc.), but the fear of pollution would stop many people from enjoying their leisure pursuits	See appraisal section C
Beautiful rural area should be preserved for present and future residents.	See appraisal section G
Habitats of protected species in the woodlands will be destroyed.	See appraisal section H
Proposal will turn a rural environment into a heavy industrial area.	See appraisal section G
Incinerator will be visible from a distance.	See appraisal section G
Eyesore into the local landscape	See appraisal section G

Objects to increased noise.	See appraisal section J
Objects to increased diesel fumes.	See appraisal section C
Concerns regarding the effect of the proposal on the landscape.	See appraisal section G
Proposal will create both noise and light pollution.	See appraisal section J
Large chimneys not in keeping with the countryside surroundings.	See appraisal section G
Concerns regarding the threat to the rural location and tranquillity.	See appraisal section G
Will effect enjoyment of footpaths.	See appraisal section G and E
The stack, and its associated plume, will be unacceptably high, very visible and obtrusive.	See appraisal section G
Objection on the grounds of plume visibility. Condition that no plume should be visible - documentation states that the plume will be visible for a given number of days per year.	See appraisal section G
Reserves of waste on site would be detrimental to a healthy standard of living for locals - odours, flies, seagulls, germs and vermin would prevail.	Site would be subject to an Environmental permit
The development is in the countryside, not a 'brownfield site' as claimed	See appraisal sections A and G
Significant light and noise pollution in a very quiet and naturally dark part of the countryside.	See appraisal sections J and H
The local area is already subject to many planning consents, which will result in more Greenland being lost to housing. The population of Essex is due to grow even further over the coming years so for Essex County Council to consider this planning application is a dereliction of responsibilities to the residents of North Essex.	See appraisal
Council are intent on further destroying the countryside with no consideration of the beauty, historical interest, value of the area, residents.	See sections G I and J
Ecological and environment reasons for positioning such a facility in the middle of the countryside have not been considered	See sections A, H and G
Industrial unit would be completely out of proportion to any other in the rural area.	See appraisal section G
Impact on footpaths, building damage and an unsightly 35 metre tall chimney will effect tourism thereby reducing the income to many local businesses.	See appraisal section G
Blighting of a hilltop location that will be visible for many miles around.	See appraisal section G
Chimney stack will totally destroy the overall architectural beauty of the area.	See appraisal section G
Proposal is not in the best interests of the residents of the area and will have a detrimental effect on the Essex Countryside.	See appraisal section G
HISTORIC	
Adjacent to Conservation Area	The Inspector in 2009 didn't consider there was adverse impact on the CA
Proposal would make the conservation area pointless.	See above
Acid rain will be particularly damaging to the timber framed heritage houses in Coggeshall and other villages.	Emissions would controlled by the EA
Listed buildings at Woodhouse Farm and in other local area will be at a high risk of damage from acid	See above

rain	
Proposal will adversely affect the environment and the heritage of Coggeshall.	See above
Prepared to sacrifice the heritage of villages and small towns, like Coggeshall, without any thought for the future or residents.	See appraisal
Concerned re effects on the heritage and environment of the local area.	See appraisal sections G and I
Coggeshall is a historic village dependent on tourism, which will be adversely affected by the proposal.	See appraisal
Visible stacks blighting an historic Essex town.	See appraisal section G
CUMULATIVE IMPACT	
Amendment is not being considered in conjunction with the nearby gravel extraction.	See appraisal section K
No allowance made in air quality/gas dispersal models for vehicle movements associated with this proposed amendment and gravel extraction.	No increase in vehicle numbers are proposed above those already permitted.
Pollution and particulate output from both sets of vehicle movements needs to be considered in the models	See above
Obvious flaws in the models submitted with the application. For example, vehicle movements and those not associated with the local gravel extraction are not considered in the air quality models.	See above

Heads of terms for legal obligations as set out in April 2009 Committee Report

- a. Ensuring that no excavation works take place on the site under this permission until the applicant has provided evidence to demonstrate their intention to substantially commence the construction of the waste management facility.
- b. Ensuring the market de-ink paper plant shall only be operated as an ancillary facility to the waste management facility.
- c. Setting up of an index linked fund of £(to be confirmed) to provide for the implementation of traffic management measures for the existing A 120 when no longer a Trunk Road.
- d. Provision and implementation of:
 - improvements to crossover points with Church Road and Ash Lane as indicated within the application;
 - a traffic routeing management system should HGV drivers be found to be using non County/Urban distributor roads between the A12 and A120 Trunk Roads;
 - funding for the installation of permanent information signs to direct HGV drivers to suitable County/Urban distributor roads to access the waste management facility via the A 120.
 - monitoring and mitigation programme at 1 and 5 years from first beneficial occupation of the waste management facility, traffic capacity of the Church Road-Ash lane access road link to determine whether there is evidence of conflict with vehicles using the public highway at the crossover points and if found then install additional passing places or widen the access road to facilitate two way traffic and/or improved traffic management at the crossing.
- e. No development until submission of ground water monitoring scheme for outside the boundaries of the site.
- f. Setting up and meeting the reasonable expenses and administration of a Liaison Group to hold regular meetings.
- g. Funding a level 3 survey in accordance with RCHME standards of all airfield buildings and structure prior to commencement of the development and fully funded presentation of the findings within the Heritage/Visitor Centre

- h. Reinstatement and refurbishment of the Woodhouse Farm complex a funded and managed heritage facility.
- i. Educational areas of the Woodhouse Farm complex being available outside of normal working hours to local parish councils or other identified local community groups to be agreed with the Liaison Group.
- j. To submit details of the proposed planting and bunding and maintenance of such and to implement the approved details in the first available planting season following issuing the planning permission. These planting and bunding works not to constitute the commencement of development.
- k. Provision of fully funded management plan to secure the regular maintenance/replacement as required of all existing and proposed planting and ecological management plan for habitats for the site from commencement until 20 years after the first beneficial occupation of the waste management facility.

APPRAISAL OF ENVIRONMENTAL STATEMENT

Planning Application ESS/34/15/BTE:

Environmental Impact Assessment (EIA)

An Environmental Statement (ES) was been submitted with the original application (ESS/37/08/BTE) in 2008. This ES was updated by additional Information required by the WPA under Regulation 19 of then EIA Regulations.

The matters addressed by the original ES are set out below:

- Land use and Contaminated Land
- Water Resources
- Ecological risk assessment
- Landscape and Visual Impact
- Cultural Heritage
- Travel and Transport
- Air Quality
- Noise and Vibration
- Social and Community Issues
- Nuisances
- Human Health Risk Assessment

An appraisal of the ES supported the April 2009 Development & Regulation Committee Report upon which a resolution was made by the Committee, but the matter was Called In for determination by the Secretary of State.

An Addendum ES was submitted prior to the Public Inquiry and additional information submitted during the Public Inquiry to support the ES. All the ES documents were taken into consideration by the Inspector when considering the original application at the Public Inquiry in 2009.

An update to this original set of ES documents was provided with planning applications ESS/44/14/BTE and ESS/55/14/BTE. The matters covered by the update included consideration of the following:

Land use and contaminated land
Ecology
Ground and surface water
Landscape & Visual Amenity
Archaeology & Cultural Heritage
Air quality
Noise
Cumulative impacts

The current application (ESS/34/15/BTE) has been supported by all of the previous EIA information, and is also supported by a review of all the matters previously

considered to assess whether as a result of the proposed amendments further reassessment of the impacts were required.

The Planning Inspectorate in considering the appeal against the decision of the WPA to grant planning permission for a two year rather than one year extension, requested further EIA information to support the appeal during the course of the determination of the current application.

The Planning Inspectorate requested the further information to address the following matters:

- An updated and comprehensive assessment of the environmental baseline applicable to the entirety of the proposed development.
- A cumulative Impact Assessment taking account of all reasonable foreseeable developments, including the adjacent mineral workings and the potential connection to the National Grid

As this information requested by the Planning Inspectorate is also relevant to the current application, the further EIA information was also required by the WPA to be submitted to support the current planning application.

The assessment of the ES below is based on the update of the ES provided with the current application and the further information submitted to the Planning Inspectorate and considers the following subject matters:

- Land use and Contaminated Land
- Water Resources
- Ecological risk assessment
- Landscape and Visual Impact
- Cultural Heritage
- Travel and Transport
- Air Quality
- Noise
- Social and Community Issues
- Nuisances
- Human Health Risk Assessment
- Cumulative Impacts

The EIA process looks at each of the impacts in turn to assess the potential impact on the natural and built environment and considers, where necessary, the mitigation measures needed to reduce and minimise the potential impact of the proposed amendments.

EIA SUMMARY AND RECOMMENDATIONS

The following provides a summary of the significant effects that could potentially arise as a result of the proposed amendments to the integrated waste management facility

Land Use and Contaminated Land

The planning area remains unchanged, such that no new land is affected by the proposals i.e. no additional agricultural land would be lost than that required under the original scheme and assessed not to result in adverse impact. The majority of the IWMF site has now been worked for mineral such that the ground levels have now changed.

In working the area no areas of contamination have been found. Existing planning condition 25 requires details with respect to dealing with contamination and would be re-imposed if planning permission were granted.

Condition 24 ensures soils are handled and stored appropriately and put a sustainable use.

Comment

There would appear to be no additional issues that require mitigation arising from the amendments and protection from contamination and protection of soil resources is addressed through existing conditions.

Water Resources

The general hydrological setting surrounding the site remain unchanged. The chalk aquifer is confined below the London Clay. The sand and gravels within the site and surrounding the site contain some ground water.

The extraction of sand and gravels within the site and in front of the site means there is a modification of ground conditions at the front of site such that ground levels are on London clay as opposed to unexcavated and permeable layer of sand and gravel.

The replacement of retaining walls with excavated slopes and soil nail walls would have a positive effect on earth and water retention next to existing trees.

Surface water & flood risk assessment – The flood risk as part of the original proposal was considered “low”, the minor modifications to layout of the site and review of flood mapping would indicate the risk remains “low”.

The area of buildings and hardsurfacing is slightly less than the original proposals and the elevation of the access road has changed slightly. It was concluded these would have an insignificant effect on the surface water drainage. As the facility is below ground it is necessary that adequate storm drain capacity is included in the development and the assessment concluded the proposed arrangements would be adequate, including the amended lagoons. The detail of surface water management have been submitted under condition 23 and have been subject of consultation with the Lead Local Flood Authority who have raised no objection.

Groundwater – the volume of ground water to be encountered within the site was considered small in comparison with surface water and could be accommodated within the existing surface water management system.

Comment: The assessment indicated there would be no new issues and that the existing conditions would ensure the required mitigation was delivered.

Ecology

The ecological impacts have been reassessed utilising information submitted with respect to subsequent applications for quarry sites A2 and A3 and A4 and information submitted previously to discharge ecological conditions (53 – ecological survey update) and 54 (Habitat Management Plan). The re-assessment considered the impacts of the reduced building footprint and the change to excavated slopes and soil nail walls. It was concluded there would be overall positive benefit. A 5m strip of the existing TPO woodland would be retained and the slope walls would provide areas for additional planting, biodiverse concrete slopes (rather than being placed on the roof of the building) and reducing impacts of dewatering of existing trees.

Comment: The information is contained within many different documents, but together provides an adequate assessment of the ecological impacts, and shows an overall positive impact arising from the proposed amendments. Ecological mitigation would be secured through the existing conditions and obligations.

Landscape & Visual Impact

The landscape and visual impact assessment has taken account of the reduced building footprint, the switch from vertical and soil nail walls and the minor relocation of the CHP Stack.

The landscape assessment acknowledges that since the original application Hangar No. 2 has been removed, along with other ancillary airfield buildings and woody vegetation, arable land and hard surfaces of the former airfield. Also that area A2 has been worked for mineral and currently under restoration and sites A3 and A4 are now being extracted for mineral. The restoration scheme for the quarry workings has been designed to be in sympathy with the landscape mitigation required for the IWMF.

The landscape character of the area was assessed as Good to Ordinary under the 2008 Landscape and Visual Impact Assessment and although the assessment has not changed upon completion of restoration of the mineral workings with associated planting it is anticipated this would improve in the long-term.

Visual receptors, the visual receptors are considered not to have changed except intervening quarry works in site A3 and A4 are now taking place between some of the receptors and the application site.

Landscape impact was considered in the context of the historical landscape and the current disturbed landscape. The airfield past use was assessed as having an industrial influence on the landscape character and is able to accept a large degree of change and it was assessed the amended IWMF would be the next progression in this change.

The amendment to the IWMF allows retention of some existing woodland, enabling a 30m belt rather than 25m to be remain including a 5m strip of the TPO woodland to

the south. The excavated walls and soil nail walls would provide a greater offset to existing woodland.

It was assessed that the original view that the short-term impact on landscape would be minor adverse and while the changes would provide some improvement the assessment is not changed. Similarly the long-term impacts are still assessed as negligible.

Visual Impact – The proposed changes were considered to have any no marked change on the visual impacts. The change in location of the CHP stack it was considered would be barely perceptible.

The objectives and location of mitigation are not required to change as a result of the amendments to the IWMF. The area of woodland scrub has increased from 2.2 ha to 3ha with a further 1.3ha south of the site. Hedgerow linear metres have been increased from 350m to 530 including those proposed around the Education/Visitor car park.

The design of the building remains largely the same, the colours of cladding have been slightly amended, but would be predominantly dark and colours graded up its elevation to reduce the overall impression.

The proposed green roof sedum blanket rather than the part crushed concrete substrate covering was considered would improve mitigation in the wider landscape.

Comments: The assessment has taken into consideration the changes in landscape since the initial assessment and the proposed amendments and assessed the overall impact would not be dissimilar to those previously assessed. The details of landscaping (planting & protection condition 57 & 59), stack details & materials (condition 14) and details of the green roof (condition 18) are all required to be submitted by condition.

Cultural Heritage

With respect to archaeology the majority of the site has already been subject of archaeological investigation as part of mineral extraction and a programme of investigation is required for the remaining areas (condition 10). These would be unaffected by the proposed amendments. The airfield buildings removed prior to extraction were also subject of historical survey prior to demolition.

Woodhouse Farm and complex are as part of the proposals to be refurbished and this would be unchanged by the proposed amendments. Historical recording is required prior to any works to the listed buildings (condition 64). Condition 13 required details of lighting, signing and telecommunications to be submitted for Woodhouse Farm.

The slight reposition of the CHP stack has been assessed as having no greater impact than that considered previously and is mitigated by the proposed mirror finish reflecting the surrounding environment.

Comment: No specialist advice has been sought with respect to the historic environment. However, the proposed amendments are minimal with respect to their impacts on the historic environment and existing conditions and obligations would provide adequate mitigation.

Travel & Transport

The changes in the capacities of the different elements of the IWMF and the likely exports arising from the amendment proposals have been assessed to demonstrate that the existing HGV limits would not be exceeded.

It has been assessed that even with the decrease in bio-waste, paper waste and LACW/C&I and increase in RDF and export of paper sludges and additional ashes the predicted vehicle movements would be within the permitted maximum vehicle movements.

It was noted that the total staff numbers are likely to increase, but that the number on site at any one time would not increase due to split shifts. Reassessment of staff vehicles was not considered necessary due to change over times not coinciding with peak flows.

Comment: As HGV movements have been demonstrated to be within existing limits there are no additional impacts, and no additional mitigation is necessary over and above that provided by the existing conditions and legal obligations.

Air Quality

An updated assessment of air quality effects and dispersion modelling assessment has been undertaken taking account the proposed changes.

The assessment shows that the concentrations arising from the process contribution for the amended IWMF would not cause an exceedance of the AQAL for any pollutant. AQAL is a comparison with Air Quality Objectives and Environmental Assessment levels. The only exceedance is for PAH (Polycyclic aromatic hydrocarbon) and this is due to existing base levels. The dispersion modelling indicates that the proposed amended facility would not have a significant impact on local air quality, the general population or the local community.

Comment: The assessment would indicate that there are no major concerns with respect to air quality that would give cause for concern at the planning stage. However, the assessment and control of emissions is a matter for consideration and control through the Environmental Permit administered by the Environment Agency.

Noise

The noise levels arising from the proposed IWMF have been re-assessed taking account of the proposed amendments. It was concluded that the amended IWMF would be operated within the existing permitted maximum daytime and night-time limits.

Comment: As plant within the IWMF is to be approved at a later stage further reassessment would be required and should also take into account the change in the slopes surrounding the facility.

Social and Community Issues

No positive or negative social or community issues were identified as arising from the amendments to the IWMF. It is noted that the operators have offered that the role of education/waste minimisation officer would be provided at the facility.

Nuisances

No additional nuisance impacts were identified arising from the IWMF proposed amendments. A summary was provided of the proposed operational practices with respect to dust, bio-aerosols, litter, insects, vermin and litter, light pollution,

Comment: No additional mitigation over and above existing conditions is considered necessary.

Human Health Risk Assessment

The updated assessment considers the amendments to the IWMF including the increase capacity of the CHP facility.

The health risk assessment considered the various pathways through which an impact could arise, including through inhalation, ingestion of soil, water, home grown vegetables, animals and milk and breast milk. The most likely pathway was considered to be direct inhalation.

For all pollutants the TDI (Tolerable Daily Intake) and MDI (maximum daily intake) were not exceeded except for cadmium and chromium ingested by children. With respect to cadmium level this was 139.51% of the maximum input, but the IWMF only contributed 0.62% to this level. Similarly the contribution to chromium by the IWMF was only 1.1%. It was not considered these contributions would increase health risks from these pollutants. Overall it was concluded these would not result in appreciable health risks resulting from operation of the amended IWMF.

Comment: The assessment does not raise significant concerns at the planning application stage. These matters would be considered in more detail as part of the consideration of the Environmental Permit by the Environment Agency.

Cumulative Impacts

Consideration has been given to the cumulative impacts of other development namely adjacent mineral extraction and development associated with the IWMF such as the electric cable that would be required to link the facility to the National Grid and the water pipework required to link the site to the water abstraction point on the River Blackwater and if progressed the alternative water abstraction and discharge arrangements. In addition the intention to retain overburden from within the IWMF in temporary storage prior to use in restoration of the adjacent mineral working. This would also require a temporary lagoon to store water during the works.

With respect to these other developments, the following additional impacts have been noted

Heritage – no direct on heritage assets, but temporary impacts on setting during the installation phase of the cable. The electricity cable would also follow the route of a Protected Lane, but working practices could be adopted to minimise the impact.

Landscape – Potential loss of small sections of hedgerow amounting to 50m of hedgerow and short-term visual impacts from installation of the electric cable and pipework. Mitigation through replacement of the hedgerow could be provided.

Transport – short-term impacts on highways and PRow during the installations works.

Ecology – At the point of connection of the electricity cable with the sub-station near Galley's Corner GCN have been recorded in the past. As a protected species the statutory undertaker would need to take appropriate protection measures. Also the location of the water abstraction point on the River Blackwater lies just within Blackwater Plantation Local Wildlife site. To minimise the impact the area and duration of disturbance would need to be limited as much as possible.

Noise – the storage of overburden from the IWMF and required rephrasing has been assessed and could be undertaken within the existing noise limits

Comment: No significant issues were raised that could not be addressed through appropriate mitigation.



Report to the Secretary of State for Communities and Local Government

by M P Hill BSc MSc CEng MICE FGS

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Date: 22 December 2009

TOWN AND COUNTRY PLANNING ACT 1990

ESSEX COUNTY COUNCIL

APPLICATION

By

GENT FAIRHEAD & CO. LIMITED

Inquiry held on 29 September 2009

Rivenhall Airfield, Essex C5 9DF.

File Ref(s): APP/Z1585/V/09/2104804

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ACRONYMS AND ABBREVIATIONS USED IN THE TEXT

AD	Anaerobic Digestion
BAT	Best Available Technique
BDC	Braintree District Council
BDLPR	Braintree District Local Plan Review
BPEO	Best Practical Environmental Option
CABE	The Commission on Architecture and the Built Environment
CD	Inquiry Core Documents
CG	Community Group
CHP	Combined Heat and Power
C&I	Commercial and Industrial
CNEEFOE	Colchester and North East Essex Friends of the Earth
CPRE	Campaign to Protect Rural Council
Defra	Department of Environment, Food and Rural Affairs.
DMRB	Dept. of Transport's Design Manual for Roads and Bridges
DP	Development Plan
EA	Environment Agency
EAL	Environmental Assessment Level
ECC	Essex County Council
EEP	East of England Plan (2008) - the Regional Spatial Strategy
EERA	East of England Regional Assembly
EfW	Energy from Waste
EP	Environmental Permit
eRCF	The evolution of the Recycling and Composting Facility – the proposal which is the subject of the present application
ESRSP	Essex & Southend-on-sea Replacement Structure Plan
ES	Environmental Statement
FOE	Friends of the Earth
IPPC	Integrated Pollution Prevention and Control
IWMF	Integrated waste management facility
JMWMS	Joint Municipal Waste Management Strategy
LBCA	Planning (Listed Buildings and Conservation Areas) Act 1990
LCG	Local Councils Group
LVIA	Landscape and Visual Impact Assessment
MBT	Mechanical Biological Treatment
MDIP	Market de-inked paper pulp
MDR	Mixed Dry Recyclables
MOW	Mixed Organic Waste
MRF	Materials Recycling Facility
MSW	Municipal Solid Waste
mtpa	million tonnes per annum
NE	Natural England
OBC	Essex County Council Outline Business Case
P&W	Printing and Writing Paper
PASS	Planning Application Supporting Statement
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RCF	The Recycling and Composting Facility for which planning permission has been granted.
RSS	Regional Spatial Strategy
SoS	Secretary of State for Communities and Local Government
SOCG	Statement of Common Ground

SLA	Special Landscape Area
SPG	Supplementary Planning Guidance
SRF	Solid recovered fuel
SWFOE	Saffron Walden Friends of the Earth
TCPA	Town and Country Planning Act 1990
tpa	Tonnes per annum
WDA	Waste Disposal Authority
WFD	Waste Framework Directive
WID	Waste Incineration Directive
WLP	Essex & Southend-on-sea Waste Local Plan (2001)
WPA	Waste Planning Authority
WRAP	Waste and Resources Action Programme
WSE	Waste Strategy for England
WTS	Waste Transfer Station

File Ref: APP/Z1585/V/09/2104804

Rivenhall Airfield, Essex CO5 9DF.

- The application was called in for decision by the Secretary of State for Communities and Local Government by a direction, made under section 77 of the Town and Country Planning Act 1990, on 12 May 2009.
- The application was made by Gent Fairhead & Co. Limited to Essex County Council.
- The application Ref: ESS/37/08/BTE is dated 26 August 2008.
- The development proposed is 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 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.
- The reason given for making the direction was that the proposal may conflict with national policies on important matters.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
 - (i) The extent to which the proposed development is in accordance with the development plan for the area, having particular regard to the policies of the Essex & Southend Waste Local Plan 2001, the Braintree District Local Plan Review 2005 and the East of England Plan 2008.
 - (ii) The extent to which the proposal would secure a high quality of design, and its effect on the character of the area, having regard to the advice in paragraphs 33 to 39 of Planning Policy Statement 1: Delivering Sustainable Development.
 - (iii) The extent to which the proposal is consistent with advice in Planning Policy Statement 7: Sustainable Development in Rural Areas which seeks to ensure that the quality and character of the countryside is protected and, where possible, enhanced and to ensure that development proposals are in line with sustainable development principles and, consistent with these principles and taking account of the nature and scale of the development, that development is located in sustainable (accessible) locations.
 - (iv) The extent to which the proposal is consistent with advice in Planning Policy Statement 10: Waste, to provide adequate waste management facilities for the re-use, recovery and disposal of waste and to ensure that decisions take account of the waste hierarchy, the proximity principle and regional self-sufficiency.
 - (v) Whether any planning permission granted for the proposed development should be subject to any conditions and, if so, the form these should take, having regard to the advice in DOE Circular 11/95, and in particular the tests in paragraph 14 of the Annex;
 - (vi) Whether any planning permission granted should be accompanied by any planning obligations under section 106 of the 1990 Act and, if so, whether the proposed terms of such obligations are acceptable;
 - (vii) Any other matters that the Inspector considers relevant.

Summary of Recommendation: Planning permission should be granted subject to conditions.

SECTION 1 - INTRODUCTION AND PREAMBLE

1.1 The application, supported by an Environmental Statement (ES) (Documents CD/2/4 to 2/8), was submitted to Essex County Council (ECC) on 26 August 2008.

ECC confirms that the application was advertised and subject to consultation in accordance with statutory procedures and the Essex Statement of Community Involvement. In response to a request for further information made under regulation 19 of the Environmental Impact Assessment Regulations 1999, the applicants submitted additional information in December 2008 (Document CD/2/10). This information was also advertised and subject to consultation. The application was reported to ECC's Development and Regulation Committee on 24 April 2009, at which it was resolved to grant planning permission, subject to conditions and a legal agreement, and subject to the Secretary of State (SoS) not calling in the application for her own determination. The committee report and subsequent minutes can be found at Documents CD 2/12a, 2/12B and 2/13.

1.2 The application was subsequently called in for determination by the SoS in a letter dated 12 May 2009. The reason given for the direction is that the application may conflict with national policies on important matters.

1.3 No pre-inquiry meeting was held. However, on 19 August 2009, my colleague Andrew Freeman issued a pre-inquiry note to provide guidance on the procedures to be adopted in relation to the inquiry.

1.4 In September 2009 the applicants submitted an Addendum Environmental Statement (Addendum ES) which was intended to provide additional information at the inquiry. The Addendum ES (Document GF/12) provides additional information and amendments on air quality, human health risk assessment, carbon balance and ecology. It includes an air quality impact assessment based on a redesign of the scheme whereby the proposed gas engine stack would be deleted and all emissions re-routed through the CHP stack. The Addendum ES is accompanied by a Revised Non Technical Summary (Document GF/11). These documents were also advertised and subject to consultation, with a requirement that responses be submitted by 14 October 2009.

1.5 At the inquiry, the applicants confirmed that they wished the proposal to be considered on the revised design whereby all emissions would be routed through a single combined heat and power facility (CHP) stack. The revised scheme is set out in the revised set of application drawings at Document GF/13-R1. Bearing in mind the publicity given to this amendment and the opportunity for all parties and individuals to take part in the inquiry, I was satisfied that no-one would be unreasonably disadvantaged or prevented from presenting their views to the inquiry. I therefore accepted that it would be reasonable to consider the proposal on the basis of the revised design, namely with a single chimney stack.

1.6 The applicants submit that the Environmental Information for the proposal comprises the ES dated August 2008, the subsequent Regulation 19 submissions, the Addendum ES and the revised Non Technical Summary dated September 2009. These have been produced in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. I have taken account of the documents comprising the Environmental Information, together with the consultation responses and representations duly made within the advertised timescales in arriving at my recommendation. All other environmental information submitted in connection with the application, including that arising from questioning at the inquiry has also been taken into account.

1.7 The inquiry sat for 10 days between 29 September 2009 and 14 October 2009. I undertook accompanied visits to the appeal site and its surroundings, to local

villages and the local road network on 29 September and 15 October 2009. A number of unaccompanied visits to the area, including the walking of footpaths and inspections of the local road network were made before, during and after the inquiry. On 16 October 2009, I made an accompanied visit to the Frog Island Waste Management Facility operated by Shanks at Rainham in Essex. This facility includes a materials recovery facility (MRF) and a three line mechanical biological treatment (MBT) plant dealing with approximately 200,000 tonnes of waste annually. In order to minimise the impact of odour, the MBT operates under a negative air pressure and utilises bio-filters sited on its roof. The visit was arranged primarily to inspect the operation of the air treatment arrangements. A note on the facility is included at Appendix A of this report.

1.8 A Statement of Common Ground (SOCG) has been prepared between the applicants and ECC. The final version of this SOCG can be found at Document CD/13/4. The document includes draft comments from the Local Councils Group (LCG).

1.9 At the opening of the inquiry, the applicants were advised that any planning obligations under S106 of the Town and Country Planning Act 1990 should be submitted in their final form before the inquiry closed. An unsigned copy of an agreement between the applicants and ECC was submitted in its final form on 14 October 2009. The applicants indicated that a signed executed copy of the agreement would be submitted before the end of October 2009. This was received by the Planning Inspectorate within the timescale and conformed and certified copies of the completed S106 agreement can be found at Document CD/14/5.

1.10 On the final day of the inquiry proceedings (14 October 2009), a submission was received from the Environment Agency (EA) in response to the consultation exercise on the Addendum ES. The main parties and the Rule 6 parties asked for time to consider the contents of this document. Moreover, as the final date for responses to the Addendum ES was 14 October, there was a possibility that further representations could be received later that day. It was therefore agreed that any comments on the EA response and on any other representations on the Addendum ES received by 14 October, should be submitted to the Planning Inspectorate by 1600 hours on 22 October 2009. These responses can be found at Document CD/16. Moreover, any response to such comments was to be submitted within a further 7 days, namely by 1600 hours on 29 October 2009. Those responses can be found at Document CD/17. I indicated that no other representations outside these limits would be considered in my report and that the inquiry would be formally closed in writing on the first working day in November. A letter closing the inquiry was sent to the parties on 2 November 2009.

1.11 In addition to the matters on which the SoS particularly wished to be informed (set out in the summary box above), I indicated at the opening of the inquiry that I considered that the following issues should also be addressed:

- i. the need for a facility of the proposed size;
- ii. the viability of the proposed scheme including the de-inking and paper pulping facility;
- iii. the weight to be given to the fall back position of the Recycling and Composting Facility (RCF) for which planning permission was granted in 2007;

- iv. whether there is a need for the scheme to provide flexibility to accommodate future changes in waste arisings; changes in the way waste is dealt with; and changes that may occur in the pulp paper industry. If so, whether the scheme takes account of such need;
- v. the effect of the scheme on the living conditions of local residents with particular regard to noise and disturbance, air quality, odour, dust, litter, and light pollution;
- vi. the extent of any risk to human health;
- vii. the effect on highway safety and the free flow of traffic on the highway network;
- viii. the impact on the local right of way network;
- ix. the impact on ground and surface waters;
- x. the implications of the associated loss of Grade 3a agricultural land;
- xi. the effect of the proposal on habitats, wildlife and protected species;
- xii. the impact on the setting and features of special architectural or historic interest of listed buildings in the locality; and,
- xiii. the effect on the historic value of the airfield.

1.12 This report includes a brief description of the appeal site and its surroundings and contains the gist of the representations made at the inquiry, my conclusions and recommendation. Lists of appearances and documents are attached.

1.13 A number of terms have been used to describe the development. Throughout the report, I shall refer to the overall development proposal as the evolution of the recycling and composting facility (eRCF), and the proposed buildings, structures and equipment forming the facility as the proposed integrated waste management facility (IWMF)

SECTION 2 - DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The appeal site and its surroundings are described in various documents, including the statement of common ground (SOCG)(Doc. CD/13/4), the ECC Committee Report (Doc. CD/2/12A), and the proofs of evidence of various witnesses. The site is situated in an area of primarily open and generally flat countryside. Beyond the area surrounding the site the landscape is gently undulating countryside and is characterised by large open fields, small blocks of woodland and discrete, attractive villages.

2.2 The site is 25.3 hectares in area and at its northern end comprises a narrow strip of land leading southwards from the A120 Coggeshall Road. This narrow strip would accommodate the proposed access route to the IWMF. The route would utilise the existing junction off the A120 and the majority of the length of private road which currently provides access to the existing quarry workings on land to the north of the intended site of the IWMF. The private access road leads down from the A120 into the attractive wooded valley of the River Blackwater. This part of the application site lies within the Upper Blackwater Special Landscape Area (SLA), as defined in the Braintree District Local Plan Review (LP). The access road then climbs gently before reaching its junction with Church Road, a lightly trafficked rural road linking the settlement of Bradwell with various farms and dwellings to the east. Church Road provides a link to Cuthedge Lane which leads to Coggeshall Hamlet. The existing length of access road between the A120 and the Church Road is two lane, although it narrows to a single lane at the junction.

2.3 After crossing Church Lane, the access road continues southward, through agricultural land, as a single lane route with passing bays until it reaches Ash Lane. Ash Lane is a quiet rural lane edged with trees in the vicinity of the junction. At both the Church Road and Ash Lane crossing points, the access road is single lane with signs indicating that vehicles using the access road must stop at the junction before crossing onto the next section of access road. Steel bollards are sited at the corners of the Ash Lane and Church Road junctions in order to discourage vehicles from attempting to turn onto the public highway from the access road.

2.4 The access road continues southward into sand and gravel workings known as Bradwell Quarry. The proposed access to the IWMF would continue in cutting alongside a length of restored sand and gravel workings to the west of the existing quarry. To the south of the quarry, the application site widens into an irregular shaped plot of land.

2.5 This part of the application site, would accommodate the IWMF. It is situated at the southern end of the former Rivenhall Airfield. At present, it accommodates a former aircraft hanger (known as hangar No 2), and includes concrete hardstandings and runway, agricultural land and semi-mature woodland containing 6 groups of trees and 11 individually preserved trees which are the subject of Tree Preservation Orders (TPOs). Hangar No 2 is presently used for the storage of grain.

2.6 The northwestern corner of this irregular shaped plot accommodates the Grade II listed Woodhouse Farm buildings. This group of buildings are in a run-down and semi derelict condition. The farmhouse has been unoccupied for many years. The tiled roof has deteriorated to such an extent that it has had to be covered in metal cladding for protection, and several of the windows are broken and open to the elements. A structure, made of steel scaffolding, has been erected around the adjacent bakehouse in an attempt to preserve that building. However, it appears that the roof and top portions of the walls of the bakehouse have collapsed. The site is heavily overgrown and vegetation prevents ready access to this structure and an adjacent water pump, which is also listed. The former garden of Woodhouse Farm is overgrown and unkempt. Detailed descriptions of the listed buildings in this group can be found in Appendix 3 of the SOCG (Document CD/13/4).

2.7 To the east of the application site there are agricultural fields identified as being within the control of the applicants. Approximately 400m to the east of the application site boundary and Woodhouse Farm, lies a group of buildings, including the Grade II listed Allshot's Farm. However, views of this group of buildings from the west are dominated by the presence of a scrap vehicle business which operates near Allshot's Farm. Vehicles are piled on top of one another and screen views of Allshot's Farm from the vicinity of Woodhouse Farm.

2.8 Approximately 500m to the south east of the application site, beyond agricultural fields, there is a group of buildings known as the Polish site. These buildings are used by a number of businesses and form a small industrial and commercial estate to which access is gained via a public highway leading from Parkgate Road. Parkgate Road runs in an easterly direction from its junction with Western Road. It is about 1km from the application site and is separated from the site by a number of large open fields and two blocks of woodland, one being an area of mature woodland known as Storey's Wood.

2.9 To the south west of the application site, just over 1 km away, lies the village of Silver End. The village has a substantial Conservation Area and contains a large number of listed buildings, primarily related to the garden village developed in association with the Crittall company. One of the listed buildings is Wolverton which lies at the northeastern edge of the village and overlooks the open fields separating the village from the application site.

2.10 Sheepcotes Lane runs from the northeastern corner of Silver End in a northerly direction. At a bend in the lane, approximately 500m from the settlement, lies Sheepcotes Farm, another Grade II listed building. This farmhouse lies on the eastern side of Sheepcotes Lane and is about 500m west of the application site and 600m from the proposed IWMF. However, the farmhouse lies adjacent to a cluster of structures. On the eastern side of this cluster lies another large hangar associated with the former airfield, known as Hangar No 1. Although apparently not in use at present, this hangar has been used in the past for industrial/commercial purposes. There is also a tall tower of lattice construction, previously associated with the airfield but now used for telecommunications purposes.

2.11 Further along Sheepcotes Lane to the northwest of the main element of the application site lies a group of dwellings which includes a listed building known as Goslings's Farm. This dwelling is about 1km from the site of the proposed IWMF. The group of dwellings is separated from the application site by an area of land which has been previously worked for the extraction of minerals. Much of the land has been restored to agricultural use and includes a bund which is to be landscaped and planted.

2.12 To the north of the application site lies the listed building of Bradwell Hall. This building is sited only about 200 metres from the eastern edge of the existing haul road. However, it is some 1.5 km from the main element of the application site and is well screened from the site by the topography of the ground and existing trees and vegetation.

2.13 Nearer the main element of the application site there are a number of dwellings served by Cuthedge Lane, which runs in an east-west direction approximately 700 metres from the site. Herons Farm and Deeks Cottage lie to the south of Cuthedge Lane and are separated from the application site by open fields and land which is being worked for mineral extraction. At present a bund forming a noise barrier for the mineral workings helps to screen the application site from these dwellings. However, the bund is a temporary structure. Further to the east, on the northern side of Cuthedge Lane lies a farmhouse known as Haywards. This dwelling is about 700 metres from the edge of the application site and has views of the site across the flat open fields and site of the former airfield.

2.14 Long distance views of the application site can be gained from a few locations on high ground to the north of the A120. The existing telecommunications tower near Sheepcotes Farm can be seen from some viewpoints on the A120; from viewpoints on high ground to the north of the A120; from a few locations on the B1024 road linking Coggeshall and Kelvedon which is about 3km to the east of the site; and in views about 1km to the south from Parkgate Road/Western Road, as it leads towards Silver End.

2.15 A number of footpaths cross the site. Three footpaths (Nos FP19, FP57 and FP58), including the Essex Way, are crossed by the existing quarry access road. The proposed extended access road would cross FP35. In addition, FP8 which runs approximately north/south in the vicinity of the site passes alongside the complex of buildings at Woodhouse Farm. Hangar No 2 on the application site is visible from various locations along these footpaths.

SECTION 3 - PLANNING POLICY

3.1 Relevant planning policy is set out in the SOCG.

The Statutory Development Plan

3.2 The statutory development plan comprises the following documents:

- East of England Plan, The Revision to the Regional Spatial Strategy for the East of England, (May 2008) (EEP - Document CD/5/1);
- 'Saved' policies from the Adopted Essex and Southend-on-Sea Replacement Structure Plan 1996-2011 (2001) (ESRSP - Document CD/5/3);
- 'Saved' policies from the Essex and Southend Waste Local Plan (Adopted September 2001) (WLP - Document CD/5/4);
- 'Saved' policies from the Braintree District Local Plan Review (Adopted July 2005) (BDLPR - Document CD/5/5); and
- 'Saved' policies from the Essex Minerals Local Plan First Review 1996 (MLP - Document CD/5/6).

3.3 EEP Policy MW1 indicates that waste management policies should seek to ensure timely and adequate provision of facilities required for the recovery and disposal of the region's waste, whilst amongst other things, minimising the environmental impact of waste management. Policy WM2 sets targets for the recovery of municipal and C&I waste and Policy WM3 indicates that the East of England should plan for a progressive reduction in imported waste, indicating that allowance should only be made for new non-landfill waste facilities dealing primarily with waste from outside the region where there is a clear benefit.

3.4 The application site includes a 6 ha area of land identified as a "preferred location for waste management" (WM1) in Schedule 1 of the WLP. Policy W8A indicates that waste management facilities will be permitted at the locations shown in Schedule 1, subject to various criteria including requirements that there is a need for the facility and it represents the Best Practical Environmental Option (BPEO). The policy indicates that 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 waste which would not otherwise be obtained. Policy W3C indicates that, in the case of facilities with an annual capacity over 50,000 tonnes, measures will be taken to restrict the source of waste to that arising in the plan area, except where it can be shown, amongst other things, that the proposal would achieve benefits that outweigh any harm caused.

3.5 Policy RLP27 of the BDLPR indicates that development for employment uses will be concentrated in towns and villages. RLP78 indicates that the countryside will be protected for its own sake by, amongst other things, restricting new uses to those appropriate to a rural area and the strict control of new building outside existing settlements.

3.6 With the exception of the access road, part of which lies within the designated Upper Blackwater Special Landscape Area, the application site is not the subject of any allocations in the BDLPR. Furthermore, it is not referred to in Braintree District Council Draft Local Development Framework Core Strategy (2008).

3.7 I note that on 20 May 2009, the High Court upheld in part a challenge to the East of England Plan and that Policies H1, LA1, LA2, LA3 and SS7 were remitted to the SoS to the extent identified in the Schedule to the Court Order and directed that those parts of the RSS so remitted be treated as not having been approved or adopted.

National Planning Policy

3.8 The following national planning policy documents are relevant:

- The Planning System: General Principles (Document CD/6/15);
- Planning Policy Statement (PPS) 1 – Delivering Sustainable Development (Document CD/6/1);
- Planning Policy Statement: Planning and Climate Change – Supplement to Planning Policy Statement (PPS) 1 (Document CD/6/2);
- Planning Policy Statement (PPS) 7 – Sustainable Development in Rural Areas (Document CD/6/4);
- Planning Policy Statement (PPS) 9 – Biodiversity and Geological Conservation (Document CD/6/5);
- Planning Policy Statement (PPS) 10 – Planning for Sustainable Waste Management (Document CD/6/6);
- Planning Policy Guidance (PPG) 13 – Transport (Document CD/6/7);
- Planning Policy Guidance (PPG) 15 – Planning and the Historic Environment (Document CD/6/8);
- Planning Policy Guidance (PPG) 16 – Archaeology and Planning (Document CD/6/9);
- Planning Policy Statement (PPS) 22 – Renewable Energy (Document CD/6/10);
- Planning Policy Statement (PPS) 23 – Planning and Pollution Control (Document CD/6/11);
- Planning Policy Guidance (PPG) 24 – Planning and Noise (Document CD/6/12);
- Planning Policy Statement (PPS) 25 – Development and Flood Risk (Document CD/6/13);
- Minerals Policy Statement (MPS) 2 – Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (Document CD/6/14); and
- Consultation on the new Planning Policy Statement (PPS) 15 – Planning for the Historic Environment (Document CD/6/17).

Other Relevant Law and Policy

3.9 The SOCG identifies the following law and policy:

- Consolidated EC Framework Directive on Waste 2006/12/EC (previously the Waste Framework Directive 75/442/EEC (as amended) (Document CD/4/1);
- New EC Framework Directive on Waste 2008/98/EC (Document CD/4/2);
- EC Waste Incineration Directive 2000/76/EC (Document CD/4/3);
- Waste Strategy for England 2007 (May 2007) (Document CD/8/1); and
- Joint Municipal Waste Management Strategy (JMWMS) for Essex (2007 to 2032) (Document CD/8/2).

SECTION 4 - PLANNING HISTORY

4.1 The planning history of the application site and the adjacent Bradwell Quarry site is set out in the Final SOCG between the applicants and ECC (Document 13/4).

4.2 Planning permission for a recycling and composting waste management facility on the site was granted in February 2009 (Ref. ESS/38/06/BTE). That scheme is known as the RCF, although the permission has not yet been implemented. The consent relates to the development of a facility for the recovery of recyclable materials such as paper, card, plastic, metals, and fine sand and gravels from residual municipal waste. It includes a waste treatment centre utilising Anaerobic Digestion (AD) technology and Enclosed Composting for the treatment of residual municipal waste. It is intended to have an approximate eventual input of up to 510,000 tonnes per annum (tpa).

4.3 The consent includes for the redevelopment of Woodhouse Farm, which would be used as an Education Centre with associated car and coach parking for the public. It also includes the prior removal of overburden and other material at the site to lower the plant at least 11 m below existing ground level. This is intended to provide maximum visual impact mitigation and to safeguard the protection of national mineral reserves. The planning application and associated documents can be found at Documents CD/3/1 to CD/3/9

4.4 Planning permission reference ESS/07/08/BTE was granted for the extraction of sand and gravel at Bradwell Quarry, together with processing plant, and access via an improved existing junction on the A120. The permission has been implemented with a completion date of 2021. Application reference ESS/15/08/BTE is for a variation of ESS/07/98/BTE to allow amended restoration levels and the 'New Field Lagoon'. The Council has resolved to grant permission subject to completion of a legal agreement which has not yet been signed. In addition, there are a number of other planning permissions with respect to the processing plant at Bradwell Quarry.

SECTION 5 - THE PROPOSED DEVELOPMENT

5.1 The application site is identical to that of the permitted 510,000 tpa RCF. The latest proposals have evolved from the RCF and are therefore known as the evolution of the Recycling and Compost Facility (eRCF). The site is owned by the applicants.

5.2 The site area of 25.3 ha would be utilised as follows:

- 6 ha (approximately) for the proposed integrated waste management facility (IWMF) including buildings and structures;
- 2.6 ha for the redevelopment of Woodhouse Farm;
- 10.6 ha including the fresh water lagoon and proposed areas of landscaping;
- 5.1 ha for the construction of the extended haul road; and
- 1 ha which is the existing haul road to the quarry to be utilised by the proposals.

5.3 The eRCF would provide an integrated recycling, recovery and waste treatment facility. The proposals include:

1. an AD plant treating Mixed Organic Waste (MOW), which would produce biogas that would be converted to electricity by biogas engine generators;
2. a Materials Recovery Facility (MRF) for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals;
3. a Mechanical Biological Treatment facility (MBT) for the treatment of residual Municipal Solid Wastes (MSW) and/or Commercial and Industrial (C&I) waste to produce a Solid Recovered Fuel (SRF);
4. a De-inking and pulping paper recycling facility to reclaim paper pulp (this is described as Market de-inked paper pulp (MDIP);
5. a Combined Heat and Power (CHP) plant utilising SRF to produce electricity, heat and steam;
6. the extraction of minerals to enable the proposed buildings to be partially sunken below ground level within the resulting void;
7. a Visitor/Education Centre;
8. an extension to the existing access road serving Bradwell Quarry;
9. the provision of offices and vehicle parking;
10. associated engineering works and storage tanks; and
11. landscaping.

5.4 The proposed IWMF would provide treatment for 522,500 tpa of waste of a similar composition to that which would be treated by the RCF. It is intended to treat 250,000 tpa of MSW and/or C&I waste; 100,000 tpa of mixed dry recyclables (MDR) or similar C&I waste; 85,000 tpa of mixed organic waste (MOW) or similar C&I waste; and 87,500 tpa of SRF. In addition it would provide a facility for the recovery and recycling of 331,000 tpa of imported waste paper. The IWMF has therefore been designed to import and recycle or dispose of a total of up to 853,500 tonnes of waste annually.

5.5 A comparison of the permitted RCF scheme and the eRCF application is presented on Table 1 and Figures PI-1 and PI-2 of the SOCG. These tables correct a number of typographical errors that were made in the original ES dated August 2008. The SOCG also provides a description of the various elements of the eRCF scheme.

5.6 The AD plant would treat MOW from kerbside collected kitchen and green waste or similar C&I waste. It would have a treatment capacity of 85,000 tpa. As indicated above the AD process would produce biogas which would be converted to electricity. The residues from the AD process would be a compost-like output. Dependant on the quality of the waste feedstock, the resultant compost could be suitable for agricultural or horticultural uses.

5.7 The MRF would process up to 100,000 tpa of imported MDR and recover paper and residues from the MBT and AD processes. Materials recovered by the MRF would be baled and bulked up for export from the site and further reprocessing or recycling. The MRF would have a total integrated throughput of 287,500 tpa linked to other eRCF processes.

5.8 The MBT facility would treat 250,000 tpa of MSW and/or C&I waste. It would comprise five 'biodrying Halls', each with a capacity of 50,000 tpa. Before entering the MBT, the waste would be shredded to produce a consistent feedstock for the 'biodrying' process. At the end of this aerobic drying process, the weight of the waste in the MBT would be reduced by 25%. The resulting material, known as SRF, would be stabilised, sanitised and would be without noticeable odour. During the biodrying process, air would be extracted from the MBT and routed through the buildings to the CHP unit where it would provide combustion air that would be scrubbed and cleaned before discharge to the atmosphere via the CHP stack.

5.9 The Pulp Paper Facility would be used to treat up to 360,000 tpa of selected waste paper and card. This would comprise 331,000 tpa of imported materials, as well as 29,000 tpa of recovered paper and card from the MRF and MBT. The facility would produce up to 199,500 tpa of recycled pulp which would be transported off-site and used to manufacture materials such as graphics, photocopier or writing paper.

5.10 The CHP plant would treat up to 360,000 tpa of material. Its feedstock would comprise up to: 109,500 tpa of SRF produced by the MBT; 10,000 tpa of residues from the MRF; up to 165,000 tpa of process sludge from the Paper Pulping Facility; and 87,500 tpa of SRF manufactured and imported from elsewhere. The energy produced by the CHP would be converted into electricity, heat and steam. Part of the electricity would be exported from site to the National Grid, whilst the remainder would be used as a source of power for the eRCF processes. 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.

5.11 The eRCF would produce between 36 MW and 43 MW per annum of electricity. This would be generated on the site from the AD process (3 MW per annum) and between 33 MW to 40 MW per annum from the CHP plant. Approximately half the energy would be utilised on the site, enabling approximately 18 MW per annum (14.73 MW from the CHP and 3 MW from the AD) to be exported to the National Grid.

5.12 In order to enable the IWMF's buildings to be partially sunk below ground level, 760,000 m³ of boulder clay, 415,000 m³ of sand and gravel and 314,000 m³ of London clay would be excavated prior to its construction. Where possible, the excavated materials would be utilised in the construction of the IWMF, otherwise it would be exported from the site. Sand and gravel could be processed at the adjacent Bradwell Quarry, subject to a further planning permission related to that site.

5.13 Listed building consent would be applied for to enable the Grade II Listed Woodhouse Farm house and associated buildings to be redeveloped and refurbished for use as a Visitor and Education Centre. This would provide an education facility connected to the operation of the IWMF. It would also provide an area for a local heritage and airfield history displays.

5.14 The existing access road to Bradwell Quarry would be extended approximately 1 km south through the quarry workings to the IWMF. All traffic entering or leaving the IWMF would use the A120 and the existing junction which presently serves Bradwell Quarry. The extension to the existing access road through Bradwell Quarry would be an 8 m wide metalled road located in an existing and extended cutting. The existing crossing points with Church Road and Ash Lane would be improved with additional speed ramps, signalling and signage, but would remain single lane.

5.15 Offices would be provided within the IWMF. A staff and visitors car park would be developed west of Woodhouse Farm. The staff and visitor car park would not be used by HGV traffic.

5.16 The IWMF would comprise 63,583 m² of partially sunken buildings and treatment plant. The MRF, MBT and Paper Pulping Facility would be housed in two arch-roofed buildings adjacent to each other, each measuring 109 m wide x 254 m long and 20.75 m in height to their ridges. Both buildings would have "green" roof coverings capable of sustaining vegetation growth, 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 and a CHP Plant with a chimney stack 7 m in diameter extending 35 m above the site's existing ground level. In addition there would be a turbine hall; an electrical distribution hall; a Flue Gas and Exhaust Air Clean Up Complex; three AD tanks and an AD gasometer.

5.17 The IWMF would be sited below natural ground level. In order to maximise the void space, the sides of the void would be constructed with a retaining wall. The base of the void would be approximately 11 m below ground level, such that the ridge of the arched buildings would be approximately 11 m above natural ground levels, and the tops of the AD and gasometer tanks about 12 m above ground level. Cladding materials to the buildings would be dark in colour. Where the CHP stack extended above the surrounding woodland, (about 20 m above the existing woodland) it would be clad in stainless steel or a similar reflective material. This would help to minimise its visual impact by reflecting and mirroring the surrounding environment.

5.18 The main structures of the IWMF, except the CHP stack, would be no higher above the surrounding ground level than the existing hangar currently on the Site, which is about 12.5 m maximum height. The approximate footprint of the IWMF's buildings and structures is 6 ha and thereby substantially larger than the existing hangar which is only about 0.3 ha. The IWMF would project north of the existing woodland towards the adjacent quarry.

5.19 Approximately 1.7 ha of woodland would be removed, together with two Native English Oak trees and two smaller groups of trees. All these trees are covered by Tree Preservation Orders. A strip of woodland, about 20m to 25m in depth, would remain adjacent to the void created by the extraction of the minerals and overburden. The remaining woodland around the IWMF would be managed to improve both its ability to screen the development and enhance biodiversity. In addition, 19.1 ha of open habitats would be lost, including areas of grassland, arable land and bare ground.

5.20 Mitigation proposals include the planting of approximately 1.2 ha of new species rich grassland. A further 1 ha of managed species rich grassland would also be provided to the east of Woodhouse Farm outside the Planning Application area. In addition, a further 0.6 ha of new species rich grassland would be provided next to Woodhouse Farm. The green roof on the main buildings of the proposed eRCF would be about 5ha in area and allowed to establish into open habitat.

5.21 Planting would be undertaken on shallow mounds which are proposed on the southwest side of the building. The mounds would have a maximum height of 4m and a width of 20 to 25m. A total of about 2km of new hedgerow planting would be established on the northern site boundary and to either side of the extended haul road. Enhanced planting is proposed between the car park and Woodhouse Farm buildings, and a block of woodland planting would be sited on a triangular plot at the northeast side of the site. These areas of new planting (totalling about 2.2 ha), together with management of existing woodland, would enhance screening of the site and its ecological value. In addition to this planting, a 45 m wide belt of trees (approximately 1.2 ha in area) would be established outside the application area.

5.22 External lighting levels would have an average luminance of 5 lux. No external lighting, other than that used on an infrequent and intermittent basis for safety and security purposes, would operate during the night.

5.23 The IWMF would generate up to 404 daily Heavy Goods Vehicle (HGV) movements comprising 202 into and 202 out of the site a day. There may also be approximately 90 Light Goods Vehicle or car movements associated with staff, deliveries and visitors. During the construction phase, the IWMF would generate about 195 HGV movements in and 195 HGV movements out.

5.24 Waste would be delivered in enclosed vehicles or containers. All waste treatment and recycling operations would take place indoors under negative air pressure and within controlled air movement regimes, minimising the potential for nuisance such as odour, 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 need to be issued by the Environment Agency (EA) for operation of the IWMF.

5.25 The 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 on 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 accept and receive clearances from local Household Waste Recycling Centres on Sundays, Bank and Public Holidays. Due to the continuous operational nature of the waste treatment processes, the IWMF would operate on a 24 hour basis but would not involve significant external activity outside the normal operating hours for the receipt of waste.

5.26 During construction of the IWMF, a period of 18 to 24 months, it is proposed that the working hours would be 07:00 to 19:00 seven days a week.

5.27 The IWMF includes a Waste 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 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 Pulp Facility would be treated and cleaned within the Waste Water Treatment facility. It is anticipated that the IWMF would be largely self sufficient in water, by utilising rain/surface water, and would only require limited importation of water. This could be sourced either from New Field Lagoon, which is part of the existing drainage system for the restored mineral working to the north, licensed abstraction points, or obtained from the utility mains.

5.28 The internal waste reception bunkers would provide buffer storage for about 2 days of imported waste to the MBT and approximately 5 days for the AD, Pulp Facility and CHP, to ensure that waste processing and treatment operations could run continuously and that there would be spare capacity in the event of any planned or unforeseen temporary shutdown of the IWMF.

5.29 The IWMF would provide employment for about 50 people.

SECTION 6 - THE CASE FOR THE APPLICANTS

The Environmental Statement and its review by ERM

6.1 The audit of the ES by Environmental Resources Management (ERM) for Braintree DC (Document CD/2/11) found that the ES was generally of good quality with very few omissions or points of clarification required. Moreover, it indicated that there was good provision of information with only minor weaknesses which were not critical to the making of any decision. The ES audit did not simply focus on process and structure. ERM indicated that it had applied its technical expertise to make informed judgements on the robustness of the submitted assessments. Although ERM considered there was an overestimation of the likely 'demand', it indicated that as a technical assessment of particular topics based on the stated application, the Environmental Impact Assessment (EIA) was generally competent and could be considered to comply with the EIA Regulations.

6.2 Braintree DC was advised by ERM that on the majority of the issues (generally other than need and highways) the ES was a competent technical assessment and supported the assessment of the effects as being "not significant". The audit supports the assessment of the great majority of the likely impacts of the proposals. Moreover, since that audit was undertaken further work has been done in producing the Regulation 19 information and the Addendum to the ES.

6.3 The EIA procedures have been complied with. As regards any concern that the Addendum or other additional information has not been properly made available for public consultation and comment, it is noteworthy that the time allowed for comments on the Addendum was the same as for the main ES, which was itself in accordance with the period set out in the Regulations for the ES. Moreover, it is lawful for additional material to be taken into account at the inquiry, since Regulation 19 (2) of the EIA Regulations 1999 allows such material to be consulted upon at

inquiry. (See Sullivan J. in *R. (on the application of Davies) v. Secretary of State* [2008] EWCA 2223 (Admin) at paragraphs. 41-47).

Common ground

6.4 The following matters can be regarded as common ground:

- (i) The matters set out in the SOCG at least as between ECC and the Applicant.
- (ii) The proposals would generate benefits in that they would allow for sustainable waste management and permit a move further up the waste hierarchy. This appears to be accepted whether or not the paper recovery process is termed "industrial".
- (iii) It is now agreed with the Local Councils Group (LCG) that there is an undisputed need for the MBT facility in terms of MSW and C&I and that the capacity gap is at least 326,800 tpa (set against a capacity of the MBT of 250,000 tpa). The capacity gap for C&I facilities therefore well exceeds the capacity of the plant proposed on the Site.
- (iv) The grant of permission for the RCF is a material consideration.
- (v) Documents GF/17 and GF/27 represent agreement between the applicants and LCG regarding the considerable carbon savings which the eRCF represents, both in comparison with the RCF and the base case in Essex without either the eRCF or RCF, but assuming current trends in recycling etc. Such savings take into account an average distance travelled per kg of waste of 100 km. The submission by Saffron Walden Friends of the Earth (SWFOE) that biogenic CO₂ has not been taken into account is correct to a limited extent, but only because IPPC guidance does not require biogenic CO₂ to be included. The SWFOE argument is with current guidance.
- (vi) When considering the implications of the proposals for what might be termed, generically, "countryside issues" under the Development Plan and PPS7, it is appropriate to take into account the following factors -
 - (a) The remaining infrastructure of the former airfield;
 - (b) The sand and gravel workings and its associated infrastructure;
 - (c) The former radar mast now used for telecommunications;
 - (d) The extent to which the proposals may strengthen or enhance tree cover, ecological interest and/or biodiversity; and
 - (e) The extant RCF permission and fallback position.
- (vii) It also now appears to be accepted that there will not be a plume from the stack and it does not appear to be disputed that the modelled emissions show that there should not be material concerns regarding the proposals in air quality and health terms.
- (viii) The appropriateness and acceptability of the ES given the ERM audit (Document CD/2/11).
- (ix) The professional planning witness for the LCG did not consider the proposals objectionable because of the inclusion of incineration of waste through the CHP plant with recovery of energy, and did not consider that

there was any issue arising with regard to compliance with WLP Policy W7G. Nevertheless, this policy is out of date and out of step with modern waste policy given its heavy reliance on BPEO, which is no longer national policy as set out in PPS10. SWFOE acknowledged the error in their initial evidence regarding the strict application of R1 and, as the note on R1¹ (Document GF37) makes clear, if the Waste Directive 2008 applies to the eRCF, the use of the CHP would be regarded as recovery not disposal. Regardless of the strict characterisation of the CHP plant, the fact that it would meet the thermal efficiency requirements of the new Directive demonstrates that it is nonetheless a sustainable proposal.

6.5 SWFOE characterise the CHP as disposal rather than recovery of waste as a matter of EU law, reference being made to paragraphs 2.153-2.158 of the Defra Stage One: Consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC) (July 2009). The relevant extract is attached to Document OP/2. The point, if it is a good one, applies to all if not most CHP plant as the Defra Consultation points out. This does not alter the following important points:

- (i) CHP is currently supported by WSE 2007 and other national/regional policy because of its ability to recover energy whether or not it is technically recovery or disposal in EU terms; and
- (ii) The Waste Directive 2008 seeks to address the categorisation issue as the Defra Consultation explains at paragraphs 2.159-2.181. It is to be noted that Defra's view is that the burning of non-MSW waste streams in a plant designed to burn MSW (as here) would also be recovery under the new provisions (See paragraphs 2.176, 2.177 of the Defra Consultation).

Comparison between the eRCF and the RCF and the fallback position

6.6 The RCF should figure prominently in the determination of the eRCF application for two reasons:

- (i) the grant of planning permission for the RCF (on 26 February 2009) establishes the principle of development of a major waste management facility on the site against the background of current policies. SOCG Table 1 & Figs P1-1 & P1-2 set out a detailed explanation of the revisions and additions to the RCF's waste treatment capacity that have resulted in the eRCF and a detailed comparison of the developments. The waste management capacities of imported waste of similar composition (510,000 tpa & 522,500 tpa) are similar, and therefore the 'need' for this treatment capacity has already been established. The design, layout, scale, dimensions and external finishes of the eRCF, on the same site, are similar to the RCF. The main differences are the addition of the Pulp Facility and CHP plant and stack.
- (ii) The RCF provides a fallback position for the decision on the eRCF because

¹ See the Waste Directive 2008 Annex II "Recovery Operations" which includes as recovery (rather than disposal) "RI use principally as a fuel or other means to generate energy". Although the formula has been applied, in fact it applies to facilities dedicated to MSW only not to C&I or mixed facilities as the footnote reference in Annex II makes clear. However, compliance with the formula makes it clear that to the extent that the CHP were considered to be "dedicated to the processing of municipal solid waste only" it would comply.

the applicants will implement the planning permission for the RCF (Document CD3/1) if planning permission is not granted for the eRCF. The RCF would have impacts which would occur in any event should permission for the eRCF be refused. Since the site benefits from the RCF permission, it is appropriate to consider the proposals for the eRCF not only on their own merits but against that extant permission. As a permission for which there is at least a reasonable prospect of implementation should permission for the eRCF be refused, it is a material consideration and provides a baseline against which the eRCF should be considered. It is therefore unnecessary to re-consider those matters in respect of which no significant change arises.

6.7 The reason for the delay in the issue of the RCF permission was the lengthy delay in the production of the draft S106 and since it was only issued in Feb 2009, it is not surprising given the call-in that it has not been implemented. The suggestion by the LCG that the RCF scheme was indicative and a stalking horse for something else is refuted. Discussions have taken place over several years between the applicants and ECC since the allocation of the site in the WLP. During that process, indicative ideas were put forward.

6.8 The RCF represents appropriate technology as confirmed by ECC and as set out in the JMWMS. The LCG confuses the provision of appropriate technology with the development of different and even better facilities which are represented by the eRCF.

6.9 The RCF permission would not need to be amended before implementation. In contrast, the Basildon permission would have to be amended to meet the requirements of the OBC2009. The applicants have unashamedly been waiting for the ECC contract. In due course they would enter a joint venture with a major waste company. However, it would not be in the commercial interests of the applicants for details of current negotiations to be made available. In addition there are large quantities of C&I waste to be treated and every prospect of implementation of the scheme for C&I waste only.

The eRCF represents a highly sustainable evolution from the RCF, allowing for the disposal of residual waste to move higher up the waste hierarchy and the efficient use of CHP together with the MDIP. This is an important factor supporting the grant of planning permission for the current application. The consultation response from the Commission on Architecture and the Built Environment (CABE) to the RCF application on 25.10.06 (Document GF/2/B/Appx 1) anticipated the evolution of the proposals now found in the eRCF. The CABE response stated "We would encourage the applicant and the local waste authority to bear in mind the likelihood of changing techniques and requirement for dealing with waste in the years ahead, and to envisage how the facility might need to be adapted and/or extended to meet future needs." By integrating the various recovery, recycling and treatment processes, it would be possible to re-use outputs from individual waste treatment processes that would otherwise be wasted and/or require transportation off site. It is consistent with the hierarchical requirements of waste management. The proposal would be environmentally and financially sustainable.

6.10 The additional benefits of the eRCF are considerable:

- (i) The eRCF would accommodate the only proposed CHP facility capable of treating the SRF to be produced by MBT through the MSW contract. It

would produce its own SRF from C&I waste and its own MBT, if it did not obtain the ECC contract. A CHP facility capable of utilising the SRF produced from the county's MSW is excluded from the reference project and proposed procurement for the competition reasons set out in OBC 2009 paragraphs 4.3.11-4.3.14 (Document CD/8/6).

- (ii) The MDIP would provide a unique facility in the UK after 2011 for the treatment and recovery of paper waste to produce high quality paper pulp. It would take forward Defra's policy in WSE 2007 to prioritise the increased recycling and recovery of paper and to take advantage of the carbon benefits it would provide.
- (iii) Given the agreed CO₂ savings set out in Document GF/27, the proposals would meet the strategies in both WSE 2007 and the UK Low Carbon Transition Plan (July 2009) pages 162-3 (Document CD/8/8) in relation to the section dealing with reducing emissions from waste. If the UK is seeking to reduce emissions from waste of around 1 mpta, this site alone would contribute about 7% of that objective.

Need for the eRCF proposals

6.11 There is a demonstrable need in Essex for new facilities to manage both MSW and C&I wastes. Both the RCF and the eRCF would be well-equipped to deal in a modern sustainable manner with MSW and/or C&I whether or not the applicants (with an operator partner) win the MSW contract. Further, there will be no MDIP facility in the UK after 2011 to produce high quality paper pulp. The eRCF MDIP would be capable of not only meeting the Essex and the East of England's needs in terms of recycling/recovery of high quality paper (thus meeting WSE 2007 key objectives) but providing a facility for a wider area in accordance with EEP Policy WM3.

6.12 The EEP sets challenging targets for the recycling, composting and recovery of both MSW and C&I waste in accordance with the WSE 2007. By 2015, 70% of MSW and 75% of C&I waste must be recovered. Essex is expected to manage 3.3mtpa MSW and C&I waste during the period 2010/11 to 2015/16 rising to 3.7mtpa during the period 2015/16 to 2020/21. However, the need case has been assessed on a more conservative basis (2.4mtpa by 2020/21) put forward by the East of England Regional Assembly (EERA) in a report entitled 'Waste Policies for the review of the East of England Plan' dated 29 June 2009 (Document CD/5/2). As indicated in Document GF/33, consultation has commenced on this matter as part of the process of review (Document CD/5/8). There is a small change in the figures contained in the consultation document compared to those set out in June 2009 in terms of predicted MSW arisings. However, C&I predictions remain the same and the changes do not have a material impact on the analysis undertaken by the applicants.

6.13 The potential treatment capacity of the currently permitted facilities in Essex is 1.375 mtpa. There do not appear to be any current plans to bring capacity forward on the WLP preferred sites that are not already the subject of a resolution to grant planning permission. ECC indicate that it is not possible to predict whether other proposals will come forward that would be acceptable. Whatever proposals may be in contemplation by others, they are inherently uncertain. Their delivery and acceptability is uncertain, as is the extent to which they would be able to compete in the forthcoming PFI procurement.

6.14 Even with the application proposals in place, there would be a need for additional facilities, as demonstrated by the shortage of treatment capacity that exists to deal with the arisings that are specified in the regional apportionment set out in the EEP. If the reduced figures in the EERA Report of June 2009 are used, there would still be a shortage of treatment capacity and a need for additional facilities. Notwithstanding this, the figures set out in EEP Policy WM4 are the determinative figures for the purposes of this application.

6.15 The analysis undertaken in Document GF/4/A confirms that either the RCF or eRCF is critical in terms of meeting the county's targets. Even on the conservative basis referred to at paragraph 6.12 above, a serious treatment capacity gap would remain ranging from around 410,000 to 540,000 tpa. This indicates that at least one additional facility would be required regardless of whether the RCF or the eRCF were contracted to treat MSW.

6.16 The 'Updated Capacity and Need Assessment – Final Report' (Document CD/10/4) prepared by ERM for ECC in July 2009 is inaccurate. For example page D11 in Annex D identifies sites which should not be included in the list as they do not contribute to the current capacity to treat C&I waste. Contrary to the claim in paragraph 6.1 of Document LC/1/E that the overall capacities in the 2009 ERM report are as accurate as they can be, it is clear that the document contains errors. Moreover, that report will not form part of the evidence base for the Waste Development Document as stated in paragraph 3.1 of Document LC/1/E. ECC will arrange for a new report to be prepared.

6.17 Without thermal conversion of residual waste, Essex would need to permit at least 1 or 2 new large and high input capacity landfills. Such capacity is unlikely to come forward because of the difficulty of securing planning permission for disposal capacity where insufficient treatment capacity exists further up the waste hierarchy, and because of the effect of landfill tax on the economics of disposal against treatment. Thermal treatment of residual waste, incorporating CHP, as strongly supported by the WSE 2007 and the OBC 2008, increases the level of recovery and considerably reduces long term pressure on landfill needs. The policy-supported need case is further supported by the fact that most currently permitted and operational landfill capacity in the county (excepting the recently permitted Stanway Hall 'Landfill' at Colchester, which is tied to the proposed MBT facility, and the Bellhouse site at Stanway) will be closed by 2015 as indicated in Document GF/24. Additional landfill capacity will therefore be required to meet landfill needs even with all treatment capacity in place.

6.18 It appears that the ERM reports had considered "all void space without restriction". Sites such as Pitsea may well be of limited contribution. The applicants approach is therefore a more realistic analysis of landfill capacity than that adopted in the ERM reports.

6.19 The landfill policy and legal regime (including the forthcoming landfill tax increases) provide a disincentive to the continuing rates of use of landfill. In contrast, there are positive incentives for increased recycling and recovery, including the greater commercial attractiveness of recycling and recovery. This is important, since it makes proposals such as the eRCF critical to achieving and reinforcing the objectives of current policy. It is also relevant to claims about inadequacies of paper feedstock which are dismissive of the ability to divert from landfill a significant

quantity of paper and card which is currently landfilled in the East of England at a rate of about 713,000 tpa (Document CD/10/1 pages iii and 78 – Detailed Assessment of East of England Waste Arisings - Urban Mines Report, March 2009).

Relevance of the Essex Waste Management Partnership PFI OBC July 2009

6.20 The need for the eRCF is unaffected by the fact that it is not the reference project in ECC's OBC 2009. The reference project was amended to a single site not because ECC considered the application site to be unsuitable but because ECC did not have control over it, whereas it did control the Basildon site which now forms the sole reference project site. The reference project does not preclude tendering for the ECC MSW contract based on the Basildon Site and/or an additional site, such as the application site. (Paragraph 4.3.19 Document CD/8/6). ECC confirms that both the RCF and eRCF would provide suitable technologies for the proposed ECC waste contract which is explained in the JMWMS at section 4.6 (Document CD/8/2). The applicants will be taking part in the forthcoming public procurement exercise by ECC, involving the application site, whether with the RCF or the eRCF.

6.21 The application site is acknowledged as part of the "competitive landscape" for PFI procurement and is referred to under that heading in the OBC 2009 at paragraph 4.3.4. The OBC does not include provision for C&I waste which lies outside the WDA's duties, although ECC as WPA is required to take account of the need to provide for facilities for such wastes. The OBC 2009 therefore only makes provision for one part of Essex's waste needs and comprises less than 1/3 of the planned budget for ECC's waste, as indicated in Document GF/24.

6.22 Although objectors to the application proposal have made frequent reference to existing and potential increases in recycling, kerbside collections, composting, the provision of local facilities and the like, it is important to recognise that waste does not treat itself and facilities such as the eRCF are required in order to allow ECC to meet its waste targets and to increase still further recycling, treatment and recovery of waste. The proposals will assist in, and not obstruct, a continued increase in recycling and recovery of waste. The PPS10 advice for communities to take greater responsibility for their waste does not obviate the need to make provision for facilities such as the eRCF for the county generally or to meet ECC's share of London's waste.

Waste arisings

6.23 Whether or not the RCF or eRCF were originally proposed for MSW and/or C&I waste is irrelevant, as the applicants have made clear that both facilities could deal with MSW or C&I or both. The document submitted in support of the RCF application considered C&I waste at some length and made it clear before planning permission was granted that at least some of the waste to be dealt with would be C&I. (RCF Supplementary Report at Document CD/3/6, Section 5).

6.24 The treatment capacity gap for C&I waste is such that even if the applicants do not win the ECC MSW contract, there is a sufficient need for the site to deal solely with C&I waste. The first two tables at Document GF/24 show an overall treatment capacity gap (i.e. need) of between 412,762 and 537,762 tpa even on the basis that there is development of both the Basildon Site and the RCF/eRCF. This need is agreed by EEC. Even on the basis of the ERM Reports (Documents CD/10/3 and

10/4) the deduction of the treatment sites agreed with the LCG witness would give rise to a need/capacity gap of at least 326,800 tpa.

6.25 The relevant figure for determining the appeal is, in fact, the 3.7 mtpa in 2020/21 apportioned to Essex by the EEP Policy WM4. The draft figures in the EERA Report of July 2009 (Document CD/5/2), which forms the basis of the consultation currently under way, and those in the ERM Reports, have not yet been subject to the results of consultation and examination and are at a very early stage of consideration. They therefore carry little if any weight and do not provide a justification for departing from the RSS figures having regard to the clear guidance of the Secretary of State in PPS10 at paragraphs 13 to 15.

6.26 The capacity gap which would remain on the basis that both the Basildon and RCF/eRCF facilities are provided would have to be met by other sites. Only 3 of the WLP allocated sites have come forward despite the Plan being adopted in 2001. The allocations are of more than 10 years' standing if the draft plan is considered. The 3 sites which comprise the application site, the Basildon site and the permitted Stanway site, will not meet all of Essex's waste management needs.

6.27 The proposal put forward by Glendale Power for a 30,000 tpa AD power station and associated CHP system at Halstead (Document CD/15/5/B) is considered at Document GF/40. There has been no planning application for such a proposal and it is at an embryonic stage. It does not affect the conclusions of the overall analysis of the need for waste treatment facilities in Essex.

Alternative approach - the ERM Reports (Documents CD/10/3 and 10/4)

6.28 The EEP EiP Report (Document CD/5/7 Chapter 10) does not discuss the methodology or the details of the ERM assessment and cannot be regarded as an endorsement of any specific methodology. In any event, the RSS being at a higher strategic level is likely to have been based on higher level data and not subject to the sort of detailed local information and scrutiny which will be the case with the Essex and Southend waste plan. Notwithstanding this, the key is in the detail and reliability of the data. The EiP's judgment on the reliability of the data for the RSS says nothing about the reliability of the data in the reports of ERM produced for ECC.

6.29 Those who are familiar with the sites referred to in the ERM Reports, are critical of the lack of practicality or realism in the assessment of existing capacity. It is clear from the examples identified at the inquiry that reasonable care has not been used in drafting the "final" ERM 2009 report. The pet crematoria in the 2007 list of sites (Table 3.2, ERM 2007) were plainly unsuitable for inclusion. The Schedule at page C2 of the 2009 ERM report included permitted sites, whereas it was intended to show sites with a committee resolution to permit subject to legal agreement. Table 3.3 on page 16 of that report did not have figures which properly corresponded to the schedules at pages C1 and C2. The 888,000 tpa figure in that table may be accounted for by Rivenhall plus part of Basildon, but it is unsatisfactory to have to make such assumptions. It should also be noted that the arisings figures used are estimates based on figures derived from Urban Mines which in turn are derived not from East of England figures but a report from the North West.

6.30 In contrast, the applicants' assessment, which gave rise to the waste flow models at Document GF/4/B/4, considered sites in terms of what they are reasonably

capable of doing. For example transfer sites were assessed by their ability to sort materials and send such material direct to market. Moreover, EA data on actual throughputs was utilised.

6.31 Having regard to the guidance at paragraphs 13-15 of PPS10 in relation to plan reviews, the draft figures from EERA and ERM reports carry little or no weight. Moreover, as the standard of the 2009 report is not one which would normally be expected to be provided to a client, it should be given no weight in the consideration of the need case.

Conclusions on general need

6.32 The application site is plainly needed to meet the significant shortfall in Essex's current and future capacity to deal with waste. The proposal is on an allocated site in a preferred location, albeit with a larger footprint, which already has the benefit of an implementable permission for a similar scale and type of development.

The Paper Pulp Facility

6.33 The Pulp Facility (MDIP) is a further waste management facility. It would produce a product that directly replaces virgin fibre pulp in mills producing printing and writing paper (P&W). The applicants envisage concentrating on producing pulp for P&W rather than tissue. The MDIP would utilise the waste heat and steam from the CHP plant, reduce the use of virgin trees, avoid reliance on landfill, and associated methane production, and result in energy and CO₂ savings by virtue of the use of waste rather than virgin paper.

6.34 Around 13.15mtpa of waste paper, card and packaging is available for recovery in the UK. In 2008, 8.8m tonnes was collected or sorted for recycling, of which 4.18m tonnes (45%) was used in UK paper or board mills. The remainder was exported, principally to China (Document GF/24). Very little recovered medium and high grade papers are recycled for P&W because most goes to tissue mills, or is exported, and UK P&W production capacity utilising recovered paper is very low. More could become available if a ready supply of pulp were to be made available. In the UK, there are no pulp facilities comparable to that proposed and only two in Europe as a whole. There are a number of factors (e.g. procurement initiatives and social responsibility programmes) which would drive the market for P&W production utilising recovered paper.

6.35 The proposal would help to avoid sending paper waste overseas, and reduce reliance on virgin wood pulp from abroad.

6.36 With regard to the availability of feedstock, there is an ample supply within a wider area than the East of England. Moreover, there is no rational planning or sustainability/carbon reduction basis for confining 80% of the feedstock to the Region since there are as many locations within London, the South East and East Midland Regions which are as accessible to the application site as many parts of the East of England. Modelling of the carbon benefits of the eRCF was predicated on an average travel distance of 100km per kg of waste. Distance from source is a more logical basis for a planning condition than the boundaries of the Region. Notwithstanding this, no adverse consequences have been identified if the MDIP was not run at capacity.

6.37 There is a considerable resource of potentially available P&W feedstock in the East of England Region which could be targeted given national policy in WSE 2007 and commercial incentives. It is not expected that the facility would deal with waste primarily from outside the region. The following factors are noteworthy when considering feedstock:

i. At present 180,000 tpa of feedstock is provided to the former M-Real plant in Sittingbourne which will cease to operate for high quality grade paper from P&W waste by 2011. That plant is proposed to go over to the production of packaging quality paper as indicated in Document GF/30.

ii. The 2009 Urban Mines Report identified about 713,000 tpa of paper and card currently going into landfill in the East of England (Document CD/10/1 Page 78). Urban Mines noted that, along with other materials, this represents a potential resource for recycling, composting or energy recovery, should the requisite separation and treatment regimes and facilities be in place. Bearing in mind that about 36% of paper and card consumed in the UK is P&W (Document GF/24) it can be assumed that about 257,000 tpa P&W goes to landfill in the East of England. There is therefore potential for further recycling and recovery.

iii. 1,879,174 tpa of paper and card is exported through the East of England out of Felixstowe and Tilbury (Document GF/4/B/20) of which 304,186 tpa is sorted. There seems no good reason why waste which is currently passing through the East of England should not be processed at the application site if competitive terms could be offered.

6.38 The eRCF would be able to receive and process P&W recovered in the East of England Region as its presence would provide collectors with a more financially attractive destination than alternatives further afield. Processing high grade paper in the UK is plainly preferable to shipping it abroad (where the majority is used for newsprint or packaging), or sending it to landfill in the UK. Seeking to recover the waste more sustainably is in accordance with the key initiative to increase paper recycling in WSE 2007 at pages 51 and 55.

6.39 Based on discussions with paper producers and suppliers, and the advice of specialists such as Metso and Pricewaterhouse Coopers (Document GF/4/D/1), it would be possible to produce pulp to an appropriate quality at a competitive price. Document GF/31 indicates that the applicants' potential partners are keen to set up a closed loop recycling process and thereby encourage the return of used paper to their customers. There should be little need to seek feedstock that is currently being delivered to tissue mills.

6.40 There is an overwhelming need for both the proposed MSW and/or C&I waste treatment capacity including the Pulp Facility. The assertion that the proposals are not commercially attractive is unfounded given the strong interest of the commercial market in both the RCF and the eRCF, and the need for the Pulp Facility, which is supported by the World Wildlife Fund (Document GF/4/D/5).

Viability issues and the paper pulp facility

6.41 Objectors submit that they have seen no evidence that the MDIP proposal is financially viable. However, the relevant figures are commercially confidential as the

applicants are currently in negotiations regarding the proposal. In general the planning regime does not require a developer to prove viability. Nevertheless, the information provided at Section 2 of Document GF/4/C and the documents referenced therein should enable the SoS to be satisfied that there is no issue with regard to the viability of the MDIP. The capital cost of the MDIP would be less than a stand alone facility because it would be part of a much larger scheme. Moreover, relatively cheap power would be available from the CHP, thereby enabling the MDIP to operate competitively. There is genuine commercial interest in the eRCF proposals from potential operator partners and key players in the waste industry, as evidenced by the letters produced at Document GF/4/D and GF/26.

6.42 The issue of viability has arisen primarily because of EEP Policy WM3. This acknowledges that specialist waste facilities such as the MDIP, may have a wider than regional input of waste. It indicates that 'Allowance should only be made for new non-landfill waste facilities dealing primarily with waste from outside the region where there is a clear benefit, such as the provision of specialist processing or treatment facilities which would not be viable without a wider catchment and which would enable recovery of more locally arising wastes.' Viability is only an issue if the facility is one "*dealing primarily with waste from outside the region*" it being accepted that there is a clear benefit from the specialist facilities which the MDIP would provide.

6.43 The site would not be dealing *primarily* with waste from outside the catchment (which must mean more than 50%), only a proportion. The restriction in Policy WM3 therefore does not apply, although the recognition of the role of the specialist facility remains relevant.

The relationship between planning and environmental permitting

6.44 The relationship between planning and permitting is clearly set out in PPS23 paragraph 10. Amongst other things this indicates that 'The planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.'

6.45 The acceptability in principle of the proposal must be shown in land use planning terms. It is therefore appropriate to demonstrate that the impacts on the environment, human health and other related matters can be adequately controlled, managed and monitored by the EA, dealing with the technical issues of the process, and that any necessary mitigation and control of pollution can be undertaken through the EP process.

6.46 As noted already, the EA does not consider there to be an issue in principle with the acceptability of the proposed eRCF. The EA's e-mail of 5 October 2009 (Document GF/28) explains why an application for an EP is not practicable at the moment. There is no legal or even policy requirement for the EP to be submitted contemporaneously with the planning application and in a case such as the present where the process is protracted due to call-in and the need to enter into a contract with an operator, it is not surprising that the EP application has not been run in parallel with the planning application.

6.47 However, a significant amount of work has been carried out to assess the likely impacts of the proposals on matters such as air quality and the control of emissions, as can be seen from the component parts of the ES. The EA has been involved in discussions with the applicants throughout the design, modelling and application process. The recent EA letter (Document CD/15/7), to the extent that the EA has properly understood the changes and the Addendum, shows that some additional work would be needed for the EP, though it does not show any objection in principle to the proposals. The EA letter refers to the stack heights of 2 energy from waste (EfW) plants elsewhere. However, the buildings associated with those plants are substantially taller than the proposed eRCF building, and cannot be directly compared with the application proposal. The lower height of the eRCF building would result in a lower stack than would otherwise be necessary.

6.48 Notwithstanding this, the EA has sent a subsequent letter dated 22 October 2009 (CD/16/1), whereby it confirms that it does not object to the proposed eRCF. As a requirement of the Environmental Permit (EP), the applicants would be required to demonstrate that the eRCF would not have a significant impact on local air quality. This could be achieved by means other than increasing the stack height. In fact, dilute and disperse using a taller stack is one of the least preferred methods for controlling the impact of industrial emissions, with preference given to abatement and the reduction of emissions at source. The applicants would need to demonstrate that the predicted impact from the eRCF would not result in a significant increase in pollutant concentrations. Where necessary, additional controls could be used to reduce emissions. This is recognised in the latest letter from the EA which indicates that *'there may be other options available to the applicant to ensure that the best level of protection is afforded to the local environment, such as more stringent emission limits...'*.

6.49 The H1 document referred to by the EA in its letter of 13 October 2009 is a consultation document and the Environmental Assessment Levels (EALs) proposed in that document have not been formally accepted. Nevertheless, should these be formally adopted, the applicants would need to demonstrate to the EA that there would be no significant worsening of air quality with respect to these EALs. With regard to the EALs for some of the trace metals, it has already been demonstrated that assumed trace metal emissions from the CHP plant have been substantially overestimated. The CHP plant could operate at substantially more stringent emission limits, thereby providing an alternative option for reducing the impact of the plant on local air quality.

6.50 The detailed environmental assessment already undertaken has demonstrated that the impact on air quality would be acceptable. The assessment is based on the most reasonable worst case and demonstrates the appropriateness of a 35 m stack height (above existing ground levels) in terms of air quality, human health and landscape and visual impacts. After discussions with the EA (following their letter of 13 October 2009), the applicants remain confident that even if more stringent emissions limits were imposed through the permitting process, a 35 m stack height would be achievable by means of the Best Available Technique (BAT) at that time. Nevertheless, in the unlikely event that the height of the stack is required to increase by 5m (i.e. up to a height of 40 m above existing ground level), visual material has been presented to determine whether such an increase in stack height would be acceptable in landscape and visual impact terms. If planning permission were

granted, the Inspector, the SoS and the general public can be confident that the EA would ensure that any environmental risk would be adequately managed.

6.51 There is no reason to believe that the proposed technical mitigation measures could not be dealt with satisfactorily at the EP stage and thereafter monitored, enforced and reviewed where necessary by the body with the appropriate technical expertise to deal with such issues.

Issue 1: The Development Plan

6.52 Whilst the application falls to be determined in accordance with the Development Plan (DP), unless material considerations indicate otherwise, a breach of one or even several policies does not mean that the proposal considered as a whole is not in accordance with the DP. Moreover, the materiality of the fallback position may render any such breaches of little consequence since they are likely to occur in any event.

6.53 The statutory development plan includes the EEP, WLP and BDLPR. Only the EEP is up-to-date. Key portions of the WLP are not consistent with PPS10. For example, policies in the WLP rely on BPEO, whereas the Companion Guide to PPS10 (document CD/6/6/A) makes it clear at paragraph 8.26 that there is no policy expectation for the application of BPEO, and that requirements should not be placed on applicants that are inconsistent with PPS10. Furthermore, it is not the role of a development control planning inquiry to revisit the figures in the RSS for waste and regional waste apportionments, other than in accordance with the advice at paragraphs 13 to 15 of PPS10. To do otherwise would destroy the certainty which PPS10 requires, and undermine the statutory role of the RSS.

6.54 The need for the proposal has been demonstrated above. In the light of that need, the eRCF would enable delivery of the waste management objectives in EEP Policy WM1 and achievement of the recovery targets in EEP Policy WM2. It would make a major contribution to the meeting of the Landfill Allowance Trading Scheme (LATS) targets and would deliver a solution consistent with the JMWMS. It would minimise the environmental impact of waste management; manage waste as a resource; and help to secure community support and participation in promoting responsible waste behaviour. It would secure the wider environmental and economic benefits of sustainable waste management and assist almost immediately in the meeting of the Government's targets for reducing greenhouse gas emissions.

6.55 The MDIP proposal is consistent with EEP Policy WM3. It would enable the recovery of locally arising wastes together with higher grade waste paper attracted from outside the region because of the absence of similar facilities in the UK.

6.56 The eRCF would assist ECC in managing its apportionment, set out in EEP Policy WM4, in a manner which would be in accord with EEP Policy WM5. The eRCF proposal accords with the objectives of EEP Policy WM5 insofar as it would be developed at the preferred location WM1 identified in Schedule 1 of the WLP. The needs tests in WLP Policies W3C and W8A would also be met.

6.57 Objectors to the eRCF contend that the site does not comply with the DP for two principal reasons. Firstly, the application site extends considerably beyond Preferred Location WM1 and, secondly, the proposal would introduce an industrial

process onto a site part designated for waste management facilities contrary to BDLPR Policies 27 & 78. Other potential conflicts relate to assessments of the impact of the proposals and the mitigation measures, which are dealt with under specific subject headings, below.

WLP Allocation WM1 and the size of the site

6.58 The WLP and the BDLPR, unlike the EEP, are not in all respects up-to-date and do not reflect PPS10. There is reliance on BPEO which was removed from national policy and replaced by the requirements of PPS10. The RCF permission is an indicator that the eRCF should be accepted in planning terms and forms a robust fallback position. The WLP is 9 years old and based on data which is even older. The site allocations were formulated no doubt in the light of a different policy landscape for waste and different figures regarding arisings which had to be dealt with within the plan area.

6.59 The views of the EERA Regional Secretariat on the RCF are set out in a report to the regional planning panel sub committee dated 19 January 2007 (Document CD/3/2). This comments on the difference in scale between the RCF and the allocation in WM1, and states that the difference in the size of the site compared with the allocation is acceptable in strategic terms. Given the scale of the existing need and the benefits of providing the integrated eRCF, the difference in the size of the site required for the eRCF compared with the allocation is equally justified.

Whether the MDIP is a Waste Treatment or Industrial Facility

6.60 The question of whether the MDIP should be classed as an "industrial" facility is a red herring. The focus of BDLPR Policy RLP 27 is on the strategic location of employment generators and traffic, and not whether a use is characterised as "business", "commercial" or "industrial". The BDLPR does not regulate waste development and, in the light of WLP WM1, waste development on the application site would not be a breach of the DP. The eRCF is a waste facility and therefore is not in breach of RLP27. Moreover, the RCF is as much an employment generator and generator of traffic and there is little difference between it and the eRCF.

6.61 The MDIP would be a waste management facility integrated with other such facilities. Its presence would make no difference to the size of the application site, and its claimed non-compliance with Policies RLP27 & RLP78 is, on that basis, irrelevant. Co-location of waste management facilities and other industrial processes accords with PPS10 and EEP Policy WM1 and secures major benefits, including savings in energy consumption and reduction in CO₂ emissions.

6.62 In terms of the WSE 2007 (Document CD/8/1) the recycling of paper waste is as much a priority as other forms of waste management which recycle and recover waste in accordance with national and EU policy. WSE 2007 is more than simply guidance. As it notes on page 6, the waste strategy and its Annexes, together with PPS10, is part of the implementation for England of the requirements within the Framework Directive on Waste, and associated Directives, to produce waste management plans. These are the national level documents of a tiered system of waste planning in England, which together satisfy the requirements of the various Directives.

6.63 Page 13 of the WSE 2007 indicates that key waste materials have been identified where diversion from landfill could realise significant further environmental benefits. It indicates that the Government is taking action on various materials including paper, and that it is establishing with the paper industry an agreement with challenging targets to reduce paper waste and increase paper recycling. At pages 52-53, paper and card are identified as being among the priority waste materials which offer the greatest potential for reduction in greenhouse gases from increased recycling and recovery.

6.64 A district local plan does not deal with waste management facilities. Notwithstanding this, the concerns of the LCG with regard to the MDIP in relation to BDLPR Policies 27 and 78 should apply equally to the treatment of other waste materials at the eRCF, including the production of SRF through the MBT and composting through the AD. All of these processes treat waste materials and end with a recovered product. Under EU waste legislation and policy, waste remains waste until it is recovered (i.e. converted by the recovery process into some beneficial product). Accordingly, while the pulp resulting from the process would be a saleable product, until it has gone through the treatment process and been recovered, it remains waste and the processing through the MDIP is a waste management process.

6.65 The character and use of the proposals as a whole, including paper treatment, is that of a waste management facility. This is wholly consistent with the RSS Policy WM5 and WSE 2007. Permission is not sought for any general industrial facility. A similar sized waste facility, albeit without the MDIP, has been permitted in the form of the RCF. Policy RLP27 is concerned with employment and traffic, and this will arise in any event through the RCF. ECC accepts it is questionable whether the proposals represent a departure from the DP in relation to Policy RLP27, and it was only treated as such by ECC on a precautionary basis.

6.66 With regard to the claimed breaches of policy relating to agricultural land, countryside policies and the like it is relevant to note that PPS7 and PPS10 have to be read together in the light of sustainable waste management strategy. Moreover, the BDLPR does not consider waste management issues and, notwithstanding this, the RCF has very similar impacts. National policies, such as those in PPS7, also require regard to be paid to weighty issues such as sustainable waste development and the need to address climate change. These matters are addressed by the application.

Highways and transportation

6.67 It is reasonable to anticipate that the eRCF would generate no more than 404 daily HGV movements, particularly as there is potential for lorries that deliver material to the site to be used for carrying material from the site (i.e there is potential for back hauling). The operator would have control over deliveries and the despatch of material to and from the proposed plant, and there is no reason to believe it, or the hauliers themselves, would wish to operate on the basis of sub-optimal loads. Data from the inputs for the EA's 'WRATE' Life Cycle Assessment Model are an unsatisfactory substitute for the knowledge of experienced waste hauliers, which was used by the applicants.

6.68 Notwithstanding this, there has been no suggestion that any specified number of HGV movements greater than 404 would have materially different or more serious implications in highways and transportation terms. The dispute about HGV numbers primarily relates to concerns about the capacity of the proposed MDIP.

6.69 Braintree District Council resolved, despite the Highways Agency's position and without the benefit of advice from a highway engineer that it would object to the eRCF on the sole basis, in this context, of the impact of resulting HGV flows on the capacity and safe operation of the A120. However, transport planning policy indicates that facilities such as the eRCF should have good access to roads high up the roads hierarchy, and Trunk Roads should therefore be expected to accept increased traffic flows associated with it. The Highways Agency's decision not to object to the eRCF was founded on current guidance (see Document GF/10/F).

6.70 The application site is the only one of the preferred waste sites listed in the WLP to have the benefit of direct access onto the Trunk Road network. It is accepted that the A120 Trunk Road is busy and some sections operate in excess of their economic design capacity and have reached their practical capacity. However, this occurs at peak times and the road should not be regarded as unable to accommodate additional traffic. Traffic to the eRCF would avoid peak hours where practicable. Most of the traffic attracted to the eRCF would not coincide with the peak hour periods on the A120. Notwithstanding this, the catchment area for the waste arisings suggests that an alternative elsewhere would attract increased traffic flows on the A120 in any event.

6.71 The junction of the extended Bradwell Quarry site access road, which would be used to access the site, and the A120 would operate satisfactorily in the relevant design year (2018). Subject to the imposition of the proposed restriction to 404 HGV movements daily, there would be no material difference between the RCF and eRCF in terms of impacts on the capacity and safe operation of the A120.

6.72 The junctions of the access road with Church Road and Ash Lane will be improved. Both crossings have a good safety record, and the proposed improvements have the potential to further improve their performance.

6.73 Visibility on the Church Road south approach has been identified as the most critical sight line. It is agreed that the standards set out in Manual for Streets is applicable as this is a lightly-trafficked rural road. This document requires a minimum 60m 'y distance', which is achievable. No substantial issue remains in respect of these minor road crossings.

6.74 Objectors have also expressed concern about the possibility of HGVs diverting onto local roads and travelling through local villages. However, as indicated above, HGV deliveries and despatches to and from the site would be under the control of the plant operator and the proposed HGV routing agreement, which would be effective from the opening of the plant, would ensure that rat-running would not occur under normal circumstances.

6.75 In conclusion, it has been shown that the proposal accords with relevant development plan policy in the EEP (Policy T6), the WLP (Policies W4C, W10E & W10G) and the BDLPR (Policies RLP 49, 50, 52, 53, 55 & 75), bearing in mind, so far as the BDLPR is concerned, that the proposed development has specific

characteristics and locational requirements which should be taken into account when assessing compliance with these policies. There is no material difference between the RCF and eRCF in highways and transportation terms.

Landscape and Visual impact

6.76 The landscape character of the application site and its surroundings is derived from its use as a World War II airfield and an existing large quarry. The heritage significance of the airfield is assessed at Document GF/32. Although it is of some local historical significance, much of the airfield and its military buildings have disappeared and consequently it is not considered to be a particularly good surviving example of a World War II military airfield. The quality of the landscape is ordinary; its character as Essex plateau farmland has been degraded, and its sensitivity to change reduced. As the site lies on a high open plateau the perceived visual envelope of the development would extend over a considerable distance. However, there are relatively few residential properties within this envelope. The site does not lie in a designated or nationally protected landscape area, though the existing site access road passes through the Upper Blackwater Special Landscape Area which is subject to the protection afforded by BDLPR Policy RLP79. Isolated woodland blocks assist the application site's visual containment and all trees on site are protected.

6.77 The proposed facility would have few sensitive visual receptors. There are no residential properties in close proximity to the proposal and of the footpaths within the development's visual envelope, only FP8 passes in close proximity to the proposed eRCF building. The principal means of minimising the visual impact of the proposed buildings and integrating them into the landscape would be as follows:

- (i) their construction would be largely below existing ground level;
- (ii) the facility would be no higher than the existing hangar with the building design reminiscent of it;
- (iii) cladding materials would be dark and recessive;
- (iv) the substrate of the green roof would be colonised with mosses and stone crops;
- (v) the retained woodland would be managed to improve its diversity and screening quality, and new woodlands would be created; and,
- (vi) new hedging would be planted along the northern site boundary and sections of the proposed access road.

6.78 Only one property (Deeks Cottage) would experience moderate adverse visual impacts as a result of the proposed facility during construction and the early years of the facility's operation. Over the same period, only 4 other individual properties (The Lodge at Allshot's Farm, Haywards, Heron's Farm and Sheepcotes Farm) and a limited number of properties on the eastern edge of Silver End would experience minor adverse visual impacts. Users of footpath 35/68 to the north of the site would experience moderate adverse visual impact at Year 1 of operation, with other paths in the area assessed as minor adverse impact. These impacts would generally arise as a result of the new building projecting above the confines of the existing woodland screen. The proposed new hedging and woodland would take time to mature, but within 15 years they would adequately screen the proposed facility (other than the upper section of the stack) from nearby visual receptors.

6.79 Objectors have expressed concern about the possibility of dewatering of the existing woodland that would be retained adjacent to the excavation which would accommodate the eRCF. However, clay is the dominant material in the soils beneath the woodland blocks. The woodland growth is separated from the underlying sand and gravel by over 6m depth of boulder clay. The woodland trees are not dependent upon the groundwater locked in any aquifer below ground, but are reliant upon moisture held within the subsoil and top soil that overlies the boulder clay. Any dewatering related effects that occurred in the sand and gravels would not have an impact upon the woodland trees.

6.80 Notwithstanding this, it cannot be entirely discounted that the proximity of the proposed retaining wall to the trees would not have some impact on the water regime which is critical to the trees, particularly during construction. As a precautionary measure, selective coppicing would be undertaken to reduce the water demand of the trees closest to the wall. This would reduce transpiration and make the coppiced trees better adapted to any potential reduction in water supply. Such management would in any case be complementary to the management likely to be prescribed for increasing biodiversity in the woodland habitat, delivered in accordance with the Ecological Management Plan.

6.81 The development of the CHP capacity necessarily involves the provision of a chimney stack. It is acknowledged that this would be a noticeable addition to the landscape, and would be visible over a wide area given the Site's location on a high, flat plateau. However, it would be seen only as a small element of the overall view, although it is accepted that users of FP8 in particular would be conscious of the presence of the stack and associated plant. The impact of the proposed stack would be mitigated by:

- (i) the quality of the landscape in which it would be sited and its reduced sensitivity to change;
- (ii) the lowering of the stack into the ground resulting in height of only 35m above ground level;
- (iii) the cladding of its upper part in stainless steel with a reflective finish to mirror surrounding light and weather conditions, which would help to minimise the perceived scale of the stack and its visual impact;
- (iv) the presence of existing and proposed additional woodland to the south - it would protrude about 20m above the average height of the retained existing trees;
- (v) its remoteness from sensitive receptors; and,
- (vi) the absence of a visible plume.

6.82 Because the eRCF would be located in a light sensitive area, detailed consideration has been paid to minimising the risk of light pollution. Measures that would be taken include the installation of external lighting below surrounding ground level, the direction of light being downwards, and the avoidance of floodlighting during night time operations. Timers and movement sensitive lights would be fitted to the exterior of buildings to provide a safe working environment when required. The plant would only operate internally at night.

6.83 The proposed extension to the existing access road would be constructed in cutting and would run across the base of the restored quarry, therefore lights from vehicles travelling to and from the eRCF within this section would be screened from

view. An independent review of the lighting proposals (Document GF/2/D/2) puts forward a number of recommendations to further minimise the impact of external lighting and concludes that with the incorporation of these amendments the impact of the eRCF on the night sky would be minimal. The Technical Note on Lighting (Document CD/17/1), prepared in response to the objectors representations at Document CD/16/4 indicates that the final lighting design would conform to the requirements of any planning conditions. However, it is intended that:

- luminaires located around the eRCF buildings would be fixed at a maximum height of 8m above the finished surface level of the site;
- there would be no upward light from use of the proposed flat glass luminaires mounted at 0° tilt;
- the weighbridge would be illuminated;
- the lighting installation would be fully compliant with the requirements of the proposed 18.30 to 07.00 curfew;
- there would be no need to provide illumination of the 'high level access road' as maintenance and repairs in and around this area would be provided during normal daytime working hours; and,
- internal lights would either be switched off or screened by window coverings during night time operations.

6.84 The final design of the lighting scheme would incorporate these amendments, subject to conformity with the requirements of planning conditions.

6.85 In conclusion on the overall subject of the impact on the landscape, it is accepted that visual harm is inescapable in the context of the provision of a major waste management facility. However, the issue is one of degree. The degree of harm that would result in this instance is remarkably limited. The low levels of visual impact arising from such a large-scale proposal confirm that this site is ideally suited to the proposed use. It is concluded that the eRCF proposal accords with relevant policies in EEP (Policies ENV2 & ENV5), WLP (Policies W10B, Q10E & W10G) and BDLPR (Policies RLP 36, 65, 78, 79, 80, 81, 86, 87 & 90).

6.86 A postscript arises in the context of landscape and visual impact. Should it be necessary for the stack to rise 40m above ground level, the additional 5m would be imperceptible and have no impact on the appraisal of landscape and visual impact in the ES. The SoS is invited to confirm that he would not regard the addition of 5m to the stack as itself unacceptable.

Ecology

6.87 The baseline surveys revealed a number of species of nature conservation value and habitats of interest on the site, including semi-improved neutral grass land, semi-natural broadleaved woodland, the River Blackwater, ponds inhabited by great crested newts, and a variety of bird species and bats. Development of the eRCF would result in the removal of some of these habitats and disturbance to associated flora and fauna, but significant areas of habitat would remain. Significant mitigation, compensation and enhancement measures are proposed to address the effects of the eRCF.

6.88 The applicants are committed to a range of ecological enhancements that go beyond compensation. These measures include:

- 3.4ha of proposed new woodland;

- 2km of hedgerow planting linking to semi-natural habitats off-site;
- the creation or enhancement of about 7.8ha of open habitat to be managed for nature conservation (2.8ha species-rich neutral grassland and about 5ha of open habitat incorporated into the green roofs); and,
- ponds managed for great crested newts and buildings refurbished to provide specific roosting opportunities for bats.

6.89 The positive management of existing habitats for nature conservation would provide immediate benefits and, as newly-created habitats become established and available for management, the scope exists to contribute significantly towards biodiversity targets set in the EEP. The Ecology Summary Table at Document GF/8/B/1 shows a positive residual impact for three of the key habitat features at the Site, namely woodland, scrub and hedgerow network; open habitats; and ponds, which would support great crested newts. Disturbance to legally-protected species would be minimised or avoided.

6.90 NO_x concentrations as a result of emissions from the eRCF would be very small and the impact on vegetation would be negligible. Predicted concentrations as shown in Document GF/6/D are less than 2% of the critical level for the protection of vegetation.

6.91 The proposed additional woodland planting would take several years to mature; but it is nonetheless apparent that the introduction of active management would result in immediate biodiversity benefits. Cumulatively, the eRCF would result in a positive residual impact, as reflected in the Ecology Summary Table at Document GF/8/B/1. In terms of development plan policy, the eRCF accords with EEP Policy ENV3 and WLP Policy W10E, and accords or does not conflict with BDLPR Policies RLP 78, 80, 81, 82, 83 & 84. There are additional positive benefits to biodiversity as a result of the eRCF compared with the RCF.

Issue 2: Design

6.92 The approach to the design of the eRCF is described in the Planning Application Supporting Statement (PASS) and the Design and Access Statement. A site appraisal was undertaken at the outset, in accordance with BDLPR Policies RLP 90 & 91. It confirmed that the proposed design should reflect and enhance the local distinctiveness of this location in accordance with PPS1, 7 & 10. The design reflects that of the World War II hangars. Dark coloured cladding materials are proposed because they are recessive in the landscape and the building would be viewed against a dark backdrop of existing woodland. Construction of the roof as a green roof would further reduce the building's visual impact.

6.93 Another key concern driving the design has been the minimisation of the extent of visual intrusion. The sinking of the main building into the ground, retaining and supplementing peripheral trees and planting, and the use of a long, low, continuous profile have been employed as means to this end.

6.94 The design principles, location, layout, scale, dimensions and exterior design of the eRCF are essentially the same as the RCF, with a deliberate intention to minimise the changes between them, other than to enhance the project. CABE commented in a consultation response dated 25 October 2006, albeit in relation to the RCF, that the location was suitable for a waste management facility and that the proposed architectural treatment and sinking of the building and approach road into the ground

raised no concerns (Document GF/2/B/1). CABE was consulted specifically on the eRCF but did not respond, which suggests that CABE has no objection to the latest proposals.

6.95 A comparison of the RCF and the eRCF shows that the only significant change is the addition of the CHP stack. The objectors' focus on this feature supports this conclusion.

6.96 The design aspects of the proposal are appropriate for the location and provide reasonable mitigation for the visual impact which any waste facility of this kind is bound to have. Accordingly the proposals comply with design guidance in PPS1, and the principles set out in 'Designing Waste Facilities' (DWF) (Document CD/8/9), albeit that they inevitably pre-date that document. In particular, the eRCF embraces the design attributes of: functionality in use; build quality; efficiency and sustainability; designing in context; and aesthetic quality. Whilst each waste management process within the eRCF would benefit from its integration with others, there is sufficient capacity in each of the key processes to allow for variation thereby providing flexibility of use. Document GF/38 describes the flexibility of capacity which is inherent in each of the processes. The design of the MRF allows for upgrades in the eRCF's process which would meet potential changes in the type and composition of waste imported to the site. The MBT would have five autonomous process lines. In relation to the MDIP, minor modifications could be made to allow tissue paper pulp to be produced and opportunities exist to introduce a secondary treatment of the sludge arising from the de-inking process to recover a valuable secondary aggregate suitable for re-use within the aggregates market.

Design for climate change

6.97 The Climate Change Supplement to PPS1 requires proposals to make a full and appropriate contribution to climate change. Reducing carbon emissions forms part of Defra's waste strategy (CD/8/1) and part of ECC's JMWMS (Document CD/8/2)

6.98 Detailed computer modelling to assess the overall carbon balance, or global warming potential of the proposal, expressed in kg of CO₂ equivalents has been undertaken using the EA's WRATE Life Cycle Assessment Model. In order to compare results, 3 scenarios have been modelled, namely the baseline case (without either the eRCF or the RCF); inclusion of the RCF; and inclusion of the eRCF. The assessment indicates that the eRCF proposals would result in a significant reduction in emissions of CO₂. Following discussions with an expert on WRATE from ERM, the carbon benefits of the proposals are agreed and set out in Document GF/27. This indicates that the total savings of CO₂ by 2020 would be in excess of 70,000 tpa. This compares favourably with the 37,000 tpa savings from the RCF and even more favourably with the baseline scenario. The baseline scenario is identified as saving 4,117 tpa of CO₂ in 2020 partly on the basis of active waste recycling programmes already in place in Essex. However, the baseline savings are only 6% of the savings which the eRCF would produce. The eRCF scenario has a considerably greater environmental performance than the other scenarios modelled.

6.99 It has been suggested that decoupling the CHP, the MDIP and the RCF would have advantages. However, this fails to recognise that the eRCF power supply to run the entire plant is self generated at a lower carbon emission rate than electricity drawn from the National Grid. Decoupling the CHP from the rest of the scheme

would require 25MW of electricity from the National Grid, (with a higher carbon footprint), to power the waste management processes. Moreover the heat output from the CHP would be substantial.

6.100 The UK Renewable Energy Strategy (Document CD/8/4) sets out the Government's target to produce 15% of our energy from renewables by 2020 and identifies the planning system as central to its achievement. PPS22 makes clear that energy from waste is considered a source of renewable energy provided it is not the mass burn incineration of domestic waste. Document GF/37 addresses the concern of FOE that the recovery of energy through the CHP may not meet the formula for R1 recovery operations set out in Annex II of Waste Directive 2008/98/EC (Document CD/4/2), which does not come into force until late 2010. An R1 recovery operation is where the waste is used principally as a fuel or other means to generate energy. The R1 category includes incineration facilities dedicated to the processing of MSW which have an energy efficiency equal to or above a figure of 0.65 for installations permitted after 31 December 2008. The energy efficiency figure is calculated from a formula set out in the Appendix to the Directive. The formula gives a figure of 0.7732 for the CHP to be provided at the eRCF, which easily meets the requirement for classification as recovery.

6.101 The use of SRF in the proposed CHP plant, whether from the Basildon proposals or the application site itself, and the export of electricity to the National Grid would therefore contribute to meeting the Government's target. This contribution is increased significantly by the proposed co-location of the MDIP and its proposed consumption of heat from the CHP plant. Granting planning permission for the eRCF is therefore in accordance with PPS22 and the UK Renewable Energy Strategy, as well as the WSE 2007.

Issue 3: Whether the proposal is consistent with the advice in PPS7

6.102 Amongst other things, the eRCF proposal involves the loss of 1.77ha of woodland and its replacement with 3.4ha of new woodland planting, including 1.2ha outside the application site. The design seeks to minimise visual impact and reinforce local distinctiveness, and to ensure that changes from RCF (in particular, the CHP stack) do not result in material visual harm. The eRCF proposal accords with the requirements of PPS7 to protect or enhance the character of the countryside.

6.103 The objective of siting development at a location where it can be accessed in a sustainable manner, and in particular by alternative modes of transport, should be addressed pragmatically. The proposed eRCF is not, by its nature, a development which would normally be expected in or on the edge of a town or other service centre. Moreover, there is an allocation for waste management development at this location. The key issue concerns HGV movements, rather than trips by employees or members of the public.

6.104 The impact of the proposal on the best and most versatile agricultural land must be balanced against other sustainability considerations. Soils stripped from agricultural areas would be re-used sustainably. Whilst the eRCF would result in the loss of almost 12ha of Grade 3a agricultural land, there would be a similar loss if the RCF were constructed. This loss of Grade 3a agricultural land represents 0.3% of the Bradwell Hall Estate holding. The permanent severance resulting from the extended access road would also occur in the RCF scheme. Woodhouse Farm is unoccupied,

and could not form a 'commercial unit of agriculture' under the present agricultural cropping regime.

Issue 4: PPS10

6.105 The eRCF is consistent with the key planning objectives set out in PPS10. It would help to deliver sustainable development by driving waste management up the waste hierarchy and addressing waste as a resource. It would reduce the need for disposal by landfill and would recycle waste into marketable products. Moreover, it would have benefits in terms of climate change. It would also contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community and assist in the implementation of ECC's strategy to provide a framework within which the community takes more responsibility for its own waste. The eRCF would contribute to the implementation of the national waste strategy.

6.106 A number of misconceptions have been presented in the objections to the proposal. These should be rejected. It is suggested that PPS10 can be substituted in the WLP policies for BPEO. This is incorrect. If specific plan policies are out of date, then those policies (e.g. W7G) should be given little weight and the policies in PPS10 should be applied.

6.107 The concept of community engagement and self-sufficiency does not require that facilities should be directed solely to the local community, or even the district. In many cases, waste management needs to be carried out on a county wide basis. The eRCF would allow Essex to increase its provision of sustainable waste management and provide greater means to secure increases in recycling and recovery and reduce carbon emissions. It is true, as the FOE points out, that a continued increase on minimisation, recycling and composting will improve the UK's position in climate change terms and in the reuse of beneficial material, but the eRCF proposals are part of the means by which improvements in sustainable waste management could be realistically achieved. Development control inquiries are not the means to achieve policy change, as the FOE appears to think.

6.108 Moreover, although the community should be engaged by the process, and their concerns taken into account, it does not mean that there must be unanimous community support. As in the present case, concerns of the community have been met so far as possible in terms of mitigation measures. The community's needs for waste management would in part be addressed by the eRCF.

6.109 The S106 provisions would create a process for community liaison with regard to the operation of the eRCF. The applicants have agreed to supply emissions monitoring information through the liaison committee.

Air Quality

6.110 Objectors have incorrectly claimed that air quality impacts would not be assessed until the EP application is made. There has been a considerable degree of technical assessment of the air quality and health impacts of the proposal.

6.111 PPS 10 indicates that modern, appropriately-located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. Insofar as PPS10

advises that planning authorities should draw from Government Advice and research, the Health Protections Agency's recent publication of "*The Impact on Health of Emissions to Air from Municipal Waste Incinerators*" (September 2009) provides further reassurance (Document GF/9/D). That document indicates that "Modern, well managed incinerators make only a small contribution to local concentrations of air pollutants. It is possible that such small additions could have an impact on health but such effects, if they exist, are likely to be small and not detectable." The human health modelling presented in Chapter 3 of the Addendum ES (Document GF/12) confirms that the risks to human health from the proposed eRCF are negligible since the predicted daily exposure for all contaminants of potential concern is less than the relevant toxicological benchmark.

6.112 A comprehensive assessment of emissions to air from the proposed eRCF has been undertaken and described in Documents GF/6, Chapter 11 of the ES and the Regulation 19 Submission. Dispersion modelling has been used to predict airborne ground level concentrations. With a stack height of 35m, the predicted pollutant concentrations would be substantially below the relevant air quality objectives and limit values, except for arsenic. However, the assumed emissions of arsenic were substantially overestimated. In the model analysis, metal emissions were specified in three groups. Group 3 consisted of nine metals, one of which was arsenic. It was assumed for the purposes of the model that each individual metal would be emitted at the emission limit for the group as a whole. This was an extreme worst case assumption, and clearly implausible, as it could result in an emission nine times the emission limit for the Group 3 metals. Using this overestimate, in conjunction with a particularly stringent air quality limit value for arsenic due to be implemented in 2012, resulted in an exceedance of the annual mean limit. However, given the unrealistic overestimate of arsenic emissions, it would be more appropriate to specifically limit the emissions of arsenic, as opposed to increasing the height of the stack which would have limited benefit. Realistic estimates of arsenic emissions based on sampling and analysis of emissions from waste incinerators elsewhere show that arsenic levels would be significantly lower than that assumed in the dispersion modelling assessment.

6.113 Examples of contour plots using a single multi flue stack for various potential pollutants can be found at Document GF/6/B/13 and GF34. The impact of stack emissions from the eRCF would be controlled by the monitoring of stack emissions. This is a requirement of the Waste Incineration Directive (WID). The WID requires continuous monitoring of some emissions such as NO_x, CO, particles, volatile organic compounds, HCl, HF and SO₂. For others which cannot be monitored continuously, periodic monitoring on a twice yearly basis is required. Compared to monitoring at specific receptors, this has the advantage of providing emissions data for a wide area rather than at a few specific locations and ensures that emissions and modelling data relates to the emissions from the plant. It therefore provides a greater degree of certainty about the impact of the plant.

6.114 In the case of the eRCF, the critical stack height for a single stack option is about 25m in terms of the dispersal of emissions. Above 25m, the law of diminishing returns applies. Stack heights depend on a range of many different factors and there is no indicative stack height for facilities in general. The height of a building is often critical in determining the necessary height of an associated stack. A stack height of 35m is adequate to meet air quality standards and should satisfy the EA's requirements.

6.115 No visible plumes are predicted to be emitted from the stack. The plume visibility assessment assumed a moisture content of about 7% for emissions from the gas engine and CHP plant multi flue stack. Information on plume visibility is provided in the ES Addendum at Chapter 2, Appendix2-1 Section 8 (Document GF/12).

6.116 With regard to traffic emissions, the proposed 404 additional HGV movements are the same as that proposed for the RCF. Based on the current Design Manual for Roads and Bridges (DMRB) screening criteria, a detailed air quality assessment is required if there is a change in vehicle movements above a set threshold and there are sensitive receptors within 200m of the road. This is not the case for the eRCF. Nevertheless, in response to concerns about possible changes in the split of traffic on the A120, an assessment of the air quality impacts due to traffic was undertaken using the DMRB methodology (Document GF/34). This demonstrates that there are no air quality concerns with a revised traffic split of 63%/37% in terms of direction travelled. Even with an extreme assumption that all of the development traffic accessed the site from an easterly or westerly direction, predicted traffic related pollutant ground level concentrations would be very small, and it can be concluded that development traffic would not have a significant impact on air quality.

6.117 With regard to the FOE's concerns regarding PM_{2.5} emissions, even if it were assumed that all particles emitted from the eRCF were comprised of the fine fraction (PM_{2.5}) the predicted maximum concentration of such material would be 0.14 µgms/m³ which is significantly less than the target value of 25µgms/m³. The predicted maximum concentrations of such material anywhere within the model domain are well below the target value and are effectively negligible (Document GF/6/D).

6.118 The deposition of pollutants to ground has been calculated to support the Human Health Risk Assessment (HHRA), which can be found in the Addendum ES (Document GF/12). That assessment indicates that the risks to human health are negligible since the predicted daily exposure for all contaminants of potential concern is less than the toxicological benchmark. SWFOE questioned the exclusion of certain pathways from the HHRA. Document GF/9/E indicates that additional modelling was undertaken to include the ingestion of homegrown pork, beef, and milk from homegrown cows. Again, the analysis demonstrated that the risks to human health would be negligible as the predicted daily exposure for all contaminants would be less than the relevant toxicological benchmark.

Noise, vibration, dust and odour

6.119 All waste recovery, recycling and treatment operations would be conducted within environmentally controlled buildings, sited below surrounding ground level. The buildings would be insulated with acoustic cladding to reduce noise. Vehicles would enter and leave the building through high speed action roller shutter doors. The buildings would be operated under negative pressure. The continuous 24 hour operation of the plant would ensure that the holding and storage times of unprocessed waste would be minimised. Bioaerosols and odours would be controlled contained, and managed, as would noise and dust.

6.120 No technical or other evidence has been provided which undermines the assessment of noise and vibration impacts, and the mitigation measures proposed for construction and operational noise, as set out in the ES at Chapter 12, the Addendum ES at Document GF/12, and the Written Representations in respect of Noise Impact Assessment by Daniel Atkinson at Document GF/2/D/1. The reception of waste would be limited to the operating hours of 07.00 to 18.30 on weekdays, and 07.00 to 13:00 on Saturdays, excluding Sundays and Bank Holidays. Processing would take place on a 24 hour, 7 days per week basis, but would be undertaken inside environmentally controlled buildings, partly constructed below surrounding ground level and 1.1km from the nearest settlement.

6.121 The summary in Document GF/2/D/1 indicates that there would be no significant impact from construction noise at neighbouring residential receptors. The three suggested methods of assessment given in BS 5228:2009 Part1: Noise, have been used to assess the impact of constructional noise. These all show that there would be no significant impact from construction noise at neighbouring residential receptors. The predicted construction noise level falls within the range 44 dB(A) to 52 dB(A), and thereby considerably below the threshold of 65db(A) set out for daytime noise construction in the code of practice with regard to the 5 dB(A) change method. Moreover, the assessment of construction noise has been undertaken on a worst case scenario. As the construction would involve excavations, it is highly likely that the change in landform would result in considerably greater attenuation of noise levels at receptors than those predicted. The concerns regarding vehicle reversing alarms and the sounding of vehicle horns could be adequately addressed by management controls, including for example broadband reversing alarms where the perceived impact of tonal reversing alarms does not arise.

6.122 With regard to operational noise, the summary indicates that noise levels would be very low both day and night. The assessment of the operational noise level at all receptor locations for both day and night time periods shows that noise levels of operations would be below the level of 'marginal significance' according to British Standard 4142. The physical noise levels predicted for daytime operations fall within the range of 22 to 34 dB(A), and for night time periods 22 to 30 dB(A). The subjective perception of noise levels in the range 25 to 35 dB(A) may be described as being the equivalent to a quiet bedroom or a still night in the countryside away from traffic. Such levels of noise would not have a material impact on the amenity of local residents.

6.123 With regard to the tranquillity mapping described by the CPRE, the site of the IWMF appears to be near the middle of the scale, suggesting that it is neither tranquil nor not tranquil (Document GF/35). The noise assessment has demonstrated that the current levels of peace and quiet would be maintained and proposals for lighting the new building would minimise light pollution into the night sky.

6.124 The change in noise levels attributable to increased road traffic flows resulting from the eRCF would be imperceptible, being considerably lower than 1 dB(A).

Issues 5 & 6: Conditions and Planning Obligations

6.125 The main contentious issue is the proposed condition requiring 80% of the feedstock for the MDIP to be sourced from the East of England region. It is disputed that this is either necessary or appropriate in terms of planning, policy or climate

change objectives. The MDIP would be the only one of its kind in the UK once Sittingbourne closes in 2011, and, regardless of the policy position in adjoining regions, it is undisputed that no other such facility will be available in the UK.

6.126 The MDIP could help to reduce the export of high grade waste paper; reduce the use of such waste paper for less sustainable paper products, and help avoid the greater use of virgin paper pulp. There is no sustainability or carbon emissions basis for suggesting that waste exports or pulp imports should be preferred to using the MDIP at the Site. In terms of climate change, it is agreed that the MDIP proposals would provide substantial CO₂ savings, based on an average 100km travel distance for the sourcing of waste paper rather than the sourcing area being restricted to the East of England Region. There are a large number of potential locations from which to source waste paper outside the East of England region which are comparable in distance from the application site as many of the settlements within the region. For example, within the East of England approximate distances are Bedford 103km; Norwich 118 km; Peterborough 138 km; Kings Lynn 150km; Hunstanton 171 km. To locations outside the region, approximate distances are Central London 90 km; Ashford 122km; Aylesbury 134km; Guildford 145km; and Northampton 155 km. This underlines the lack of rationale in selecting the region as the focus for the condition.

6.127 The only justification for sourcing waste from the East of England relates to the self-sufficiency argument. However, this is undermined by EEP Policy WM3, bearing in mind the uniqueness of the proposed plant. There is no justification for the proposed 80/20 split. It is unreasonable, and cannot be made reasonable by introducing a relaxation as suggested by ECC. Notwithstanding this, if an 80/20 split were considered to be necessary it would be preferable, more certain and proportionate to impose either a condition that the 80% portion should come from within a fixed distance (say 150km) or that it should be sourced from within the three neighbouring regions, namely the East, the South East and London. The additional ES information provided under Regulation 19 (Document CD/2/10) did not support an 80/20 criterion but stated (at paragraph 19.2.4) that the application was in conformity with EEP Policy WM3.

Issue 7: Other Matters

Listed buildings & the historic environment

6.128 The SoS is required, in the course of deciding whether to grant planning permission for development which affects a Listed Building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Listed Buildings Act 1990, Section 66(1)).

6.129 The application contemplates the refurbishment and re-use of Woodhouse Farm, the Bake House and the Water Pump, all of which are listed. All are in poor condition. Although specific schemes of work have not been advanced at this stage, ECC and the LCG do not dispute that their refurbishment and re-use would enhance their character. That conclusion is not undermined by criticism of the way the building has been allowed to deteriorate without beneficial use.

6.130 The poor state of the buildings is such that any sensible and meaningful repairs would require Listed Building Consent. The buildings require structural

repair. BDC has an opportunity to require repairs to be undertaken, but no proposals have been put forward by any party which would indicate what is possible or necessary to bring the buildings back into a suitable state of repair.

6.131 In relation to the setting of these Listed Buildings, it is noteworthy that WLP Policy W8A contemplates major waste development within their vicinity. WLP Schedule 1, WM1, requires that screening and landscaping of waste management development should have regard to preserving the setting of the listed buildings at Woodhouse Farm. Such measures are employed in the eRCF proposal. The only listed buildings referred to in the Schedule at WM1 are those at Woodhouse Farm. This is a realistic reflection of the potential impacts on Listed Buildings and their setting arising from development of the preferred site. The evidence has confirmed in particular that the proposed eRCF would have no impact on the setting of other Listed Buildings, including Allshot's and Sheepcotes Farms, because of the distance between them and the impact upon them of existing development. The proposed eRCF does not affect the setting of Listed Buildings farther afield.

6.132 Objectors do not suggest that there is any material difference between RCF and eRCF in terms of impact on the setting of these Listed Buildings, except for the impact of the stack. The car parking proposed need not harm their setting.

6.133 A degree of consensus emerged during the course of the inquiry concerning the quality and accuracy of the photographic evidence available to assist the decision-maker on this issue: a particular example being that at Document GF/5/B/16. The stack, whilst noticeable above the trees from within the vicinity of Woodhouse Farm, would amount to a modest part of the wider view.

6.134 Albeit limited weight attaches to draft PPS15, there was no dispute that the benefits of the proposed eRCF in terms of low carbon energy production and the extent to which the design has sought to contribute to the distinctive character of the area should weigh positively so far as impacts on listed buildings are concerned. The climate change issues found in draft PPS15 however are required to be considered by the PPS on Planning and Climate Change (Supplement to PPS1).

6.135 In summary, the proposed parking and CHP stack would not have a significant adverse impact on the setting of nearby Listed Buildings and the benefits of restoration would far outweigh the resulting impacts.

6.136 Turning to the setting of the Silver End Conservation Area, it is acknowledged that the edge of the Conservation Area, shown on the drawing at Document G/5/D/10, is well-screened by vegetation and trees. The proposed eRCF would preserve the character and appearance of that small part of the Conservation Area that flanks open countryside to the east.

The historic airfield

6.137 No aspect of the airfield use remains. All that remains are a number of items of infrastructure including some of the hard surfaced areas and some hangers. The airfield facilities themselves are not designated or protected in any way. The note at Document GF/32 indicates, the history of the airfield by B A Stait (1984) states that it has "no special claim to fame". There are no significant issues arising with regard to the heritage significance of the former airfield.

Minerals

6.138 The siting of the eRCF below existing ground level is essential to reduce its visual impact and there is an overriding need to extract the sand and gravel on the site in accordance with Essex Mineral Local Plan First Review Policy MLP4. The eRCF accords with Structure Plan Policy MIN4 because the mineral resource would not be sterilised.

Perception of risk to health

6.139 The Community Group simply highlights its concern on this matter. The potential additional pathways identified by FOE did not undermine the conclusions of the HHRA (Document GF/9/E). There was no challenge to the conclusion that the eRCF would pose negligible risk to human health.

Overall Conclusion

6.140 The proposals are needed now to address a significant current waste management capacity need and to achieve climate change reductions in a manner consistent with current policy. The fact that the proposals would not meet all the needs of Essex in terms of waste capacity does not allow the luxury of time to allow the gradual development of policy, as some such as the FOE would prefer to see. The eRCF would make a strategic contribution to sustainable development.

SECTION 7 - THE CASE FOR ESSEX COUNTY COUNCIL

7.1 The committee report to ECC's Development and Regulation Committee of 24 April 2009 (Document CD2/12A), is a reasoned document which explains the basis of the committee resolution to inform the SoS that the Council was minded to grant planning permission subject to a number of matters. ECC recognised that despite non-compliance with some policy, a whole raft of development plan and national policy guidance was supportive of the proposals. Moreover, when the physical impacts of the proposal were examined, it was judged that they had been minimised, and they would have no materially harmful effects. The officer's report acknowledged that it is necessary to facilitate the delivery of waste management sites in order to meet the demands of local and national planning policy, especially the objective of driving the management of waste up the waste hierarchy. This calls for a flexible approach to be adopted. The resolution to grant planning permission should carry significant weight in the planning balance.

7.2 The response of ECC's built environment department as part of the consultation process on the application on which the Local Councils Group (LCG) relies (Document LCG/8/2 Document JA1/4) was a preliminary response by the built environment department. The final response is one of "no objection", for reasons explained in the officer's report. The process shows careful and conscientious consideration of the proposals from the built environment team.

7.3 The statements of Lord Hanningfield, the Leader of the Council, to the effect that there would be no incinerator in Essex without a referendum are understood to

refer to mass burn incineration, which is not proposed here. In any event, this is not a planning matter. The proposal was and is to be assessed in accordance with planning policy.

Issues raised by the call-in and pre-inquiry note

7.4 ECC's case is set out in Document ECC/2 and the officer's report at Documents CD/12A and 12/B.

Issue (i) – the extent to which the proposal is in accord with the development plan

7.5 The proposal is seen as a departure from the development plan, firstly, because it extends beyond the boundaries of the site allocated for waste management in WLP Policy W8A and Schedule WM1, and secondly, because it is in conflict with countryside policies of the BDLPR, namely Policies RLP27 and 78. ECC considers that the MDIP would be an industrial activity in the countryside. However, these are not significant departures from the development plan.

7.6 A large part of the area where the buildings are proposed is allocated for waste management facilities. The proposed buildings would extend beyond the allocated site, albeit to a limited extent. However, the principle of developing a waste management facility at this location accessed off the A120 is supported by the development plan.

7.7 Moreover, the WLP allocation does not incorporate land for access and does not incorporate Woodhouse Farm. The former is a necessary part of any proposal and the proposals for the latter are clearly beneficial. The proposed lagoon is outside the allocated site area but is also present in the RCF proposal for which planning permission has been granted. The RCF permission establishes the principle of waste facilities extending beyond the allocated site. Seen in this context the departure is not a matter of significant weight. It is notable that the RCF facilities were supported at the strategic level by the regional planning body [Document CD3/2].

7.8 When considering the RCF proposal, it was reasoned that the allocation of 6ha was based on the area required for a typical mass burn incinerator facility, considered at that time to be about 2.5ha. At the time of the public inquiry into the WLP, the technologies of MBT and AD were not as fully developed as today, or the site area required to implement them appreciated. The current proposals seek to drive the treatment of waste further up the waste hierarchy than the RCF proposals by incorporating a CHP plant utilizing residues from the MBT to generate electricity for processing and treatment of waste, and to provide electricity to the National Grid. Although the building would be larger than recommended at the time of the WLP by the Inspector, the possibility of sinking a waste facility into the ground had not been envisaged. The guidance in the WLP on the size of buildings at the Rivenhall site is intended to address the visual impact of any such buildings. The substance of the policy has been met by the proposal to sink the buildings into the site, which would substantially reduce the bulk of the visible structures when viewed from outside the site. The principle of an incinerator and a chimney was not discounted by the Inspector at the WLP inquiry. (CD/9/1A page 109, para 37.19)

7.9 So far as the BDLPR countryside policies are concerned, the proposed MDIP would be located within the building envelope, a large part of which is within the

allocated waste site. It would not of itself add any impact to the proposal which would be different to the impacts that would arise from the 'core' waste facilities. Moreover, the distinction between waste development and industrial development is not clear cut. Waste management development could be seen as a subset of industrial activity, and again, this departure is not viewed as a matter of significant weight.

7.10 ECC's officers and committee did not reach a view as to whether the proposals comply with the development plan overall, as the proposal was considered to be a justifiable departure from certain discrete policies of the development plan. However, the officer's report identifies an extensive degree of policy compliance.

7.11 Need is a matter to be addressed under the development plan. WLP policy W8A indicates that waste management facilities will be permitted at the sites allocated in Schedule 1 subject to a number of criteria being met, including there being a need for the facility to manage waste arising in Essex and Southend. The consideration of need also arises in the guidance of PPS10. It is common ground between the main parties that the question of need should be determined in the context of the RSS figures for Essex's apportionment. This approach is required by PPS10, and reinforced by the June 2009 report of the Regional Planning Body (Document CD5/2). Those figures demonstrate a clear need for the facilities so far as they provide for MSW and/or C&I waste. The proposals comply with the RSS (policies WM1 and WM4) so far as the question of need is concerned. It is also agreed that the assessment of need should not be based upon the emerging revised Regional figures.

7.12 There is a need for the facilities even if the analysis is based upon the more conservative figures set out in the report on waste arisings and existing treatment capacity prepared by ERM in 2007 on behalf of the WPA (Document CD 10/3). Since the capacity analysis in the ERM reports are not reliable, and are likely to be an overestimate, the actual level of need would be greater.

7.13 Although no party supports the use of the consultation figures for waste arisings issued by the regional planning body (Document CD 5/8), both the applicants and ECC agree that even on the basis of these figures, a clear need for the facility exists.

7.14 The JMWMS (Document CD 8/2) is not technically a planning policy, but it interacts with planning policy because it represents the agreed strategy of the waste collection authority and the disposal authority on how the waste needs of Essex are to be met. The JMWMS clearly supports the development of MBT and AD facilities, and facilities to create SRF and to burn it to produce energy. It expressly endorses the proximity principle for the purposes of managing residual waste, which would include SRF. Moreover, it aims "to deliver an innovative and resource efficient waste management system for the county". The JMWMS is therefore supportive of the proposals. There is no proposal for a CHP in the county apart from the eRCF.

7.15 The OBCs 2008 and 2009 are not planning policy but an outline business case for the purposes of obtaining central government funding for the disposal of MSW. The RCF only dropped out of the OBC after 2008 because the county did not control the site, and therefore it could not be used as the reference case for the OBC. In addition, inclusion of a CHP plant in the OBC would exclude competition, because the

only site currently being put forward with a proposal for such a facility is the application site at Rivenhall. The significance of the OBC is that it evidences ECC's need and desire for an operator and site to handle its MSW contract. The RCF and the eRCF would be able to bid for that contract and the additional competition they would introduce would be welcomed by the WDA. It demonstrates that the eRCF could meet the county's need to dispose of its MSW, quite apart from its capacity to meet C&I waste arisings. The facilities contained in the OBC would not be adequate to dispose of all of the county's MSW arisings.

7.16 There is therefore a need for the type of facility proposed in order to achieve the national waste objectives set out in PPS10 paragraphs 1 and 3 and Policy MW1 of the RSS, and to achieve the recycling targets for Essex and the East of England, set out in Policy MW2 of the RSS. The proposed facility would help to deliver these objectives by moving waste up the hierarchy. It would recover recyclables, produce compost and reduce the need for disposal of residual material to landfill by using such material as a fuel for combustion in the CHP plant. It would also use imported solid recovered fuel (SRF) from other permitted waste management facilities in Essex, which might otherwise go to landfill. The scheme would generate electricity and provide a specialized facility for the recovery of recycled paper. In recovering paper pulp, the residues arising from the process would also be used as a fuel in the CHP, removing the need for offsite disposal and the potential for such material to be sent to landfill. The need for specialized waste facilities serving more than the local area is recognized in RSS policy MW3.

7.17 With regard to the need for the MDIP facility, the applicants have been open about the difficulties currently faced in sourcing sorted paper and card of the required quality from within the region. However, the provision of the facility is likely to stimulate greater recovery of paper waste from existing waste. It cannot be argued that there is no need for the MDIP given that it would be the only facility of its kind in the country and the material to feed it undoubtedly exists. RSS policy WM3 supports such specialist facilities and acknowledges that some compromise to the proximity principle may be appropriate in such cases. There is a balance to be struck between self-sufficiency and the proximity principle on the one hand, and the operator's need for commercial security on the other. This underlies ECC's structured approach to a condition relating to paper and card waste from outside the region (See paragraph 7.41 below).

7.18 In summary, most of the policies in the development plan are complied with, and to the extent they are not, the non-compliance is justified. In particular, the evidence demonstrates that there is a need for the facilities, and the application site is an appropriate location to accommodate that need.

Issue (ii): the quality of design and effect on the character of the area (including CD 8/9, Designing Waste Facilities (Defra, 2008)).

7.19 The proposal has been designed to reflect the site's history as an airfield. The 2 arched roof main buildings would reflect the design of a hangar, with green roofs to minimise their visual impact and provide potential habitat to replace some that would be lost as a result of the development. The proposal has been designed aesthetically rather than functionally. It reflects a previous use of the site to which the community attaches some significance and which is regarded as an acceptable and

proud part of its history. CAGE supported the design of the RCF proposal which has much in common with the eRCF.

7.20 Other aspects of good design include:

- (i) The sinking of the plant within the ground to reduce its visual impact. Such an approach would also reduce the visual impact of the access and enable the proposal to employ the minimal use of bunding and screen planting.
- (ii) The positioning and reflective finish of the stack so as to mitigate its visual impact.
- (iii) Minimal use of lighting on and around the plant.
- (iv) Measures to reduce the operational impacts, such as negative pressure within the building.
- (v) Extensive landscape mitigation and additional tree planting.
- (vi) Co-location of the SRF producing facilities with the CHP and MDIP plant.
- (vii) Taking the opportunity to refurbish and re-use the currently run down listed Woodhouse Farm.

7.21 The Defra guidance 'Designing Waste Facilities' (Document CD/8/9) acknowledges that getting waste facilities to "fit in" with the existing fabric is often inappropriate or impossible because of the scale of buildings involved. This should not be read as advising against buildings that do not fit in with their context. Rather, it is an acknowledgement that it would be inappropriate and unrealistic to judge the success of a design by reference to whether it fits in or not. Design of waste facilities need to be judged flexibly, recognising the inevitable limitations which their function places upon their design. The guidance also supports the use of imaginative solutions to minimise the impact of stacks, and advises that careful consideration be given to whether 'hiding' a new building is really appropriate, pointing out that "new buildings should not automatically be seen as a negative".

7.22 The proposal does 'fit in' with its setting. The main buildings and the stack have been thoughtfully designed to respect their context and minimise their impact. The main point of concern of objectors is the stack. It is impossible to hide the stack, but this need not be seen as a negative feature in the landscape. In any event, if it is accepted that there is a need for the eRCF then the stack is inevitable. In this case its impact has been minimised.

7.23 It is considered that there is an opportunity to enhance the sense of arrival at the facility by requiring details of materials and colours to be controlled by condition and by providing public art on the front of the building. The impact of the proposal could be further controlled by means of a legal obligation to maintain planting and provide additional planting adjacent to the southern boundary of the site as soon as possible after the issue of any planning permission.

7.24 Overall the scheme is of good design and would not have an adverse effect on the character of the area.

Issue (iii): The extent to which the proposal is consistent with PPS7

7.25 The site is not located within an area of particularly sensitive countryside and there are commercial and mineral developments in operation nearby. The site itself has features of previously developed land, being the site of the former airfield. The

principle of a waste management facility in this location served from the A120 is enshrined in the allocation in the WLP. The WLP inspector did not rule out an incinerator on the site, indeed WLP policy W7G expressly contemplates that such development may be acceptable. The RCF permission is a weighty material consideration so far as the acceptability of the size of the development and its impacts on the countryside are concerned, as it represents a fall-back position.

7.26 One of the main concerns so far as countryside impact is concerned is the effect of the stack. Its impact has been minimised through its location and design. The proposed height is understood to be the minimum necessary to comply with relevant emissions standards and the width allows a number of chimneys to be accommodated within the single stack.

7.27 The relationship of the MDIP facility with countryside policy is addressed above at paragraph 7.9. Its co-location with waste facilities maximizes the efficient use of energy. Moreover, the access to the site directly off the A120 is a requirement of the WLP, with respect to preferred site WM1. Moreover, the facility would be located centrally in terms of its ability to serve Essex.

7.28 The development would provide some enhancement of the countryside. Although about 1.6ha of woodland would be lost, some subject to TPOs, the proposal includes planting of approximately 3.4ha of additional woodland and 2kms of new hedgerow. About 19.1ha of open habitats would be lost, although the proposal includes the long term management of both existing and new areas of habitat, including the green roofs of the proposed main buildings. The proposal also includes the management of existing and proposed water bodies to enhance bio-diversity, together with mitigation measures with respect to various species, some of which are protected.

7.29 There would be a loss of some 12ha of best and most versatile agricultural land. Although the loss of such land should be avoided, the emphasis in the last 5 years has moved to soil resource protection. It is noteworthy that Natural England did not object to the proposal. Soils stripped from agricultural areas would be used on screening bunds; on new areas of woodland and grassland; and to enhance the restoration of agricultural areas within the adjacent quarry.

7.30 The refurbishment of the derelict listed buildings at Woodhouse Farm, bringing them back into beneficial afteruse, would be an enhancement of the countryside. Overall, it is concluded that there would be no conflict with the objectives of PPS7.

Issue (iv): The extent to which the proposal is consistent with PPS10

7.31 The proposals comply with the objectives set out in paragraph 3 of PPS10. The development would support sustainable waste management by providing a facility which would enable waste to be treated at a higher level of the waste hierarchy. The AD would create compost suitable for use in agriculture together with biogas for use in electricity generation. Methane generated by landfilling would be reduced. The MRF would ensure the recovery of recyclables. The MBT would shred and dry waste to allow recovery of recyclables in the MRF and produce SRF for the CHP. In turn the CHP would reduce the need for landfilling of residuals from the MBT as well as providing a facility to use other SRF produced in Essex. The CHP would also deal with residues for the MDIP facility.

7.32 With regard to self sufficiency, the facility would meet a need in the region to deal with MSW and/or C&I waste. The facility would meet the third objective by pushing waste up the waste hierarchy and helping to achieve national and regional recycling targets.

7.33 The application was supported by an EIA which included an assessment of the impact on health and the environment. It was subject to consultation with the EA, Natural England and the Primary Care Trust, all of whom raised no objection to the proposal. Subject to appropriate conditions and obligations, the impacts of the development could be adequately controlled or mitigated, and the proposal would pose no significant risk to human health and the environment.

7.34 The application was subject to full consultation with the public and consultees. The proposed technologies are in line with those identified in the JMWMS, such that if planning permission were granted the facility could compete for MSW contracts within Essex. The development would maximize the efficient use of energy generated at the site, by co-locating the MDIP with the CHP plant and thereby providing potential to achieve wide environmental benefits. This has in part given weight to the justification for a departure from development plan policies in terms of the site's location in the countryside.

7.35 The integrated nature of the proposal minimises the need for the export of residuals, including on-site use of SRF and paper pulp residues in the CHP plant. The proposals also include the on-site collection, recirculation and treatment of water, minimising the need for fresh water and for off-site treatment of dirty water. The design and layout supports a sustainable form of waste management.

7.36 The eRCF can meet the need to treat both MSW and C&I waste arisings, consistently with PPS10 paragraph 8. The need case supporting the proposal does not rely on "spurious precision" in relation to estimated waste arisings, as deprecated by paragraph 10 of the PPS. The need case is clear and comfortably met. It is based on the RSS and advice from the regional planning body.

7.37 The WLP identifies much of the application site for waste management facilities, without any restriction being placed on the type of facility in question. To that extent the WLP is consistent with the role of development plans as described in paragraphs 17 to 19 of PPS10.

7.38 The proposals meet the guidance in paragraph 24 of PPS10 relating to development on unallocated sites and there is no evidence that the proposals would prejudice the movement of waste up the waste hierarchy. In this respect the proposal is in accord with paragraph 25 of the guidance.

7.39 Although the MDIP facility may not be justifiable on the basis of need to process sorted paper waste arising entirely within the region, the underlying aims of sustainable development are met by this unique facility.

7.40 The CHP in particular would assist in reducing the amount of residual waste that needs to be consigned to landfill, and would generate useful energy from waste, consistently with the aim of using resources prudently and using waste as a source of

energy. For all the above reasons, the proposal is consistent with the objectives of PPS10.

Issue (v): Conditions

7.41 The suggested conditions that should be applied in the event of planning permission being granted are set out at Document ECC/7. The only condition which is contentious between ECC and the applicants is the condition relating to the proportion of imports to feed the MDIP facility. This condition is necessary to ensure that the applicants have an incentive to seek feed stock from within the region, and that an initial inability to do so does not result in a total abandonment of the proximity and self sufficiency principles for the future.

Issue (vi): Section 106 Obligations

7.42 Planning permission should be subject to a 106 agreement in the form submitted. Attention is drawn to the proposal for a community liaison group.

Issue (vii): Listed Buildings (Woodhouse Farm)

7.43 Woodhouse Farm is listed as a building at risk. It is in urgent need of care yet there is no proposal or prospect of any care being given to it apart from the eRCF or RCF proposals. Witnesses for the Local Councils Group and the Community Group accept that in principle the proposed refurbishment and re-use of the Farmhouse is a benefit. The form, specification and merits of any listed building application would be assessed by Braintree DC as the local planning authority. The quality of the restoration is therefore in that objector's hands.

7.44 The main issue of concern to objectors appears to be the effect of the chimney on the setting of the listed buildings. However, the chimney would only be seen in certain views and would be some distance away from the building. Overall the setting of the listed building would not be adversely affected. Notwithstanding this, the much needed refurbishment of the fabric of the listed building that would be brought about by the proposals would outweigh any harm to its setting.

7.45 The choice is between further decay of the listed building, or restoring it and bringing it back into active and beneficial use, when it would be seen and enjoyed by members of the public visiting the site. The effect on the listed building is therefore positive overall.

7.46 Objectors also refer to the impact on the Silver End Conservation Area, but this is so far away from the site that it would not be harmed by the scheme.

Issue (viii): The fall-back position

7.47 The RCF is relevant in two main ways. Firstly, as a fall-back and, secondly, as a recent planning permission for similar development on an identical site. The fall-back position was not taken into account in ECC's consideration of the scheme. No assumptions were made as to whether the RCF would proceed if the eRCF were refused permission. However, the second of the two factors was taken into account by comparing the merits of the eRCF to those of the RCF.

7.48 The RCF would not be an unacceptably harmful development. It is supported by current planning policy and justified on its merits. Moreover, it is consistent with and would further the aims of the JMWMS. There is no reason to doubt the applicants' evidence that it would implement the RCF if the eRCF were refused permission, particularly given the position on need. The RCF therefore represents a fall-back position for the site against which the eRCF falls to be considered.

7.49 It is also relevant as a recent planning decision for similar, though not identical, development having similar environmental impacts, covering a similar site, and which had been assessed in the same policy framework as the eRCF. The RCF sets a benchmark against which the differences between the RCF and eRCF should be assessed. The RCF permission demonstrates the acceptance of the principle of built waste management facilities on a site extending beyond the boundaries of the WM1 allocation, which was supported at the regional level (Document CD 3/2). It also demonstrates an acceptance of the visual and other environmental impacts, including traffic impacts that would be introduced by the RCF. The real difference between the two proposals is the chimney stack.

7.50 Objectors have concerns about reliability of the applicants' 404 HGV movement cap, and have sought to cast doubt upon the relevance of the RCF as a fall-back so far as traffic movements are concerned. The applicants indicate that they could control HGVs entering the site by contractual means. The proposed condition limiting the site to 404 HGV movements is clear, precise and enforceable. It also provides an incentive to the applicants to ensure that vehicle movements are used efficiently. It supports sustainable transport objectives. In contrast, the RCF permission contains no condition expressly setting a movement cap. The 404 HGV movements cap would therefore be a benefit.

Issue (ix): Flexibility

7.51 Draft condition 19 would allow some control over the detailed configuration and layout of the plant.

SECTION 8 - THE CASE FOR THE LOCAL COUNCILS GROUP

The need for the facility

8.1 For policy reasons the applicants must demonstrate need. However, even if need is demonstrated, it has to be weighed against harm that may arise, for example, the harm that would be caused to the countryside. The application proposes an IWMF that is too large to be accommodated on the preferred site in the WLP, and its capacity would be far greater than the perceived need.

8.2 There are two/three aspects of need to examine, namely that relating to MSW/C&I waste and to the paper pulp facility. The position in respect of MSW is by and large clear. ECC as WDA are satisfied as is evidenced by their OBC 2009 (CD/8/6) that a single MBT plant at Basildon will give them sufficient capacity to deal with likely MSW arisings. There is therefore no "primary" need for this facility to deal with MSW. The only advantage of the application proposal is that it would create more competition and provide a "home" for SRF arising from Basildon. These aspects might perhaps be considered as secondary or ancillary need.

8.3 However, very little weight should be given to these two points. ECC can and will ensure competition by allowing all potential operators to have access to the Basildon site on equal terms. Furthermore ECC are comfortable in not determining at this point in time the destiny of the SRF arisings. Although, at present, there is no other facility in Essex for securing energy from the SRF, ECC's strategy is to deal with that in due course. The JMWMS (CD/8/2) indicates that ECC will deal with it as far as it would be consistent with the proximity principle. Rivenhall may not be the most suitable location having regard to such principle. Moreover, SRF is a valuable fuel and there can be no doubt that there is a developing market for it. Other sites such as Sandon may come forward.

8.4 As regards C&I waste, it is acknowledged that the needs argument of the applicants are more persuasive. However, even on the 2007 analysis, the case for an MBT dealing with C&I waste is marginal, under the "best case" scenario put forward in the 'Waste Arisings, Capacity and Future Requirements Study: Final Report (February 2007)' as described in Document LC/1/A. The best case scenario assumes 0% growth in waste production, C&I waste generation remaining at 2002/3 levels. In contrast the worst case scenario does not reflect the current downturn, nor does it consider the overall thrust of current waste management policy. It represents a maximum level of C&I waste growth, assuming the economy continues to grow and no waste reduction measures are implemented.

8.5 One MBT facility may be justified, but this could be met by the ECC resolution to grant permission for development at Stanway. The 2009 analysis, adjusted, shows the same result, namely that there is "headroom" or overcapacity taking both MSW and C&I waste into account.

8.6 The current adopted RSS policies are based on anticipated levels of waste arisings which are simply not occurring at present. The actual arisings are significantly lower than estimated and the emerging regional studies suggest quite strongly that general C&I waste arisings are unlikely to increase significantly above present volumes in future. This has prompted a review of policy which is continuing with discussions with the individual WPAs. ECC acknowledges the need to take account of the EERA findings, in progressing work on the Waste Core Strategy. Caution should therefore be applied when giving weight to any need based on clearly outdated estimates.

8.7 With regard to the proposed MDIP, it has been estimated by Urban Mines that 437,000 tonnes of paper and card are currently recovered in the East of England for recycling (P72-CD/10/1). This figure is not disputed. Moreover, at best, only about 36% of this recovered paper would be of a suitable quality for the MDIP proposed i.e. 157,000 tpa. This is significantly (203,000 tpa) less than the required input and the recovered paper is already being used in other processing facilities. Even this figure is too high and only around 18-20% of recovered paper is within the essential uncoated wood free grades. The applicants therefore have to rely on their view that additional resources can be obtained by improving the rate of recovery of paper consumed in the East of England, by obtaining paper passing through the region for export and from the supply to an existing MDIP at Sittingbourne which is to close, but which sources most of its material from outside the East of England. The applicants are being over optimistic in this regard.

8.8 It is not disputed that potentially higher volumes of paper consumed in the East of England could be recovered for recycling, although there is no certainty as to the additional percentage which could be recovered. This is recognised in the report entitled 'Market De-inked Pulp Facility - Pre Feasibility Study' (CD/10/2) published by The Waste and Resources Action Programme (WRAP) in January 2005. This notes that previous research has shown that in the office sector there is an irretrievable loss of around 15% of all office paper. Moreover, it would be uneconomic to collect a proportion of fibre, particularly from small businesses employing up to 10 people, and some fibre is already used by mills with integrated facilities. It must also be borne in mind that planned and incremental increases in the paper industry will result in competition for recovered paper feedstock.

8.9 Potential feedstock of waste paper can be "lost" because it may be too contaminated and because of difficulties in collection and sorting. These factors must be viewed against a background where only a small proportion (36%) of recovered paper is likely to be suitable for the proposed MDIP facility. The applicants' approach appears to be over ambitious.

8.10 Similarly, there is uncertainty as to the paper which can be "diverted" from export. In policy terms, it is questionable whether waste paper arisings which have occurred in other parts of the country should be attracted to Rivenhall having regard to the proximity principle and communities taking responsibility for their own waste.

8.11 With regard to the existing MDIP facility at Sittingbourne, it is recognised that this is scheduled to close in 2011. However, there is no firm evidence to show that its current input would be available to Rivenhall. Furthermore, there is likely to be a three year gap between Sittingbourne closing and Rivenhall becoming operational. The current supply would almost certainly be attracted to other markets. The demands of the tissue making market could well intervene. Feedstock would have to be obtained from the market and the applicants rely heavily upon their ability to offer competitive prices. Their assertion to be able to do so is largely unproven. A full viability appraisal has not been produced.

8.12 In conclusion, there is significant doubt as to whether there is a realistic or adequate supply available within the East of England and if this scheme were permitted it is likely that a significant proportion of the paper would be attracted from outside of the region which would not of itself be desirable. This is demonstrated in the applicants' wish to amend or remove the original terms of suggested Condition 27 (now renumbered as Condition 30).

8.13 There are no free standing MDIP facilities in the UK and for efficiency and market reasons, it is much more likely, as indicated in the WRAP study (Page 143 Document CD/10/2), that these would be built as part of integrated paper mills. Historically, MDIP mills have been difficult to justify on economic grounds. It is cheaper for a paper mill to utilise de-inked pulp that has been produced on site in an integrated process. This avoids additional processing costs, such as drying prior to transportation.

8.14 The overall need for the IWMF has not been fully demonstrated, and insofar that any need has been demonstrated, the weight to be applied is not significant.

Landscape/visual impact

8.15 The site lies within open countryside in an area that is regarded as tranquil. Even the applicants' landscape witness accepts a description of "relatively tranquil". Generally the site forms part of a high open plateau from where and across which there are distant views. It is not accepted that the remnants of the World War II airfield, existing industrial uses, and the existence of gravel workings has "despoiled" the area to the extent suggested by the applicants. Although there are a number of businesses in the locality, such as those using former agricultural buildings at Allshot's Farm, these businesses are well established and are generally contained within defensible curtilages and do not impose themselves on the countryside to an extent that they detract from its open and rural character .

8.16 The Landscape Character Assessment undertaken by Chris Blandford Associates (Doc GF/5/B/4) describes the area away from the main roads and the sand and gravel pit as tranquil. It also indicates that the character of the area has a moderate to high sensitivity to change. Clearly there is some doubt as to whether the site could accommodate the proposed development without significant consequence.

8.17 The proposed building and other structures would have a footprint of more than 6 ha, and the development would result in the remodelling of an even greater area together with the loss of 1.7 hectares of semi-mature woodland and other associated engineering works. It is a major development.

8.18 There is a well used network of footpaths in the vicinity of the application site and the development would have a significant impact in particular on users of footpaths 8 and 35. For example, walkers on footpath 8, apart from seeing the stack would also, when approaching the site from the south, be likely to see the rear of the AD tanks, particularly in winter. Moreover as walkers passed the listed buildings at Woodhouse Farm, the backdrop would be dominated by the stack. Although a hedge would partially screen views, walkers on footpath 35 would on occasions be able to see the front of the building, which would be some 200m wide and 20m in height.

8.19 The proposed development would have a detrimental impact on the setting of the listed buildings at Woodhouse Farm. The proposed stack would tower over Woodhouse Farm, and its impact would be even greater if the EA require an even taller stack. The development would be visible over the tops of existing trees. The development would also be visible from Silver End and detrimental to the setting of the village.

8.20 Away from the site, views of the building, much less the stack, would be possible, as demonstrated in the montages at locations 2 and 5, namely Sheepcotes Lane and Cuthedge Lane, in Document GF/5/B/11. It is clear from these montages that the building would be visible at both locations even at year 15. Moreover, these montages should be interpreted with caution, many, for example, do not show the correct proportions of the proposed stack. The stack is considerably wider than shown on many of the montages. Moreover, the rate of growth of new vegetation is unlikely to be as rapid as anticipated in the montages. For example, the applicants accept that to effectively replace some of the lost woodland would take around 40 years.

8.21 The montages at location 6, (Drwgs 8.7.11 and 12 in Doc GF/5/B/11), taken from Holfield Grange to the north of the A120, more than 3 kilometres from the site, show that the stack and the front of the building would be visible for significant distances. Drawing number GF/5/D/9 shows the stack potentially having an impact over a very large area.

8.22 Document CD/16/3 sets out the LCG's view that the applicants have not adopted a realistic approach to optimising the stack height. It is likely that a stack significantly taller than 35m in height would be required with consequential increased visual impact. The applicants should have engaged in a dialogue with the EA prior to the inquiry in order to establish the likely range of the required stack height. Planning permission should not be granted with such significant uncertainty remaining over the stack height. A further application to ECC for an increase stack height would not meet the requirements for certainty and good planning as set out in national guidance.

8.23 The Defra Guidance entitled 'Designing Waste Facilities – a guide to modern design in waste' (Document CD/8/9) recognises at page 70 that the siting of a large building in the countryside is generally contrary to the principles of planning set out in PPS1 and other national guidance. It also warns about seeking to hide buildings with unnatural earth bunds. More importantly it indicates that the scale of buildings can present considerable challenges which make "fitting in" with the existing fabric often inappropriate or impossible. This is one of those cases. The proposal is not compliant with PPS 7 or policy 78 of the BDLPR.

8.24 It has long been a major element of national policy that the countryside should be protected for its own sake. Moreover, generally speaking significant developments in the countryside fly in the face of policies on sustainability. Substantial weight should be given to the adverse impact this proposal would have on the countryside together, obviously, with the associated breaches of current countryside policy.

8.25 It is acknowledged that part of the application site is allocated for a waste management facility. However, in accepting this as a preferred site in a countryside location, the Inspector who held the Inquiry into the WLP, recommended that the site be reduced in size from that originally put forward and made a specific recommendation as to the size of any building associated with a waste management facility. Moreover, the eRCF differs from the RCF. The excavated hollow would be greater; the extent and height of the buildings would be greater (the building footprint would be 17% larger); the space for the buildings would be cut more squarely into the landscape and involve the loss of more woodland; and a substantial stack would be built. There is no specific support from EERA for either the stack or the paper pulp facility, nor any view given by CABE on this scheme.

8.26 The eRCF involves the loss of a greater depth of woodland than the RCF. Moreover, the stress caused to existing vegetation, by coppicing and the dewatering of soils that would occur, could result in further loss of vegetation.

8.27 In summary, the proposal would have a detrimental visual effect and be harmful to the landscape of the area.

Traffic Generation/Highways

8.28 The applicants maintain that HGV movement would be restricted to 404 per day, requiring an average payload of 23 tonnes per load. They acknowledge that this can only occur if virtually all of the waste comes via a waste transfer station (WTS) and has undergone some form of compaction. Such an approach does not stand up to scrutiny.

8.29 The applicants concede that the necessary network of WTSs does not presently exist. Moreover, the letters submitted from hauliers (GF/2/B Tab 15) do not convincingly demonstrate that average payloads of 23 tonnes can be achieved. Not all vehicles making deliveries to the site would be under the direct control of either the applicants or the waste operator. As the facility would operate in the open market, it would be unrealistic for the operator to insist that only full loads (23 tonnes) be delivered to the site. In addition there is no convincing evidence that a backload system could operate.

8.30 If the RCF was expected to generate 404 HGV movements in carrying 906,000 tpa, it is illogical to expect the eRCF to generate the same number of HGV movements when dealing with 40% more, namely 1,272,075 tpa. Either the traffic generated by the RCF was over estimated or that of the eRCF was under estimated. There can be no doubt that the eRCF would generate more traffic than the RCF. Using RCF payloads, the eRCF would be likely to generate about 548 HGV movements (Doc LC/3/A). If the EA's conversion factors for analysing waste and calculating volumes were used, the payloads of vehicles would be significantly lower than those used in the assessments by the applicants (Document LC/1/A). Traffic generation should be assessed on a realistic but worse case scenario. It is likely to be about 37% higher than that suggested by the applicants.

8.31 The Highways Agency only accepted that the eRCF would not have an adverse impact on the trunk road network on the basis that there would be no additional trips generated by the eRCF when compared with the RCF (Documents GF/10/B/6 and 7). It is not known what approach the Highways Agency would have taken if it had been advised that the likely HGV movements generated would be greater than predicted.

8.32 The sole access for the proposal is onto the existing A120. This is a road which is currently operating well beyond its economic, design and practical capacity. This results in flow breakdown, reduced average speeds and extensive queuing, and there is no prospect of the A120 being improved in the near future. As a general guide, Annex D of TA46/97 indicates that the Congestion Reference Flow for a single 7.3m trunk road is 22,000 vehicles per day. The Annual Average Daily Traffic Flow for the A120 Coggeshall Road in 2008 was 24,144, demonstrating that the road has no spare capacity, resulting in congestion during the peak periods (Document LC/3/A).

8.33 An additional 404 HGV movements a day would result in a 30% increase of such traffic on the A120. If the likely traffic generation is greater, then the percentage increase would be even higher. This additional traffic would further reduce road safety. The applicants argue that the road would accommodate the additional traffic as the increase would be relatively small. Although the A120 may be able to accommodate the additional traffic it would be at the expense of further congestion. It cannot be right to simply allow more and more traffic onto this road.

8.34 When dealing with other development proposals in the area, ECC has sought to ensure that additional traffic is not generated on this road. Moreover there is no doubt that local residents are inconvenienced by existing traffic levels on the A120 (Document LC/4/A). There must be a point where potential traffic generation dictates that development should not be permitted. Policy T6 of the East of England Plan refers to the economic importance of the strategic road network to the region. The policy seeks to improve journey reliability by tackling congestion; to improve the safety and efficiency of the network; and to mitigate the environmental impacts of traffic. If permitted, the eRCF proposal would exacerbate the current difficulties.

8.35 The access road to the site crosses two country roads, Church Road and Ash Lane. Many HGVs merely slow at these junctions rather than stop. There have been accidents at these junctions in the past. The proposed trebling of HGV traffic on the access road would increase the risk of accidents at these junctions. The additional traffic passing through the Upper Blackwater Special Landscape Area would be detrimental to the rural character and peaceful nature of the countryside.

8.36 In relation to other highway matters, it must be recognised that the application site is remote. The proposal would not be readily accessed by public transport, walking and cycling. It would not reduce the need to travel by car. In this respect it is not PPG13 compliant. This, and the fact that the proposal does not comply with PPS7 should be given significant weight and militate against the scheme. The proposal is not a use which must occur in a countryside location. An urban area or fringe location with good access to the main road network would be more suitable and appropriate.

8.37 There is also concern that HGVs associated with the development would use local roads to the detriment of highway safety and the free flow of traffic on such routes. The waste operator would not have full control over all vehicles visiting the premises. They would not be contracted directly to the operator. This is evident from the Section 106 Agreement. Moreover this is a facility that would "welcome" substantial amounts of waste for recycling and treatment. Paper collectors, for example, may wish to visit at the conclusion of their rounds. The operator would have relatively little control of many vehicles visiting the site and would be able to do little more than politely request third parties to use the appropriate roads to access the site. Whilst the Section 106 Agreement provides for third party drivers to be disciplined, it would be difficult to enforce the routing requirements particularly when the policing would have to be undertaken by the public who would not necessarily be aware that a particular vehicle should not be on a particular road.

Other Matters

Ecology

8.38 When considering the ecological impact of the proposal, the applicants' evidence at Document GF/8/B/1 indicates that in five respects a negative impact would be certain. This leads to a requirement to judge the likely success of the mitigation measures. Paragraphs 5.4 and 5.5 of the 'Guidelines for Ecological Impact Assessment in the United Kingdom' (Document GF/8/B/2) refer to the potential uncertainty of mitigation measures and arguably give a warning that there can be no guarantee in respect of such matters. The applicants have given no categorical

assurances that the proposed mitigation/compensation measures would be totally effective. Local residents are concerned about the potential impact of the proposal as a result of factors such as light and noise pollution, and traffic generation, and the difficulty of ensuring that mitigation/compensation measures would be successful. There will always be some risks associated with such a large scale development. Moreover, the applicants accept that it would take many years to replace the lost woodland.

Noise

8.39 Noise levels in the locality are at present very low. The principle sources of noise appear to be agricultural vehicles, the quarry and distant traffic noise as indicated for example in paragraph 12.3.3 of the ES (Document CD2/7/12). It is especially quiet at night, when noise is almost undetectable. Any quarry noise is of a temporary nature and is necessitated by the fact that the development has to occur where the gravel exists. By contrast a countryside location for this development is not essential.

8.40 At certain times the overall noise climate is likely to increase. For example, Table 12-3 of Document CD2/7/12 indicates that a background noise survey gave readings of 29-43 dBL_{A90} during the day at Herons Farm. In contrast, paragraph 40 of Document GF/2/D/1 indicates that worst case noise levels at receptor locations during construction could be between 44dB(A) and 52db(A). There are also concerns about noise being contained within the building, given the size of the door openings and the number of vehicles visiting each day. The noise limits set out in the suggested planning conditions are indicative of the increase in noise levels that would be likely to occur.

Air quality

8.41 Whilst air quality may remain within legal limits it would nevertheless deteriorate. This is unwelcome. Moreover, in response to the formal consultation on the application the EA advised that the proposal in respect of the stack did not appear to represent Best Available Technology. Design changes have been undertaken since that time, but there is no observation from EA on this amended proposal. The EA points out that it is not enough to demonstrate that the EALs would not be breached. There is a statutory requirement to ensure that air quality is not significantly worsened. This raises concerns about the approach adopted by the applicants who have concentrated on compliance with EALs whilst not addressing the issue of actual air quality. EC Directive 2008/50/EC (due to be implemented in 2010) states that 'air quality status should be maintained where it is already good, or improved'. The eRCF would result in a deterioration in local air quality. The EA points out that NO₂ and CO₂ would increase, resulting in a significant worsening of air quality.

8.42 In Document CD/15/7, the EA indicates that the long term annual mean (µg/m³) for arsenic set out in the latest version of H1, which is presently out for consultation, will be 0.003. This is half the figure used by the applicants, and if the revised figure were used the level of arsenic would be equalled or exceeded at no less than 23 locations. The peak concentration at Footpath 35 of 0.0068 would be 127% above the proposed new figure.

8.43 It is recognised that an EP application could not be made until there was a known identifiable operator. However, given the concerns of the local residents it is unfortunate that greater dialogue with the EA has not taken place in order to allay the fears of the local community. These fears cannot be totally dismissed. They are genuinely held and reasonably so. The extract from the Encyclopaedia of Planning Law at Document GF/3/B/3 indicates, in these circumstances, that some weight should be given to the fears and concerns of the local community. In this regard, it is unfortunate that the applicants have declined to monitor air quality at the boundaries of the site.

Lighting

8.44 The proposal is at a location where at present there is little or no artificial light at night. The scheme would change this situation. The extent of change is unknown as full details of the proposal and its lighting are unknown. However, the facility would operate 24 hours per day, 7 days a week. Staff would be present at all times. The applicants accept that in the morning, between 07:00 hours and daylight, and again in the early evening, between dusk and 18:30 hours, lighting would be essential. The facility would be open for business during these hours receiving waste etc. Outside of these hours, it is suggested that external lighting would only be used when necessary and that such lighting could be controlled by movement sensors. It is doubtful whether such an approach is realistic.

8.45 Light pollution is another factor whereby the development would have a detrimental impact on the area, the extent of which is unknown. As indicated at CD/16/4, the precise form of lighting that would be installed at the site is uncertain; the lighting schedule put forward by the applicants is subject to change. Notwithstanding this, it is essential that the proposal to provide full cut-off lighting at zero tilt, with an average lighting level of no more than 5 lux is adhered to. The site is known locally for its 'dark skies', affording views of the starry night sky. Such locations are becoming increasingly rare in Essex.

8.46 The proposed lighting schedule for Woodhouse Farm car park gives two options. The option with 8m lighting columns is the 'least worse' solution. It would provide more uniformity of light, and lower peak measurements than the option using lighting bollards which would give rise to substantial levels of sideways light emission. The whole site, including the Woodhouse Farm car park, should be designated as being an area classed as E1 under the Institute of Lighting Engineers Guidance Notes, namely the most sensitive, with the most control needed. The whole of the site is currently in a dark unlit location.

8.47 Proposed Design 2 for the lighting of the main plant area is preferable. This requires fewer lights and would result in a lower average and peak level of lighting. Notwithstanding this, there would be some reflection of light contributing to light pollution, and during misty conditions light would scatter within droplets of water in the air.

Overall conclusion on other matters

8.48 Although the effects on ecology, the consequences of noise, the reduction in air quality and the likely effect of lighting are all matters which may not individually justify refusing this application, they would cause harm to the area. When combined

with the landscape and visual impacts of the development, they would have a significant adverse impact on the character of the area and the living conditions of local residents.

The Fallback position

8.49 It is acknowledged that the existing planning permission for the RCF is a material consideration. However, little weight should be given to it, because there is no convincing evidence that it would be implemented. ECC resolved to approve the application in 2007 but it was not until 2009 that the requisite Section 106 Agreement was completed. Following the resolution to approve the scheme, the applicants wrote to ECC describing the RCF as an “indicative” scheme (Document LC/8/B/7).

8.50 At paragraph 4.4 of the Planning Application Support Statement for the present proposal (Document CD2/4), the applicants rightly advise that the RCF no longer represents the most suitable technology having regard to the JMWMS. The applicants accept that an amendment to the RCF planning permission would be likely before its implementation and point out that they have been waiting, along with others in the industry, for ECC to award a long term contract for MSW. Moreover, there is no evidence of detailed marketing or negotiations with a waste operator – the letters produced by the applicants show no more than a general intention. In addition there is no evidence demonstrating the viability of the RCF for C&I waste only.

8.51 To date, no real steps have been taken to implement the RCF permission. The applicants would not operate the RCF but would look for a partner waste organisation. It is not evident that a partner has yet been identified, let alone terms agreed with one.

Policy Implications

The Development Plan

8.52 The three most relevant components of the Development Plan (DP) are the Southend & Essex Waste Local Plan (WLP), the East of England Plan (EEP) and the Braintree and District local Plan Review (BDLPR). All contain relevant policies.

8.53 The WLP whilst adopted in 2001 is still broadly consistent with the subsequent PPS10. It adopts, for example, the waste hierarchy (see Policy W3A) and identifies certain sites for waste management facilities. The WLP proposes a site specific approach which is promoted in PPS10. The WLP should be given significant weight. The application site was specifically considered in the preparation of the WLP and whilst identified as a preferred site, limitations on both the size of the site and the extent of building coverage were imposed. This proposal is not restricted to the allocated site and the building footprint greatly exceeds that approved. Moreover, a paper pulp facility was not envisaged by the WLP at all. The proposal does not therefore accord with the WLP.

8.54 Notwithstanding this, the WLP was developed at time when WPAs were less confident about the community's ability to achieve and sustain high levels of recycling and composting. There have been considerable improvements in recycling and composting performance since then. The WLP was cautious in its approach,

seeking to ensure that it delivered a sufficient number of sites that could accommodate the larger waste management facilities that were expected. The eRCF proposals involve a building whose footprint alone exceeds the size of the allocated site.

8.55 There are also clear breaches of the BDLPR with regard to policies 27, 78 and 88. These relate to the location of employment, protection of the countryside, and loss of best and most versatile agricultural land. The application site includes over 11ha of Grade 3a agricultural land which would be lost as a consequence of the proposal. These breaches all militate against this proposal.

8.56 The EEP provides an overall vision and objectives largely in line with PPS10. Whilst it seeks to ensure timely provision of facilities required for recovery and disposal etc of waste, it requires, like PPS10, a balancing exercise to be undertaken in order to minimise for example the environmental impact of such facilities. On balance the application proposal does not comply with policy WM1.

8.57 Overall, the proposal is not in accordance with the development plan.

PPSs 7, 10 and PPG 13

8.58 For the reasons explained above, the proposal is not PPS7 or PPG13 compliant. With regard to PPS10, it is acknowledged that it provides some support for additional waste treatment facilities. However, this should not be at any cost. The proposal is not fully compliant with PPS10 because: -

- (i) there is either no, or certainly not a full need for a facility of this scale;
- (ii) it would not contribute positively to the character and quality of the area;
- (iii) it would result in significant visual intrusion;
- (iv) the traffic generated would be unacceptable especially on the A120;
- (v) the scheme does not reflect the concerns or the interests of the local community;
- (vi) it conflicts with other land use policies (e.g. policies that seek to protect agricultural land and policies aimed at the protection of the countryside).

PPS1 Design Paragraphs 33-39

8.59 The Defra Guidance on the design of waste facilities referred to above (Document CD/8/9) indicates that in most cases even medium sized waste facilities will not be effectively screened by landscaping and bunds. Because of its size, this proposal is not accepted or welcomed by the community. PPS1 emphasises the need for development to take the opportunities available for improving the character of the area and the way in which it functions. This proposal does not comply with PPS1.

8.60 The introduction of such a substantial building for industrial purposes; the additional HGV movements that would be generated; and the associated noise, light and general activity that would arise, would combine to create an unacceptable impact on the character of the area.

SECTION 9 - THE CASE FOR THE COMMUNITY GROUP

9.1 The Community Group (CG) has sought to compliment the evidence of the Local Councils Group. It is beyond the resources of local volunteers to challenge the complex and wide ranging evidence regarding the need for, or the viability of, a large scale waste management installation. The evidence of the CG therefore concentrated on the matters of concern to local people where it was considered feasible to bring forward additional material.

The impact on the character of the landscape and heritage features

9.2 The surroundings of the site are predominantly rural. The aerial photographs (such as that at Document CG/1/B Appendix C) and the range of ground level photographs (in particular those at Documents CG/2/B appendix 1 and CG/1/B appendix E) demonstrate its rural character. It is accepted that it is not “pristine” countryside. The remnants of the airfield, the commercial and industrial uses in the vicinity, the sand and gravel workings and the towers are evident. However, when examined at a sensible scale, and not focusing on the area restricted to the site of the 6ha building and its immediate vicinity, these proposals clearly relate to a site in open countryside, dominated by large arable fields with woodland. The existing commercial and industrial uses occupy a very small proportion of the surrounding area. They are contained within defensible curtilages and do not detract from the open and rural character of the area. The applicants’ description of the site as being “despoiled” is incorrect.

9.3 The nearby mineral workings are temporary; they have 12 years to run and the restoration is on-going as the reserves are dug. The relatively transient impact of the workings ought not to be given great weight. Because of the topography – the site is on a boulder clay plateau – there are many opportunities for long distance views in the area. For example, the existing hanger on the application site can be seen from a kilometre away to the west, namely from the edge of Silver End. The surrounding area and Woodhouse Farm are accessed by local people via the public right of way network, which is well used.

9.4 The evidence of the CG and of third parties shows that this is valued countryside. It forms the rural setting of Kelvedon, Coggeshall, Silver End and Bradwell and is enjoyed by local residents. Some have houses looking over the site. Many more experience it using the local roads and footpaths. It has ecology of local interest. Its biodiversity is rich. The ecological survey shows four bat species, great crested newts and brown hares, resident on and around the site. Notwithstanding the mineral working and the industrial/commercial activity, the area is identified by the CPRE as relatively tranquil, including having dark night time skies (see Document CG/1/B Appendix D). A national tranquillity map has been published which identifies the relative level of tranquillity in each 500 metre square in England. A place where tranquillity is most likely to be felt is represented in green on the map. The application site lies within an area shown as green on the map. In a report published by CPRE and the former Countryside Agency in 1995, tranquil areas were defined as ‘places which are sufficiently far away from the visual or noise intrusion of development or traffic to be considered unspoilt by urban influences’.

9.5 The most detailed published landscape assessment in the applicants' evidence is the extract from 'Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments' prepared by Chris Blandford Associates and published in 2006 (Document GF/5/B (4)). Under the heading "Silver End Farmland Plateau" it indicates that "away from the main roads, that lie adjacent to the character area, and the sand and gravel pit, most of the area is tranquil." It is recorded that: "Overall, this character area has moderate to high sensitivity to change." The CG has sought to illustrate the detail of the existing landscape in its evidence. The photographs in CG/2/B appendix 1 are particularly useful because they were taken in January with bare deciduous trees. The winter visibility of the existing hanger can be compared with the autumn position. The CG was concerned at the time of preparing its evidence (before the ECC Committee Meeting of 24th April 2009) that the applicants' original illustrations of existing trees in the application drawings were inaccurate and that accordingly assessments of visual impact were understated.

9.6 A description of the listed buildings in the vicinity of the site and of the conservation area of Silver End is given in Document CG/4/1. Silver End was a model village created by the Crittall Company. As an important collection of Modern Movement buildings the village was designated as a conservation area in 1983 with a later Article 4 Direction to safeguard the character and appearance of the area, and the individual houses. The village contains a number of listed buildings, notably three managers' houses, one of which is known as Wolverton. It is visible across open countryside to the north east, and the application site is visible from it. Whilst much of the rest of the perimeter of the village is wooded, the flat plateau landscape results in a strong visual connection between the village and the application site.

9.7 Woodhouse Farm was listed Grade II in 1988. The farmhouse is of early 17th century origin with later additions. It has an oak frame and queen post roof, with hand made clay tiles. The building is in a poor state of repair and has been on the Buildings at Risk register, with its condition described as 'very bad', since 1987. There can be difficulties associated with the issuing of a repair notice and it is not necessarily the best course of action to achieve the preservation of a building. However, the neglect of Woodhouse Farm has continued for too long, and urgent repairs are necessary. It should be feasible for some repair work to be undertaken without awaiting the commencement of full refurbishment of this group of buildings. There is no schedule of immediate remedial works to secure the survival of the group of buildings. A nearby pump is also listed and an ancillary building to the rear, described as a bake house, brewhouse and stable is also listed Grade II. Lack of maintenance has led to the total collapse of the roof. The setting of the historic farmsteads on and around the application site relies on their relationship to the landscape, which can be affected by the introduction of alien elements such as chimneys or flues.

9.8 The setting of the listed buildings and the conservation area should not be narrowly defined. Paragraph 4.14 of PPG15 states that 'Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This should also, in the SoS's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area, but would affect its setting, or views into or out of the area.'

9.9 The applicants propose that the Woodhouse Farm complex be converted to an education centre. However, no listed building application has been submitted, and so it is not clear whether such proposals would secure the retention and restoration of the historic features of the buildings. Floor loading and fire regulation requirements could make this an inappropriate use of the buildings. Car parking, access and landscaping works could damage the immediate setting of the historic buildings. Woodhouse Farm is close to the proposed waste management facility. At present the westerly view from the farmhouse is of trees and the end of the existing hangar. This would be replaced by the roofs of the proposed IWMF and the chimney towering above. From this distance there would be noise, disturbance and possibly odour. Overall the setting of the historic farmstead would be completely transformed.

9.10 The setting of Woodhouse Farm is of most concern, but given the open landscape and the length of views this permits, other settings would be affected. The Silver End Conservation Area and the listed building known as Wolverton have already been referred to. In addition, Allshot's Farm is about 400m from the application site and would therefore be close to the IWMF. The damage already caused to the setting of the listed building at Allshot's Farm by the existing scrapyard would be exacerbated by the close view of the proposed chimney.

9.11 Herons Farm is some 900 metres from the site of the proposed chimney. Although not a listed building, Herons Farm is one of the historic farmsteads on the plateau. Existing views of blocks of woodland from this farm would have the addition of the proposed chimney stack and the roofs of the IWMF. The impact at Haywards Farm, another historic farmstead, would be similar.

9.12 Porters Farm and Rooks Hall are listed buildings situated about 1.4km and 1.8km respectively to the southeast of the application site. Parkgate Farm lies about 1.1 km to the south of the application site. Although not a listed building, it is one of the historic farmstead groups in the area. The proposed chimney at the IWMF would be visible from all three locations.

9.13 Sheepcotes Farm is a listed building sited about 600m west of the proposed IWMF. At present there is tall conifer planting at the rear of the plot which screens the farm buildings from the airfield. However, if this were removed, the proposed chimney and roofs of the IWMF would be visible at a close distance. Goslings Farm is a listed building sited about 1km to the northwest of the proposed IWMF, with no intervening woodland.

9.14 PPG15 makes it clear that the whole historic environment, not just the immediate settings of historic buildings and conservation areas, needs appreciation and protection. The proposed stack and roofs of the IWMF would be visible from many historic buildings, sometimes in an overpowering way. This would compromise the relationship between the historic buildings and their landscape setting. The historic environment would be further eroded by the increased number of HGV movements that would take place on the A120.

Traffic

9.15 Mr. Nee's evidence, at Document CG /3/A, emphasises the concerns of local people with regard to the existing congested state of the highway network, in particular the A120 and A12 Trunk Roads. The A120, from which access is to be

taken, is operating above its design capacity and there are frequent queues. Examples of congestion incidents are given in the document. The section of this road between Braintree and Colchester is single carriageway and the Highways Agency announced in July 2009 that plans to re-route this section of the highway have been dropped. It is likely to be many years before this length of the A120 is significantly improved.

9.16 The junction of the A12 and A120 at Marks Tey is listed as having high levels of NO_x at present. It is one of 18 air quality hot spots in the county. The additional HGV movements associated with the IWMF would exacerbate this situation.

9.17 There is particular concern about the likelihood of HGV traffic using local roads to gain access to the site when the primary routes are heavily congested or blocked. HGV traffic would divert through local villages such as Kelvedon and Feering under such circumstances. The onus would be on local villagers to police the HGV movements. It is inevitable that some HGV drivers would attempt to access the site via local roads through villages. For example the natural route from Witham would be the roads towards Braintree via Cressing (B1018) or through Rivenhall and Silver End.

9.18 A number of road accidents have taken place in the vicinity of the proposed access as indicated in Document CG/3/A. One serious accident took place at the junction of the site access road and Church Lane; several others have taken place on a 650m length the A120, in the vicinity of the access road junction. The proposed development would result in a significant increase in the number of HGVs using the access road and the nearby sections of the A120.

9.19 The EEP encourages modes of transport other than by road for the transport of waste. The only type of access envisaged for the application proposal is by means of road transport.

The eRCF, the permitted RCF and the allocation for waste management, WM1, in The Waste Local Plan

9.20 The proposal is for a very large scale waste management facility in the countryside, involving the loss of 1.6 ha of woodland and the sinking of its 6ha built form, to its eaves, into the ground. It is accepted that the principle of a waste management facility, on a relatively modest 6 ha site, incorporating the existing hanger, was established in the WLP. It is also acknowledged that permission was granted by ECC for the RCF in February 2009. It is therefore important to consider the differences between the RCF and the eRCF.

9.21 The eRCF would have a larger footprint and there would be differences in the details of construction and amount of excavation necessary. However, the critical difference between the two schemes is the incorporation of the CHP plant in conjunction with the waste paper processing. This would necessitate a chimney stack of a diameter of 7m and at least 35m in height above existing ground level, with the possibility that the EA may require a larger chimney, as a result of the EP process, than is envisaged by the applicants.

9.22 On this point, the response of the EA to the consultation on the Addendum Environmental Statement is of concern. The EA appears to cast doubt on the

acceptability of a 35m stack in meeting the requirements to protect the local environment. The Agency refers to recent permits for plants with "significantly smaller" waste throughputs yet having stacks of 75m and 65m i.e. around double the height of the stack proposed by the applicants at Rivenhall Airfield. As indicated in Document CD/16/2, this raises a number of issues:

i. Why did the applicants not engage at an earlier stage with the EA, at least to establish the likely range of stack heights required?

ii. The reliability of the applicants' evidence in respect of emissions modelling and stack height. The EA letter casts doubt on whether a 35m stack would be Best Available Technology in respect of a number of issues. The ground level emissions take up too much headroom between ambient and total pollution levels. It is not enough to demonstrate that levels do not exceed legal maxima; air quality should be protected, especially where it is already good. Moreover, the EA questions the high exit flue temperature of 150 deg C and consider that this raises issues about the efficiency of the proposed re-use of heat within the plant. This could have an impact on the required stack height, as a more efficient use of heat would reduce exit temperature, and thereby reduce the buoyancy of the plume with a resulting need for a higher stack.

iii. How a recommendation to the SoS could encompass such a wide disparity between the applicants' position on stack height and that of the statutory regulatory body, the EA.

iv. The greater intrusion on the rural landscape that would be caused by a stack height of the order suggested by the EA, together with the likely increased visibility from conservation areas, listed buildings and footpaths.

v. The possibility that a grant of planning permission for the eRCF could not be implemented without a further application to ECC for a much higher chimney, when the issue of the chimney height had been a key planning issue at the Inquiry

The visual impact of the chimney on the landscape

9.23 The applicants accept that the chimney stack would be a noticeable addition to the landscape and that it would be visible from an extensive area, although they argue that the change to landscape character would be localized. However, there is a clear distinction between the solid chimney proposed and the lattice structure of the existing tower. Moreover, the chimney would draw the eye to the long, low building of the proposed IWMF, as can be seen in the montage at Document GF/5/D/2 – the view east from Sheepcotes Lane near Wolverton.

9.24 The applicants also accept that the perceived visual envelope of the development would extend over a considerable distance. However, the CG does not agree with the applicants' submission that "the chimney would be visible but only as a small element of the overall view and would not give rise to unacceptable levels of visual impact". The applicants' landscape witness focused on the impacts on a limited number of residential properties. The concerns of the CG are wider, going to the impact on all of those travelling across and enjoying the surrounding countryside.

9.25 The impact of the stack is illustrated in the visualisations at CG/2/B (appendix 1) and the related comments. Some of the applicants' montages, particularly the appearance of the proposed stack and the screening effect of trees, are not accurate representations of the proposal. The stack would be more prominent than shown, and many of the existing trees are shown unrealistically high. The differences between the applicants and the CG as to the extent of the visibility of the site have narrowed as evidence has been prepared. The CG's visualisations are similar to the applicants' montages at Document GF/5/D /6 (from Footpath 8 near Polish Camp) and Document GF /5/B/16 (from Woodhouse Farm Garden).

9.26 The chimney would be visually harmful because it would convey an emphatic large scale industrial image, which would be something alien to this rural location. However carefully the chimney was finished, whether mirrored or otherwise, it would be perceived in this way. It is very doubtful that the light cloud reflective effect in the applicants' montages would be seen for long periods. The applicants acknowledge that it would subject to both aspect and weather conditions. The damaging impact on the setting of the listed buildings and the Silver End Conservation Area follows from the above. The settings are part of the overall rural landscape and would be compromised by this very visible element of industrial character.

Other impacts

9.27 There is concern about the loss of woodland that would occur and the ecological impact of the development. The estimated period for the maturing of new habitats is very considerable. The applicants' ecological evidence indicates a 40 year medium term, and 80 years long term, requirement for woodland growth. In addition there is doubt as to the protection which could be given to the retained woodland on the edge of the excavation, given the depth and sheer sides of the proposed excavation.

9.28 The traffic/highway impact is put forward as being the same for the eRCF as the RCF, namely 202 HGVs in and 202 out, all via A120 existing access. A condition is proposed to ensure this. Both this safeguard and the HGV routeing scheme in the S106 agreement are essential.

9.29 The effect of artificial light at night is also of concern. Light pollution must be minimized, given the existing character of this area. There is a doubt as to how shift changes and other movement during the hours of darkness could take place without light escape.

9.30 The local community is worried about the impact of emissions and the potential risk to health. It is accepted that given the policy position in PPS 10 these matters would have to be further addressed by the EA in the consideration of the EP.

Matters raised by the Secretary of State and the Inspector

9.31 The above factors give rise to the following conclusions:

- The eRCF proposal is not in accord with the WLP 2001, because of its scale and the fact that it is much greater in extent than the Policy WM1 allocation. There is also conflict with the provisions of the EEP 2008, Section 8, and Policy ENV2 because

of the harm which would be caused by the visual intrusion of the chimney stack in the landscape. As a result of its height, this essential element of the eRCF would have an impact which could not be successfully mitigated.

- The incorporation of the chimney and its adverse impact on the landscape is in conflict with the aim of PPS 1, para.34 – it would be inappropriate in its context and harmful to the character and quality of the area.
- Similarly, the proposal is in conflict with Key Principles (iv) and (vi) of PPS 7 because of the harm that would be caused to the character of the countryside by the scale of the chimney.
- Visual intrusion is one of the locational factors in Annex E of PPS 10 – considerations include the setting of the proposed location.
- The setting of listed buildings in the vicinity of the site would be harmed by the visual intrusion of the chimney. The same harm would be caused to the setting of the Silver End Conservation Area on its eastern side. PPS 10, Annex E(e), PPG 15, and the LB&CA Act 1990 s.66 require that these factors are taken into account.
- The intrusive effect of the chimney would be readily perceived by users of the local footpath network. The degree of access to the countryside in this area afforded by the public rights of way is a significant factor in weighing the impact.

SECTION 10 - THE CASES FOR OTHER PARTIES AND INDIVIDUALS

1. Saffron Walden Friends of the Earth (SWFOE)

10.1 The case for SWFOE can be found at Documents OP/1 and OP/2.

10.2 The RCF proposal did not meet all the requirements of Defra's Waste Strategy for England (WSE) 2007, but the proposal was flexible and could have been modified. It was proportionate to the needs of Essex and provided an opportunity to deal with some C&I waste. WSE 2007 stipulates the need for flexibility. Waste disposal technology has changed and will change in the future. The achievement of recycling targets will change the amount and constitution of residual waste.

10.3 In contrast to the RCF, the proposed eRCF is excessive. It would provide facilities for the treatment of 850,000 tpa of waste, which is over 300,000 tonnes more than the total household waste arisings in Essex in 2007/8 (JMWMS Document CD/8/2). The proposal includes an incinerator.

10.4 Incinerators have to work within a tight schedule of feedstuff loads for safety and efficiency reasons. Changes in the MBT processes at Basildon or Rivenhall could result in lower tonnages of SRF than anticipated. There could also be pressure to retain plastic in the SRF to maintain bulk and calorific value. This would increase the fossil derived fuel carbon dioxide, with implications for carbon emission balances. The pressures for a regular supply of feedstock for the incinerator would have an impact on decisions taken with regard to the MBT processes. It is likely to encourage the production of more SRF at the eRCF, which could only be achieved by reducing

the amount of recycling and composting that would otherwise be achieved. As incinerators normally have a 25 year life span and require a constant supply of fuel, the whole system would be very inflexible. This is contrary to the flexibility required by WSE 2007.

10.5 The fundamental difference between the two schemes is the introduction of the paper pulping plant (MDIP) for the treatment of 360,000tpa of paper. Such plants are high users of electricity and heat. The MDIP operation would be an industrial process and could not be regarded as a recycling operation. As such it would be in contravention of the Braintree District Local Plan Review. Such a proposal should be subject to a separate application and EIA, which would consider the appropriateness of the choice of site for such a development, especially in relation to transport. It is likely that the waste paper would be sourced from many areas in the UK. Moreover, the A120 is already congested at Marks Tey. The manipulation of lorry loads to produce the same number of HGV movements for the eRCF as predicted for the RCF could prejudice the success of the MDIP. The complications of lorry journeys could make it more difficult for the facility to compete in the market.

10.6 The production requirements of the MDIP dictate the nature and size of the waste disposal facilities rather than the aims of the Essex Waste Strategy. Policy WM3 of the RSS requires local authorities to reduce the amount of imported waste. Imported waste should only be allowed if new specialist waste facilities requiring a wide catchment area would bring a clear benefit to the Region. As only 10% of paper waste is likely to be high grade, the provision of a specialist recycling facility is unlikely to provide a significant benefit to either Essex or the Region. Out of an intended intake of 360,000tpa high grade paper, only 29,000tpa would be from local waste supplies.

10.7 The MDIP would require water over and above that obtained from recycling and rainwater collection. Water abstraction could have an impact on the River Blackwater. A water study should have been undertaken to assess the impact of water requirements.

10.8 An incinerator or a CHP produces more CO₂ per tonne of waste than an AD. Notwithstanding this, the situation is complicated by the recommendation of the International Committee on Climate Change that biogenic CO₂ should not be taken into account as it has already been sequestered in the growing plant and the overall balance is neutral. This convention has been utilised in the WRATE assessment process. However, this is incorrect as biogenic CO₂ should be included in carbon emission calculations for a number of reasons; the most obvious being that it is still CO₂ contributing to climate change whereas sequestered carbon remains truly neutral. The WRATE model therefore dramatically underestimates greenhouse gas production. In the context of the waste hierarchy, the production of biogenic CO₂ is regarded as recovery and the energy created is part of the recycled energy target, which also qualifies as saving of the CO₂ created by the average national power station in producing the same amount of electricity. The CO₂ savings from surplus energy supplied to the national grid would depend upon the content of the SRF to be burnt. Predictions can only be approximate and the savings would probably be near to neutral, whereas with AD all electricity /heat generated would be recovery.

10.9 Under the 2006 Waste Framework Directive (WFD), which is currently applicable, and relevant case law, incineration is correctly classified as disposal rather than recovery, unless it can satisfy a number of tests. The combustion of the waste must fulfil a useful function as a means of generating energy and such combustion must replace a source of primary energy, which would otherwise have been used to fulfil that function. This is not the case in the eRCF proposal. Energy production would be a by-product of waste disposal.

10.10 The 2008 WFD will reclassify certain forms of incineration as recovery, rather than disposal, subject to the organic content of the waste and the efficiency of the incinerator (Extract from Consultation Document is included in Inquiry Document OP/2). The R1 test relates only to incineration facilities dedicated to the processing of MSW. It is doubtful whether the eRCF would meet these standards and the scheme would therefore be at the bottom of the waste hierarchy. Even if the incineration element of the eRCF could be classified as recovery, it would reduce the level of recycling and therefore run counter to the objectives of the waste hierarchy. Research by the FOE shows that, in general, incineration and recycling are competitive rather than complementary – they compete for the same waste streams. The incineration element would therefore reduce pressure for recycling, yet in Essex there is a huge disparity between the best and worst performing districts in terms of recycling.

10.11 Defra's WSE 2007 encourages energy from waste (EfW) as part of its energy balance, and advocates anaerobic digestion (AD) for this purpose. Nowhere is incineration specifically encouraged in WSE 2007. The eRCF would reduce the level of AD that would otherwise be undertaken, by introducing incineration.

10.12 The proposal runs directly counter to the County's JMWMS. Incineration is not envisaged in the JMWMS, whereas AD is repeatedly advocated as ECC's preferred option. Incineration could be harmful to public health. The recent Health Protection Agency report on 'The Impact on Health of Emissions to Air from Municipal Waste Incinerators' admits that 'although no absolute assurance of a zero effect on public health can be provided the additional burden on the health of the local population is likely to be very small'. The most difficult problem to assess is that of deposition of long lasting dioxins and furans into soil and onto crops and grass and thence into the food chain. In the early 1990s inadequately monitored mass burn incinerators created a serious problem by contaminating fish, milk, chicken and eggs, leading to a situation in some areas where babies were absorbing more than the safe level from mothers' milk. These incinerators have now been closed. Future levels depend entirely on operators maintaining good practices and carrying out regular monitoring, together with regular testing of background levels in the food chain by the public agencies responsible.

10.13 Dioxins cannot easily be continuously monitored. Escapes could occur between monitoring sessions. In relation to air quality, some continuous background modelling would provide a baseline. NO_x assessments should have been included in the air quality assessment as it can have effects on vegetation and could therefore be an issue with County Wildlife Sites and agricultural land being at risk. No predictions have been provided for PM_{2.5}. A limit value of 25µgms/m³ for PM_{2.5} is likely to be introduced into the EU Air Quality Directive before 2015. Traffic emissions should also have been added to the predictions. Air standards legislation should have been the definitive requirement, rather than DMRB guidance.

10.14 The predicted levels of arsenic cannot be ignored and the matter cannot be left to a planning condition limiting emission levels to below the EAL. The modelling undertaken by the applicants may have been conservative, but arsenic is a carcinogen and so could be regarded as having no safe threshold limit.

10.15 When other satisfactory and safe methods of disposal are available, such as AD, then it is wrong to choose any alternative methods that pose serious health risks unless rigorously controlled. It is also noteworthy that SRFs can contain plastics and incineration of such material cannot be considered a recovery.

2. Colchester and North East Essex Friends of the Earth (CNEEFOE)

10.16 The case for CNEEFOE can be found at Documents OP/6.

10.17 There is a long history of opposition to incineration in Essex. There is no need for such major facilities at Rivenhall. An incinerator for SRF would destroy valuable materials, increase pollution, and emit gases that would contribute to climate change. High recycling rates together with local composting would be less costly than a strategy of large centralised facilities involving incineration and long term contracts. Moreover, there is ample landfill capacity in the County.

10.18 Recycling is better than incineration and landfilling from a climate change point of view. Burning SRF is particularly polluting. A number of incinerator projects have proved to be costly disasters.

10.19 The site and access routes are not suitable to accommodate such a large industrial plant with the associated hundreds of additional HGV movements that it would generate. The proposed eRCF on the site would be harmful to wildlife, the rural landscape and the historic heritage of the area.

10.20 The paper pulping plant would be better sited adjacent to a plant making recycled paper, or at least near the coast or adjacent to a rail line where alternative means of transport could be employed.

10.21 AD plants should be sited near sources of food and agricultural waste. They should be local facilities rather than centralised plants. It would be far more efficient to use the biogas from an AD plant to heat homes, rather than to produce electricity.

10.22 Recyclables should be collected separately and sorted at the kerbside for local baling, rather than waste being mixed and having to be sent to an MRF. Materials become contaminated and degraded when mixed, and a centralised MRF would use far more energy than a system where separated waste is collected at the kerbside. Clean separately collected recyclables command higher prices than materials recovered by means of an MRF.

10.23 The proposal would inhibit the rapidly increasing recycling and composting rates that are taking place in Essex. Colchester has the highest usage of home compost bins in the UK. The amount of municipal waste collected by Councils in England has been decreasing over the last few years.

10.24 There is a need for flexibility in dealing with waste over the next decade. No long term contracts should be entered into. As indicated in Document OP/6 Appendix 7, such contracts would limit the ability to increase recycling and prevent new technologies being adopted.

10.25 The appeal proposal would shred and burn a valuable resource, thereby causing environmental damage and restricting opportunities to reduce the production of gases which contribute to climate change.

3. Mr Stewart Davis – Kelvedon Resident

10.26 Mr Davis' submission can be found at Document OP/3. He points out that the A120/A12 route is already congested, and even if HGVs visiting the site were scheduled to avoid peak times, the periods of congestion during the day would be expanded.

10.27 Congestion would motivate drivers to seek other routes, which are unsuitable for HGV traffic. It would be impractical to enforce a contracted route, as this would require monitoring all vehicle trips.

10.28 The high quality pulp produced at the MDIP would have to be delivered in an uncontaminated state to paper mills. This would require the use of clean vehicles. Waste delivery vehicles may not be suitable, thereby resulting in more journeys than currently predicted by the applicants.

10.29 The need for the MDIP is questionable. A number of paper mills in the UK have closed recently because of over capacity in the market. Paper consumption is going down. The de-inking and remaking of paper uses more energy than making paper from new pulp obtained from sustainable forests.

10.30 The applicants have referred to obtaining waste from outside Essex. Where would it stop? Waste could be imported from anywhere with the result that roads would become more and more congested.

4. Mrs Eleanor Davis – Kelvedon Resident

10.31 Mrs Davis' submission can be found at Document OP/4. She considers that the road network is inadequate to serve the development. Roads in the area are busy and frequently congested. Either the road network should be improved, or preferably waste should be delivered to such a site by rail.

10.32 There is no overriding need for an incinerator. Any need would decline over the next few years as efforts to reduce our carbon footprint result in reduced waste arisings and increased recycling.

10.33 The eRCF would be a blot on the landscape and would create undesirable emissions. The incinerator would attract waste from a wide area.

5. Mr Robert Gordon – Silver End Resident

10.34 Mr Gordon lives in Silver End, 1km from the site of the proposed eRCF. He is concerned that noise and odour generated by the development would have a harmful

effect on the local population and on wildlife. The site is unique. It is a plateau inhabited by hares, skylarks and many other species. All would be at risk. A screening hedge would be of little use.

10.35 The impact of 400 HGV movements per day would be severe. Local roads would be affected, as the routing proposals would be subject to abuse.

10.36 The owner of the land has not recognised the significance of the site as an airfield used by the USAF and RAF.

6. Mrs Kate Ashton – Rivenhall Resident

10.37 Mrs Ashton's evidence, and appendices, can be found at Document OP/5.

10.38 The roads between Kelvedon, Rivenhall and Silver End are not suitable to accommodate an increase in HGV traffic. They are winding and narrow. In places they are not wide enough to allow HGVs to pass one another. HGVs using the local road network would harm the character of the countryside and be extremely detrimental to highway safety. There can be no guarantee that all HGVs associated with the proposed development would follow the defined access route.

10.39 In addition, there is potential for further mineral development in the area. If this and the eRCF development were to take place, an industrial landscape would be created and the character of the countryside would be destroyed. Such a combination of development would result in more than 1000 additional HGV movements on the A120. This would cause such serious congestion that lorries would be forced to use the local road network.

10.40 It was originally proposed that a waste treatment plant at Rivenhall Airfield would deal with local waste. However, the proposal has grown to an extent that it would be a major industrial development that would deal with waste from as far afield as the East Midlands. The complex would so large that it would ruin the rural character of the area. The proposed chimney stack would be seen for miles.

10.41 There can be no guarantee that emissions would not cause harm to human health or wildlife. The development has the potential to produce odours and bio-aerosols. Mrs Ashton's husband and son both suffer from asthma, and this would undoubtedly be exacerbated by any emissions.

10.42 Waste recycling figures in Braintree District Council are well ahead of targets. Waste management in the future should be undertaken within each district, and not on a vast centralised basis which increases the need for transport and environmental impacts.

6. Mr Brian Saville

10.43 Mr Saville lives at Herons Farm, which overlooks the application site. His family have lived there for generations. He regularly uses Church Road and is concerned about road safety at the access road junctions with Church Road and Ash Lane. On three occasions last year, vehicles came out of the Quarry access road immediately in front of his car, whilst he was travelling along Church Road. The access road is used as a 'rat run' when congestion occurs on the A120. There have

been two major accidents in the past, one at the Church Road junction and the other at the Ash Lane junction.

10.44 At present the access road carries about 200 to 300 vehicles per day. Adding a further 400 HGV movements would result in extremely dangerous conditions for road users. Many HGVs slow down, but do not stop at the junction. The proposal to trim existing hedges and replace signs would have little impact on road safety.

7. Ms Felicity Mawson - Witham Resident

10.45 Ms Mawson's statement can be found at Document OP/7. She is concerned that the future generation would have to suffer the 'blot on the landscape' that would be created by the development of the eRCF. The countryside would be despoiled.

10.46 HGVs would be likely to use the local road network, as the A12 road is already busy and congested. This would cause additional noise, vibration and reduced air quality from exhaust fumes. Local people's health and quality of life would be compromised.

10.47 Ms Mawson is also concerned about the consequences of potential accidents and the release of pollutants at the plant. Such a large plant would concentrate the various risks in one place.

SECTION 11 - WRITTEN REPRESENTATIONS

11.1 The application has been subject to three consultation periods; the first following the submission of the original application and ES, the second following the submission of the Regulation 19 additional information, and the third following the submission of the addendum to the ES. The responses to the first two consultation periods are summarised in the report to the ECC Development and Regulation Committee (Section 6 of Document CD/2/12A). Amongst other things these indicate that the East of England Development Agency broadly supports the application; the Highways Agency was satisfied that the proposal would not have an adverse effect on the A120 Trunk road, and the Environment Agency (EA) indicated that it had no objection subject to a number of comments. The EA pointed out that various mitigation measures should be undertaken and that an Environmental Permit would have to be obtained which would require the applicants to demonstrate that a high level of protection of the environment would be achieved. The Primary Care trust also had no objection, subject to certain mitigation measures being implemented in relation to air quality and road safety.

11.2 The Highway Authority did not object to the proposals subject to a number of highway improvements being secured by means of condition or legal agreement. Natural England (NE) also had no objection, provided proposed mitigation measures are undertaken. NE considered that the proposed ecological management plan would have a long term positive impact on ecological assets. However, Essex Wildlife Trust objected to the proposals on a number of grounds, including the proposed loss of 50m of species rich hedgerow, the loss of 1.6ha of woodland and resulting disturbance to the remaining area, and the loss of 19.1ha of open habitats. The Ramblers' Association also objected to the scheme pointing out that the airfield is on an elevated site which provides commanding views in all directions. The Association considers that the site has many of the characteristics of a greenfield site. It argues

that noise, dust, and traffic would be a nuisance for nearby residents and users of the local rights of way network. Written objections were also made by Braintree DC, a number of Parish Councils and the CPRE Essex. The objections from these bodies were expanded upon and explained by witnesses at the inquiry and are set out in preceding sections of this report.

11.3 In addition to the consultation responses, ECC received representations from 820 individuals and organisations, the vast majority objecting to the proposals. These can be found at Document 3. A summary of the representations is set out in Appendix F of Document CD/2/12/A. Amongst other things, objectors submit that there is no overriding need for the development and that such development is contrary to prevailing planning policy, in terms of national guidance and the development plan. Moreover, it is argued that the site and proposed development are far larger than that set out in the WLP and are excessive in terms of the needs of North Essex. The proposal is in breach of the proximity principle and would result in inappropriate industrial development in the countryside. There is concern that waste would be imported from outside Essex. Objectors argue that such development should be located near the coast, away from human habitation, and close to infrastructure that would provide appropriate access.

11.4 It is also argued that development would blight the countryside. The scheme would be readily visible in the landscape and the proposed chimney stack would be very prominent and visible for miles. The proposed height of the stack is uncertain. The photomontages presented by the applicants are inaccurate. Moreover, they show trees in leaf and therefore suggest greater screening than would be available in winter. The long term viability of the remaining trees is in doubt because of the reduction in water that would be available. New planting would not be effective as a screen for 10 to 15 years. There would be a loss of good quality agricultural land.

11.5 There is also concern that the development would result in a loss of habitats, grassland and woodland. It would be detrimental to protected species. The proposal would be harmful to the Upper Blackwater Special Landscape Area (SLA) as the access road passes through the SLA.

11.6 Objectors submit that the development would discourage recycling. It is argued that waste management should be undertaken at a District level and that facilities such as the CHP cannot run economically without a guaranteed supply of combustible material.

11.7 In relation to traffic generation, it is submitted that the number of vehicles anticipated by the applicants is not realistic and the road network would not be able to cope with the increased traffic. The A12 and A120 are already congested at peak periods and when accidents occur. At such times, HGVs associated with the site would use the local road network. There has been no attempt to make use of other forms of transport. Moreover, the additional traffic would contravene Government guidelines on CO₂ emissions and carbon footprints.

11.8 Objectors consider that the proposals would cause problems of light pollution, litter, odour, dust, noise and disturbance, and would encourage vermin. This would be harmful to the living conditions of local residents.

11.9 There is also concern about the impact of emissions from the eRCF on human health, wildlife and the growing of crops. The proposal could result in contamination of ground and surface water. Moreover, there is a risk of accidents which could pose a hazard.

11.10 There would be a detrimental impact on listed buildings in the area. The setting of Woodhouse Farm would be affected by the proposed nearby chimney and the car park.

11.11 In addition to the representations submitted to ECC, consultation responses were sent the Planning Inspectorate on the Addendum to the ES. Moreover, more than 80 further written representations were submitted which can be found at Documents CD/15/1 to 7. Again, the vast majority of these representations are objections to the proposal. The representations reflect many of the arguments set out in the representations sent to ECC and point out that only one letter of support for the proposal was submitted. It is argued that the proposals are in conflict with national, regional and local planning policies and do not represent the Best Practical Environmental Option. The proposal is for a large scale industrial development in the countryside. It would be poorly located and harmful to the quiet rural character of the area and to wildlife and protected species. It would be inadequately screened and readily visible in the landscape.

11.12 The chimney stack would be a prominent and intrusive feature, which could not be disguised or blended into the colour of the sky. Moreover, there is no certainty that a 35m high chimney would be adequate. The planning application and Environmental Permit application should have been progressed together. Government guidance encourages certainty in the planning system and suggests that applicants should work with pollution control authorities. If it were eventually decided by the EA that a 40m or even 45m high stack was necessary, a further planning application would be required.

11.13 Objectors submit that the eRCF would cause light pollution in an area that is light sensitive. Furthermore it would create noise and disturbance, dust and odour, and attract vermin and seagulls. It would be harmful to the living conditions of local residents. It would result in the loss of Grade 3a agricultural land. Moreover, the development conflicts with the proximity principle and is entirely reliant on road transport. The anticipated HGV traffic figures are unreliable. The additional HGV traffic would exacerbate congestion and create safety problems, particularly on local roads and at the junctions of the access road with Church Road and Ash Lane. Congestion on the A120 is already a problem. On many days traffic travelling in an easterly direction is almost stationary from Marks Tey to past Coggeshall, and in a westerly direction from the Quarry access road to Braintree roundabout.

11.14 Again, it is argued that the proposal would create a risk to human health and the environment, and that the potential for the development to emit harmful gases and contaminate ground water has not been adequately assessed. The emissions of arsenic and lead would be close to legal limits. Lead levels could rise to more than 5 times the background levels. Furthermore, there has been a failure to predict or monitor NO_x changes, which can have a significant impact on vegetation. In addition, there is uncertainty over the wind direction data used by the applicants. The need for the development has not been justified and the development would discourage recycling. There is a need for flexibility in waste management in future

years. The eRCF proposal does not permit such flexibility. Moreover, it would result in waste being imported into Essex.

11.15 It is also submitted that the development would harm the setting of many listed buildings and the conservation area at Silver End. There is concern that the proposal would be detrimental to the historic value of the airfield.

11.16 Brooks Newmark MP, the local Member of Parliament, indicates that he is opposed to the construction of an incinerator at Rivenhall. He shares many of the concerns of local residents and considers that such development is neither in keeping with the needs of the local community nor the countryside.

11.17 Natural England (NE) confirms that it raised no objection to the application when initially consulted. It accepts the view expressed in the Addendum ES that the site comprises a range of habitats and that these suggest that the UK Biodiversity Action Plan Priority Habitat, Open Habitat Mosaics on Previously Developed Land is applicable. However, it appears to lack many of the key physical features commonly regarded as increasing biodiversity, and any areas of marginal or pioneer habitat are small and widely dispersed. NE agrees that ECC were justified in assigning only a limited level of significance to the site's Habitats Action Plan status under its PPS9 duties.

11.18 Jeremy Elden, Director of Glendale Power Ltd, indicates that the company has recently announced plans for a 30,000 tpa Anaerobic Digestion (AD) power station and associated CHP system in Halstead, some 8 miles (13 kms) from the application site (Document CD/15/5/B). The plant is intended to process segregated organic waste. An AD plant smaller than that proposed at Rivenhall has been chosen for a number of reasons. Firstly, it would meet a local need rather than a larger or regional need. Secondly, it would be linked to a district heating scheme. This is only economical for small generators, as the quantity of heat involved in larger generators would be too much to meet the requirements of users within a radius of about 500 metres, which is a feasible distance to carry heat by means of hot water. Thirdly, larger plants inevitably involve greater transport distances for materials which offsets any economies of scale.

11.19 Mr Elden points out that in Essex there two main sources of organic waste suitable for feedstock for an AD plant of the type contemplated by Glendale Power, namely municipal and C&I waste. The Essex Waste Partnership of local authorities together with Colchester BC anticipates a total of 88,000tpa of municipal demand. C&I quantities are harder to assess. One estimate based on population and total UK volumes, suggests a C&I feedstock availability in Essex of around 105,000 tpa. An alternative estimate based on the 2008 Regional Biowastes Study produced by Eunomia for the East of England Regional Assembly gives an estimate of 84,000 tpa C&I feedstocks within the county. Total feedstocks in the County are therefore around 170,000tpa of which about 30-40,000tpa are currently treated. Based on a transport cost versus plant size analysis, Glendale Power considers that the most economic size of AD plant has a capacity in the range of 30-45,000 tpa. In view of Glendale Power's proposal, the applicants are incorrect to suggest few, if any alternative waste processing facilities are likely to be developed in Essex apart from one or more major facilities at Basildon, Rivenhall or Stanway.

11.20 In a letter dated 13 October 2009 (CD/15/7), the Environment Agency (EA) comments on the Addendum to the ES, pointing out that it is concerned that “the proposed stack height of 35m may not provide the best level of protection for the local environment, in particular for short term means of SO₂ and NO₂ and long term means for several of the trace elements which have very low Environmental Assessment Levels (EALs)”. The EA draws attention to a number of EfW plants for which it has recently granted permits and which have stack heights considerably higher than that proposed for the application site, together with significantly smaller annual throughputs. The Agency provides further comments on the Addendum, notably pointing out that it is not acceptable for the applicants to simply state that EALs are predicted not to be breached. Best Available Technique (BAT) requires minimisation of any impact.

11.21 However, in a subsequent letter (Document CD/16/1) the EA seeks to highlight that it is not objecting to the eRCF, but wishes to make clear that a future environmental permit may contradict the requirements of a planning permission. If the stack height was restricted to 35 metres by a planning permission, there may be options other than an increased height of stack available to the applicants to ensure that the best level of protection is afforded to the local environment, such as more stringent emission limits, should this prove necessary. However, until a detailed assessment is conducted during the determination of a permit application, there can be no guarantee that the stack height proposed would represent the Best Available Techniques (BAT) to minimise the impact of the installation on the environment. The EA points out that the detailed comments made in the appendix of the letter dated 13 October 2009 were intended to identify specific areas where further work would be required to adequately demonstrate that BAT was being used to minimise the environmental impact.

11.22 Although reference was made in the letter dated 13 October to two other EfW plants with taller stacks, the EA points out that each case must be taken on its own merits and the necessary stack height would depend on site and installation specific characteristics. It cannot be inferred that a shorter stack would not be acceptable. However, limiting the stack height would reduce the options available to the applicants to ensure that air quality is satisfactorily protected.

11.23 Feering Parish Council (PC) is concerned about the impact of emissions from the plant and subsequent air pollution. It is also concerned about the detrimental impact of additional traffic that would be generated on the local road network, particularly when the A12 or A120 were closed. The PC submits that there should be a rail link provided to the site. It is also suggested that if planning permission were granted, a S106 agreement should be drawn up to provide a flood lagoon at Bradwell to relieve flooding problems in Coggeshall, Kelvedon and Feering.

SECTION 12 - CONDITIONS AND OBLIGATIONS

12.1 Document ECC/8 sets out the final version of the conditions suggested by ECC. The first column gives the original set of conditions which ECC intended to impose following its resolution to grant planning permission for the eRCF on 24 April 2009. The central column sets out the latest set of suggested conditions after discussions

with the applicants, together with the reasons for those conditions. The third column sets out, where applicable, comments by the applicants and ECC.

12.2 Turning to the list of conditions, ECC and the applicants submit that the nature of the development justifies a 5 year period for commencement of the development, with 30 days notification of commencement. These are considered to be realistic limits by the main parties.

12.3 The maximum number of HGV movements permitted in relation to the eRCF would be the same as that allowed by the extant permission for the RCF. No assessment has been made of the impact of a larger number of additional movements. The LCG considers that the condition would be difficult to enforce other than after the event of a breach. The applicants are satisfied that the number of HGV movements permitted by Condition 3 would be sufficient to allow the IWMF to operate efficiently. The number of HGV movements permitted on Sunday and Bank Holidays is not identified but would be limited to operations permitted by conditions 34 and 36. These conditions relate to temporary changes approved in writing by the WPA and the clearance of waste from Household Recycling Centres which again would be largely under the control of the WPA.

12.4 Condition 5 requires a daily record of HGV movements in and out of the site. In order to provide information that would assist in the monitoring of the traffic routing provisions set out in the S106 agreement (see paragraphs 12.21-22 below), it is suggested that Condition 5 should include a requirement to log 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. The applicants query the necessity to record such movements as the condition is intended to help control vehicle movements.

12.5 The LCG would like to see a condition requiring the buildings at Woodhouse Farm to be brought into a good state of repair. The applicants could eventually claim that they have failed to achieve further planning consent and Listed Building Consent (LBC) for the Woodhouse Farm complex and no refurbishment would be undertaken. It is argued that to bring the building into a good state of repair would not necessarily require further planning permission and LBC. However, the applicants point out that the covenants of the S106 agreement require the developer to make application for beneficial re-use of the building and to use reasonable endeavours to reinstate and refurbish the farm complex. ECC points out that the works required to bring the buildings into a good state of repair are substantial and may well require LBC in any case.

12.6 Condition 16 requires provision of an artistic feature on or near the north elevation of the proposed IWMF. BDLPR Policy RLP94 indicates that the District Council will seek the promotion of public art or local crafts in the public realm and that major development will make provision for the commissioning of suitable and durable features. It is pointed out that the site could be seen from the public footpath network.

12.7 Condition 17 requires a management plan to be submitted to ensure that there is no visible plume from the stack. The applicants argue that this requirement overlaps with the environmental permitting regime. ECC submits that it is a planning

matter which the EA may not address. The LCG are concerned that the condition does not categorically state that there will be no plume.

12.8 In relation to Condition 21, the LCG points out that no parking areas have been shown on the plans for the parking of HGVs. In response, the applicants submit that there is no intention to provide any substantial parking for HGVs in the open air on the site.

12.9 The LCG considers that a condition should be imposed requiring electricity produced at the plant to go to the National Grid. However, the applicants point out that it is not entirely within their control that the electricity produced at the plant would be supplied to the National Grid.

12.10 In relation to Condition 28, ECC submits that SRF should only be sourced from elsewhere in the East of England for a period of one year from the date of agreement with the WPA. In contrast the applicants argue that the sourcing of such material should be permitted for a period of 5 years, as a period of only one year would lead to problems of uncertainty.

12.11 Turning to condition 30, ECC submits that the proposed condition allowing some paper waste from outside the region is reasonable because it takes account of the fact that the applicants may not initially be able to source 80% of the paper feed from within the region - it provides a mechanism for agreeing a larger proportion. The applicants argue that the MDIP would be a unique facility in the UK and that the condition is unreasonable. It would not be possible to immediately source 80% of the feedstock from within the region and the relaxation allowed under the condition would therefore be necessary at the outset. Moreover, Policy WM3 of the East of England Plan (Document CD/5/1) indicates allowance can be made for specialist processing or treatment facilities to deal with waste primarily from outside the region where there is a clear benefit. The principle of self sufficiency therefore does not apply in this respect. The applicants argue that a restriction limiting feedstock to within a radius by road of 150km, or to the 3 regions bounding the East of England would be more reasonable and practical. This would help to control the distance feedstocks were transported and thereby limit emissions resulting from the transport of waste. The modelling of the carbon benefits of the eRCF was predicated on an average travel distance of 100km per kg of waste.

12.12 However, ECC submits that even in the circumstances where an immediate relaxation is necessary, the suggested condition is reasonable, because the terms of the condition require ECC to authorise a greater proportion of imports. There are no circumstances where the condition would be unreasonable. At the same time, the condition ensures that the applicants have an incentive to seek feedstock from within the region, and that an initial inability to do so would not result in a total abandonment of the proximity and self sufficiency principle in the future. The figure of 20% is derived from the application. The regulation 19 information provided by the applicants stated that the Region could provide a significant proportion if not all of the paper feed stock for the MDIP [CD 2/10, p19-16]. This forms the basis of ECC's 20%/80% split.

12.13 The LCG are opposed to Condition 35 insofar as it would allow construction to take place for 12 hours on Sundays. ECC points out that a similar condition was applied to the RCF permission and the applicants argue that the PFI programme

expectations suggest that the plant would need to be constructed within 2 years which may well necessitate Sunday working.

12.14 There is some concern that Condition 38 does not specify where the noise measurements should be made. It is suggested that the wording in the last sentence of Condition 39 should be added to Condition 38.

12.15 Cllr Abbott for the LCG is concerned that Conditions 39 and 40 allow much higher noise levels than predicted by the applicants. The proposed (LAeq 1hour) limit is 42dB between 1900 and 2300 hours, and 40 dB between 2300 and 0700, whereas the application predicts levels of 30dB and as low as 22dB. Moreover, it is considered that Condition 42 is unreasonable in allowing an increase in noise up to 70dB (LAeq 1 hour) for up to 8 weeks per year. Condition 41 is considered to be inadequate.

12.16 The LCG considers that Condition 44 should specifically require lighting with zero tilt and that lights should not be sited above existing ground levels. In response ECC submits that the condition provides adequate control. It considers that specific controls imposed at this stage, before the lighting scheme is finally designed, could be counter-productive.

12.17 The applicants submit that Condition 52 should be deleted as it is a matter that would be dealt with when application is made for an Environmental Permit (EP). However, ECC points out that the EP would not control the excavation and construction of the plant and the condition is not unduly restrictive.

12.18 The LCG would like to see a complete prohibition of the works set out in Condition 55 during the bird nesting season. The applicants point out that this would be unreasonable if no bird nesting were taking place at the location in question.

12.19 Amongst other things, Condition 56 controls the height of the proposed stack. The applicants consider that it is unlikely that the EA would require a stack taller than 85m AOD (35 m above existing ground level) as part of the EP process. Nevertheless, the visual impact of a stack up to 90m AOD in height has been assessed and shown in at least one montage submitted by the applicants. The applicants seek the SoS's view on this matter. A Section 73 application would have to be made if a taller stack were to be required, but the views of the SoS would obviously be helpful if they were known in advance.

12.20 Condition 60 relates to the management and watering of trees adjacent to the proposed retaining wall for the period of excavation and construction of the IWMF. The LCG submits that these measures should continue during the operational phase. However, ECC argues that the trees rely on surface water rather than ground water in the substrata and therefore there would be no need to continue watering after construction is complete.

12.21 A conformed and a certified copy of the completed S106 agreement can be found at Document CD/14/5. The S106 agreement includes a covenant whereby the developer would not implement the planning permission until the highway works set out in Schedule 1 were completed. The works include improvements to the access road crossings at Church Road and Ash Lane and at locations where public rights of way cross the access road. These works are necessary in the interests of the safety

of users of the local highway and rights of way network. Some parts of the proposed highway works would be dedicated where they would form part of the public highway network. A section of the existing access road would also be widened.

12.22 The document also makes provision for a traffic routing management scheme in a form to be agreed with the County Council. Plan No 2 of the document shows the routes intended for HGVs and Schedule 6 sets out details of the scheme.

12.23 The third schedule relates to the setting up of a Site Liaison Committee. This would provide a forum between the operator, the local authorities and the local population to discuss the ongoing operations of the development and to assess compliance with various aspects of the control of the development. It would provide an opportunity for the results of air quality monitoring required by the EA, and ground water monitoring results to be presented to representatives of the local community. The LCG would like to see ambient air quality monitoring being undertaken at specified receptor locations. However, the applicants point out that this would be subject to so many variables that the data would be of limited value and it would be preferable and more meaningful to monitor emissions from the stack as is likely to be required by the EA.

12.24 The document also makes provision for the refurbishment of the Woodhouse Farm complex, providing amongst other things an education centre for the public, and an area to be set aside for local heritage, and an airfield museum.

12.25 The fourth schedule relates to a management plan to ensure that all retained and proposed vegetation is managed in a manner that would mitigate the visual impact of the development and improve and enhance the ecological value of the area. The management plan would cover a period of 20 years from the commencement of beneficial use of the facility. The document also provides for the planting of trees and shrubs for woodland and hedgerow areas, and seeding for areas of open habitat.

12.26 Clause 3.15 of the document seeks to ensure that the development is implemented and that the permission is not used merely to extract minerals from the site.

12.27 The document also makes provision for a level two and, where appropriate, a level three survey, in accordance with the 2006 English Heritage guidance entitled 'Understanding Historic Buildings: A guide to good recording practice', for all buildings and structures within a defined area set out in the document. It also provides for funding a presentation of the findings.

12.28 Provision is made for a groundwater monitoring scheme to be undertaken and if necessary for mitigation measures to be taken. The monitoring would continue until such time as it could be demonstrated that the development would not cause material adverse effects on ground water levels.

12.29 The agreement also links the Paper Recycling Facility (MDIP) to the CHP plant, except for periods of maintenance, thereby ensuring that the MDIP is an integral part of the overall plant.

12.30 The eighth schedule makes provision for the setting up of a Community Trust Fund to fund local community projects, and requires the developer to pay to the Trust Fund 5 pence per tonne of waste imported to the site.

SECTION 13 - INSPECTOR'S CONCLUSIONS

Note: Source references to earlier paragraphs of this report are shown in brackets thus [].

13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the application should be determined in accordance with the development plan unless material considerations indicate otherwise. Bearing in mind the matters on which the Secretary of State (SoS) wishes to be informed, the evidence submitted at the inquiry, the written submissions and my inspections of the site and its surroundings, I consider that the main considerations in this case are as follows:

- i. the relationship of the proposed development to prevailing planning policy;
- ii. whether the design of the proposal is of high quality and would result in a sustainable form of development;
- iii. the visual impact of the proposal and its effect on the character of the surrounding area and the wider countryside, bearing in mind the guidance in Planning Policy Statement (PPS) 7;
- iv. the extent to which the proposal is consistent with advice in PPS10 to provide adequate waste management facilities for the re-use, recovery and disposal of waste and to ensure that decisions take account of the waste hierarchy, the proximity principle and regional self-sufficiency;
- v. whether there is a need for a facility of the proposed size;
- vi. whether the overall scheme, including the de-inking and paper pulping facility, represents a viable proposal;
- vii. the weight to be given to the fallback position of the RCF permission granted in 2007;
- viii. whether there is a need for the scheme to provide flexibility to accommodate future changes in waste arisings and the way in which waste is dealt with, and if so, whether the scheme takes account of such need;
- ix. the effect of the scheme on the living conditions of local residents with particular regard to noise and disturbance, air quality, odour, dust, litter, outlook, and light pollution;
- x. whether the development would create a material risk to human health;
- xi. the effect of the proposal on highway safety and the free flow of traffic on the highway network;
- xii. the effect of the proposal on the local right of way network;
- xiii. the implications for the local ground and surface water regimes;
- xiv. the implications of the associated loss of Grade 3a agricultural land;
- xv. the effect of the proposal on habitats, wildlife and protected species;
- xvi. the impacts on the setting of listed buildings in the locality and the setting of the Silver End Conservation Area, and the desirability of preserving the listed

buildings or their settings or any features of special architectural or historic interest which they possess; and,

xvii. the effect on the historic value of the airfield.

i. Prevailing Planning Policy

13.2 When considering the extent to which the scheme is in accord with the development plan, the applicants submit that only the Regional Spatial Strategy (RSS) (which I shall refer to as the East of England Plan (EEP)) is up to date. I agree that it is the most up to date of the documents which make up the development plan, but the saved policies of the Essex and Southend-on-Sea Replacement Structure Plan 1996-2011 (ESRSP), the Essex and Southend Waste Local Plan (WLP) and the Braintree District Local Plan Review (BDLPR) are also of relevance in this case. Some policies in the WLP require consideration of the Best Practical Environmental Option (BPEO), whereas the Companion Guide to PPS10 indicates that there is no policy expectation for the application of BPEO, and that requirements that are inconsistent with PPS10 should not be placed on applicants. Nevertheless, it seems to me that the WLP is still broadly consistent with the subsequent PPS10. [3.4, 6.54, 8.53]

13.3 Many objectors argue that the proposal does not accord with the development plan. ECC, however, points out that although the proposal does not comply with some policy, a whole raft of development plan and national policy guidance is supportive of the eRCF scheme. ECC considers the proposal is a departure from the development plan primarily for two reasons, although they argue that these are not significant departures. Firstly, the site extends beyond the boundaries of the site allocated for waste management in WLP Policy W8A and Schedule WM1. Nevertheless, the principle of developing a waste management facility at this location accessed off the A120 is supported by the development plan. Moreover, the allocation does not incorporate land for access and does not include Woodhouse Farm. The former is a necessary part of any proposal and the latter is an element of the scheme which is clearly beneficial in this case. It must also be borne in mind that the RCF permission establishes the principle of waste management facilities extending beyond the allocated site. For these reasons, I agree with ECC that the weight to be given to this departure is limited. [3.4, 7.1, 7.5-7.7, 8.53, 11.3]

13.4 The second reason is that the Market De-inked Paper Pulp facility (MDIP) is considered to be an industrial activity. Siting such development in the countryside would be contrary to BDLPR Policies RLP27 & RLP78. Policy RLP27 seeks to ensure that development for employment is concentrated on suitable sites in towns and villages. However, it seems to me that the MDIP is an integrated part of the eRCF designed to recover high quality pulp from waste. EU waste legislation and policy indicates that waste remains waste until it is recovered. The processing of waste paper through the MDIP would be a waste management process. I have no hesitation in concluding that the MDIP would be a waste management facility. The BDLPR does not regulate waste development. Notwithstanding this, the focus of Policy RLP27 is on the strategic location of employment and traffic generators. The RCF which has already been permitted is also a generator of employment and traffic and there is little difference between it and the eRCF in this respect. [3.5, 6.64, 7.9, 8.55]

13.5 Policy RLP78 seeks to restrict new development in the countryside. However, a large part of the area where the integrated waste management facility

(IWMF) buildings are proposed is allocated for waste management facilities and again the permitted development of the RCF establishes the principle of large scale waste management development at this site. For these reasons, I give only limited weight to the claimed conflict with BDLPR Policies RLP27 & RLP78 on these matters.

13.6 Need is a matter to be addressed under the development plan. Amongst other things WLP Policy W8A seeks to ensure that there is a need for the facility to manage waste arising in Essex and Southend. The consideration of need also arises in the guidance of PPS10. I assess the need for the eRCF below and conclude that there is a need for waste treatment facilities having a capacity at least that of the proposed eRCF in order to achieve the national waste objectives set out in PPS10 and Policy MW1 of the EEP, and to achieve the recycling targets for Essex and the East of England, set out in Policy MW2 of the EEP. [6.55, 7.11, 7.12]

13.7 The LCG submits that the proposal does not comply with EEP Policy WM1, pointing out that the policy requires the environmental impact of waste management to be minimised, including impacts arising from the movement of waste. I have considered these issues under a number of headings below, and although the development would have a number of detrimental impacts, including an impact on the character and appearance of the area; increased HGV movements on the A120; a detrimental impact on the living conditions of local residents; and loss of Grade 3a agricultural land; I am not convinced that the impacts are so great that they make the proposal unacceptable. In my opinion, the scheme has been designed to minimise the impact of waste management and does not therefore conflict with EEP Policy WM1. [8.56]

13.8 I am satisfied that the proposed MDIP is consistent with EEP Policy WM3. It would enable the recovery of locally arising wastes together with higher grade waste paper attracted from outside the region because of the absence of similar facilities in the UK. [6.56]

13.9 Objectors point to the congestion which presently occurs on the A120 and submit that, by adding further HGV traffic to the A120, the proposal would conflict with EEP Policy T6 which, amongst other things, seeks to improve journey reliability on the regional road network as a result of tackling congestion. However, paragraph 7.18 of the EEP makes it clear that the regional road network should be the lowest level road network carrying significant volumes of HGVs. Policy T6 relates to the improvement, management and maintenance of the strategic and regional road networks, and thereby aims to ensure that they are fit for purpose. Traffic generated by the proposal would access the site directly via the A120 Trunk road and would therefore be directed immediately to the appropriate road network level. In this respect the proposal does not conflict with EEP Policy T6. [6.75, 8.34]

13.10 For all the above reasons, I consider that the proposal is broadly consistent with the policies of the development plan, although it does not comply with all policies. For example, the loss of Grade 3a agricultural land would be in conflict with BDLPR Policy RLP 88, and the visual impact of the chimney would have some detrimental impact on the landscape character and thereby conflict with the objectives of RLP 78 and EEP Policy ENV2. However, in relation to the requirements of EEP Policy ENV2, it is arguable that appropriate mitigation measures would be provided to meet the unavoidable damage to the landscape character that would be caused by the proposed chimney stack. [6.85, 8.55, 9.31]

13.11 I have considered the proposal in the light of national guidance. Whilst there is some conflict with the guidance, again for example, the loss of agricultural land and the impact of the proposed stack on the landscape character, I am nevertheless satisfied, for the reasons given in the following sections, that the proposal is generally in accord with national guidance, including that contained in PPS1, PPS7, PPS10, PPG15, PPS22 and PPS23.

ii. The quality of the design and sustainability implications

13.12 The design, layout, scale, dimensions and external finishes of the eRCF are similar to those of the RCF, albeit that the eRCF would have a footprint about 17% larger than the permitted scheme. The main difference between the schemes is the addition of the MDIP facility, the CHP plant, and the stack. Bearing in mind the nature and size of the proposed development, I consider that it would be remarkably discreet within the landscape. The IWMF would be sited below existing ground level which would result in a large proportion of the structure being hidden from view and the rooftop level of the main buildings would be no higher than the existing hangar on the site. Moreover, the large arched roofs of the main buildings would resemble those of an aircraft hangar and thereby reflect the past use of the site as an airfield. [6.6, 6.94, 7.19, 8.25]

13.13 The cladding materials would be dark and recessive and the green roof of the main buildings would be colonised with mosses. The application site lies in an unlit area which is sensitive to light pollution. However, it seems to me that lighting at the site would be as unobtrusive as possible. Most, if not all, lighting units would be sited below existing ground level and designed to avoid light spillage. In addition, the extension to the access road would be built in cutting or on the existing quarry floor so that traffic generated by the site would be screened from many viewpoints, although the access road would be crossed by a number of footpaths. [6.6, 6.84, 6.93, 7.20, 11.3]

13.14 I consider that the combination of the above features, together with the proposed additional woodland and hedgerow planting, would help to alleviate the impact that such a large development would have upon its surroundings. In relation to the RCF proposal, CABI commented that the location was suitable for a waste management facility and that the proposed architectural treatment and sinking of the building and approach road into the ground raised no concerns. CABI made no consultation response in relation to the eRCF. [6.95, 7.19, 7.28]

13.15 The proposed stack would be an intrusive feature in the landscape. Again, however, the design of the scheme has sought to minimize this impact. The scheme has been amended so that only one stack would be built, albeit that it would be some 7m wide. Nevertheless, it is predicted that there would be no visible plume rising from the stack and the structure would be clad in a reflective finish. This and its siting, where a significant proportion would be screened from view, would help to mitigate its impact. [6.4, 6.82, 6.116, 7.20, 9.23-26, 11.4, 11.12, 12.7]

13.16 It seems to me that each of the waste management processes within the eRCF would benefit from the proposed integration with others. However, there is sufficient capacity in each of the processes to allow for variation thereby providing flexibility of use. [6.97]

13.17 The Climate Change Supplement to PPS1 requires that proposals make an appropriate contribution to climate change. Analysis using the EA's 'WRATE' Life Cycle Assessment Model indicates that the eRCF would result in a significant reduction in CO₂ emissions. The total savings of CO₂ by 2020 would be in excess of 70,000 tpa which compares favourably with the 37,000 tpa savings from the RCF. The integrated nature of the development would enable the power supply required to run the entire plant to be self generated at a lower carbon emission rate than electricity drawn from the National Grid. Decoupling the CHP from the rest of the scheme would require 25MW of electricity from the National Grid to power the waste management processes. [6.99, 6.100]

13.18 I am mindful that the WRATE analysis does not take account of the production of biogenic CO₂ in the carbon balance. This approach is justified on the basis that CO₂ has already been sequestered in the growing plant and the overall balance is therefore neutral. Saffron Walden Friends of the Earth (SWFOE), on the other hand submits that biogenic CO₂ should be included in carbon emission calculations, not least because the production of biogenic CO₂ contributes to climate change, whereas sequestered carbon remains truly neutral. There is some merit in this argument, although, as the applicants point out, FOE's concern on this matter primarily relates to its disagreement with current guidance. IPPC guidance does not require biogenic CO₂ to be included. It may well be that other methods of dealing with organic waste, such as composting, would result in carbon being sequestered for a considerably longer period than in the case of incineration where much of the carbon would normally be released immediately. However, there is no dispute that the applicants have adhered to current guidance in assessing the carbon balance. [6.4, 10.8]

13.19 PPS22 indicates that energy from waste is considered to be a source of renewable energy provided it is not the mass burn incineration of domestic waste. SWFOE submits that the CHP should be characterised as disposal rather than recovery of waste as a matter of EU law. It also argues that recovery of energy through the CHP does not meet the formula for R1 recovery operations set out in Annex II of Waste Directive 2008/98/EC, which comes into force in late 2010. However, the energy efficiency figure formula set out in the Appendix to the Directive indicates that the CHP would meet the requirement for classification as recovery. Moreover, as the applicants point out, CHP is currently supported by WSE 2007 and other national and regional policy because of its ability to recover energy whether or not it is technically recovery or disposal in EU terms. The Waste Directive 2008 seeks to address the categorisation issue. The use of SRF in the proposed CHP plant and the export of electricity to the National Grid would contribute to meeting the Government's Renewable Energy target of producing 15% of UK energy from renewables by 2020. The contribution would be increased by the proposed co-location of the MDIP and its consumption of heat from the CHP plant. For these reasons, I agree with the applicants that the eRCF proposal is in accord with the objectives of PPS22, the UK Renewable Energy Strategy, and WSE 2007 in this respect. [6.5, 6.101, 6.102, 7.27, 10.9-10]

13.20 Objectors submit that it is inappropriate to site such large scale development within the countryside. I am mindful that the application site can only be accessed by means of road transport and that for the workforce and visitors it would not be readily accessible by means other than the private car. However,

such a development would not necessarily be readily sited at the edge of a town or service centre. Moreover, permission has already been granted for a major waste management facility at this location. [8.23, 11.3, 11.16]

13.21 The operational impacts of the development would be minimised by the use of negative air pressure within the buildings and a design which would allow, and require, all loading and unloading of material to take place within the buildings.

13.22 For all the above reasons, I conclude that the design of the eRCF is of high quality and that it would be a sustainable form of development which would enable the management of waste to be undertaken in a sustainable manner.

iii. The impact on the character and appearance of the area.

13.23 My conclusions on this issue are interlinked with my comments on the impact of the development on the living conditions of local residents. My conclusions, at paragraphs 13.66 to 13.85 below, should therefore be read in conjunction with the following comments.

13.24 The site is situated in an area of primarily open, flat countryside, which allows long distance views from some locations. The character of the site and its immediate surroundings is heavily influenced by the remains of runways and buildings from the former Rivenhall Airfield; the nearby excavations at Bradwell Quarry; and blocks of woodland immediately to the south and east of the proposed location of the IWMF. The wider landscape beyond this area comprises gently undulating countryside, characterised by large open fields, small blocks of woodland and discrete, attractive villages. The existing access to the quarry, which would be used to provide access to the IWMF, passes through the Upper Blackwater Special Landscape Area. [2.1, 2.2, 6.77]

13.25 The site of the proposed IWMF and its immediate surroundings is not subject to any special landscape designation and is not, in my judgment, an area of particularly sensitive countryside. Its character as Essex plateau farmland has been degraded by the airfield infrastructure, the nearby quarry and isolated pockets of commercial development in the locality. The principle of a waste management facility at this location served from the A120 is established by the allocation in the WLP. The WLP inspector did not rule out an incinerator on the site, and WLP policy W7G suggests that such development may be acceptable. Moreover, as I conclude at paragraph 13.60 below, the RCF permission establishes the principle of large scale waste management at the application site, and the potential environmental impacts of the RCF are a material consideration in the present case. [2.5, 2.7, 6.77, 7.25, 8.16]

13.26 The eRCF has been designed in a manner that would limit its impact on the landscape. The building would be sited below existing ground level and the proposed extension to the access road would be primarily in cutting; the arched roofs of the main buildings would reflect the design of aircraft hangars; cladding materials would be dark and recessive; the green roof of the building would become colonised with mosses; and new hedging together with existing and proposed woodland would help to screen the development.

13.27 Lighting of the development would have some impact on the character of this presently unlit area. Again the design of the development is such that this

impact would be minimised. Most lights would be sited below existing ground level with flat glass luminaires mounted at zero tilt. Outside the hours of 0700 to 18.30 hours, external lighting would operate only in response to movement sensors. The disturbance caused by the coming and going of vehicles would also be reduced by the fact that much of the access road would be in cutting. [6.82-84]

13.28 I deal with the matter of tranquillity at paragraph 13.71 below and conclude that impact of the development on the tranquillity of the area would not be serious, once the construction operations are complete. [6.124, 8.15, 9.5]

13.29 The eRCF would have a slightly greater footprint than the RCF and it would be constructed further into the existing belt of woodland to the south. However, the main difference between the two schemes, in relation to the impact on the character and appearance of the area, would be the addition of the proposed stack. This would be a noticeable and substantial feature. It would rise 35m above existing ground level and be some 7m in diameter. It would, however, be partially screened by woodland to the south, east, and west and by the IWMF building when viewed from the north. Nevertheless, from many locations the top 20 metres of the stack would be visible. Moreover, the topography of the area would enable long distance views of the top section of the stack from some locations. Although the stack would be a relatively minor element in the landscape as a whole, and there would be no visible plume, I consider that it would appear as an industrial feature which would have some detrimental effect on the present lightly developed, semi-rural character of its surroundings. [6.103, 8.20]

13.30 On the other hand, the mitigation measures associated with the development would result in some enhancement of the countryside. The proposed woodland planting would cover a greater area than the area of woodland that would be lost, and the 2kms of new hedgerow would be of particular benefit. There would be a loss of 19.1 ha of existing open habitat, although much of this is not of high quality, and the proposal would provide for the management of remaining areas of habitat and various areas of new habitat. Moreover, the proposal includes the management of existing and proposed water bodies which would enhance the bio-diversity of the area. I also consider that the proposed refurbishment of the derelict listed buildings at Woodhouse Farm would be of benefit to the character and appearance of the countryside. [7.28, 8.19]

13.31 In conclusion, I consider that the eRCF would have some urbanising and detrimental impact on the semi-rural character and appearance of the area, and in this respect it would conflict with the aims of BDLPR Policy RLP78 and EEP Policy ENV2. However, I am mindful that the rural character of the area has already been degraded. Moreover, when compared to the RCF proposals, the main additional impact of the eRCF on the character and appearance of the area would be as a result of the proposed stack. This would have a materially detrimental effect on the character of the area, although as it would be partly screened it would not, in my judgement, be an overwhelming feature in the landscape. Bearing in mind the benefits that would be provided by additional woodland and hedgerow planting, over and above that which would be provided by the RCF development, I conclude that the overall impact of the eRCF upon the character and appearance of the area would be detrimental but limited. By providing these mitigation measures where a detrimental impact is unavoidable, the proposal arguably meets the requirements of EEP Policy ENV2 and I consider that the overall impact would be acceptable. I agree

with the applicants that the limited visual impact arising from such a large-scale proposal suggests that the site is reasonably well located for the proposed use. On balance, I consider that the proposal respects the objectives of PPS7 and the extent of conflict with the guidance is limited. [7.30]

iv. Consistency with PPS10

13.32 PPS10 seeks a step change in the way waste is handled by moving the management of waste up the waste hierarchy. The guidance indicates that the overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. The eRCF would provide various means of dealing with waste, all of which would help to reduce the need for landfill. The various elements of the integrated plant would recycle waste, produce compost, and create energy from waste.

13.33 Some objectors argue that the development would discourage measures aimed at separating waste at the point of collection, whilst others are concerned that the demand for feedstock for the CHP would discourage recycling and result in certain wastes being managed at a point lower on the waste hierarchy than would otherwise occur. Under certain circumstances, where, for example, overall waste volumes reduced significantly, I agree that the existence of the eRCF could potentially reduce the incentive to separate waste at the point of collection. On the other hand, as markets for recycled waste develop, a reduction in the availability of recycled waste could increase its value and thereby enhance any incentive to separate waste at the point of collection. Similar arguments could be made in relation to feedstock for the CHP. [10.4, 11.16]

13.34 In reality, challenging targets are in place, relating to the recycling and recovery of value from waste, and the elimination of landfilling untreated municipal and commercial waste by 2021. In meeting these targets, I have no doubt that significant waste management facilities with overall capacities greater than that of the eRCF will be required, in addition to the current and future incentives to reduce waste, re-use materials, and separate waste at the point of collection. ECC considers that the type of facility now proposed at the application site will be necessary if it is to meet the national waste objectives set out in PPS10 paragraphs 1 and 3 and the challenging targets set out in EEP Policy MW2. [7.16]

13.35 The proposed facility would help to deliver these objectives by moving waste up the hierarchy. It would recover recyclables, produce compost and reduce the need for disposal of residual material to landfill by using such material as a fuel for combustion in the CHP plant. It would also use imported SRF from other permitted waste management facilities in Essex, which might otherwise go to landfill. The scheme would generate electricity and provide a specialized facility for the recovery of recycled paper. Although the combustion of waste is only one step above landfilling in the waste hierarchy, the CHP is only one of the facilities that would be available at the eRCF. In my judgment, this integrated plant would allow the anticipated waste arisings to be managed as far up the waste hierarchy as reasonably and practically possible. Moreover, it would significantly reduce the amount of residual waste that would need to be sent to landfill. In these respects the proposal is in accord with the objectives of PPS10. [7.16]

13.36 In relation to the aim of protecting human health and the environment, I consider that by reducing the amount of material sent to landfill; recycling material; and using waste as a resource; the eRCF would be beneficial to the environment and thereby to human health. However, the question arises as to whether the emissions from the plant would conflict with the aim of protecting human health and the environment. I deal with these matters at sections x and xv below, and conclude that the plant could be operated without causing any material harm to human health or the environment. The dispersion modelling assessments undertaken to date show that the risks to human health would be negligible and I am satisfied that this matter would be adequately dealt with by the Environmental Permitting regime.

13.37 Objectors argue that the proposal does not comply with PPS10 because (i) there is no need for a facility of this size; (ii) it would not contribute positively to the character of the area; (iii) it would result in visual intrusion; (iv) the traffic generated on the A120 would be unacceptable; (v) the scheme does not reflect the concerns of the local community; and (vi) it conflicts with other land use policies. I consider the need for the facility in the section below and conclude that a need has been demonstrated for waste treatment facilities having a capacity at least that of the proposed eRCF. In relation to the impact of the proposal on the character and appearance of the area, I conclude at paragraph 13.31 above that although the eRCF would have some detrimental impact on the rural character and attractive appearance of the area, the mitigation measures that would be put in place would reduce this impact to an acceptable level. Similarly, I am satisfied that the condition limiting the daily HGV movements generated by the development to no more than 404, and the provisions of the S106 agreement with regard to traffic routeing, would ensure that the impact of generated traffic on the local road network would be acceptable. [8.58]

13.38 Clearly the local community have deeply held concerns regarding the proposal in relation to a range of matters. However, although planning strategies should reflect the concerns and interests of communities, this requirement applies not only to the immediate local community but the wider community to which the strategies apply. I consider that the design of the scheme, and the mitigation measures employed have addressed the concerns of the community so far as possible and to a reasonable extent. Obviously this has involved a balance in seeking to minimise the impacts of the development whilst making use of the benefits that the development could provide. The eRCF would allow Essex to increase its provision of sustainable waste management, secure increases in recycling and recovery, and reduce carbon emissions. The community's needs for waste management would in part be addressed by the eRCF. [6.108, 6.109]

13.39 I am mindful that the proposal conflicts with some objectives of planning policy. For example, it would result in the loss of some of the best and most versatile agricultural land, and it is not fully in accord with WLP Policy W8A in that the application site is larger than the allocated site and the proposed building is substantially larger than envisaged. However, these matters must be balanced against the benefits of the proposal and other sustainability issues. Moreover, account must be taken of the wide range of mitigation measures which would minimise the impacts of the development.

13.40 Overall, I am satisfied that the proposal is consistent with the key planning objectives set out in PPS10. It 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. With regard to self sufficiency, the facility would meet a need in the region to deal with MSW and/or C&I waste. The development would help to reduce carbon emissions and would have benefits in terms of climate change. It would also contribute to the implementation of the national waste strategy. The impacts of the development could be adequately controlled or mitigated, and the proposal would pose no significant risk to human health and the environment. In my opinion, the design of the development and the associated mitigation measures would help to support the objectives of sustainable waste management. [6.99, 6.106, 7.31-33]

v. The need for the proposed facility

13.41 PPS10 indicates that where proposals are consistent with an up-to-date development plan, applicants should not be required to demonstrate a quantitative or market need for their proposal. Although the WLP allocates a site for waste management facilities at Rivenhall Airfield, in accordance with Policy W8A and Schedule 1, the allocated site is far smaller than the application site. Moreover, the size of the proposed IWMF is clearly much larger in area than that envisaged in Schedule 1. Furthermore, Policy W8A requires a number of criteria to be satisfied if waste management facilities are to be permitted. One of these is that there is a need for the facility to manage waste arisings in Essex and Southend. I appreciate that the WLP pre-dates PPS10 and is arguably out of date in that it requires, for example, waste management proposals to represent the BPEO. Notwithstanding this, it cannot be argued that the proposal is fully in accord with an up-to-date development plan. Given the difference in size between the proposed development and the development anticipated on the allocated site, I consider that the need for a facility of the proposed size should be demonstrated. [7.11]

13.42 The EEP sets challenging targets for the recycling, composting and recovery of both MSW and C&I waste in accordance with the WSE 2007. By 2015, 70% of MSW and 75% of C&I waste must be recovered. The Plan anticipates provisional median waste arisings for MSW and C&I waste for Essex and Southend, including the required apportionment of London Waste, for the period 2015/16 to 2020/21 to be 3.67mtpa. However, the applicants' need case has been assessed on a more conservative basis, using the 2.4mtpa for 2020/21, which is put forward by the East of England Regional Assembly (EERA) in its report entitled 'Waste Policies for the Review of the East of England Plan' dated 29 June 2009. Nevertheless, as this document is at the consultation stage, the larger EEP figure should be used. Indeed, as the applicants point out, the consultation process on the EERA Report of July 2009 has not yet been completed and subject to examination and therefore the document carries little weight. Accordingly, the 3.67mtpa figure in EEP Policy WM4 is the figure which should be used at present. [6.25]

13.43 In contrast to these figures, the potential treatment capacity of the currently permitted facilities in Essex is only 1.375 mtpa, and there do not appear to be any current plans to bring capacity forward on the WLP preferred sites that are not already the subject of a resolution to grant planning permission. Therefore, even on the basis of the reduced figures in the consultation document, I am satisfied that there is a need in Essex for new facilities to manage both MSW and C&I wastes. The LCG submits that the EEP policies are based on arisings which are not occurring at

present; the actual arisings being lower than estimated. However, I give little weight to the 'Updated Capacity and Need Assessment – Final Report' prepared by ERM for ECC in July 2009, as it contains a number of inaccuracies and will not form part of the evidence base for ECC's Waste Development Document. [6.13 -6.16, 6.30, 7.11-7.13, 8.6]

13.44 Many objectors, including the LCG consider that the capacity of the proposed eRCF is far greater than the perceived need. However, even on the basis of the lower, but disputed, figures for need based on the ERM reports, there is still a need for the proposed MBT facility in terms of MSW and C&I waste arisings. These figures result in a capacity gap of 326,800 tpa, compared to the proposed MBT capacity of 250,000 tpa. Using the reduced EEP figures, the overall treatment capacity gap in 2021 is likely to be between 412,762 and 537,762 tpa even on the basis that the Basildon site and the eRCF is developed. The capacity gap for C&I facilities exceeds the capacity of the proposed development. Moreover, the waste management capacities of the RCF and eRCF are similar for imported waste of similar composition, and therefore the 'need' for the treatment capacity has arguably already been established. [6.4, 6.6, 6.12, 6.25, 8.1, 10.3, 10.17, 11.3]

13.45 The figures put forward by the applicants suggest that without thermal conversion of residual waste, Essex would need to permit at least 1 or 2 new large landfills. Such capacity is unlikely to come forward because of the difficulty of securing planning permission for disposal capacity where insufficient treatment capacity exists further up the waste hierarchy. Thermal treatment of residual waste, incorporating CHP, is supported by the WSE 2007 and ECC's OBC 2008. It increases the level of recovery and reduces pressure for additional landfill. The CHP would make use of imported solid recovered fuel (SRF) from other permitted waste management facilities in Essex. Although the LCG argues that this would be a marketable fuel, the SRF could go to landfill if an end user is not found. The LCG submits that the use of the SRF merely meets a secondary or ancillary need. However, ensuring that good use would be made of such fuel meets a material need in my judgment. Moreover, the CHP would reduce the need for landfilling of residuals from the MBT, and by using residues from the paper pulp recovery process as a fuel, it would remove a need for offsite disposal of such material and the potential for it to be sent to landfill. [6.18, 7.16, 7.31, 8.2]

13.46 The LCG argues that there is no primary need for the eRCF because ECC would allow all potential operators to have access to the Basildon site on equal terms and thereby meet its need to deal with MSW arisings at that site. However, the eRCF would accommodate the only proposed CHP facility capable of treating the SRF to be produced by MBT through the MSW contract. Moreover, I agree with the applicants that the need for the eRCF is unaffected by the fact that it is not the reference project in ECC's OBC 2009. The reference project was amended to a single site not because ECC considered the application site to be unsuitable, but because ECC did not have control over it. ECC confirms that the eRCF would provide suitable technology for the proposed ECC waste contract. It submits that the significance of the OBC is that it provides evidence of ECC's need for an operator and site to handle its MSW contract. The eRCF would be able to bid for that contract and the additional competition it would introduce would be welcomed by the WDA. The eRCF could meet ECC's need to dispose of its MSW, quite apart from its capacity to meet C&I waste arisings. [6.10, 6.21, 7.15]

13.47 The treatment capacity gap for C&I waste is such that even if the applicants did not win the ECC MSW contract, there is a sufficient need for the site to deal solely with C&I waste. The proposal put forward by Glendale Power for a 30,000 tpa AD power station and associated CHP system at Halstead is at an embryonic stage. Even it were to proceed, there would still be a need for waste treatment facilities in Essex of a greater magnitude than the capacity of the eRCF. [6.25, 6.28, 11.18]

13.48 It is argued by some objectors that there is no need for the development because recycling rates are increasing throughout the country and the application proposal could undermine efforts to increase recycling. There is no doubt that significant improvements in the separation of waste and subsequent recycling are taking place. This could well reduce the quantity of waste that would need to be sent to a facility such as the eRCF. However, the eRCF has the potential to increase still further the amount of recycling, treatment and recovery of waste in the County, and it seems to me that such facilities will be necessary to help ECC to meet its waste targets. There is no reason why the proposal should obstruct a continued increase in the recycling and recovery of waste. [6.23, 10.2, 10.32, 11.14]

13.49 I appreciate the concern that recyclable material should not be incinerated. Such an approach encourages the treatment of waste at a lower level in the waste hierarchy than need be the case. However, the application proposal would provide facilities to maximise the recovery of recyclable material and there is no reason to believe that materials which could reasonably be recycled would be used as fuel in the CHP.

13.50 With regard to the proposed MDIP, the LCG points out that only about 36% of recovered paper is likely to be suitable for use at the facility. It is argued that the applicants are over ambitious in their approach to the amount of feedstock that would be available. However, I am mindful that there will be no MDIP facility in the UK after 2011 to produce high quality paper pulp. The proposed MDIP at Rivenhall would be capable of meeting the needs of Essex and the East of England in terms of the recycling and recovery of high quality paper, thus meeting WSE 2007 key objectives. The facility is likely to stimulate greater recovery of high quality paper waste. I agree with the applicants that it would help to divert a significant quantity of paper and card from landfill. At present some 713,000 tpa of such waste is currently landfilled in the East of England. The MDIP would provide a facility to meet the needs of a wider area in accordance with EEP Policy WM3. [6.12, 6.20, 7.17, 8.7-8.12, 10.29]

13.51 In summary, I consider that the eRCF would help to satisfy a substantial and demonstrable need for MSW and/or C&I waste to be dealt with in Essex and for ECC to meet challenging targets set out in the EEP. The individual elements of the integrated plant would also help to satisfy various needs, including the need to move the treatment of waste further up the waste hierarchy and minimise the amount of waste that would otherwise be sent to landfill. I conclude that a need has been demonstrated for waste treatment facilities having a capacity at least that of the proposed eRCF.

vi. The viability of the proposal

13.52 Objectors question the viability of the scheme as a whole, and in particular that of the proposed MDIP. They point out that a full viability appraisal has not been provided by the applicants. Sufficient feedstock for the MDIP would not be available within the East of England Region and the operators would be reliant on their ability to offer competitive prices for feedstock. Furthermore, it is argued by objectors that it would be cheaper to produce pulp on the same site as a paper mill in an integrated paper production process. This would remove the need to dry the pulp prior to transportation. [8.11-8.13]

13.53 Clearly the proposed MDIP would require a large amount of feedstock. This would increase the demand for high quality paper waste and could well lead to an increase in the price of such waste on the open market. However, this, in turn could encourage increased recovery of high quality paper waste and ensure that better use is made of such waste.

13.54 The applicants submit that there is genuine commercial interest in the eRCF proposals from potential operator partners and key players. They point out that negotiations are presently taking place in relation to various aspects of the proposed MDIP, but these are commercially confidential. This is understandable given the present status of the scheme. Notwithstanding this, it seems to me to be a logical argument that the capital cost of the MDIP would be less than a stand alone facility, as it would be part of a much larger scheme. Moreover, relatively cheap power would be available from the CHP, thereby enabling the MDIP to operate competitively. I accept that the cost savings achieved by using heat and electricity generated by the CHP are likely to outweigh the additional costs of drying the pulp and transporting it to a paper mill. I have no reason to doubt that the MDIP would be capable of competing with a similar facility sited at a paper mill and in this respect it is a viable proposal. [6.42]

13.55 The applicants point out that the planning regime does not normally require a developer to prove viability. It is submitted that the issue of viability has arisen primarily because of EEP Policy WM3, which, although seeking a reduction in the amount of waste imported into the region, acknowledges that specialist waste facilities such as the MDIP, may have a wider than regional input of waste. However, the policy indicates that allowance should only be made for such facilities where there is a clear benefit, such as the provision of specialist treatment facilities which would not be viable without a wider catchment and which would enable recovery of more locally arising wastes. In relation to Policy WM3, viability is only an issue if the facility is one "*dealing primarily with waste from outside the region*". At paragraphs 13.144 – 13.149 below, I consider Condition 30 which seeks to restrict the amount of feedstock for the MDIP from outside the region. I conclude in that section that 50% of the feedstock should be sourced from within the region. On that basis, the issue of viability does not arise in relation to Policy WM3.

vii. The fallback position

13.56 Objectors argue that little weight should be placed on the extant permission for the RCF as there is no evidence that it would be implemented. It is pointed out that ECC resolved to approve the application for the RCF in 2007, yet planning permission was not granted until 2009 after the completion of the relevant

S106 agreement. Moreover, it is claimed that the applicants have described the RCF as an indicative scheme and acknowledge that it no longer represents the most suitable technology having regard to the JMWMS. Objectors point out that there is no evidence of detailed marketing or negotiations between the applicants and a waste operator, and to date no steps have been taken to implement the permission. [8.49-51]

13.57 The applicants have made no secret of the fact that they wish to provide a facility at Rivenhall airfield that would be capable of winning a major contract to deal with MSW arising in Essex. It seems to me that the eRCF is a major amendment to the RCF intended to maximise the chances and capability of winning a contract to deal with MSW arising in Essex. It is understandable that the applicants seek to build a facility that would be capable of dealing with as wide a range of waste as possible. A plant which is capable of dealing with large quantities of MSW and/or C&I waste (and in this case is combined with a specialised waste paper facility), provides considerable flexibility in terms of the type of waste that could be treated and the customers that could be served. It seems to me that such flexibility helps to maximise the economic viability of the project.

13.58 However, there is no overriding evidence that the RCF would not be viable. On the contrary, it seems to me that it would be capable of dealing at least with a substantial element of the County's MSW, and if this work failed to materialise it would be capable of dealing with C&I waste. ECC indicate that the RCF is consistent with, and would further, the aims of the JMWMS. [6.8, 7.15, 7.48]

13.59 Although the RCF proposal was put forward some years ago, the permission is recent and up to date. It is not surprising that details of any negotiations between the applicants and waste operators in relation to the building and operation of the RCF have not been put before the inquiry, partly because of commercial confidentiality and partly because of the present uncertainty regarding the outcome of the planning application for the eRCF. It is conceivable, if not likely, that any such negotiations regarding the RCF are on hold until the fate of the eRCF proposal is determined. [6.9]

13.60 For these reasons, I consider that there is a reasonable prospect of the RCF proposal being implemented in the event that the eRCF proposal is refused. Accordingly, I conclude that the RCF permission establishes the principle of large scale waste management at the application site, and that the potential environmental impacts of the RCF are a material consideration in the present case. [6.6, 7.49]

viii. The flexibility of the development

13.61 It seems to me that if a proposal is to be sustainable and economically viable in the long term, one of its attributes must be a degree of flexibility to accommodate future changes in waste arisings and in waste management techniques and practices. I agree with the SWFOE that the achievement of recycling targets will change the amount and constitution of residual waste. [10.2]

13.62 The SWFOE argues that as incinerators normally have a 25 year life span and require a constant supply of fuel, the whole eRCF system would be very inflexible. Objectors to the eRCF point to a need for flexibility in dealing with waste in future. Moreover, I note that Chapter 5 paragraph 23 of WSE 2007 indicates that

building facilities with an appropriate amount of flexibility is one of the keys to ensure that high rates of recycling and EfW can co-exist. [10.4, 10.24, 11.14]

13.63 I am mindful that the eRCF would have multiple process lines. For example, the MBT would have five autonomous process lines. The applicants argue that each of the facilities would have an inherent flexibility of capacity. The MRF would have the ability to allow rejects from one process line to become the feedstock of another. Moreover, minor modification to the MDIP would allow the facility to produce tissue paper pulp and it would be possible to introduce secondary treatment of the sludge from the MDIP to recover an aggregate. [6.97]

13.64 It is arguable that the integrated nature of the proposed eRCF; its exceptionally large scale; and the very significant amount of investment that would obviously be needed for its development would, in combination, result in a degree of inflexibility. On the other hand, the modular nature of the design, the flexibility of capacity of each process, and ability to make alterations to various modules would allow the eRCF to be adapted to varying compositions of waste. Moreover, the multiple autonomous process lines would allow a particular process to be upgraded in stages if necessary. For example, a CHP process line could be upgraded or replaced without shutting down the entire CHP process. In this respect, the large scale of the development provides opportunity for changes to be made to the process without endangering the overall viability of the operation.

13.65 On balance, I consider that the design of the proposal and its multiple autonomous process lines would provide a reasonable and sufficient degree of flexibility to enable future changes in the composition of waste and the ways in which waste is managed to be accommodated. In this respect, the scheme would not be detrimental to the achievement of increased rates of recycling.

ix. The effect on the living conditions of local residents

13.66 The eRCF proposal has the potential to cause harm to the living conditions of local residents in a number of ways. Some of the impacts are dealt with in other sections of these conclusions. I consider the issues as follows:

Noise and disturbance

13.67 Objectors point out that existing noise levels in the locality are low. It is especially quiet at night. The main potential sources of noise and disturbance from the proposal arise from the construction process, the operating of the IWMF, and from traffic generated by the development. It seems to me that the greatest potential is likely to be during the construction phase. This is the period when maximum noise levels are predicted. The applicants have used the three suggested methods of assessment given in BS 5228:2009 Part1: Noise to consider the impact of construction noise. These all show that there would be no significant impact from construction noise at neighbouring residential receptors. The predicted construction noise level falls within the range 44 dB(A) to 52 dB(A). Moreover, the assessment of construction noise has been undertaken on a worst case scenario, as the work would include excavations, and it is highly likely that the change in landform would result in considerably greater attenuation of noise levels at receptors than predicted. [6.122, 6.123, 8.39, 8.40]

13.68 I agree with the applicants that the potential for noise from vehicle reversing alarms and the sounding of vehicle horns could be adequately controlled by appropriate management of the site.

13.69 Noise and disturbance generated by the operation of the plant would also be mitigated by the low level siting of the development and the partial screening provided by bunding. The waste management operations would be undertaken within environmentally controlled buildings, sited below surrounding ground level. The buildings would be insulated with acoustic cladding to reduce noise, and vehicles would enter and leave the building through high speed action roller shutter doors. The reception of waste would be limited to the operating hours of 07.00 to 18.30 on weekdays, and 07.00 to 13:00 on Saturdays. The assessment of operational noise level at all receptor locations for both day and night time periods shows that noise levels of operations would be below the level of 'marginal significance' according to British Standard 4142. The physical noise levels predicted for daytime operations fall within the range of 22 to 34 dB(A), and 22 to 30 dB(A) for night time periods. I am satisfied that such levels of noise would not have a material impact on the amenity of local residents. [6.123]

13.70 A significant proportion of the proposed extension to the access road would be in cutting, which would help to attenuate the noise of HGVs on this road. Moreover, lorries would be unloaded and loaded within the environmentally controlled buildings. The applicants point out that the change in noise levels attributable to increased road traffic flows resulting from the eRCF would be imperceptible, being considerably lower than 1dB. [6.125]

13.71 With regard to the tranquillity mapping described by the CPRE, the applicants argue that the site of the IWMF appears to be near the middle of the scale, suggesting that it is neither tranquil nor not tranquil. On the other hand, the version of the map supplied by the CPRE suggests that it is nearer the tranquil side of the scale. From my inspections of the site and its surroundings I am inclined to agree with the CPRE on this point, when considering noise. Although I conclude that the development would not have an unacceptable impact on the residential amenity of local residents as a result of the generation of noise, it seems to me that the development would have some detrimental impact on the present tranquillity of the area. However, bearing in mind the reasonably low levels of noise that would be generated, particularly during the operating phase of the facility, I am not convinced that the impact on tranquillity would be serious, once the construction operations are complete. [6.124, 9.4]

Air quality, odour and dust

13.72 Objectors are concerned about the impact of the development on air quality as a result of emissions from the stack; odours from the operations of the IWMF; and from additional traffic generated by the development. With regard to air quality, the SWFOE points out that no predictions have been provided for PM_{2.5}. However, as indicated at paragraph 13.91 below, even if all particles emitted from the eRCF were assumed to be PM_{2.5} the predicted maximum concentrations of such material would be 0.14 µgms/m³ which is significantly less than the target value of 25µgms/m³. [6.118, 10.13, 10.46]

13.73 Objectors submit that traffic emissions should have been added to the predictions. Air standards legislation should have been the definitive requirement, rather than the guidance in the Design Manual for Roads and Bridges (DMRB). [10.13]

13.74 As a requirement of the Environmental Permit (EP), the applicants would be required to demonstrate that the eRCF would not have a significant impact on local air quality. Notwithstanding this, the applicants point out that the environmental assessment already undertaken has demonstrated that the impact on air quality would be acceptable. Dispersion modelling has been used to predict airborne ground level concentrations of emissions from the stack. Certain emissions would be continually monitored, whilst others, which cannot be monitored continuously, would be monitored on a regular basis. The impact on air quality from stack emissions would be minimised by the use of exhaust gas scrubbing facilities and filters. No visible plumes are predicted to be emitted from the stack. [6.48, 6.51, 6.112, 6.114, 6.116]

13.75 The reception, shredding and sorting of waste, and the MBT processes, would be carried out within buildings which would operate under negative air pressure, thereby allowing odours and dust generated by these processes to be dealt with within the IWMF. The continuous 24 hour operation of the plant would ensure that the holding and storage times of unprocessed waste would be minimised, which would help to reduce the amount of odour generated within the plant. I am satisfied that current pollution control techniques would ensure that odour, dust and bio-aerosol emissions from the operations would not cause harm to human health or local amenity. [5.24]

13.76 As regards vehicle emissions, I am mindful that the total number of HGV movements associated with the operation of the proposed eRCF would not exceed 404 per day. Nevertheless, an assessment of the air quality impacts due to this traffic has been undertaken using the DMRB methodology. This demonstrated that traffic related pollutant ground level concentrations would be very small, even if it were assumed that all of the traffic associated with the IWMF accessed the site from an easterly or westerly direction. Although SWFOE argues that air standards legislation should have been the definitive requirement, I am mindful that the number of HGV movements would not increase from that already permitted for the RCF. Notwithstanding this, the DMRB assessment shows that the impact of vehicle emissions on air quality would not be significant. [6.117, 10.13]

Litter

13.77 A number of objectors are concerned that the proposal would lead to problems of litter and would attract vermin. However, waste would be delivered in enclosed vehicles or containers and all waste treatment and recycling operations would take place indoors under negative air pressure with controlled air movement regimes. I consider that these arrangements would ensure that litter problems would not arise and that the operation would not attract insects, vermin and birds. [5.24, 11.8]

Light Pollution

13.78 Many objectors are concerned that the eRCF would cause light pollution in an area that is light sensitive. However, outside the working hours of 0700 to 1830

there would be no external lighting, other than that used on an infrequent and intermittent basis for safety and security purposes. The LCG is sceptical as to whether such an arrangement would be practical. However, I see no reason why the plant could not be operated in this way. Internal lights would either be switched off or screened by window coverings during night time operations. Moreover, it is intended that external lighting levels would have an average luminance of 5 lux. The applicants indicate that external lighting units would be sited a maximum of 8m above finished ground level and that the use of flat glass luminaries at 0° tilt would produce no upward light. Given the depth of the excavation in which the buildings would be sited, it would appear that most lights would be sited below surrounding ground level. Moreover as the proposed extension to the existing access road would be constructed in cutting, lights from vehicles travelling to and from the eRCF on this section of the road would be screened from view. [6.83, 6.84, 8.44-47, 9.29, 11.13, 12.16]

13.79 Nevertheless, I am mindful that there is little or no artificial light at present in the vicinity of the site and that the area is valued by local residents for its clear skies in terms of light pollution. Even with the measures proposed by the applicants, it seems to me that the development could well create some light pollution and thereby cause some detriment to the amenities of the area in this respect. However, I consider that the proposed lighting arrangements, (which could be adequately controlled by condition as discussed in paragraph 13.153 below) would limit this impact to an acceptable level. In the wintertime there would be some impact during the hours of 0700 to 1830, but this would be kept to a minimum by the proposed methods of external lighting. Outside those hours, light pollution would occur on a relatively infrequent basis for short periods. As I indicate below, I am satisfied that Condition 44 would enable ECC to ensure that the potential for light spillage would be minimised.

Outlook

13.80 I deal with the visual impact of the development on the landscape at paragraphs 13.23 – 13.31 above. The siting of the IWMF below ground level would significantly reduce the visual impact of the proposed building that would otherwise occur. Moreover, the proposed dark colour and green roof of the main structure would make the buildings recessive and help them to blend into the background. The roof of the proposed IWMF and the stack would be visible from properties on the eastern edge of Silver End, from Sheepcotes Lane and Cuthedge Lane. Sheepcotes Farm is probably the closest to the site, being about 600 metres to the west. However, that dwelling is screened from the site by tall conifer hedging and is situated close to Hangar No 1 on the airfield, and the existing telecommunications tower. It seems to me that the development would have little impact on the outlook from this dwelling. [6.78]

13.81 There are a number of dwellings in Silver End from which the site would be visible, including the listed dwelling known as Wolverton. However, these dwellings are at least 1km from the application site. Bearing these distances in mind and the intervening vegetation, I consider that the development would not have a serious impact on the outlook presently enjoyed from these dwellings. In reaching this conclusion, I have had the benefit of visiting the area on a number of occasions and the evidence presented in relation to the various montages.

13.82 Dwellings such as Herons Farm, Deeks Cottage, and Haywards Farm are sited off Cuthedge Lane to the north of the application site. There would be a noticeable deterioration in the existing view from Deeks Cottage. The applicants recognise that Deeks Cottage would experience moderate adverse visual impacts as a result of the proposed facility during construction and the early years of the facility's operation, although they consider it to be the only property that would be affected to such an extent. Herons Farm appears to be partially screened from the application site by a bund presently in place to screen the existing quarrying operations, although this bund is likely to be removed in due course. These dwellings are between about 700m and 1km from the site of the proposed IWMF. Although there would be some detrimental impact on the outlook from these properties, I again consider that it would not be so serious that planning permission should be withheld for this reason. Given the distances between the properties, the flat nature of the intervening ground and the measures taken to reduce the visual impact of the development, it seems to me that the proposal would not be an overbearing or unacceptably intrusive feature in views from these properties. [2.13, 6.79, 8.20, 9.10, 9.11, 9.13]

13.83 Views of the top of the proposed stack would be visible from properties to the south of the application site in the vicinity of Western Road and Parkgate Road. However, these dwellings are well over 1km from the application site and in most cases there are significant blocks of woodland between the dwellings and the site. I consider that the views of the top of the stack that would arise from this direction would have no serious impact on the outlook from these dwellings.

13.84 Long distance views of the development would be possible from some locations on high ground to the north of the A120. Similarly, long distance views of the top of the proposed stack would be possible from some properties between Coggeshall Hamlet and Kelvedon. However, the views of the development would be so distant that it would have no significant impact on the general outlook from these properties. [8.21]

Conclusion on impact on living conditions

13.85 There would be some detrimental impact on the living conditions of occupiers of residential properties in the locality. There would be an increase in the level of noise in the area, although this would primarily be confined to the construction phase and even then would be well within acceptable limits. There would also be some impact on the tranquillity of the area and a small increase in light pollution, although these would be limited and minor. I am satisfied that air quality could be adequately controlled and there would be no noticeable emissions of dust or odour. The outlook from a small number of properties would be detrimentally affected, but again the impact would be relatively minor. Overall, I conclude that the proposal would not have an unacceptable impact on the living conditions of local residents.

x. The risks to human health

13.86 Many local residents have expressed fears that the eRCF would lead to deterioration in air quality and would present a risk to human health. The SWFOE argues that dioxins cannot easily be continuously monitored and escapes could occur between monitoring sessions. However, the applicants point to the advice in PPS 10

that modern, appropriately-located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. The human health modelling presented in the Addendum ES indicates that the risks to human health from the proposed eRCF would be negligible. The predicted daily exposure for all contaminants of potential concern is less than the relevant toxicological benchmark. [6.112, 10.13, 10.46, 11.14]

13.87 Dispersion modelling, used to predict airborne ground level concentrations, shows that with a stack height of 35m (above existing ground levels), the predicted pollutant concentrations would be substantially below the relevant air quality objectives and limit values, except for arsenic. However, the assumed emissions of arsenic were substantially overestimated because, for the purposes of the model, the emissions of arsenic were assumed to be at the same level as the whole of the group of nine metals within which it fell in the assessment. This was an extreme worst case assumption, and considered by the applicants to be implausible, as it could result in an emission nine times the emission limit for the group of metals as a whole. The applicants argue that it would be more appropriate to specifically limit the emissions of arsenic, as opposed to increasing the height of the stack. [6.113]

13.88 Although this approach would rely heavily on the monitoring of emissions to ensure that there is no risk from emissions of arsenic, I am mindful that the assessment uses a new and far more stringent air quality limit for arsenic, which is not due to be implemented until 2012. Moreover, realistic estimates of arsenic emissions based on sampling and analysis of emissions from waste incinerators elsewhere show that arsenic levels would be significantly lower than that assumed in the dispersion modelling assessment. I note that the EA and the Primary Care Trust have not raised objections to the proposed eRCF [6.114, 7.33]

13.89 The LCG and CG point out that there is a statutory requirement to ensure that air quality is not significantly worsened, yet the emission of contaminants from the IWMF would result in deterioration of air quality. I am mindful of the advice in PPS23 that planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. As I conclude at paragraph 13.158 below, it is unfortunate that further progress has not been made in discussions between the EA and the applicants regarding the height of the stack that would be necessary. Nevertheless, the EA does not appear to have an objection in principle to the IWMF. The applicants point out that as a requirement of the Environmental Permit (EP), they would have to demonstrate that the eRCF would not have a significant impact on local air quality and human health. This could be achieved by means other than increasing the stack height. In fact, a dilute and disperse approach by using a taller stack is one of the least preferred methods for controlling the impact of industrial emissions. Preference is given to abatement and the reduction of emissions at source. The applicants submit that the CHP plant could operate at substantially more stringent emission limits, thereby providing an alternative option for reducing the impact of the plant on local air quality. [6.49, 8.41, 9.22]

13.90 With regard to traffic emissions, the CG points out that there are high levels of NO_x at the junction of the A12 and A120 at Marks Tey. It is one of 18 air quality hot spots in the county and the additional HGV movements associated with the IWMF would exacerbate this situation. However, the proposed 404 additional

HGV movements associated with the eRCF are the same as that proposed for the RCF, for which planning permission has already been granted. Although the DMRB screening criteria does not require a detailed air quality assessment in this case, an assessment was undertaken using the DMRB methodology as a result of concerns about possible changes in the split of traffic on the A120. Even with an extreme assumption that all of the development traffic accessed the site from a single direction, it was shown that development traffic would not have a significant impact on air quality.

13.91 The SWFOE is concerned that no predictions have been provided for PM_{2.5} and a limit value of 25µgms/m³ for PM_{2.5} is likely to be introduced into the EU Air Quality Directive before 2015. However, even if it were assumed that all particles emitted from the eRCF were comprised of the fine fraction (PM_{2.5}) the predicted maximum concentrations of such material would be 0.14 µgms/m³ which is significantly less than the target value of 25µgms/m³ and effectively negligible. [6.118, 10.13]

13.92 The Human Health Risk Assessment (HHRA) indicates that the risks to human health are negligible since the predicted daily exposure for all contaminants of potential concern is less than the toxicological benchmark. SWFOE questioned the exclusion of certain pathways from the HHRA, although the applicants had undertaken a survey beforehand to establish which pathways were likely to be realistic. This indicated that meat production does not take place in the immediate locality. Nevertheless, additional modelling was undertaken to include the ingestion of homegrown pork and beef, and milk from homegrown cows. Again, the analysis demonstrated that the risks to human health would be negligible. [6.119]

13.93 Despite the results of the assessments undertaken by the applicants, many local residents remain concerned about the potential health risk of emissions from the eRCF. Local residents' fears about the harmful effects on health of such a facility are capable of being a material consideration, notwithstanding that there may be no objective evidence to support such a fear. By itself, unfounded fear would rarely be a reason to justify withholding planning permission. Nevertheless, it seems to me that the anxiety caused by the potential risk of pollutants, even though the physical health risks may be negligible, could have an impact on the well being and the living conditions of local residents.

13.94 Many residents would like to see regular monitoring of air quality at specified receptor locations as a means of providing assurance regarding the risk of health from emissions at the plant. I can see merit in this approach but I have to accept that such measurements may not provide results which accurately reflect the impact of emissions from the eRCF. I consider the matter at paragraph 13.162 below and conclude that more meaningful and accurate measurement of emissions from the plant would be obtained by regular monitoring of emissions from the stack itself. This would have the advantage of providing emissions data for a wide area, rather than at a few specific locations, and would ensure that the collected data related to emissions from the plant. The S106 agreement would ensure that such information would be available to local residents by means of the proposed Site Liaison Committee. [6.114, 8.43, 12.23]

13.95 In conclusion, I am satisfied that the plant could be operated without causing any material harm to human health, and that this matter would be

adequately dealt with by the Environmental Permitting regime. Despite this, the concern of local residents regarding the risk to health, albeit unfounded, would remain as a detrimental impact of the development. Nevertheless, these fears would be ameliorated to some extent by the proposed arrangements for the results of monitoring of emissions to be provided to the Site Liaison Committee.

xi. Highway Safety and the Free Flow of traffic

13.96 As previously indicated, the impacts of the present proposal must be considered in the light of the extant permission for the RCF, which in my judgment provides a fall back position. In relation to the RCF there would be no control on the daily number of HGV movements by means of a condition. Notwithstanding this, the applicants indicate that the eRCF would generate no more than the 404 daily HGV movements anticipated in relation to the RCF. In this respect it is arguable that the proposal would have no greater impact than the scheme already permitted. [6.68]

13.97 The access road that would serve the development would link directly onto the A120, which is part of the trunk road network. The S106 agreement provides for traffic routeing arrangements to ensure that HGVs travelling to and from the site use a network of main roads and thereby avoid the local road network. Local residents argue that the A120 is frequently congested and the additional traffic generated by the development would exacerbate this situation. Moreover, it is argued that it would not be practical to enforce the traffic routeing arrangements and that HGV drivers would use the local road network to gain access to and from the site where a shorter route was available, or when the main road network was congested. The LCG submits that vehicles would be arriving from a wide range of places and that the eRCF operator would not have control over many of these vehicles. [8.37, 9.15, 10.38, 10.39, 10.44, 10.46]

13.98 I agree that many of the local roads in the area are narrow, winding and unsuitable for use by HGVs. However, the applicants point out that the eRCF would not be open to the public and the operator would have control over deliveries and the despatch of material to and from the proposed plant. Under such circumstances, I am satisfied that it should be possible to ensure that traffic routeing arrangements are enforced. [6.68, 9.17]

13.99 There is no doubt that volumes of traffic on the A120 are such that the road has reached its practical capacity and sections are regularly congested. However, as the applicants point out, for the most part this congestion occurs at peak times and the road should not necessarily be regarded as unable to accommodate additional traffic. During my site visits, I saw queues developing at peak times, particularly near Marks Tey where the A120 meets the A12. However, on most of these occasions, traffic continued to move, albeit slowly, and the levels of congestion were not unduly serious. Nevertheless, these were merely snapshots on particular days and I have no doubt that far more serious congestion occurs on a not infrequent basis. [6.71, 8.32, 9.16]

13.100 Notwithstanding this, it is likely that much of the traffic associated with the eRCF would travel outside peak periods and would not add to congestion problems. It must also be remembered that by restricting daily HGV movements to no more than 404, the proposal would not increase volumes of traffic over and above the figures associated with the RCF which has already been approved.

13.101 Many objectors doubt whether the eRCF could operate at full capacity with only 404 daily HGV movements. I have some sympathy with this argument as it was previously anticipated that the RCF would also generate 404 daily HGV movements, yet the RCF would involve the movement of 906,000tpa of material compared to the 1,272,075tpa associated with the eRCF, an increase of about 40%. The applicants have derived the HGV movements for the eRCF on the assumption that each lorry would be carrying the maximum weight permitted for that vehicle, arguing that there is no reason to believe that the operator or hauliers would wish to operate on the basis of sub-optimal loads. This is a logical argument, although I have some concern as to whether the calculations are somewhat theoretical and idealised, and do not make sufficient allowance for contingencies. [6.68, 8.28, 8.30, 11.7]

13.102 The applicants submit that there is no evidence that any specified number of HGV movements greater than 404 would have materially different or more serious implications in highways and transportation terms. This may be so, although it seems to me that the Highways Agency may well have required further information when consulted on the scheme, if the generation of HGVs was anticipated to be significantly greater than 404 movements per day. Notwithstanding this, the applicants have willingly agreed to the proposed planning conditions limiting the number of daily HGV movements to 404, and are satisfied that the eRCF could be operated economically and viably with such a restriction. They argue that the number of vehicle movements can be minimised by the use of 'back hauling' (i.e. using the same lorries that deliver material to the site to carry material from the site). [6.69, 8.31]

13.103 The site access road has junctions with Ash Lane and Church Road. Although there have been accidents at these junctions, it appears that the number of incidents have been few in number and it does not seem to me that the accident record is of serious concern. I note that the Highway Authority did not object to the application. The proposal would result in improvements at the junctions, and given the low volumes of traffic on the two local roads, I consider there is no reason to justify withholding planning permission for the development on the grounds of road safety at these junctions. [6.73, 6.74, 8.35, 9.18, 11.2]

13.104 For all of the above reasons, I conclude that the proposed restriction on the number of HGV movements is reasonable and appropriate and that the development would not have an unacceptable impact on highway safety and the free flow of traffic on the road network.

xii. The impact on the local right of way network

13.105 The network of footpaths in the area is well used. Three footpaths, including the Essex Way, cross the existing quarry access road. The proposed extension of the access road would cross footpath 35. Footpath 8 passes alongside the complex of buildings at Woodhouse Farm. [2.15, 8.18, 9.4]

13.106 Walkers on footpath 8 would pass close to the IWMF. Apart from seeing the stack, they would also, when approaching the site from the south, be likely to see the rear of the AD tanks, particularly in wintertime when many trees would have lost their leaves. A hedge would partially screen views from footpath 35, although it

is likely that walkers on footpath 35 would, on occasions, have views of part of the front of the building, which would be some 200m wide and 20m in height. The applicants acknowledge that users of footpath 35/68 to the north of the site would experience moderate adverse visual impact at Year 1 of operation, with other paths in the area assessed as minor adverse impact. [6.79, 8.18, 9.25, 9.31]

13.107 As indicated above, I have no doubt that the development would have some harmful effect on the present rural character of the area. This impact would be apparent to users of the footpath network. Moreover, the comings and goings of vehicles serving the site and activities at the site would also have a detrimental impact on the present tranquillity of the area. Nevertheless, these impacts would be ameliorated by the various mitigation measures such as hedge and woodland planting; the proposed dark colour of the building; the proposed green roof; the siting of the extension to the access road and the IWMF building itself within cutting (which would help to control noise and visual impact); and the intention to undertake all operations within environmentally controlled buildings. Overall, I consider that the impact on the right of way network would be detrimental but not to an unacceptable degree. [6.48, 6.89, 6.120]

xiii. Ground and surface water

13.108 The SWFOE submits that the proposed MDIP would require water over and above that obtained from recycling and rainwater collection. It is argued that water abstraction could have an impact on the River Blackwater and that a water study should have been undertaken to assess the impact of water requirements. Other objectors are concerned that the proposed eRCF could result in contamination of ground and surface water. [10.7, 11.9, 11.14, 12.28]

13.109 I am mindful that the proposals include the on-site collection, recirculation and treatment of water, minimising the need for fresh water. All surface water outside the buildings would be kept separate from drainage systems within the buildings. All drainage and water collected within the buildings and used in the Pulp Facility would be treated and cleaned within the Waste Water Treatment facility. It is anticipated that the IWMF would be largely self sufficient in water, by utilising rain/surface water, and would only require limited importation of water. This could be sourced from New Field Lagoon, which is part of the existing drainage system for the restored mineral working to the north, from licensed abstraction points, or obtained from the utility mains. Moreover, ground water monitoring would be undertaken and the results made available to the Site Liaison Committee. Bearing in mind the proposed methods for dealing with water; the monitoring that would be undertaken; the 1.5 km distance between the proposed IWMF and the River Blackwater; and the geology of the area with its significant clay strata, I conclude that the development could be built and operated without causing harm to the River Blackwater or causing contamination to groundwater. [5.27, 7.35,]

13.110 A number of objectors are concerned that the excavations involved in the development would result in the dewatering of soils to the detriment of existing trees and vegetation. However, the geology of the area suggests that existing trees rely on surface water, rather than ground water in the substrata. Clay is the dominant material in the soils beneath the woodland blocks. Woodland growth is separated from the underlying sand and gravel by over 6m depth of boulder clay. The trees are not dependent upon the groundwater locked in any aquifer below ground, but are

reliant upon moisture held within the subsoil and top soil that overlies the boulder clay. Any localized lowering of the water table as a result of excavations would have little impact on vegetation. [6.80, 8.26, 11.4, 12.20]

xiv. Loss of agricultural land

13.111 The development would result in the loss of almost 12ha of Grade 3a agricultural land, and in this respect the proposal is in conflict with local and national planning policies. However, there would be a similar loss if the RCF were constructed. Moreover, the impact of such a loss of best and most versatile agricultural land must be balanced against other sustainability considerations. [6.67, 6.105, 8.55, 8.58, 11.4, 11.13]

13.112 Although a loss of such agricultural land should be avoided where possible, ECC points out that the emphasis in the last 5 years has moved to soil resource protection. Soils stripped from agricultural areas would be re-used sustainably. It would be used on screening bunds; on new areas of woodland and grassland; and to enhance the restoration of agricultural areas within the adjacent quarry. The proposed loss of Grade 3a agricultural land represents 0.3% of the Bradwell Hall Estate holding. Moreover, Woodhouse Farm is unoccupied, and could not form a 'commercial unit of agriculture' under the present agricultural cropping regime. It is also noteworthy that Natural England did not object to the proposal. For all these reasons, I conclude that the loss of Grade 3a agricultural land in this case is not an overriding issue. (6.105, 7.29)

xv. Habitats, Wildlife and Protected Species

13.113 About 19.1ha of open habitats would be lost. However, a large proportion of these are of low ecological value being arable land, species poor semi-improved grassland and bare ground. Mitigation measures include the planting of 1.8ha of new species rich grassland together with the provision of a further 1ha of managed species rich grassland to the east of Woodhouse Farm outside the Planning Application area. Moreover, the green roof on the main buildings of the proposed eRCF would be about 5ha in area and allowed to establish into open habitat. Bearing in mind that the new habitats would be the subject of an Ecological Management Plan, I agree with the applicants that the overall residual impact of the development is likely to be positive in terms of the value of open habitat. [5.20, 6.89, 6.90, 7.28, 11.2, 11.5].

13.114 Although between 1.6 and 1.7ha of existing woodland would be lost, the proposal includes planting of approximately 3.4ha of additional woodland and 2kms of new hedgerows. Objectors are concerned that the rate of growth of new vegetation is unlikely to be rapid and point out that the applicants accept that it would take up to 40 years to effectively replace some of the lost woodland. In the short term, I agree with objectors that the loss of woodland is likely to outweigh the positive impacts of the new planting. However, I note that the retained woodland would be managed to improve its diversity and screening quality. Bearing this in mind and the significant amount of new woodland and hedgerow to be planted and managed, it seems to me that the overall effect would be positive within a reasonably short space of time, despite the time necessary for woodland to provide significant screening. Certainly, in terms of habitat value the provision of additional

woodland and hedgerows would outweigh the loss of existing woodland within a short period. [5.19, 6.78, 6.90, 6.92, 7.28, 8.17, 8.20, 9.27]

13.115 With regard to protected and otherwise notable species, surveys have revealed that several species of bat utilise the site. In addition a small population of great nested newts were found and a range of bird species breed in the area. Brown hares can be found on the site. However, surveys for badger revealed only the presence of latrine sites. [6.88, 9.4]

13.116 Without mitigation the development would have a detrimental impact on protected species. However, the development includes a range of mitigation, compensation and enhancement measures. A number of ponds would be managed in the interests of great crested newts; bat boxes and various nesting boxes for birds would be provided; and buildings would be refurbished to provide specific roosting opportunities for bats. In addition habitats would be managed and created to provide foraging opportunities. I am satisfied that these and other measures would ensure that disturbance to protected species would be minimised or avoided. [6.88, 6.89]

13.117 Bearing in mind that the proposal includes the management of existing and proposed water bodies; the creation and management of new habitats; and the planting of woodland and hedgerows, I consider that overall it would enhance the bio-diversity of the area. [7.28]

xvi. The impact on Listed Buildings and the Silver End Conservation Area

13.118 When considering development proposals which affect a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess. There can be no doubt that the proposed development would cause some harm to the setting of the Listed Building complex at Woodhouse Farm. The close proximity of such a large development, with its associated lighting and parking facilities, and the visible presence of the chimney stack would have some detrimental effect upon the rural setting which the building presently enjoys. In addition the movement of such a large number of HGVs in the locality would be likely to create some noise and disturbance and generate a sense of activity in the immediate locality. However, I must bear in mind the fall back position arising from the extant planning permission for the RCF and the fact that the existing rural character of the area is already compromised to some extent by the presence of the remnants of the former airfield; the nearby scrapyards at Allshot's Farm; and the ongoing mineral workings at Bradwell Quarry which are likely to continue until 2021. [2.5, 2.7, 4.4, 8.18, 8.19, 11.10]

13.119 More importantly, I am mindful that the Woodhouse Farm complex is in an extremely poor state of repair and that the site of the complex is overgrown, derelict and untidy. The proposal to refurbish the buildings and bring them into meaningful use would, in my judgment outweigh any harmful impact on the setting of the complex that would be caused by the IWMMF development. [2.6, 7.43, 9.7]

13.120 The setting of the Listed Building at Allshot's Farm is already severely compromised, in my judgment, by the presence of the nearby vehicle scrapyard.

Bearing in mind that this building is a further 400 metres beyond the Woodhouse Farm complex, I consider that the presence of the proposed development would have little or no impact on Allshot's Farm and its present setting would be preserved.

13.121 The listed building at Sheepcotes Farm is about 600m from the proposed IWMF. At present there is a tall conifer hedge at the rear of the plot which screens the farm buildings from the airfield. Moreover, the setting of the building is already influenced by the presence of the nearby former airfield hangar; the existing telecommunications tower; and the former runways of the airfield. The construction and operation of the IWMF would have some detrimental impact on the setting of Sheepcotes Farm. However, given the distance to the application site, the present conifer screening and the impact of existing development, I conclude that the effect of the proposed IWMF on the setting of the building would be minimal. [2.10, 9.13]

13.122 The other listed buildings in the locality, and the edge of the Silver End Conservation Area are at least 1km from the site of the proposed IWMF. Given these distances; the siting of the proposed IWMF and access road extension below existing ground levels; and existing intervening vegetation, which in some cases would provide significant screening, I am satisfied that the IWMF and its operations would have only a minor impact on the setting of these buildings and the conservation area. Moreover, because of the proposed hedgerow and woodland planting, and other landscaping works associated with the development, I consider that the scheme as a whole would preserve the settings of these buildings and of the conservation area. [2.9, 2.11, 2.12, 7.46, 9.12, 9.26, 11.15]

13.123 Section 72 of the above Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 4.14 of PPG15 indicates that the desirability of preserving or enhancing the area should also be a material consideration when considering proposals which are outside the conservation area but which would affect its setting, or views in or out of the area. Bearing in mind my conclusion that the scheme as a whole would preserve the setting of the conservation area, I am satisfied, for the same reasons that it would also preserve the character and appearance of the Silver End Conservation Area. [6.137, 9.6, 9.8]

xvii. The historic value of the airfield

13.124 A number of objectors are concerned about the impact the development would have upon the historic value of the airfield. However, much of the airfield and its military buildings have disappeared. The applicants submit that the airfield is not a particularly good surviving example of a World War II military airfield. I have no detailed evidence which contradicts this view. The airfield facilities themselves are not designated or protected in any way. [6.77, 6.138, 10.36, 11.15]

13.125 I note that the provision within the S106 agreement relating to the Woodhouse Farm includes for an area to be set aside within the refurbished complex for a local heritage and airfield museum. In my opinion, this would be a practical method of recognising the contribution made by the airfield to the war effort and would be commensurate with the historic value of the site. I can see no justification for withholding planning permission at this site because of its historic value as an airfield. [5.13, 12.24]

Other matters

13.126 With regard to the suggestion put forward by Feering PC that provision be made for a flood lagoon at Bradwell to relieve flooding problems in Coggeshall, Kelvedon and Feering, I agree with the comments made in the ECC committee report of 24 April 2009 (Document CD/2/12A), that to require a contribution for such development would not be in accord with the criteria for planning obligations set out in Circular 05/2005. The application site is not located in a flood risk area and the scheme would have no impact upon the flows of the River Blackwater. [11.23]

Mitigation measures

13.127 As indicated above, the development would have some harmful impact on the environment. It would result in a loss of existing habitat, both open and woodland. It would generate a degree of activity, noise and disturbance, light pollution, potentially some odour, and would be detrimental to air quality as a result of the emissions from the plant and the HGV traffic that would be generated. It would result in a loss of Grade 3a agricultural land and would have a visual impact on the landscape, not least from the proposed chimney stack. The perceived risk to human health also represents a negative impact, albeit that I am satisfied that any such risk would be negligible and does not justify such fears.

13.128 In my judgment, the proposals include measures that would substantially mitigate these impacts. Moreover, the imposition of suitable conditions, IPPC control and the provisions of the S106 agreement would ensure that such impacts were kept within acceptable limits. In particular, I am mindful that the additional woodland planting, the proposed hedge planting and provision of replacement habitats, including the lagoon, the green roof of the building, and other features would mitigate against the loss of woodland and habitats. These features, in combination with the siting of much of the access road within cutting, the main building within an excavated area, the design of the main building in the form of two vast hangars, the siting and partial screening of the stack, would significantly mitigate the visual impact of the development within the landscape and the impact on the character of the area.

13.129 It seems to me that the impacts should be considered in the light of the extant permission for the RCF which provides a fall back position. On this point, I am mindful that there would be no control on the number of HGV movements generated by the RCF in terms of a planning condition.

Overall conclusion

13.130 Although the development would cause harm in a number of ways, I consider that the proposed mitigation measures would ensure that such harm would be minimised to such an extent that there would be no unacceptable harm either to the environment or to the local population. On the other hand, the proposal would provide a range of important benefits, not least a means of undertaking waste management in a sustainable manner which would assist in meeting the challenging waste management targets set out in the EEP. Overall, I consider that the scheme's conflict with a small number of planning policies is far outweighed by the support given by a range of other planning policies and, on balance, it seems to me that the proposal is in accord with the development plan and Government guidance.

Conditions and obligations

13.131 I shall recommend that planning permission be granted for the eRCF subject to conditions. In the event that the SoS agrees and decides to grant planning permission it seems to me that such permission should be subject to the conditions set out in the central column of Appendix B of this report. The appendix is based on the final draft of the suggested list of conditions put forward by ECC (Document ECC/8). I have amended the list of conditions in the central column to reflect my comments below. In general, the conditions are reasonable and necessary and meet the tests set out in paragraph 14 of Circular 11/95. Where I make no comment on a condition set out in ECC/8, I consider that condition to be appropriate and necessary for the reasons set out in Appendix B and Document ECC/8.

13.132 I consider that a 5 year limit for commencement of the development as set out in Condition 1 is appropriate and realistic, bearing in mind the nature of the development and the need for an Environmental Permit to be obtained before work could realistically commence on site. Condition 2 is necessary to clarify the details of the development and to avoid any doubt as to the relevant drawing numbers. I have added this reason to the schedule.

13.133 It is necessary to limit the maximum number of HGV movements as set out in Condition 3, because no assessment has been made of the impact of a larger number of additional HGV movements on the trunk road network and there is no dispute that the network already suffers from congestion from time to time [12.3].

13.134 In the interests of road safety and to avoid congestion on the local road network it is important to take steps to minimise the likelihood of HGVs using local roads to gain access to and from the site. The traffic routing provisions of the S106 agreement would make an important contribution to this objective. To help make those provisions viable, I consider that it is necessary to log various details relating to each vehicle visiting the site. I therefore consider that it is necessary for Condition 5 to be amended to read that '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.' [12.4].

13.135 The words 'Figure1-2 annexed hereto' should be deleted from Condition 8 and replaced with 'application drawing Figure 1-2'. The drawing is listed in Condition 2 and there is no need to attach the drawing to the formal grant of planning permission.

13.136 'Plan 1' referred to in Condition 13 can be found in the S106 agreement. The wording in the condition should be amended to reflect this.

13.137 Condition 14 seeks to control the design of the stack. The applicants seek the SoS's views on the acceptability of a 40 m high (above existing ground level) stack (rather than the 35 m high stack applied for) in the event that the EA requires a higher stack as part of the EP procedure. Although Condition 14 relates to

the design of the stack, Condition 56 controls the height of the stack and therefore Condition 14 would be unaffected by any such change in height.

13.138 I do not consider that it is appropriate to impose a condition requiring the buildings at Woodhouse Farm to be brought into a good state of repair. I agree with ECC that such works may require Listed Building Consent and a further grant of planning permission. It would be unreasonable to impose a condition requiring such development, as the applicants would not have control over the decision which permitted such development. I am satisfied that the matter is best covered by the provisions of the S106 agreement. [12.5]

13.139 I have concerns as to whether Condition 16 meets the tests for conditions set out in Circular 11/95, particularly in relation to necessity and its relevance to the development. I appreciate that BDLPR Policy RLP94 indicates that major development will make provision for the commissioning of suitable and durable public works of art, and that the site can be seen from the public footpath. However, the development would not be located in a public place and it cannot be readily described as falling within the public realm. Moreover, I am not convinced that a work of art at this location is either relevant to the development or would make a positive contribution to the environment and the wider community. For all these reasons, I consider that Condition 16 should not be imposed. [12.6]

13.140 I consider that Condition 17 should be imposed. It is important that all possible measures are taken to ensure that there is no visible plume from the stack. Not only would a plume give the area a somewhat industrialised character, but it would unnecessarily increase fears about the possibility of environmental pollution and risks to human health, no matter how unfounded those fears may be. I am not convinced that these are matters that would necessarily form part of the EP regime and would be dealt with by the EA. I am mindful of the LCG's concern that the condition does not categorically state that there will be no plume. However, it seems to me that the Condition in its present form adopts a reasonable and pragmatic approach to the matter. [12.7]

13.141 With regard to Condition 21, the LCG is concerned that the application drawings do not identify any parking areas for HGVs. However, I support the approach that substantial provision should not be made for the parking of HGVs in the open air on the site. To encourage such parking would not be beneficial to the character of the area. Condition 21 should remain unaltered. [12.8]

13.142 As the development has been partly promoted on the argument that the excess electricity produced at the plant would be sold to the National Grid, I have some sympathy with the LCG's submission that a condition should be imposed requiring such electricity to go to the National Grid. However, it is unreasonable to impose a condition requiring the applicants to meet a requirement which is not entirely within their control. It would plainly be in the applicants' interests to sell the excess electricity and I conclude that it would be unreasonable to impose such a condition on this issue. [12.9]

13.143 In relation to Condition 28, I agree with the applicants that restricting the sourcing of SRF from outside Essex and Southend, but within the remainder of the East of England for a period of only one year from the date of agreement with the WPA, could lead to problems of uncertainty. The ability to enter into contracts for

such a limited period could unreasonably handicap the applicants in the operation of the plant. Nevertheless, it is important that all possible efforts are made to ensure that such material is sourced from within the local area in the interests of the proximity principle and the ability of the plant to deal with local waste arisings. Changes in the availability of supply in the locality should therefore be accommodated within a reasonable period. It seems to me that a reasonable and realistic approach would be to adopt a time period of 3 years in this case. I therefore consider that the reference to '[one/five] years' in paragraph (ii) of Condition 28 be amended to 'three years'. [12.10]

13.144 Condition 30 is a source of conflict between the parties. The applicants argue that it would not be possible to source 80% of the feedstock for the MDIP from within the region and the relaxation contained in the condition would therefore have to operate from the outset. In this respect the condition is unreasonable. Moreover, it is pointed out that the MDIP would be a unique facility in the UK. Policy WM3 of the East of England Plan indicates that allowance can be made for specialist processing or treatment facilities to deal with waste primarily from outside the region where there is a clear benefit.

13.145 On the other hand, I am mindful that the figure of 80% is derived from the application. As ECC points out, the regulation 19 information provided by the applicants stated that the Region could provide a significant proportion, if not all of the paper feed stock for the MDIP. Moreover, Policy WM3 places some weight on a progressive reduction of waste imported into the East of England.

13.146 It seems to me that the MDIP would be of benefit in a number of ways. It would provide a means of recycling high quality waste paper in a beneficial way. It would reduce the need to use virgin fibre for making high quality paper and in due course it would probably encourage an increase in the amount of high quality waste paper that is recovered for recycling. In these respects, the facility could be of benefit to an area larger than the East of England region.

13.147 I have some concern that the applicants did not make it clear at the outset that in reality more than 20% of the feedstock would have to be sourced from outside the region. On the other hand, it would have been unduly optimistic to expect that nearly all the relevant potential feedstock in the East of England would become available for the MDIP.

13.148 If planning permission is to be granted, the condition should be realistic and reasonable. Moreover, it seems to me that there are a number of somewhat competing objectives in relation to this condition. Firstly, the distance that waste is transported should be minimised, in accordance with the proximity principle. Secondly, and linked to the first objective, the operators of the facility should be encouraged to source locally produced feedstock wherever possible and thereby contribute to the objective of self sufficiency in dealing with waste. Thirdly, the MDIP must be viable if the benefits which it could provide are to be achieved. The applicants argue that a restriction on feedstock in terms of the distance from source, rather than being based on the regional boundary would be more realistic, practical and capable of meeting the objective of minimising the distance waste is transported. A figure of 150 km is suggested.

13.149 There are clearly merits in this approach. However, in view of the proximity and overwhelming size of London, I am concerned that this approach could result in the vast majority of the waste paper feedstock being transported from London thereby reducing any incentive to encourage the sourcing of feedstock from within the region. I therefore support the general approach adopted by ECC, although I do not agree that a requirement for 80% of the feedstock to be sourced in East of England would be reasonable, even if the terms of the condition required ECC to authorise a greater proportion of imports if the 80% target could not be met. The applicants do not expect the facility to deal with waste primarily from outside the region and therefore it seems that a requirement for 50% of the waste to be sourced from within the region would be reasonable given the flexibility provided by the suggested condition. I conclude that Condition 30 should be imposed, subject to the figure of '20%' in paragraph (i) being replaced by '50%' and the figure of '80%' in paragraph (ii) being replaced by '50%'. I have amended two typing errors in the second paragraph, replacing 'operation' with 'operator' and 'cad' with 'card'. [6.37, 6.38, 12.11, 12.12]

13.150 I have concern about the hours of working on a Sunday that would be permitted during construction by Condition 35. However, I am mindful that the development is sited some distance from the nearest residential dwellings and once excavation is completed a large proportion of the work would be undertaken below natural ground levels. Moreover, a similar condition applied to the RCF permission. Bearing these points in mind, the substantial nature of the development and the aim of completing construction within about 2 years to meet the likely demands for the facility, I conclude that Condition 35 should be applied in its present form.

13.151 I agree that Condition 38 should specify where noise measurements are to be made and that the following words should be included in the condition: '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'.

13.152 PPS10 makes it clear that when assessing planning applications for waste management facilities consideration should be given to the likely impact of the proposal on the local environment and on amenity. Although the pollution control regime may well result in the application of noise limits to the processes that would take place at the eRCF, it is reasonable for the planning system to seek to control noise to ensure that residential amenity is not harmed. The LCG is concerned that Conditions 39 and 40 allow higher noise levels than predicted by the applicants. That may be so, but it seems to me that the limits applied by those conditions are reasonable and should ensure that residential amenity is not significantly harmed by noise generated at the site. Condition 42 allows higher levels of noise for temporary periods, but this is intended to allow operations such as the construction of bunds which in themselves would assist in reducing the impact of the development on residential amenity. I consider that the noise levels set out in these conditions are reasonable and that the suggested conditions should be imposed. [12.15]

13.153 With regard to Condition 44, I am mindful that the applicants have indicated that external lighting units would be sited a maximum of 8 m above finished ground level and that the use of flat glass luminaries at 0° tilt would produce no upward light. However, I am satisfied that Condition 44 would enable ECC to ensure that the potential for light spillage would be minimised and I accept ECC's

argument that excessive specification before a final lighting scheme is adopted could be counter-productive. There are a number of factors to be taken into account, including considerations of average and peak levels of lighting and the number and siting of lighting units. For these reasons, I conclude that Condition 44 should remain in its present form. [6.83, 8.39-42, 12.16]

13.154 I agree with ECC that Condition 52 should be imposed. Firstly, the pollution control regime would not necessarily be applicable to the excavation and construction of the plant. Moreover, odour has the potential to cause significant harm to residential amenity and the environment, and it is not unreasonable that the planning system should have some control over this highly controversial issue which can be difficult to control and enforce if measures are not taken to provide control at the outset. Although there could well be some overlap between the planning and pollution control regimes on this matter, it is not unreasonable that the planning authority should be satisfied that appropriate measures have been taken to control fugitive odours before beneficial occupation of the IWMF is permitted. [12.17]

13.155 With regard to Condition 55, I agree with the applicants that it would be unreasonable to prohibit the works set out in the condition from taking place during the bird nesting season, if such work would not affect nesting birds. Condition 55 should remain in its present form.

13.156 Condition 56 indicates that the stack height should not exceed 85 m AOD (35m above existing ground level). The applicants consider it unlikely that a taller stack would be necessary to meet the requirements of the pollution control regime. Nevertheless, if a taller stack were required, a further planning application under Section 73 of the 1990 Act would be necessary. The applicants seek the SoS's view as to whether a taller stack, up to 90m AOD, would be acceptable. Clearly, it is a matter for the SoS whether he wishes to comment on this matter. Generally, he would not be expected to do so, particularly if insufficient information was before him. In this case, the appellants have put forward some evidence on the matter, including at least one montage of a 40m high (90m AOD) stack. Moreover, the LCG has presented some counter evidence, together with a number of montages of such a feature.

13.157 Overall, however, less information has been provided about the impact of a 40m high stack compared to that which has been presented in relation to a 35 m high stack. It would be expected that the detailed assessment of a 40m high stack would be as thorough as that for a 35 m high stack, and in this respect I consider that insufficient information has been submitted in relation for example to montages from various locations, an assessment of zone of theoretical visibility, and the opinions of all parties who may be affected by such development. Clearly, a 40m high stack would have a greater visual impact than a 35m high stack and in this respect the balance of harm versus the benefit of the eRCF would be affected.

13.158 I am mindful that the advice in the Defra document entitled 'Designing Waste Facilities' indicates that the required height of emission stacks should not be underestimated (Doc CD/8/9 Page 74). It is unfortunate that further progress on this matter has not been made in discussions between the EA and the applicants. I appreciate that only the proposed operator can apply for an Environmental Permit, as indicated in the e-mail from the EA dated 5 October 2009 (Document GF/28) and that this requirement has prevented the applicants from making a formal application

to the EA. Although detailed discussions have obviously taken place, it seems to me that insufficient progress has been made, for whatever reason, because such an important issue as the required height of the stack has not been resolved. The advice in paragraph 28 of PPS10 that waste planning authorities and pollution control authorities should work closely to ensure integrated and timely decisions under the complementary regimes has not been followed insofar as such an important matter has not been assessed in some detail by the EA. It is not for me to determine why the advice has not been followed, but the result is that important information, which ideally should have been presented to the inquiry, has not been available.

13.159 On the basis of the evidence presented to date, and my inspections of the site and its surroundings, it seems to me that the benefits of the eRCF proposal may well outweigh the harm that the development would cause even if a 40m stack were required. However, until a more thorough assessment is undertaken and the views of all those who may be affected by such a change in the proposal have been thoroughly canvassed, it seems to me that no firm conclusions can be reached. With regard to the existing proposals, Condition 56 is appropriate.

13.160 Turning to Condition 60, the LCG submits that the management and watering of trees adjacent to the proposed retaining wall should continue during the operational phase of the development. However, evidence submitted by the applicants suggests that the trees rely on surface water in the topsoil and subsoil rather than on ground water in the substrata and ECC considers that there is therefore no need to continue watering after construction is complete. It is arguable that the future maintenance of the trees would be adequately covered by the provisions of the management plan for existing and proposed planting set out in the S106 agreement. Nevertheless, given the disturbance to the natural conditions which would be caused by the development, it seems to me that it would be wise to ensure that watering of these trees continued during the first growing season after the completion of construction if this proved necessary. I consider that the condition should be amended by including the words '*and throughout the first growing season after completion of construction where necessary*' after the words '*and construction of the IWMF*'.

13.161 I consider that the provisions of the S106 agreement are necessary to ensure that the necessary highway and access works are completed at the appropriate time in the interests of road safety; traffic routing arrangements are put in place again in the interests of road safety and to minimise any impact on the local road network; a Site Liaison Committee is set up and operates, to ensure good communications between the operator of the plant and the local community; the refurbishment of the Woodhouse Farm complex takes place in the interests of preserving the listed buildings and providing facilities that would be of benefit to the local community; a management plan is put into operation to mitigate the visual impact of the development and to enhance the ecological value of the area; to ensure that minerals are not extracted and the site then remains undeveloped; to ensure a survey of historic buildings is undertaken and the results are appropriately recorded; to ensure groundwater is monitored and any necessary mitigation measures are undertaken; to ensure the MDIP is operated as an integral part of the IWMF; and to provide for the setting up and operation of a Community Trust Fund for the benefit of the local community.

13.162 I can understand the desire of the community group and the LCG for ambient air quality monitoring to be undertaken at specified receptor locations and for the results to be made available to the local community. I have no doubt that the results of such monitoring could assist in allaying the fears of the local community about the potential of the plant to cause harm to human health and the local environment. However, as the applicants point out, such monitoring would be subject to a wide range of variables and would be of limited value in identifying the impact of the development itself. A more meaningful and accurate measurement of the emissions from the plant would be obtained from the regular monitoring of emissions from the stack. This is a requirement of the Waste Incineration Directive (WID) and would result in continuous monitoring of some emissions and regular periodic monitoring of others. It has the advantage of providing emissions data for a wide area rather than at a few specific locations and would ensure that emissions and modelling data related to the emissions from the plant. The S106 agreement provides for the results of such monitoring and also ground water monitoring to be presented to the Site Liaison Committee. I conclude that this approach would result in more meaningful measurements of emissions from the eRCF. [6.114, 12.23]

SECTION 14 - RECOMMENDATION

14.1 I recommend that planning permission be granted for the proposed 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 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. The permission should be subject to the conditions set out in the centre column of Appendix B of this report.

MP Hill

INSPECTOR

APPEARANCES

FOR THE APPLICANTS:

David Elvin QC assisted by Simon Pickles, of Counsel	instructed by Linklaters LLP on behalf of Gent Fairhead & Co Limited.
They called:	
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FOR THE WASTE PLANNING AUTHORITY:

James Pereira of Counsel	instructed by Solicitor to Essex County Council
He called	
Claire Tomalin BSc MA MRTPI	Senior Planner, Essex County Council.

FOR BRAINTREE DISTRICT COUNCIL AND VARIOUS PARISH COUNCILS (The Local Councils Group):

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Director of CPREssex.
District Councillor and Silver End Parish Councillor.
Resident of Kelvedon.
Consultant in urban design and historic buildings
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INTERESTED PERSONS:

Paul Gadd	representing Saffron Walden Friends of the Earth
David Rice	Local resident, Braintree.
Stewart Davis	Local resident, Kelvedon.
Eleanor Davis	Local resident, Kelvedon.
Paula Whitney	representing Colchester and North East Essex Friends of the Earth
Kate Ashton	Local resident, Rivenhall.
Felicity Mawson	Local resident, Witham.
Brian Saville	Local resident, Bradwall
Robert Gordon	Local resident , Silver End

DOCUMENTS

- 1 Lists of persons present at the inquiry
- 2 ECC's Letter of Notification of inquiry.
- 3 Copies of Representations received by ECC

Submitted by Applicants – Gent Fairhead & Co Ltd (GF)

GF/2/A	Proof of Evidence of Steven Smith
GF/2/B	Appendices to Proof of Evidence of Steven Smith
GF/2/C	Rebuttal Proof of Evidence of Steven Smith
GF/2/D	Appendices to Rebuttal Proof of Evidence of Steven Smith
GF/2/E	Presentation of Evidence of Steven Smith
GF/3/A	Proof of Evidence of Andrew Sierakowski
GF/3/B	Appendices to Proof of Evidence of Andrew Sierakowski
GF/4/A	Proof of Evidence of Ralph Keeble
GF/4/B	Appendices to Proof of Evidence of Ralph Keeble
GF/4/C	Rebuttal Proof of Evidence of Ralph Keeble
GF/4/D	Appendices to Rebuttal Proof of Evidence of Ralph Keeble
GF/5/A	Proof of Evidence of Christine Marsh
GF/5/B	Appendices to Proof of Evidence of Christine Marsh
GF/5/C	Rebuttal Proof of Evidence of Christine Marsh
GF/5/D	Appendices to Rebuttal Proof of Evidence of Christine Marsh
GF/6/A	Proof of Evidence of Dr Amanda Gair
GF/6/B	Appendices to Proof of Evidence of Dr Amanda Gair

GF/6/C	Rebuttal Proof of Evidence of Dr Amanda Gair
GF/6/D	Response to Friends of the Earth – Air Quality
GF/7/A	Proof of Evidence of David Hall
GF/7/B	Appendices to Proof of Evidence of David Hall
GF/7/C	Supplemental Proof of Evidence of David Hall
GF/7/D	Appendices to Supplemental Proof of Evidence of David Hall
GF/7/E	Rebuttal Proof of Evidence of David Hall
GF/7/F	Appendices to Rebuttal Proof of Evidence of David Hall
GF/8/A	Proof of Evidence of Dr Ian James Fairclough
GF/8/B	Appendices to Proof of Evidence of Dr Ian James Fairclough
GF/8/C	Rebuttal Proof of Evidence of Dr Ian James Fairclough
GF/8/D	Appendices to Rebuttal Proof of Evidence of Dr Ian James Fairclough
GF/9/A	Proof of evidence of Jeff Thornton
GF/9/B	Appendices to Proof of Evidence of Jeff Thornton
GF/9/C	Supplemental Proof of Evidence of Jeff Thornton
GF/9/D	Appendices to Supplemental Proof of Evidence of Jeff Thornton
GF/9/E	Response to Friends of the Earth – HHRA
GF/10/A	Proof of Evidence of Justin Bass
GF/10/B	Appendices to Proof of Evidence of Justin Bass
GF/10/C	Rebuttal Proof of Evidence of Justin Bass
GF/10/D	Appendices to Rebuttal Proof of Evidence of Justin Bass
GF/10/E	Email from the Highways Agency dated 9 June 2009
GF/10/F	Letter from the Highways Agency dated 8 October 2009
GF/11	Revised Non-Technical Summary
GF/12	Addendum Environmental Statement
GF/13	Application Drawings
GF/13-R1	Revised Application Drawings (to replace GF/13)
GF/14	Erratum to GF/5/B/13 (Appendix 13 to Proof of Evidence of Christine Marsh)
GF/15	Erratum to GF/2/A and GF/2/B (Evidence of Steven Smith)
GF/15/A	Further Erratum to GF/2/A (Evidence of Steve Smith)
GF/16	Erratum to Chapter 2 of GF/12 (the Air Quality Chapter of the ES Addendum)
GF/17	Agreed note on the WRATE Modelling
GF/18	Proposed Site Itinerary
GF/19	Applicant List of Appearances
GF/20/A	List of Inquiry Documents – Day 1 (Tuesday 29 September 2009)

GF/20/B	List of Inquiry Documents – Day 2 (Wednesday 30 September 2009)
GF/20/C	List of Inquiry Documents – Day 5 (Tuesday 6 th October 2009)
GF/20/D	List of Inquiry Documents – Day 5 (Tuesday 6 th October 2009)
GF/20/E	List of Inquiry Documents – Day 8 (Friday 9 th October 2009)
GF/20/F	List of Inquiry Documents – Day 10 (Wednesday 14 th October 2009)
GF/21	Opening Submissions on behalf of the Applicant
GF/22	Erratum to GF/6/B/10 (Appendix 10 to the Proof of Evidence of Amanda Gair)
GF/23	Erratum to GF/5/A (Proof of Evidence of Christine Marsh)
GF/24	Summary Data to Support Evidence of Ralph Keeble
GF/25/A	Indicative Inquiry Programme (Day 2)
GF/25/B	Indicative Inquiry Programme (Day 2)
GF/25/C	Indicative Inquiry Programme (Day 3)
GF/25/D	Indicative Inquiry Programme (Day 5)
GF/25/E	Indicative Inquiry Programme (Day 6)
GF/25/F	Indicative Inquiry Programme (Day 6)
GF/25/G	Indicative Inquiry Programme (Day 8)
GF/25/H	Indicative Inquiry Programme (Day 9)
GF/26	Letter from Shanks to Ralph Keeble dated 21 September 2009
GF/27	Note of WRATE Modelling – Agreed Between David Hall and Ian Gilder
GF/28	Email from the Environment Agency in Respect of the Environmental Permit Application
GF/29	Negotiation of the RCF Section 106 Agreement
GF/30	Supplementary Note to Ralph Keeble's Evidence
GF/31	Supplementary Note on Tissue Mill Feedstock – by Ralph Keeble
GF/32	Note on Heritage Significance of Rivenhall Airfield
GF/33	Supplementary Note of EERA Review Consultation – by Ralph Keeble
GF/34	Supplementary Information - prepared by Amanda Gair
GF/35	Note on Tranquillity Mapping
GF/36	Erratum to CD/2/6 (Appendix 1 to the Ecological Impact Assessment Chapter)
GF/37	Note addressing question raised by Friends of the Earth regarding the "R1 Formula" (i.e. whether the eRCF would be categorised as "recovery" or "disposal" pursuant to Directive 2008/98/EC)
GF/38	Flexibility of the eRCF
GF/39	Directions to Frog Island WMF for site visit on Friday 16 October (Meeting there at 10.30am)
GF/40	Note addressing letter to the Inquiry from Glendale Power dated 8 October 2009 (CD/15/5/B)
GF/41	eRCF Preliminary Lighting Schedule
GF/42	eRCF Maintenance Note

GF/43	Explanation of changes to application drawings
GF/44	Closing submissions
GF/45	Drawing showing calculation of eRCF building area(in response to CD1/13/2 – Local Council's response to SoCG)

Submitted by Essex County Council (ECC)

ECC/1	Statement of Case
ECC/2	Proof of Evidence of Claire Tomalin
ECC/3	Summary Proof of Evidence of Claire Tomalin
ECC/4	Opening Submissions on behalf of ECC
ECC/5	Email from ERM to Lesley Stenhouse at ECC and Response
ECC/6	Supplementary Note of EERA Review Consultation – prepared by Claire Tomalin
ECC/7	Proposed Conditions (with comments where condition not agreed between ECC and the Applicant)
ECC/8	Revised version of ECC/7 with changes marked to show additional comments following Inquiry session on 13 October 2009
ECC/9	Closing submissions

Submitted by Local Council's Group (LC)

LC/1/A	Proof of Evidence of Ian Gilder
LC/1/B	Appendices to Proof of Evidence of Ian Gilder
LC/1/C	Supplementary Proof of Evidence of Ian Gilder
LC/1/D	Rebuttal Proof of Evidence of Ian Gilder
LC/1/E	Note on ERM 2009 Report (CD/10/4)
LC/2/A	Proof of Evidence of Teresa Mary Lambert
LC/2/B	Appendices to Proof of Evidence of Teresa Mary Lambert
LC/3/A	Proof of Evidence of Melanie A'Lee
LC/3/B	Appendices to Proof of Evidence of Melanie A'Lee
LC/4/A	Proof of Evidence of Tony Dunn
LC/4/B	Appendices to Proof of Evidence of Tony Dunn
LC/5/A	Proof of Evidence of Michael Horne
LC/6/A	Proof of Evidence of Robert Wright
LC/7/A	Proof of Evidence of Alan Waine
LC/8/A	Proof of Evidence of James Abbott
LC/8/B	Appendices to Proof of Evidence of James Abbott
LC/9	List of Appearances for the Local Councils
LC/10	Opening Submissions on behalf of the Local Councils
LC/11/A	Plan showing Parish boundaries

LC/11/B	Plan showing certain referenced roundabouts
LC/11/C	Plan showing certain referenced local roads
LC/12	Closing submissions
LC13-14	These have been numbered as CD/16/3-4

Submitted by Community Group (CG)

CG/1/A	Proof of Evidence of John Palombi
CG/1/B	Appendices to Proof of Evidence of John Palombi
CG/2/A	Proof of Evidence of Philip Hughes
CG/2/B	Appendices to Proof of Evidence of Philip Hughes
CG/3/A	Proof of Evidence of Barry Nee
CG/4/A	Proof of Evidence of Alan Stones
CG/4/B	Appendices to Proof of Evidence of Alan Stones
CG/5	List of Appearances and Opening Submissions on behalf of the CG
CG/6	Closing submissions

Submitted by other parties and individuals (OP)

OP/1	Submission on behalf of Saffron Walden Friends of the Earth, together extract of Environmental Report, dated February 2008, to Essex County Council by Eunomia.
OP/2	Oral statement of behalf of Saffron Walden Friends of the Earth including extract from DEFRA Stage One: Consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC) (July 2009)
OP/3	Submission from Stewart Davis
OP/4	Submission from Eleanor Davis
OP/5	Submission from Kate Ashton, including appendices.
OP/6	Submission by Paula Whitney, together with 7 appendices, on behalf of Colchester and North East Essex Friends of the Earth
OP/7	Submission by Felicity Mawson

CORE DOCUMENTS (referenced as: CD/[Section No]/[Ref No], e.g. the call in letter is CD/1/1)

Section No	Ref No	Document Title or Description
1		Call In Letter
1	1	Government Office for the East of England Call in Letter - 12.05.09
2		eRCF Planning Application and Associated Documents - ESS/37/08/BTE
2	1	Letter to ECC - Ref. Screening & Scoping - 22.05.08
2	2	eRCF Formal Scoping Opinion Request - 22.05.08
2	3	Letter to ECC - Ref. Planning Application & EIA - 26.08.08

2	4	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 1 - 26.08.08
2	5	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 1 of 4 - 26.08.08
2	6	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 2 of 4 - 26.08.08
2	7	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 3 of 4 - 26.08.08
2	8	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 4 of 4 - 26.08.08
2	9	Letter to ECC - Ref. Regulation 19 - Additional Information - 09.12.08
2	10	Regulation 19 Additional Information - 09.12.08
2	11	ERM, Rivenhall Airfield – Evolution of the Recycling and Composting Facility: Review of Environmental Statement, Final Report, November 2008
2	12A	ECC Report to Committee (DR/19/09) - 24.04.09
2	12B	Addendum to ECC Report to Committee - 24.04.09
2	13	Minutes of the Development & Regulation Committee - 24.04.09
3		RCF Planning Application and Associated Documents - ESS/38/06/BTE
3	1	Planning permission dated 26 February 2009 (Ref:KA/DEV/2848)
3	2	Minutes of the East of England Regional Planning Panel Sub-Committee of 19 January 2007
3	3	Rivenhall Airfield Recycling & Composting Facility, Volume 1 - Planning Application Supporting Statement – July 2006
3	4	Rivenhall Airfield Recycling & Composting Facility, Volume 2 - Environmental Statement, File 1 of 2- July 2006
3	5	Rivenhall Airfield Recycling & Composting Facility, Volume 2 - Environmental Statement, File 2 of 2- July 2006
3	6	Rivenhall Airfield Recycling & Composting Facility Supplementary Report, Nov 2006
3	7	Section 106 Agreement dated 26 February 2009 between Gent Fairhead & Co Ltd (1), Essex County Council (2), Barclays Bank Plc (3), Gent Fairhead Aggregates Ltd and Cemex Operations Ltd (4) and The Bradwell Estate (5)
3	8	Letter from Go-East dated 26 April 2007 in response to the referral by ECC of ESS/38/06/BTE
3	9	ECC Committee Report - ESS/38/06/BTE - 30 March 2007 (DR/015/07)
4		European Legislation and Guidance
4	1	Consolidated EC Framework Directive on Waste 2006/12/EC (previously the Waste Framework Directive 75/442/EEC (as amended))
4	2	New EC Framework Directive on Waste 2008/98/EC
4	3	EC Waste Incineration Directive 2000/76/EC
4	4	EC Landfill Directive 1999/31/EC
4	5	EC Groundwater Directive 2006/118/EC
4	6	EC Reference Document on Best Available Techniques in the Pulp and Paper Industry, 2001
4	7	EC Directive on Air Quality 2008/50/EC
4	8	The IPPC Directive (Directive 2008/01/EC)
5		Statutory Development Plan and Associated Documents
5	1	East of England Plan, The Revision to the Regional Spatial Strategy for the East of England, (May 2008)
5	2	Report to the Regional Planning Panel on the 29 June 2009 entitled 'Waste Policies for the review of the East of England Plan'
5	3	Essex and Southend Replacement Structure Plan (Adopted April 2001)

5	4	Essex and Southend Waste Local Plan (Adopted September 2001)
5	5	Braintree District Local Plan Review (Adopted July 2005)
5	6	Essex Minerals Local Plan First Review (January 1997)
5	7	Extract from the Report of the Panel, dated June 2006, Following the Examination in Public of the East of England Plan December 2004
5	8	Technical Paper on Waste for the Review of the East of England Plan – Consultation Document, August 2009
6		National Planning Policy
6	1	Planning Policy Statement (PPS) 1 – Delivering Sustainable Development
6	2	Planning and Climate Change – Supplement to PPS 1
6	3	Consultation Paper on PPS4 – Planning for Sustainable Economic Development 2007
6	4	PPS 7 – Sustainable Development in Rural Area
6	5	PPS 9 – Biodiversity and Geological Conservation
6	6	PPS 10 – Planning for Sustainable Waste Management
6	6A	Extract from the Companion Guide to PPS 10
6	7	Planning Policy Guidance (PPG) 13 – Transport
6	8	PPG 15 – Planning and the Historic Environment
6	9	PPG 16 – Archaeology and Planning
6	10	PPS 22 – Renewable Energy 2004
6	11	PPS 23 – Planning and Pollution Control
6	11A	Planning Policy Statement 23: Planning and Pollution Control Annex 1: Pollution Control, Air and Water Quality
6	12	PPG 24 – Planning and Noise
6	13	PPS 25 – Development and Flood Risk
6	14	Minerals Policy Statement (MPS) 2 – Controlling and Mitigating the Environmental Effects of Minerals Extraction in England
6	15	The Planning System: General Principles (ODPM, 24.02.2004)
6	16	PPS Planning for the Historic Environment: Historic Environment Planning Practice Guide (Living Draft – 24 July 2009)
6	17	Consultation paper on a new Planning Policy Statement 15: Planning for the Historic Environment (DCLG July 2009)
7		Circulars
7	1	Circular 11/95: Use of conditions in planning permission
7	2	Circular 05/05: Planning obligations
8		Other Law, Policy and Strategy Documentation
8	1	DEFRA Waste Strategy for England 2007 (May 2007)
8	2	Joint Municipal Waste Management Strategy for Essex (2007 to 2032)
8	3	DEFRA – Waste Infrastructure Delivery Programme Information Note on Combined Heat & Power (January 2009)
8	4	The UK Renewable Energy Strategy 2009
8	5	Essex Waste Management Partnership PFI, Outline Business Case, April 2008 (Executive Summary)
8	6	Essex Waste Management Partnership PFI, Outline Business Case, July 2009 (main body only, no appendices)
8	7	English Heritage (2006) <i>Understanding Historic Buildings: A guide to good recording practices</i>
8	8	The UK Low Carbon Transition Plan – National strategy for climate and energy
8	9	Designing waste facilities – a guide to modern design in waste (DEFRA/CABE 2008)
9		Previous Inquiry Documents and Other Planning Permissions
9	1A	Essex and Southend-on-Sea Waste Local Plan, Public Inquiry, 25 October 1999 – 5 January 2000, Report of the Inspector, July 2000

9	1B	Secretary of State's decision in respect of CD/9/1A
9	2	Planning Permission ESS/07/98/BTE: Minerals Local Plan Site R, Bradwell Sand and Gravel Pit and Rivenhall Airfield, Bradwell
9	3	ESS/15/08/BTE, Report from the Head of Environmental Planning at ECC approving variation of ESS/07/98/BTE to allow amended restoration levels.
10		Industry Reports and Assessments
10	1	Urban Mines – Detailed Assessment of East of England Waste Arisings for the East of England Regional Assembly (March 2009)
10	2	WRAP Market De-Inked Pulp Feasibility Study, 2005
10	3	Waste Arisings, Capacity and Future Requirements Study Final Report (ERM, February 2007)
10	4	Updated Capacity and Need Assessment Final Report (ERM, July 2009)
11		The Council Group Documents
11	1	[NOT USED]
11	2	Braintree District Council, Committee Report – 25 November 2008
11	3	Braintree District Council, Minutes of Planning Committee Meeting – 25 November 2008
11	4	Braintree District Council, Committee Report – 20 January 2009
11	5	Braintree District Council, Minutes of Planning Committee Meeting – 20 January 2009
11	6	[NOT USED]
11	7	[NOT USED]
11	8	Braintree District Council, Cabinet Meeting, Minutes of Meeting – 11 May 2009
12		The Community Group Documents
12	1	Kelvedon Village Plan, Kelvedon Parish 2002
12	2	Bradwell Village Action Plan, Bradwell Village Action Group, 2003
12	3	The Countryside Agency, Rivenhall Village Design Statement, July 2005
13		Statement of Common Ground
13	1	Draft Statement of Common Ground agreed between Gent Fairhead & Co. Ltd and ECC, dated 26 August 2009
13	2	Draft Appendix to CD/13/1 prepared by the Councils Group
13	3	CD13/1 with slight amendments shown in track changes (incorporating CD/13/2 as Appendix 1)
13	4	Final Statement of Common Ground
14		Section 106 Agreement
14	1	Draft Section 106 Agreement agreed between Gent Fairhead & Co. Ltd and ECC, dated 26 August 2009
14	2	Note setting out changes to be made to CD/14/1 prior to engrossment of Section 106 Agreement to incorporate comments of Local Councils
14	3	Further changes to be made to CD/14/1 to incorporate comments of Local Councils
14	4	Engrossment version of S106 (being CD/14/1 incorporating changes set out in CD/14/3)
14	5	Conformed and certified copies of completed S106 agreement
15		Third Party Correspondence
15	1	File of third party correspondence received from PINS on 3 August 2009
15	2	Correspondence received from PINS up to and including 25 September 2009
15	3	Letter submitted by Mr B T Hill to Inspector at Inquiry dated 5 October 2009
15	4	Correspondence received from PINS on 8 October 2009 (comprising 3 letters and 3 emails CD/15/4/A to CD/15/4/F)
15	5	Correspondence received from PINS between 9 and 12 October 2009 (CD/15/5/A to CD/15/5/F)
15	6	Correspondence received from PINS on 13 October 2009
15	7	Letter from Environment Agency to PINS dated 13 October 2009
16		Comments on the EA response to Addendum to ES and on any other representations on the Addendum received by 14 October 2009.

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| 16 | 1 | Letter from EA dated 22 October 2009 clarifying earlier comments |
| 16 | 2 | Comments on EA letter from Community Group dated 22 October 2009 |
| 16 | 3 | Comments on EA letter from Local Council's Group dated 22 October 2009 |
| 16 | 4 | Comments on lighting schedules from Local Council's Group dated 22 October 2009 |
| 17 | | Final responses submitted by 29 October 2009 to evidence submitted at CD/16 above. |
| 17 | 1 | Technical Note on Exterior Lighting, prepared by Pell Frishmann (dated 26 October 2009) on behalf of the applicants in response to representations from the LCG and CG's dated 22 October 2009. |
| 17 | 2 | Applicants response to representations made by Local Councils Group and Community Group on 22 October 2009 (CD/16 above) - Prepared by Dr Amanda Gair, 29 October 2009 |

Appendix A – Brief Description of the Frog Island Waste Management Facility at Rainham

- 1) I undertook an accompanied visit to the Frog Island Waste Management Facility on 16 October 2009.
- 2) The Frog Island development comprises a materials recycling facility (MRF) and a mechanical biological treatment plant (MBT). The MBT plant processes about 200,000 tpa of municipal solid waste (MSW) and C&I waste on three lines each taking about 70,000 tpa. The plant operates with a negative internal air pressure and each line has a large biological filter on the roof designed to deal with odours. The object of the site visit was to inspect the operation and efficiency of the plant with regard to the generation of dust, and odour.
- 3) The plant is situated on the edge of the River Thames and is some distance from the nearest residential properties. There were high levels of noise at the end of each line within the plant, at the point where vehicle trailers were being loaded before removing residues from the plant. However, the plant appears to be well insulated for sound because the level of noise outside the building was low and not intrusive.
- 4) The plant is fitted with fast operating roller shutter doors and these appear to work well. However, the reception area for the delivery of waste is too small. I noted that vehicles were depositing their loads whilst the roller shutter doors were open – they did not appear to have sufficient room to move fully into the building before tipping the waste. Some waste spilled outside the line of the doors as the vehicles moved forward, lowering their trailer bodies and leaving the building. This spill of waste prevented the doors from being closed fully from time to time and there was some odour from waste at the point of delivery. Nevertheless, the negative air pressure system appeared to work well, because there was no other apparent odour emanating from the plant except that at the point of delivery.
- 5) I have no doubt that this problem is due to the limited size of the delivery area, which prevents some vehicles from unloading entirely within the building. The negative air pressure also clearly assisted with dust control. There was a significant amount of dust inside the plant, particularly at the end of the MBT lines. However, this is kept within the plant and I saw no obvious signs of dust nuisance outside the building.
- 6) Finally, I inspected the biological filters on the roof. These were filled with wood bark and the only odour emanating from this part of the plant was the smell of wood bark.

Appendix B – List of Proposed Planning Conditions

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
Commencement		
1. Commencement within 5 years, 30 days prior notification of commencement.	<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Not less than 30 days prior notification of commencement of the development shall be given in writing to the Waste Planning Authority.</p> <p>Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).</p>	
Approved Plans and Details		
2. The development hereby permitted shall only be carried out in accordance with the details submitted by way of the application and subsequent submitted information.	2. The development hereby permitted shall only be carried out in accordance with drawing numbers:	ECC: Inspector to decide if any additional material to be specifically referenced.
	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	
	Reason: For the sake of clarity and the avoidance of doubt	
Traffic and Access		

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<p>3. The maximum number of HGV movements a day associate with the associated waste management facility shall be no more than 404 HGV movements a day. Records shall be maintained and submitted upon request.</p>	<p>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 IWMF² 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.</p> <p>No HGV movements shall take place outside the hours of operation authorised in Conditions 34 & 36 of this permission.</p> <p>¹An HGV shall be defined as having a gross vehicle weight of 7.5 tonnes or more.</p> <p>² IWMF shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.</p> <p>Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policy MLP13 and WLP policies WLP W4C & W10E.</p>	
<p>3. The maximum number of HGV movements a day associate with the associated waste management facility shall be no more than 404 HGV movements a day. Records shall be maintained and submitted upon request.</p>	<p>4. The total number of Heavy Goods Vehicles [HGV¹] vehicle movements associated with the construction of the IWMF (including deliveries of building materials) when combined with the maximum permitted vehicle movements under Condition 3 shall not exceed the following limits:</p> <p>404 movements 202 in and 202 out per day (Monday to Sunday).</p> <p>No HGV movements shall take place outside the hours of operation authorised in Condition 35 of this permission.</p> <p>² IWMF shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.</p> <p>Reason: In the interests of highway safety and safeguarding local amenity and to comply with WLP Policy W10E.</p>	
<p>3. The maximum number of HGV movements a day associate with the associated waste management facility shall be no more than 404 HGV movements a day. Records shall be maintained and submitted upon request.</p>	<p>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.</p> <p>Reason: To enable the Waste Planning Authority to monitor HGV movements and in the interests of highway safety, safeguarding local amenity and to comply with MLP policy MLP13 and WLP policy W10E.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<p>4. Details of the extended access road to be submitted including removal of lay-by on single lane section with upgrading of surface to passing bay.</p> <p>5. No construction works for the development until the access road extension and widening and all footpath crossover points have been provided.</p> <p>34. No development shall commence until the layout of the cross over points of rights of way with the haul road, both existing and proposed, have been submitted for approval.</p>	<p>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.</p> <p>Reason: In the interests of pedestrian safety and safeguarding local environment and amenity and compliance with WLP policy W10E & W10G, and MLP policy MLP13.</p>	
<p>5. No construction works for the development until the access road extension and widening and all footpath crossover points have been provided.</p>	<p>7. No works on the construction of the IWMF shall commence until the access road extension and widening and all footpath crossover points have been constructed.</p> <p>Reason: In the interests of pedestrian safety and safeguarding local environment and amenity and compliance with WLP policy W10E & W10G, and MLP policy MLP13.</p>	
<p>6. All vehicles shall only enter and leave the Site using the Coggeshall Road (A120) junction.</p>	<p>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.</p> <p>Reason: In the interests of pedestrian safety and safeguarding local environment and amenity and compliance with WLP policies W4C & W10E and MLP policies MLP3 & MLP13.</p>	
<p>7. No vehicles shall park within passing bays on the access road between Church Road and Ash Lane.</p>	<p>9. No vehicles shall park on the haul road between the A120 and Ash Lane.</p> <p>Reason: In the interests of safeguarding the local environment and amenity and to comply with MLP Policy MLP13 and WLP Policy W10E.</p>	
<p>Cultural Heritage</p>		
<p>8. No development until a programme for archaeological investigation.</p>	<p>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.</p> <p>Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy MLP13 and WLP policy W10E.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
9. No demolition of airfield buildings until level 3 survey undertaken.	<p>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.</p> <p>Reason: To ensure that any historical interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy MLP13 and WLP policy W10E.</p>	
10. No development affecting the moat until details of the proposed improvements and water supply submitted for approval.	<p>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.</p> <p>Reason: To ensure protection of any historical and/or ecological interest to comply with MLP policy MLP13 and WLP policy W10E.</p>	
11. No development until details of signage, telecommunications and lighting within the vicinity of Woodhouse Farm have been submitted.	<p>13. No development shall commence until details of signage, telecommunications equipment and lighting within the Woodhouse Farm complex (comprising Woodhouse Farm house, 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.</p> <p>Reason: To protect the setting and appearance of the Listed Buildings and to comply with WLP policy W10E and BDLPR policy RLP100.</p>	
Design and Layout		
<p>12. No development shall commence until details of the design of the chimney including elevations, sections, plan views to appropriate scales and construction details have been submitted.</p> <p>&</p> <p>14. No development shall commence until information on effect of weathering on the proposed chimney material and how the chimney would be maintained to retain the quality of the surface have been submitted.</p>	<p>14. No development shall commence until details of the design of the stack serving the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The details to be submitted shall include:</p> <p>(a) elevations, sections and plan views to appropriate scales and construction details;</p> <p>(b) samples of the finish of the stack to provide a mirrored reflective surface; and</p> <p>(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.</p> <p>The stack shall be constructed and maintained in accordance with the details approved</p> <p>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and Adopted Braintree Local Plan Review 2005 (BDLPR) policy RLP78.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
13. No development shall commence until design details including external construction, materials, colours and finishes of the external cladding of the buildings and structures have been submitted including the provision of an artistic feature on or near the north elevation.	<p>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 writing by the Waste Planning Authority. The development shall be implemented in accordance with the details and samples approved.</p> <p>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policies RLP78 & RLP90.</p>	
13. No development shall commence until design details including external construction, materials, colours and finishes of the external cladding of the buildings and structures have been submitted including the provision of an artistic feature on or near the north elevation.	16. Not used	
15. No development shall commence until management measures for the CHP plant have been submitted to ensure there is no visible plume from the chimney.	<p>17. 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.</p> <p>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policy RLP78.</p>	
16. No development shall commence until details of the green roofs have been submitted.	<p>18. 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.</p> <p>Reason: To limit the impacts on local amenity and the local environment and to ensure enhancement of biodiversity and to comply with WLP policy W10E and BDLPR policies, RLP78 & RLP90.</p>	
17. No development shall take place until details of the layout of the waste management facility have been submitted.	<p>19. 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.</p> <p>Reason: To ensure control of the development and in the interests of local amenity with respect to control of noise, dust, odour and light and to comply with WLP policy W10E.</p>	
<p>18. No beneficial use of the waste management facility until details for parking of cars, HGVs and any other vehicles that may use the waste management facility.</p> <p>&</p> <p>49. No redundant plant or machinery, containers, skips, trailers or vehicles shall be parked other than within designated areas.</p>	<p>20. 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.</p> <p>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policy RLP78.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
18. No beneficial use of the waste management facility until details for parking of cars, HGVs and any other vehicles that may use the waste management facility.	<p>21. 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.</p> <p>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policy RLP78 and RLP100.</p>	
Water Resources		
19. No development shall take place until a detailed scheme for foul water has been submitted and approved.	<p>22. 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.</p> <p>Reason: To minimise the risk of pollution of water courses, aquifers and minimise the risk of flooding to comply with WLP policy W4B & W10E and BDLPR policy RLP 100.</p>	
20. No development shall take place until a detailed scheme of the surface water drainage and the ground water management system, including details of water flows between Upper lagoon and New Field lagoon.	<p>23. 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.</p> <p>Reason: To minimise the risk of pollution of water courses, aquifers and minimise the risk of flooding to comply with MLP policy MLP13 and WLP policies W4B & W10E.</p>	
21. No excavation shall take place until a scheme identifying locations for the installation of boreholes to monitor groundwater has been submitted.	<p>24. 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.</p> <p>Reason: To minimise the risk of pollution of water courses, aquifers and minimise the risk of flooding to comply with MLP policy MLP13 and WLP policies W4B & W10E.</p>	
22. In the event that contamination is found the developer shall submit details of mitigation and remediation for approval.	<p>25. 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.</p> <p>Reason: To minimise the risk of pollution of water courses, aquifers and to comply with MLP policy MLP13 and WLP policies W4B & W10E and BDLPR policy RLP64.</p>	
Waste Management		

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
23. No element of the development may be implemented in isolation of others.	<p>26. 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.</p> <p>Reason: To ensure the development is operated as an integrated waste management facility as proposed, maximising the benefits of the co-location of the different elements and to comply with RSS policies WM1 & WM3 and WLP policies W4C, W8A & W7G.</p>	
24. No waste shall be brought onto the Site for processing in the MRF, AD, MBT and CHP plant (except waste paper and card) other than that arising from within the administrative area of Essex and Southend-on-Sea. Submission of monitoring data.	<p>27. 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.</p> <p>Reason: To ensure the development is operated as an integrated waste management facility as proposed, maximising the benefits of the co-location of the different elements and to comply with RSS policies WM1 & WM3 and WLP policies W4C, W8A & W7G.</p>	
	<p>28. (i) SRF shall be sourced internally from the IWMF or within the administrative boundaries of Essex and Southend-on-Sea.</p> <p>(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.</p> <p>(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.</p> <p>Reason: In the interests of the environment by assisting Essex and Southend-on-Sea to become self-sufficient for managing its own waste ensuring that the waste is transported proximate to the site thereby minimising transportation distances, reducing pollution and amenity and to comply with RSS policies WM1, WM3, WM4 & WM5 and WLP policies W3A, W3C, W6A, W7A, W7B, W7C and W10E.</p>	<p>GFC: Five years appropriate</p> <p>ECC: One year appropriate</p>
25. No wastes other than dry non-hazardous Municipal Solid Waste and Commercial & Industrial wastes shall be brought onto the Site for processing, treatment or disposal.	<p>29. 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.</p> <p>Reason: Waste material of a greater quantity would raise additional environmental concerns, which would need to be considered afresh and to comply with RSS policies SS1, WM1, WM2, WM3 & WM4 and WLP policies W3A, W3C, W8A, & W10E.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<p>26. No more than 435,000 tpa of waste (MSW and/or C&I) as MOW, MDR or unsorted waste, shall be imported to the Site, except C&I waste in the form of paper and card. No more than 331,000 tpa of paper and card shall be brought to the Site. No more than 87,500 tpa of SRF shall be imported to the Site. Records shall be kept and provided upon request.</p>	<p><i>[NO CONDITION REQUIRED - MERGED WITH PREVIOUS CONDITION]</i></p>	
<p>27. No more than 20% of the imported waste paper and card shall be from sources outside the East of England Region. Records shall be kept and provided upon request.</p>	<p>30. (i) No more than 50% of the imported waste paper and card (based on a nominal imported tonnage of pre-sorted waste paper and card of 360,000 tpa) shall be sourced from outside the administrative boundaries of the East of England Region.</p> <p>(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.</p> <p>(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.</p> <p>Reason: In the interests of the environment by assisting the East of England Region to become self-sufficient for managing its own waste ensuring that the waste is transported proximate to the site thereby minimising transportation distances, reducing pollution and minimising the impact upon the local environment and amenity and to comply with RSS policies WM1, WM3 & WM4, WLP policies W3A, W3C, W8A, W10E, the London Plan (February 2008) policies 4A.21 and 4A.22, the South East Plan (may 2009) policies W3, W4, W10 and W17.</p>	<p>GFC do not agree to proposed condition. Applicant would prefer one of the following, in order of preference:</p> <p>No Condition</p> <p>OR</p> <p>Waste paper and card imported to the site shall be sourced from within a 150km radius of the development site by road. Records of the source of waste imported to the site shall be kept for 2 years and shall be submitted to the Waste Planning Authority within 14 days of a written request.</p> <p>OR</p> <p>Waste paper and card to be imported to the site shall only be sourced from the East of England Region, London and the South East Region. Records of the source of waste imported to the site shall be kept for 2 years and shall be submitted to the Waste Planning Authority within 14 days of a written request.</p> <p>Reason: To comply with RSS policy WM3.</p>

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
28. No waste brought onto the Site shall be discharged, deposited, handled, stored, composted or otherwise processed outside the buildings.	<p>31. No waste brought onto the site shall be deposited, handled, stored, composted or otherwise processed outside the IWMF buildings and structures.</p> <p>Reason: To ensure minimum disturbance from operations and to avoid nuisance to local amenity and compliance with WLP policy W10E and BDLPR policy RLP62.</p>	
29. No waste materials other than those arriving in enclosed containers, and enclosed or sheeted vehicles shall be accepted for processing.	<p>32. All waste materials shall be imported and exported from the site in enclosed, containerised or sheeted vehicles.</p> <p>Reason: To ensure controlled waste operations and the containment of waste materials in compliance with WLP policy W10E and BDLPR policy RLP62.</p>	
30. No vehicles shall leave the waste management facility site without first having been cleansed of all loose residual mineral or waste materials from the vehicle's body and chassis.	<p>33. 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.</p> <p>Reason: In the interests of limiting the effects on local amenity and highway safety, to control the impacts of the development and compliance with WLP policy W10E and BDLPR policy RLP62</p>	
Hours of Working		
31. No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between 07:00-18:30 hours Monday to Friday, and 07:00 - 13:00 hours Saturdays and not on Sundays, Bank and Public Holidays except for occasional maintenance of machinery, unless otherwise approved in writing by the Waste Planning Authority.	<p>34. No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between the following hours:</p> <p>07:00-18:30 hours Monday to Friday, and</p> <p>07:00 -13:00 hours Saturdays</p> <p>and shall not take place on Sundays, Bank and Public Holidays</p> <p>except for water pumping, environmental monitoring and occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.</p> <p>Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and compliance with MLP policy MLP13, WLP policies W10E & W10F and BDLPR policy RLP62.</p>	Consistent with the hours of the adjacent Bradwell Quarry.
32. The construction works (including deliveries of building materials) for the waste management facility, 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 otherwise approved in writing by the Waste Planning Authority.	<p>35. 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.</p> <p>Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and compliance with WLP policies W10E & W10F and BDLPR policy RLP62.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties																										
33. No waste or processed materials shall be delivered to or removed from any part of the waste management facility other than between 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 as required and then only between 10:00 and 16:00 hours.	<p>36. No waste or processed materials shall be imported or exported from any part of the IWMF other than between the following hours</p> <p>07:00 and 18:30 hours Monday to Friday and</p> <p>07:00 and 13:00 hours on Saturdays, and not on Sundays, Public or Bank Holidays</p> <p>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.</p> <p>Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and compliance with WLP policies W10E & W10F and BDLPR policy RLP62.</p>																											
Footpaths																												
35. No development shall take place until signs have been erected on both sides of the haul/access road where footpaths cross the haul road	<p>37. 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.</p> <p>Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with MLP policy MLP13 and WLP policy W10G.</p>																											
Noise																												
36. Except for temporary operations, between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level (L _{Aeq 1 hour}) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the L _{Aeq 1 hour} levels set out in the following table:	<p>38. 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 (L_{Aeq 1 hour}) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the L_{Aeq 1 hour} levels set out in the following table:</p> <table><tr><th>Noise Sensitive Properties</th><th>Location Criterion dB L A eq 1 hour</th></tr><tr><td>Herring's Farm</td><td>45</td></tr><tr><td>Deeks Cottage</td><td>45</td></tr><tr><td>Haywards</td><td>45</td></tr><tr><td>Allshot's Farm</td><td>47</td></tr><tr><td>The Lodge</td><td>49</td></tr><tr><td>Sheepcotes Farm</td><td>45</td></tr><tr><td>Greenpastures Bungalow</td><td>45</td></tr><tr><td>Goslings Cottage</td><td>47</td></tr><tr><td>Goslings Farm</td><td>47</td></tr><tr><td>Goslings Barn</td><td>47</td></tr><tr><td>Bumby Hall</td><td>45</td></tr><tr><td>Parkgate Farm Cottages</td><td>45</td></tr></table>	Noise Sensitive Properties	Location Criterion dB L A eq 1 hour	Herring's Farm	45	Deeks Cottage	45	Haywards	45	Allshot's Farm	47	The Lodge	49	Sheepcotes Farm	45	Greenpastures Bungalow	45	Goslings Cottage	47	Goslings Farm	47	Goslings Barn	47	Bumby Hall	45	Parkgate Farm Cottages	45	
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Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
	<p>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.</p> <p>Reason: In the interests of residential and local amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP62.</p>	
<p>37. The free field Equivalent Continuous Noise Level ($L_{Aeq\ 1\ hour}$) shall not exceed 47 dB(A) $L_{Aeq\ 1\ hour}$ between the hours of 19:00 and 23:00, as measured or predicted at noise sensitive properties adjoining the Site.</p>	<p>39. The free field Equivalent Continuous Noise Level ($L_{Aeq\ 1\ hour}$) shall not exceed 42 dB(A) $L_{Aeq\ 1\ hour}$ 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.</p> <p>Reason: In the interests of residential and local amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP62.</p>	
<p>38. The free field Equivalent Continuous Noise Level ($L_{Aeq\ 1\ hour}$) shall not exceed 40 dB(A) $L_{Aeq\ 1\ hour}$ between the hours of 23:00 and 07:00, as measured and/or predicted at 1 m from the façade of the bedroom at noise sensitive properties adjoining the Site.</p>	<p>40. The free field Equivalent Continuous Noise Level ($L_{Aeq\ 1\ hour}$) shall not exceed 40 dB(A) $L_{Aeq\ 5min}$ 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.</p> <p>Reason: In the interests of residential and local amenity and to comply with WLP policy W10E and BDLPR policy RLP62.</p>	
<p>39. Noise levels shall be monitored at three monthly intervals at up to five locations as agreed with the Mineral/Waste Planning Authority.</p>	<p>41. 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 L_{Aeq} 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.</p> <p>Reason: In the interests of amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP62.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<p>40. For temporary operations, the free field noise level at sensitive properties shall not exceed 70 dB a L_{Aeq} 1 hour at noise sensitive properties adjoining the Site, 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.</p>	<p>42. 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 L_{Aeq} 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.</p> <p>In the interests of residential and local amenity and to comply with MLP policy MLP13.</p>	
Lighting		
<p>41. No external lighting shall be installed on-site except in accordance with details to be submitted to and approved. The lighting shall not exceed 5 lux maintained average luminance.</p>	<p>43. 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.</p> <p>Reason: In the interests of local amenity and fauna and to comply with WLP policy W10E and BDLPR policies RLP 65 & RLP90.</p>	
<p>41. No external lighting shall be installed on-site except in accordance with details to be submitted to and approved. The lighting shall not exceed 5 lux maintained average luminance.</p>	<p>44. 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.</p> <p>Reason: In the interests of local amenity and fauna and to comply with WLP policy W10E and BDLPR policies RLP 65 & RLP90.</p>	
Operations		

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
42. No development shall commence until a detailing phasing scheme for the construction of the haul road, creation of the retaining wall and extraction of the minerals has been submitted for approval.	<p>45. No development shall commence until a detailed phasing scheme for the construction of the access road 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.</p> <p>Reason: To ensure control of the development and minimise the impact of the development on local amenity and the environment and to comply with MLP policy MLP13 and WLP policy W10E.</p>	
43. No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted for approval.	<p>46. 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.</p> <p>Reason: To minimise soil compaction and structural damage of the soil and to protect the soil resource and to comply with MLP policy MLP13 and WLP W10E.</p>	
43. No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted for approval.	<p>47. 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:</p> <p>(a) During the months November to March (inclusive);</p> <p>(b) 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 BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or</p> <p>(c) When there are pools of water on the soil surface.</p> <p>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.</p> <p>Reason: To minimise the structural damage and compaction of the soil and to comply with MLP policy MLP13 and WLP policy W10E.</p>	
44. No processing other than dry screening of excavated sand and gravel shall take place within the Application Site.	<p>48. 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.</p> <p>Reason: To ensure that there are no adverse impacts on the local amenity from development not already assessed in the application details and to comply with MLP policy MLP10, MLP11, & MLP13.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
45. Any fuel, lubricant or chemical storage above ground and refuelling facilities shall be sited on an impermeable base and surrounded and bunded.	<p>49. 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.</p> <p>Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy MLP13 and WLP policies W4B & W10E.</p>	
46. Prior to commencement details of any permanent site perimeter fencing details shall be submitted for approval.	<p>50. 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.</p> <p>Reason: In the interest of the amenity of the local area and to comply with MLP policy MLP13, WLP policy W10E and BDLPR 78.</p>	
47. No development shall take place until details of external equipment required to control any fugitive dust from the handling/storage/processing of waste have been.	<p>51. (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 IWMF</p> <p>(b) No beneficial occupation of the IWMF 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:</p> <p>(i) ; The suppression of dust caused by handling, storage and processing of waste; and</p> <p>(ii) Dust suppression on haul roads, including speed limits;</p> <p>In relation each scheme provision for monitoring and review.</p> <p>The development shall be implemented in accordance with the approved schemes and programme for the duration of the development hereby permitted.</p> <p>Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP Policy MLP13 and WLP policy W10E.</p>	
48. Prior to the importation of waste details of external equipment required to prevent fugitive odour nuisance shall be submitted.	<p>52. (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.</p> <p>(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.</p> <p>Reason: In the interest of local amenity and to comply with MLP policy MLP13 and WLP policy W10E.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
Ecology		
52.If the development hereby approved is not commenced within one year of the date of this consent a further wildlife survey of the Site shall be carried out to update the information on the species and the impact of development and the report of survey together with an amended mitigation strategy as appropriate shall be submitted for approval.	<p>53. Prior to the commencement of development a further ecological survey of the Site shall be carried out to update the information contained within the Environmental Statement and the impact of the development assessed 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.</p> <p>Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with RSS policies ENV1 & ENV 2, MLP policy MLP13, WLP policy W10E and BDLPR policy RLP84.</p>	
50. No Development shall commence until a ecological management plan has been submitted to include management and mitigation measures with respect to GCNs, Bats, Badgers, protected bird species and other ecologically sensitive habitats and species and for proposed new habitats before and during construction and during operation of the development.	<p>54. No development shall commence until a habitat management plan including details of the proposed management and mitigation measures described in the Environmental Statement (amended) has been submitted to and approved in writing by the Waste Planning Authority. The plan shall include:</p> <ul style="list-style-type: none"> (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 yr 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. <p>The development shall be implemented in accordance with the approved plan.</p> <p>Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with RSS policies ENV1 & ENV 2, MLP policy MLP13, WLP policy W10E and BDLPR policy RLP84.</p>	
53. No construction / demolition / excavation works or removal of hedgerows or trees shall be carried out on-site during the bird nesting season and only after an intensive nest search.	<p>55. 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.</p> <p>Reason: To ensure that breeding birds are not disturbed by the removal of habitat or development and in accordance with MLP policy MLP13 and WLP policy W10E and BDLPR policy RLP84.</p>	
Screening and Landscaping		

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
54. There shall only be one stack the CHP stack. The CHP stack shall not exceed 81 m AOD.	<p>56. 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.</p> <p>Reason: In the interest of the amenity of the local area and to comply with WLP policy W10E and BDLPR policy RLP90</p>	
55. All landscaping and planting shall be undertaken during the first available planting season.	<p>57. 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.</p> <p>Reason: To comply with section 197 of the Town and Country Planning Act 1990 [as amended] to improve the appearance of the site in the interest of visual amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</p>	
56. Any tree or shrub forming part of a planting scheme is damaged, diseased or removed within the period of the operations or 5 years after completion of the operations shall be replaced by the applicants during the next planting season.	<p>58. 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.</p> <p>Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</p>	
57. No development shall take place until details of tree retention and protection measures have been submitted.	<p>59. 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.</p> <p>Reason: In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</p>	
58. No development until details for the protection and watering of trees adjacent to the retaining wall have been submitted and approved.	<p>60. 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.</p> <p>Reason: In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<p>Woodhouse</p> <p>Farm/Visitors/Education Centre</p>		
<p>59. No beneficial use shall take place of the visitor and education centre and/or waste management facility until the works to Woodhouse Farm (which require further permissions/consents) have been implemented.</p> <p>60. No development shall commence until details have been submitted of the detailed layout of the parking area adjacent to Woodhouse Farm including hard and soft landscaping details have been submitted for approval.</p> <p>61. No parking within the Woodhouse Farm complex shall take place until suitable vehicle restrictions have been submitted for approval and implemented to prevent access by HGVs except for specific deliveries to the complex.</p>	<p>61. 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.</p> <p>Reason: In the interest of the amenity of the local area and to comply with WLP policy W10E and BDLPR policy RLP90 and RLP100.</p>	
	<p>62. 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 have been submitted to and approved in writing by the Waste Planning Authority. The traffic calming measures shall be provided in accordance with the details approved.</p> <p>Reason: To ensure minimum impact on the safe movement of otters and voles and to comply with WLP policy W10E.</p>	
	<p>63. 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.</p> <p>Reason: In the interests of highway safety and safeguarding local amenity and to comply with WLP Policy W10E and BDLPR policy RLP87.</p>	

Mr David Watkins
Linklaters LLP
One Silk Street
London
EC2Y 8HQ

Our Ref: APP/Z1585/V/09/2104804

2 March 2010

Dear Mr Watkins,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77.
APPLICATION BY GENT FAIRHEAD & Co LIMITED
RIVENHALL AIRFIELD, ESSEX, C5 9DF. APPLICATION REF: ESS/37/08/BTE.**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, M P Hill BSc MSc CEng MICE FGS, who held a public local inquiry which opened on 29 September into your client's application 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, at Rivenhall Airfield, Essex, C5 9DF, in accordance with application reference ESS/37/08/BTE, dated 28 August 2008.

2. It was directed on 12 May 2009, in pursuance of Section 77 of the Town and Country Planning Act 1990, that the application be referred to the Secretary of State instead of being dealt with by the relevant planning authority, Essex County Council because the proposals may conflict with national policies on important matters.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted subject to conditions. For the reasons given below, the Secretary of State agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Michael Taylor
Decision Officer
Planning Central Casework Division,
Department for Communities and Local Government
1/J1 Eland House
Bressenden Place
London, SW1E 5DU

Tel: 030344 41631
Email: PCC@communities.gsi.gov.uk

Procedural matters

4. The Secretary of State notes that the applicants wished the proposal to be considered on the basis of a revised design. Like the Inspector, the Secretary of State does not consider that any prejudice has been caused to any party by accepting these amendments, and has determined the application on this basis (IR1.5).

5. In reaching his decision, the Secretary of State has taken into account the Environmental Information which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and comprises those documents set out by the Inspector at IR1.6. The Secretary of State considers that the environmental information as a whole meets the requirements of these regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

6. The Secretary of State notes that the Inspector closed the inquiry in writing on 2 November, having taken into account correspondence received after the last sitting day of the inquiry from the main parties in relation to representations from the Environment Agency (IR1.10). These matters have been dealt with by the Inspector in his report, and the Secretary of State has concluded on them later in this letter. Other correspondence unrelated to this matter was also received from 8 other parties after the last sitting day of the inquiry and the Secretary of State has carefully considered this. However, he does not consider that it raises any new issues which would either affect his decision, or require him to refer back to parties prior to reaching his decision. Copies of this correspondence are not attached to this letter but may be obtained on written request to the above address.

Policy Considerations

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises those documents listed at IR3.2. The Secretary of State agrees with the Inspector that the main development plan policies relevant to this application are those set out in IR3.3-3.5.

8. Other material considerations include the national planning guidance listed at IR3.8 and those other documents listed at IR3.9. Circular 11/95, *Use of Conditions in Planning Permission*, and Circular 05/2005, *Planning Obligations* are also material considerations.

9. The Secretary of State has had special regard to the desirability of preserving nearby listed buildings and their settings, or any features of special architectural or historic interest which they possess, as required by sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In view of the possible impact of the proposal on the Silver End Conservation Area, the Secretary of State has also paid special attention to the desirability of preserving or enhancing the character or appearance of this area, as required by section 72 of the same Act.

10. Since the inquiry closed the Government has published PPS4: *Planning for Sustainable Economic Growth*. The policies in this document replace, amongst other things, certain relevant policies in PPS7: *Sustainable Development in Rural Areas*. However, the Secretary of State does not consider that there has been any material change in those policies to the extent that it would affect his decision or require him to refer back to parties for further representations prior to reaching his decision.

Main Issues

11. The Secretary of State considers the main issues in this case are those set out by the Inspector at IR13.1.

Prevailing planning policy

12. The Secretary of State agrees with the Inspector's reasoning and conclusions on prevailing planning policy as set out in IR13.2-13.11. He agrees that the proposal is broadly consistent with the policies of the development plan, although it does not comply with all policies (IR13.10). He also agrees that the proposal is generally in accord with national guidance, including that contained in PPS1, PPS7, PPS10, PPG15, PPS22 and PPS23, albeit he accepts there is some conflict (IR13.11). These issues are considered further below.

The quality of the design and sustainability implications, and impact on character and appearance of the area

13. The Secretary of State agrees with the Inspector's reasoning and conclusions on the quality of design, sustainability, and impact on the character and appearance of the area as set out in IR13.12-13.31. He agrees that the design of the proposal would be of high quality (IR13.22), including, for example, the siting of the buildings below ground level and the green roof of the main buildings which would be colonised with mosses (IR13.13). He also agrees that it would be a sustainable form of development which would enable the management of waste to be undertaken in a sustainable manner (IR13.22), including the use of solid recovered fuel in the proposed CHP plant and the export of electricity to the National Grid, which would contribute to meeting the Government's Renewable Energy targets (IR13.19). He further agrees that the proposal would have some urbanising and detrimental impact on the semi-rural character and appearance of the area, for example as a result of the proposed stack, but that with the mitigation measures proposed the overall impact on the character and appearance of the area would be limited (IR13.31).

Consistency with PPS10

14. The Secretary of State agrees with the Inspector's reasoning and conclusions on consistency with PPS10 as set out in IR13.32-13.40. 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 (IR13.40).

Need, viability, flexibility and fallback position

15. The Secretary of State agrees with the Inspector's reasoning and conclusions on need, viability, flexibility and the fallback position as set out in IR13.41-13.65. He agrees that the proposal would help to satisfy a substantial and demonstrable need for municipal solid waste and/or commercial and industrial waste to be dealt with in Essex and for Essex County Council to meet challenging targets set out in the East of England Plan (IR13.51). In terms of viability, he agrees that there is no reason to doubt that the MDIP would be capable of competing with a similar facility sited at a paper mill and in this respect it is a viable proposal (IR13.54). On the fallback position, the Secretary of State agrees that there was a reasonable prospect of the recycling and composting facility for which planning permission has already been granted being implemented in the event that he had refused planning permission for the proposal before him (IR13.60). As for the flexibility of the proposal, the Secretary of State agrees that its design and its multiple autonomous process lines would provide a reasonable and sufficient degree of flexibility to enable future changes in the composition of waste and the ways in which waste is managed to be accommodated (IR13.65).

The effect on the living condition of local residents, including the risks to human health

16. The Secretary of State agrees with the Inspector's reasoning and conclusions on the effect on the living condition of local residents, including the risks to human health as set out in IR13.66-13.95. He agrees that air quality could be adequately controlled and there would be no noticeable emissions of dust or odour, but that there would be some minor detrimental impact on living conditions with respect to noise, impact on tranquillity, increase in light, and outlook. However, he is satisfied that the detrimental impacts would be relatively minor and would not be unacceptable (IR13.85). With respect to the risks to human health, the Secretary of State agrees with the Inspector that the plant could be operated without causing any material harm to human health, and that this matter would be adequately dealt with by the Environmental Permitting regime. Like the Inspector, he accepts that the concern of local residents regarding the risk to health would remain as a detrimental impact of the development (IR13.95).

Highway safety and the free flow of traffic

17. For the reasons given in IR13.96-13.104, the Secretary of State agrees with the Inspector's conclusion that the proposed restriction on the number of HGV movements is reasonable and appropriate and that the development would not have an unacceptable impact on highway safety and the free flow of traffic on the road network (IR13.104).

Impact on the local right of way network

18. For the reasons given in IR13.105-13.107, the Secretary of State agrees with the Inspector's conclusion that the impact on the right of way network would be detrimental, (for example, in terms of visual impact) but not to an unacceptable degree (IR13.107).

Ground and surface water; loss of agricultural land; and, habitats, wildlife and protected species

19. The Secretary of State agrees with the Inspector's reasoning and conclusions on ground and surface water; loss of agricultural land; and, habitats, wildlife and protected species, as set out in IR13.108-13.117. With regard to ground and surface water, the Secretary of State agrees that the proposal could be built and operated without causing harm to the River Blackwater or causing contamination to groundwater (IR13.109), and that any localised lowering of the water table as a result of excavations would have little impact on vegetation (IR13.110). On the loss of agricultural land, the Secretary of State agrees that the proposal would result in the loss of Grade 3a agricultural land, which represents a conflict with local and national planning policies (IR13.111). However, he also agrees that its loss is not an overriding issue (IR13.112). With respect to habitats, wildlife and protected species, the Secretary of State agrees with the Inspector that, taking into account the proposed management of existing and proposed water bodies, the creation and management of new habitats, and the planting of woodland and hedgerows, the overall bio-diversity of the area would be enhanced (IR13.117).

The impact on listed buildings and the Silver End Conservation area, and the historic value of the airfield

20. The Secretary of State agrees with the Inspector's reasoning and conclusions on the impact on listed buildings and the Silver End Conservation area, and the historic value of the airfield, as set out in IR13.118-13.125. He agrees that the scheme as a whole would preserve the settings, character and appearance of the listed buildings and of the conservation area (IR13.122 and 13.123). He also agrees that there is no justification for withholding planning permission at the site because of its historic value as an airfield (IR13.125).

Other matters and mitigation measures

21. The Secretary of State agrees with the Inspector's reasoning and conclusions on other matters and mitigation measures, as set out in IR13.126-13.129.

Conditions and obligations

22. The Secretary of State agrees with the Inspector's reasoning and conclusions on conditions and obligations, as set out in IR13.131-13.162. On the specific matter of the Secretary of State's view on whether a taller stack would be acceptable, he agrees with the Inspector's opinion at IR13.159 that until a more thorough assessment is undertaken and the views of all those who may be affected by such a change in the proposal have been thoroughly canvassed, no firm conclusions can be reached, and that with regard to the existing proposals, condition 56 is appropriate.

23. The Secretary of State is satisfied that the recommended conditions are reasonable and necessary and meet the tests of Circular 11/95. He also considers that the s106 agreement is relevant to the proposal and would meet the tests contained Circular 05/2005.

Overall conclusion

24. As set out above, the Secretary of State has identified some conflict with development plan policies, such as those brought about by the impact on the character and appearance of the area, impact on living conditions, and loss of Grade 3a agricultural land. However, he also considers that mitigation measures proposed would reduce this impact, and that they are not of such a magnitude as to refuse planning permission.

25. Those factors in favour of the proposal include that it would meet a need for the sustainable management of waste in line with PPS10, and would help to reduce carbon emissions. The proposal would also operate without causing any material harm to human health.

26. Having weighed up all relevant considerations, the Secretary of State concludes that the factors which weigh in favour of the proposed development outweigh its shortcomings and overcome the limited conflicts with the development plan which he has identified. Therefore he does not consider that there are any material considerations of sufficient weight which would justify refusing planning permission.

Formal decision

27. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission 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 Pulp Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant 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) subject to the conditions listed in Annex A.

28. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

29. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

30. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

31. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

32. A copy of this letter has been sent to Essex County Council and all parties who appeared at the inquiry.

Yours sincerely

Michael Taylor
Authorised by Secretary of State to sign in that behalf

Annex A – Planning Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. 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 drawing numbers:

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

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 (IWMF²) 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 IWMF 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 IWMF (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 IWMF 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 IWMF 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

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

16. Not used

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. (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.

29. 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.

30. (i) No more than 50% of the imported waste paper and card (based on a nominal imported tonnage of pre-sorted waste paper and card of 360,000 tpa) shall be sourced from outside the administrative boundaries of the East of England Region.

(ii) If the Waste Planning Authority is satisfied that the operator has used its reasonable endeavours to source 50% of the imported pre-sorted waste paper and card from within the East of England region, then the imported pre-sorted waste paper and card may be sourced from outside the East of England Region for a period of up to 5 years from the date of written agreement of the Waste Planning Authority.

(iii) No development shall commence until a scheme giving effect to the requirement of clause (i) above of this condition is submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented as approved.

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

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

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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 L A eq 1 hour

Herring's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49
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.

39. The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 42 dB(A) LAeq 1hour 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.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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 condition³ 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.

48. 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.

49. 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.

50. 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.

51. (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 IWMF

(b) No beneficial occupation of the IWMF 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.

52. (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.

53. Prior to the commencement of development a further ecological survey of the Site shall be carried out to update the information contained within the Environmental Statement and the impact of the development assessed 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.

54. No development shall commence until a habitat management plan including details of the proposed management and mitigation measures described in the Environmental Statement (amended) has been submitted to and approved in writing by the Waste Planning Authority. The 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 yr 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 plan.

55. 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.

56. 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.

57. 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.

58. 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 IW MF, 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.

59. 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.

60. No development shall commence until a scheme for the management and watering of trees adjacent to the retaining wall surrounding the IW MF for the period of the excavation of materials and construction of the IW MF, 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.

61. 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.

62. 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.

63. 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.

Glossary of abbreviations

BCS	Braintree District Council Local Development Framework Core Strategy 2011
BDC	Braintree District Council
BDLPR	Braintree District Local Plan Review 2005
C & I	Commercial and Industrial waste
CHP	Combined Heat and Power
EA	Environment Agency
EHO	Environmental Health Officer
EIA	Environment Impact Assessment
eRCF	evolution Recycling and Composting Facility (at Rivenhall airfield)
ES	Environmental Statement
EU	European Union
DEFRA	Department of Environment & Rural Affairs
GCN	Great Crested Newts
HGV	Heavy Goods Vehicle
IVC	IN-Vessel Composting
IWMF	Integrated Waste Management Facility
IWMF	Integrated Waste Management Facility
LACW	Local Authority Collected Waste
MBT	Mechanical Biological Treatment
MDIP	Market De-Ink Plant
MLP	Minerals Local Plan 2014
MRF	Materials Recycling facility
MW	Mega Watts
NCV	Net Calorific Value
NPPF	National Planning Policy Framework
NPPW	National Planning Policy on Waste 2014
NPS	The National Policy Statement
NWMPE	National Waste Management Plan for England
PPS10	Planning Policy Statement 10
PRoW	Public rights of way
RCF	Recycling & Composting facility
RDF	Refuse Derived Fuel
RSS	the Regional Spatial Strategy
RWLP	Pre-Submission draft Replacement Waste Local Plan
SRF	Solid Recovered Fuel
SoS	Secretary of State

TPO	Tree Preservation Order
WDA	Waste Disposal Authority
WLP	Essex and Southend Waste Local Plan adopted 2001
WPA	Waste Planning Authority
MSW	Municipal Solid Waste
WWTP	Waste Water Treatment Plant

Advice Note – Stack Height for an Alternative Waste Management Facility at the Rivenhall site

Essex County Council currently has before it a proposal to increase the height of the stack from 35m to 58m, to serve a (yet to be constructed) Integrated Waste Management Facility at the Rivenhall site.

The environmental permit granted in 2017 permits the operation of the following installation:

- a waste incineration plant processing up to 595,000tpa of non-hazardous refuse derived fuel (RDF) and solid recovered fuel (SRF);
- an anaerobic digestion facility with combustion of resultant biogas capable of processing up to 30,000 tpa
- a de-ink paper pulp facility capable of recycling up to 170,000 tpa

In addition the following activities are considered to be directly associated:

- mechanical and biological treatment (MBT) facility capable of treating up to 170,000 tpa;
- materials recycling facility (MRF) capable of processing 300,000 tpa; and
- a waste water treatment plant (WWTP).

The permit requires that a stack of no less than 108m AOD, which equates to 58m above natural ground levels; (henceforth this will be taken as the reference point for expressing stack heights) be provided to receive gaseous output from all parts of the facility, i.e. AD, MBT, de-ink paper pulp facility etc. There is more than one flue within the stack casing.

The detail of how this height has been arrived at is explained within the EA Environmental Permit applications. The first, reference EPR/KP3035RY/A001 which proposed the stack of the height approved by the extant planning consent, i.e. 35m, was refused a permit on the grounds of the proposal not representing Best Available Technique according to the EU Waste Incineration Directive BREF document, but the second EPR/FP3335YU/A001 was granted with a stack of a height 58m above ground level.

Clear Air Thinking has been asked by BPP Consulting to provide expert advice on the following questions:

1. Could a stack of 35m height be sufficient to allow the granting of an Environmental Permit for a CHP facility that could deal with 200,000tpa only? And, if not,
2. what would be the minimum required height of a stack for such a facility likely to be?

A. Introduction

The process of determining the stack height for an industrial installation which requires an Environmental Permit is driven mostly by consideration of the principle of Best Available Techniques, in which the optimal height is a trade off between the environmental benefits and costs. In addition, consideration is given by the Environment Agency to the following:

1. ensuring the relevant air quality standard are not exceeded at identified receptors;
2. any sensitive receptors which may require a greater level of protection and hence a lower level of exposure to be set;
3. the height of the building housing the combustion plant and any other structures of significant height in proximity;
4. operational considerations such as efficiency of heat capture affecting exit temperature of flue gas which in turns affects buoyancy of plume.

Each application is treated on its own merits, with regard to stack height determination. After establishing the minimum height at which air quality standards will not be breached, the principles of BAT are then applied to determine the optimum height, which will be the height at which further increases will bring insufficient benefit (expressed as reductions of pollutant concentrations), relative to the cost of the additional increases in stack height. This is best understood in the form of a graphical plot.

The principal variables in the determination are the mass release rate of the pollutant, NO_x in this case, coupled with thermal buoyancy of the plume, and the costs associated with constructing the stack. Although there is a relationship between waste throughput and the stack emission, it is indirect, being distorted by other factors, such as the calorific value of the waste, which will affect the volume of flue gases and hence buoyancy.

It follows from the existence of multiple factors that feed into the stack height determination process that there is likely to be non-uniformity in stack heights across facilities of a similar type, since the outcome of dispersion modelling will always reflect the site specific context.

B. Specific Application

The Permit Application submitted by Gent Fairhead contains a thorough analysis of the stack height determination process (as Annex 12)¹ from which the Figures in this note have been extracted. That document provides details of modelling carried out for the installation's emissions expressed as the maximum short-term and long-term concentrations of NO₂ applying varying stack heights. (This is the most critical pollutant for this exercise, being the one emitted at the greatest mass release rate.).

Given that regulatory requirements relating to emissions reductions are governed by the need to not impose excessive costs on facility operators, as reflected in the Best Available Techniques (BAT), the exercise included a comparison between the maximum annual mean NO₂ concentration and the 'marginal annualised cost' of constructing the stack to a certain height. This is expressed as a function of the increasing cost of reducing the NO₂ concentration by 0.4 µgm⁻³, or 1% of the assessment level. The results are presented in Figure 4 of Annex 12 reproduced overleaf.

¹ Available at: <http://wrren.co.uk/environmental-permit-application/>

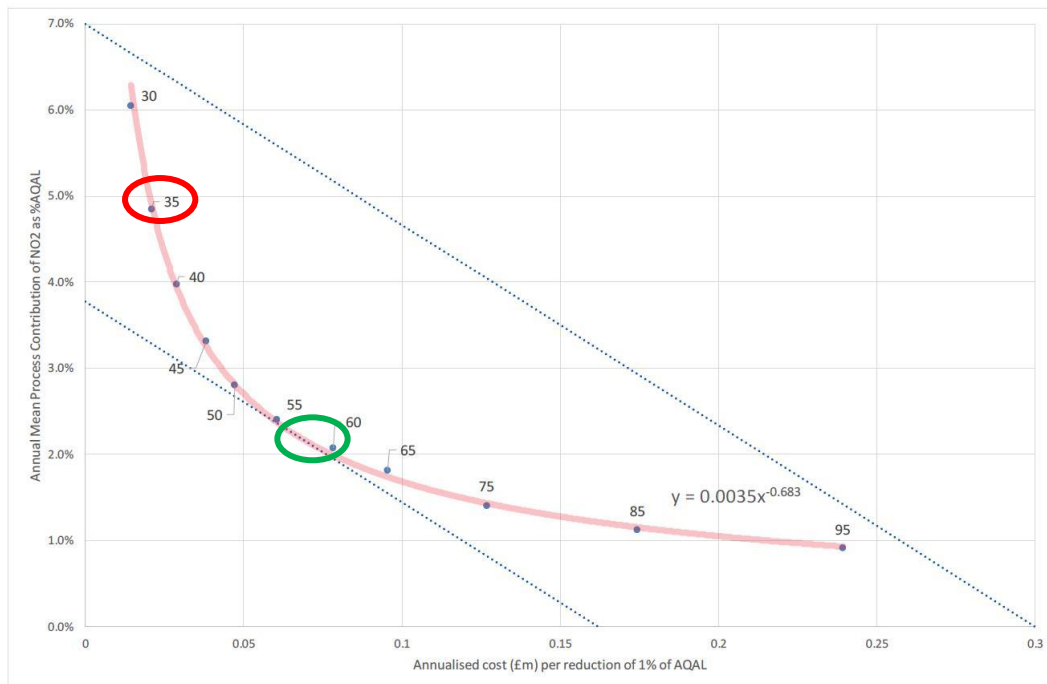


Figure 4 – Annual mean PC against Marginal Annualised Cost, showing interception with 45° line

In simple terms, it demonstrates that the marginal cost increases considerably as the stack height increases beyond 60m (where the curve leaves the dotted line to the right) with relatively little, i.e. marginal, additional benefit in terms of emissions reduction (aka process contribution - PC). The analysis presented is considered to provide a reasonable justification for the proposed height of 58m. It also demonstrates that significant improvements in air quality impacts can be achieved by moving from the original height of 35m (red ring) to 58m (green ring) at relatively little additional cost.

It should be noted that this height is viable partly because the applicant conceded to adhere to a significantly lower emission limit for NO_x at it leaves the stack of 150 mg m⁻³ through adoption of selective non-catalytic reduction technology (SNCR) involving addition of ammonia/urea to the flue gas², at additional cost. If they had not conceded that and worked to the limit prescribed by the Industrial Emissions Directive of 200 mg m⁻³, as applies to most similar facilities in the UK, the stack would have needed to be significantly taller still.

The Fichtner analysis provided a comparison of stack heights for 34 waste combustion facilities in the UK, presented as a function of throughput (in tonnes per annum) and in the form of a 'scatter plot'. This appears as Figure 6 in Annex 12 reproduced overleaf. The Rivenhall proposal is shown as a red dot.³ The purple diamonds represent three other facilities that are also partly below ground level (Hartlebury, Newhaven and Allington).

² 150mg m⁻³ is considered to be the lowest level achievable through application of SNCR.

³ While the Rivenhall stack has been designed to serve other permitted processes within the IWMF that may give rise to emissions it is considered that the CHP plant contribution will be overriding.



The fact that Rivenhall is shown as an outlier, i.e. has a significantly lower stack height than the majority of plants, reflects the decision to accept a lower emission limit for NO_x in the flue gas. Nearly all the other facilities included here have an emission limit of 200 mg m⁻³. Other outliers reflect some particular local circumstances. For example, the plant ringed in blue is the Cornwall EfW plant which has a stack height of 120m, with a throughput of 240,000 tonnes per annum, because a nearby Special Area of Conservation required a greater level of protection from nitrogen deposition.

One of the factors that would typically influence the stack height determination is building height, since the building 'downwash' effect on the dispersing plume can increase ground level concentrations considerably. In the case of the current proposal, as for the stack, the building is partially sunk relative to the surrounding land. This reduction in building height relative to the stack is advantageous for dispersion and increases what might be referred to as the effective stack height. The Fichtner analysis has considered the relationship between stack height and building height. This is shown in Figure 7 reproduced overleaf. This shows that while the Rivenhall building/stack height relationship is broadly in line with that of other facilities around the country, the stack is somewhat taller than might be expected for a building of the height proposed.

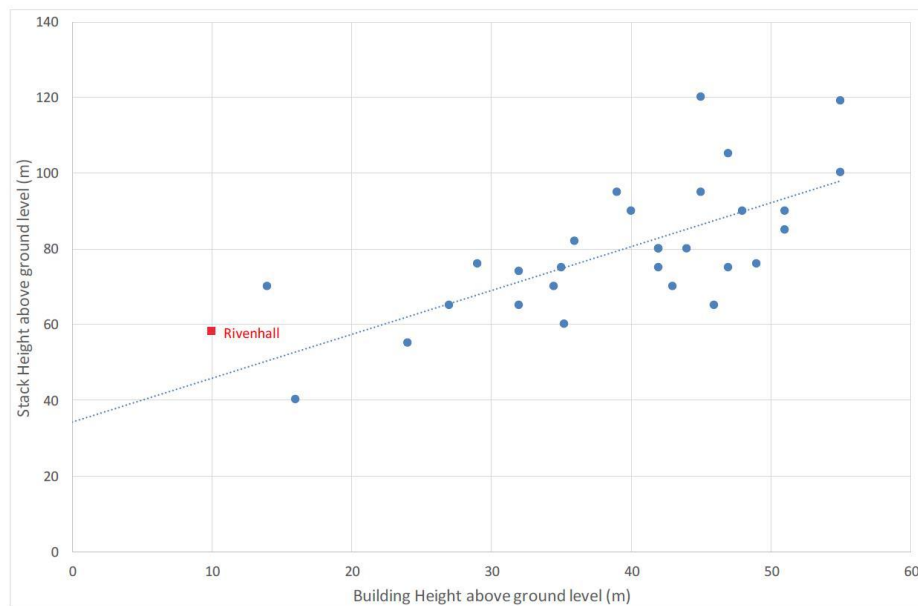


Figure 7 – Stack Height against Building Height above ground level

For any alternative proposal for this site with a reduced throughput, e.g. 200,000 tonnes per annum, it would be reasonable to assume that building height would not be an atypical factor that would distort the stack height determination carried out for Rivenhall.

In March 2018, Fichtner released a note⁴ on behalf of Gent Fairhead, which seeks to show that the original permitted facility, with a 360,000 tonnes per annum throughput, but with waste of a higher calorific value, would also require a stack height of 58m. The argument is made that this facility would generate a similar thermal output and therefore the emission (of NO_x) would be also very similar. While this assertion may be valid from this comparison, in the context of this advice note, it only represents one particular combination of the overall set of relevant factors to be considered. If the calorific value is ignored, then the commentary presented here on the possible minimum stack height remains valid and is not contradicted by the Fichtner note. That is to say, there may exist a set of design and operating parameters for which the EA might consider a reduced stack height to represent BAT, although each case is judged on its merits and it is not possible to be definitive.

In summary, the Fichtner analysis tells us that, for an installation with a NO_x emission limit of 200 mg m⁻³, a stack height of 35m falls outside the realms of what might be considered BAT (as shown in Figure 4) and is therefore unlikely to gain a permit. If, however, a lower emission limit for NO_x of 150 mg m⁻³ was adhered to, as in this case, it is considered that a stack height of 35m might prove to be acceptable to the Environment Agency, but would be at the extreme end of the likely range, as shown by analogy with other installations granted permits.⁵

⁴ S1552-0700-0022SMO Rivenhall IWMF – Stack Height and Throughput 6 March 2018

⁵ All the plants in the 200,000 tpa range plotted in Figure 6 operate at 200 mg/m³. If they were operating at 150 mg/m³, their stacks could have been lower, and therefore the whole set of points would be expected to shift downwards in the scatter plots, in line with the Rivenhall data point.

C. Conclusion

So, in answer to the questions posed:

1. Could a stack of 35m height be sufficient to allow the granting of an Environmental Permit for a CHP facility that could deal with 200,000tpa only?

Such a stack height is at the lower end of a range that is conceivable, but only if a lower emission limit for NO_x of 150 mg m⁻³ were to be adhered to as now proposed for the 595,000 tpa plant.

And, if not,

2. what would be the minimum required height of a stack for such a facility likely to be?

A minimum stack height is hard to define, as it depends on multiple factors, but my expert judgement tells me that it is extremely unlikely that the stack height could be any less than 35m and, in my expert opinion, it is far more likely that it would need to be greater than 40m but not as great as 58m currently proposed.

Roger Barrowcliffe

Chartered Scientist and Chartered Meteorologist

Vice-Chair, Institute of Air Quality Management

National Planning Policy Framework Consistency Exercise

Braintree District Local Plan Review 2005	Braintree District Core Strategy 2011	NPPF	Comments
<p>Policy RLP 36 (Industrial and Environmental Standards)</p> <p>Planning permission will not be granted for new development, extensions and changes of use, which would have an unacceptable impact on the surrounding area, as a result of:</p> <ul style="list-style-type: none"> - noise - smells - dust - grit or other pollution - health and safety - visual impact and - traffic generation - contamination to air, land or water. - impact on nature conservation interests - unacceptable light pollution <p>The Council will refuse proposals where access roads would not be adequate to cope with consequential traffic.</p>		<p>The NPPF has a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.</p> <p>There is an environmental objective including minimising waste and pollution.</p> <p>Planning</p>	<p>The NPPF supports the Policy stance, but makes it clear that policies should focus on the acceptability of land use and presume that separate pollution control regimes will be effective.</p>

		<p>policies and decisions should aim to achieve healthy places</p> <p>Paragraph 170 requires that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;</p>	
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		<p>Paragraph 183 states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.</p>	
<p>Policy RLP 62 (Development likely to give rise to pollution, or the risk of pollution)</p> <p>Planning permission will not be</p>		<p>The NPPF has a social objective to support strong, vibrant and</p>	<p>The NPPF supports the Policy stance, but makes it clear that</p>

<p>granted for development including changes of use which will, or could potentially, give rise to polluting emissions to land, air and water, or harm to nearby residents including noise, smell, fumes, vibration or other similar consequences, unless: i) adequate preventative measures have been taken to ensure that any discharges or emissions, including those which require the consent of statutory agencies, will not cause harm to land use, including the effects on health and the natural environment; and ii) adequate preventative measures have been taken to ensure that there is not an unacceptable risk of uncontrolled discharges or emissions occurring, which could cause harm to land use, including the effects on health and the natural environment.</p>		<p>healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.</p> <p>There is an environmental objective including minimising waste and pollution.</p> <p>Planning policies and decisions should aim to achieve healthy places</p> <p>Paragraph 170 requires that planning policies and decisions should</p>	<p>policies should focus on the acceptability of land use and presume that separate pollution control regimes will be effective.</p>
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		<p>contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;</p> <p>Paragraph 183 states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land,</p>	
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		<p>rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.</p>	
<p>Policy RLP 63 (Air Quality)</p> <p>Where the District Council considers that air quality objectives are likely to be prejudiced, as a result of development proposals and/or resultant traffic movements, applicants will be required to submit a specialist assessment. Planning permission will be refused for developments where air quality objectives cannot be met.</p>		<p>Paragraph 103 states:</p> <p>The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be</p>	<p>The NPPF supports the Policy stance, but makes it clear that policies should focus on the acceptability of land use and presume that separate pollution control regimes will be effective.</p>

		made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.	
<p>Policy RLP 65 (External Lighting)</p> <p>Proposals for external lighting which require planning permission will only be permitted if:</p> <ol style="list-style-type: none"> 1. The lighting is designed as an integral element of the development; 2. Low energy lighting is used; 3. The alignment of lamps and provision of shielding minimises spillage and glow, including into 		<p>Paragraph 180 requires the likely effects of pollution from new development on health, living conditions and the natural environment, including that from artificial light on local amenity, intrinsically dark landscapes and nature conservation.</p>	<p>The Policy is considered to be consistent with the aims of the NPPF.</p>

<p>the night sky;</p> <p>4. The lighting intensity is no greater than necessary to provide adequate illumination; and</p> <p>5. There is no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users;</p> <p>6. There is no unacceptable harm to natural ecosystems.</p>			
<p>Policy RLP 72 (Water Quality)</p> <p>Development will not be permitted which poses an unacceptable risk to the quality of the underlying groundwater, or surface waters.</p>		<p>Paragraph 170 requires that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such</p>	<p>The NPPF goes further than the Policy, in that it requires improvement of water quality wherever possible.</p>

		as air and water quality, taking into account relevant information such as river basin management plans.	
<p>Policy RLP 80 (Landscape Features and Habitats)</p> <p>Proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats, with particular attention paid to species and habitats mentioned in National and County Biodiversity Action Plans. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.</p>		<p>Paragraph 170 requires:</p> <p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</p> <p>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital</p>	<p>The Policy is considered to be consistent with the aims of the NPPF.</p>

		<p>and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</p> <p>c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</p> <p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable</p>	
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		<p>levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p> <p>Paragraph 175 states:</p> <p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>a) if significant harm to biodiversity resulting from a</p>	
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		<p>development cannot be avoided (through locating on an alternative site with less harmful impacts),</p> <p>adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special</p>	
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		<p>scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and</p> <p>d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure</p>	
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		measurable net gains for biodiversity.	
<p>Policy RLP 81 (Trees, Woodlands, Grasslands and Hedgerows)</p> <p>The Planning Authority will encourage landowners to retain, maintain and plant, in appropriate locations, locally native trees, woodlands, grasslands and hedgerows. The Planning Authority may make grants available in appropriate cases and orders and notices to protect trees, woodlands and hedgerows. New planting of appropriate native species will normally be required to replace the loss of any protected trees, woodland or hedgerow.</p>		<p>Paragraph 170 requires that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.</p>	<p>The NPPF goes further than the Policy in that it requires enhancement, rather than replacement of loss.</p>
<p>Policy RLP 83 (Local Nature Reserves, Wildlife Sites and Regionally Important Geological/Geomorphological Sites)</p> <p>Development likely to have an adverse effect on a Local Nature Reserve, a Wildlife Site, or a Regionally Important Geological/Geomorphological Site, will not be permitted. Where appropriate, the</p>		<p>Paragraph 170 requires:</p> <p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>a) protecting</p>	<p>The Policy is considered to be consistent with the aims of the NPPF.</p>

<p>authority will consider the use of planning conditions and/or planning obligations to provide mitigation or compensatory measures.</p>		<p>and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing</p>	
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		<p>coherent ecological networks that are more resilient to current and future pressures;</p> <p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p>	
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		<p>Paragraph 175 states:</p> <p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),</p> <p>adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other</p>	
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		<p>developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and</p> <p>d) development whose primary objective is to conserve or enhance</p>	
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		<p>biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.</p>	
<p>Policy RLP 84 (Protected Species)</p> <p>Planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:</p> <p>a) Facilitate the survival of individual members of the species</p> <p>b) Reduce disturbance to a minimum; and</p> <p>c) Provide supplementary habitats.</p>		<p>Paragraph 170 requires:</p> <p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</p> <p>b) recognising the intrinsic character and</p>	<p>The NPPF goes further than the Policy in that it requires enhancement, rather than replacement of loss.</p>

		<p>beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</p> <p>c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</p> <p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely</p>	
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		<p>affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p> <p>Paragraph 175 states:</p> <p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>a) if significant harm to biodiversity resulting from a</p>	
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		<p>development cannot be avoided (through locating on an alternative site with less harmful impacts),</p> <p>adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific</p>	
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		<p>interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and</p> <p>d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.</p>	
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<p>Policy RLP 90 (Layout and design of new development)</p> <p>The Council seeks a high standard of layout and design in all developments, large and small, in the District. Planning permission will only be granted where the following criteria are met:</p> <p>(i) The scale, density, height and massing of buildings should reflect or enhance local distinctiveness;</p> <p>(ii) Buildings, open areas, circulation spaces, and other townscape and landscape areas shall be of a high standard of design and materials;</p> <p>(iii) There shall be no undue or unacceptable impact on the amenity of any nearby residential properties;</p> <p>(iv) Designs shall recognise and reflect local distinctiveness, and be sensitive to the need to conserve local features of architectural, historic and landscape importance, particularly within Conservation Areas and in proximity to parks and gardens of historic interest, ancient monuments and sites of archaeological importance;</p> <p>(v) The layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline in the locality;</p> <p>(vi) Both the overall planning</p>		<p>The NPPG states that good design is a key aspect of sustainable development.</p> <p>Paragraph 127 requires that:</p> <p>Planning policies and decisions should ensure that developments:</p> <p>a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</p> <p>b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;</p> <p>c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate</p>	<p>The Policy is considered to be consistent with the aims of the NPPF.</p>
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<p>and detailed design shall incorporate measures to ensure the maximum practical environmental sustainability throughout the construction, occupation and demolition of the development, in relation to energy conservation, water efficiency, waste separation and the use of materials with low overall energy requirements. Supplementary planning guidance will be prepared on these aspects;</p> <p>(vii) Use of the most sustainable modes of transport is promoted in the design and layout of new development, and the resultant traffic generation and its management shall seek to avoid significant increases in traffic movement, particularly in residential areas;</p> <p>(viii) Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety; with the maximum amount of natural surveillance of roads, paths and all other open areas and all open spaces incorporated into schemes;</p> <p>(ix) Landscape design shall promote and enhance local biodiversity;</p> <p>(x) The design and level of any lighting proposals will need to be in context with the local area.</p>		<p>innovation or change (such as increased densities);</p> <p>d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;</p> <p>e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and</p> <p>f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and</p>	
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		<p>the fear of crime, do not undermine the quality of life or community cohesion and resilience.</p> <p>Paragraph 130 states:</p> <p>Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.</p> <p>Paragraph 131 states:</p> <p>In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of</p>	
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		design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.	
<p>Policy RLP 95 (Preservation and enhancement of conservation areas)</p> <p>The Council will preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of designated areas. Built or other development, within or adjacent to a Conservation Area and affecting its setting, will only be permitted provided that:</p> <p>(a) The proposal does not detract from the character, appearance and essential features of the Conservation Area;</p> <p>(b) Any new development is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings;</p> <p>(c) Architectural details on buildings of value are retained</p> <p>(d) Building materials are authentic and complementary to the building's character.</p>		<p>Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.</p>	<p>The Policy is considered to be consistent with the aims of the NPPF.</p>

<p>Policy RLP 100 Alterations and Extensions and Changes of Use to Listed Buildings, and their settings.</p> <p>Development involving internal or external alterations, extensions and partial demolitions to a listed building or structure (including any structures defined as having equivalent status due to being situated within its curtilage), and changes of use will only be permitted if the proposed works or uses;</p> <p>(i) do not harm the setting, character, structural stability and fabric of the building (or structure); and</p> <p>(ii) do not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes. The Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.</p>		<p>Paragraph 184 recognises heritage assets are "are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.</p> <p>In determining planning applications the NPPF requires the significance of any heritage asset to be described and any contribution made by their setting. The LPA should avoid and minimise and conflict between the heritage asset's conservation and any aspect of the proposal. When considering the impact of a proposed development on the significance of a heritage asset of a designated</p>	<p>The Policy is considered to be consistent with the aims of the NPPF.</p>
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		heritage asset great weight should be given to the asset's conservation, irrespective to any harm, whether substantial or not.	
	<p>Policy CS8 (Natural Environment and Biodiversity)</p> <p>All development proposals will take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District. This will include where appropriate protection from:-</p> <ul style="list-style-type: none"> • Air, noise, light and other types of pollution • Excessive use of water and other resources <p>Development should protect the best and most versatile agricultural</p>	<p>Paragraph 148 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.</p>	<p>PPS25 has been superseded by the NPPG; however the principles are the same.</p>

	<p>land. Development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment. Landscape Character Areas will be defined in the Site Allocations Development Plan Document and further guidance will be set out in a supplementary planning document. The natural environment of the District, and in particular designated sites of national importance and locally designated sites, which are identified on the Proposals Map, will be protected from</p>	<p>One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape.</p> <p>Where appropriate, landscape character assessments should be prepared to complement Natural England's National Character Area profiles.</p>	
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	<p>adverse effects. Criteria based policies will be set out in the Development Management Document, against which proposals for any development within, or affecting such sites, will be considered. The restoration and enhancement of the natural environment will be encouraged through a variety of measures such as;</p> <ul style="list-style-type: none"> • Maximising opportunities for creation of new green infrastructure and networks in sites allocated for development • Creating green networks to link urban areas to the countryside • Creating and enhancing the biodiversity value of wildlife corridors • Designating and protecting local nature reserves and 		
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	<p>local wildlife sites</p> <ul style="list-style-type: none"> • Conservation and enhancement of SSSIs in accordance with the Wildlife and Countryside Act • Development will promote wildlife enhancements which will contribute to the habitat and species restoration targets set out in the Essex Biodiversity Action Plan <p>The Council will minimise exposure of people and property to the risks of flooding by following the national guidance laid out in PPS25. In particular the sequential test will be applied to avoid new development being located in areas of flood risk. Where a site lies partially in the flood zone the Sequential Approach will also be rigorously</p>		
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	<p>applied and only water compatible or essential infrastructure uses (footnote) will be permitted in areas demonstrated to be at risk. Sustainable Drainage Systems (SUDS) will be used wherever possible to reduce flood risk, promote groundwater recharge, enhance biodiversity and provide amenity benefit, unless, following an adequate assessment, soil conditions and/or engineering feasibility dictate otherwise. It must be ensured that the capacity of waste water treatment and foul sewerage infrastructure is not exceeded and that opportunities to improve water quality in all watercourses and water bodies will be</p>		
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	<p>taken where possible in order to prevent the deterioration in current water quality standards and meet the objectives of the Water Framework Directive. Developers must engage in discussions with water and sewerage providers at the earliest opportunity to provide evidence with their planning application that there is capacity for their proposals. The Council will seek to promote the use of water efficiency measures.</p> <p>Footnote: as defined in table D.2. of Planning Policy Statement 25</p>		
	<p>CS9 – Built & Historic Environment</p> <p>The Council will promote and secure the highest possible</p>	<p>Chapter 12 sees good design as a key to sustainable development.</p> <p>Paragraph 127 states</p>	<p>The Policy is considered to be consistent with the aims of the NPPF.</p>

	<p>standards of design and layout in all new development and the protection and enhancement of the historic environment in order to:</p> <ul style="list-style-type: none"> •Respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, conservation areas and areas of highest archaeological and landscape sensitivity •Promote and encourage the contribution that historical assets can make towards driving regeneration, economic development, tourism and leisure provision in the District •Create environments which are safe and accessible to everyone, 	<p>Planning policies and decisions should ensure that developments:</p> <ul style="list-style-type: none"> a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create 	
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	<p>and which will contribute towards the quality of life in all towns and villages</p> <ul style="list-style-type: none"> • Create good quality built environments in commercial and business districts and in the public realm as well as in residential areas • Incorporate the principles of sustainable design and construction in accordance with recognised national standards securing the use of: <ul style="list-style-type: none"> ◦ Energy efficient design and materials ◦ recycled materials • Be capable of meeting the changing future of occupiers, especially in housing developments • Promote the sympathetic re-use of buildings, particularly where they make a positive contribution to the special character of the 	<p>attractive, welcoming and distinctive places to live, work and visit;</p> <p>e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and</p> <p>f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.</p>	
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	<p>local environment, and can contribute to the delivery of sustainable development and regeneration</p> <p>Renewable energy proposals will be supported where impacts on amenity, wildlife, heritage assets and landscape are acceptable.</p>		
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Note: The consideration of the level of consistency is an officer opinion which in no way prejudices the formal views of the Council.

BPP Consulting Client Advice Note to Essex County Council

Client Brief

Provide indicative advice whether a CHP facility would be viable at 200,000tpa or would over-capacity provide other benefits (e.g. produce more heat and steam to sustain a 'de-ink' paper pulp plant as proposed by the permitted facility) If so what benefits might such a plant offer in that location

Key questions:

Viability at 200,000tpa

The main issues that would affect viability are assumed to be the revenue (waste management and energy production/sales) against costs (construction & operation). There may also be risk factor of security of supply of material if the capacity is at the upper end of forecast needs.

When referring to the CHP plant it is taken to be an Energy from Waste plant, i.e. a waste combustion plant producing electricity supplied to the grid with a heat off-take enabled. This should ensure the plant is compliant with the R1 formula to qualify as a waste recovery plant under the Waste Framework Directive. It should also be noted that extracting steam from the turbine for heat supply purposes does reduce the overall electricity generation potential. It is reported that extracting 5MW of heat will typically reduce the electricity generated by circa 1MW. Therefore, the proceeds of heat sales must offset that loss in revenue as well as cover the cost of any infrastructure such as pipework needed to facilitate distribution of the heat to the user.

A number of EfW facilities of c200kte capacity have been built in the UK although:

1. most if not all of these have been built either on the back of local authority contracts which provide a guaranteed income for the life of the plant, or funded through PFI/PP, significantly reducing risk; and
2. few are operating as CHP plants.

The only merchant EfW plant we are aware of that was built without a contract is the Lakeside facility at Colnbrook (450,000 tpa). This was an early entrant in the landfill diversion market which secured long term local authority supply contracts enabling authorities to avoid having to construct their own. This operates as an EfW plant supplying electricity but not heat.

The only merchant CHP plant we are aware of is the Sustainable Energy Plant (550,000tpa) at Kemsley paper mill in Kent is currently being built. This plant is to supply heat and power to the adjoining existing mill, helping to reduce operating costs and replacing an onsite gas-fired power station. It is to sell the surplus power to the grid. This plant is perhaps the closest comparator with the proposed Rivenhall plant, also being designed to take SRF and RDF rather than raw mixed residual waste. However, it is to supply heat and power to an existing anchor load rather than a prospective anchor load as is proposed in Rivenhall.

BPP Consulting Client Advice Note to Essex County Council

It is generally accepted that provision of capital intensive plants like EfW plants is subject to economies of scale. That means because the capital costs associated are to a degree fixed, the greater the throughput of the plant, the lower the per tonne gate fee (as the more the costs are spread across the tonnes accepted). This is illustrated in Figure 1 below based on data from early 2000. This graph shows the technology costs per tonne for differing EfW plant scales. It appears from this that a plant of 200ktpa would be sub-optimal in terms of potential economies to be gained and that it is only above 400ktpa tonnage capacity, the cost benefits of increasing facility scale begin to reduce (as the curve flattens out).

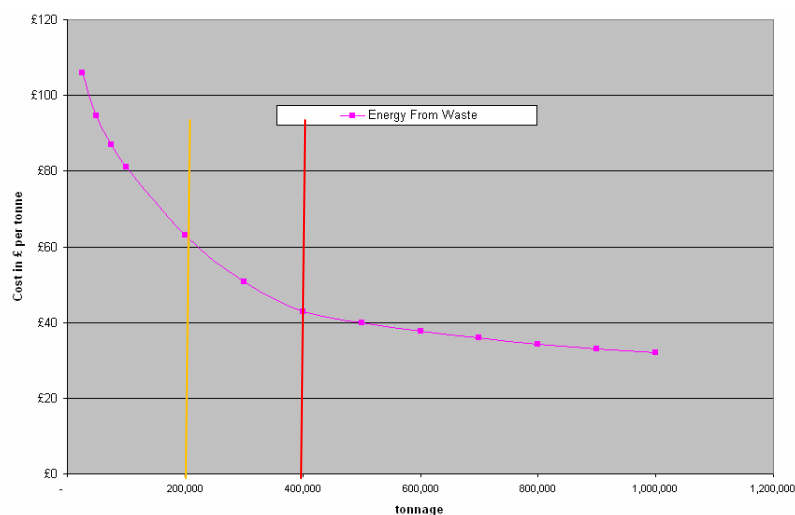


Figure 1: EfW Technology Gate Fees vs Capacity

Source: Defra Study¹

Figure 2 below displays the size distribution of the operational UK EfW plant fleet.

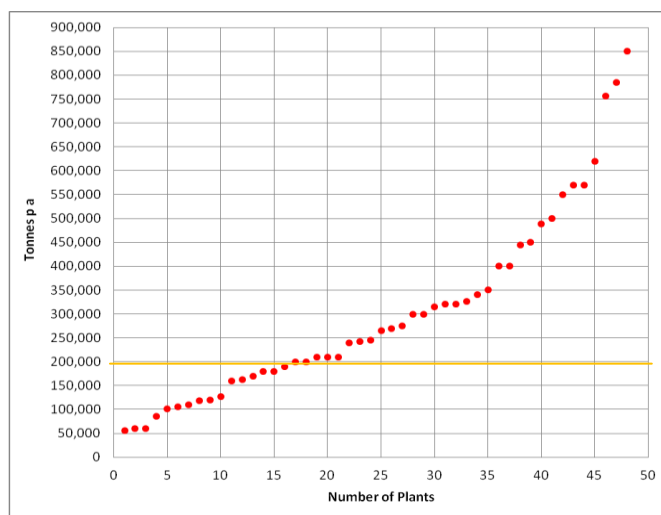


Figure 2: UK Operational EfW Plant Throughput

Source: Various

This demonstrates that a plant of c200ktpa would by no means be exceptionally small, with 20 of the 48 plants being at or below that throughput. When compared with Figure 1 this suggests that a significant number of plants have been built at a sub-optimal size. This can largely be explained by the fact that many of the plants have sized according to predicted arisings within a specific area to service local authority contracts.

¹ Economies of Scale - Waste Management Optimisation Study for Defra April 2007

BPP Consulting Client Advice Note to Essex County Council

Possible Benefits of 'over capacity'

Rivenhall is relatively exceptional within the UK EfW plant population as the EfW plant is proposed as a component of much larger integrated facility with an apparent synergy/co-dependence between them both in terms of, fuel supply to the EfW/CHP plant and energy demand from the other facilities to be met by the EfW/CHP plant. As an integrated facility with integral CHP it offers the opportunity for both an immediate solution to management of the residues of the other components and a more efficient utilisation of energy produced from the combustion of waste (both these residues and other imported) in the EfW plant. This in turn should bring CO₂ savings given that the heat would displace other energy sources likely to be fossil fuel fuelled.

Fuel Supply

It could be assumed that the sizing of the plant reflects the assessment of the plant's potential to attract sufficient waste fuel (supply/availability of SRF and other fuels such as RDF) at an attractive gate fee. The gate fee must cover the repayment of borrowed capital (cap ex) and operating costs, offset against the revenue gained from heat and power sales.² The potential for off-take of heat to supply co-located facilities is considered to be secondary as it may be varied according to need with more heat being used to raise steam for power generation instead.

However, the throughput of the consented facility (Feb 2016) is substantially greater than originally consented – 595kte vs 360kte:

- Original permission for CHP 360kte – material sourced from including from outputs of the onsite MBT plant (109.5kte), rejects from the onsite MRF (10kte) and residues from Basildon WMF/(Courtauld Road MBT plant) (87.5kte), plus process sludge from de-inking plant(165kte). Total fuel/residual from these sources therefore 372kte.
- Revised facility (Condition 2 variation 2014, permitted 2016) for CHP 595kte with capacities reduced for MBT, AD and the de-inking plant (MDIP) and slightly increased MRF.

It is reasonable to expect that the reduction in-capacity of the MBT (-80kte) and MDIP (-190kte) components will also reduce the residues available for combustion in a commensurate way. In fact, it is noted that the residues from the de-inking & paper pulp (MDIP) facility (clays) are now proposed for export and not fuel, and so a loss of 165kte fuel from this source may be assumed.

² The latest WRAP Gate Fee Survey 2017 indicates that Operators consider that non-contracted EfW gate fees are likely to rise in the south east due to increased RDF export prices due to the falling value of sterling (£); and the shortage of landfill capacity at least until additional EfW capacity becomes operational.

BPP Consulting Client Advice Note to Essex County Council

Energy Demand

The MDIP is identified as an 'energy hungry' facility. The permit refusal document (Appx 18) refers to steam export of 35MW/285,250MWh and it is assumed this is predominantly demand from the MDIP since co-location is presented as enabling this need to be met by energy supplied by the EfW plant in the form of heat, steam and power³. Delivery of the CHP capability of the EfW plant appears to be dependent on construction of the MDIP.

The increase in throughput of the EfW plant and reduction in capacity of most other components does suggest that their inter-relationship is not rigid in terms of fuel supply and energy demand. That is to say if one component changes, it would not necessarily affect the fundamental viability of delivery of the other. For example, while the EfW capacity has increased, the MDIP capacity has decreased and it is not clear how that might impact the energy demand and viability of the heat supply arrangement between the plants.

There is no scenario in the documentation of a 200kte plant supplying sufficient heat to the MDIP. However, as described above, the MDIP capacity has now been reduced (presumably with lower heat requirement) while the EfW plant capacity has increased (presumably with potential for increased heat generation) suggesting there is no clear link between the scaling of these components. However a note of clarification produced by Fichtner dated 06/03/18 actually tells us that, although the throughput has increased, the thermal capacity of the plant has decreased by 10%. This is attributed to the lower predicted calorific value of the fuel to be burnt.

Benefits of plant in location

- Co-location benefits were thoroughly explored in consideration of the application.
- Co-location of the EfW plant with the other waste management uses proposed would provide clear benefits, through reducing numbers of vehicle movements associated with management of input materials and associated residues (one delivery location for multiple treatment, minimising need for onward transport of residues), co-location of processing/treatment on site would provide some security of supply for fuel for the EfW plant. Development on a single site would be more efficient use of land and contain the extent of potential environmental and amenity impacts within a single location.
- Other benefits in terms of EfW plant specifically would clearly be the ability to meet some or all of the energy (heat and power) needs of the other facilities (reference is made to 'half of the energy being used on site'⁴) with associated CO2 saving benefits (WRATE is referred to in documentation⁵ that demonstrates savings) while still exporting electricity to the grid.
- It is not clear how the proposed benefits of co-location can be guaranteed to be delivered in the event that the EfW plant is built and then provision of the other facilities is subsequently determined not to be viable.

³ ES Appx 1

⁴ Para 5.11 Appeal Report / Appx 4

⁵ Para 6.98 Para 13.17/18 Appeal Report / Appx 4



Integrated Waste Management Facility, Rivenhall Airfield – Increasing the Stack Height

Habitats Regulations Assessment



About us

Place Services is a leading public sector provider of integrated environmental assessment, planning, design and management services. Our combination of specialist skills and experience means that we are uniquely qualified to help public organisations meet the requirements of the planning process, create practical design solutions and deliver environmental stewardship.

Our Natural Environment Team has expertise of arboriculture, biodiversity, countryside management and ecology. This multidisciplinary approach brings together a wide range of experience, whether it is for large complex briefs or small discrete projects. We aim to help our clients protect and improve the natural environment through their planning, regulatory or land management activities. This approach ensures that not only that our clients will fulfil their legal duties towards the natural environment, but they do so in a way that brings positive benefits to wildlife and people.

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Appendix 2. Key vulnerabilities / factors affecting site integrity from Site Improvement Plans

Appendix 3. Zones of Influence



Glossary of Acronyms

AA	Appropriate Assessment
AEOI	Adverse Effect On Integrity for Habitats Sites
EU	European Union
EclA	Ecological Impact Assessment
Ha	Hectare
HRA	Habitats Regulations Assessment
IROPI	Imperative Reasons of Overriding Public Interest
IRZ	Impact Risk Zone
Km	Kilometre
LPA	Local Planning Authority
LSE	Likely Significant Effect
NE	Natural England
NPPF	National Planning Policy Framework
NSIP	Nationally Strategic Infrastructure Project
SAC	Special Area of Conservation
SACO	Supplementary Advice on Conservation Objective
SIP	Site Improvement Plan
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
ZOI	Zone of Influence

Summary

A Habitats Regulations Assessment (HRA) Screening Report has been prepared by Place Services to enable Essex County Council to comply with Regulation 63 of The Conservation of Habitats and Species Regulations 2017.

This report aims to consider the elements increasing the stack height of the Integrated Waste Management Facility at Rivenhall Airfield which needs to be screened for potential for Likely Significant Effect (LSE) on one of more Habitats (European) Sites.

There are a wide range of potential impacts upon Habitats Sites which could arise as a result of components of the proposals, the following have been considered most likely to cause a Likely Significant Effect:

- Increase in *disturbance*;
- Changes in *water quality*;
- Changes in *air quality*.
- Loss of *functionally linked land* (land outside the SPAs and Ramsar sites)

The following Habitats Sites were scoped in as they are within 20km of the development and may be affected by impacts relating to the proposed increasing of the stack height of the Integrated Waste Management Facility:

- Abberton Reservoir SPA and Ramsar site
- Colne Estuaries (Mid-Essex Coast Phase 2) SPA and Ramsar site
- Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar site
- Essex Estuaries SAC

However, despite the location for the development lying within the Zone of Influence for the Blackwater Estuary SPA & Ramsar site and Essex Estuaries SAC, Natural England's formal consultation response Natural England has not raised any concerns regarding atmospheric nitrogen deposition in its response. Their view is that the proposal to increase the height of the stack would not result in any likely significant effect on any Habitats Site. This HRA therefore concludes that further assessment is not needed for this project. The development can therefore, subject to other considerations, be granted consent and Essex CC can demonstrate its compliance with the UK Habitats Regulations 2017.



1. Introduction

1.1 The Purpose of This Report

This report is to provide a Habitats Regulations Assessment (HRA) for the proposals for increasing the stack height of the Integrated Waste Management Facility at Rivenhall Airfield, Coggeshall Road (A120), Braintree CO5 9DF in accordance with Article 6(3) and (4) of the EU Habitats Directive and with Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

The Conservation of Habitats and Species Regulations (2017) require the Competent Authority (in this instance Essex County Council) to undertake a HRA before making a decision about permission for project that may result in an adverse effect on the integrity of a European Site¹ as defined in the National Planning Policy Framework (NPPF, 2019).

This HRA screening report aims to:

- Consider the elements of the project needing screening for Likely Significant Effect (LSE).
- Assess the potential for in combination effects from other projects and plans in the area.
- Identify if there are any outstanding issues that need further investigation.

It is not considered that there are any serious limitations to this HRA screening.

Natural England has responded to the proposals by providing bespoke advice ref 22264 (10th August 2017):

“Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.”

1.2 Project details for the increase of the stack (chimney) height of the Integrated Waste Management Facility, Rivenhall Airfield

The planning application details are as follows:

Proposals:

Full planning application to increase stack (chimney) height from 85m Above Ordnance Datum to 108m AOD (35m above existing ground levels to 58m above existing ground levels) of the Integrated Waste Management Facility.

and

¹ Habitats Site: Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations and those listed in paragraph 176 of the NPPF (2019). This includes potential Special Protection Areas and possible Special Areas of Conservation; listed or proposed Ramsar sites; and sites identified, or required, as compensatory measures for adverse effects on Habitats Sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.



Continuation of Integrated Waste Management Facility permitted by ESS/34/15/BTE without compliance with conditions 2 (application details), 14 (stack [chimney] design and cladding), 17 (Combined Heat & Power Plant Management Plan) and 56 (maximum stack height) to amend details resulting from the increase in stack height.

Location: Land at Rivenhall Airfield, Coggeshall Road (A120), Braintree CO5 9DF

Planning application number: ESS/36/17/BTE & ESS/37/17/BTE

The Integrated Waste Management Facility comprises 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.

All documentation relating to this application can be found on the Essex County Council planning portal:

<https://planning.essex.gov.uk/planningapplication.aspx?AppNo=ESS/36/17/BTE>

<https://planning.essex.gov.uk/planningapplication.aspx?AppNo=ESS/37/17/BTE>

1.3 Habitats Sites and Habitats Regulations Assessments

Habitats Sites is the term used in the NPPF (2019) to describe the network of sites of nature protection areas. The aim of the network is to assure the long-term survival of Europe's most valuable and threatened species and Habitats. The sites are designated under the European Union (EU) Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds) and the EU Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora).

The Birds Directive requires the establishment of Special Protection Area (SPAs) for birds. The Habitats Directive similarly requires Special Area of Conservation (SACs) to be designated for other species and for Habitats. UK planning policy ensures that Wetlands of International Importance (Ramsar sites) are also part of the network. Together, SPAs, SACs and Ramsar Sites make up the network of Habitats Sites in England. They can also be known as European Sites or Natura 2000 (N2K). Sites that are being considered for designation referred to as candidate SACs or proposed SPAs are also be included for the purposes of a Habitats Regulations Assessment (HRA).

HRAs are a statutory requirement and should be undertaken by the competent authority to ensure that plans and projects comply with Birds Directive and the Habitats Directive. In England and Wales these are transposed into The Conservation of Habitats and Species Regulations 2017. The Conservation of Habitats and Species Regulations 2017 are commonly known as the 'Habitats Regulations'.

HRA is the process by which the requirements of the Habitats Directive are implemented, and ensures that plans or projects will not adversely affect Habitats Sites. It should demonstrate how a *Plan* or *Project* is compatible with EU obligations, as required by Regulation 63 and 643 of The Conservation of Habitats and Species Regulations 2017.

2. Method and Approach

Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect Habitats Sites. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the HRA process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

The legislation does not require a fixed methodology but case law has shaped the way it should be undertaken. The HRA is a sequential process and it is generally divided into four stages, which are set out below in Table 1. Each of the stages contains a number of sequential steps, comprising the tests or procedures required by the Habitats Directive.

The first stage of a Habitats Regulations Assessment is called 'screening' and is carried out to determine whether the project is likely to have a likely significant effect (LSE) on any Habitats sites, either alone or in combination with other plans or projects.

Since the Court judgement (CJEU People Over Wind v Coillte Teoranta C-323/17), in Spring 2018 mitigation measures can no longer be taken into account when carrying out a screening assessment to decide whether a development is likely to result in significant effects on a Habitats Site. Therefore, where mitigation is required, an appropriate assessment (Stage 2) needs to be undertaken, under the Conservation of Habitats and Species Regulations 2017.

Where a likely significant effect has been identified, projects should only be permitted when it has been proven that there will be no adverse effects on the integrity of Habitats Sites. The legislation can allow projects that may result in negative impacts on the integrity of a site if the competent authority is satisfied that, there are no alternative solutions, the plan or project must be carried out for Imperative Reasons of Overriding Public Interest (IROPI) (Regulation 64). However this will require suitable compensation to ensure that the overall coherence of the series of such sites is retained.

The HRA should be undertaken by the 'competent authority' - in this case Essex County Council. It is being undertaken by Place Services on behalf of Essex County Council.

Table 1. Stages of the Habitats Regulations Assessment Process

Stage	Tasks	Outcome
Stage 1 HRA Screening (Regulation 63)	<ul style="list-style-type: none"> Describe the project Identify potential effects to a Habitats Site Assess if any effects on a Habitats Site, either alone or in combination, with other plans or projects are likely to be significant 	<ul style="list-style-type: none"> Where significant effects are unlikely, prepare a 'finding of no significant effect' report and plan can be adopted. Where significant effects are judged likely, either alone or in combination or there is a lack of information to prove otherwise, go to Stage 2. <p><i>People over Wind CJEU ruling (April 2018) means that it is not possible to consider mitigation measures when screening for impacts.</i></p>
Stage 2 Appropriate Assessment (Regulation 63)	<ul style="list-style-type: none"> Consider if impacts are likely to affect any qualifying features; those projects that are likely to result in adverse effects on the integrity of any 	<ul style="list-style-type: none"> If no adverse effect on site integrity either alone or in combination, the plan can be adopted. If it is not possible to ascertain no adverse

Stage	Tasks	Outcome
	Habitats Sites should be assessed. <ul style="list-style-type: none"> Consider mitigation measures if necessary and re-screen plan 	effect on site integrity, go to Stage 3. <i>Holohan CJEU ruling (November 2018) now imposes more detailed requirements on the competent authority at Appropriate Assessment stage.</i>
Stage 3 Assessment of alternative solutions (Regulation 64)	<ul style="list-style-type: none"> Identify whether alternative solutions exist that would achieve the objectives of the plan and have no or a lesser effect on the integrity of a Habitats Site(s). If effects remain after alternative solutions been considered, consider whether the policies and/or projects should proceed with modification or the policies (and projects) be removed from the plan. 	<ul style="list-style-type: none"> If there are alternative solutions to the plan, it cannot be adopted without modification. If no financially, legally or technically viable alternatives exist, go to Stage 4.
Stage 4 IROPI (Regulation 64)	<ul style="list-style-type: none"> Consider if the risk and harm to the Habitats Site is over-ridden by Imperative Reasons of Over-riding Public Interest. Identify and prepare delivery of compensatory measures to protect the overall coherence of the Natura 2000 network and notify Government. 	<ul style="list-style-type: none"> If there are IROPI and compensatory measures, the plan can be adopted If there are no IROPI and the plan cannot be adopted.

2.1 Screening of Likely Significant Effects

Habitat Sites which may be subject to likely significant effect as a result of the proposals should be identified in Stage 1 of the HRA process.

This HRA is based upon knowledge of the surrounding Habitats Sites, the details of the proposal itself as well as the advice provided by Natural England and Environment Agency on the proposals.

2.2 Identifying Habitats Sites, their Conservation Objectives and Qualifying Features

Their qualifying features and conservation objectives of the Habitats Sites, together with current pressures on and potential threats should be used to inform the assessment.

This information was drawn from the Standard Data Forms for SACs and SPAs and the Information Sheets for Ramsar Wetlands as well as Natural England's Site Improvement Plans and the most recent conservation objectives. An understanding of the designated features of each Habitats Site and the factors contributing to its integrity has informed the assessment of the potential Likely Significant Effects of the proposals.

Key sources of the Habitats Sites information were found at:



- JNCC: <http://jncc.defra.gov.uk/>
- Site Designation features and Conservation Objectives- Designated Sites View: <https://designatedsites.naturalengland.org.uk/>
- Site Improvement Plans, eg: <http://publications.naturalengland.org.uk/publication/6270737467834368>
- MAGIC (the Multi Agency Geographic Information website): www.magic.gov.uk

The full list of nearby Habitats Sites, their qualifying features and conservation objectives can be found in Appendix 1 including web links to further information.

The list of key vulnerabilities / factors affecting site integrity can be found in



Appendix 2, including links to further information.

The Zones of influence (ZOIs) which are provided on the MAGIC website have been used as a starting point in determining Likely Significant Effect on Habitats Sites and spatial data has been used to determine the proximity of potential development locations to the Habitats Sites.

The following Habitats Sites within 20km which could be affected by the proposals have been identified:

- Abberton Reservoir SPA and Ramsar site – approximately 11540m
- Blackwater Estuary (Mid-Essex Coast Phase 4) Special Protection Area (SPA) and Ramsar site - approximately 13934m
- Colne Estuary (Mid-Essex Coast Phase 2) Special Protection Area (SPA) and Ramsar site - approximately 19637m
- Essex Estuaries SAC – approximately 13934m

The SPAs are designated on the basis of supporting important numbers of water-birds, especially geese, ducks and waders. Brent geese also feed and waders roost in surrounding areas of agricultural land outside the SPA.

In the Colne Estuary (containing the nearest Habitat Sites), there is a wide variety of coastal habitats which include mud-flat, saltmarsh, grazing marsh, sand and shingle spits, disused gravel pits and reedbeds which provide feeding and roosting opportunities for the large numbers of water birds that use the site. Breeding Little Tern nest on shell, sand and shingle spits.

The Ramsar sites are designated due to the presence of extensive saltmarsh habitat, nationally rare plants and invertebrates, saltmarsh plant communities and important populations of waterfowl and wading birds.

The Essex Estuaries Special Area of Conservation is designated on the basis of its estuarine and coastal habitats.

Further details and the Conservation Objectives are set out within Appendix 1.

2.3 Impact Pathways

During the screening stage the proposal is screened for Likely Significant Effects. There is only a single potential impact although Natural England's consultation response ref: 22264 (10th August 2017) indicated that there was no likely significant effect from the proposal.

Thus, an increase to the stack height of the Integrated Waste Management Facility is not considered likely to affect any Habitats Sites through impacts from changes in air quality. This is explored in more detail below:

Air Quality

Atmospheric pollutants generated by waste management facilities are generally from chimney emissions.

Air pollution (risk of atmospheric nitrogen deposition) is listed in the key vulnerabilities / factors affecting site



integrity for the Essex Estuaries Site Improvement Plan (SIP). It states the following:

“Atmospheric nitrogen deposition exceeds the relevant critical loads for coastal dune habitats used by breeding terns and hence there is a risk of harmful effects. However, on the Essex estuaries declines in the numbers of breeding terns appear to be due mainly to erosion of a man-made cockle-shingle bank (at Foulness) and to disturbance (elsewhere), rather than to over-vegetation of breeding areas caused by nitrogen deposition.”

The target set for Waterbird assemblage in Natural England’s Supplementary Advice is to “Maintain concentrations and deposition of air pollutants at below the site-relevant Critical Load or Level values given for this feature of the site on the Air Pollution Information System (www.apis.ac.uk).” However, no critical levels have been set by APIS (Air Pollution Information System (APIS), 2015). The target has been set due to a lack of evidence that the feature is being impacted by any anthropogenic activities.

Natural England has not raised any concerns regarding atmospheric nitrogen deposition in its response.



3. Screening of Likely Significant Effects

3.1 Screening for Likely Significant Effect

This chapter summarises the potential for Likely Significant Effects identified. It advises as to where Likely Significant Effects can be ruled out.

A single impact pathway of air quality was identified in Chapter 2 above and this has been screened for LSE below. Where this is likely to result in a significant effect, or where there is uncertainty, in line with the precautionary approach being applied in the HRA, until significant effects can be ruled out, they are treated as giving rise to 'Likely Significant Effects'.

Seven Habitats Sites were considered, the closest being the Abberton Reservoir Special Protection Area (SPA) and Ramsar site which is situated approximately 11km and the Essex Estuaries Special Area of Conservation (SAC) which is approximately 13km from proposed Integrated Waste Management Facility (IWMF) at Rivenhall Airfield. However there are no Habitats Sites scoped in for HRA screening, based on the fact that the site lies outside the Impact Risk Zones for the underpinning SSSIs and both Natural England and the Environment Agency's formal advice.

The Environment Agency response to the planning applications (ref: AE/2017/121867/01-L01, 18 September 2017) stated that:

"The Industrial Emissions Directive (IED) requires permit applicants to demonstrate that Best Available Techniques ('BAT') are being applied at a particular location using appropriate design measures and taking local environmental conditions into account. The design can include additional measures for abatement and emissions reduction at source in addition to stack height selection.

The company submitted a Cost Benefit Analysis within its permit application to support its demonstration of BAT for the incinerator design.

In addition to proposing a stack height of 58 metres above surrounding ground levels, the company has proposed a more stringent reduction of emissions at source in order to demonstrate BAT. A tighter emission limit for nitrogen dioxide (daily average of 150 mg/Nm³) has been proposed by the company compared to the normal daily average for waste incineration plants of 200 mg/Nm³ (the standard set within the IED). Hence although the stack height of the proposed incinerator is lower than that of other plants of similar or greater size for which we have issued permits, the actual environmental impact of nitrogen dioxide will in fact be one of the lowest in the country.

Following an assessment of the company's cost benefit analysis, we are satisfied that the proposed stack height of 58 metres above surrounding ground levels is BAT for the proposed plant.

As part of our decision making process, we have thoroughly checked the air quality and human health impact modelling assessments provided within the company's permit application. We have also undertaken a rigorous sensitivity analysis of these assessments including the effect of local topography and the proximity of buildings on the dispersion of pollutants (i.e. using a range of different input parameters within the modelling). Their conclusion is that we consider the proposed facility is unlikely to contribute to any breach of the relevant air quality standards for human health and the environment.



It is important to note that we reached the same conclusion as this for the company's first permit application which we refused on the basis of a stack height of 35 metres (above surrounding ground level). This means that even with a stack height of 35 metres we were satisfied that no air quality or human health thresholds would have been exceeded for the proposed incinerator. However, in addition to meeting all the required air quality and human health standards, permit applicants must also demonstrate to us how they intend to minimise the impact of their emissions on the environment by applying BAT. We believe that the design of the proposed incinerator, incorporating a stack height of 58 metres above surrounding ground levels, is now such that pollutant emissions to air will be minimised."

In the "Response to the PAIN report" (Honace Gent Fairhead & Co Ltd, Oct 2018) it confirms that no European designated site was identified as requiring consideration with the air quality assessment needed to support the planning application and no Habitats Sites were scoped in for HRA screening. Section 8 states that:

"At an elevation of 108 mAOD, the proposed 23 m increase in stack height reduces the environmental impact of the IWMF's emissions on local air quality to a lower level than that originally reviewed and approved in the extant planning permission. A detailed sensitivity analysis has been undertaken using more recent data from Stansted and Andrewsfield Meteorological Office weather stations. The sensitivity analysis demonstrates that the data and weather station location have a negligible change to the conclusions of the Dispersion Modelling Assessment. Fundamentally, the effect of increasing the stack height to 58m above surrounding ground level reduces the impact of emissions from the IWMF further."

The assessment demonstrated that the use of the Andrewsfield or Stansted weather data will not change the magnitude of change predicted as part of the Significance of Air Quality Effects report, or the conclusions of the Dispersion Modelling Assessment. The predicted distribution of emissions does not change significantly using the updated Andrewsfield and Stansted data, nor does the impact of the IWMF's emissions at sensitive receptors. The conclusions of the air quality assessment remain unchanged, namely: At an elevation of 108 mAOD, the proposed 23 m increase in stack height reduces the environmental impact of the IWMF's emissions on local air quality to a lower level than that originally reviewed and approved for the extant implemented planning permission"

Within Essex County Council's Development and Regulation Committee Report DR/05/16 the ecological and biodiversity impacts of the IWMF were fully considered when planning permission was granted, and it was noted that:

Natural England has raised no objection to the amendments to the proposals or the discharge of the conditions. The County's ecologist is satisfied with submitted details with respect to the condition 53 (ecological survey update) and condition 54 Habitat Management Plan) and these conditions can be discharged. No adverse comments have been received with respect to the traffic calming measures for the haul road required under condition 62 to protect otters and voles.... the amended development details do not give rise to any additional adverse impacts not addressed through the original mitigation and the proposals are considered to be in accordance with WLP policy W10E and do not conflict with BDLPR policies, 80, 81 & 84.

Through consultation into the application(s) to increase the height of the IWMF's stack Natural England has confirmed:

Natural England currently has no comment to make on the variation of conditions 2, 14 and 17
In line with Essex County Council's original decision of the 26 February 2015 to grant planning permission ESS/34/15/BTE, the emissions from the proposed 23m increase in the 7m diameter stack will not impact on ecologically sensitive receptors or habitats.

It is therefore concluded that there will be no likely significant effect from the development alone.



3.2 In combination with other plans and projects

In combination assessment is required as the project alone will not have a Likely Significant Effect on any Habitats sites but it may have an insignificant adverse effect. It is therefore necessary to extend the assessment to consider the cumulative effects of the proposal to increase the height of the chimney at the IWMF, Rivenhall Airfield, with other plans or projects.

The Waddenzee judgment provides a clear interpretation of the legislation protecting Habitats Sites. Paragraphs 53 and 54 of the Judgment state: “according to the wording of that provision [Article 6(3) of the Habitats Directive] an appropriate assessment of the implications for the site concerned of the plan or project must precede its approval and take into account the cumulative effects which result from the combination of the plan or project with other plans or projects in view of the sites conservation objectives. Such an assessment therefore implies that all the aspects of the plan or project which can, individually or in combination with other plans or projects, affect those objectives must be identified in the light of the best scientific knowledge in the field.

When considering the combined effects of plans or projects, the combined effect on the ecological functioning of the site interest feature must be considered carefully, as the effect can often be greater than the sum of each individual element. This effect is often referred to as a synergistic effect.

Cumulative effects can result from individually insignificant but collectively significant actions taking place over a period of time or concentrated in a location. Cumulative effects are particularly important in ecological impact assessments as many ecological features are already exposed to background levels of threat or pressure and may be close to critical thresholds where further impact could cause irreversible decline. Effects can also make habitats and species more vulnerable or sensitive to change.

Different types of actions can cause cumulative impacts and effects:

- Additive/incremental – multiple activities/projects (each with potentially insignificant effects) added together to give rise to a significant effect due to their proximity in time and space. The effect may be additive ($1+1 = 2$) or synergistic ($1+1 = 3$).
- Associated/connected – a development activity ‘enables’ another development activity e.g. phased development as part of separate planning applications. Associated developments may include different aspects of the project which may be authorised under different consent processes. It is important to assess impacts of the ‘project’ as a whole and not ignore impacts that fall under a separate consent process.

A series of individually modest impacts may, in combination, produce a significant impact. Cumulative impacts may only occur over time, so plans or projects which are completed, approved but uncompleted, or proposed should all be considered. The assessment should not be restricted to similar types of plans and projects. Any projects likely to result in an in-combination effect, not yet approved or proposed (with sufficient details to be assessed), are considered within this assessment.

As the potential impacts from the proposal relate to air quality, the other plans or projects under consideration are particularly those for commercial/industrial development proposed for other Essex authorities and those within Essex and are listed in Table 2 below. There are no projects identified by the Environment Agency likely to result in cumulative impacts with the revised details for this facility. Having considered the Site Improvement Plans for the Habitats Sites within scope for this development, Natural England do not consider that the proposal is likely to result in a significant effect on any Habitats Sites, either alone or in combination with other plans & projects.

Table 2 Other plans or projects considered for in combination effects with increasing the height of the stack

Plan/Project	Potential for in combination effects
Minerals Local Plan for Essex	May contribute to increased vehicle movements on the road network within Braintree and thereby contribute to air quality impacts from sites.
Essex and Southend-on-sea Waste Local Plan	May contribute to increased vehicle movements on the road network within Braintree and thereby contribute to air quality impacts from sites.
Essex Local Transport Plan 3 2011-2026 (LTP3)	Sets out road schemes that could potentially affect traffic, and therefore air quality, close to European designated sites. Important in terms of encouraging sustainable transport.
Braintree Local Plan	Likely to contribute to increased vehicle movements on the road network within Braintree and thereby contribute to air quality impacts.

The HRA Report for North Essex Authorities Shared Strategic Part 1 for Local Plans (2017) stated that, in line with Highways Agency's Design Manual for Roads & Bridges (DMRB) HA 207/07, Vol. 11, Section3, Part 1 Air Quality, it has been assumed that only those roads forming part of the primary road network (motorways and 'A' roads) are likely to experience any significant increases in vehicle traffic as a result of development (i.e. greater than 1,000 AADT). As such, where a site is within 200m of only minor roads, no significant effect from traffic-related air pollution is considered to be the likely outcome.

The only Habitats (European) sites within 200m of major roads, which are may experience increases in traffic as a result of the Strategic Part 1 are the Stour and Orwell Estuaries SPA and Ramsar site - A120 at Manningtree and A137 at Harwich. A similar approach has been taken for both the Essex Local Transport Plan 3 and one of the key 'Outcomes' identified is to reduce carbon dioxide (CO₂) and improve air quality through lifestyle changes, innovation and technology. As the Environment Agency is satisfied that the proposed increased height to the stack will not result in likely significant effect, the issues of air quality can be scoped out for further assessment.

The HRA for the replacement Minerals Plan for Essex concluded that when considering the ecologically relevant impacts of a Minerals Local Plan, by far the largest contribution to NO_x will generally be made by the associated road traffic. It can be seen from the preceding analysis that Epping Forest SAC is the only European site in Essex for which air quality is a significant issue.

The Essex and Southend-on-Sea Waste Local Plan followed the DMRB requirement for HRA screening of policies of 200m from Habitats (European) sites for impacts from vehicle exhaust, 10km for energy from waste, 1k for landfill gas flares, 500m for dust and 1km for biopathogens (composting facilities only) the latter principally for Epping Forest SAC. Natural England's Impact Risk Zones are in line with this trigger distance and their formal consultation response was that this development is screened out for likely significant effects either alone or in combination.

All potential plans and projects likely to cause significant air quality effects will however need to be considered at project level once sufficient details have been provided for any planning application.

The proposed increase to the stack height of the consented IWMP at Rivenhall Airfield acting 'in combination' with other plans or projects (i.e., Local Plans within scope) is only likely to make an insignificant contribution to the current situation of the Critical Loads and Levels for air quality impacts on Habitats (European) sites.

Based on the submitted details and comments from statutory consultees, it is considered that the proportionate contribution of emissions from *increasing the stack height* of the IWMP at Rivenhall Airfield would not differ from those already assessed for the consented project. No mitigation is therefore necessary for increasing the stack height of the consented IWMP at Rivenhall Airfield when considered in combination with other plans and projects.



Any potential projects do not considered to have sufficient details currently available to be included in an in combination assessment as this would not provide any certainty of likely impacts. Any relevant future projects will trigger project level HRA assessments by the competent authority on submission of details seeking consents.

It is therefore concluded that there will be no likely significant effect from the development in combination with other plans and projects.



4. Conclusion

This Habitats Regulation Assessment considers the implications arising from the proposed increase of the stack height for the consented Integrated Waste Management Facility at Rivenhall Airfield (ESS/36/17/BTE and ESS/37/17/BTE).

In applying the HRA Test 1 – the significance test, ECC has concluded that, based on the development type and proximity to Habitats (European) sites, increasing the height of the chimney at the consented IWMF at Rivenhall Airfield does not constitute a 'likely significant effect' (LSE) to a Habitats (European) site in terms of air quality.

Consequently Essex County Council can therefore conclude that it is possible to rule out the potential for likely significant effects from the development either alone and in combination with other plans and projects.



Appendix 1. Characteristics of nearby Habitats Sites

Habitats Sites, Their Conservation Objectives and Relevant Targets.

Site name/code	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)
Colne Estuary (Mid-Essex Coast Phase 2)			
<p>The Colne Estuary is a comparatively short and branching estuary, with five tidal arms that flow into the main channel of the River Colne. The estuary has a narrow intertidal zone predominantly composed of flats of fine silt with mud-flat communities typical of south-eastern English estuaries. The estuary is of importance for a range of wintering wildfowl and waders, in addition to breeding Little Tern <i>Sterna albifrons</i> which nest on shell, sand and shingle spits. There is a wide variety of coastal habitats which include mud-flat, saltmarsh, grazing marsh, sand and shingle spits, disused gravel pits and reedbeds which provide feeding and roosting opportunities for the large numbers of waterbirds that use the site.</p>			
Colne Estuary (Mid-Essex Coast Phase 2) SPA (UK9009243)	2701.43	A046a <i>Branta bernicla bernicla</i> ; Dark-bellied brent goose (Non-breeding) A059 <i>Aythya ferina</i> ; Common pochard (Breeding) A082 <i>Circus cyaneus</i> ; Hen harrier (Non-breeding) A137 <i>Charadrius hiaticula</i> ; Ringed plover (Breeding) A162 <i>Tringa totanus</i> ; Common redshank (Non-breeding) A195 <i>Sterna albifrons</i> ; Little tern (Breeding) Waterbird assemblage	<p>With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely



Site name/code	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)
			<ul style="list-style-type: none"> The population of each of the qualifying features, and, The distribution of the qualifying features within the site
Colne Estuary (Mid-Essex Coast Phase 2) Ramsar (UK11015)	2701.43	<p><u>Ramsar criterion 1</u></p> <p>The site is important due to the extent and diversity of saltmarsh present. This site, and the four other sites in the Mid-Essex Coast complex, includes a total of 3,237 ha, that represent 70% of the saltmarsh habitat in Essex and 7% of the total saltmarsh in Britain.</p> <p><u>Ramsar criterion 2</u></p> <p>The site supports 12 species of nationally scarce plants and at least 38 British Red Data Book invertebrate species.</p> <p><u>Ramsar criterion 3</u></p> <p>This site supports a full and representative sequences of saltmarsh plant communities covering the range of variation in Britain.</p> <p><u>Ramsar criterion 5</u></p> <p>Assemblages of international importance; species with peak counts in winter; 32041 waterfowl (5 year peak mean 1998/99-2002/2003)</p> <p><u>Ramsar criterion 6</u></p> <p>Species/populations occurring at levels of international importance:</p>	None available.



Site name/code	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)
		<p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> • <i>Branta bernicla bernicla</i>; Dark-bellied brent goose (Non-breeding) • <i>Tringa totanus</i>; Common redshank (Non-breeding) <p>Species/populations identified subsequent to designation for possible future consideration under criterion 6.</p> <p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> • <i>Limosa limosa islandica</i>; Black-tailed godwit 	
<p>Abberton Reservoir</p> <p>Abberton Reservoir is located close to the Essex coast. It is a large, shallow, freshwater storage reservoir built in a long, shallow valley and is the largest freshwater body in Essex. It is one of the most important reservoirs in Britain for wintering wildfowl, with a key role as a roost for wildfowl and waders feeding in adjacent estuarine areas. The site is also important for winter feeding and autumn moulting of waterbirds. The margins of parts of the reservoir have well-developed plant communities that provide important opportunities for feeding, nesting and shelter. Abberton Reservoir is important especially as an autumn arrival area for waterbirds that subsequently spend the winter elsewhere.</p>			
Abberton Reservoir SPA (UK9009141)	726.2	<p>Over winter;</p> <p>Golden Plover <i>Pluvialis apricaria</i>, 3,714 individuals representing at least 1.5% of the wintering population in Great Britain (5 year peak mean 1991/2 - 1995/6)</p> <p>This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p>	



Site name/code	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)
		<p>During the breeding season;</p> <p>Cormorant <i>Phalacrocorax carbo</i>, 490 pairs representing at least 1.2% of the breeding Northwestern Europe population (5 year mean, 1993-1997)</p> <p>Over winter;</p> <p>Gadwall <i>Anas strepera</i>, 518 individuals representing at least 1.7% of the wintering Northwestern Europe population (5 year peak mean 1991/2 - 1995/6)</p> <p>Shoveler <i>Anas clypeata</i>, 654 individuals representing at least 1.6% of the wintering Northwestern/Central Europe population (5 year peak mean 1991/2 - 1995/6)</p> <p>Teal <i>Anas crecca</i>, 5,326 individuals representing at least 1.3% of the wintering Northwestern Europe population</p> <p>Assemblage qualification: A wetland of international importance.</p> <p>The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl</p> <p>Over winter, the area regularly supports 39,155 individual waterfowl (5 year peak mean 1991/2 - 1995/6) including: Black-tailed Godwit <i>Limosa limosa islandica</i>, Lapwing <i>Vanellus vanellus</i>, Coot <i>Fulica atra</i>, Goldeneye <i>Bucephala clangula</i>, Tufted Duck <i>Aythya fuligula</i>, Pochard <i>Aythya ferina</i>, Pintail <i>Anas acuta</i>, Wigeon <i>Anas penelope</i>, Cormorant <i>Phalacrocorax carbo</i>, Great Crested Grebe <i>Podiceps cristatus</i>, Shoveler <i>Anas clypeata</i>, Teal <i>Anas crecca</i>, Gadwall <i>Anas strepera</i>, Golden Plover <i>Pluvialis</i></p>	



Site name/code	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)
		<i>apricaria.</i>	
Abberton Reservoir Ramsar site	726.2	<p>Over winter the area regularly supports:</p> <p>39763 waterfowl (5 year peak mean 1991/92-1995/96)</p> <p>Over winter the area regularly supports:</p> <ul style="list-style-type: none"> Gadwall, <i>Anas strepera</i> Red-breasted Merganser, <i>Mergus serrator</i> Shoveler, <i>Anas clypeata</i> 	None available
Blackwater Estuary (Mid-Essex Coast Phase 4) <p>The Blackwater Estuary is the largest estuary in Essex north of the Thames and, is one of the largest estuarine complexes in East Anglia. Its mudflats, fringed by saltmarsh on the upper shores, support internationally and nationally important numbers of overwintering waterfowl. Shingle and shell banks and offshore islands are also a feature of the tidal flats. The surrounding terrestrial habitats; the sea wall, ancient grazing marsh and its associated fleet and ditch systems, plus semi-improved grassland are also of high conservation interest. This rich mosaic of habitats supports an outstanding assemblage of nationally scarce plants and a nationally important assemblage of rare invertebrates. There are 16 British Red Data Book species and 94 notable and local species. The diversity of estuarine habitats results in the sites being of importance for a wide range of overwintering waterbirds, including raptors, geese, ducks and waders. The site is also important in summer for breeding terns.</p>			
Blackwater Estuary SPA (Mid-Essex Coast Phase	4395.15	<ul style="list-style-type: none"> A046a <i>Branta bernicla bernicla</i>; Dark-bellied brent goose (Non-breeding) A059 <i>Aythya ferina</i>; Common pochard (Breeding) 	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:



Site name/code	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)
4) UK9009245		<ul style="list-style-type: none"> A082 Circus cyaneus; Hen harrier (Non-breeding) A137 Charadrius hiaticula; Ringed plover (Breeding) A141 Pluvialis squatarola; Grey plover (Non-breeding) A149 Calidris alpina alpina; Dunlin (Non-breeding) A156 Limosa limosa islandica; Black-tailed godwit (Non-breeding) A195 Sterna albifrons; Little tern (Breeding) Waterbird assemblage <p>Further information can be found via Natural England's Supplementary Advice.</p>	<ul style="list-style-type: none"> The extent and distribution of the habitats of the qualifying features The structure and function of the habitats of the qualifying features The supporting processes on which the habitats of the qualifying features rely The population of each of the qualifying features, and, The distribution of the qualifying features within the site.
Blackwater Estuary Ramsar site (Mid-Essex Coast Phase 4) 4) UK11007	4395.15	<p><u>Ramsar criterion 1</u></p> <p>Qualifies by virtue of the extent and diversity of saltmarsh habitat present. This site, and the four others in the Mid-Essex Coast complex, includes a total of 3,237 ha that represent 70% of the saltmarsh habitat in Essex and 7% of the total area of saltmarsh in Britain.</p> <p><u>Ramsar criterion 2</u></p> <p>The invertebrate fauna is well represented and includes at least 16 British Red Data Book species. In descending order of rarity these are: Endangered: a water beetle <i>Paracymus aeneus</i>; Vulnerable: a damselfly <i>Lestes dryas</i>, the flies <i>Aedes flavescens</i>, <i>Erioptera bivittata</i>, <i>Hybomitra</i></p>	None available.



Site name/code	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)
		<p><i>expollicata</i> and the spiders <i>Heliophanus auratus</i> and <i>Trichopterna cito</i>; Rare: the beetles <i>Baris scolopacea</i>, <i>Philonthus punctus</i>, <i>Graptodytes bilineatus</i> and <i>Malachius vulneratus</i>, the flies <i>Campsicemus magius</i> and <i>Myopites eximia</i>, the moths <i>Idaea ochrata</i> and <i>Malacosoma castrensis</i> and the spider <i>Euophrys</i>.</p> <p><u>Ramsar criterion 3</u></p> <p>This site supports a full and representative sequences of saltmarsh plant communities covering the range of variation in Britain.</p> <p><u>Ramsar criterion 5</u></p> <p>Assemblages of international importance; species with peak counts in winter; 105061 waterfowl (5 year peak mean 1998/99-2002/2003)</p> <p><u>Ramsar criterion 6</u></p> <p>Species/populations occurring at levels of international importance:</p> <p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> • <i>Pluvialis squatarola</i>; Grey plover • <i>Calidris alpina alpina</i>; Dunlin • <i>Limosa limosa islandica</i>; Black-tailed godwit <p>Species/populations identified subsequent to designation for possible future consideration under criterion 6.</p>	



Site name/code	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)
		<p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> <i>Tadorna tadorna</i>; Common shelduck <i>Pluvialis apricaria apricaria</i>; European golden plover <i>Tringa totanus tetanus</i>; Common redshank 	
<p>Essex Estuaries</p> <p>The Mid-Essex Coast comprises an extensive complex of estuaries and intertidal sand and silt flats, including several islands, shingle and shell beaches and extensive areas of saltmarsh. The proposed SPA follows the boundaries of five SSSIs: the Colne Estuary, the Blackwater Estuary, Dengie, the River Crouch Marshes and Foulness.</p>			
Essex Estuaries SAC UK0013690	46109.95	<ul style="list-style-type: none"> H1110 Sandbanks which are slightly covered by sea water all the time; Subtidal sandbanks H1130 Estuaries H1140 Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats. H1310 Salicornia and other annuals colonizing mud and sand; Glasswort and other annuals colonising mud and sand H1320 Spartina swards (<i>Spartinion maritimae</i>); Cord-grass swards H1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) H1420 Mediterranean and thermo-Atlantic halophilous scrubs 	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> The extent and distribution of qualifying natural habitats The structure and function (including typical species) of qualifying natural habitats, and The supporting processes on which qualifying natural habitats rely



Site name/code	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)
		(<i>Sarcocornetea fruticosi</i>)	



Appendix 2. Key vulnerabilities / factors affecting site integrity from Site Improvement Plans

Key vulnerabilities / factors affecting site integrity

Essex Estuaries:

- Blackwater Estuary (Mid-Essex Coast Phase 4) SPA
- Colne Estuary (Mid-Essex Coast Phase 2) SPA
- Crouch & Roach Estuaries (Mid-Essex Coast Phase 3) SPA
- Dengie (Mid-Essex Coast Phase 1) SPA
- Essex Estuaries SAC
- Foulness (Mid-Essex Coast Phase 5) SPA



Key vulnerabilities / factors affecting site integrity

1. Coastal Squeeze:

Coastal defences along much of the Essex coastline prevent intertidal habitats from shifting landward in response to rising sea levels. As a result, these habitats are being gradually degraded and reduced in extent, with knock-on effects on the waterbirds and other species they support. 'Managed realignment' schemes and additional intervention measures to create new areas of intertidal habitat and reduce erosion rates are being implemented but more will be needed to offset future losses. Grazing marshes in the SIP area are important for waterbirds and are also threatened by sea level rise because most are near or below mean high tide level, currently protected behind seawalls.

2. Public Access/Disturbance:

Breeding and overwintering waterbirds are susceptible to human disturbance from a range of land- and water-based activities - including boating and watersports, walking, bait-digging, fishing and wildfowling - as well as low-flying aircraft. Some activities, such as powerboating, may produce physical disturbance to habitats. Moderate levels of disturbance in less sensitive locations may have no significant effect on the numbers of birds using the SIP area but the types, levels and locations of potentially disturbing activities are constantly changing. Managing the changes to minimise the risk of disturbance impacts will require a better understanding of which species and habitats are most susceptible, which types of activity are most disturbing, and which locations and times of year are most sensitive.

3. Fisheries: Commercial marine and estuarine

Commercial fishing activities categorised as Amber or Green under Defra's revised approach to commercial fisheries in EMSs are being assessed by Kent and Essex Inshore Fisheries and Conservation Authority (KEIFCA) to determine whether management is required. For activities categorised as Amber and Green these assessments should take account of any relevant in combination effects with other fishing activities. Shellfish dredging over subtidal habitats has been identified as an Amber activity and is considered a high priority for assessment and development of possible management for the site.

4. Planning Permission: general

Several of the issues affecting the Essex Estuaries and the management of disturbance effects on the sites are related to each other, and addressing them is likely to require an improved overview of the relative sensitivities of different habitats, species and locations to different types of development (perhaps summarised as sensitivity maps and matrices for the SIP area). Difficult issues include: (a) Assessing the cumulative effects of numerous, small and often 'non-standard' developments (b) Development outside the SPA/SAC boundaries can have negative impacts, particularly on the estuaries' birds (c) Assessing the



Key vulnerabilities / factors affecting site integrity

indirect, 'knock-on' effects of proposals (d) Pressure to relax planning conditions on existing developments.

5. Changes in species distributions

Declines in the numbers of some of the waterbird species using the Essex Estuaries SIP area may be due to changes in their distributions or population levels at a national or continental scale, possibly linked to climate change. For example, milder winters may be allowing birds to overwinter closer to their northern breeding grounds, or changes on the breeding grounds may be reducing breeding success. When assessing SPA condition, distinguishing these types of large-scale effect from effects produced by changes within the site itself is important.

6. Invasive Species:

An increase in Pacific oyster *Crassostrea gigas* settlement and colonisation within the European Marine Site (EMS) may result in areas of foreshore being covered in such numbers as to make them difficult to access and utilise as feeding grounds for overwintering birds. The importance of Pacific oysters for the local shellfish industry is recognised, however Natural England would not like to see an overall increase in the extent of foreshore across the EMS populated by Pacific oysters. Other non-native invasive species such as the American whelk tingle *Urosalpinx cinerea* and Slipper limpet *Crepidula fornicata* are known to occupy subtidal muddy habitats, potentially impacting native communities through competition for resources and predation.

7. Fisheries: Recreational marine and estuarine

Recreational bait digging may impact waterbirds by reducing prey availability and creating disturbance in intertidal feeding areas. It could also damage the intertidal mudflats and sandflats and associated sub-features and communities, such as eelgrass beds. The extent of the activity and potential impacts on site features are not currently well understood.

8. Fisheries: Recreational marine and estuarine

Bottom towed fishing gear (i.e. any fishing instrument designed to take sea fisheries resources from the seabed) has been categorised as a 'Red' for the interest features listed, specifically the seagrass beds *Zostera* spp, a sub-feature of the SAC, as part of Defra's revised approach to commercial fisheries management in European Marine Sites (EMS). Appropriate management measures will be implemented and enforced by Kent and Essex Inshore Fisheries and Conservation Authority (IFCA) who have put in place the 'Bottom Towed Fishing Gear Byelaw' within the SAC to prohibit the above fishing gear being used over the majority of known seagrass beds.



Key vulnerabilities / factors affecting site integrity

9. Fisheries: Recreational marine and estuarine

Marine fisheries carried out under private rights, or under management defined in Several or Hybrid Orders, fall outside Defra's revised approach to commercial fisheries management in EMSs. A variety of fishing gears are used in these fisheries (e.g. Hydraulic and non-hydraulic dredging and shore based activities (e.g. shellfish collection)) which may be applying pressure to site features, including abrasion of the seabed, visual disturbance, and habitat structure changes. Potential impacts need to be better understood and assessed with potential management introduced if required.

10. Invasive Species:

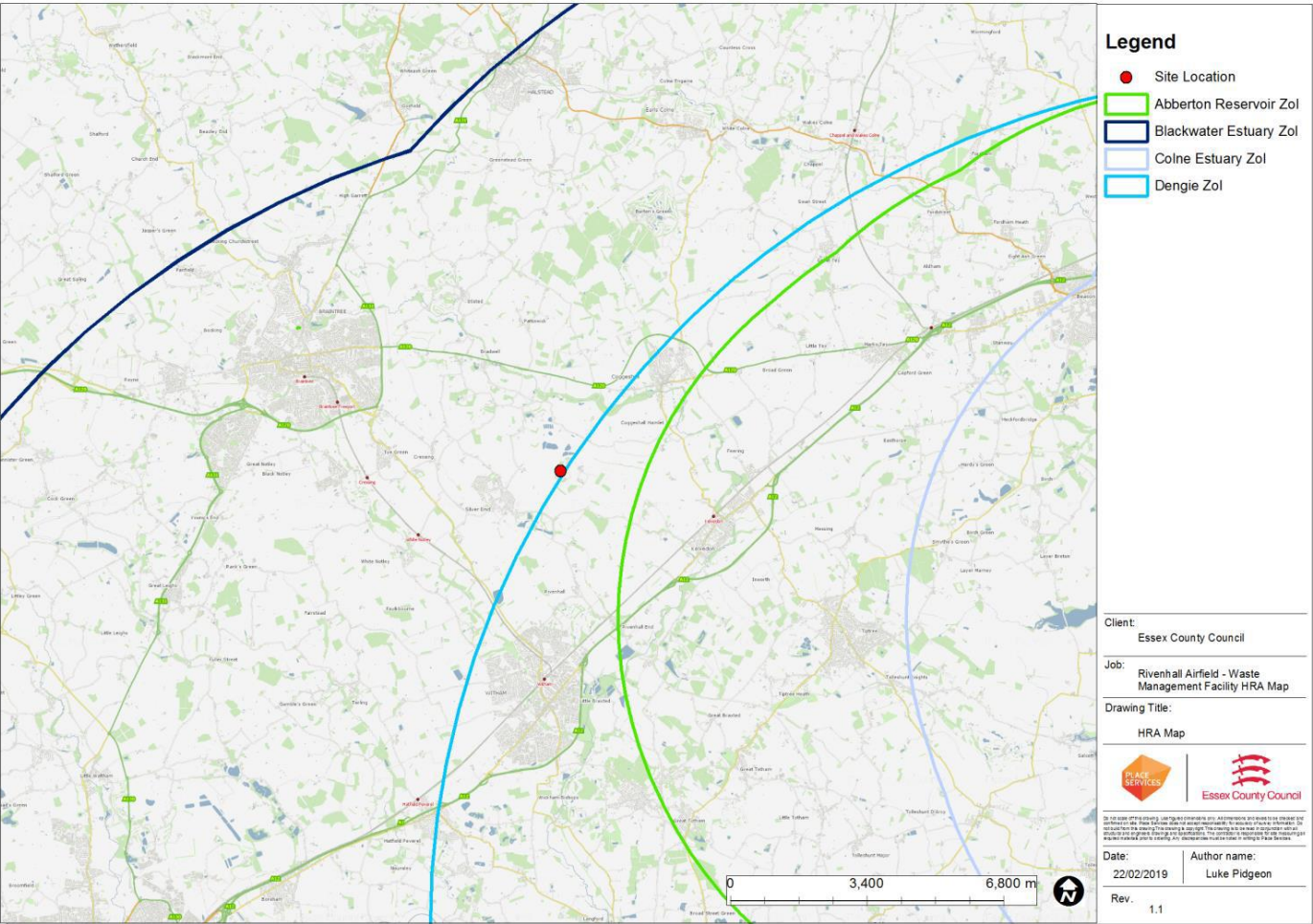
The invasive Common cord-grass *Spartina anglica* occurs widely within this site, as well as native Small cord-grass *Spartina maritima* in certain locations, and the site is designated for H1320 *Spartina* swards. There is a need to improve understanding of the dynamics of *S.anglica* on the site in order to determine if changes in the species' distribution adversely affect other species and habitats, including feeding and roosting areas of SPA bird species.

11. Air Pollution: risk of atmospheric nitrogen deposition

Atmospheric nitrogen deposition exceeds the relevant critical loads for coastal dune habitats used by breeding terns and hence there is a risk of harmful effects. However, on the Essex estuaries declines in the numbers of breeding terns appear to be due mainly to erosion of a man-made cockle-shingle bank (at Foulness) and to disturbance (elsewhere), rather than to over-vegetation of breeding areas caused by nitrogen deposition.



Appendix 3 IWMF stack, Rivenhall Airfield and Locations of the Habitats Sites' Zones of Influence





Place Services

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March 2019



Appendix L

Extract from WLP – Development Principles for Allocated site IWMF2

This site is located on the former Rivenhall Airfield, which is now an active quarry accessed off the A120 highway. Part of the site is within the active quarry. The following specific issues and opportunities are to be addressed:

- Any development of the site would need to ensure mineral traffic associated with the quarry (MLP sites A3, A4, A5, A6 and A7) is still able to utilise the existing access road to the A120.
- Widening of private haul road to two way working and improvement of minor road crossings (as identified in S106 attached to extant planning consent for IWMF)
- Waste traffic would use the existing access, which would be required to be made to a standard suitable for road traffic from the existing mineral processing area to the waste site. HGV movements would be restricted in line with current permitted movements to avoid adverse impacts to the A120. Provision of screening on south-west, south-east and northern boundaries would be important. Views from the Essex Way should be screened. The access road to the facility should be at low level with planting on both sides of the access road.
- Future built development to be at low level, with the bulk of any structure to be below ground level. Tree Preservation Order (TPO) to be protected as much as possible and management of surrounding TPO woodland suggested to maximise screening and biodiversity value.
- The impacts from the proposal need to be addressed on the designated buildings located in the vicinity - especially on the setting of the Woodhouse Farm Listed Building.
- Right of Ways – Kelvedon footpath 8 runs close to the site and its route should be protected.
- Dust mitigation measures, limits on duration (hours of operation) and noise standards (from noise sensitive properties) will be established in the interests of protecting local amenity.
- If the proposed site layout cannot accommodate the statutory easements (relevant to existing infrastructure on the site) the diversion of the existing assets may need to be considered. Any activity that requires excavation should only proceed with caution, and the existing underground infrastructure must be supported and protected and not be put at risk from disturbance.

Notes:

Any potential odour issues from a proposal involving organic waste would be

addressed by the Environment Agency in the interests of protecting local amenity.

DR/10/19

committee DEVELOPMENT & REGULATION

date 26 April 2019

MINERALS AND WASTE DEVELOPMENT

Proposal: **Importation of inert material, installation and use of recycling plant to produce secondary aggregate and the final disposal of inert residues to facilitate restoration of the site to calcareous grassland, together with the continued extraction of chalk reserve**

Location: **Newport Chalk Quarry, Chalk Farm Lane, Newport, Saffron Walden, Essex**

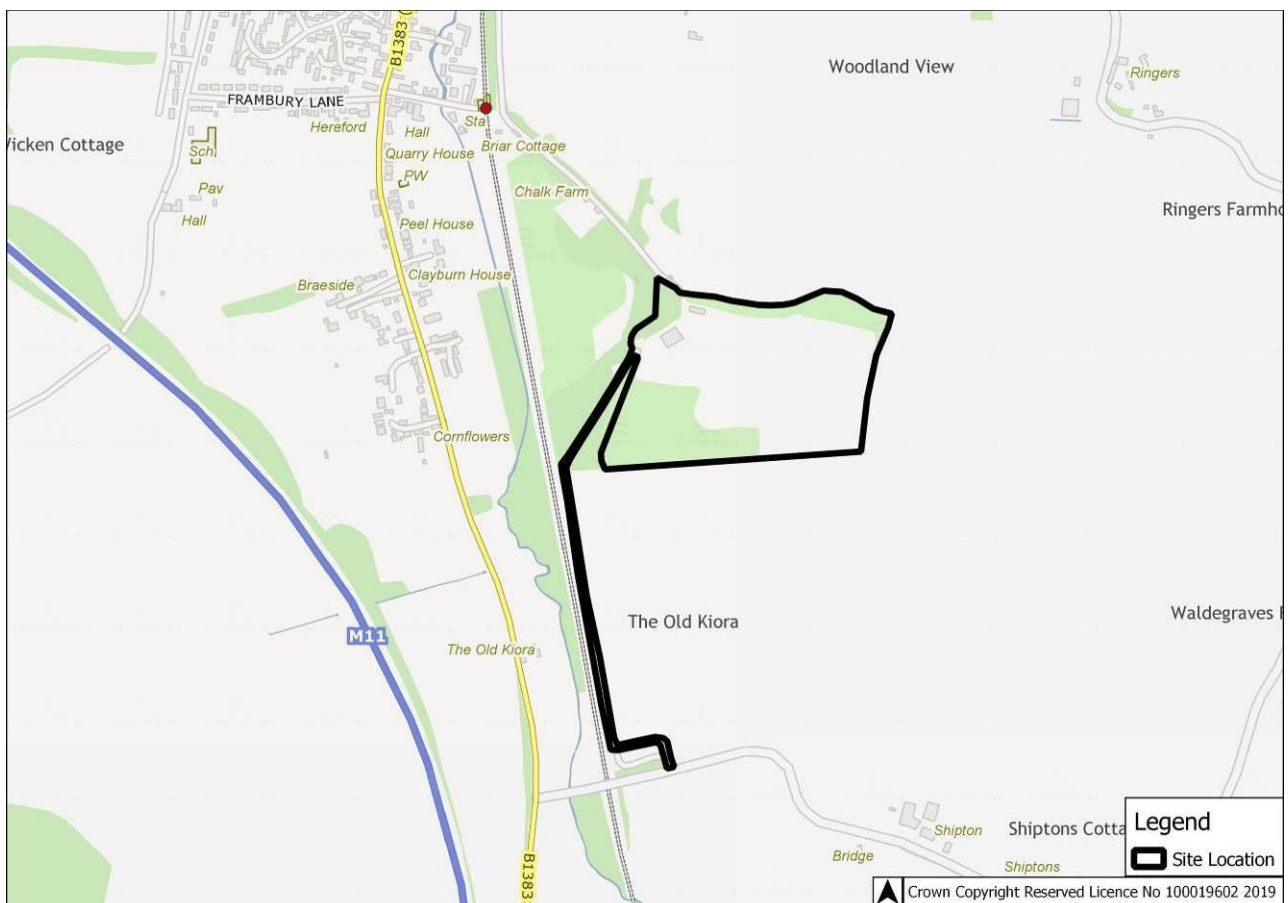
Ref: **ESS/42/18/UTT**

Applicant: **Ingrebourne Valley Ltd**

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to: Tom McCarthy Tel: 03330 320943

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

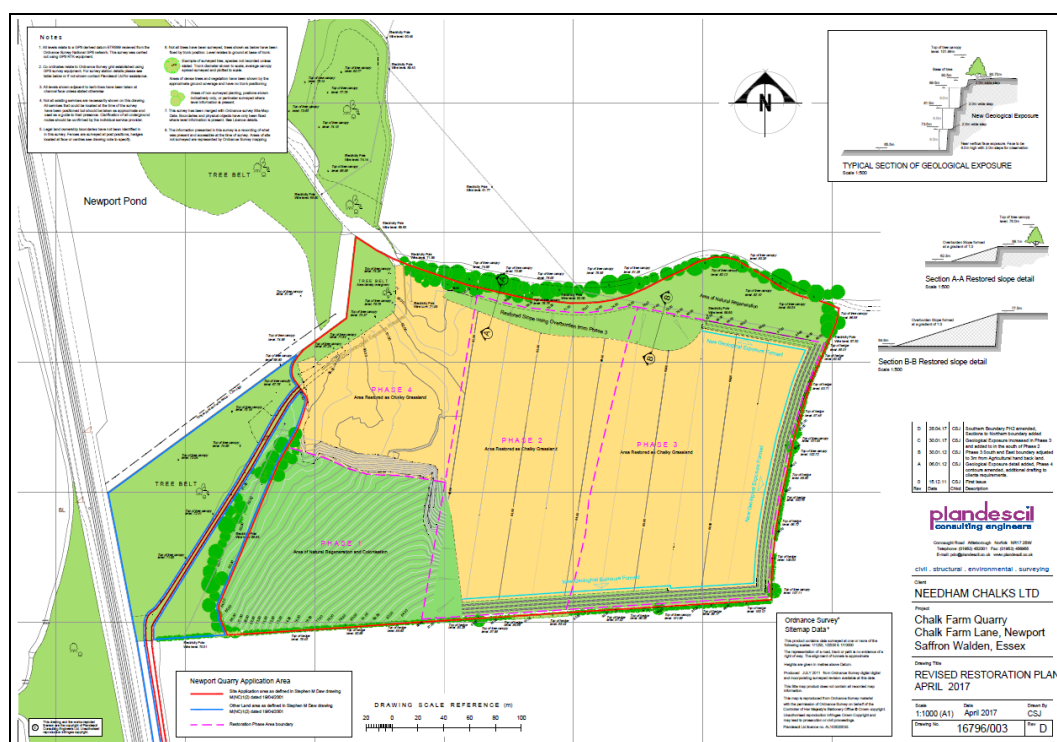


1. BACKGROUND & SITE

The chalk pit at Newport is approximately 10 hectares in size and consists of land that is currently being extracted for chalk (phases 2 & 3 as per the labelling on the below drawing), a former worked area (phase 1) now restored and a processing/storage area for extracted material (phase 4) as per planning permission ref: ESS/32/17/UTT.

The restoration approved as part of ESS/32/17/UTT is low level (no importation) to chalky grassland with steep geological exposures left around the quarry void.

'Revised Restoration Plan', drawing no. 16796/003 (Rev D), dated 26/04/17 – approved as part of ESS/32/17/UTT



Extraction of chalk has taken place at this site since 1980 and is currently operational six months of year (April to September) producing approximately 22,000 tonnes of chalk annually. The reserve remaining on-site in 2017 was estimated to be 900,000 tonnes. Although, for confirmation, the current planning permission is not restrictive in terms of the quantity of material which can be extracted from the site (overall or per annum) and/or that the site can only be worked for six months of the year.

The site was promoted through the call for sites for the Essex and Southend-on-Sea Waste Local Plan for inert waste recycling and landfill on the basis that it was suggested that the site could provide additional void capacity whilst still being restored to deliver lowland calcareous grassland, with areas also retained to demonstrate the sites geological importance. And, the site was chosen as a preferred site for inert waste recycling (15,000tpa) and inert landfill capacity

(300,000m3).

The site is situated in an area of undulating agricultural landscape with established vegetation on the western, northern and eastern boundaries. The site is accessed from Widdington Road via a private haul road which runs in a vertical direction, parallel to the Cambridge to Bishop Stortford railway line. Byway 20 (Newport) runs parallel with the northern boundary of the site but is unaffected by the development.

The centre of Newport Village is situated some 700 metres to the north-west of the site and Newport Pond (a Local Wildlife Site) is 250 metres away, again to the north-west, both of which straddle the B1383 (London Road). The M11 lies approximately 700 metres to the west.

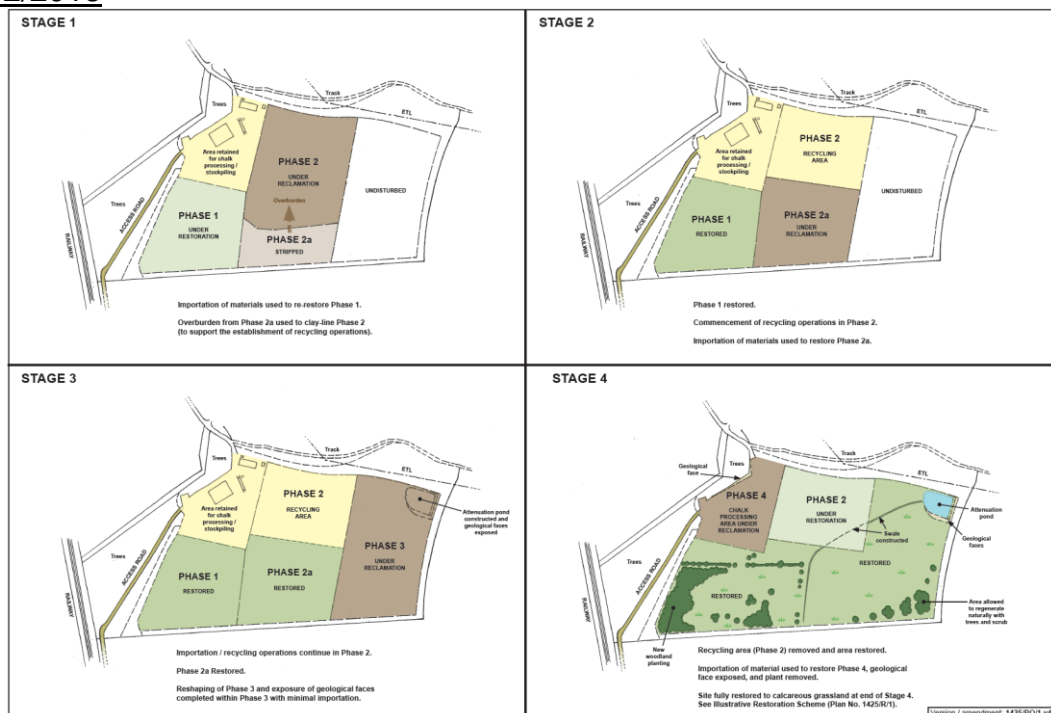
The application site is not itself located within a 'sensitive area', as defined by the EIA Regulations and is not located near any a RAMSAR, SPA or SAC. The site is however located approximately 900m south of the Debden Water SSSI. The site is located in Flood Zone 1.

2. PROPOSAL

The proposed development is to establish recycling facilities and import inert materials to produce secondary aggregates which can be sold back into the local market place with the residual materials used to restore the site back to as close to original ground levels as possible. It is expected that the restoration project would take between 7 and 10 years to complete with extraction, recycling and restoration operations taking place simultaneously.

The applicant proposes to work the site in four phases, with four main stages of operation.

Extract from 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018



As part of stage one, material would be imported to re-restore phase 1 (as per the above labelling). Overburden from phase 2a would then be stripped and used to clay line phase two ready for the establishment of recycling operations. Stage two would see phase one restored; commencement of recycling operations in phase two; and importation of material to restore phase 2a.

Stage three which would follow the restoration of phase 2a would see importation and recycling operations continue with re-shaping/engineering of phase three including exposure of geological faces and construction of the attenuation pond. Stage four would see engineering/restoration of phase three complete; and the recycling area within phase two removed. This phase would also as part of stage four be restored; as would the remaining part of the site (phase four – the chalk processing area). The site would then be restored to calcareous grassland or allowed to regenerate naturally with the addition of new woodland planning and additional tree and hedgerow planting.

Extract from 'Illustrative Restoration Scheme', drawing no. 1425/R/1 v2, dated 25/10/2018



In terms of the proposal in numbers, the applicant has suggested that the landfill capacity of the site is 500,000m³ (850,000 tonnes on the basis of 1.7t per m³). Noting that the application proposes to recycle material import to realise secondary aggregate which would subsequently be exported back to the market – the total amount of material proposed to be imported would be in excess of the above figure.

The applicant has not suggested a maximum amount of material which would be imported – on this basis that this is dependent on the recycling rate which could be anything between 0-50%. The Transport Statement submitted in support of the application has however assessed the development on the basis of 150,000 tonnes

of material being imported every year for seven years (so 1.05 million tonnes in total). This is around a 20% recycling rate which is slightly below 30% which officers would generally expect (from a theoretical assessment) but no fundamental concerns are raised to this in respect of an understanding/appraising potential effects.

On average, it has been suggested that the development would give rise to 54 HGV movements a day would result (27 in and 27 out). However, allowing for fluctuations the applicant is seeking permission for up to 80 HGV movements a day (40 in and 40 out) and it is on this basis that the Transport Statement has been submitted.

Hours of operation of between 07:00-18:00 hours Monday to Friday; 07:00-13:00 hours Saturdays; with no working on Sundays or Bank Holidays are proposed.

The application is accompanied by an Environmental Statement (submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017). A copy of the conclusions formed by the applicant for each topic considered (extract from the Non-Technical Summary) is provided at Appendix 1. To confirm, officers are content that the Statement submitted accords with the Regulations and an assessment of the conclusions formed, including reference to where additional or revised information has been sought can be found within the appraisal section of this report.

3. POLICIES

The following policies of the Essex Minerals Local Plan (MLP), adopted July 2014; Essex and Southend-on-Sea Waste Local Plan (WLP), adopted 2017; and the Uttlesford District Council Local Plan (ULP), adopted 2005 provide the development plan framework for this application. The following policies are of relevance to this application:

Essex Minerals Local Plan

S5 – Creating a Network of Aggregate Recycling Facilities

S7 – Provision for Industrial Minerals

S12 – Mineral Site Restoration and After-Use

Essex and Southend Waste Local Plan

Policy 1 – Need for Waste Management Facilities

Policy 3 – Strategic Site Allocations

Policy 10 – Development Management Criteria

Policy 11 – Mitigating and Adapting to Climate Change

Policy 12 – Transport and Access

Policy 13 – Landraising

Uttlesford District Council Local Plan

Policy S7 – The Countryside

Policy GEN1 – Access

Policy GEN3 – Flood Protection

Policy GEN4 – Good Neighbourliness

Policy GEN7 – Nature Conservation

Policy ENV3 – Open Spaces and Trees
Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation
Policy ENV11 – Noise Generators
Policy ENV12 – Groundwater Protection

The Revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, 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).

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

Uttlesford District Council submitted a 'new' Local Plan to the Secretary of State for Examination in Public (EiP) on 18 January 2019. Hearing dates have yet to be formally scheduled however as the Local Plan has been submitted it is considered

that the policies within hold some weight in the determination of planning applications. That said the weight to be applied to relevant policies is restricted by the fact the Plan has not yet been through EiP and formally adopted.

The following policies of the Uttlesford – Regulation 19 Pre-Submission Local Plan (ULP-19) are considered relevant to this application:

Policy SP1 – Presumption in Favour of Sustainable Development

Policy SP10 – Protection of the Countryside

Policy SP11 – London Stansted Airport

Policy SP12 – Sustainable Development Principles

Policy TA1 – Accessible Development

Policy D1 – High Quality Design

Policy EN7 – Protecting and Enhancing the Natural Environment

Policy EN10 – Minimising Flood Risk

Policy EN11 – Surface Water Flooding

Policy EN14 – Pollutants

Policy EN15 – Air Quality

Policy EN17 – Noise Sensitive Development

Policy C1 – Protection of Landscape Character

NEIGHBOURHOOD PLANS

Newport, Quendon & Rickling Neighbourhood Plan – The parishes of Newport, Quendon & Rickling were designated as a neighbourhood plan area by Uttlesford District Council in February 2017.

The neighbourhood plan which is currently being compiled by local residents and the two parish councils has been consulted on (pre-submission draft - Regulation 14) but has yet to be submitted to Uttlesford District Council for formal publication, consultation and examination (Regulation 15-18). The plan at the current time is therefore considered to hold very limited, if any weight in the determination of planning application. That said, noting the quarry site is referenced within the Regulation 14 draft commentary will be provided within the Principle of Development section of this report for completeness.

4. CONSULTATIONS

UTTLESFORD DISTRICT COUNCIL – No objection subject to the safe importation of the materials and that imported materials will not contaminate the ground or subsequently affect the use of the site.

NATIONAL PLANNING CASEWORK UNIT – No comments to make on the Environmental Statement.

ENVIRONMENT AGENCY – No objection subject to conditions showing the levels of the final base of excavation, the provision of a restoration cap and side and basal liners for each landfill cells; a scheme for groundwater and surface water monitoring; a scheme to provide a surface water management plan; submission of a site survey following restoration of each phase; a scheme to provide for monitoring groundwater and surface water quantity and quality; no waste shall be received until detailed infilling and restoration plans have been submitted and

approved; the top metre of infill shall consist of either overburden or clean fill and shall not contain any objects larger than 150mm in any dimension.

NATURAL ENGLAND – Standard advice provided. Natural England's initial screening of this planning application suggests that impacts to designated sites caused by this application need to be considered by your authority.

STANSTED AIRPORT – No objection subject to conditions. The infiltration lagoon has the potential to attract and support hazardous waterfowl. The presence of steep banks on two sides will help to reduce the attraction, as will the likely fast infiltration rate, but to reduce the reduce it is requested that a condition be attached to any approval granted requiring the infiltration lagoon to be planted with a dense margin of emergent and marginal planting to further obscure access to the water by waterfowl.

NETWORK RAIL – No comments received.

PIPELINE / COMMUNICATION / UTILITY COMPANIES – Either no comments received; no objection; no objection subject to standard advice; or no comments to make.

HIGHWAY AUTHORITY – No objection in principle. Further detailed comments to be reported as an addendum to this report (prior to the committee meeting).

LEAD LOCAL FLOOD AUTHORITY – No objection subject to conditions requiring submission of a detailed surface water drainage scheme and a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works.

THE COUNTY COUNCIL'S LANDSCAPE CONSULTANT – A Landscape and Visual Impact Assessment was carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (2013). It includes appropriate viewpoints located on nearby lanes and PROWs, the mitigation approach and an assessment of visual amenity and landscape character. The LVIA concludes that the restoration of the site will have a 'slight beneficial effect' on the landscape resource and local landscape character, leading to a 'moderate beneficial effect' once planting has established. This conclusion is considered an accurate assessment of the proposal. In respect of this a number of recommendations of the restoration proposals including revising the proposed hedgerow alignment to create a more formal field arrangement; and hedge, grass and herb mix. Conditions covering a landscape scheme in general; landscape management plan (25 years suggested); and further details of the sustainable urban drainage system proposed are all recommended.

THE COUNTY COUNCIL'S ECOLOGY CONSULTANT – Supports the proposed restoration of the site to chalk grassland, which complies with the WLP – albeit it is unclear as to why the importation of materials is required to create chalk grassland? There is an area of the quarry which has already been restored. An ecology report, submitted with a previous application at this site, recommended that the area of the site already restored be left intact as it supports a number of grass and flower species, some of which are rare or whose populations are

diminishing. The ecological report submitted with this application seeks something contrary however it is accepted that this may be down to the time the survey was completed. No objection is nevertheless raised subject to conditions requiring the submission of a construction environmental management plan and landscape and ecological management plan. With regard to this, it is recommended the long term management plan should cover a period of at least 25 years (five years after care plus an additional 20 years).

THE COUNTY COUNCIL'S ARBORICULTURE CONSULTANT – Support the comments made from a landscape and ecology perspective.

THE COUNTY COUNCIL'S NOISE CONSULTANT – No objection subject to conditions covering hours of operation; all plant and machinery being silenced and fitting with white noise reversing alarms; noise limits for normal and temporary operations; submission of a noise monitoring scheme and subsequent submission of noise monitoring for the life of the development.

THE COUNTY COUNCIL'S AIR QUALITY CONSULTANT – No objection subject to the submission of an updated dust management plan. Furthermore should stockpiles or bunds be left in-situ for more than six months, it is recommended that these are seeded or covered and their management detailed with any interim landscape management plan and/or within the dust management plan.

NEWPORT PARISH COUNCIL – No comments received.

WIDDINGTON PARISH COUNCIL – No comments received.

LOCAL MEMBER – UTTLESFORD – STANSTED – Any comments received will be reported.

5. REPRESENTATIONS

16 properties were directly notified of the application. The application was also advertised by way of site notice and press advert. No letters of representation have been received.

6. APPRAISAL

The key issues for consideration are:

- A. Principle of Development
- B. Landscape
- C. Ecology
- D. Hydrogeology and Hydrology
- E. Amenity
- F. Transport

A PRINCIPLE OF DEVELOPMENT

As per the description of the development, this application seeks the continued extraction of the chalk reserve on-site. Whilst it is acknowledged by the applicant that the full reserve would not necessarily be released (i.e. the site fully worked),

extraction is proposed to take place within the exposed quarry if there is a market demand (until such a time as restoration works progress and the mineral stream is no longer workable). Such extraction would however continue under the extant details approved by way of application ref: ESS/32/17/UTT. This application, if approved, would however supersede requirements and details previously approved in terms of general site working/phasing; and restoration.

Initially from a minerals perspective, is noted that that policy 7 of the MLP acknowledges that small-scale extraction of chalk for agricultural and pharmaceutical uses takes place at Newport Quarry and accordingly safeguards the site/reserve (as per other existing and preferred sites within the plan). As clarified at paragraph 2.29 chalk is not however accounted for within or as part of a separate landbank. With the supporting text to the MLP clarifying that there is only limited interest in chalk extraction and as such no national requirement to maintain a landbank.

This application is therefore principally being considered/determined as a waste development. That said given the link between the mineral extraction and the need for the importation of material, crossover of policy and that the proposal is in effect facilitating restoration of a mineral site reference to policies S5 and S12 of the MLP is considered appropriate. Policy S5 relates to aggregate recycling (relevant as a processing plant is proposed as part of this application) and policy S12 relates to mineral site restoration and after-use.

As a waste site, Newport Quarry is allocated as a strategic site for both inert waste recycling and inert landfill within the WLP. The allocation as per Table 16 of Appendix B of the WLP is for 300,000m³ inert landfill capacity and 15,000tpa inert recycling capacity.

This application proposes the importation and processing of more material than this, as per the below comparison, and also includes the south-west corner of the site which was not included in the red line of the WLP allocation (as considered already 'restored'):

	Inert landfill capacity	Inert recycling capacity
WLP	300,000m ³ / 510,000 tonnes ¹	75,000 tonnes (15,000tpa for 5 years)
ESS/42/18/UTT	500,000m ³ / 850,000 tonnes	200,000 tonnes (circa 28,500tpa for 7 years ²)
Difference	+ 200,000m³ / 340,000 tonnes	+ 125,000 tonnes / 13,500tpa over the 5 year period and then 28,500tpa for two additional years

It is accepted that the figures and timeframes suggested within the WLP were

¹ On the basis of 1.7 tonnes of material for every m³

² Noting no maximum importation figure has been suggested as part of the application details – this calculation has used the 1.05 million tonne figure suggested as part of the Transport Statement. With the surplus importation (200,000 tonnes) presumed to be secondary aggregate realised from the processing plant over a 7 year period of operations/plant being in-situ.

indicative or estimates and it was fully expected that final details of need/capacity would be revealed as part of any application coming forward. An assessment of the development proposed, in context of this and the site specific issues and options for the site within the WLP can as such be found in the proceeding sections of this report.

In general terms, it is nevertheless accepted that the principle of inert landfill and (in association) inert recycling on this site has been established through the allocation of the site in the WLP. Policy 1 furthermore states that, even with the allocations in the WLP, there is a predicted shortfall in capacity of b) up to 1.95 million tonnes per annum by 2031/32 for the management of inert waste. The supporting text to this policy seeks to clarify that local construction, demolition and excavation waste arisings were 3.62mtpa in 2014 (including 0.31mt of waste imported from London) and it was identified that there was/is a need for additional 1.95mtpa (recycling or disposal) capacity by 2031/32, partly due to the expiry of existing temporary planning permission.

Nonetheless, discounting that some permissions will expire/sites get completed/restored, the WLP acknowledges that there is a need for some 7.05mt additional capacity. And, since no other submitted sites have been deemed suitable for the management of inert waste in the Plan area, the WLP details that locational criteria policies are to be used to assess any additional future inert waste management proposals.

The most recent published update by the Council (Minerals and Waste Authority Monitoring Report (AMR) 1 April 2016 to 31 March 2017) suggested that as of 2016 the shortfall in inert management stood at just over a million tonnes per annum. That said, since 2016 (and the last AMR) notable planning permissions granted for 'new' inert recycling facilities include Crown Quarry (application ref: ESS/07/17/TEN), Sandon Quarry (application ref: ESS/41/17/CHL) and Martells Quarry (application ref: ESS/32/18/TEN). A more up to date picture of capacity will be available when the 2017-18 and 2018-19 AMRs are published, although as noted in previous AMRs obtaining reliable construction, demolition and excavation data can be difficult.

Accordingly, in context of the above, the overall acceptability of the proposed inclusion of the previously restored south-west corner of the site; general increase in site restoration levels (more landfill capacity); and greater recycling throughput will be appraised in the proceeding sections of this report with a view to deciding if the development, as proposed, complies with all relevant policies of the development plan.

Newport, Quendon & Rickling Neighbourhood Plan

The draft Newport, Quendon & Rickling Neighbourhood Plan seeks to suggest that this site may be suitable for up to 150 dwelling or a mixed commercial / residential development. With regard to the allocation in the WLP, the supporting text to the proposed allocation in the Neighbourhood Plan suggests landfilling (with inert material) the high level part of the site would achieve restoration of much of the visible grassland; with the potential housing count is based on the lower flat of the site – so a combination of inert landfill and housing or mixed commercial and

housing is considered viable, beneficial and a good use of the site.

As part of the Regulation 14 consultation, ECC as WPA raised a holding objection to the proposed allocation of Newport Quarry for residential or mixed use, given the conflict with the MLP and WLP. The site is furthermore not allocated for housing within the emerging Uttlesford Local Plan. That said, whilst the restoration (landfill) of the site to original levels would counter that suggested re: the existing lower flat part of the site (as existing) being developed – the importation of material and restoration of the site to former levels would not in any way prejudice a future application for development on this land. Any such application would simply be considered in context of relevant circumstances, context and planning policy by Uttlesford at the time.

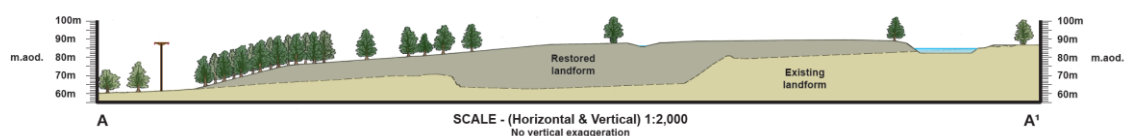
B LANDSCAPE

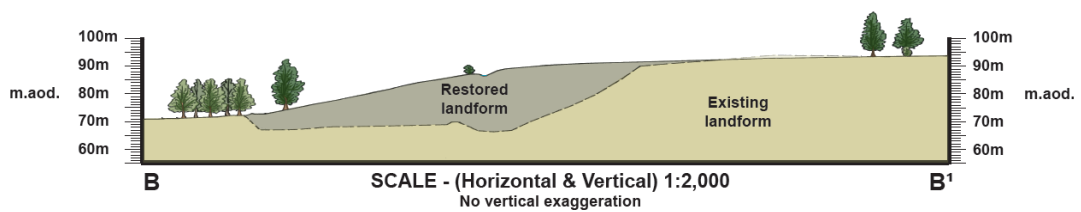
This application seeks the importation of material to restore the existing quarry to near former levels. With regard to this, the application red line includes the restored south-west corner of the site, which is not included in the WLP allocation.

The issues and opportunities identified with the WLP for the site include careful consideration of the environmental and visual impacts, particularly if a proposal relates to already restored areas.

Whilst not formally stated as part of the application details, it is presumed on review of the existing site levels, that phase one (as per the previous drawings in this report) has been included and proposed to be raised further to avoid a particularly steep gradient/interchange of the restored profile. The highest part of the site as existing (south-east corner) is 95m AOD with the lowest part of the site (along the western boundary) 60m AOD. As existing phase one slopes up from 60m AOD to 85m AOD on a slight curve. The gradient as existing is relatively gentle between 60 and 80m but then rises significantly to 95m. The restoration profile, proposed as part of this application would see the extent of land at 95m AOD increase and generally land levels slightly higher. That said, the profile proposed has not sought to increase the overall land level (of 95m AOD at its peak) and has been designed to reflect local character in terms of gradient; support the proposed afteruse and features such as the attenuation pond.

Extract from 'Illustrative Cross Sections', drawing no. 1425/CS/1 v2, dated 25/10/2018





Policy 10 of the WLP states that proposals for waste management development will only be permitted where it can be demonstrated that the development would not have an unacceptable impact on: the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness; the natural and geological environment; and the character and quality of the area (only criteria relevant to landscape detailed). In respect of landraising (policy 13), proposals must demonstrate that there is a proven significant benefit that outweighs any harm caused; the amount of waste material used to raise the level of the land must be the minimum amount necessary to achieve restoration; and in the case of land remediation and other projects provide significant improvement to damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use.

At a district/local level policy S7 of the ULP states the countryside is considered to represent all areas beyond the Green Belt not within a settlement or site boundary. Planning permission in the countryside will only be given to development that needs to take place there or is appropriate to a rural area. Any such development should protect or enhance the character of the countryside. Expanding on this policy ENV3 states the loss of traditional open spaces, groups of trees and/or fine individual species as a result of development will not be permitted unless the need for the development outweighs the impact/harm. With policy ENV8 seeking to afford protection to other landscape elements including hedgerows, woodlands, semi-natural grasslands and ponds for example. The above policy positions are replicated in the emerging ULP-19 with policy SP10 relating to the protection of the countryside, SP12 covering a range of issues including retaining and enhancing the character, appearance and setting of area, D1 which (although principally built form focussed) relates to design and responding to landscape, local and longer-views and the natural and historic environment and C1 which relates to the protection of landscape character stating, amongst other things, development should preserve and enhance landscape pattern and structure of woodland areas, hedgerows and individual trees; and preserve and enhance historic landscape character of field patterns and sizes.

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of this application. This identifies that at a national level, the site forms part of the South Suffolk and North Essex Clayland character area (profile 86). Key characteristics of the area, relevant to this site, are suggested as: (paraphrased) undulating chalky boulder clay plateau, dissected by numerous river valleys, giving a topography of gentle slopes in the lower wider valleys and steeper slopes in the narrower upper parts; soils of a calcareous character; south-east flowing streams and rivers drain the clay plateau with watercourse winding slowly across flood plains; lowland wood pasture, ancient woodland and large, often ancient, hedgerows link woods and copses; predominate arable agricultural landscape with irregular field patterns; and a strong network of public rights of way.

Moving to a county level, the site lies on the edge of the Central Essex Farmlands (B1) and Cam River Valley (C1) character areas. Key characteristics of Central Essex Farmlands, are suggested, to include: irregular field patterns of mainly medium sized arable fields marked with hedgerows and ditches; small woods and copses; network of narrow widening lanes and mostly tranquil character away from major roads and Stansted Airport. The condition of hedgerows and woodlands, in the character area, are considered moderate overall; localised erosion of character has taken place due to sand and gravel working; and some modern planting around farmsteads has taken place. The sensitive to mineral extraction/waste disposal is deemed moderate.

Key characteristics of the Cam River Valley character area are suggested to include broad valleys, rolling valley sides in the north, gentler slopes to the south and predominately large scale, open arable farmland. The condition of some hedgerows on valley sides in the character area is noted as poor due to lack of management and farming practices and also gravel workings, chalk pits, pylons and the M11 create some localised visual intrusions in the landscape. Similarly the sensitivity to development is deemed moderate.

At a district level, the site in the majority lies within the LCA A1 Cam River Valley character area, with the eastern part of the site forming part of the LCA B7 Debden Farmland Plateau. Without seeking to repeat key characteristics, which largely follow the above, the proposed strategy objective for the Cam River Valley is one of conservation. With suggested landscape planning guidelines including conserving and enhancing the landscape setting of settlements; maintaining cross-valley views; considering the landscape pattern and structure of large woodland area and the role that they have in the composition of views; and ensuring that new woodland planting is designed to enhance landscape character and that species composition reflects local character. For Debden Farmland again the strategy objective is conservation albeit management guidelines state conserving historic lands and unimproved roadside verges; and establishing arable field margins as important nature conservation habitats.

The LVIA submitted in support of this application seeks to suggest that the existing baseline conditions of the site as a working quarry provide a negative contribution to landscape character. That said, the sites visibility is relatively limited and where the quality of views is such that there are a number of incongruous elements, local people are likely to be indifferent to the view.

The LVIA has not sought to assess that proposed against the existing approved restoration for the quarry. That said the LVIA does assess the impact/landscape effects of the proposed restoration in context of the site as existing i.e. no further operations/development. In this regard, whilst a moderate adverse effect would result throughout the working phases 1-4; the overall site restoration has been assessed to represent a slight beneficial effect (both from a landscape and visual impact perspective). In coming to this opinion it is suggested that the restoration would complement the scale, landform and pattern of the landscape incorporating measures for mitigation to ensure the scheme will be integrated with the surrounding landscape; reduce the visibility of the intrusive nature quarry and its exposed quarry faces resulting in the removal of incongruous or intrusive elements; have beneficial effects on the current level of tranquillity of the landscape; restore

existing landscape character and increase biodiversity; and the effect of large area of new species rich calcareous grassland would be relatively soon after completion of the phase.

Once established, the beneficial effect is considered to enhance to moderate on the basis that vegetation would have established to provide new semi natural habitats to increase ecological diversity; and retained geological features would have naturally regenerated providing new habitat diversity for flora and fauna.

The Council's landscape consultant has raised no objection in principle to the development coming forward including the proposed restoration profile, agreeing with the conclusions formed within the submitted LVIA. In respect of the proposed restoration scheme, it is considered that a north/south field alignment pattern would however be more in keeping than that proposed. And, it is recommended that final details (hedgerow mix etc..) of landscaping and planting timetable, as well as final detailed topographical plans, including sections, and proposed planting plans for drainage features proposed and exposed quarry faces be secured by condition.

With regard to management, the Council's consultant furthermore recommends a management plan be secured for a minimum of 25 years. It is considered necessary and appropriate to secure a management plan for the site. However, it is noted that the Council's standard 'aftercare' period is 5 not 25 years. Whilst calcareous grassland is a priority habitat, as a WLP rather than MLP allocation, this site was not identified as a flagship site within the Council's Mineral Site Restoration for Biodiversity Supplementary Planning Guidance (June 2016) which is where support for a 25 management plan could be drawn. Whilst the SPG applies to all minerals development, not just that associated with flagship schemes, it is considered that securing a long term management scheme for anything above 5 years might not necessarily comply with relevant tests as a condition and/or obligation in this instance.

The reasons for the suggested long term management, by the Council's landscape (and ecology) consultants are however acknowledged. In the circumstances, without prejudice, should planning permission be granted it is therefore considered that as part of the management plan (aftercare scheme) formally secured for five years, the condition could be worded in such a way to require details (including funding and management) for a longer 25 year period. Whilst in planning terms the management for the additional 20 year would not be enforceable, this would, at least, offer some long term comfort on management and allow longer term aspirations to be incorporated. On a slightly separate note, in respect of this, the provision of a long term management plan could potentially also unfavourably prejudice future aspirations for part of the site to be developed for housing and/or commercial purposes.

Accordingly, subject to conditions as suggested above being attached to any decision made, it is considered that the development would comply, from a landscape perspective, with policies 10 and 13 of the WLP; policies S7, ENV3 and EN8 of the ULP and policies SP10, SP12, D1 and C1 of the ULP-19.

C ECOLOGY

Policy S12 of the MLP states that mineral extraction sites, as part of their restoration, shall provide biodiversity gain demonstrating their contribution to priority habitat creation and integration with local ecological networks. Policy 10 of the WLP states proposals should not have an unacceptable impact on the natural environment with policy 13 requiring, in respect of land remediation, a greater environmental value than the previous land use.

Policy GEN7 of the ULP states development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Where the site includes protected species or habitats suitable for protected species, a nature conservation survey will be required. In the event of identified impact the policy requires measures to mitigate and/or compensate for the and, as appropriate, enhance biodiversity through the creation of appropriate new habitats. This position is reflected in policy EN7 of the ULP-19.

An extended Phase 1 Habitat Survey has been submitted with this application. The conclusions of this is that the development is not anticipated to impact on any surrounding designed and non-designated sites, with the site offering no direct link or impact to any sites within the locality. Expanding on this, it is acknowledged that the proposed development would result in some ecological impact although primarily this would be already heavily disturbed areas and common and widespread habitats which are considered to have a low ecological value. Areas of higher ecological value, such as hedgerows and mosaic habitats, would be retained and enhanced as part of the development.

With regard to protected species, the Habitat Survey does not anticipate that the site supports significant numbers of notable bird species; or that trees on-site have significant bat roosting potential. The presence of reptiles is unknown although in view of the habitat present it is considered likely that some species will be present on site. Noting that post restoration it is suggested that the development would enhance ecological value, to avoid any temporary or short-term impact, a precautionary working methodology is proposed which would include fingertip searches by a qualified ecologist prior to any works taking place in areas where reptiles may exist.

The Council's ecological consultant supports the proposed restoration to chalk grassland. However, questions why material needs to be imported to create this habitat. As suggested by the Council's consultant the extant planning permission for chalk extraction proposes restoration to chalk grassland at a low level with no importation. This application, and the proposed infilling, however follows the allocation within the WLP – with the site allocated for such purposes to meet the identified need for inert landfill and recycling during the plan period. Whilst it is acknowledged that material does not need to be imported to facilitate restoration to calcareous grassland, the principle of restoring the site to former levels rather than at a low level has been established through the WLP allocation process.

The Council's consultant furthermore raises questions about the inclusion and re-engineering of phase 1 (the area previously considered restored). The Council's consultant makes reference to an ecological survey undertaken in 2016 (to support a variation of condition application pursuant to the chalk extraction permission) in

which it is suggested that this area, as existing, supports a good number of grass and flower species and habitat. The consultant raises this as a point of discrepancy rather than an objection to the development or Habitat Survey submitted in support of this application. In the event that planning permission is granted conditions in respect of construction management (ecological protection) and long term management (landscape and ecology) are recommended. See Landscape section for comments on suggested 25 year management period.

It is considered that the restoration of this site would realise a rare opportunity in Essex to create a reasonable sized area of chalk grassland. Whilst it is accepted that the importation of material and landraising in itself is not facilitating this, the profile and features created would support this use long term. Furthermore, the operations subject to suitable safeguarding conditions would not give rise to any significant impacts to habitat and in the long term, through appropriate management, it is considered that the development would result in net biodiversity gain in accordance with relevant policy.

D HYDROGEOLOGY AND HYDROLOGY

A Hydrogeological Impact Assessment has been submitted with this application. This seeks to suggest that the groundwater within the chalk aquifer at the site flows northwards towards Debden Water and that the River Cam may be hydraulically isolated. There are two public water catchments within 3km of the site, and the site lies within the source protection zones for one of these – albeit ground water is not towards it.

Following assessment of the development proposed and potential impact on surface water flows and water quality, the Assessment submitted concludes no significant effects.

With regard to flood risk and drainage, the site lies entirely within flood zone 1. The railway line that runs to the west of the site acts as a barrier between the site and the River Cam and flood risk zones 2 and 3 associated with this. Flood zones 2 and 3 associated with Debden Water are located around 825m north of the site. In respect of surface water flooding from local/small watercourses risk varies across the site from low to high. The high risk area representing the channel in the western part of the quarry void. Similarly for groundwater flooding, information submitted from Geosmart's Groundwater Flood Risk Map, indicates part of the site and surrounding area are at high risk of groundwater flooding. Across the site, this risk varies however due to the presence of the quarry void, the base of which extends to a depth which is only just above typical groundwater level elevated groundwater flood risk is associated.

Peak runoff rates/volume for the site, as existing, have been calculated at 3,186m³ with a runoff rate of 3,324m³ suggested if the site was restored in accordance with the extant mineral permission in a 1 in 100 year 6 hour event.

The drainage strategy for the site has sought to intercept and attenuate any additional flow, resulting from the development, over and above existing rates (as the lower figure of the above). In this regard, the applicant proposes creation a swale across the site that would act as an interceptor for runoff from the upper part

of the site, redirecting runoff to the attenuation lagoon. Runoff from the lower part of the site is proposed to continue to the land westwards, albeit in comparison to existing rates would be reduced as a result of the swale.

No objection to the development coming forward, in respect of this, has been raised by the Environment Agency and/or Lead Local Flood Authority subject to the imposition of conditions. As such, with the aforementioned conditions attached to any decision made it is considered that the development would comply with relevant aspects of policies 10 and 11 of the WLP, policies GEN3 and ENV12 of the ULP and policies S12, ENV10 and ENV11 of the ULP-19.

Airport Safeguarding

For completeness, this site is located within the London Stansted safeguarding area. The Airport has been consulted on this application and has raised no objection in principle. A condition with regard to the landscaping/planting of the attenuation pond is however requested in the interests of seeking to prevent the development attracting and/or supporting hazardous waterfowl. The imposition of such a condition is not considered to unduly impact on the ponds flood attenuation function and furthermore with such a condition imposed compliance with policy 10 of the WLP and policies SP11 and SP12 from an airport safeguarding perspective can be ensured.

E AMENITY

Policy 10 of the WLP states waste management development will only be permitted if, amongst other things, it does not give rise to unacceptable impacts on local amenity (including noise levels, odour, air quality, dust, litter, light pollution and/or vibration). Similarly policy GEN4 of the ULP states development and uses, whether they involve the installation of plant or machinery or not, will not be permitted where: a) noise or vibrations generated, or b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants; would cause material disturbance or nuisance to occupiers of surrounding properties. With policy ENV11 specifically relating to noise and noise generating development.

In terms of the ULP-19, policy EN14 relates to pollutants, policy EN15 relates to air quality and EN17 relates to noise sensitive development.

Noise

The National Planning Practice Guidance in respect of noise suggests that MPAs should aim to establish noise limits, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900). Where it would be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a

minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property.

The hours of operation proposed by this application are considered to be standard for a development such as this and indeed align with the extant permission for chalk extraction (as per application ref: ESS/32/17/UTT). The hours proposed are 07:00-18:00 hours Monday to Friday; and 07:00-13:00 hours Saturday with no working on Sundays or Bank Holidays. And, in principle no concerns are therefore raised to these.

With regard to potential noise impact, the application has undertaken a noise assessment, which has sought to establish background noise levels at nearby sensitive locations. The levels evidenced are provided below, with a proposed maximum working limit to comply with that suggested in the NPPG:

Location	Background Noise Level (dB LA90) - Weekday	Background Noise Level (dB LA90) - Saturday	Proposed Freefield Working Limit (dB LAeq, 1hr)
Chalk Farm	47	42	55
Properties along Debden Road	41	41	51
Bowker Close	53	53	55

The Council's noise consultant in view of the above has raised no objection, considering that subject to the imposition of appropriate noise limits by way of condition that the development should not give rise to significant noise nuisance.

With regard to this, noting the difference in background noise level between a weekday and Saturday at Chalk Farm, it has however been suggested/recommended that the lower figure be used and the freefield working limit imposed at Chalk Farm of 52dB LAeq,1hr. The Council's consultant considers this to be an more appropriate limit, given the Saturday background level, and operationally as the submitted noise assessment predicts a normal working level of 47dB(A) the operator still has a +5dB(A) flex. Taking this advice on board, subject to the imposition of an appropriate worded condition and the requirement for routine monitoring no objection on noise grounds is raised to the development coming forward.

Air Quality

An air quality assessment has been submitted with this application which acknowledges that the proposal has the potential to cause air quality impacts at sensitive locations in the vicinity of the site, as a result of fugitive dust and vehicle exhaust emissions. With regard to fugitive dust there are two potential impacts:

- Fine particulars, caused by PM₁₀ (particulate matter with an aerodynamic diameter of less than 10 micrometres) which can remain suspended in air for long periods and are fine enough to be inhaled and therefore have potential to cause health effects; and
- Larger particles of dust, visible to the naked eye, which although not causing

health effects, may cause soiling/staining on window ledges, cars, laundry etc...

Guidance on the Assessment of Mineral Dust Impacts for Planning v1.1 produced by the Institute of Air Quality Management (2016) states that if the long term background PM₁₀ concentration levels is than 17µg/m³ then there is little risk that emission from a mineral extraction facility would lead to exceedances of relevant Area Quality Objective at the locations of relevant. Noting, background PM₁₀ levels in this area are 15.25µg/m³, the impact to human health is predicted, within the assessment submitted, to be negligible.

In terms of larger particular, only one property is identified as having a moderately effective pathway for potential impact (The Old Kiora – some 75m from the site), In context of the operations and distance from the site, subject to good working practices the dust impact risk is however considered low with only a slight magnitude of impact.

The Council's air quality consultant agrees with the aforementioned conclusions and as such has raised no objection to the development. It has been recommended that dust management plan be secured by condition and as such with an appropriately worded condition attached to any decision made it is considered that the development would comply with the aforementioned policies from an air quality perspective.

F TRANSPORT

Access to the site is proposed from the existing access to chalk pit, off the road which leads to Widdington from the B1383 (London Road). Widdington Road is a country lane which crosses over the railway line on a bridge, having a carriageway width of approximately 6m between the site access and B1383, except at the railway bridge where the carriageway narrows to 5m. The Transport Statement submitted in support of the application acknowledges that essentially Widdington Road is a local access road to Widdington, the road (as existing) functions as a HGV access route to Saffron Walden which avoids the low railway bridge in Newport.

The applicant has suggested that all HGVs would be expected to arrive and depart from the site access from/to the west (and the B1383). In terms of vehicle movements, it is proposed that there would be a maximum of 80 HGV movements a day (40 in and 40 out). However, an annual average of 54 movements (27 in and 27 out) is suggested as more representative of that likely to result day to day. The above average having being calculated on the basis of 275 operational days per year; 150,000 tonnes being imported per year; and a 20 tonne average vehicle payload.

Turning this into a daily count, noting the proposed hours of operation, the below provides a breakdown of movements³ (Monday and Friday) including expected movements during both AM (08:00-09:00) and PM (17:00-18:00) peaks:

³ Main figure is an average with the bracketed figure representing the suggested maximum

Period	HGV movements	Light Vehicle movements
Daily (Mon – Fri)	54 (80)	6 (9)
AM peak	6 (8)	0 (1)
PM peak	1 (2)	3 (4)

The Transport Statement in respect of this, and traffic surveys undertaken on nearby roads, suggests that the (maximum amount of) vehicle movements resulting from this development would result in a 1.9% increase in overall traffic on the B1383 (6.2% increase if HGVs are considered in isolation).

Noting that this application proposes use of an existing access associated with a mineral site, frequently used by HGVs, no fundamental objections from an accessibility point of view are raised. In terms of trip generation (vehicle movements) it is furthermore not considered that the level of activity proposed would result in unacceptable impacts on the efficient and effective operation of the road network, including safety and capacity, local amenity and the environment. Accordingly, subject to suitable conditions limiting the maximum number of HGV movements per day, securing a routeing agreement and the prevention of mud and debris being deposited onto the highway it is considered that the development would comply with the relevant highway aspects of policies 10 and 12 of the WLP, policy GEN 1 of the ULP and policies SP12 and TA1 of the ULP-19.

7. CONCLUSION

As an allocated site within the Essex and Southend-on-Sea Waste Local Plan (2017) for both inert landfill and inert recycling no principle objection is raised to this development coming forward.

That said, it is noted that more (quantity) material, a more intense recycling operation and a longer timeframe to restore the site/complete the development is proposed as part of this application. In consideration of this, and relevant policy, it is however considered that operationally the importation of additional material and longer time frame would not fundamentally conflict with relevant stipulations of the development plan and/or give rise to undue impacts.

It is considered that the proposed restoration profile would be in keeping with the locality and, upon completion, give rise to benefits from both a landscape resource and character and visual amenity perspective. Proposed features, enhancements and management would ensure no undue impact on ecology, water quality and/or flood risk and with appropriate conditions attached to control the overall intensity and nature of operations it is not considered that the development would result in significant or unsustainable impacts from an amenity or transport perspective.

Accordingly it is considered that the proposal represent sustainable development, as per the definition with the NPPF, and it is recommended that planning permission be granted subject to conditions.

8. RECOMMENDED

That planning permission be granted subject to conditions covering the following

matters:

1. The development hereby permitted shall be begun before the expiry of 3 years. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018; 'Site Plan (as existing)', drawing no. 1425/S/1 v2, dated 25/10/2018; 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018; 'Illustrative Restoration Scheme', drawing no. 1425/R/1 v2, dated 25/10/2018; 'Illustrative Cross Sections', drawing no. 1425/CS/1 v2, dated 25/10/2018; 'Illustrative Detail of Typical Office & Weighbridge', drawing no. Gen./02 v3, dated 20/02/2017; and 'Illustrative Detail of Typical 12m Office / Messroom', drawing no. Gen./03 v3, dated 23/11/2016 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Minerals Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and to comply with policies S5, S7 and S12 of the Essex Minerals Local Plan (2014); policies 1, 3, 10, 11, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP1, SP10, SP11, SP12, TA1, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

3. The development hereby permitted shall be limited to a period of 10 years, from the notified date of commencement of the development, by which time the site shall be restored in accordance with the approved restoration scheme.

Reason: To ensure development is carried out in accordance with submitted details, to minimise the duration of disturbance from the development hereby permitted and to comply with policies 10, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4, GEN7 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

4. Any building, plant, machinery, foundation, hardstanding, roadway, structure, plant or machinery constructed, installed and/or used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed. In any case this shall not be later than 10 years from the notified date of commencement, by which time the land shall have been restored in accordance with the approved restoration scheme.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to enable the Waste Planning Authority to adequately control the development and to ensure restoration of the site within the approved timescale and to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

5. Except in emergencies (which shall be notified to the Waste Planning Authority as soon as practicable) the development hereby permitted shall only be carried out during the following times:

07:00 to 18:00 hours Monday to Friday
07:00 to 13:00 hours Saturday

and at no other times or on Sundays, Bank and/or Public Holidays

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

6. The total number of heavy goods vehicle movements* associated with all operations undertaken from the site (inclusive of mineral extraction) shall not exceed the following limits:

80 movements (40 in and 40 out) per day (Monday to Friday); and
40 movements (20 in and 20 out) per day (Saturdays)

No movements shall take place outside the hours of operation authorised by this planning permission.

* For the avoidance of doubt a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

7. A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles; such records shall contain the vehicle registration number and the time and date of the movement and shall be made available for inspection by the Waste Planning Authority within seven days of written request.

Reason: To allow the Mineral Planning Authority to adequately monitor activity

at the site and to ensure compliance with permitted levels of intensity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

8. All vehicle access and egress to and from the site shall be from Widdington Road, as indicated on drawing titled 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018. No importation shall nevertheless take place until details of a scheme of signage; driver instruction sheet and enforcement protocol has been submitted to the Waste Planning Authority for approval in writing in respect of vehicle routing to the site. The aforementioned shall seek to ensure all vehicular traffic arrives from and departs towards the B1383 (London Road) and not towards Widdington via Widdington Road, unless serving the village itself.

Reason: In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

9. No commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1 and GEN4 of the Uttlesford District Council Local Plan (2005); and policies SP12 and TA1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

10. Only non-contaminated inert waste material, which has been detailed and defined within of the approved application details, shall be imported to the site for the purposes of recycling/processing, land raising and restoration.

Reason: To ensure that there are no adverse impacts on the local amenity from the development not assessed as part of the application details and to comply with policies 1, 3, 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP11, SP12, EN7, EN14 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

11. The development shall be undertaken on a phased basis, as indicated on the submitted drawing titled 'Progressive Operations Plan', drawing number: 1425/PO/1 v4, dated 05/12/2018. Operations shall commence in phase 1 and progress in numerical and stage order.

Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of

the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

12. Following notified commencement of the development, every six months a progress report shall be submitted to the Waste Planning Authority for review and comment. The report shall detail how much waste has been imported to the site (over the preceding six months) together with a breakdown of how much material has subsequently been exported. For every alternate submission (so annually) and upon completion/restoration of each phase (1-4 inclusive), a land level survey shall also be submitted to evidence progress/achievement of phased restoration. In addition to the land level survey a short statement on progress and operations to be undertaken/completed within the forthcoming 12 month period shall be submitted.

Reason: *In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

13. In the event of a cessation of operations hereby permitted for a period in excess of 12 months, prior to the achievement of the completion of the approved scheme, which in the opinion of the Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Waste Planning Authority. Within six months of the 12 month period of cessation of operations the revised scheme of restoration and aftercare shall be submitted to the Waste Planning Authority for approval in writing. The development shall subsequently be implemented in accordance with the revised scheme of restoration and aftercare.

Reason: *To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

14. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms (or equivalent) to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.

Reason: *In the interests of local amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of*

the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

15. The free field Equivalent Continuous Noise Level (LAeq, 1 hr) at the below noise sensitive properties/locations shall not exceed the following limits:

Chalk Farm: 52dB LAeq 1hr
Bowker Close: 45dB LAeq 1hr
Debden Road: 51dB LAeq 1hr

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

16. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at Chalk Farm, Bowker Close and Debden Road shall not exceed 70dB LAeq 1hr. Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operation.

Reason: In the interests of amenity and to comply with policies policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

17. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the four location points shown in Figure 1 (Site Location and Noise Monitoring Position) of the Noise Assessment, undertaken by LFAcoustics, dated 21/11/2018. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Waste Planning Authority within one month of the monitoring being carried out. Should an exceedance in the maximum noise limits secured by condition be noted, appropriate justification/commentary and/or a scheme of additional mitigation shall be presented to the Waste Planning Authority for review and approval in writing, as appropriate. The frequency of monitoring shall not be reduced unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

18. No development shall take place until a Construction Method Statement and Construction Environmental Management Plan have been submitted to and approved in writing by the Waste Planning Authority. The Statement and Plan

shall provide for:

- The parking of vehicles of site operatives and visitors during initial site set up and then during operations;
- The proposed location of the site office and weighbridge during operations;
- The proposed detail/specification of any wheel and underbody vehicle washing facilities;
- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during operations;
- Risk assessment of potentially damaging activities;
- Identification of “biodiversity protection zones”;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during operations/each phase (may be provided as a set of method statements) including those outlined within Tale 6.2 of the Extended Phase 1 Habitat Survey Report;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works; and
- Responsible persons and lines of communication

Reason: For the avoidance of doubt as to the general layout of the site during operations, in the interests of highway and site safety, ecology and amenity and to comply policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, TA1, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

19. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spill to adjacent properties, highways and/or any features/habitat of ecological interest/value. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to the surrounding area and environment and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4 and GEN7 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

20. No development shall take place until a scheme to minimise dust emissions has

been submitted to and approved in writing by the Waste Planning Authority. The dust management scheme/plan shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development (and all operations undertaken on the site). The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

Reason: To reduce the potential for dust disturbance from the site on the local environment and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policy GEN4 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN15 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

21. No development shall take place until a detailed layout plan for the proposed recycling area (phase 2) as detailed on 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018 has been submitted to and approved in writing by the Waste Planning Authority. The layout plan shall seek to show the proposed layout of this area including indications of all plant and machinery (together with specification) and location and maximum heights for stockpiles. For the sake of completeness, no materials shall be stockpiled on-site unless within the recycling area (phase 2) or chalk processing area (phase 4) as indicated on the submitted drawing titled 'Progressive Operations Plan', drawing number: 1425/PO/1 v4, dated 05/12/2018.

Reason: For the avoidance of doubt as to the layout and machinery/plant approved, in the interests of amenity and to comply with policy S5 of the Essex Minerals Local Plan (2014); policies 1, 3 and 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

22. No stripping or handling of topsoil or subsoil shall take place until details of any and all temporary stockpiles/holding bunds and a scheme of machine and soil movements for the stripping and replacement of soils has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall:
- a) Be submitted at least three months prior to the expected commencement of soil stripping and detail how soils will be handled, maintained and re-spread for restoration;
 - b) Define the type or machinery to be used to strip and replace soils; and include
 - c) Confirmation that soil will only be stripped and handled when in a dry and friable condition*; and that no area of the site traversed by heavy goods vehicles or machinery (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part of the site.

The development shall be implemented in accordance with the approved scheme.

**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.

Reason: To ensure the retention of existing soils on the site, to minimise structural damage and compaction of the soil to aid final restoration works, in the interests of amenity and to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

23. No existing topsoil or subsoils shall be removed from the site.

Reason: To ensure any soils stripped from the site are re-used as part of the restoration, to reduce the amount of material needing to be imported, in the interest of amenity to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

24. No waste shall be accepted at or deposited until a scheme showing the levels of the final base of the excavation in all proposed phases, the provision of a restoration cap (if required), and side and basal liner for each landfill cell has been submitted to and approved in writing by the Waste Planning Authority. No waste shall be deposited in any phases unless the side and basal liner has been completed in accordance with the approved scheme and no restoration soils shall be replaced unless the clay capping (if required) has been completed in accordance with the approved details. The development shall be undertaken in accordance with the approved scheme.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

25. No development shall take place until a scheme for monitoring groundwater and surface water quantity and quality throughout each of phases of the development (including an implementation timetable) has been submitted to and approved in writing by Waste Planning Authority. In respect of this:

- No development shall take place until all of the water monitoring devices relied upon by the approved scheme are provided in their entirety and are operational.

- Working phases 1-4 shall only be implemented entirely in accordance with the approved monitoring scheme.
- Monitoring shall be carried out in accordance with the timetable within the approved scheme.
- The Waste Planning Authority shall be advised in writing of all significant changes when they arise and of details of any mitigation measures, including a timetable for implementation, shall be submitted to and approved in writing by the Waste Planning Authority.
- Monitoring results and details of any necessary mitigation measures shall be submitted to and approved in writing by the Waste Planning Authority no less than annually, in accordance with the timetable contained within the approved scheme.
- All approved mitigation measures shall be implemented in their entirety in accordance with the approved details and timetable.

***Reason:** To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

26. No development shall take place until a surface water drainage scheme, management and maintenance plan for the development (site) has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include, but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- Limiting discharge rates to 37l/s for the 1:1, 83l/s for the 1:30, and 129l/s for the 1:100 year storm event.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Storage should half empty within 24 hours wherever possible. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10 year event may be considered acceptable.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings (including cross sections) of each component of the drainage scheme inclusive of specified depths and grading of surface water bodies proposed.
- Planting arrangements for the attenuation pond, to obscure access to the water by waterfowl.

- A final drainage plan which details exceedance and conveyance routes, ground levels and location and sizing of any drainage features.
- Maintenance arrangements including responsibility for different elements of the surface water drainage system, activities/frequencies proposed and details of recording for work undertaken.
- A written report summarising the final strategy and highlighting any minor changes from that suggested at the application stage.

The scheme and plans shall be implemented in accordance with the approved details.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants, prevent flood risk, ensure the effective operation and maintenance of drainage features and to comply policies 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

27. No development shall take place until a scheme for groundwater and surface water monitoring, post restoration, has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

28. The top metre of the infill shall consist of either overburden or clean fill and shall not contain any objects larger than 150mm in any dimension.

Reason: To ensure appropriate restoration to a condition suitable for use as grassland, protection of groundwater from infiltration of surface water run-off and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN7, ENV3 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN11, EN14 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

29. No development shall take place until a revised hard and soft landscaping and boundary treatment plan/scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include detail of all existing trees and vegetation together with areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) on the basis of the approved programme of implementation. The landscape scheme shall be implemented in full and maintained therefore in accordance with conditions attached to this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), on the basis that insufficient detail is contained on the submitted plan, to improve the appearance of the site in the interest of visual amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

30. Any tree or shrub forming part of a landscaping 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 the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Mineral Planning Authority.

Reason: In order to maintain the appearance of the site, in the interest of visual amenity and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

31. No development shall take place until a revised restoration plan has been submitted to and approved in writing by the Waste Planning Authority. The restoration plan shall seek to detail final land levels both pre and post settlement; provide details of geological faces proposed to be retained including elevations and sections and a supporting engineering/stability report for the exposed face; and be updated to reflect any changes made to drainage features and landscaping, as secured by other conditions attached to this decision notice. The plan shall furthermore be amended to reflect the removal of the access track to the site from Widdington Road and the subsequent restoration of this land. The development shall be undertaken and the site restored in accordance with the approved revised restoration plan.

Reason: For the avoidance of doubt as to the restoration levels proposed, in the interests of landscape and visual amenity and to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

32. No development shall take place until a Landscape and Ecological Management Plan (LEMP) (aftercare scheme) has been submitted to and approved in writing by the Waste Planning Authority. The plan/scheme shall include:

- Steps that are necessary to bring the land to the required standard for the intended use (calcareous grassland) including a plan/statement detailing how and where sufficient chalk would be retained on-site to be spread on all relevant phases as restoration progresses;
- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence

- management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives inclusive of details of all ecological 'enhancement' measures proposed including specification and location on-site (with reference to measures referred in section 6.5 of the Extended Phase 1 Habitat Survey Report);
- Prescriptions for management actions;
- Preparation of a work schedule for the five year aftercare period (together with a general annual work plan capable of being rolled forward over long term);
- Details of the body or organisation responsible for implementation of the plan; and
- Ongoing monitoring and remedial measures.

Whilst the formal aftercare period for the site shall be five years, the LEMP shall seek to cover a minimum of 25 years and include details of any legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the satisfactory restoration of the site, safeguard for the long term and to comply with in accordance with the details submitted and deemed to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

33. There shall be no retailing or direct sales of soils, aggregates and/or chalk to the public from the site.

Reason: To ensure that there are no adverse impacts on the local amenity or highway network from the development not assessed as part of the application details and to comply with policies 10 and S12 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, TA1, EN17, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery and/or gate, except as detailed in the development details hereby approved or otherwise approved pursuant to conditions, shall be erected, extended, installed or replaced on the site without the prior approval or express planning permission of the Waste Planning Authority.

Reason: To enable the planning authority to adequately control any future development on-site, assess potential accumulation and minimise potential impacts on the local area, landscape, amenity and environment in accordance with policies contained within the Essex Minerals Local Plan (2014); Essex and Southend Waste Local Plan (2017); Uttlesford District Council Local Plan (2005); and Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located adjacent to a European site. Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 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

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015.

LOCAL MEMBER NOTIFICATION

UTTLESFORD – Stansted

5. ENVIRONMENTAL IMPACTS

5.1 A number of specialist consultant reports have been commissioned to review the working design and whether this would give rise to any unacceptable environmental impacts. The conclusions of the reports are set out below.

Landscape

The existing bunds do provide adequate screening but there are still some limited views into the site due to the elevated nature of the valley which the village of Newport sits on. Upon completion of the proposed restoration scheme, and once the new planting has fully established there will be moderate improvements to the landscape with the visual intrusion of the quarry significantly reduced.

Ecology

The site has a very low ecological footprint as the area has been quarried to various levels and is significantly disturbed. The surrounding areas of hedge and woodland have greater interest but as none of these areas will be disturbed there will be little impact. At completion the land is restored to calcareous grassland so there will be no residual impacts with an overall gain in biodiversity and new habitats.

Water

Whilst there are areas of historic landfilling in the locality, the excavation will be sealed by clay lining so there is no risk of any poor quality water entering the site. Furthermore, it

is proposed to work the site dry and therefore there is no risk of contaminating groundwater. The site lies within Flood Zone 1, which has the lowest probability of flooding, but it is accepted that there is a higher risk of groundwater flooding in the western area of the site. However, the proposed reclamation operations will slowly raise the ground levels back above typical groundwater levels, which will reduce the risk of groundwater flooding. Once fully restored, a swale and attenuation pond as well as exposed geological faces will provide good natural drainage.

Noise

There are existing high background noise levels from the M11 motorway and railway line both situated to the west of the application site. Whilst the proposed development will create noise through the plant and machinery it will be contained as operations are undertaken on a below ground platform and will not go above recognised criteria or be noticeable locally.

Air Quality

The site does not sit within an Air Quality Management Zone and given the low level of activity there will be no significant impacts in terms of air quality from traffic or dust. Furthermore, the proposed development provides a long-term solution for the site and once restored will not increase levels of dust or traffic.

Traffic

The level of vehicle movements generated by the site have been assessed with a modest increase of HGV traffic on the B1383 south of the site if all traffic approaches and leaves the site from the south. Clearly, if some material arrives from the north, through Newport, the HGV additional percentage will reduce. It should be noted that the assessment is based on the maximum number of vehicles per day that may be generated and is therefore a worst-case scenario which makes the traffic assessment robust.

Archaeology

As the application area is an active chalk quarry and therefore already disturbed, there is no requirement for an archaeological assessment as these impacts have been scoped out. There will be no further extraction outside of the application area or on any land that has not previously been assessed for archaeological significance.

Agriculture

Similarly to the archaeological assessment, as this site is an active quarry and therefore already disturbed, there is no requirement for an agricultural/agronomist report as these impacts have been scoped out. There will be no further extraction outside of the application area or on any land that has not previously been assessed for agricultural significance or soil quality.

DR/11/19

committee DEVELOPMENT & REGULATION

date 26 April 2019

MINERALS AND WASTE DEVELOPMENT - LEGAL AGREEMENT UPDATE

Proposal: A new sand and gravel quarry at Broadfield Farm, to the west of Rayne, near Braintree, comprising the phased extraction of some 3.66m tonnes of sand and gravel; the installation of processing plant and ancillary buildings and infrastructure; the construction of a quarry access onto the B1256; the construction of a permanent screening landform; the construction of temporary screen mounds in defined locations around the perimeter of the quarry; the phased restoration of the extraction area using indigenous soils; overburden and clay from within the application site to a land use mixture of arable agriculture, lowland acid grassland, lowland meadow, woodland, lake and reedbeds; and public access via proposed public rights of way. (Revised wording)

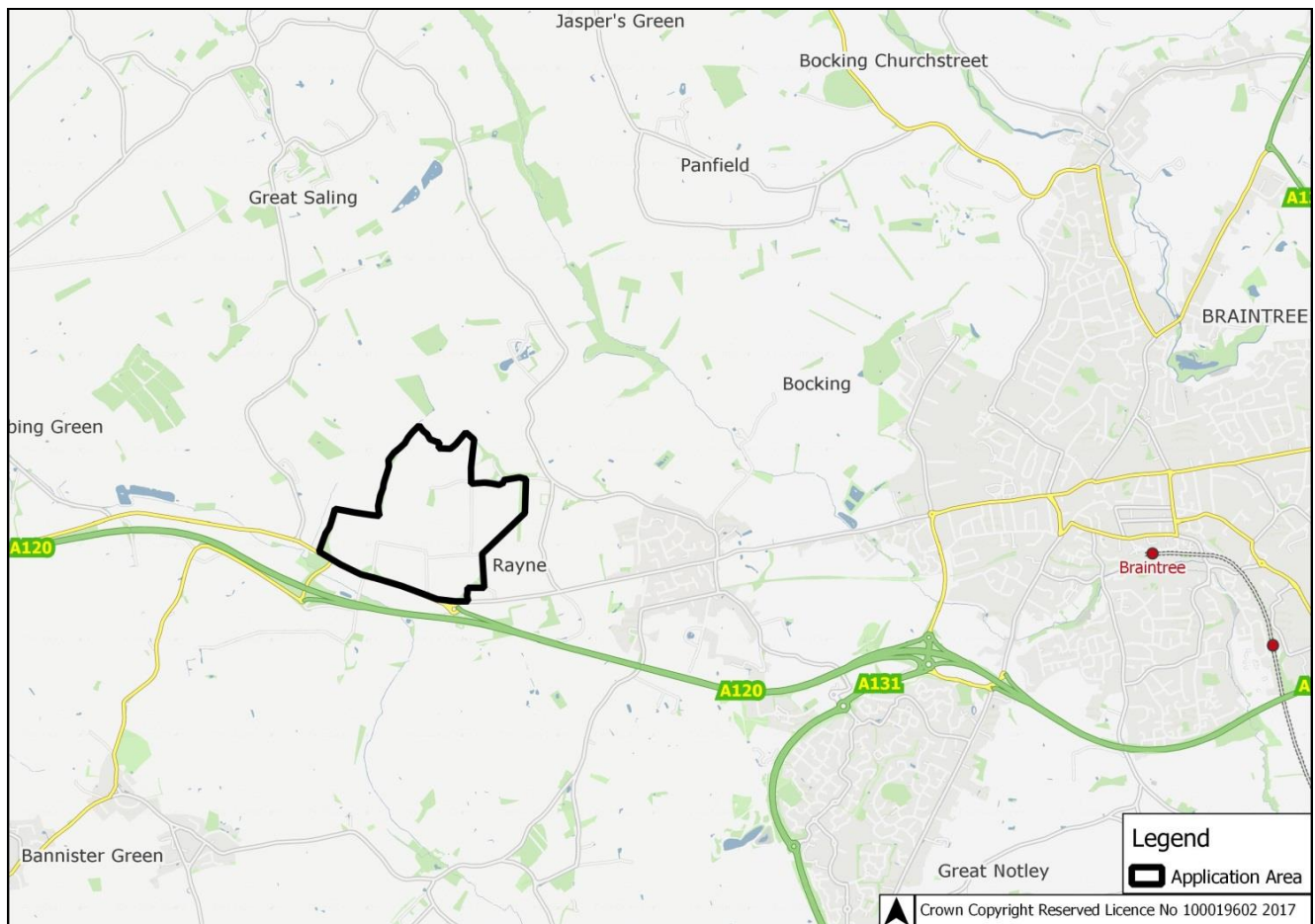
Location: Land at Rayne Quarry, Broadfield Farm, Dunmow Road, Rayne, Braintree, CM77 6SA

Ref: ESS/19/17/BTE

Applicant: Tarmac Trading Ltd

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to: Terry Burns Tel: 03330 136440



1. BACKGROUND

On 15 December 2017 the Committee resolved to granted planning permission for the above development subject to conditions and the prior completion within 6 months of an appropriate legal agreement to address:

- Landowner to enter into an appropriate Public Path Creation Agreement to secure the proposed public right of way as a Definitive footpath following its creation.
- Management and funding for the care and maintenance of the afteruse and features of the application land as depicted on the Drwg No M15.131.D.004B entitled "Concept Restoration Proposals" dated December 2016 for a period of no less than 25 years following the completion of restoration;
- Provision of a site liaison group, and;
- works to be undertaken in association with the construction of the site access onto the public highway and any future works affecting the public highway regarding the maintenance and removal of the access;

A copy of the December 2017 officer report is attached at Appendix 1 as updated by the addendum (December 2017 –Appendix 2).

2. UPDATE

An update was provided to the committee in June 2018, seeking an extension in time to complete the legal agreement. Progress, at that time, was being made following receipt of clarification from the various internal interested parties on the specific aspects needing inclusion to meet the above heads of term.

As a result of responses received from the applicant's solicitors the ECC's Public Rights of Way (PROW) team has made constructive suggestions, following a review of their earlier requirement for a Definitive footpath provision within the Public Path Creation Agreement as to future provision of the public right of way network.

The PROW team, in review, has suggested that, rather than a Definitive footpath, the developer provides permissive paths to be constructed with:

- Minimum 2 metre minimum width;
- On a firm and even surface;
- To contain no structures or limitations (e.g. stiles, gates etc.) which would prevent or frustrate disable access and to otherwise comply with DDA requirements;
- To be provided in perpetuity.

PROW's suggestions are considered to offer a more practical provision ensuring that there are usable paths for the public going into the future and whilst not being a future obligation on ECC's resources and liabilities.

These issues are being discussed with the applicant and it is expected that the agreement will be completed within the next few months.

This report seeks to extend the period to allow sufficient time for completion of the legal agreement and to clarify the proposed heads of term to take into account the provision of the permissive path requirement.

It is considered that there has been no change in adopted planning policy and no new material planning considerations that would affect the December 2017 officer recommendation.

3. RECOMMENDED

That:

Subject to the prior completion of an appropriate legal agreement within 6 months of the date of this resolution, to provide for:

- Landowner to enter into an appropriate licence/agreement to secure the proposed route as a Permissive footpath following its creation and to a

specification comprising:

- (i) Minimum 2 metre minimum width;
 - (ii) On a firm and even surface;
 - (iii) To contain no structures or limitations (e.g. stiles, gates etc.) which would prevent or frustrate disable access and to otherwise comply with DDA requirements;
 - (iv) To be provided in perpetuity.
- Management and funding for the care and maintenance of the afteruse and features of the application land as depicted on the Drwg No M15.131.D.004B entitled "Concept Restoration Proposals" dated December 2016 for a period of no less than 25 years following the completion of restoration;
 - Provision of a site liaison group, and;
 - works to be undertaken in association with the construction of the site access onto the public highway and any future works affecting the public highway regarding the maintenance and removal of the access.

Planning permission be granted subject to the conditions listed in the December 2017 officer report (Appendix 1) as updated by the addendum (December 2017 – Appendix 2)

BACKGROUND PAPERS

Officer report and background papers dated 17 December 2017

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located within distance to a European site.

Following consultation with Natural England and the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the European site/s, either individually or in combination with other plans or projects.

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 Mineral Planning Authority has engaged with the applicant prior to submission and during the consultation process for the application, advising on the validation requirements and likely issues. As a result of engagement through the encouragement and assistance of the Mineral Planning Authority the applicant and third parties have been involved in negotiations over various aspects of the application resulting in beneficial aspects relating to provision of public access and nature conservation as set out in the report.

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

THREE FIELDS WITH GREAT NOTLEY

ADJOINING MEMBER - THAXTED

AGENDA ITEM 5.1

DR/44/17

committee DEVELOPMENT & REGULATION

date 15 December 2017

MINERALS AND WASTE DEVELOPMENT

Proposal: A NEW SAND AND GRAVEL QUARRY AT BROADFIELD FARM, TO THE WEST OF RAYNE, NEAR BRAINTREE, COMPRISING THE PHASED EXTRACTION OF SOME 3.66M TONNES OF SAND AND GRAVEL; THE INSTALLATION OF PROCESSING PLANT AND ANCILLARY BUILDINGS AND INFRASTRUCTURE; THE CONSTRUCTION OF A QUARRY ACCESS ONTO THE B1256; THE CONSTRUCTION OF A PERMANENT SCREENING LANDFORM; THE CONSTRUCTION OF TEMPORARY SCREEN MOUNDS IN DEFINED LOCATIONS AROUND THE PERIMETER OF THE QUARRY; THE PHASED RESTORATION OF THE EXTRACTION AREA USING INDIGENOUS SOILS; OVERBURDEN AND CLAY FROM WITHIN THE APPLICATION SITE TO A LAND USE MIXTURE OF ARABLE AGRICULTURE, LOWLAND ACID GRASSLAND, LOWLAND MEADOW, WOODLAND, LAKE AND REEDBEDS; AND PUBLIC ACCESS VIA PROPOSED PUBLIC RIGHTS OF WAY.

Location: LAND AT BROADFIELD FARM, DUNMOW ROAD, RAYNE, BRAINTREE, CM77 6SA.

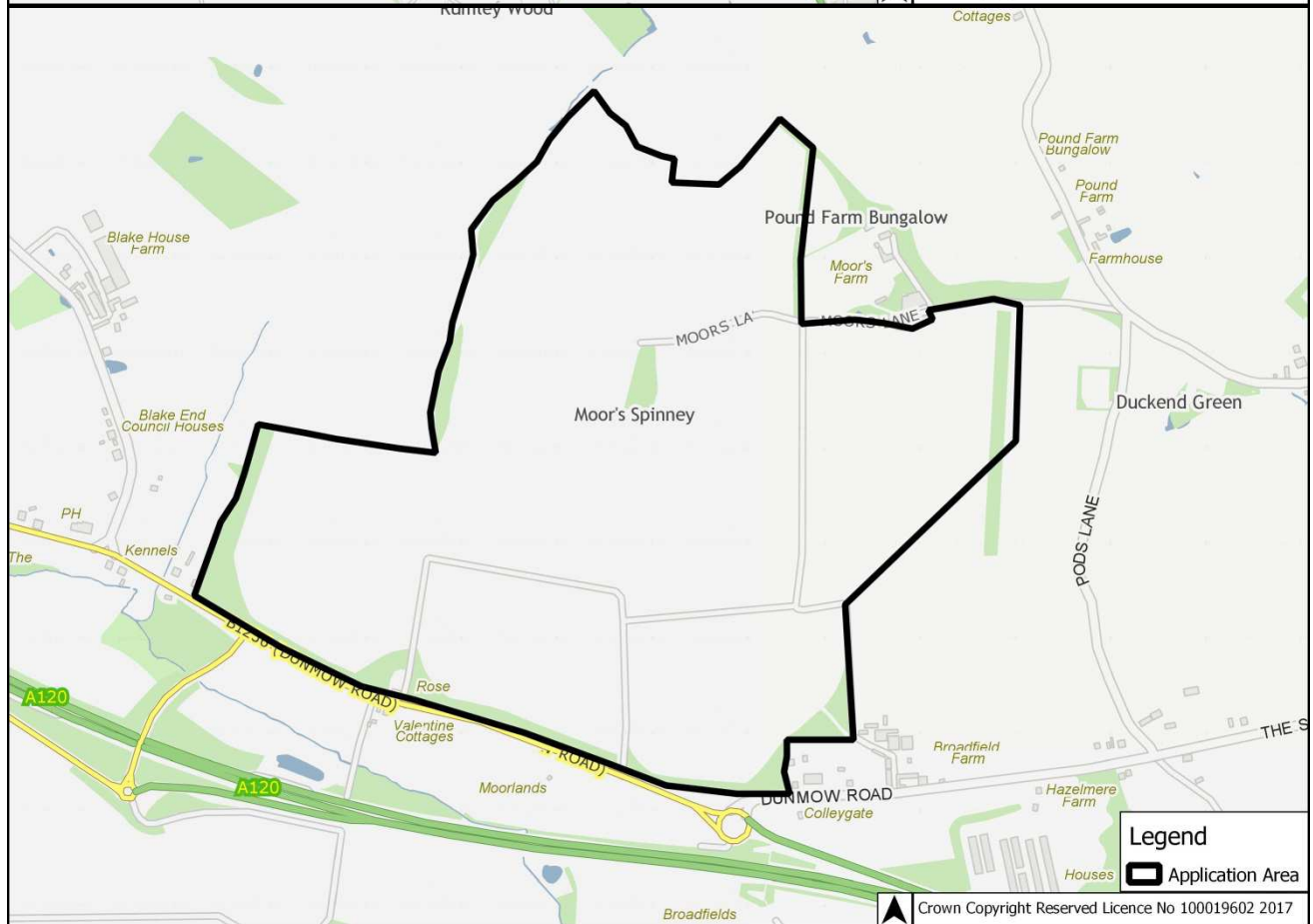
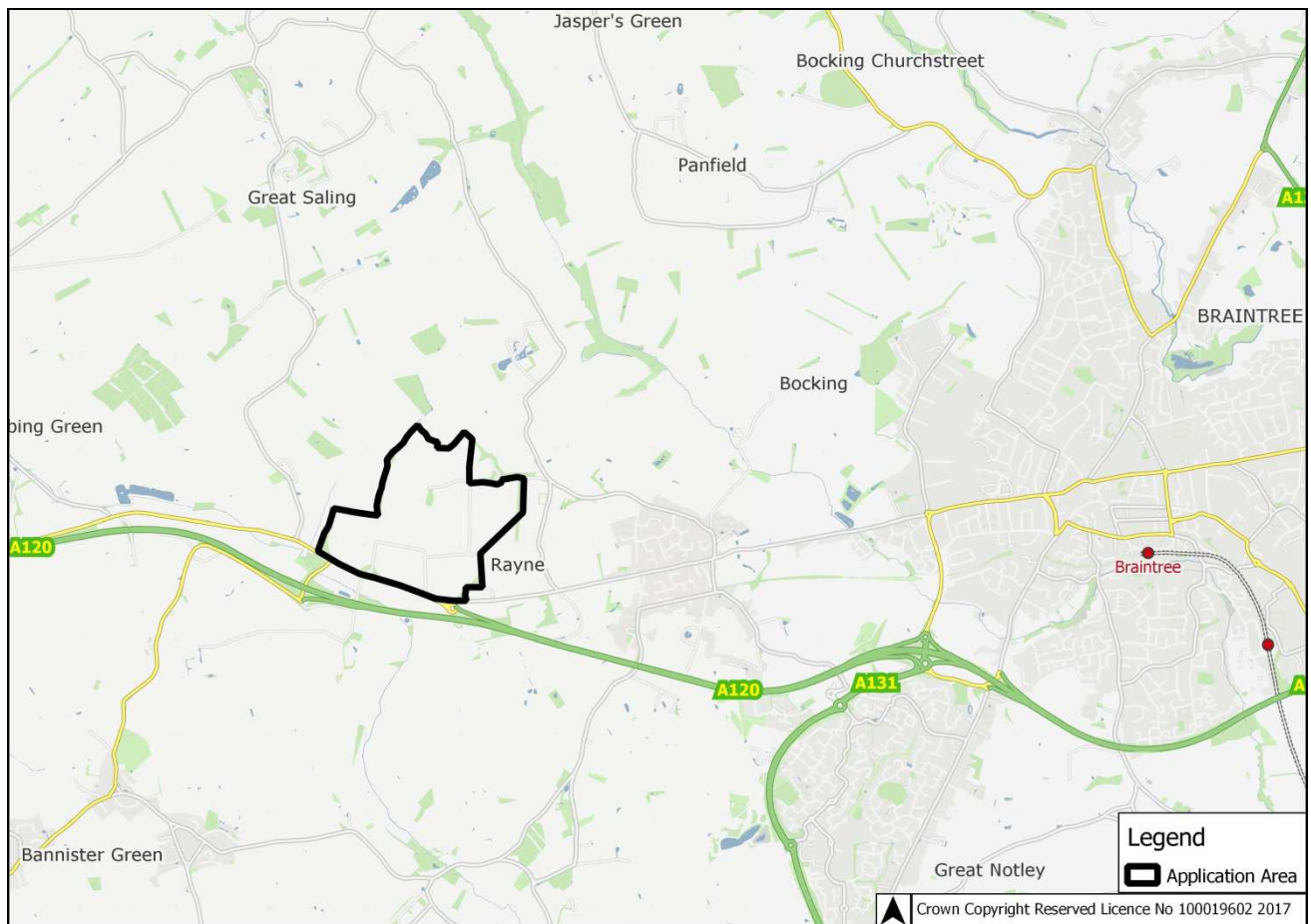
Ref: ESS/19/17/BTE

Applicant: Tarmac Trading Ltd

Report by Head of Planning

Enquiries to: Terry Burns Tel: 03330136440

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



1. BACKGROUND AND SITE

The application area comprises some 92 hectares (227 acres) of relatively flat arable farmland set within a similar landscape and located to the north of the former A120 Dunmow Road now the B1256 and the newer A120 dual carriageway.

Land to the west, north and East comprises farmland with hedgerows interspersed with individual trees. Individual isolated woodland blocks are located further afield.

Around the site perimeter a number of residential properties are located with:

- Blake House Farm to the west;
- Moors Farm immediately on the north east corner boundary and beyond properties along Shafford Road.
- The village of Rayne is located some 0.75 km to the east and on the south east corner of the application land is Broadfield Farm.
- Along the southern boundary in the south east between Broadfield Farm and the site boundary lies Sunnyfield Farm and on the other side of the B1256 lies Collygate.
- Immediately south of the application land lies Rose Cottage; The Moorlands and Valentine Cottages whilst on the immediate south western site boundary lies Petellens Kennels.

The application land itself has a high point of some 79 metres Above Ordnance Datum (AOD) within the central area and this grades down towards the north at 78m AOD and north east with 75m AOD at the boundary, 72m AOD along the southern and south eastern boundary and to 73m AOD in the south west.

Two farm access tracks enter the site, with one leading in from Broadfield Farm in the south east with a concrete track forking both westwards and northwards. The western track crosses the southern application land and turns southward to exit the land at Rose Cottage. The northern track is partially framed by an avenue of Plane trees and is joined from the east by another access track that comes in from Moors Farm. The track from Moors Farm is a continuation of a private road from Shafford Road to the Farm then travelling westwards into the application site where it is identified as Moor's Lane. This land continues into the central part of the application land at a copse known as Moor's Spinney. The spinney comprises a core of ancient trees surrounded by more incongruous poplars and conifers.

The application land comprises roughly some 5 "field" areas separated by the tracks and the sparse hedgerows. Perimeter hedgerows exist around most of the boundary where along the southern and norther application boundary there has been additional advance tree screen planting with the southern planting now some 10 plus years old.

An underground gas pipeline crosses through the eastern half of the application land site in a north east to south west direction.

The application land is identified as being within Flood Risk Zone 1 (Low probability). Small isolated water bodies exist outside the application land to the north. The nearest water course, Pods Brook comes 1.2 km at its closest point to

the east where it flows north to south to join with the River Ter some 150 metres at its closest point to the south of the application land and beyond the A120.

There are no public rights of way affected and the nearest, footpath 15 20 runs along part of Dunmow Road to the south. A further footpath, 103 44, lies to the north east.

The Broadfield Farm application area has no known mineral or waste planning history and is identified as an Allocated site for extraction in the Essex Minerals Local Plan Adopted July 2014 (MLP). This Allocation (Appendix B) is known as Site A9 Broadfield Farm, Rayne. This allocation site identifies the site as some 90 hectares with estimated yield of 4.2 million tonnes and with likely lifespan of around 14 years and suitable for restoration to low level managed habitats.

Prior to the submission of the application, in Spring 2016, a Scoping exercise under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 was carried out to identify the likely significant impacts of the proposed development to inform the Environmental Statement accompanying the application.

Following submission of the original scheme the applicant submitted revised information related to the landscaping; ecology and noise aspects of the scheme as a result of consultee comments. This information is further considered in the report.

2. PROPOSAL

The application land reflects that of the site boundary referred to in the Minerals Local Plan however, the proposed net extraction area would be some 56 hectares with extraction of some 4.2 million tonnes of sand and gravel with saleable output of 3.66 million tonnes at an annual throughput of some 300,000 tonnes over 15 years, comprising 12 years extraction and 2-3 years restoration. The aftercare period for the land would be 25 years.

The sites watertable is noted as averaging between 77 and 71 Above Ordnance Datum (AOD). There would be phased dewatering as the site develops.

The maximum depth of working would be 17 metres below existing ground level (BGL)

A processing plant area with infrastructure up to 15 metres AOD is proposed within the eastern half of the site. The plant would provide both washing and screening of the as dug mineral separating the mineral into both concreting and building sands. The applicant has referenced the provision of the processing plant as likely falling under “permitted development” status of the Town and Country Planning General Permitted Development Order 2015. (This is picked up on later in the report).

The proposal seeks operating hours of:

0700 – 1900 hours Monday to Friday
0700 – 1300 hours Saturdays

The applicant proposes outside of these hours the use of pumps and maintenance of plant/machinery which is a standard approach.

The applicant proposes a 275 day working year and annual tonnage of 300,000 tonnes. Daily traffic movements would be around 110 HGV movements (56 in/56 out) spread over an 8 hour working day. This would translate to some 10 movements per hour (5 in/5 out).

The proposed market area is envisaged as 20% east to Braintree; 30% Chelmsford and 50% to the west of the site.

The applicant has addressed traffic flows on the highway and from the proposed market destinations assessing that 50% of traffic travelling east would join the A120 via the B1256/A120 roundabout and eastbound slip road before going onto Braintree and Chelmsford.

The remaining 50% travelling west would exit the site, head west along the B1256 Dunmow Road some 8.25km to join the B1008. At this point HGV's would turn left and head south to join the A120.

Traffic entering the site would access from the west unless involved in local deliveries to Rayne. The applicant notes the 7.5 tonne weight restriction for the village except for access.

Traffic coming in from the west would exit the A120 at Great Dunmow and use the B1256 turning left into the site.

Traffic coming in from the east would exit the A120 at the westbound off slip turning right at the slip road roundabout with the B1417 and travel along it for some 325 metres north to turn right at its junction with the B1256 and then turn right along the road to the site entrance.

The geology of the area exhibits a stratigraphical sequence comprising Boulder Clay overlying Colchester Deposits of sand and gravel, beneath which lies London Clay and at depth Upper Chalk deposits.

Historical borehole investigation, 1990 and 2000, together with more recent 2014 investigations have taken place across the area containing the application land. These investigations have informed the assessments of resources indicating an average thickness of boulder clay overburden being as 8 metres varying from 2.1 metres through to nearly 14 metres.

The sand and gravel comprising the Colchester deposit exhibits a semi continuous sheet of mineral across the proposed extraction area varying in thickness between 3.0 and 8.2 metres and averaging 4.5 metres.

From the more detailed borehole investigation works the applicant has confirmed the results as reflecting those quantities identified in the Minerals Local Plan (90 hectares and some 4.2 million tonnes). What has been clarified is the deeper overburden ratio in the eastern and south eastern area where overburden is consistently over 13 metres deep. One borehole identifying some 15.2 metres of

overburden over 1.8 metres of sand and gravel. This area is also constrained by the passage of the gas pipeline and land south east of the pipeline as being barren of sand and gravel.

In light of the above the proposed extraction area has been defined as some 56 hectares and the recoverable sand and gravel calculated on:

- 10 metre standoff from perimeter advance planting blocks.
- Minimum 70 metre standoff from southern boundary properties with a 3 metre high screen bund between existing perimeter screen planting and extraction area.
- Minimum 75 metres from western boundary properties with a 3 metre high screen bund between existing perimeter screen planting and extraction area.
- Slope batters of 1 in 1.5 metres of immediate restoration buttressing.
- Basal sterilisation in areas where poorly defined contact between base of sand and gravel and underlying clays.
- Silt wastage factor of 10%, and;
- Conversion factor of 1.65t/m³ for the sand and gravel.

The applicant states that from these above points the site has extractable reserves of some 3.66 million tonnes.

The design of the scheme would seek to include within the eastern land area a permanent screening landform covering some 10 hectares and a maximum of 5 metres height. This feature would assist in strengthening the segregation and screening of the site from Rayne proper.

An 8-phase extraction programme is proposed commencing in the south east and progressing clockwise through the defined extraction area.

Processing plant site would be located within south east corner of the application land. A site access would be created through an existing farm access entrance onto the B1256 and provision of a 7.3 metre wide internal access road.

The applicant's design of the scheme has taken on board the existing field pattern; topography and geology to enable a workable scheme allowing progressive restoration.

Transport of mineral from the extraction face to the processing plant would be achieved through both dumptruck and field conveyor

During the life of the extraction, phasing would progress in a fairly standardised programme incorporating site perimeter soil mound screening; lagoon formation with undisturbed land awaiting extraction being kept in agricultural use until required.

The programme of mineral recovery from each phase is proposed at:

Phase 1 – 460,000 tonnes

Phase 2 – 400,000 tonnes

Phase 3 – 275,000 tonnes
Phase 4 – 570,000 tonnes
Phase 5 – 312,000 tonnes
Phase 6 – 490,000 tonnes
Phase 7 – 295,000 tonnes
Phase 8 – 716,000 tonnes
Phase 9 – 130,000 tonnes

The Phase 9 working would see the removal of the processing plant and the viable mineral within that phase being worked through a small temporary mobile plant. Removal of all other infrastructure would then be undertaken, capping of the remaining silt lagoons and land profiling and screen bund removal.

The applicant confirms that there would be no requirement for importing materials to achieve restoration profiles.

The proposed scheme is envisaged to generate some 12 direct and 10 indirect jobs. Contribution of circa £1m into the local economy through taxes/business rates etc. is suggested.

Restoration of the site has been designed to embrace the objectives of the MLP and the Supplementary Planning Guidance on Mineral Site Restoration for Biodiversity (June 2016) to accommodate the “flagship” aspirations of habitat creation and biodiversity opportunities.

It is intended for progressive restoration including:

- Retention of site boundary hedgerows/trees together with enhancements of additional planting.
- Initial placement of soils/overburden on eastern side of Phase 1 to provide the initial screening and developed to provide permanent lowland meadow habitat.
- Retention of the avenue of trees within central eastern land area.
- Seeding of site perimeter mounds; to provide temporary wildlife habitat and food source.
- Minimise disturbed land through progressive restoration and/or temporary storage arrangements for soils and overburden.

A concept restoration plan identifies and includes the Key Priority Habitats identified in the Supplementary Planning Guidance to achieve:

- Creation of “low land meadow” on screening landform area together with broadleaf woodland planting on western margin.
- Lake establishment in central area with linking marshy grassland with shallow margins/reedbeds.
- Lowland dry acid grassland establishment in central area with new field pattern and woodland planting.
- Arable agricultural grassland on southern site margin to reflect the best and most versatile land quality of the area.
- Creation of new rights of way through southern land area providing link to existing rights of way network on Dunmow Road.

Restoration would see:

Agricultural land – some 22.36 hectares restored to Agricultural Land Classification Grade 3a or above.

Woodland - existing retained and new planting providing for some 12 hectares.

Grassland - both lowland meadow/grazing marsh and acid grassland of some 48 hectares.

Hedgerows - would see existing boundary retained and some 3,360 metres of new planting.

Waterbodies - would include wetland habitats covering some 9.3 hectares including four main lakes of varying depths.

Public Areas the restoration - would see the creation of over 2km of new Public Rights of Way (PROW). The provision would see an east to west link through the southern site area which the applicant states would “connect into/in proximity to existing PROW’s reference 15-129 and 103-42 together with a further eastern section of PROW running north to south to connect with the existing path adjacent to Dunmow Road”. The applicant notes that this would open up land that is currently private and inaccessible.

The applicant proposes ensuring the management of the restoration habitats for a period of 25 years (5 years statutory and 20 years additional). This would see a minimum of 10 years management beyond the final Phase completion of the scheme.

The applicant has stated that the first year of restoration would be achieved within about the first three years of the life of the Broadfield Farm site.

In support of the application the applicant has submitted an Environmental Statement under the then Town and Country Planning Environmental Impact Assessment Regulations 2011.

The assessments addressed the following areas and findings:

- (i) Landscape/Visual Mitigation measures – The scheme provides for
 - a) Advanced planting (in place for over 10 years) around site perimeter and newer planting (2014/2015) on northern boundary.
 - b) Temporary provision of earth screening bunds.
 - c) Progressive restoration.
 - d) Early establishment of the eastern screening mound.
 - e) Allowing site peripheral hedgerows to grow to around 4 metres.
 - f) Aftercare and management plan.
- (ii) Ecological mitigation measures –
 - a) Restoration scheme would compensate for the lost habitats through creation of the proposed habitats outlined earlier in this report. Such

habitats helping to bolster UK/Essex wide declining habitats.

- b) Use of standard practice dust control and hydrology affects through retention of groundwater levels and recharge provisions would ensure habitats being safeguarded.
- c) Vegetation clearances being undertaken outside of the bird breeding season; creation of new habitats assisting declining farmland species.
- d) Proposals not considered likely to affect Protected Species/bat/reptile interests. Sensitive use of site lighting as well as noise and dust monitoring to avoid impacting on bat activities; fingertip searches of specific areas/time of year dependant for reptile interests if required.

(iii) Agricultural Land Quality and Soil Resources

- a) Use of indigenous soil types matched to most appropriate after use.
- b) Minimise soil storage and maximise direct replacement.
- c) Use of indigenous overburden as opposed to use of imported fill for ground engineering works.
- d) Use of indigenous calcareous soils for arable restoration and the non-calcareous to the other grassland types.

(iv) Hydrology and Hydrogeology - Identification that the principal groundwater flow is northeast to south/southwest.

- a) Areas of insitu gravel to be retained in various parts of the proposed extraction area to accommodate full thickness of the aquifer and ensure continued passage of groundwater through the site.
- b) Anticipated low groundwater flows through the site and as such no predicted impact on drawdown of upstream elevations. In light of no licensed ground or surface water abstractions in close proximity to the site there is no anticipated impacts on such interests.
- c) Applicant would however maintain monitoring at three locations to allow periodic review and confirmation of actual impacts.
- d) Use of standard pollution and contamination measures would be employed to mitigate against such impacts.

(v) Noise –

- a) Noise monitoring undertaken at six locations representative of sensitive premises surrounding the site.
- b) Noise mitigation measures in the form of separation distances and bunding identified for the individual properties in close proximity to the site particularly along the southern boundary at Valentines Cottages; Rose Cottages and The Moorlands, together with the location at Clovelly on the south western boundary.
- c) The applicant notes that without bunding, the closest the extraction boundary could approach and be within suggested noise limit would be 125 metres for Rose Cottages and the further away property at Valentines Cottage and 145 metres for The Moorlands. The applicant considers this distance could be reduced through incorporating site perimeter bunding/fencing with a barrier of 3 metres above existing ground level on site boundary between the properties and the extraction boundary. The proposed scheme has therefore incorporated a 3 metre high temporary soil screen mound positioned along southern boundary between the inner side of the existing

perimeter planting and extraction limit.

(vi) Dust/Air Quality –

- a) Standard good practice measures would be employed.
- b) Anticipated that the nature of the extracted mineral post dewatering would be damp and so not give rise to dust concerns. Standard damping down of mineral during dry and windy conditions if wind-blown dust becoming evident.
- c) Processing plant to employ standard measures such as reduced drop heights, maintenance and effective operation of the designed inbuilt dust suppression system.
- d) Transport activities employing standard approaches including driving habits; haul road maintenance, vehicle loading limits. Use of conveyor system would reduce potential for dust arisings.
- e) Sheeting of all loaded HGV's leaving site.
- f) Provision of an appropriate Site Dust Management Plan.

(vii) Access and Traffic

- a) Construction of a purpose built site access entrance.
- b) Provision of wheel cleaning facilities.
- c) The applicant does not consider that further mitigation measures in respect of this aspect would be required.

(viii) Cultural Heritage

- a) Notes that the site contains only one recorded feature, a north to south linear cropmark possibly relating to a field boundary.
- b) A geophysical survey was undertaken and identified a number of potential features of interest. Further trial trenching (eighty in number) of the features revealed no features in over half the trenching. Those trenches with features ranging from Late Bronze Age to early Roman.
- c) Considered that there are archaeological features present although not of significant interest to prevent the development. It is considered that appropriate archaeological investigation works could be accommodated through planning condition.

The applicant considers that overall the issues identified within the Environmental Statement and the mitigation aspects identified above represent measures that are generally applied at mineral sites and can be accommodated at this location.

In advance of the application submission, the applicant undertook various forms of public engagement including:

- Initial letters to political and key stakeholders in forming of the proposed scheme sent April 2016. A further letter on October 2016 inviting these stakeholders to the public exhibition and opportunity of individual meeting at “preview event”
- Letter drop to local residents and businesses closest to the proposal site with introduction to scheme. A (1,249) letter drop in October to residents within a defined buffer around the proposed site (including both Rayne and Great Saling village) invited to exhibition
- Local advertising (local notice boards and local print paper, Braintree and

Witham Times, in October 2017). Also a press advert undertaken in the local print and online version of the local paper.

- A public exhibition was held at the Scout Headquarters in November 2016, comprising the “pre event “and later in the day the public element. Location and timings discussed with the Parish Council. As a result some 143 people attended during the event and a further 9 further comments received via e-mail.
- Dedicated website also undertaken with details of the projects Community Liaison Officer.

The applicant has confirmed that comments were received through the feedback options: feedback form at exhibition, telephoning the dedicated community liaison officer and emailing. As a result of the exhibition the applicant has confirmed feedback expressing the view that the project was well planned with the proposed restoration having potential to offer considerable benefit. The applicant set out under a number of headings the various concerns expressed and these are attached as Appendix C (this is included as it picks up on some local responses to the application addressed later in this report).

3. POLICIES

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that consideration be had to the development plan unless other material considerations indicate otherwise. The Development Plan is

- i) Essex Minerals Local Plan Adopted July 2014.
- ii) Braintree District Local Development Framework Core Strategy 2011.
- iii) Braintree District Local Plan Review Adopted 2005.

Other material considerations include:

- i) The National Planning Policy Framework (NPPF) March 2012.
- ii) Planning Practice Guidance
- i) Supplementary Planning Guidance (SPG) June 2016 on “Mineral Site Restoration for Biodiversity”.

The following policies of the Essex Minerals Local Plan Adopted July 2014 and the Braintree District Local Development Framework (CS) 2011 and Braintree District Local Plan Review Adopted 2005 (paraphrased or in quotation marks if set out in full) are of relevance to this application:

Relevant policies within the Essex Minerals Local Plan Adopted July 2014 are:

- (i) Policy S1 “Presumption in favour of sustainable development”

States that the Mineral Planning Authority (MPA) will take a positive approach to minerals development (which includes processing, storage and transportation of minerals) that reflects the presumption in favour of sustainable development as required by the National Planning Policy Framework. The policy supports mineral

development that improves the economic, social and environmental conditions in the area.

(ii) Policy S2 “Strategic Priorities for minerals development”.

This policy sets out the strategic priorities for minerals development stating “

1. Ensuring minerals development makes a contribution towards reducing greenhouse gas emissions, is resilient and can demonstrate adaptation to the impacts of climatic change,
2. Ensuring there are no significant adverse impacts arising from proposed minerals development for public health and safety, amenity, quality of life of nearby communities, and the environment,
3. Reducing the quantity of minerals used and waste generated through appropriate design and procurement, good practices and encouraging the re-use and the recycling of construction materials containing minerals.
4. Improving access to, and the quality and quantity of recycled/ secondary aggregates, by developing and safeguarding a well distributed County-wide network of strategic and non-strategic aggregate recycling sites,
5. Safeguarding mineral resources of national and local importance, mineral transshipment sites, Strategic Aggregate Recycling facilities and coated roadstone plants, so that non-minerals development does not sterilise or compromise mineral resources and mineral supply facilities,
6. Making planned provision through Preferred and Reserve Site allocations for a steady and adequate supply of aggregates and industrial minerals to meet identified national and local mineral needs in Essex during the plan-period whilst maintaining landbanks at appropriate levels,
7. Providing for the best possible geographic dispersal of sand and gravel across the County to support key areas of growth and development, infrastructure projects and to minimise mineral miles,
8. Ensuring progressive phased working and the high quality restoration of mineral extraction developments so as to:
 - a) significantly reduce reliance upon the use of landfill materials and,
 - b) provide beneficial after-use(s) that secure long lasting community and environmental benefits, including biodiversity, and,
 - c) protect the best and most versatile agricultural land.
9. Maintaining and safeguarding transshipment sites within the County to provide appropriate facilities for the importation

(iii) Policy S3 “Climate Change”

The policy requires new mineral applications to demonstrate effective measures to

minimise greenhouse gas emissions and adaption and resilience to climate change. Such aspects having regard to, and where relevant to this application :

- a. How a site is located, designed and its transport arrangements.
- b. On site renewable and low carbon generation where feasible.
- c. Sustainable Drainage Systems with such measures to enhance on site water efficiency and minimise both within and adjacent land interests such flood impacts.
- d. Resilience to unexpected climatic events.
- e. Such benefits from restoration and afteruses for biodiversity and habitat creation, flood alleviation and provision of living carbon sinks.

(iv) Policy S10 “Protecting and enhancing the environment and local amenity”

Requires that minerals development demonstrate (and where relevant to this application):

- a. “Appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment,
- b. Appropriate mitigation measures shall be included in the proposed scheme of development, and
- c. No unacceptable adverse impacts would arise.....”

(v) Policy S11 “Access and Transportation”

Minerals development would be supported where demonstrated there would be no unacceptable impacts on the efficiency and effective road network operation, including safety, capacity, amenity and the environment.

The policy further supports road transportation where the highway network is suitable for HGV or can be improved to accommodate such vehicles.

(vi) Policy S12 “Mineral Site Restoration and Afteruse”

Provides support for mineral development where the land is capable of being restored at the earliest opportunity; to an acceptable standard and beneficial afteruse; with environmental benefits to environment, biodiversity and/or local communities.

(vii) Policy DM1 “Development Management Criteria”

Provides support for minerals development subject to the development not having an unacceptable impact, including cumulative impact with other development, upon (with relevance to this application) local amenity; health of local residents; safety and capacity of the road network and the visual environment.

(viii) Policy DM2 “Planning Conditions and Legal Agreements”

The policy provides for the provision of conditions to be imposed and /or legal agreements to address the mitigation and control of such development effects and

to enhance the environment.

(ix) Policy DM3 “Primary Processing Plant”

Seeks to ensure the siting of such plant within the confines of the site boundary and the plant not impacting unacceptably on the local amenity or surrounding environment.

The policy requires such plant to be temporary.

(x) Policy DM4 “Secondary Processing Plant”

Proposals for secondary processing plants would only be supported at mineral sites where it is demonstrated there would be no unacceptable impacts arising on the local amenity/environment and/or safety, efficiency or capacity of the road network.

The policy requires that the minerals to be processed/treated be sourced from the mineral site unless demonstrated there are exceptional circumstances or overriding benefits to sourcing materials from elsewhere to supplement indigenous supply subject to no adverse environmental impacts.

The policy requires such plant to be temporary.

(xi) Policy P1 “Preferred and Reserve sites for Sand and Gravel Extraction”

This policy states that “in the case of Preferred Sites for sand and gravel extraction, the principle of extraction has been accepted and the need for the release of mineral proven”. The policy goes on to confirm that such Preferred Sites” would gain planning permission subject to the proposals meeting their detailed development requirements (as set out in each sites specific assessment as detailed in Appendix 1); the relevant policies of the Development Plan for Essex and any other material considerations.

Within Braintree District Council the Local Development Scheme (October 2017 – December 2019) has progressed from the public consultation on the Publication Draft Local Plan that was approved by the District Council in June 2017 for submission. Following closure of the consultation period the Braintree Publication Local Plan (BPLP) has been submitted to the Planning Inspectorate. The new Local Plan for Braintree has been submitted to the Inspector and will be examined by an independent Inspector appointed by the Government in January 2018.

Braintree Local Development Scheme (October 2017 – December 2019)

Inspector’s Matters, Issues and Questions	Strategic Section One – Statements required by 5.00pm on Monday 4 December 2017.
Hearing	Braintree District Specific Local Plan (Part Two) – Spring 2018

Receipt of Inspectors Report	Shared Strategic Plan (Section One) – Spring 2018 Braintree District Specific Local Plan (Part Two) – Summer 2018
Date of Adoption	Autumn 2018

Relevant policies within the Braintree District Local Development Framework 2011 are considered to be:

(i) Policy CS8 :Natural Environment and Biodiversity

The policy seeks to ensure that development “will take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District. This will include where appropriate protection from:-

- Air, noise, light and other types of pollution
- Excessive use of water and other resources

Development should protect the best and most versatile agricultural land.

Development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment. Landscape Character Areas will be defined in the Site Allocations Development Plan Document and further guidance will be set out in a supplementary planning document.

The natural environment of the District, and in particular designated sites of national importance and locally designated sites, which are identified on the Proposals Map, will be protected from adverse effects. Criteria based policies will be set out in the Development Management Document, against which proposals for any development within, or affecting such sites, will be considered.

The restoration and enhancement of the natural environment will be encouraged through a variety of measures such as;

- Maximising opportunities for creation of new green infrastructure and networks in sites allocated for development
- Creating green networks to link urban areas to the countryside
- Creating and enhancing the biodiversity value of wildlife corridors
- Designating and protecting local nature reserves and local wildlife sites
- Conservation and enhancement of SSSIs in accordance with the Wildlife and Countryside Act
- Development will promote wildlife enhancements which will contribute to habitat and species restoration targets set out in the Essex Biodiversity Action Plan”.

(ii) Policy RLP 62 Development Likely to Give Rise to Pollution, or the Risk of Pollution.

This policy would restrict development where there are potential pollution emissions, unless appropriate mitigation measures in place and the emissions are not harmful

(iii) Policy RLP 69 “Sustainable Drainage”

Seeks to encourage Sustainable Drainage techniques as methods of flood protection, pollution control and aquifer recharge.

(iv) Policy RLP 72 “Water Quality”

This policy seeks to protect underlying groundwater and surface waters.

(v) Policy RLP 80 “Landscape Features and Habitats”

Requires assessments of wildlife impacts and that proposals are not detrimental to distinctive landscape features and habitats. Measures to include mitigation as appropriate.

(vi) Policy RLP 81 “Trees, Woodlands, Grasslands and Hedgerows”.

This policy seeks to encourage landowners to retain, maintain and plant locally native trees/woodlands, grasslands and hedgerows.

Relevant policies within Braintree District Local Plan Review Adopted 2005 are considered to be:

Policy CS8 :Natural Environment and Biodiversity

Braintree District Council has prepared a Braintree draft Publication Plan that has been submitted to the Planning Inspectorate for examination. The policies are being referenced by the District Council in its Development Management functions and the progress of the Local Development Framework should be monitored off the Braintree District Councils webpage.

Relevant policies within Braintree Draft Publication Plan 2017 are considered to be:

(i) Policy SP1 – “Presumption in favour of sustainable development”.

Requires that development decisions reflect the presumption in favour of sustainable development as set out in the NPPF.

It goes on to note that sustainable development within North Essex will contribute to the strategic and local vision and objectives and accord with the local plan policies. Development that accords with the plan policies would be approved unless material considerations indicate otherwise.

(ii) Policy SP10 “West of Braintree Garden Community”.

This policy recognises the potential development of a new garden community identified for the west of Braintree and incorporating the Broadfield Farm land area.

The policy identifies that the community would likely be of some 2,500 homes within the Plan period (2033) with an overall provision of between 7,000 and 10,000 homes to be delivered beyond 2033.

The Policy recognises that the Broadfield Farm site is an allocated site within the Minerals Local m Plan and that the mineral site, its restoration and aftercare would need to be planned alongside the wider garden community development.

(iii) Policy LPP 67 – “Natural Environment and Green Infrastructure”.

The policy seeks to protect and where possible enhance the natural environment including protection from pollution. Where appropriate, development to contribute to delivery of Green Infrastructure (such as open spaces).

(iv) Policy LPP 69 – “Tree Protection”.

This policy addresses the various levels of protection afforded for the protection of trees affected by development proposals. The policy seeks Tree Preservation Orders for those prominent trees which contribute to the local landscape. Trees which make a significant positive contribution to the character and appearance of their surroundings would be retained.

Where trees are to be retained within a development then suitable protection measures would need to be provided to safeguard the wellbeing of the tree.

(v) Policy LPP 70 – “Protection, Enhancement, Management and Monitoring of Biodiversity”

The policy addresses “Development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development..... ”

(vi) Policy LPP 71- “Landscape Character and Features”

The policy states that the planning authority would “take into account the different roles and character of the various landscape areas in the District, and recognise the intrinsic character and beauty of the countryside, in order to ensure that any development permitted is suitable for the local context”. In achieving this aim consideration would be given to the Local Landscape Character Assessment and that development is not detrimental to those landscape features.

(vii) Policy LPP 73 – “Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards”

This policy seeks should prevent unacceptable risks from all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality.

The policy goes on to state that development would not be permitted where, individually or cumulatively, there are likely to be unacceptable impacts

arising from the development on, amongst other aspects:

- a) The natural environment,
- b) General amenity and the tranquillity of the wider rural area
- c) Health and safety of the public
- d) Air quality
- e) Surface and groundwater quality and
- f) Land and soil quality and condition

(viii) Policy LPP 74 – “Climate Change”

The policy seeks to support proposals that demonstrate the principles of climate change mitigation and adaptation into the development. In the supporting text to the policy it refers to the To adapt to the effects of climate change, proposals should;

- a) Manage and conserve water resources
- b) Demonstrate that flood risk from all sources has been avoided or managed,
- c) Use Sustainable Drainage Systems (SuDS);
- d) Use layout, building orientation, design, and materials to ensure properties are not susceptible to overheating,
- e) Include open space and trees/vegetation for shading and cooling, and to control surface water run-off,
- f) Create a better linked habitat network by conserving, creating or enlarging existing habitats.

(ix) Policy LPP 78 - “Flooding Risk and Surface Water Drainage”

The policy seeks to ensure that all proposals would be located to avoid the risk of flooding.

Policy LPP 81- “External Lighting”

In the supporting text to this policy it is stated that “artificial lighting can also harm local character by introducing a suburban feel into rural areas”. The policy seeks to ensure though a criteria base that lighting provision does not impact unacceptably on the environment.

Also relevant to this application is the Essex County Council Supplementary Planning Guidance (SPG) June 2016 on “Mineral Site Restoration for Biodiversity”.

This SPG supports Policy S12 above and identifies 5 Flagship Schemes within the Allocation Sites as locations suitable for promoting the greatest opportunity for delivering beneficial biodiversity afteruse. One of these flagships sites is Broadfield Farm and the SPG identifies specific restoration objectives for that site that could be delivered as part of the restoration strategy. The SPG identifies the potential for the creation of some 50 hectares of low acid grassland; lowland meadow and reed bed.

The National Planning Policy Framework (NPPF) 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 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 NPPF 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 NPPF 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 NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

Sustainable development is at the heart of the NPPF which sets as its beacon the Brundtland definition (United Nations General Assembly quote prior to Paragraph 6). The Government's "broad" interpretation has the NPPF setting the scene for placing sustainable development at the heart of the planning system with three principally dimensions; that of economic, social and environmental. The Government sets a series of core planning principles to be applied at both plan making, as well as at decision making and that these include in relation to this application:

- i. Seek to secure high quality design and a good standard of amenity in relation to existing occupants of land and buildings.
- ii. Supporting the transition to a low carbon future in a changing climate and encouraging the use of renewable resources.
- iii. Contribute to conserving and enhancing the natural environment and reducing pollution.

The NPPF seeks the delivery of sustainable development through the planning system encouraging and supporting economic growth and that this is achieved through proactively meeting the needs of business.

The NPPF recognises that transport issues, through their movement and mode contribute to facilitating sustainable development and that encouragement should be given to reductions in greenhouse gases to help towards achieving a low carbon future. Furthermore, promoting and exploiting such opportunities for sustainable transport development can be assisted through appropriately located and designed development that accommodates the efficient delivery of supplies.

The NPPF seeks to mitigate, through appropriate planning decisions, the potential for noise and other adverse impacts including air quality, arising from a development on health and quality of life.

Para 14 of the NPPF sets for decision takers the presumption in favour of sustainable development to mean approving development that accords with the development plan. Where the development plan is absent, silent/out of date that permission be granted unless adverse impacts would significantly outweigh the

benefits or that specific policies in the NPPF indicate such development be restricted.

Para 28 of the NPPF seeks through planning policy for promotion of economic growth in rural locations including “development and diversification of agricultural and other land based rural businesses”.

4. CONSULTATIONS

BRAINTREE DISTRICT COUNCIL – Object and make the following comments;

The first “In terms of the site restoration, the Council objects on the basis that the site is within an area of search for the proposed garden community at West of Braintree.

Some additional work carried out showing what likely development could look like, and this area is shown as being part of the built extent of the village. There is limited scope for development to be moved further north due to potential impact on Great Saling and its historic park and garden located on the south side of the village.

The site is identified under part 1 of the Publication Draft Plan under policy SP10 – West of Braintree Garden Community for a site of between 7,000 and 10,000 homes of which 2500 will be within the plan period up to 2033. The majority of the development will take place after 2033 up until approximately 2050. As such there should be plenty of time to extract and make suitable for development the minerals site. The phased restoration of the site should enable the development of it for a garden community as set out in the Draft Plan.....

In the short term, it is important that the impact of the mineral extraction is minimised particularly on Rayne which is the closest village. It should also be specified that no minerals traffic should go through Rayne or Great Saling”.

Following the submission of the additional information Braintree made further updated comments that “.... The Draft Plan was submitted to the Planning Inspectorate on 9th October 2017. It is anticipated that the public inquiry into the Plan will take place in January 2018.

As part of the garden communities’ project a consultation will be taking place commencing 13th November 2017 on a West of Braintree Development Plan Document (DPD). This document will be going to Local Plan Sub-committee on 6th November to seek Members approval to go to consultation.

At this early stage, details of the precis location and layout of the West of Braintree Garden Community are not known. As such it will be necessary for continued co-operation between the Councils involved and the developer of the site. The phasing of the extraction is likely to influence which areas are developed first, and any remedial measures taken once extraction has finished will need to factor in the requirements and overall development of the garden community. The concept restoration proposals do not make reference to the potential for the West of Braintree Garden Community, and as such proposals for additional wildlife and

recreational uses and public rights of way would have to be considered in the context of a wider West of Braintree Garden Community Master Plan. As such the restoration plan could be considered unrealistic.

I would also reiterate that in the short term, it is important that the impact of the mineral extraction is minimised particularly on Rayne which is the closest village. It should also be specified that no mineral traffic should go through either Rayne or Great Saling. In addition suitable screening should be in place to minimise any visual impacts, and measures to ensure that local residents are not impacted by noise, and dust”.

UTTLESFORD DISTRICT COUNCIL (ADJOINING) – Make the following comment:
“As I am sure you are aware the application site forms part of a potential new settlement west of Braintree straddling the Braintree/Uttlesford administrative boundary. It is probable that this will be a proposal in Braintree District Council’s Local Plan submission version. Uttlesford District Council are also actively considering including the site for inclusion as a proposal in their Regulation 18 draft Plan.

AECOM [Planning consultancy] have been undertaking some concept framework planning for both Authorities. It is critical in the determination of this planning application that consideration is given to the Concept Framework as the access, phasing and aftercare of the quarry will be critical to the development and implementation of the new settlement proposal”.

BRITISH HORSE SOCIETY – No comments received.

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT PLANNING
CASEWORK UNIT – No comment to make.

COUNCIL FOR THE PROTECTION OF RURAL ENGLAND – No comments received.

ENVIRONMENT AGENCY (EA) – No objections. The Agency advise the applicant that an Environmental Permit may be required and for this to be addressed with the Agency.

The Agency note support of the Biodiversity Enhancement Plan.

ESSEX BRIDLEWAYS ASSOCIATION – Note the Concept Restoration Proposals and further provision for public rights of way but no mention as to their accessibility by other user groups such as cyclists and equestrians as previously requested in consultation responses.

In this absence an objection still stands as given the site abuts a bridleway network any newly created paths should be of bridleway status in accordance with the NPPF, Rights of Way Improvement Plan and ECC’s Minerals and Mineral Policies.

ESSEX WILDLIFE TRUST – No objection.

HISTORIC ENGLAND – No comment to make.

NATURAL ENGLAND (NE) – Under its respective areas of interest:

- Soils, Land Quality and Restoration - No objection.
- Protected Species – NE advise consideration of its standing advice.
- Priority Habitats and Species – NE draw attention to its on line web pages for habitat locations/inventories and advice on how to enhance such interest.
- Biodiversity Duty – NE draw attention to the responsibility of the Council for conserving biodiversity as part of the decision making process.

NE offer suggestions for conditions to address protection of water courses; soil handling and replacement; differential settlement and aftercare.

National Health Property Services and Mid Essex Clinical Commissioning Group - No comments received.

UTILITIES:

UK Power Networks; National Grid (Gas and Electricity); Anglian Water - Provide information in respect of the location of their apparatus.

GTC PLANT ENQUIRY SERVICE – No assets within vicinity of application site.

AFFINITY WATER; ESSEX AND SUFFOLK WATER; THAMES WATER PROPERTY SERVICES Either “no comments received” or “do not have apparatus within the vicinity of the application site”.

COUNTY AIR QUALITY CONSULTANT – Comments:

“1. Air Quality from Traffic Emissions during Operation

It is anticipated that the increase of traffic flow with the proposed development is unlikely to have an effect on the local air quality and the impact on air quality is not significant.

2. Emissions, Dust and Particulate during operation

The dust assessment concluded that a slight adverse effect is predicted at the sensitive receptors identified, during operation with extraction related activities in Phases 5-8, the construction of the permanent landform, and stockpiling of fine material within the Plant site.

The assessment also identified operation areas with “designed-in” measures required to reduce the potential disamenity effect. Mitigation measures are also recommended in the ES for each operation activities, including preparation and restoration, material handling, mineral extraction, mineral processing, stockpiling and exposed surfaces, on and off site transportation, as well as general site management. Additional source-specific mitigation measures are also recommended at the north-east of the site, where moderate adverse effects are predicted. These include daily wetting down of soil and overburden on permanent landform during construction and continuing until a sufficient crust has formed or

planting has stabilised the surface sufficiently; daily visual monitoring at site boundary undertaken when operations are within 250m receptors; and internal haulage routes to be routed a minimum of 250m from off-site receptors.

It is considered that these mitigation measures are sufficient and effective to control and minimise the dust effect. It is suggested that planning conditions in respect to dust should be recommended with the proposal to ensure the proposed mitigation measures will be undertaken:

- Preparation of a Dust Management Plan (DMP) to detail the site management and the proposed mitigation measures, including designed-in mitigation measures;
- DMP to be approved by the authority prior to the site operation;
- A minimum of 100m stand-off between extraction areas and residential receptors, and;
- advance planting on the northern and eastern site boundaries prior to the site operation of Phases 5-8.

Overall it is anticipated that there would be temporary (12 years of operation) and minor effect on dust during the operation phase. With appropriate site specific mitigation measures the effect of the dust should be minimised and not significant.

3. Emissions, Dust and Particulate during Construction

The installation of processing plant and ancillary buildings and infrastructure, and the construction of a quarry access onto the B1256 Dunmow Road, are likely to have an adverse effect in terms of dust emission. However it is anticipated that the effect of dust could be minimised with appropriate mitigation provision. A Construction Environment Management Plan (CEMP) for these installations and the access road should be prepared to minimise environmental impact including dust and air quality from the construction phase of the development”.

COUNTY LIGHTING CONSULTANT – No objection subject to a condition requiring a scheme of external lighting to be imposed.

COUNTY NOISE CONSULTANT – No objection and states “The TN [Technical Note] demonstrates that comments previously provided have been taken into account. Revised noise level predictions have been performed resulting in slightly increased noise levels than previously presented in the Environmental Statement. The predictions do remain within the agreed noise level limits; albeit these are close at a number of receptors. However, I am content that the assessment takes a reasonable worst case approach, and I am therefore satisfied, based upon the information provided, that I am content that the site can operate without exceeding the noise limits, thus conforming to the requirements of PPG.

Notwithstanding the above I would recommend compliance noise monitoring be undertaken to demonstrate compliance with the agreed noise limits”.

HIGHWAY AUTHORITY (HA) – No objection subject to conditions to address:

- Prior to commencement of the development a construction traffic

management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway. The development shall adhere to the agreed plan during its construction and life time

- No beneficial use of the development shall take place until the site access off the B1256 as shown in principle on the planning application drawings has been provided or completed.

The HA also request that prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

- That all or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority).
- All highway related details should be agreed with the Highway Authority

HIGHWAY AUTHORITY (PUBLIC RIGHTS OF WAY) – make the comment: “The proposed quarry has no effect on existing public paths, so there is no objection.

The proposal to create new public footpaths when the site is restored after the expected 12 year operational life is welcomed. They would improve connectivity and amenity in the Public Right of Way network, and thereby satisfy the requirements of the ECC Rights of Way Improvement Plan.

The creation of the paths should be included in a Planning Agreement. A Public Path Creation Agreement could be appended to the Planning Agreement, which should be signed by all relevant landowners, but not sealed and therefore not coming into force until required. The proposed paths lead eastwards outside the planning application boundary so it would be important for all the landowners to be party to the agreement. Our department can assist with the preparation of a Creation Agreement.

If the public paths are created by a Creation Agreement in this way, they become maintainable at the public expense. Our maintenance liability should be offset by the developer paying a commuted sum, which could also be secured in the Planning Agreement”.

LOCAL LEAD FLOOD AUTHORITY – No Objection subject to conditions to address :

- (i) A surface water drainage scheme.
- (ii) A Maintenance Plan
- (iii) Maintenance log.

A number of informatives are also proposed that, should planning approval be forthcoming could be attached to any planning permission.

PLACE SERVICES (ECOLOGY) – The Place Services Ecology Officer comments

(PSEO) are set out in Appendix D

PLACE SERVICES (HISTORIC BUILDINGS) – No Objection and comment
“There are primarily two groups of listed buildings whose settings will be affected by the proposed development. A Collection of four grade II listed buildings to the north east, Pound Farm and Collection of six grade II listed buildings to the north west Blake House Farm. There are two other groups of buildings to the east however the impact of the development is considered to have an lesser impact than on the previously identified groups.

The existing setting for the two groups of listed buildings are agricultural farm land. The proposal would reduce the extent of the surrounding farmland for both farmsteads however this would only be on one aspect each.

These undermined aspects are not immediately adjacent and form part of the respective wider settings rather than the immediate setting. This reduces the significance of the impact of the quarry.

The construction of the quarry will impinge on the setting of the listed buildings by reducing the extent of the surrounding farmland in which these buildings are experienced. As this land is considered to offer evidential value, and to make an important contribution to the historic significance of the identified listed buildings it is identified that the development is considered to result in harm to the significance of the listed buildings. However, as it is considered to have a low to medium impact on one facet which contributes to the significance of these listed buildings, the level of harm is considered to be less than substantial, as per paragraph 134 of the NPPF”.

PLACE SERVICES (HISTORIC ENVIRONMENT) – No objection subject to conditions

PLACE SERVICES (LANDSCAPE) – The Place Services Landscape Officer comments (PSLO) are set out in Appendix D

PLACE SERVICES (TREES) - Comment that their areas of interest covered under the Landscape comments.

PLACE SERVICES (URBAN DESIGN) - No comment.

ESSEX COUNTY COUNCIL’S SPATIAL PLANNING TEAM – Make the following comments:

“The following are recommended for consideration when determining the application.

The planning application has been prepared within the context of the MLP and the Braintree Local Plan Review 2005 and the Core Strategy 2011. However, the planning context has changed nationally with the National Planning Policy Framework (NPPF) requiring Local Authorities to significantly ‘boost the supply of housing’. To initiate this requirement Braintree District Council is significantly increasing its housing requirement in its new Local Plan and through the NEGC

[North East Garden Communities] project (Braintree, Colchester, Tendring and ECC) is supporting the potential for two new Garden Communities within Braintree District, one being located at West of Braintree. It should be noted that ECC is a partner of NEGC.

Land covered by the planning application lies within the 'Area of Search' of the proposed West of Braintree Garden Community (Policy SP10 of the Braintree Draft Local Plan). This land is being considered in terms of the phasing and development opportunities for the new Garden Community. In so doing, it is the intention to ensure the extraction of mineral reserve progresses alongside the potential development of the new Garden Community and does not impede extraction.

The application proposes a Restoration Masterplan, including Restoration Aftercare Programme, largely consistent with the MLP Biodiversity Flagship status. However, given the changed planning context and the provision of a new West of Braintree Garden Community in the Braintree District Draft Local Plan, consideration needs to be given to opportunities to provide a balance between restoration and aftercare, and a community resource enabling informal/formal recreational use and access.

Further investigation will be required to consider the implications and opportunities arising from the above with regards the provision of biodiversity provision. It is suggested this should cover:

- Integration of biodiversity objectives with recreational use – to consider the scope for the requirements of the 'Flagship Scheme' (50 ha) to be delivered within the context of a new country park/recreational use. Further analysis would be required to provide robust evidence to demonstrate how this could be achieved without comprising the creation and maintenance of the 50 ha of Priority Habitat. Is there land availability to enable both uses to be provided on site post extraction?
- Biodiversity Offsetting – to investigate the opportunities for 'offsetting' the 50 ha to an alternative site, either within the new Garden Community Area of Search, landowner, Braintree District, or alternative allocated MLP site. Any alternative location would be required to fulfil the SPG and preferred approach criteria.
- Essex Habitat Bank (EHB) see: <http://www.placeservices.co.uk/what-we-do/natural-environment/habitat-bank/>. To investigate opportunities to provide a no-net loss of biodiversity through the EHB via Place Services in accordance with NPPF.

It would also be helpful to know what flexibility there is to amend the Restoration Masterplan, including Restoration Aftercare Programme, in light of the above context, and in the absence of an adopted Local Plan that establishes the West of Braintree Garden Community. The Braintree Local Plan is scheduled to be adopted in 2018".

SHALFORD PARISH COUNCIL – The Parish Council are concerned that site vehicles would use Salford as a short cut to access Braintree without using the A120. Minor roads are already being used as a short cut and verges are being damaged.

The Parish would like to support comments made by Great Saling Parish Council for a policy that all site traffic must use the A120. Westbound site traffic should access the A120 and travel east turning around at the first Braintree junction.

RAYNE PARISH COUNCIL – Make the following comments:

1. “The comments in this document relate to the Minerals Extraction site Planning Application ESS/19/17/BTE (ECC’s reference 407.0573.00004). The work already completed by the Parish Council, working with Tarmac, means that comment on this Planning Application is limited.
2. Background and history
 1. The Parish Council’s involvement in the County’s Mineral Plan began in 2010.
 2. There was significant resistance from the village to the County’s plans with significant resistance to the forecasts for the demand of minerals through to 2028.
 3. This sustained resistance culminated in presentations to the Examination in Public (EIP) in November 2013. The Inspectors conclusion agreed to some degree with the Council’s protestations and some reductions were applied to the demand for the County. Some sites, not Broadfields Farm, were moved into a “reserved status”.
 4. Following the approval and publication of the EIP outcomes in mid-2014 there was a flurry of activity in most of the other sites included in the County Plan. Broadfields Farm was notable for the lack of action. This left a dark cloud hanging over the village resulting in the loss of the original enthusiasm for resistance.
 5. In mid-2016 there were signs of work in the village which we discovered to be preparatory work by Tarmac and the production of their Environmental Assessment. This has now developed/moved on to the current Planning Application.
3. Review of Planning Application
 1. Restoration of the Broadfields Farm site has always been a major concern for the village. Current facilities in the area are extremely limited.
 2. The Parish Council has invested significant time and effort in working with Tarmac to gain a better appreciation of all that was involved in the life of the Mineral Extraction site.
 3. Tarmac are to be congratulated in their openness and wish to work with the Parish Council. This included a visit to a show-site to their Broom site in Biggleswade. It has since been confirmed that the Broadfields Farm site is also to be a “show-site” demonstrating Tarmac’s wish to confirm 21st Century methods of sand and gravel extraction.
 4. ECC Responsibility for the monitoring of and adherence of the operator and the land-owner to the Plan
4. North Essex Garden Communities
 1. ECC are one of four equal stakeholders in the North Essex

Garden Communities (NEGC) initiative. As such they have a significant responsibility in the current Local Plans that extend through 2033

2. This initiative includes the West of Braintree proposal.
 - a. One of the current options for the development sites includes building on Broadfield Farm and the restored land
 - b. Building/construction on “newly” restored land is a significant risk, particularly when both the depth and thickness of the sand and gravel seams are considered.
 - c. In effect the land is being provisioned for two conflicting uses
 - i. The current plans for the restored land at Broadfields Farm is for it to be retained for 25 years after restoration. This extends from 2028 through to 2053
 - ii. It is anticipated that some building will be completed at the West of Braintree site in 2028/2033 with more scheduled in the period of the next Plan (2034/2049).
 - iii. It is impossible to consider and approve both these proposals/applications, owing to the conflict between the two initiatives.
 - d. This is an issue for ECC to comment and act upon. The village has, as stated, had the shadow of the minerals extraction site hanging over it for far too long. A lot of time and work has been invested in negotiating the restoration plan as detailed in the Planning Application. It is our intention to keep to that strategy and the agreement on restoration which will result in the WoB proposals being reduced to two options!
 - i. One of the options does identify the Broadfields Farm site as a possible Country Park, this aspect closely aligns to the Parish Council’s view.
 - e. It is noted that the newly approved road for access on Broadfields Farm is not shown on maps contained in the Planning Application. The build of this road and its extreme proximity to a local dwelling has been a cause for concern from the Parish Council.

5. Conclusions

1. The Parish Council has many concerns based around many initiatives grouped under the heading of “Local Development”.
2. The Council has a responsibility to its residents and this has been a major driver in the time and effort invested in the work with Tarmac.
3. The Council recognises the need to build new homes but needs to recognise the facts that the quality of home building is both sustainable and correctly positioned. Building on newly restored land does not meet either of these two factors.
4. BDC has committed to building/constructing the required infrastructure to support any development and the impact of the extraction site development also has to be included in this commitment. This will require very close liaison between BDC and ECC to confirm and progress their individual responsibilities”.

FELSTEAD PARISH COUNCIL No comments received.

GREAT SALING PARISH COUNCIL – Comment that “With regards to the traffic the maximum amount of traffic likely at the height of production is far more than the average figures given. In the Traffic and Transport section in the site assessment for it says that 50 vehicles out per day based on a 14-year working period.

Also, the numbers of Lorries going out also must come in making at total of 100 vehicle movements a day.

The Parish Council is also concerned that if vehicles are to go North East of Great Saling traffic would come through the village. This will affect not just Great Saling but all local villages. The minor roads that connect these small villages are already being used by large Lorries and they are damaging the verges in places. The Parish Council would like to see a policy put in place saying that all site traffic must use the A120. Traffic travelling west should join the A120 and travel east turning around at the first Braintree junction.

We would require a policy that working hours were restricted. The Parish Council would suggest no activity on Saturday afternoons, on a Sundays and Bank Holidays. Suggested hours should be 7.30-5.30pm during the week”.

Following the additional information the Parish remains concerned that vehicles needing to travel Northeast of Great Saling would travel through the village. This would affect local villages where minor roads are already affected by large vehicles which also damage verges.

The parish would like a policy put in that all traffic use A120. Westbound traffic to join A120 and travel east turning around at first Braintree junction.

LOCAL MEMBER – THREE FIELDS WITH GREAT NOTLEY – Any views received will be reported.

ADJOINING LOCAL MEMBER - THAXTED - Any views received will be reported.

5. REPRESENTATIONS

As a result of site, press (Braintree and Witham Times and Saffron Waldon Reporter) and neighbour notification (62 properties) two letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Major imposition on village of Rayne with impacts on the inhabitants and surrounding countryside.	Noted. See appraisal
Mitigation aspects as identified in the wildlife and archaeological reports should be met in full and performance on these steps reported back to Parish	Should planning approval be forthcoming appropriate archaeological, restoration/landscaping and aftercare conditions would be imposed. It is not usual that reports are made to

	third parties. Schemes required by pre commencement conditions would be consulted upon with relevant third parties. A mechanism for reporting would be the liaison meetings.
Independent monitoring of the water courses and air quality particularly at nearby school	Monitoring requirements are usually undertaken by appropriately qualified consultants employed by applicants. Data is available for examination by the respective regulatory body.
New junction westbound at Felstead turnoff onto A120 desirable. If not possible then traffic to exit onto eastbound A120 and turn around at next junction if westbound route needed. B1256 should not be used for regular movements. If A120 closes then operations should cease until it reopens.	Traffic routeing has been addressed earlier in report. Appendix. Appraisal also picks up on this issue.
Operator should be responsible for road condition up to A120	This is not a requirement from the Highways Authority for road maintenance contributions.
Neighbours concerns/complaints should be taken on board and investigated.	Noted.
Restoration proposals do not go far enough in respect of enhancing public access with Public Rights of Way around whole site. Parish Council should be fully consulted/involved in restoration and management plans.	As addressed above, where specific pre commencement conditions may be imposed then appropriate third parties would be consulted on the details of those particular schemes based on the principal of those schemes having been established at planning determination stage.
Significant funds should be made to the community to enhance the environment not just benefitting the landowner.	Not a material consideration relevant for this application.
Future development should be banned for a period, eg 50 years, to allow enhancement of the created nature reserve.	See appraisal.
Equally any approval should not be taken that this is presumption for future site extensions.	See appraisal.
Dust generation affecting local business	See appraisal.

interests.

Potential lorry movements may affect local businesses. Suggestion for a new access off the Rayne roundabout to allow site vehicles easier access to A120.

This was a comment made also at the exhibition and applicant addressed. See Appendix B.

Air Quality aspects and health of local residents.

See appraisal.

Safety of pedestrians using the highway verges and quarry traffic

See appraisal.

6. APPRAISAL

The principal issues in respect of these two proposals are:

- A. Principle of the development
- B. Landscape/Visual/Heritage Considerations
- C. Ecology
- D. Traffic
- E. Noise and Dust/Other environmental aspects.
- F. Restoration/Public Access/Afteruse.

A PRINCIPLE OF THE DEVELOPMENT

The identification of the Broadfield Farm (BF) land parcel has been recognised and accepted as an allocation site (Site A9 Appendix A) within the Minerals Local Plan.

An allocation is not in itself planning approval for that particular site but more one of identifying an area of land that is suitable for future mineral working subject to appropriate planning permission being gained.

The site allocation, which has been through the plan-making process, provides some comfort to potential operators in respect of their future working programmes and also to communities as to where potential sites may take place and to how a county would be able to meet its mineral demand requirements through that particular plan period.

Within the Minerals Local Plan each site has its recommended “specific issues to be addressed” – or ‘development principles’. These are always subject to more detailed assessment when individual applications are eventually submitted. In respect of the Rayne site, the issue over separation distances for instance has been shown in the proposed working programme and noise /visual design to be able to accommodate a more reduced separation distance without impacting unacceptably on local amenities.

Such refinements in scheme designs allow sites to ensure that viable mineral reserves are not ultimately sterilised and that extraction can be achieved in an environmentally sustainable way whilst serving the economic demands of the area.

Overall the principle of the development in this location has been acknowledged through the Mineral Local Plan allocation process.

Relevant policies to support this aspect are S1; S2; S3; P1 and SP1 (as referred to earlier in the report).

B LANDSCAPE/VISUAL/HERITAGE CONSIDERATIONS

In general the footprint of the application land is one exhibiting a predominantly level parcel of land with minimal overall gradient across it. Some early (up to 10 years old) planting has been undertaken by the landowner/applicant along parts of the site perimeter together with more recent perimeter planting along parts of the northern boundary. Whilst these belts are welcome and assist in mitigating views into the site, the comments of the Place Services Landscape Officer (PSLO) remain that parts of the proposed development would remain at some degree visible from certain outside vantage points.

The PSLO references these view points as being from the PROW located to the north; off Pods Lane to the east and Great Saling Road to the west. There would likely be additional views of the processing plant infrastructure from off Dunmow Road and viewpoints further to the south.

Existing and proposed screening provision in the form of additional planting, screen bunds and the general below ground working of the mineral would be effective in most cases to mitigate views. A balance needs to be taken over how much screening can effectively take place and whether any views that may remain of site activities are at a level that is considered acceptable to receptors.

From the PROW to the north the potential exists for views of certain of the proposed phases and elements of the processing plant infrastructure. The latter infrastructure is likely to be partially visible from more distant viewpoints to the south. In general the working phases would be transient and as machinery drops below ground level then the impact of such activities would reduce.

Elements of the upper structure of the processing plant are likely to be visible and in places set against the skyline. Again it is a matter of degree as to how much one tries to screen a feature or to mitigate it. The processing plant would be set at a lower platform level to assist its visual presence and whilst it would be noticeable its scale would not be considered overly dominant in the greater landscape vista. Appropriate control of such infrastructure could be exercised through condition, given the potential visual sensitivities of the site through uncontrolled development taking place, to ensure appropriate siting and design. The opportunity could also be for seeking an appropriate colour scheme of the plant to minimise its visual presence.

Design of the access entrance with internal bunding that would be grassed and

planted would mitigate any passing views of the internal site activities from passing road traffic and a scheme required by condition could address this aspect.

It is considered that certain of the openness element of the site activities could be addressed through an appropriate Landscape Management Plan.

Those individual properties adjoining/having frontage with the application land would be largely screened through a combination of the perimeter planting together with separation distances from the extraction boundary/provision of additional internal screen mounds and further planting.

The Landscape/Visual aspects are considered to be appropriate and would not prejudice policies S10; S12; DM1' DM2; DM3; CS8; RLP80; RLP81; LPP69; LPP 71 and LPP81.

In respect of the proposal impact upon the setting of nearby listed buildings the applicant carried out an assessment of indirect impacts on all cultural heritage assets within the study area shows that there are no identified significant indirect effects on the archaeological and heritage resource as a result of the proposed development (i.e. the settings of scheduled ancient monuments, listed buildings, conservation areas and registered parks and gardens). The applicant suggests the proposed quarry is not located within the primary setting of any surrounding cultural heritage asset.

Nonetheless, the Council's Historic Building's Advisor (HBA) confirms there are primarily two groups of listed buildings that would have their settings affected by the proposed development. A Collection of four grade II listed buildings to the north east, Pound Farm and Collection of six grade II listed buildings to the north west Blake House Farm. There are two other groups of buildings to the east however the impact of the development is considered to have a lesser impact than on the previously identified groups.

The existing setting for the two groups of listed buildings are agricultural farm land. The proposal would reduce the extent of the surrounding farmland for both farmsteads however this would only be on one aspect each.

These undermined aspects are not immediately adjacent and form part of the respective wider settings rather than the immediate setting. This reduces the significance of the impact of the quarry.

The HBA considers the quarry would impinge on the setting of the listed buildings by reducing the extent of the surrounding farmland in which these buildings are experienced. As this land is considered to offer evidential value, and to make an important contribution to the historic significance of the identified listed buildings it is identified that the development is considered to result in harm to the significance of the listed buildings. However, the HBA does state that it is considered to have a low to medium impact on one facet which contributes to the significance of these listed buildings, the level of harm is considered to be less than substantial.

Section 66 (1) of the Listed Buildings and Conservation Areas Act 1990 (LBA) states, inter-alia that; in considering whether to grant planning permission for

development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 134 of the NPPF states *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

The site is allocated as a preferred site for extraction in the Minerals Local Plan (MLP) and therefore the ‘need’ for the quarry has been assessed as part of the plan-making process. Accordingly the wider public benefits of providing a steady and adequate supply of sand and gravel have been considered and found acceptable in allocating the site in the MLP.

The applicant has provided significant information to demonstrate why the proposal is acceptable. In accordance with the NPPF, the economic, social and environmental benefits have been considered in detail, which include:

- being able to maintain local supplies of aggregate to construction projects in Essex in a way which minimises the carbon footprint associated with the delivery of aggregate to construction sites.
- The site helping provided materials to support the need to provide the supply of housing required to meet the needs of present and future generations, and
- enhancement of the biodiversity of the restored site.

Minerals planning advice confirms that when determining planning applications “great weight” should be given to the benefits of mineral extraction, including to the economy”.

Taking the above into account, whilst the impact of the development may have less than substantial harm on the setting of listed buildings, there are considered to be sufficient public benefits to outweigh this harm.

In respect of the impact upon archaeology the applicant carried out an assessment of this site has previously comprised a desk based study and geophysical survey which was followed by a limited targeted programme of trial trenching largely to assess the results of the geophysical survey. The County’s Historic Environment Advisor states that it is clear from the report submitted that the methods and sampling strategy used for the assessment of the below ground archaeological deposits have not been sufficient to predict the extent of archaeological remains on this site. The present evaluation has provided a basic understanding that both prehistoric and Roman occupation is present but the nature or extent have not been defined.

A second phase of evaluation by trial trenching has therefore been recommended to define the extent and significance of the heritage assets (archaeological deposits) that have been identified and which will require excavation prior to development. Such works could be required by the imposition of appropriate conditions should permission be granted.

Accordingly, subject to the above, the proposal complies with policies S10, DM1 and DM2

C ECOLOGY

The ecological interests exhibited by the application land are described earlier in this report, and to which the interests of both the PSEO and PSLO have been closely interlinked.

During the course of this application the interests of both these officers has been informed through the original application details; subsequent meeting with the applicant and their Planning, Ecology and Landscape consultants as well as to the further submission of details arising as a result of the PSEO and PSLO comments (Appendix D).

In respect of the PSEO the comments relate to the following areas; these are The Supplementary Planning Guidance (SPG) targets for habitat creation; a minor point regarding clarity over use of land on the north west boundary; the loss of Moors Spinney; and island planting of wet woodland.

Other ecological issues present on/associated with the land include Protected Species interests, ie Bats- including the rare Barbastelle bat-, barn owls, great crested newts; reptiles and nesting birds . Were planning approval to be forthcoming then such interests could be protected/addressed through the imposition of suitable conditions. For those particular ecological aspects identified here it is considered that the existing ecological interests would not be unduly prejudiced and so raise conflict with Policies S 10; S12; DM1; DM2; CS8; LPP67; LPP70.

The other areas of interest to the PSEO relate to the older habitats which will be lost- ie Moors Spinney and Moors Lane; and the proposed afteruse of the land. These issues interlink with those of the PSLO. The issues raised by both officers is addressed further in the report in the 'Restoration/Public Access and Afteruse' section.

D TRAFFIC

In relation to traffic, the principal concerns relate to HGV movements through local villages and the representee comments about use of the A120.

The proposed scheme is stated as generating some 110 daily movements (55 in/55 out) and averaging some 10 movements per hour. The applicant has considered the spilt of these movements east and west travelling.

These movement levels are consistent with other similar sand and gravel activities and the positioning of the site access towards the east of the scheme would assist in reducing some site generated vehicle movements from passing the frontages of some of the adjoining properties.

The applicant notes that the B1256 now has reduced vehicle movements since construction of the A120 and there is highway capacity available without the scheme presenting unacceptable impacts on local amenities. The use of this road is not therefore considered inappropriate and at the levels of movement predicted this is neither at a level that would be considered intrusive.

Mineral traffic leaving sites do so principally to access market areas. The applicant considers these to be the larger conurbations such as Chelmsford and Braintree. Locations to the west could include therefore Great Dunmow. Local deliveries to villages that surround sites do occur and in such cases vehicles have to use the most appropriate route to their customers. However, such local deliveries are infrequent.

Where routeing all site traffic east out of the site directly onto the A120, whether intended east/west bound, this would see west bound traffic travelling to the nearest roundabout to turn around and travel back past the site on the A120. This "diversion" albeit short would also need to be undertaken in reverse for returning vehicles. Whilst such a route may be achievable it raises questions of adding unnecessary road miles and thereby being considered an unsustainable restriction; the existing routeing being in its own right considered broadly acceptable. There would also be questions of enforceability and policing of requiring all site-generated HGV's to abide by the direct accessing/exiting of the A120.

One local representee has expressed concerns that the passage of traffic across their frontage and lack of pavement access as being a potential issue. This representee is located west of the proposed access and would experience, if approved, that element of the site traffic identified for westbound travel.

Whilst the representees comments are noted, the existing road already accommodates HGV traffic and the numbers of site generated traffic even if not split between the east and west bound movements is not considered to be an overly intrusive frequency as to be so unacceptable such to warrant refusal of the application. The issue of lack of pavements is noted although neither the Highways Authority nor the Public Rights of Way team has considered this to be a requirement. From a planning viewpoint whilst possibly a desirable feature it is not considered that the scale and intensity of the proposed vehicle movements would justify incorporation of a footway along the stretch of road.

Should planning approval be forthcoming then an appropriate condition seeking adherence to a traffic routeing plan could be accommodated through condition. Monitoring the effectiveness of such a condition would be strengthened through the reporting mechanism of a site liaison group.

Overall from a traffic/highways perspective the proposal does not conflict with policies S3; S11; DM1 or DM2 by introducing unacceptable traffic impacts into the locality or impacting the efficiency or effectiveness of the local highway network.

E NOISE AND DUST/OTHER ENVIRONMENTAL ASPECTS

In respect of noise and dust arisings the provision/operation and management of a sand and gravel scheme follows typically standard approaches. This particular scheme does not reflect any differences or warrant any particularly non-standard mitigation measures.

In respect of noise, the scheme has been designed along a fairly standard approach with typical plant and infrastructure, separation distances between sensitive locations and intervening buffer zones upon which temporary screen mounding could augment natural screening.

The applicant has demonstrated that in places extraction boundaries can be accommodated closer to the sensitive locations through sympathetic design and screening. Such provisions are supported by the CNC and also provide the operator with a more sustainable approach to their scheme through ensuring potential sterilisation of viable mineral reserves are not unnecessarily lost.

The CNC has recommended future noise monitoring and this is a standard approach and is useful in reviewing site activities against agreed controls.

In noise generation terms appropriate conditions could be applied to ensure noise levels are not unacceptable and so amenities are maintained without conflict with policy S10; and DM1.

In respect of dust emissions, the comments above in respect of standard approaches and practices remain relevant. The physical activities are proposed to be controlled through a set of approaches that are considered appropriate across the industry. The CAC has not raised objection and their detailed comments have been set out earlier in this report.

The CAC has recommended one condition for there to be a 100 metre standoff from extraction to residential properties (also reflected in the A9 site allocation see Appendix 1). The applicant has considered a reduced distance in two particular areas. In respect of the reduced distances proposed these have been calculated following the more detailed environmental assessments that the individual site is capable of. It can be demonstrated that extraction can, with suitable mitigation measures in place, be reduced is a positive aspect and as referred to earlier could allow viable mineral not to be needlessly sterilised.

Should planning approval be forthcoming then appropriate conditions to address a Dust Management Plan for the site would be required. Such a scheme could accommodate any specific detailed requirements considered necessary for closer proximity workings. In principle a reduced distance is not in itself be considered unacceptable. The areas of identified reduced distance working are programmed for periods within the working programme. An appropriately worded dust management plan could include such flexibility as taking on board actual site field conditions into its review such that experience could be translated into any specific programme of management necessarily identified for the reduced distance period of working.

The other aspect of dust emissions raised by representees has been the potential for impacts on local air quality.

The CAC has commented in these aspects and as previously stated the activities of the quarry working and generation of traffic exhibit fairly typical activities in terms of type of infrastructure used and method of working. Through knowledge and experience of such similar activities of sand and gravel sites around the country these have not given rise to substantiated concerns over detrimental impacts to air quality. Where issues have given rise to concern in the past has been the impact of additional HGV's on parts of the highway network where congestion/weight of traffic etc. has occurred and exacerbated air quality interests. This is not the case in this particular proposal and together with good fleet management operators such as the applicant operate their own internal Environmental Management Schemes that address vehicle management/maintenance and running issues. Good practice, such as restricting the conveying of lorries, speed control and route management, are aspects of reducing air quality issues and such practices are proposed by the applicant. The applicant's own Environmental Impact Assessment of the scheme has addressed this issue and it has not been found to prejudice air quality.

It is noted that the application land is not within an Air Quality Management Area and that suitable conditions would be proposed to control site activities. The operation of the processing plant itself would likely be controlled further through appropriate Permitting/Authorisations controlled by the Environment Agency/Environmental Health Authority.

Planning authorities are reminded by guidance that it is not the role of the planning system to duplicate control outside planning and that in line with the guidance of the NPPF that *"The planning and other regulatory regimes are separate but complementary. The planning system controls the development and use of land in the public interest and, as stated in paragraphs 120 and 122 of the National Planning Policy Framework, this includes ensuring that new development is appropriate for its location – taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution."*

In doing so the focus of the planning system should be on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under regimes. Mineral planning authorities should assume that these non-planning regimes will operate effectively."

In terms of dust arisings, it is considered that were planning approval to be forthcoming, appropriate dust control and monitoring conditions could be applied and overall dust generation is not considered to conflict with policies S10; DM1; DM2; DM3; DM4; RLP62 and LPP73.

Other environmental aspects

In respect of design and prevention of pollution aspects the scheme has been designed with appropriate facilities for handling surface water and ground water arisings. Following restoration the land would accommodate water areas that

would act as storage capacity for any surface water runoff. The proposals do not conflict with policies S3; RLP 69; RLP 72; LPP 74 and LPP78.

F RESTORATION/PUBLIC ACCESS/AFTERUSE

The reinstatement concept has been to provide a landscape accommodating the best and most versatile arable land as well as the biodiversity enhancement ambition identified in the Minerals Local Plan.

Overall the provision of these features are considered broadly acceptable and to deliver some of the Priority Habitat elements envisaged in the policy/supplementary planning guidance.

Ecological and visual aspects

In respect of the PSEO the comments relate to the following areas; clarity over use of land on the north west boundary; the Supplementary Planning Guidance (SPG) targets for habitat creation; the loss of Moors Spinney; and island planting of wet woodland.

The PSEO expresses concern relating to the creation of Priority Habitat types. The SPG - Supplementary Planning Guidance on Mineral Site Restoration for Biodiversity (June 2016) - identifies the Rayne application land as one of the 5 preferred mineral sites considered most suitable for delivering beneficial biodiversity aftercare. The SPG seeks a minimum of 50 hectares of priority habitat to be established at this location from an overall establishment total of some 200 hectares across the Allocation sites with each site identified for contributing specific habitat types.

The SPG seeks to address for the recreation of once common or lost habitat types.

For the Broadfield Farm location the SPG recognises the provision of Lowland Meadows; Lowland Acid Grassland and Reedbed.

The PSEO has commented that there is a potential shortfall in the recognised SPG target habitats creation offered by this application; despite the landowner having committed to the 50 hectare SPG target. The application proposals do put forward floodplain grazing marsh instead (which although listed within the SPG is not listed for creation at this particular site), as well as other habitats.

The PSEO considers that the proposed SPG priority habitats listed for this site equals some 42.53 hectares not the 48.48 advised by the applicant. The PSEO notes that the landowner has committed to 50ha of priority habitats, as detailed within the SPG, and there is currently a potential shortfall. If the floodplain grazing marsh is included in the figure it would amount to 47.87 hectares.

Some habitats are proposed to be lost, most noticeably Moors Spinney (0.49ha)

and Moors Lane which are the most historic elements of the centre of the site.

The other habitat types proposed for creation include those of arable field margins; Broadleaved woodland; waterbodies and hedgerows.

The PSEO has noted that some existing relatively recent plantation woodland “will be retained. Most of the perimeter habitats are to be retained. The western boundary is also the parish boundary, increasing the likelihood of the hedgerows along this boundary being historic”.

The PSEO reminds the authority of its “*duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006: “The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. Lowland mixed deciduous woodland and hedgerows are listed as priority habitats under Section 41 of the NERC Act”.*

The SPG notes that “*If the MPA [Mineral Planning Authority] accepts deviations from these targets it must ensure that the target can be met elsewhere through the MLP [Mineral Local Plan] process. Other potential non- target habitats can also be created on the site and these include native woodland, hedgerows, ponds, grassland, arable and arable field margins.*

The applicant could also offer other areas of the site for other biodiversity offsetting schemes not related to this planning application”.

The PSEO has acknowledged that the overall scheme would create a positive gain for biodiversity, with any deviations to the habitat targets ultimately to the judgement of the MPA as decision taker.

The proposed habitat creation provides for varying habitat types some Priority Habitat as recognised in the SPG but not specifically “allocated” for this particular site. Some of the habitats whilst not listed within the SPG/ of priority habitat status are still valuable resources that contribute to overall biodiversity enhancement.

The proportion of habitat creation is welcome and this proposal has demonstrated the “difficulty” in interpreting and defining exact boundaries to habitat areas/coverage and defining what constitutes a specific habitat and whether buffers/margins are included. Notwithstanding the technical aspect, the overall hectareage creation would be supported.

The SPG supports the notion that any perceived shortfalls could be accommodated from other MLP provisions. In relation to the Broadfield Farm site it is considered that the biodiversity aspects could, with appropriate management plans including long term programmes, be achievable in relation to the proposals forming part of this application.

Moors Spinney/Moors Lane

In respect of the PSEO and PSLO comments relating to the Moors Spinney (0.49ha) /Moors Lane hedge it is understood from the discussions with the agent

that a combination of the geology, depth of working, landform design and need for appropriate standoffs prohibit retention of these features, even though they are the most historic elements of the site (except for the perimeter).

The comments by PSEO and PSLO about the relationship/appropriateness of some of the features including the provision of the proposed woodland feature on the island and the nature/layout of the woodland blocks are valid. They have raised concerns for the following reasons.

The key issue is that introduction of woodland on the island would reduce the ecological functional ability of the neighbouring SPG priority habitats.

With respect to visual aspects the planting design features neither lend themselves nor strengthen the habitat or landscape features but are more disjointed individual planting blocks divorced from any linkage to other vegetation features. The planting blocks would be seen as individual blocks visibly/read as “divorced” from associated neighbouring features.

The equivalent size woodland placed elsewhere could also create help to enhance habitat connectivity.

Whilst the concept restoration/landscaping plan could be considered deliverable the concerns of both the PSEO and PSLO are acknowledged in seeking to provide a more connected biodiversity habitat creation with landscape features that both support the biodiversity interest as well as having a more purposeful design. As such it is considered appropriate, should planning approval be forthcoming, that a condition be imposed such that the concept landscape plan is amended to reflect the above areas of concern.

West of Braintree Garden Village

The concept restoration plan and the long term afteruse of the land has been considered by Braintree District Council as potentially unrealistic. The District Council, referring in their comments to the need for liaison between the mineral operator and the interested Council's concerned in respect of the West of Braintree Garden Community initiative (WBGC). The District Council consider the mineral phasing of this particular scheme likely influencing the WBGC design. Likewise, the District Council consider the concept restoration proposals as not referencing the WBGC initiative with the inclusion of the additional wildlife and recreational uses/public access arrangements needing to be considered in the wider context of the WBGC initiative. As such the District Council reflect that the restoration proposals could be considered unrealistic.

Whilst an acknowledgement should be given to the WBGC initiative it is not considered that, at this stage, this should influence the determination of this mineral application.

The identification and subsequent allocation of the Broadfield Farm site has been in the pipeline for a number of years and it became an Allocation site in the Adopted Minerals Local Plan in July 2014. It was not until late 2015 that the Government announced the potential for seeking Garden Community development

with a site identified in North Essex. This concept has evolved into the proposed West of Braintree Garden Community and inclusion of Policy SP10 “West of Braintree Garden Community” in the joint Strategic Section 1 of the Tendring District, Colchester Borough and Braintree District Councils’ Publication Draft Local Plans.

The Braintree Local development framework programme has been set out earlier in this report and for clarity Policy SP10 would require the preparation of a Strategic Growth Development Plan Document (DPD). The proposed programme for which is understood to be taking place through “A Plan for the West of Braintree Garden Community, Issues and Options Consultation”, which is asking for views on a Braintree only option, and joint proposal with Uttlesford. The consultation lasts between 13th November and 22nd January 2018. The Local Development Scheme timetable at the moment envisages

Consultation Preferred Options Draft DPD	Spring/Summer 2018
Consultation of Submission Draft DPD	Autumn – Winter 2018
Examination	Winter 2018/2019
Adoption	Spring/Summer 2019

The emerging BDLP can at this time only be afforded minimal weight given it’s very early stage and uncertainty moving forward.

Nonetheless, should the Garden Community proposals come forward in an adopted DPD and later planning application(s), then the impact the Garden Community would have on the minerals site including the impact upon restored areas, should be properly considered at that time. If, for example, permission is granted for the extraction proposal at Rayne and the habitat/restoration scheme is later proposed to be undone as a result of the Garden Community, then the Minerals Planning Authority could object unless suitable compensatory measures/habitat can be secured as part of the Garden Community Plans. Nonetheless, at this time, in the absence of an adopted DPD, greater weight should be given to the policies of the Minerals Local Plan and the accompanying Biodiversity Planning Guidance.

The scheme before the committee is one of a deliverable phased mineral programme and restoration. As other initiatives may or may not develop around it then it is always open to applications coming forward to seek amendments where appropriate. In such circumstances and where the site may still be within its 5 year statutory aftercare period then such applications could be deemed ‘County Matter’ applications and be determined by the Minerals Planning Authority.

Public Rights of Way

However, there are concerns related to post mineral development raised by certain consultees; Essex Bridleways Association (EBA) object on the lack of bridleway access being offered; the ecological aspects and with Braintree District Council questioning the realistic nature of the proposals set against the emerging Garden Community interests and so representing potential conflict.

Taking the EBA comments first, their objection on lack of bridleway provision at the site has been responded to by the applicant who states “reference to the ROW map confirms that there is no ‘bridleway network’ abutting the site – merely a remnant length of public highway some 223m in length across the northern edge of the Dunmow roundabout which is designated as a ‘bridleway’. This is not a bridleway network, and it offers no connection to a wider bridleway network. Moreover, there is nothing in planning policy at a national or local level which requires the provision of bridleways: planning policy encourages access to the countryside and this would be delivered via the footpaths which are proposed.

Thus, whilst we note their interests, we do not feel it necessary to amend the scheme to accommodate their suggestions. The scheme as proposed makes substantial provision for the introduction of rights of way (footpaths) within the restored site, in an area which does not currently benefit from any rights of way, and this should be regarded as a positive benefit of the scheme”.

Whilst the line of the proposed route does not reflect that cross linking route envisaged within the Minerals Local Plan appendix for this specific allocation site (Blake End to Moors Lane) the provision of the routes being proposed are welcome. It is noted that the MLP Allocation itself did not seek to promote a bridleway creation across this land. Also was the applicant to propose a route in the north of the site as per the MLP then because of separate landowner ship issues such a route could not under this application be delivered.

The Highways Authority has, following review of the latest restoration concept plan expressed encouragement for the upgrade of the proposed east to west PROW to bridleway so allowing potential access onto PROW 15 20 (a bridleway that links onto the Fitch Way south of the A120).

It is understood that the landowner at this point in time does not wish to promote an upgrading. It is noted that at the time of the scheme first being submitted the status of the PROW was only a permissive route. The proposal now is for a permanent line to be established.

The proposed footpath does create a deliverable new right of way where one does not exist at present. The opportunity to create/upgrade rights of way/bridleways in the future as the overall network develops should be addressed at that time. The potential for a wider review of the public rights of way network/opportunities may come forward as a result of other initiatives such as the WBGC initiative.

In respect of afteruse of the land this brings in two aspects; those relating to the appropriateness of the landscaping/habitat aspects and also to the suitability of the afteruse for other emerging landuses.

Subject to the imposition of appropriate conditions to address the above aspects the overall restoration proposals for the land could be supported through policies S10; S12; DM1; DM2 and SP10.

7. CONCLUSION

This application is being made on the basis of securing, and contributing to, the future delivery of mineral supply within the county. The application land is a recognised allocated site within the adopted Minerals Local Plan where such allocations are acknowledged as being suitable for future aggregate supply.

The application recognises that the proposal would be a temporary development taking place in a phased manner securing mineral provision and contributing to planning policy objectives of maintaining “steady and adequate supplies”. Restoration of the land would be achieved through progressive reinstatement accommodating arable farmland within the southern area of the site with the rest of the land parcel designed to deliver biodiversity, including Priority Habitat creation as provided for within the Minerals Local Plan and Supplementary Planning Document.

The application would be considered as contributing to the security of mineral supply into the Plan period from an appropriate location whilst delivering biodiversity/Priority Habitat aspirations.

From a landscape/visual aspect the proposal could be undertaken with appropriate conditions including a Landscape Management Plan without unacceptable impact on the local amenities. Post extraction the report recommends amendments to the restoration and landscaping scheme to ensure that the long term landscape features are better integrated into the overall landscape and assist the long term biodiversity interest of the accompanying habitat creation. Subject to appropriate conditions the development would not have an unacceptable impact on the historic environment.

In ecological terms a similar assessment to that of landscaping. The ecological features present on the land could be accommodated through appropriate conditions. Likewise the long term establishment and development of the Priority Habitats could be safeguarded through appropriate long term biodiversity management plans. Provision for amendments to the restoration and landscaping plan would assist the long term biodiversity interest of the accompanying habitat creation.

From a traffic perspective the proposal seeks use of a purpose built access entrance onto the adjacent highway. Site traffic generation is considered acceptable for the designated highway capacity and the routeing proposals to gain access to the A120 as appropriate.

From a noise and dust generation aspect the proposal is not considered to introduce activities that are not already of a known nature, technology or operating practice that appropriate conditions could not control.

The restoration proposals for the land are considered a deliverable feature with phased restoration being undertaken. The report recommends that amendments to the landscaping scheme be sought to achieve a greater landscape feature in the future, strengthen the biodiversity interests and enhance the wildlife corridors in the landscape.

At this time plans for the West of Braintree Garden Community initiative are in their

infancy. Should such plans be taken through to adoption, then the design of the Garden Community could be influenced by the phasing and timing of the extraction proposals, which could mean that the restoration programme for the site is altered to accommodate the Garden Community. Nonetheless, at this stage given the current uncertainty regarding the Garden Community, greater weight should be given to the adopted policies of the Minerals Local Plan and accompanying Biodiversity Planning Guidance.

As such the proposal to extract sand and gravel at Rayne is considered acceptable and in conformity with the NPPF and Development Plan taken as a whole.

8. RECOMMENDED

That:

subject to the prior completion of an appropriate legal agreement within 6 months of the date of this planning permission, to provide for:

- Management and funding for the care and maintenance of the afteruse and features of the application land as depicted on the Drwg No M15.131.D.004B entitled “Concept Restoration Proposals” dated December 2016 for a period of no less than 25 years following the completion of restoration ;
- Provision of a site liaison group, and;
- works to be undertaken in association with the construction of the site access onto the public highway and any future works affecting the public highway regarding the maintenance and removal of the access;

Planning permission be granted subject to the following conditions;

Commencement and Duration

1. The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.
2. At least seven days written notice shall be given, to the Mineral Planning Authority of the commencement of site preparation works (for the purposes of this requirement site preparation works shall include the ground preparation works of any soil stripping not connected with the archaeological investigations provided for and/or construction of the site access onto the B1256).
- 3 All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures, buildings, stockpiles and other above ground infrastructure associated with the development, approved as part of this permission, shall be removed and the site restored in accordance with the conditions of this permission not later than 13 calendar years from the date of notification of the commencement of site preparation works as notified in accordance with

Condition 2.

Approved Details

4. The development hereby permitted shall be carried out in accordance with the following details
- a) Planning Application form from Tarmac Trading Ltd dated 10th March 2017
 - b) Planning Application Statement dated February 2017.
 - c) Drwg No: M15.131.D.002 entitled "Application Boundary" dated December 2016.
 - d) Drwg No M15.131.D.011 entitled "Revised Block Phasing" dated July 2016.
 - e) Drwg No M15.131.D.034 entitled "Site Access Plan" dated September 2016.
 - f) Drwg No M15.131.D.010 entitled "Initial Works/Phase 1 Strip" dated September 2016.
 - g) Drwg No M15.131.D.014 entitled "Phase 2" dated September 2016.
 - h) Drwg No M15.131.D.015 entitled "Phase 3" dated September 2016.
 - i) Drwg No M15.131.D.016 entitled "Phase 4" dated September 2016.
 - j) Drwg No M15.131.D.017 entitled "Phase 5" dated September 2016.
 - k) Drwg No M15.131.D.018 entitled "Phase 6" dated September 2016.
 - l) Drwg No M15.131.D.019 entitled "Phase 7" dated September 2016.
 - m) Drwg No M15.131.D.020 entitled "Phase 8" dated September 2016.

As amended by the E-mail from Graham Jenkins to Terry Burns dated 20th November 2017 at 14:08 and attached:

- a) Letter from SLR dated 20th November 2017 and
- b) Drwg No: M15.131 (G) D.004 Rev A entitled "Typical Restoration Profile and Landuse Cross Section" dated November 2017.

As amended by the letter from SLR dated 31st August 2017 and accompanying:

- a) Biodiversity Statement and Mitigation Plan Rev C from PleydellSmithyman dated August 2017.
- b) Biodiversity Enhancement Plan Rev C from PleydellSmithyman dated August 2017.
- c) Drwg No M15.131(g) D.001 entitled "Visual Receptor Locations" dated July 2017.
- d) Drwg No M15.131(g) D.004 entitled "Typical restoration Profile and Land Use Cross Sections" dated August 2017.

- e) Drwg No M15.131(g) D.005 entitled "Block Phased Restoration Stages" dated August 2017.
- f) Drwg No M15.131(g) D.034 Rev A entitled "Site Access Plan: Revised Alignment with Screen Planting" dated August 2017.
- g) Drwg No M15.131 D.004 Rev C entitled "Concept Restoration Proposals" dated August 2017.

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

Availability of Plans

- 5. A copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any conditions of this permission shall be kept available for inspection at the site during the prescribed working hours.

Protection of Existing Trees and Perimeter Vegetation

- 6. Existing hedgerows and trees within, and on the perimeter of, the site and identified for retention shall be retained and shall not be felled, lopped, topped or removed. Any vegetation removed without consent, dying, being severely damaged or becoming seriously diseased (at any time during the development or aftercare period) shall be replaced with trees or bushes of such size and species as may be specified by the Mineral Planning Authority, in the planting season immediately following any such occurrences.
- 7. No site preparation works (as defined in Condition 2 of this permission) shall take place until a scheme for the provision and protection measures of the standoff/buffer for the protection of hedgerows/trees has been submitted to and received the written approval of the Mineral Planning Authority. The scheme shall make provision for:
 - a) Measures to demarcate the standoff from any affected hedgerow/trees.
 - b) Maintenance of the demarcation measures during the life of the site activities.
 - c) Programme of works to achieve a) and b) above.For clarification all trees should be protected in accordance with BS: 5837 Trees in relation to design, demolition and construction – Recommendations.

The development shall be implemented in accordance with the approved scheme.

Site Access Provision

- 8. No sand and gravel extraction shall take place until a revised scheme based on Drwg No: M15.131.D.034A entitled "Site Access Plan –

Revised Alignment with Screen Planting” dated August 2017 has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall make provision for:

- a) Design parameters of the site access.
- b) Maintenance during the life of the permission.
- c) Provision for photographic and design record of the existing access arrangements to inform future works as reinstatement stage.
- d) Commitment to the future removal of the access entrance when the mineral permission site is being restored.
- e) Construction area compound.
- f) Programme of implementation and completion before further soil stripping not connected with any archaeological investigations of the plant site area takes place.

The development shall be implemented in accordance with the approved scheme.

Site Access Landscape Planting

- 9 No site preparation works (as defined in Condition 2 of this permission) shall take place until a revised scheme of landscape planting based on Drwg No: M15.131.D.034A entitled “Site Access Plan – Revised Alignment with Screen Planting” dated August 2017 has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall make provision for:

- a) Details of the location, numbers, plant sizes and species.
- b) Proposals for protecting, maintaining and managing the planting.
- c) A programme of implementation.

The development shall be implemented in accordance with the approved scheme.

Ecological Interest

- 10 Prior to entry into any phase of working as depicted on Drwg No: M15.131.D.011 entitled “Revised Block Phasing” dated July 2016 written confirmation shall be made to the Mineral Planning Authority from a qualified ecologist that there are no protected species interests within the site areas/phases. Such confirmation shall relate to a period not more than 6 days prior to entry of the above locations.

Bird Nesting

- 11 No vegetation shall be physically disturbed during the bird nesting season (March to August inclusive) unless the vegetation identified for removal has been surveyed to confirm the absence of active bird nesting.

Archaeology

- 12 No soil stripping, over and above that required for the purposes of this condition, shall take place in “The Plant Site” or any Phase of working as defined on Drwg No: M15.131.D.011 entitled “Revised Block Phasing” dated July 2016 until a scheme to address archaeological interests has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall make provision for:
- a) Enhanced trial trenching based on the Cultural Heritage assessment set out in Section 8.2.8 page 60 of the Planning Application Statement within each Phase to further define a Mitigation Strategy.
 - b) The Mitigation Strategy shall, as appropriate, include a programme of further work which could include preservation.
As a result of the Mitigation Strategy if further archaeological groundwork is identified this shall be completed until this is signed off by the Mineral Planning Authority
 - c) Submission, where appropriate, within 6 months of completion of each Phase of archaeological investigation, a post excavation assessment and production of interim report.
 - d) A whole site report to be produced which shall comprise:
 - i) Compilation of all Phases post excavation assessments.
 - ii) Whole site analysis of results.
 - iii) Commitment to production of a final report.
 - iv) Archive at a registered museum.

Landscape Planting Phase 1

- 13 No ground disturbance beyond that required for archaeological investigation shall take place within Phase 1 as defined on Drwg No: M15.131.D.010 entitled “Initial Works/Phase 1 strip” dated September 2016 until a scheme of landscape planting based on that plan provision has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall make provision for:
- a) New woodland planting on eastern meadow
 - b) Programme for translocating hedgerows
 - c) Details of the location, numbers, plant sizes and species.
 - d) Proposals for protecting, maintaining and managing the planting.
 - e) A programme of implementation.

Topographical surveys

- 14 Topographical surveys shall be submitted;

- (i) A survey of site levels within each phase of working as depicted on Drwg No: M15.131.D.011 entitled "Revised Block Phasing" dated July 2016 shall be carried out at intervals of not less than every 12 months, starting from the date on which excavation of overburden/mineral takes place from within each Phase. A copy of the survey shall be submitted to the Mineral Planning Authority within 14 days of being undertaken.
- (ii) At the completion of final ground contours as depicted on Drwg No: M15.131.D.004C entitled "Concept Restoration Proposals" dated August 2017 to confirm topographical levels are in accordance with the restoration plans. A copy of the survey shall be submitted to the Mineral Planning Authority within 14 days of being undertaken.

Vehicle Routeing

- 15 A record shall be maintained at the site office of all movements in/out of the site by HGVs. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement. The record shall be made available for inspection by the Mineral Planning Authority if requested and retained for the duration of the life of the development permitted.
- 16 No mineral shall be exported from the site until a Transport Plan for the routeing of HGVs to and from the site has been submitted to, and received the written approval of, the Mineral Planning Authority. The plan shall be implemented as approved in writing by the Mineral Planning Authority. The scheme shall make provision for:
 - i) Monitoring both visual and written of the approved arrangements during the life of the site of the Transport Plan.
 - ii) Ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements,
 - iii) Routeing map for use by drivers;
 - iv) Any site access signage;
 - v) Any disciplinary steps that will be exercised in the event of default by drivers.

Highway Cleanliness

- 17 No mud or dirt shall be carried out onto the public highway by vehicles using the site.

HGV Movements

- 18 The total numbers of Heavy Goods Vehicle (HGV) movements entering or leaving the site during any single day shall not exceed the following overall limits:

Mondays to Saturdays: 110 movements (55 in/55 out)

Sundays and Bank/Public Holidays: None

Sheeting Vehicles

- 19 All loaded HGVs shall be sheeted with fully serviceable covering before leaving the site.

Vehicle Maintenance

- 20 No servicing, maintenance or testing of vehicles or plant shall take place other than within the northern quarry void or plant area.
(For the purposes of this condition the restriction shall not apply to unforeseen vehicle breakdowns).

Construction Environmental Management Plan (CEMP): Biodiversity

- 21 No site preparation work, as defined in Condition 2 of this permission, shall take place until a scheme of working has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:-
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of any biodiversity protection zones;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Management and Implementation programme

Time limit on development before further ecological surveys are required

- 22 Prior to entry into any phase of working as depicted on Drwg No: M15.131.D.011 entitled "Revised Block Phasing" dated July 2016 an assessment by a qualified ecologist shall be undertaken to determine whether further supplementary ecological surveys as appropriate are required to inform the preparation and implementation of corresponding phases of ecological measures required through Condition 21. The

supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines. Where such survey work is required and identifies the need to address such ecological issues that may be identified, such further work shall have first received the written approval of the Mineral Planning Authority.

Sale of Aggregate

- 23 There shall be no retailing or direct sales of mineral to the public from the site.

ENVIRONMENTAL PROTECTION

Hours of Operation

- 24 No operations authorised or required by this permission shall be carried out on the site except between the following times:-

0700 – 1900 hours Mondays to Fridays.
0700 – 1300 hours Saturdays.

There shall be no operations on Sundays or Bank/National Holidays.

This condition shall not apply in cases of emergency when life, limb or property is in danger or for water pumping activities. The Mineral Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

Rubbish

- 25 All rubbish and scrap materials generated on the site shall be collected and stored in a screened position within the site area until such time as they may be properly disposed of to a suitably licensed waste disposal site.

Burning

- 26 No waste or other materials shall be burnt on the site.

Lighting

- 27 No artificial external lighting, whether free standing or affixed to infrastructure, that may be required to be provided within the application site shall be installed until a scheme of lighting at the site has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved. The submitted scheme shall make provision for:

- a) Lighting point location.

- b) Lighting design details including:
 - (i) height,
 - (ii) tilt,
 - (iii) lighting controls,
 - (iv) lighting design,
 - (iv) illuminance levels,
 - (v) uniformities,
 - (vi) spill light contour lines on to Ordnance Survey mapping.
- c) Assessment of sky glow and light spillage outside of site boundary.
- d) Hours of use including consideration given to switching off or dimming after hours.

Noise – Monitoring

- 28 No site preparation works shall take place, as defined in Condition 2 of this permission, until a scheme of site noise monitoring has been submitted to, and has received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved and shall make provision for:
- a) A programme of implementation to include the noise monitoring locations identified in Condition 30 of this permission and as identified on the attached plan no: ESS/19/17/BTE/A entitled “Noise Monitoring Locations” during the life of the development.
 - b) Unless determined by the Mineral Planning Authority a less frequent period is required, noise monitoring at three monthly intervals.
 - c) Monitoring during typical working hours with the main items of plant and machinery in operation.
 - d) Monitoring to be carried out for at least 2 separate periods and for at least a total of 30 minutes at each monitoring location during the working day which shall include Saturday periods whilst typical site operations are occurring.
 - e) The logging of all weather conditions including wind speed and direction.
 - f) The logging of both on site and off site noise events occurring during measurements with any extraneous noise events identified and, if necessary, discounted from the measured data.
 - g) The results of the noise monitoring to be made available to the Mineral Planning Authority no later than 7 days following the date of the measurement.

The location of monitoring points may be varied with the written approval of the Mineral Planning Authority as the site develops and noise levels shall correlate with those levels in Condition 30 of this permission.

Noise – Temporary Operations

- 29 For temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive properties as listed in Condition 30 of this permission shall not exceed 70dB LAeq,1hr. Measurement shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations shall not exceed a total of eight weeks in any continuous 12 month duration. Five days written notice shall be given to the Mineral Planning Authority in advance of the commencement of a temporary operation. Temporary operations shall include site preparation bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.

Noise - Normal Levels

- 30 Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/019/17/BTE/A entitled "Noise Monitoring Locations":

Receptor Location	Criterion / dB LAeq,1hr
Pound Farm	50 dB
Rayne Primary School	54 dB
Leys Blake Farm	50 dB
Palm Trees	55 dB
Valentines Cottages	55 dB
Sunnyfield	55 dB
Petellens Kennels/Clovelly	55 dB
Rose Cottage	55 dB
Moor's Farm	50 dB
The Moorlands	55 dB

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

Loudspeakers

- 31 No sound reproduction or amplification equipment (including public address systems, loudspeakers etc) which is audible at the nearest noise sensitive location shall be installed or operated on the site without the prior written approval of the Mineral Planning Authority.

Reversing alarms

- 32 Only white noise emitting reversing alarms shall be employed on vehicles and plant engaged in site activities and transport on and off site and in control of the applicant.

Dust

- 33 No site preparation works shall take place, as defined in Condition 2, until a scheme for dust monitoring/mitigation at the site has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:

- a) A dust control plan.
- b) A dust monitoring plan to include:
 - I. The location(s) of dust monitoring points.
 - II. The type of monitoring equipment to be used, the pollutant to be monitored and the standard to be monitored against.
 - III. A programme of monitoring to commence prior to site preparation works as defined in Condition 2 of this permission to provide a baseline against which to compare future monitoring.
 - IV. A programme of implementation to include frequency of monitoring and locations during the various extraction phases and processing plant activities.
 - V. A log of complaints from the public and a record of the measures taken to be kept and submitted to the Mineral Planning Authority on request.
 - VI. The results of dust monitoring over each monitoring period shall be submitted to the Mineral Planning Authority within 21 days of the end of each monitoring period.

Surface Water Drainage and Pollution Protection

- 34 No site preparation works shall take place (as defined in Condition 2 of this permission) until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall make provision for:

- 1. Surface Water Drainage Scheme
 - a) Surface Water discharge during extraction should be managed within the scope of the rates agreed for discharge of ground water. No discharge should take place during

heavy rainfall and should be managed within the excavation voids and water management systems during this time.

- b) Limiting post restoration discharge rates to equivalent existing discharge rates for all storm events up to and including the 1 in 100 year rate plus 30% allowance for climate change.
- c) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus . 40% climate change event.
- d) Final modelling and calculations for all areas of the drainage system.
- e) The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- f) Detailed engineering drawings of each component of the drainage scheme.
- g) Final drainage plan which details exceedance and conveyance routes, ground levels, and location and sizing of any drainage features.
- h) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

2. A Maintenance Plan for the scheme addressed in (1) above, providing for:

- a) Clarifying a named contact/maintenance company for who is responsible for such elements of the Surface Water Drainage Scheme for the land.
- b) Funding arrangements during life of the development permitted by this permission.
- c) Maintenance programme including keeping of yearly records and their availability for inspection on request.
- d) Maintenance frequency.

35 Any oil, fuel, lubricant, paint or solvent within the site shall be stored so as to prevent such materials contaminating topsoil or subsoil or reaching any watercourse.

36 Any fixed or free standing oil or fuel tanks shall be surrounded by a fully sealed impermeable enclosure with a capacity not less than 110% of that of the tanks so as to fully contain their contents in the event of any spillage. If there is multiple tankage, the enclosure shall have a capacity not less than 110% of the largest tank. All filling points, vents and sight glasses shall be within the sealed impermeable enclosure; and there shall be no drain through the impermeable enclosure. (The applicant's attention is drawn to the requirement set out in BS 799 Part 5: 1987.)

37 All foul drainage shall be contained within a sealed and watertight sealed drainage system fitted with a level warning device constructed to BS 6297 "Design and Installation of Small Sewage Treatment Works and Cesspools" (1983).

- 38 No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved unless already provided for in the approved working scheme
- 39 No foul or contaminated surface water or trade effluent shall be discharged from the site into either the ground water or surface water drainage systems except as may be permitted under other legislation.

Fixed Plant and Buildings

- 40 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery (other than hydraulic excavator, dragline or plant for movement of materials), except as detailed in the application details shall be erected, extended, installed or replaced on the site without the prior approval of the Mineral Planning Authority.

Handling and Storage of Soil and Soil Forming Material

- 41 Prior to the stripping of any soils from the site, excess vegetation shall be removed from the areas to be stripped.

The term 'excess vegetation' in this condition means all vegetation above a height of 154mm (6") above ground level.

- 42 No movement of any soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry' soil moisture condition. Suitably dry means the soils shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty so that it is not damaged by machinery passage over it.

For clarity, the criteria for determining "suitably dry soil moisture conditions" and "dry and friable" is based on a field assessment of the soils wetness in relation to its lower plastic limit. The assessment should be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. if the soil crumbles before a long thread of 3mm diameter can be formed, the soil is dry enough to move. The assessment should be carried out on representative samples of each major soil type.

- 43 All suitable soils and soil making material shall be recovered where practicable during site operations, retained on site and separately stored.
- 44 Any topsoil, subsoil, and soil making material mounds shall be constructed with only the minimum amount of compaction necessary to

ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and removal for re-spreading during the restoration of the site. They shall be graded and seeded with a suitable low maintenance grass seed mixture in the first available growing season following their construction. The sward shall be managed in accordance with correct agricultural management techniques throughout the period of storage.

- 45 Any soil storage mounds that may be required and insitu for more than 6 months shall be kept free of weeds and all necessary steps shall be taken to destroy weed at an early stage of growth to prevent seeding.

Restoration

- 46 Within two years of the date of this permission, a revised restoration scheme based on Drwg No: M15.131.D.004C entitled "Concept Restoration Proposals" dated August 2017 shall be submitted to the Mineral Planning Authority. The scheme shall then only be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:-

- a) Design details for the ground features including water bodies.
- b) Reinstatement programme including soil handling and replacement and profiles for the areas identified for differing grassland uses.
- c) Removal of all site structures including access entrance.
- d) Site water drainage.
- e) Layout and construction of the Public Rights of Way.

Landscaping

- 47 Within three months of the date of this permission a scheme of landscaping, based on Drg no: M15.131.D.004C entitled "Concept Restoration Proposals" dated August 2017, shall be submitted to the Mineral Planning Authority. The scheme should address the requirement to amend the provision of woodland within the marshy grassland, water body area and provide a greater coverage of broadleaf woodland planting to provide strengthened landscape corridors around the site perimeters. The scheme shall be implemented in accordance with the details as approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:

- a) A landscape management programme for the existing retained landscape features including all hedgerows, tree belts and woodland blocks.
- b) Husbandry management of the existing perimeter hedgerows/trees and buffer planting.
- c) Programme of works addressing the hedgerow translocation process including Ground/hedgerow preparation works,
- d) Opportunities for addressing tree belt management along eastern

- land parcel boundary.
- e) Provision of additional hedgerow tree planting along northern site perimeter boundary adjacent to the southern edge of existing ditch.
 - f) Design and ground preparation works for areas identified for woodland and tree planting.
 - g) Planting species including native berry bearing shrubs, size, density, numbers and location.
 - h) Grass seed mixes and rates.
 - i) A programme of implementation to include the provision for planting during the first available season following restoration within each working phase parcel.
 - j) A programme of maintenance.
- 48 Trees, shrubs and hedges planted in accordance with the approved scheme/s of this permission shall be maintained and any plants which at any time during the life of this permission including the aftercare period, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species

Landscape and Ecological Management Plan

- 49 Within three months of the date of this permission a Landscape and Ecological Management Plan shall be submitted to, the Mineral Planning Authority. The scheme shall be implemented as approved in writing by the Mineral Planning Authority. The submitted scheme shall make provision managing all landscape and habitat types for the life of this permission and shall include the following:-
- a) A description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving the aims and objectives of the project;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organisation responsible for implementation of the plan;
 - h) On-going monitoring and remedial measures.

The Plan shall include details of the legal and funding mechanism(s) by

which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Agricultural Aftercare

- 50 Within two years of the date of the commencement of site preparation works as provided for by Condition 2, an agricultural aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use for agriculture shall be submitted to the Mineral Planning Authority for approval. The aftercare scheme shall be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority.

The submitted scheme shall specify the steps to be taken and state the five year period during which they are to be taken and shall make provision for:-

- (i) soil analysis;
- (ii) planting;
- (iii) cultivating;
- (iv) fertilising;
- (v) watering;
- (vi) drainage;
- (vii) weed control measures;
- (viii) grazing management;
- (ix) keeping of records; and
- (x) annual meetings with representatives of the Mineral Planning Authority, Natural England, landowners and interested parties to review performance.

The period of agricultural/meadowland aftercare for the site or any part of it shall commence on the date of written certification by the Mineral Planning Authority that the site or, as the case may be, the specified part of it, has been satisfactorily restored.

Amenity Aftercare

51 Within two years of the date of the commencement of site preparation works as provided for by Condition 2 of this permission an amenity aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as nature conservation habitat and public amenity shall be submitted for the approval of the Mineral Planning Authority. The amenity aftercare scheme shall be implemented in accordance with the details as approved in writing, by the Mineral Planning Authority. The submitted scheme shall specify the steps to be carried out and their timing within a five year aftercare period, or such longer period as may be proposed, and shall make provision for:-

- i. a management plan and strategy;
- ii. a programme to allow for monitoring the establishment of the habitat types which shall provide for:
 - a) such works as necessary to enable the establishment of i) above; and
 - (b) maintenance arrangements to include such amendments to drainage patterns, and replacement and/or control of plant species as required to achieve the objectives;
 - (c) management and maintenance of the Public Rights of Way provision.
 - (d) For the woodland area the:
 - cultivation practices;
 - post-restoration secondary soil treatments;
 - soil analysis;
 - fertiliser applications, based on soil analysis;
 - drainage;
 - tree planting and maintenance;
 - weed control;
 - (e) annual meetings with representatives of the Mineral Planning Authority and landowners to review performance.

All areas the subject of amenity aftercare shall be clearly defined on a plan together with the separate demarcation of areas as necessary according to differences in management.

The period of amenity aftercare for the site or any part of it shall commence on the date of written certification by the Mineral Planning Authority that the site or, as the case may be, the specified part of it has been satisfactorily restored.

Cessation

52 In the event of mineral extraction being discontinued for twelve months

in the period specified in Condition 3 of this permission then the land as disturbed within the application footprint shall be restored in accordance with a scheme submitted by the developer which has the written approval of the Mineral Planning Authority. The scheme shall be submitted not later than one month from the Mineral Planning Authority's issue of written notice that it is of the opinion that mineral extraction has not taken place in the six month period and shall include the requirements of Conditions 49 - 52 (inclusive) of this permission. The scheme, as approved by the Mineral Planning Authority, shall be commenced within three months of notification of determination of the scheme and shall be fully implemented within a further period of 12 months or such other period as may be approved by the Mineral Planning Authority.

BACKGROUND PAPERS

Consultation replies

Representations

The consultation and representations received as available on the Planning website

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

The proposed development would not be located within distance to a European site.

Following consultation with Natural England and the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the European site/s, either individually or in combination with other plans or projects.

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 Mineral Planning Authority has engaged with the applicant prior to submission and during the consultation process for the application, advising on the validation requirements and likely issues. As a result of engagement through the encouragement and assistance of the Mineral Planning Authority the applicant and

third parties have been involved in negotiations over various aspects of the application resulting in beneficial aspects relating to provision of public access and nature conservation as set out in the report.

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

THREE FIELDS WITH GREAT NOTLEY

ADJOINING MEMBER - THAXTED

ESS/19/17/BTE

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) FOR:

Proposal: A NEW SAND AND GRAVEL QUARRY AT BROADFIELD FARM, TO THE WEST OF RAYNE, NEAR BRAINTREE, COMPRISING THE PHASED EXTRACTION OF SOME 3.66M TONNES OF SAND AND GRAVEL; THE INSTALLATION OF PROCESSING PLANT AND ANCILLARY BUILDINGS AND INFRASTRUCTURE; THE CONSTRUCTION OF A QUARRY ACCESS ONTO THE B1256; THE CONSTRUCTION OF A PERMANENT SCREENING LANDFORM; THE CONSTRUCTION OF TEMPORARY SCREEN MOUNDS IN DEFINED LOCATIONS AROUND THE PERIMETER OF THE QUARRY; THE PHASED RESTORATION OF THE EXTRACTION AREA USING INDIGENOUS SOILS; OVERBURDEN AND CLAY FROM WITHIN THE APPLICATION SITE TO A LAND USE MIXTURE OF ARABLE AGRICULTURE, LOWLAND ACID GRASSLAND, LOWLAND MEADOW, WOODLAND, LAKE AND REEDBEDS; AND PUBLIC ACCESS VIA PROPOSED PUBLIC RIGHTS OF WAY.

Location: LAND AT RAYNE QUARRY, BROADFIELD FARM, DUNMOW ROAD, RAYNE, BRAINTREE.

Ref No: ESS/19/17/BTE

An Environmental Statement (ES) has been submitted with the application and examines the potential impact of the proposal on the natural and built environment and considers, where necessary, ameliorative measures to reduce and minimise that potential impact. The EIA process has been undertaken with respect to that part of the site where there are proposed changes. The assessment has been undertaken according to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 and through the consultation process the ES has been revised as required and mitigation measures introduced either by amendments to the proposal or as suggested planning conditions. The assessment covers the following:-

- Landscape and Visual
- Ecology
- Agriculture
- Hydrology
- Noise
- Dust/Air Quality
- Access and Traffic
- Cultural heritage

A summary of the potential effects assessed in the ES are set out below.

Landscape and Visual

The assessment undertaken included a landscape and visual impact assessment (LVIA) of potential effects on the local landscape character and quality, together with an assessment of the sites visibility from the surrounding area.

The assessment considered the baseline with a description of the landscape noting the Natural England countryside character listing as within the Suffolk and North Essex Claylands and within the County's Landscape Character Assessment as Glacial Till Plateau Landscape characterised as irregular field patterns , mainly medium sized arable fields.

There are no recorded Sites of Special Scientific Interest (SSSI) located on the land.

The assessment considered various viewpoints from outside vantage points.

The assessment confirmed that site boundary vegetation would be retained and strengthened in additional planting at various points.

Mitigation measures:

- a) Advanced planting (in place for over 10 years) around site perimeter and newer planting (2014/2015) on northern boundary.
- b) Temporary provision of earth screening bunds.
- c) Progressive restoration.
- d) Early establishment of the eastern screening mound.
- e) Allowing site peripheral hedgerows to grow to around 4metres.
- f) Aftercare and management plan.

Comments: Conditioning the proposal to the proposed working programme together with a long term Landscape Management Plan could be secured.

Ecology

The assessment identified the baseline conditions and included a desk top study; site visit and habitat survey including Protected species and faunal surveys.

The assessment found limited the site area to comprise a mixture of arable; mixed plantation woodland; semi improved grassland, hedgerows, a wet ditch and hardstanding.

The assessment considered that the site did not have a wide diversity of habitats or attendant fauna.

There were no designated sites within 2 km of the land that could be put at risk from the proposed development.

The assessment although noting that there would be loss of habitat although there would be a biodiversity enhancement over the medium to long term.

Mitigation: Ecological mitigation measures –

- a) Restoration scheme would compensate for the lost habitats through creation of the proposed habitats outlined earlier in this report. Such habitats helping to bolster UK/Essex wide declining habitats.

- b) Use of standard practice dust control and hydrology affects through retention of groundwater levels and recharge provisions would ensure habitats being safeguarded.
- c) Vegetation clearances being undertaken outside of the bird breeding season; creation of new habitats assisting declining farmland species.
- d) Proposals not considered likely to affect Protected Species/bat/reptile interests. Sensitive use of site lighting as well as noise and dust monitoring to avoid impacting on bat activities; fingertip searches of specific areas/time of year dependant for reptile interests if required.

Also considered enhancement measures to include:

- i. Provision of a wildlife area in arable restoration, this location could be informed through an ecological survey being undertaken before the landform is given over to arable use.

Comments

Appropriate conditions could be imposed to secure the mitigation and enhancement aspects through long term management plans.

Agriculture

The assessment found the application land to exhibit calcareous and non calcareous heavy clay loams and clay topsoil.

Soils on the land were identified as being of Agricultural Land Classification Grades predominantly 3a and 3b with some grade 2.

Mitigation: the scheme provides for:

- a) Use of indigenous soil types matched to most appropriate afteruse.
- b) Minimise soil storage and maximise direct replacement.
- c) Use of indigenous overburden as opposed to use of imported fill for ground engineering works.
- d) Use of indigenous calcareous soils for arable restoration and the non-calcareous to the other grassland types.

Comments: The scheme seeks to ensure that the best and most versatile land grade soils would be utilised in the proposed restoration programme and put back to agricultural use. Other soils would be utilised in the Priority Habitat parcels. Appropriate conditions could be imposed to safeguard site soils and their handling.

Hydrology

The assessment addressed the existing surface water drainage; the overlying hydrological regime; the underlying hydrological conditions and historic flooding records.

The assessment noted that the site lies between the surface water divide of the River Ter to the south and Pods brook to the north. The broad area

encompassing the application land being drained by natural and man made channels.

The assessment found the application land to be wholly within Flood Zone 1 (Low probability). There are no records of historic flooding in the locality.

Mitigation. The assessment noted that the principal groundwater flow is northeast to south/southwest.

- a) Areas of insitu gravel to be retained in various parts of the proposed extraction area to accommodate full thickness of the aquifer and ensure continued passage of groundwater through the site.
- b) Anticipated low groundwater flows through the site and as such no predicted impact on drawdown of upstream elevations. In light of no licensed ground or surface water abstractions in close proximity to the site there is no anticipated impacts on such interests.
- c) Applicant would however maintain monitoring at three locations to allow periodic review and confirmation of actual impacts.
- d) Use of standard pollution and contamination measures would be employed to mitigate against such impacts.

Comment: Surface water management for the restored land could be addressed through appropriate conditions.

Noise

The assessment calculated the predicted noise levels for the proposed development. A noise survey was undertaken to assess the change in noise levels from site activities from the baseline conditions.

A number of surrounding properties identified were taken as being the representative sensitive locations around the application land.

Calculations were undertaken to consider the extraction and processing plant activities against the receptors to determine appropriate standoff/bunding and extraction limits.

Mitigation –

- a) Noise monitoring undertaken at six locations representative of sensitive premises surrounding the site.
- b) Noise mitigation measures in the form of separation distances and bunding identified for the individual properties in close proximity to the site particularly along the southern boundary at Valentines Cottages; Rose Cottages and The Moorlands, together with the location at Clovelly on the south western boundary.
- c) The applicant notes that without bunding, the closest the extraction boundary could approach and be within suggested noise limit would be 125 metres for Rose Cottages and the further away property at Valentines Cottage and 145 metres for

The Moorlands. The applicant considers this distance could be reduced through incorporating site perimeter bunding/fencing with a barrier of 3 metres above existing ground level on site boundary between the properties and the extraction boundary. The proposed scheme has therefore incorporated a 3 metre high temporary soil screen mound positioned along southern boundary between the inner side of the existing perimeter planting and extraction limit.

Comments:

Site working layout and provision of appropriate mitigation measures together with a scheme for undertaking monitoring at locations representative of adjacent residential properties could be secured through condition.

Dust/Air Quality

The assessment found the existing local air quality to be good in the locality of the site.

The assessment noted that the nature of the proposal would be that mineral is likely to be damp on extraction and reduce potential for dust emission. Based on worst case the assessment found that with an additional contribution for the quarry the local air quality would remain within national air quality standards with no significant impact predicted.

Mitigation

- a) Standard good practice measures would be employed.
- b) Anticipated that the nature of the extracted mineral post dewatering would be damp and so not give rise to dust concerns. Standard damping down of mineral during dry and windy conditions if wind-blown dust becoming evident.
- c) Processing plant to employ standard measures such as reduced drop heights, maintenance and effective operation of the designed inbuilt dust suppression system.
- d) Transport activities employing standard approaches including driving habits; haul road maintenance, vehicle loading limits. Use of conveyor system would reduce potential for dust arisings.
- e) Sheeting of all loaded HGV's leaving site.
- f) Provision of an appropriate Site Dust Management Plan.

The assessment recommended that dust mitigation practices would be implemented.

Air Quality aspects were also regulated through the Environmental Permit process.

Comments:

Appropriate conditions could be imposed to secure dust management.

Access and Traffic

The assessment considered the existing situation of the land parcel having two existing site access entrances. Further to detailed review the proposal put forward an entrance design onto the B1256 Dunmow Road based on the eastern most of the two access points.

The assessment proposes site HGV traffic travelling along the B1256 in both directions to access the A120 dual carriageway.

The assessment does not propose any further mitigation measures and no impact on the existing highway capacity.

The assessment noted that the proposal would generate some 110 (55 in/55 out) HGV movements per day over a working year of 275 days. Operating times would be between 0700 am to 1900 Monday to Friday and 0700am to 1300 Saturdays.

Mitigation:

- a) Construction of a purpose built site access entrance.
- b) Provision of wheel cleaning facilities.
- c) The applicant does not consider that further mitigation measures in respect of this aspect would be required.

Comments: Appropriate conditions could be imposed to address site entrance design and landscaping and a traffic routing plan.

Cultural Heritage

The assessment undertaken included desk based assessment, geophysical survey and trial trenching.

The assessment confirmed that there were no World Heritage Sites nor Battlefields or Registered Parks and Gardens in the search area around the application land.

The assessment found that the site contains only one recorded feature, a north to south linear cropmark possibly relating to a field boundary.

A geophysical survey was undertaken and identified a number of potential features of interest. Further trial trenching (eighty in number) of the features revealed no features in over half the trenching. Those trenches with features ranging from Late Bronze Age to early Roman.

Mitigation:

- a) Considered that there are archaeological features present although not of significant interest to prevent the development. It is considered that appropriate archaeological investigation works could be accommodated through planning condition.

Comments: Conditioning the proposal to the proposed working programme and a scheme of archaeological investigation/evaluation could be secured.

A9 Broadfield Farm, Rayne

Site	A9
Address	Broadfield Farm, Rayne
District	Braintree
Estimated Yield	4.2 mt
Area:	90 ha
Estimated life	14 years
Method of exportation	Road
Method of Restoration	Low level restoration
After-use	Restoration to a range of managed habitats (Inc. arable)

Specific issues to be addressed

A new site located to the west of Rayne and east of Blake End. It has been demonstrated that a satisfactory junction arrangement could be provided to serve this site from the B1256. There are no HGV restrictions on the B1256 and westbound vehicles could access the A120 at Great Dunmow. Eastbound vehicles have more direct access to the A120. A very small section of the south-west of the site is within Flood Zones 2 and 3 but extraction is considered compatible with fluvial flood risk.

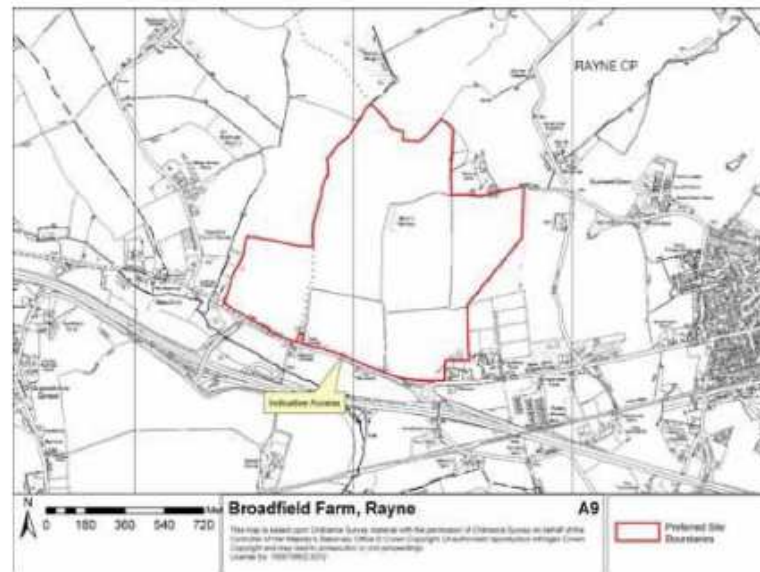
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1. Advance planting is well established on the southern boundary and provides effective screening which would increase with time. The northern area is currently very open and would require appropriate bunding/ screening.
2. Rumley Wood Local Wildlife Site lies 60m beyond the northern boundary and Blackbush Wood Local Wildlife Site 300m to the north-west. An appropriate buffer of at least 15m would be required from both sites to protect them from the impacts of extraction.
3. There is evidence of and potential for protected and notable species on site. An ecological assessment based on appropriate survey work would be required with any application/EIA.
4. A minimum of 100m stand-off distance from the extraction area must be maintained from the closest residential properties, most of which are on Dunmow Road.
5. There is a high possibility for disturbance of below ground level remains within close proximity to the Roman road, including possible remains of a high status Roman villa and prehistoric and Palaeolithic archaeology. A historic environment assessment would be required with any application/ EIA.
6. A number of water abstraction points lie within close vicinity to the site. A hydro-geological assessment would be required with any application/ EIA.

7. Careful consideration must be given to the final low-level restoration contours to ensure the final landform blends with the surrounding topography and that Grade 2 agricultural soils are retained on site.

8. Restoration provides the opportunity for significant biodiversity enhancement and habitat creation on site, and the addition of a new Public Right of Way from Blake End to Moors Lane.

A9 Broadfield Farm, Rayne



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COMMUNITY ENGAGEMENT 10

Table 10-1 Public Exhibition 9th November 2016: Key Issues

Issue Raised	Key Comments	Response
Access: B1256	<p>Concerns were expressed regarding the routing of vehicles along the B1256 to and from Dunmow, with suggestions that the road is inadequate to cater for HGV traffic.</p> <p>It was suggested that all traffic approaching the site would need to leave the A120 at Dunmow which would exacerbate HGV problems on the B1256.</p> <p>It was also suggested that the grade separated B1256 / A120 junction at Rayne should be improved to provide an eastbound off road slip and a westbound access slip road, or that westbound traffic should initially proceed east along the A120 to the Pods Brook roundabout, and then turn around to rejoin the westbound A120 carriageway.</p>	<p>The B1256 previously constituted the A120 trunk road prior to the construction of the new A120 dual carriageway. Following the construction of the new A120, traffic flows on the reclassified B1256 have reduced substantially. However, the B1256 retains the characteristics of its former trunk road status, and now has substantial spare capacity.</p> <p>All traffic approaching the site would not need to travel along the B1256 from Dunmow: traffic approaching from the east, along the A120 would exit at the Rayne junction with the B1417 and then travel along the B1256 from the junction with the B1417 some 670m to the west of the proposed site entrance.</p> <p>It would not be economic to construct a new grade separated junction with the A120 for the temporary operation associated with the quarry development.</p> <p>The suggestion of routing westbound vehicles initially eastbound to the A120 Pods Brook Road roundabout would add circa 8km to the westbound journey; it would be difficult to police and enforce; and overall it would not be in the interest of sustainability.</p>
Access: traffic through Rayne Village	Concerns were expressed that HGV traffic would travel along the B1256 through Rayne Village, including returning traffic from the east which could exit at Braintree and travel along Pods Brook Road and then through Rayne.	This scenario would not be possible since there is a 7.5 tonne weight restriction on the B1256 through Rayne, with prominent signage both to the east and west of the village. Tarmac has made a commitment that they would not transgress this legal requirement, and they could be prosecuted for any such offences.
Access: amenity concerns	Concerns were expressed regarding the amenity effects of HGVs in the immediate vicinity of the quarry, and in particular, the need for HGVs to pass the isolated properties which front onto the B1256 in the vicinity of the proposed site entrance.	This concern is noted and has been carefully considered in the selection of the proposed site access position. Given the frontage with the B1256 which is available, it is inevitable that HGVs would pass some of the properties. However, by locating the access towards the eastern side of the site frontage, it would mean that all traffic exiting the site and

COMMUNITY ENGAGEMENT 10

		wishing to travel east (circa 50%) would be able to travel to the A120 junction without passing any residential properties. The issue also has to be considered in context and the substantial HGV movements which travelled along the B1256 (A120) prior to the construction of the new A120: the additional movements associated with the quarry would be insignificant compared to those historical movements.
Noise and dust	General concerns were raised regarding noise and dust and the need to control such emissions	These issues are acknowledged and have been addressed in detail as part of the EIA. The scheme itself has been designed with in-built mitigation measures in terms of the increased distance between the extraction area and the closest part of Rayne Village; the screening landform between the site and the village; the substantial perimeter advance landscaping; and the range of operational dust and noise control mitigation measures which have been proposed, and which could be enforced by planning conditions imposed on a planning permission.
Existing wildlife habitat	Whilst there was general support for the proposed restoration scheme and the new habitats to be created, a small number of respondents raised concerns about the loss of the existing habitats and wildlife currently at the site.	Again this issue has been addressed as part of the EIA which has included a detailed habitats survey and a suite of surveys to assess the presence of protected and other species at the site. Overall, the study concludes that the intensively farmed nature of the site contains limited ecological interest, but mitigation measures have been proposed to safeguard the interests of the wildlife which is present. More positively, the restoration scheme has been expressly designed to significantly enhance the ecological interest and biodiversity value of the site.
Landscape	Again, there was general support for the details of the restoration scheme, but a number of additional comments were made regarding (i) the need for early replanting of hedgerows as part of the restoration scheme; (ii) the need for additional tree planting along the northern boundary; (iii) existing hedge along eastern boundary is insufficient and should be widened; and (iv) no removal of existing hedges.	The restoration scheme will be implemented progressively, and both tree planting and hedgerow planting will be implemented as soon as practically possible following completion of restoration works in the respective phases. Substantial additional tree planting was undertaken along the northern boundary of the site in the 2014 / 2015 planting season, and the benefits of this will become apparent in the short / medium term as the planting begins to mature. There is a very substantial mature linear woodland belt along the eastern boundary of the site and this does not need to be supplemented. However the screening value

COMMUNITY ENGAGEMENT 10

		<p>will be supplemented by the screening landform proposed for land to the west of the eastern woodland belt, which itself will incorporate substantial tree planting.</p> <p>It will not be possible to implement the sand and gravel extraction scheme without removing the existing hedgerows, but the scheme includes proposals for the translocation of lengths of hedgerow in locations to be defined.</p>
Restoration Land Uses	<p>As noted above, there was general support for the restoration scheme, but a small number of respondents suggested that the scheme should include wider land uses such as sports pitches, pavilion and parking as a future amenity for the village.</p>	<p>The scheme has been designed to meet the requirements of Essex CC regarding the very specific nature conservation focus to be provided. Tarmac are thus constrained by these requirements in terms of the restoration land uses to be provided.</p>
Restoration Implementation	<p>A number of respondents raised issues as to who would be responsible for the restoration works, and what would happen in the event of the operator experiencing financial difficulties.</p>	<p>Tarmac would have an obligation to complete implement the restoration strategy as proposed and this would be imposed as a planning condition on a planning permission. They would also be required to undertake 'after care' works to ensure the successful establishment of the restoration land uses and the tree and shrub planting etc. This is a conventional requirement and process for which Tarmac has extensive experience.</p> <p>Tarmac are members of the Minerals Products Association (MPA) which is a trade organisation representing the minerals industry. The MPA administer a 'restoration guarantee fund' which can be called upon in the event that one of its members defaults on restoration obligations. There is no suggestion that a company of the size and standing as Tarmac would need to call upon the provisions of such a scheme, but it is nevertheless available as a safeguard.</p>
Rights of Way	<p>There was general support for the provision of public access as part of the restoration scheme, but a number of respondents suggested that additional rights of way should be provided more extensively across the restored site, and that the right of way should be formal rather than permissive.</p> <p>Additional representations were made by representatives of the</p>	<p>There are currently no rights of way across any part of the application site. The Minerals Local Plan sets an objective for a mineral development scheme at the site to provide an east – west path from Moors Lane to Blake End. This was included as part of the draft scheme together with other links to existing rights of way.</p> <p>The scheme has consciously not included a right of way across the grassland / marshy grassland/ wetland area, partly for logistical and safety reasons, partly to avoid conflict</p>

COMMUNITY ENGAGEMENT 10

	<p>Essex Bridleway Association to the effect that consideration should be given to creating multi use paths for use as cycleways and bridleways as well as footpaths.</p>	<p>with livestock which will be grazing the area, and partly to avoid interference to the habitats to be created.</p> <p>The scheme thus makes provision for access and for viewing areas across the wetland areas to allow the public to enjoy the amenity of the area which will be created. The paths shown on the plan extend to over 2.3km in length.</p> <p>The comments regarding permissive paths as opposed to formal public rights of way are noted. The Applicants and landowner have responded positively to this, and the scheme has been revised to now include formal public rights of way rather than permissive paths.</p> <p>At this stage the Applicants prefer to focus on public footpaths rather than multi use paths given the conflicts which can occur with conflicting user groups, but the matter can be reviewed further at a later date.</p>
Hours Working	<p>A number of respondents considered that the proposed hours of working (07.00 – 19.00 Mondays to Fridays and 07.00 - 13.00 on Saturdays) were excessive, and that shorter working hours should be employed.</p>	<p>The hours of working proposed are standard in the minerals industry, and reflect demand for aggregates at construction sites particularly in the early morning period.</p> <p>The working hours proposed thus provide flexibility to respond to demand and are consistent with government guidance regarding noise limits to be applied during these daytime working hours. The EIA noise study has been undertaken accordingly and concludes that with the proposed mitigation measures in place, the development could proceed in accordance with government noise limits throughout the proposed working hours period.</p> <p>In practice, mineral sites have more limited activity after circa 16.00, particularly in the winter months.</p>
Environmental Studies	<p>One resident raised concern that the various site reports (e.g. hydrology, archaeological, environmental impact etc) were not available at the presentation which made it difficult to understand and comment on the potential impact.</p>	<p>The purpose of the exhibition was to introduce the draft scheme and to outline the environmental issues which were being considered. The respective environmental studies had not been fully completed at the time of the exhibition, but all studies will be reported in detail as part of the environmental impact assessment which will accompany the application, and will be available for scrutiny as part of the processing of the application.</p>

Place Services
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Essex, CM1 1QH
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13 November 2017

Dear Terry,

Application No: ESS/19/17/BTE.

Proposal: A new sand and gravel quarry at Broadfield Farm, to the west of Rayne, near Braintree, comprising the phased extraction of some 3.66m tonnes of sand and gravel; the installation of processing plant and ancillary buildings and infrastructure; the construction of a quarry access onto the B1256; the construction of a permanent screening landform; the construction of temporary screen mounds in defined locations around the perimeter of the quarry; the phased restoration of the extraction area using indigenous soils; overburden and clay from within the application site to a land use mixture of arable agriculture, lowland acid grassland, lowland meadow, woodland, lake and reedbeds; and public access via proposed public rights of way. (Revised wording)

Location: Land at Rayne Quarry, Broadfield Farm, Dunmow Road, Rayne, Braintree, CM77 6SA

With reference to the above named application and submitted documents received by Place Services on the 05/10/2017, asking for comments from Landscape and Urban Design, Ecology, Historic Buildings, Historic Environment and Trees. As per the agreed timescale, our comments on the Planning Application as submitted are made below:

Ecology (Emma Simmonds)
No Objection Subject to Conditions

NB Our earlier comments from 28th June 2017 are not on the website these must be added urgently as the comments below refer to them, but do not repeat them in full.

Please find my additional comments set out below. These are further to:

- my previous response of 28th June 2017;
- our office meeting with Tarmac, SLR and the ECC Minerals and Waste team on 17th July;
- the additional recent updates to documentation submitted; and
- SLR's letter of 31st August 2017, entitled 'Summary of Additional Documents' on the ECC planning portal.

Please note that some of my previous comments are included, which are in *blue italics*.

EUROPEAN PROTECTED SPECIES

D

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Great Crested Newts (GCN)

There is a ditch and remnant ancient hedgerow on the northern boundary of the site, which is not shown on the phase 1 habitat map but this pond has not been surveyed or even described or assessed and there is no justification for this in the GCN report. A view from the ecologist must be provided prior to the granting of planning permission.

The applicant's ecologist has advised that the pond was dry when they were undertaking the GCN surveying, which is why it was not included.

I note that it is stated that ponds will be created; however, I am unable to see any on the restoration plans, only one large lake. This would not particularly benefit great crested newts.

Bats

At least five species of bat (common pipistrelle, soprano pipistrelle, noctule, Barbastelle and Myotis sp.,) were detected foraging and commuting within the site.

There was one tree present within the site which offers moderate roosting potential for bats; this is a mature pedunculate oak tree in Moors Lane (which will be lost).

The planting of connected woodland in close proximity to water is important in ensuring that this species is protected during and after the works. However, please note that the mitigation proposed for bats (linear features eg hedgerows and linear woodlands) is contradictory with the requirements for grazing marsh. This should be acknowledged and it should be demonstrated that this issue has been addressed.

No change

HABITATS

Concept Restoration Proposals

PART II section 2.2.8 (pg. 42) of the SPG states that "the landscape form consists of the proposed contours and their relationship to the existing contours of the area. The contours should be carefully designed to create the new landform. Contours should be shown at 0.5 metre intervals on proposed restoration plans and adequate sections provided to show the relationship of existing and proposed landform. Gradients should be designed to provide the right conditions for biodiversity, agriculture and amenity."

These contours need to be provided as soon as possible for the lake areas.

I note that a Typical Restoration Profile and Land Use Cross Sections (August 2017) has been submitted, which is helpful.

Please be advised that there are fundamental discrepancies which need to be amended or clarified prior to determination. On the Concept Restoration Proposals plan the light blue colour is defined as shallows/ reedbeds on the key and there is an additional strip of marshy grassland (coastal and



floodplain grazing marsh priority habitat) outside of this all the way round the lake. However, this marshy grassland appears to have disappeared on the profile plan.

In addition, the aquatic marginal vegetation which is 1 to 1.5 m deep. This should not be more than 1 metre in depth where it is to create and maintain the reedbed.

Wet damp scrubland- a different name has been used? Presumably this is the same as wet woodland?

Adherence to the SPG target of 50ha of priority habitat

It is not clear that the proposals meet the 50ha target set out and details require further clarification. The recently submitted planning application proposes altering the proportions of priority habitat from that proposed within the SPG; most noticeably less acid grassland is proposed.

It is also not clear how much reedbed would be created.

At the July meeting we were advised that 5.9 hectares of reedbed will be created

My current understanding is that the priority habitats- as listed within the SPG and MLP- are proposed as follows:

- **Lowland meadows** (also referred to in the supporting documents as 'lowland neutral grassland/ meadow) – 34.1 ha. This includes 7.77ha on the screening bund but excludes 5.85ha (4.56 ha of semi-improved neutral grassland to be lost).
- **Lowland Acid grassland**- 2.53 ha
- **Reedbeds**- 5.9ha

This amounts to **42.53 ha** priority habitat, not 48.38ha as stated by the applicant (who has included the arable field margins in the figure).

The landowner has committed to 50ha of priority habitats, as detailed within the SPG. The other new habitats proposed by this application as part of the restoration process; as part of the mitigation and enhancement are:

Habitat	Hectares gained	Hectares lost	Balance (ha)
Marshy grassland /floodplain grazing marsh)	5.34	0	5
New broadleaved woodland 6.55 ha of existing relatively recent plantation woodland will be retained	5.49	0.49 including Moors Spinney	5



(12.04 ha total including existing boundary woodland)			
Waterbodies/marginals	9.3 ha	0	9.3
Hedgerows	3360 metres created (in addition to the areas retained)	931 metres of hedgerow, including Moors Lane, to be lost	2429
Arable	22.36 ha	77.82 ha	-55.46
Arable field margins	5.85		

Most of the perimeter habitats are to be retained.

The inclusion of other new habitats (as compensation, mitigation and enhancement), including other priority habitats, is welcomed and it is recognised that plans can change as they are developed. But these priority habitats are not within the SPG for this site and there is currently a slight potential shortfall in order to meet the SPG target. Having said that, floodplain grazing marsh is listed within the SPG and so is particularly welcomed and it would help to meet the SPG target shortfall (although, as stated above, it is not included within the profile plan). But, as explained previously, this habitat (ie the birds using this habitat) requires large areas of open space without woodland (see further discussion below).

Mitigation, compensation and enhancements

It is difficult to separate mitigation and compensation from enhancements as the habitats have been proposed for both.

Mitigation and compensation is set out in part 8 of the Planning Application Statement (PAS), within the Environment Statement (ES), within individual species reports (Appendix 7 of the ES) and within the Biodiversity Statement and Mitigation Plan.

The PAS has not been re-submitted, but the position has been clarified in SLR's letter of 31 August 2017 (point ii).

Enhancements are set out within part 7 of the PAS, the BEP and with the ES.

The planning application documents propose that restoration will be successional, which is welcomed. However, biodiversity/ habitat creation is not shown on the Phased Working and Restoration drawings until the final phase; it would be helpful if the restored habitats could be shown on these phased plans to help to demonstrate what will happen and when.

There appears to be a slight discrepancy between the Concept Restoration Proposals plan (August 2017) and the plan entitled Block Phased Restoration Stages (August 2017). The corner in the north west is shown on the former plan as being Lowland Neutral Grassland. It is currently arable and it is shown on the latter plan as undisturbed land, implying that there will be no management to create grassland.



The Planning Application Statement (PAS) creates some confusion with priority habitats as it uses different terminology (in section 7.4 and 7.5) from the national priority habitat list (used in the SPG) and includes non-priority habitats as priority habitats. Equally, the restoration plans do not use the standard terminology and the key should be altered to reflect the standard nomenclature.

The PAS has not been re-submitted. It would be helpful if any future documents submitted refer to the formal priority habitat name.

WOODLANDS AND HEDGEROWS

Loss of Moors Spinney and Moors Lane

Moors Spinney, is proposed for removal within the application. We have not located any justification for the change of plans for the Spinney within the EIA.

This has still not been formally provided though it is understood to be necessary for the viability of the scheme.

My concerns about the principle of the loss of more Spinney and Moors Lane remain. The applicant proposes that 5.49 hectares of compensatory broad-leaved woodland will be created. Should the LPA decide that sufficient justification has been provided and that the overall gains of the proposals would outweigh the loss- I recommend that broadleaved semi-natural woodland is not created on the island for the following reasons. The wet woodland proposed for the island is a different habitat from that which it proposes to compensate. The water levels require very careful management for wet woodland to be successful. Furthermore, the wet woodland would reduce the ecological functional ability of the floodplain grazing marsh (though not necessarily the reed beds), eg by encouraging raptors which could predate the eggs and chicks of wading birds.

I would therefore recommend that broadleaved semi-natural woodland should be created elsewhere on the site, preferably with connectivity to hedgerows. Any additional overburden could be used up around the perimeter of the lake.

Other woodland and hedgerows

Mountain ash is not a locally native tree species and should not be planted in trees or hedgerows.
Amended

Formative pruning is not necessary.
Amended

There is a discrepancy regarding the management of hedgerows within different documents. 8.22 states that hedgerows will be cut yearly. However, in the bird report it recommends 3 yearly. Hedgerows should not be cut every year and should be cut on a rotational basis every two or three years.

This has been updated to say three years within the BEP (section 8.22)



Coppicing is preferable to laying hedgerows as coppicing is the traditional technique in Essex. This has been updated within the BEP (section 8.21).

Hedgerow translocation -The principle of the translocation of hedgerows to alternative locations has been established. Final details can be secured by condition.

Grasslands/ Lowland meadow /arable field margins

The existing semi-improved grasslands will be lost as result of the proposals and the Environmental Statement (ES) states that 39.95ha of lowland meadow will be created (including field margins) and 2.53 ha acid grassland. The lowland meadow area figure appears to include 7.77ha on the screening bund

Using bunds to create semi-improved grasslands with wildflowers is welcomed, but the final figure for lowland meadow priority habitat should not be included in this figure. To include it, the bunds would need to be permanent, should not be too steep and the soil will need to contain low nutrients. Top soil bunds would be likely to be too high in available nutrients.

We were advised in the July meeting that the gradients would be sufficiently gentle for these areas to be managed effectively. Also that they will be permanent: "This will be established as a permanent feature as a large scale profiled landform with gently sloping margins."

Field headlands are not the same as unimproved grassland, although they are described as such here. They are included within the area figures for lowland meadow priority habitat, but should not be included within these figures.

This is referred in section (i) *Adherence to the SPG target of 50ha of priority habitat of SLRs* letter of 31st August and I have listed it in my table above. They are a welcome facet to the scheme but should not be included within the proposed Lowland Neutral Grassland area figure and the Concept Restoration Proposals should be amended accordingly.

Waterbodies/ margins & Coastal and floodplain grazing marsh priority habitat ('marshy grassland')

9.3 ha of standing water, scrapes and margins will be created. It is not clear exactly how much of this area would be reedbed, which is the target priority habitat. This needs to be clarified for the purpose of monitoring and for meeting the targets within the MLP/SPG.

This was clarified in the July meeting as being 5.9ha.

It is not necessary to create an island as this creates management difficulties and would require the retention of substantial amount of material to create it. It would be more advantageous to use this material to create a greater extent of irregular margins and gently sloping banks around the



margins. Should an island be created it should not contain woodland and instead be low lying and designed for nesting waders.

The applicants explained at the July meeting that the wet woodland on the island had been included in order to help compensate for the loss of the woodland (Moors Spinney) and it would help to use up the overburden and maintain essential water flows. My views on this are set out in the woodland section above.

The habitat referred to as 'marshy grassland' is understood to be the 'coastal and floodplain grazing marsh' priority habitat. This habitat is listed as one of the priority habitats within the SPG, although not specifically for this site. It is proposed to locate this around the perimeter of the waterbody. In order to attract breeding waders there needs to be a large expanse of open habitat with no trees or bushes nearby. The SPG advises the following in PART IV 1.0 Coastal and Floodplain Grazing Marsh.....

My views on this are set out in the woodland section above. The proposed woodland should be reduced near to the lake for the coastal and floodplain grazing marsh priority habitat to be effective. As mentioned above, there is a discrepancy with the profile plan which need amending urgently.

Biodiversity Enhancement Plan (BEP) (aftercare and extended aftercare period)

This can be updated by condition and through the S106, as required.

Habitat and document naming

It would be helpful if the applicant could alter any future versions of documents to ensure that habitat names are used consistently to provide clarity, using the priority habitat name.

This has not been done yet and the priority habitat names should be used on any future documentation.

The front page title of the Biodiversity Statement and Mitigation Plan (Vol 5) is not the same within the document- ie Biodiversity Statement and Management Plan

This has been updated

Conditions

I recommend that the conditions are used as previously proposed on 28th June.

Conclusions

While I still have concerns with some of the details, as highlighted above, it is anticipated that there would be an overall net gain in biodiversity, and the proposals would go towards meeting the priority habitat targets set out for this Flagship site within the Supplementary Planning Guidance: Mineral Site Restoration for Biodiversity Minerals SPG, while not completely fulfilling them (42.53



ha out of the 50ha priority habitats originally proposed for this site). There will be less lowland meadow than is implied due to the inclusion of arable field margins within the calculations.

Should the Minerals Planning Authority be minded to accept the alterations as well as the loss of Moors Spinney and Moors Lane and to grant planning permission, most of the above points can be dealt with posting permission through conditions and a section 106 agreement.

However, the Typical Restoration Profile and Land Use Cross Sections (August 2017) plan, requires urgent attention, and should not be left until after permission is granted as this would be a significant divergence in habitat from the Restoration Proposals Plan.

Historic Buildings (Richard Broadhead)

No Objection

There are primarily two groups of listed buildings whose settings will be affected by the proposed development. A Collection of four grade II listed buildings to the north east, Pound Farm and Collection of six grade II listed buildings to the north west Blake House Farm. There are two other groups of buildings to the east however the impact of the development is considered to have an lesser impact than on the previously identified groups.

The existing setting for the two groups of listed buildings are agricultural farm land. The proposal would reduce the extent of the surrounding farmland for both farmsteads however this would only be on one aspect each.

These undermined aspects are not immediately adjacent and form part of the respective wider settings rather than the immediate setting. This reduces the significance of the impact of the quarry.

The construction of the quarry will impinge on the setting of the listed buildings by reducing the extent of the surrounding farmland in which these buildings are experienced. As this land is considered to offer evidential value, and to make an important contribution to the historic significance of the identified listed buildings it is identified that the development is considered to result in harm to the significance of the listed buildings. However, as it is considered to have a low to medium impact on one facet which contributes to the significance of these listed buildings, the level of harm is considered to be less than substantial, as per paragraph 134 of the NPPF.

Historic Environment (Teresa O'Connor)

No Objection (Subject to Condition(s))

Assessment of this site has previously comprised a desk based study and geophysical survey which was followed by a limited targeted programme of trial trenching largely to assess the results of the geophysical survey. It is clear from the report submitted that the methods and sampling strategy used for the assessment of the below ground archaeological deposits have not been sufficient to predict the extent of archaeological remains on this site. The present evaluation has provided a basic understanding that both prehistoric and Roman occupation is present but the nature or extent have not been defined. (The typical



evaluation percentage used in Essex is for a 4% sample of the development area to be trenched with a further 1% of trenching retained to further refine interpretation). The methodology recommended by ECC advisors is supported by the results of the PLANARCH survey (Hey and Lacey 2001).

A suitable mitigation strategy can only effectively be achieved by using a sound understanding of the location and extent of archaeological remains as defined within the NPPF. The present work undertaken has not fully achieved this and the mitigation proposed does not take this into account.

A second phase of evaluation by trial trenching will be required in order to define the extent and significance of the heritage assets (archaeological deposits) that have been identified and which will require excavation prior to development.

A phased approach to archaeological work will be required. Suggested wording for the archaeological conditions is set out below. Completion of each component of archaeological work will trigger the phased discharging of the conditions

Condition 1: Archaeological evaluation by trial trenching shall be undertaken in each phase of mineral extraction in order to fully evaluate the archaeological potential and to further define areas for potential excavation. This work shall be undertaken to the standards required by the local planning authority acting through its historic environment advisors.

Condition 2: An archaeological mitigation strategy detailing the excavation/preservation strategy shall be agreed with the local planning authority through its historic environment advisors.

Condition 3: No development or preliminary groundworks can commence until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and signed off by the local planning authority through its historic environment advisors .

Condition 4: The applicant will submit to the local planning authority a post-excavation assessment for each phase of mineral extraction (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority).

Condition 5: The applicant will submit to the local planning authority a post-excavation assessment for the whole site on completion of all fieldwork. This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at a registered museum, and submission of a publication report (to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority, through its historic environment advisors).

Reason for Condition 1: To enable full evaluation of the total area with a more suitable methodology to enable a better understanding of the nature and extent of the archaeological remains within the development

Reason for Condition 2: To ensure that any areas of archaeological significance identified through evaluation are dealt with using suitable mitigation methods.



Reason for Condition 3: To ensure the implementation and completion of the mitigation strategy on site, including any excavation required prior to the commencement of any development on site in order to ensure preservation by record

Reason for Condition 4: To ensure that the results of the fieldwork of each phase are reported on and made available to the HE Officer and public in a timely and appropriate manner, in order to inform on subsequent phases

Reason for Condition 5: To ensure that the results of the fieldwork are reported on and made available to the public in a timely and appropriate manner, in order to fulfil the requirements of preservation by record

Landscape (Anne Westover)

No Objection

No objection, subject to some further considerations, and conditions relating to details of landscape and restoration.

In response to this further consultation following receipt of amended documentation I have considered my previous comments (Place Services response 28th June 2017) in *blue italics below* and have updated these as follows:

1. Minerals Local Plan Appendix 1 noting the following specific issues to be addressed.

Issue 1. I have noted that the southern boundary planting does not effectively screen views of the site area from the road but this is a matter which could be remedied over time. Additional tree and hedge planting has recently been introduced to the northern boundaries of the site area.

The management of the tree belt to ensure improvements to the density of plant growth and effectiveness of screening can be covered by a landscape management condition requiring works to commence at same time as the commencement of any quarrying operations.

Issue 4. I note the requirement for a minimum stand-off distance of 100 metres (Para 5.20 MLP) between the closest properties and the extraction area. The closest properties to the extraction area are Rose Cottages (zone 1) some 70 metres from extraction area, and Clovelly (zone 5) also some 70 metres away. The visual impacts arising from operations on these two residential receptors have been assessed as Moderate-adverse and Moderate (respectively). This will be very much dependant on the management of the tree planting belt, the detail of the proposed bund (where space is limited) and further planting which may be required. The reduced stand-off distance will result in greater visual impacts beings experienced in addition to other potential impacts from noise and dust.



As above with Issue 1 and in respect of the landscape buffer planting the management of the tree belt to ensure improvements to the density of plant growth can be covered by a landscape management condition.

*Issue 5. The proposal to create a new public right of way between Blake End and Moors Lane has not been incorporated into the restoration plan. Indeed Moors Lane is proposed to be removed by the extraction, phase 8. Note my point below at *.*

This matter has not been fully addressed by the agent. The footpaths proposed with the recent addition of a link through to Pods Lane will provide some beneficial walking routes but do not create the wider benefits which could have resulted from the objective behind the site allocation Issue 5. This matter in addition to those concerns expressed by the Bridleways Association should still be addressed within the restoration proposals. There may be scope to require the final scheme of access routes via condition.

2. The submitted Environmental Statement, LVIA and LVIA figures

Previous errors relating to submitted documentation relating to LVIA receptor locations, LVIA tables, and the zone maps have been addressed. Further information has been provided for clarification on the Visual receptor location plan, the Visual receptor references and the Photographic Location Plan.

3. The proposal and visual impacts

I have some concerns about the proposal as it is currently designed. Whilst I am satisfied that views into the site from public areas are limited there are views into the site area and landscape features proposed to be removed which need to be considered and evaluated in more detail.

The young-maturing perimeter planting belts provide some containment to the site however there are views through and across the tree belts and boundary hedges from points along Pods Lane in the east and the Great Saling road in the west.

I am concerned that there appears to have been a limited review of viewpoints from Zones 1 and 2 and with little reference to the possible impacts arising from the plant site, equipment, buildings and the site access onto the Dunmow Road. There is little detail on the latter aspect and the visual impacts/mitigation resulting from visibility splays and loss of sections of roadside hedge.

The site access plan has been amended with the design of this providing a little more screen bunding and planting. The detail relating to this plan can be required by condition, with implementation carried out at early stage.

I note the reference to the plant site elements in LVIA para 6.5.3 with the mineral processing plant set at 15 m in height. The ZTVI was helpfully based on an 18 metre height. However the LVIA does set out the consideration to the visual impacts arising from the plant site nor the design or



mitigation employed to deal with visual impacts. It would seem likely that there will be views of these elements both from nearby properties, views from the south (beyond Zone 1), the Dunmow Road, B1417 flyover and through the site access opening.

The screening value of the perimeter tree belts to the site area appears to be overestimated. I noted many views through the planting from both the Dunmow Road and Pods Lane. This could perhaps be partially remedied over time through positive management, coppicing of some species (to produce thicker lower growth subject to the penetration of natural light) and additional planting. However no specific management recommendations have been proposed at present (this could be conditioned). There are references to hedgerow translocation in both the Planning and Environmental Statement but no detail. There may be scope to use the relocated hedges to improve the boundary screening, however care would need to be taken with respect to disturbance of established plantings and there may be delay on effectiveness.

The tree survey has identified some young tree groups of having poor vitality, and some groups where failures have occurred, e.g. G15 and G36. Where new plantings are of poor quality this will need to be remedied. The presence of non-native poplar, laurel and conifer in the tree mixes will need to be addressed through management to ensure that their initial screening value is maintained but that inappropriate species are not retained into the longer term. This is a topic requiring discussion, and clarification. Planning condition/s will be needed to secure long term management.

The principle of the translocation of hedgerows to alternative locations, particularly Hedge H1 and H16 has been agreed. Final detail of both this aspect and other management matters referred to above will need to be secured by condition linked to the full landscape and management details.

Zone 2 from Pods Lane there is a particularly notable gap in the screening vegetation at the southern end of tree group G36. It seems likely that the plant site will be partially visible from the lane as some of the structures will rise above the finished raised eastern landform but I have not found reference to this. It is not clear whether the new planting located within the eastern landform area has been designed to achieve visual mitigation or for other reasons.

The LVIA process has not considered potential views from Rayne and from the public right of way (ECC ref 103/24) located to the east of Pods Lane.

Viewpoints from the east have not been specifically evaluated. Final planting design and detailing within the eastern landform to be carried out as part of initial Phase 1 works will need to be conditioned. I also advise that the long term management of the tree belt bordering the east of this area of land (and partly situated beyond the red line of the application area but appearing to be located within current landowners land) should be subject to the Landscape management plan, secured by condition.

Zone 3 There will be views into the working site area particularly during phases 6, 7 and 8 from the public right of way (ECC ref 103/4) and from Old Hall Cottages. The assessment from within Zone 3 appears to be limited in its scope.



The assessment text on pages 89 and 90 appears to state both that individual receptors will experience views of the site areas (phases 5 – 8) and some may notice soil stripping activities but also that ‘no visual receptors within this zone will currently have a view of the site and nor will they receive any change in view as a result of the proposed development’.

It is possible that this text is misplaced and refers to views from Zone 4? This was confirmed at the meeting on July 19th. Adverse visual impacts are likely to be experienced by properties within Zone 3.

I think it likely that views from this Zone 4 will be largely screened by the presence of Rumley Wood and Golden Wood. The LVIA table refers to Onchor’s, Muchmores and Park Farm although these farms all lie beyond Zone 4. The viewpoint locations are not annotated LVIA zone map. The Zone 4 Figure 12 map contains two photographs but their locations points are not specified.

These points have been addressed on the new plans showing both the viewpoint and photograph locations points.

Zone 5 The LVIA indicates that there are viewpoints of the quarry site from both individual properties and from the Blake End Craft Centre. This is a popular tourist attraction and recreational facility with the shops, café and wider attractions of mini golf and the Maize Maze. The LVIA page 92 states that impacts from views will be remedied ‘simply’ by letting the northern boundary hedge to Phase 3 grow up in height. It is stated that some supplementary planting could be beneficial, but the form that this may take is not described or shown on plans.

I think that continuing hedge management is important, there is scope to allow a little more height to develop but continued management to ensure well-formed dense hedge growth is important. However there is scope to add hedgerow trees set in alongside the southern edge of the ditch here, not to interfere with ditch management but to provide additional landscape screening and structure. This can be dealt with by condition.

I think it is likely that the visual impacts on views from the properties along the road, the Great Saling road and Blake End will be greater than indicated in the Table 6-11 particularly due to the presence of the plant site and at Phase 8 when the removal of the central hedge and Moors Spinney takes place. I have not noted an analysis of these impacts or an assessment of the landscape mitigation needed to remedy these impacts.

The LVIA on page 92 states that new opportunities for people to access and visually experience the restored quarry site will be created, however the proposed routes all link onto the Dunmow Road and not to any other publically accessible points within Zone 5 (note my point at start of this response).*

The proposed route has been extended through to Pods Lane, but not along Moors Lane, this represents a minor improvement to the route option.



This is a good point to mention the blue line plan indicating the applicant's ownership. I have not located this plan but if there are opportunities to deal with both visual and landscape impacts through measures taken off-site and within the landowners control then these should be explored. Again if there are public rights of way improvements which can be achieved either within or beyond the landowners control then these also need to be considered at an early stage. I have noted para 5.48 of the MLP and the opportunities to provide new or enhanced rights of way. This matter is also referred to on page 39 of the submitted Environmental Statement but I am unclear why a more comprehensive footpath network has not been proposed.

4. The proposal and landscape impacts

I have concerns that the assessment process and resulting quarry design has not fully explored the possibility of retaining the most prominent landscape features, that of the Moors Spinney, Moors Lane and its associated mature trees and hedgerow.

These are significant landscape features and typical of the small woods and sinuous often fragmented hedgerows of the local landscape character type. However they have not been fully assessed either in terms of their landscape value or the impacts on landscape character which will result from removal.

In respect to Moors Plantation (remnant ancient woodland) and Moors Lane hedge and mature trees this more full evaluation has not been provided. Neither landscape feature have been specifically identified in Table 6-3 Page 77 'Effect on landscape receptors'. The loss of both types of features has been described in broad terms as resulting in a Low adverse magnitude of effect. However given that these landscape features (small woods, sinuous hedgerows and hedgerow trees) are scarce in the locality, visible and provide historic evidence of past landscape I consider that their loss will result in a Moderate adverse magnitude of effect.

The need to safeguard such landscape features is set out in the MLP. I have noted in particular para 5.39. Neither the Planning Statement (PS) nor Environmental statement fully evaluate or describe the landscape feature or set out the reasons why retention and assimilation into the phased extraction scheme is not achievable. Pages 38 and 39 of the PS covering woodlands and hedgerows make no mention of Moors spinney or Moors lane.

The species composition of the woodland and hedgerow are set out in the tree survey and we noted whilst on site that the centre of Moors Spinney still retains its native species. Later less appropriate perimeter plantings (conifer and poplar) have increased its presence in the landscape but also given it the appearance of a plantation. The historic mapping presented in the Planning appendices (Phoenix Consulting for Lafarge) clearly indicate that the spinney and lane are part of a much wider more ancient woodland area. The process of removal appeared to take place at separate times in both the C19th and C20th. The remaining woodland is the last remnant of the older woodland area and may also contain important understorey and groundcover species and seed source.



The retention of the Moors Lane element of planting would be particularly beneficial (if practically achievable) in terms of achieving the objective of MLP Issue 5 and a new public right of way.

I have noted Figure 5 of the LVIA and the related description of the local landscape types (LVIA page 74) but this does not clearly set out the importance or landscape value of the most prominent remaining features.

There are clear views of Moors Spinney from the B1417 flyover. Here the wood forms a prominent skyline feature and will likely form a backdrop to views of the plant site until removal in Phase 8. Further assessment of the visual and landscape impacts of the woodland and its possible removal is needed.

This has been carried out and the assessment is contained in Drawing No. M15.131 (g).D.003. This is an additional viewpoint but is not shown or numbered on the visual receptor location plan. The assessment concludes that the overall visual effect to road users/receptors using the B1407 flyover will be Moderate/slight adverse taking into account the loss of woodland and views of the quarry operations. However the prominence of Moors Spinney is well illustrated by the additional viewpoint photograph.

Given that the woodland and trees are a skyline feature and visible in the wider landscape I consider that any approved removal/loss needs to be more adequately compensated by new woodland planting on the west, north and east boundaries to Phases 5, 6, 7. This would enable the advanced planting blocks, which are currently of minimal size to be expanded to create greater landscape impact in future. In particular the blocks which could be expanded by new planting are listed as G20 and G22 on Tree survey plan and schedule.

I have noted that the avenue of plane trees (running north to south from Moors farm) has not been described as a landscape resource (and can understand the reason) and I question the value of retention given the objective behind the restoration scheme. The Planning Statement describes these as a 'locally characterful avenue', however they are immature trees and do not appear to be thriving.

There will be scope to replant more appropriate native tree species in the new hedgerows proposed alongside this feature, this may provide better longevity in tree stock. This can be dealt with by condition.

5. Proposed plant species composition

I have referred to the Planning Statement section 7 with respect to plant species proposed for new tree, shrub and hedgerow planting. The species lists appear to be somewhat limited in their variety and there is likely to be scope for other native tree and shrub species to be included. It is highly



unlikely that ash will be available to use given the prevalence of ash dieback. Consideration will be needed as to removal and replant within existing young plantations.

Species choice will need to be carefully detailed across the site in order to that plantings are both suitable for the area but also characteristic of the landscape/habitat being created as part of the restoration concept. Hedge translocation options need to be explored further.

We have discussed these matters with the agents and some have been attended to within the species mixes contained within the amended Biodiversity Enhancement Plan. There is a need to address the matter of a more comprehensive woodland planting scheme through the restoration proposals. At this stage matters of design and final species composition can be dealt with. This will need to be covered by condition.

We have discussed obtaining the citations for the local wildlife areas/ancient woodland for Rumley and Golden Wood. Two points of interest: 1) what is the likelihood of ash dieback affecting the landscape presence, through loss of ash in the woodlands (noting the 2012 Landscape Institute LVIA advice note) and, 2) the species present in the woodland could be used as a guide for planting choices for the quarry landscape restoration scheme. Local provenance for new species should be obtained and there is time to plan ahead with local nurseries in order to achieve this.

There will be scope to achieve this through monitoring and active forward planning in respect to plant availability will be through the planning and monitoring process. Any ash decline in the more recent plantings around the site perimeter will need to be monitored with management and possible replacement planting taking place to ensure that density is maintained.

Conclusion

Whilst I am broadly supportive of the proposed scheme I consider that there is still a need to consider some specific aspects of the proposal, in particular the loss of woodland (Moors plantation) and mature trees and hedgerow (Moors Lane), compensatory woodland planting and an improved restoration plan with a more comprehensive public right of way network.

Conditions

Suitable conditions will be needed to cover further detail for the following aspects:

Tree, hedge, woodland protection.
Final landscape scheme, species, specification and phasing of implementation
Detail of the site access and plant site, with bunding and planting details
Compensatory woodland planting
Landscape management plan and timescales for this.

I will happy to advise further on conditions in addition to the need for the S106 agreement to include clauses relating to implementation as required.



Trees (Anne Hooper)

Comment

Again, all points of interest to Tree Team have been covered thoroughly by landscape Team, in particular relating to the hedgerow and mature tree on Moor Lane, and the request for more comprehensive planting schedules.

Urban Design (Martin Ivatt)

No Comment

No Comment with regard to Urban Design.

I trust the above comments will be of use to you, should you have any queries please do not hesitate to contact me, or the named specialists detailed.

Yours sincerely,

Sally Gale
Consultant, Place Services
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Supplementary Note to Terry Burns, Senior Planner

Application No: ESS/19/17/BTE.

Proposal: A new sand and gravel quarry at Broadfield Farm, to the west of Rayne, near Braintree.

Location: Land at Rayne Quarry, Broadfield Farm, Dunmow Road, Rayne, Braintree, CM77 6SA

From: Place Services, Anne Westover, Emma Simmonds, Landscape and Ecology

Date: 30th November 2017

Further to my comments contained within the Place Services responses dated 28th June and 13th November, I offer the following additional comments. These reflect our internal meeting on 21st November and the letter from G Jenkins SLR dated 20th November. Here are our supplementary comments.

Landscape (Anne Westover)

Public right of way I am confirm that I am content to accept that the MLP Issue 8 relating to public rights of way will not be achieved but I wish to reiterate my concern that the wider benefits arising from a link between Blakes End and Moors Lane will not arise. Shorter walks linking from the Dunmow Road and through to Pods Lane will give the local community some additional walking options. These are not currently proposed to cater for cyclists or horse riders. I support the request from Highways to secure the proposed east to west PROW as a bridleway.

Loss of woodland and trees I continue to have concerns about the loss of Moors Spinney (remnant ancient woodland) and Moors Lane hedge and mature trees, but I accept that it may not be feasible or viable to extract sufficient mineral without their removal.

On the basis that the removal of these landscape features is approved by the MPA I continue to request further compensatory woodland planting as stated in the PS response of 13th November:

'Given that the woodland and trees are a skyline feature and visible in the wider landscape I consider that any approved removal/loss needs to be more adequately compensated by new woodland planting on the west, north and east boundaries to Phases 5, 6, 7. This would enable the advanced planting blocks, which are currently of minimal size to be expanded to create greater





landscape impact in future. In particular the blocks which could be expanded by new planting are listed as G20 and G22 on Tree survey plan and schedule’.

There is scope to extend, thicken and create stronger links between the small woodland planting blocks on the west and north boundaries, and to rationalise the blocks of planting on the eastern meadow. The latter can be achieved at early stage of operation. I note the desire by the applicant to provide the extent of wet woodland shown on the restoration plan but agree that this must be designed to reflect the advice provided by our ecologist Emma Simmonds to give maximum biodiversity potential. The species mix here will differ from the other woodland areas, which should more closely reflect local planting and ancient woodland composition.

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Garden Community, potential site allocation

I would expect any further mineral extraction in this area to be highly sensitive to retaining established landscape features in order that these are not compromised or eroded by extraction. Natural and established landscape features will need to form the basis for a well-designed master plan and green infrastructure for development. As such the retention of landscape features should be a high priority under any further extraction proposals. This should include any woodlands, copses and hedgerows.

Of particular importance and taken from the previous response comments are the following:

‘However given that these landscape features (small woods, sinuous hedgerows and hedgerow trees) are scarce in the locality, visible and provide historic evidence of past landscape I consider that their loss will result in a Moderate adverse magnitude of effect.... The need to safeguard such landscape features is set out in the MLP....’ There are likely to be other situations within the broader area where such loss would have more significant adverse landscape and visual impacts.

I have noted the response to the application dated 26th October 2017 from Braintree DC. It would seem likely that should the garden community land area be allocated as part of the adopted Braintree Local Plan then there will be a need to review and amend the quarry restoration landscape plan at a future date. This would need to reflect the master planning concepts (for the garden community) for green infrastructure, landscape, biodiversity, public rights of way and open space proposals.

Suggested Conditions:

Pre-commencement conditions:

- Tree, hedge, woodland protection.
- Final landscape/restoration scheme details for new planting areas, species, specification and phasing of implementation.



- Detail of the site access and plant site, together with bunding and planting details
- Compensatory woodland planting
- All other details relating to restoration works including the water bodies
- Landscape management plan for the existing hedges, tree and woodland blocks to be retained.

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Post commencement conditions:

- Landscape management plan and timescales for this. To be linked to S106 agreement

Anne Westover Landscape Architect Consultant
29th November 2017

Ecology (Emma Simmonds)

Adherence to SPG target

I acknowledge that the overall scheme should create a positive gain for biodiversity and I have set out the ways in which the proposals will and won't meet the MLP target relating to Policy S12 (and reiterated within the accompanying *Mineral Site Restoration for Biodiversity* SPG) within my previous responses (28th June and 13th November). The level of importance that the MPA attributes to meeting these targets is a decision that the MPA will take.

North West corner discrepancy

It has been clarified in SLR's response of 20th November that the area in the north east corner will become lowland neutral grassland priority habitat as part of the restoration of the adjoining area, presumably as part of Phase 8; this is welcomed. Soil manipulation may still be required prior to habitat creation to ensure that it is appropriate for the grassland creation.

Moors Spinney and island planting

Like Anne Westover, I continue to have concerns about the loss of Moors Spinney (remnant ancient woodland) and Moors Lane hedge and mature trees, but I accept that it is likely that both will be removed by the proposal and that it does not appear to be feasible or viable to extract mineral without their removal. I also support Anne's comments with respect to the benefit of creating larger woodland blocks.

However, I have consistently requested that there is no woodland on the island and my comments still stand on this issue; I have also discussed this with ecology colleagues, who are in agreement with me. The reasons for the applicants wishing to retain the island are not explained in SLR's



recent correspondence (20 November) but my understanding from the meeting on 17 July 2017 is that the island is required to help aid water flows in the lake and that the woodland is proposed to help compensate for the loss of Moors Spinney. However, as stated previously, grazing marsh requires large open spaces to allow ground nesting birds to breed and the island should be low lying with no trees to encourage ground nesting birds. The equivalent sized woodland would be better placed elsewhere on the site, preferably by creating larger woodland blocks.

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On the basis that removal of the existing Moors Spinney is approved I continue to request the following, as stated in my previous response.

“The wet woodland proposed for the island is a different habitat from that which it proposes to compensate. The water levels require very careful management for wet woodland to be successful. Furthermore, the wet woodland would reduce the ecological functional ability of the floodplain grazing marsh (though not necessarily the reed beds), eg by encouraging raptors which could predate the eggs and chicks of wading birds.

I would therefore recommend that broadleaved semi-natural woodland should be created elsewhere on the site, preferably with connectivity to hedgerows.”

I welcome further discussion on this subject if it is felt to be useful. Notwithstanding this point regarding the wet woodland, I assume that the other issues can be dealt with post planning permission through condition.

Garden Community, potential site allocation

I acknowledge that, should the garden community land area be allocated as part of the adopted Braintree Local Plan then there will be a need to review and amend the site restoration plan accordingly. If this occurs, I would hope that the priority habitats relating to Essex County Council's aspirational targets for biodiversity within the MLP would be created in an appropriate setting elsewhere.

Emma Simmonds, Ecological Consultant
30.11.17

**ADDENDUM FOR THE MEETING OF DEVELOPMENT AND REGULATION
COMMITTEE 15th December 2017**

Item 5.1 (DR/44/17) A NEW SAND AND GRAVEL QUARRY AT BROADFIELD FARM, TO THE WEST OF RAYNE, NEAR BRAINTREE, COMPRISING THE PHASED EXTRACTION OF SOME 3.66M TONNES OF SAND AND GRAVEL; THE INSTALLATION OF PROCESSING PLANT AND ANCILLARY BUILDINGS AND INFRASTRUCTURE; THE CONSTRUCTION OF A QUARRY ACCESS ONTO THE B1256; THE CONSTRUCTION OF A PERMANENT SCREENING LANDFORM; THE CONSTRUCTION OF TEMPORARY SCREEN MOUNDS IN DEFINED LOCATIONS AROUND THE PERIMETER OF THE QUARRY; THE PHASED RESTORATION OF THE EXTRACTION AREA USING INDIGENOUS SOILS; OVERBURDEN AND CLAY FROM WITHIN THE APPLICATION SITE TO A LAND USE MIXTURE OF ARABLE AGRICULTURE, LOWLAND ACID GRASSLAND, LOWLAND MEADOW, WOODLAND, LAKE AND REEDBEDS; AND PUBLIC ACCESS VIA PROPOSED PUBLIC RIGHTS OF WAY.

Location: LAND AT BROADFIELD FARM, DUNMOW ROAD, RAYNE, BRAINTREE, CM77 6SA.

Ref: ESS/19/17/BTE

Page 61 Section 8 Recommendation

Insert an additional and first bullet point after “to provide for:”

- Landowner to enter into an appropriate Public Path Creation Agreement to secure the proposed public right of way as a Definitive footpath following its creation.

Page 61 Section 8 Recommendation

Replace existing third bullet point with “The construction of the site access onto the public highway and any further works affecting the public highway regarding the maintenance and removal of the site access all to the satisfaction of the highway authority by means of an appropriate authorisation under section 278 Highways Act 1980 or similar”.

Page 61 Condition 1 second line replace “5” with “3”.

Page 61 Condition 2 at 4th line replace “works of any” with “works or any”

Page 63 Condition 8 rewording to delete “No sand and gravel extraction” and replace with “No site preparation works other than those defined in Condition 2 of this permission)”

Page 67 Condition 20 second line delete word “northern”.

Page 68 Condition 25 delete last two words “disposal site” and replace with “management facility”.

Page 69 Condition 28 (b) replace wording with “Unless determined by the Mineral Planning Authority noise monitoring to be at three monthly intervals”.

Page 70 Condition 30 in the table for the last two locations change Moors Farm to 55dB and The Moorlands to 50dB

Page 73 Condition 40 existing wording replace with “Notwithstanding the provisions of Article 3 and Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with, or without modification) no plant/structures whether fixed/static or mobile nor stocking of minerals or other materials shall be erected or placed on the site unless otherwise to have received the prior written approval of the Mineral Planning Authority”.

Page 75 Condition 49 second line after “Management Plan” insert “based on the Biodiversity Statement and Mitigation Plan Rev C from PleydellSmithyman dated August 2017 and Biodiversity Enhancement Plan Rev C from PleydellSmithyman dated August 2017”.

Page 77 Condition 52 delete reference to “twelve” and replace with “six”.

Page 87 top of page should read “Appendix B”

Page 89 top of page should read “Appendix C”

Page 93 top of page should read “Appendix D”

Item 6.1 (DR/45/17) The erection of detached building to provide three new classrooms to accommodate 90 pupils, 7 new car parking spaces, cycle and scooter provision, relocated adventure playground, internal refurbishment and associated infrastructure at Westerings Primary Academy

Location: **Westerings Primary Academy, Sunny Road, Hawkwell, SS5 4NZ**

Ref: **CC/ROC/49/17**

Page 116 Section 1 Background and Site

Vehicular and pedestrian access is from Sunny Road to the west.

Should read “Vehicular and pedestrian access is from Sunny Road to the east”

DR/12/19

committee DEVELOPMENT & REGULATION

date 26 April 2019

COUNTY COUNCIL DEVELOPMENT

Proposal: **Creation of a flood storage area, inlet chamber, temporary construction access from Marlowe Close and associated minor works at land adjacent to Brickhouse Farm Community Centre. Relocation of existing children's play area.**

Location: **Brickhouse Farm Community Centre, Poulton Close, Maldon, CM9**

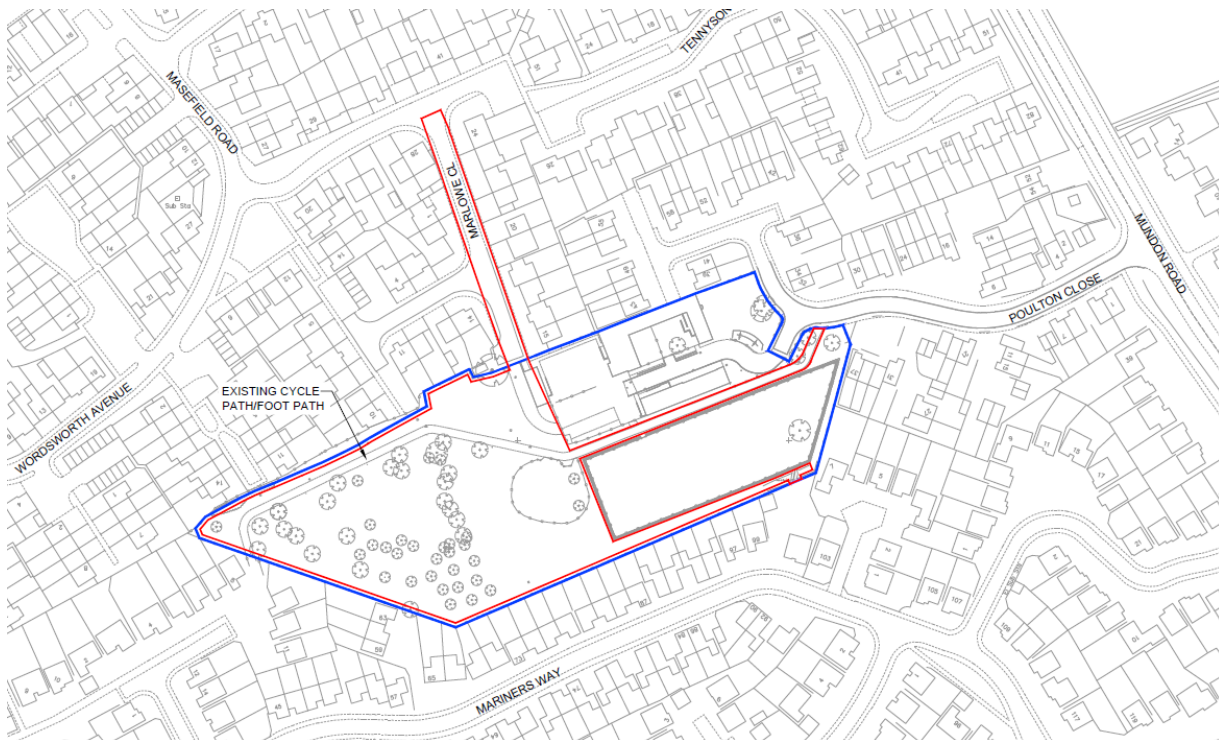
Ref: **CC/MAL/01/19**

Applicant: **Essex County Council**

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to: Rachel Edney Tel: 03330 136815

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



1. SITE

The application site forms part of a public open space, north of Mariners Way, east of Johnston Way, west of Poulton Close and south of Marlowe Close in Maldon.

The area to which this application relates is approximately 0.5 hectares in size and is located within the south western part of the open space, adjacent to properties in Mariners Way. The area is currently grassed with a copse of trees within the area of the proposed storage area. As a result of the proposals the existing children's play area would be located approximately 15 metres to the north of its current location.

To the east of the proposed site are allotments. To the north east of the site is the Brickhouse Farm Community Centre.

A shared footpath/cycleway (not a formal right of way) crosses the site from Johnston Way in the east to Poulton Close in the west. Vehicular access to the Brickhouse Farm Community Centre is via Poulton Close. There is a separate pedestrian access to the Community Centre via Marlowe Close. Maintenance access to the site is via Marlowe Close to the north.

The land is owner by Maldon District Council and is allocated as Open Space and Green Infrastructure (Allotments (AL18) and Parks (PA18)) in the Maldon District Local Development Plan.

2. PROPOSAL

The application is for the creation of a flood storage area which would capture, store and regulate the downstream flow of surface water into the existing drainage network.

The storage area would remain dry during normal conditions and hold water at times of flood. Water would be allowed in through a proposed inlet chamber with flap valve from the existing surface water drainage from Marlowe Close to the north. The water would be held in the storage area for a maximum of 10 hours and would be released to the south of the storage area via an outlet chamber and concrete channel with safety screen into a 450mm outlet pipe which would join up to the existing storm water network.

The storage area would have a capacity of 5,600m³ and have a maximum depth of 1.3m. 4,830m³ of material would be excavated to form the storage area and approximately 6,760m³ of material would be exported from the site.

It is also proposed to install improved road drainage along Marlowe Close which would intercept surface water flows and convey them into the flood storage area before re-entering the existing Anglian Water surface water sewer to the south, at a regulated rate.

3. POLICIES

The following policies of the Maldon District Local Development Plan (MDLP) July 2017 provide the development plan framework for this application. The following policies are of relevance to this application:

Maldon District Local Development Plan July 2017

Policy S1 – Sustainable Development
Policy D1 – Design Quality and Built Environment
Policy D2 – Climate Change & Environmental Impact of New Development
Policy D5 – Flood Risk and Coastal Management
Policy N1 – Green Infrastructure Network
Policy N2 – Natural Environment, Geodiversity and Biodiversity
Policy N3 – Open Space, Sport and Leisure

The Revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and updated on 19 February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, 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).

The level of consistency of the policies contained within the Maldon District Local Plan is considered further in the report.

4. CONSULTATIONS

MALDON DISTRICT COUNCIL – No objection subject to a condition requiring details of signage

HIGHWAY AUTHORITY – No objection

PLACE SERVICES (Ecology) - No objection subject to conditions requiring the development to be carried out in accordance with the recommendations of the PEA and the submission of a Biodiversity Enhancement Strategy

PLACE SERVICES (Trees) – No objection

PLACE SERVICES (Landscape) No objection

PLACE SERVICES (Historic Environment) – No objection subject to a condition requiring the implementation of a programme of archaeological works

MALDON TOWN COUNCIL – No objection but has concerns regarding community engagement, hydraulic modelling, preferred option, construction phase and operational phase

LOCAL MEMBER – MALDON – Maldon – I am currently the Chairman of the Maldon Planning and Licensing Committee. At the Full Council meeting in December 2018 a report regarding the flood alleviation scheme was considered. Members agreed in principle to it.

5. REPRESENTATIONS

111 properties were directly notified of the application. A petition containing 76 signatures has been received together with 91 letters of representation. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
When scheme was first proposed the allotments were to be removed.	Noted. When the scheme was first proposed the allotments were to have been removed. The location of the proposed flood storage area has been revised and as a result the allotments would be retained.
With proposal of moving the play area, which at times cannot be used in heavy rain as area is prone to flooding and planting 77 new trees to establish new detention basin seems a much more acceptable proposal.	Noted
Pleased to read that this scheme will also help relieve possible flooding in Poulton Close.	Noted
Lived in area for 12 years – never experienced any flooding in area	Noted. See appraisal
Will the allotments and children's play area be destroyed by the creation of the	The allotments would be retained. The children's play area would be relocated

flood storage area?	within the site, approximately 15 metres north of its current location.
Houses surrounding the area will not benefit from a pool of stagnant water	Noted. See appraisal
Would not create a safe area for people who live in such close proximity to the flood storage area	Noted. See appraisal
Proposed scheme only seems to include surface water from Marlowe Close which has never flooded to my knowledge	Noted. See appraisal
Scheme appears to be a vast expense and unnecessary size	Noted. See appraisal
Disruption to local area whilst works are carried out	Noted. See appraisal
Number of well established trees within proposed area and the removal will surely disrupt the local water table	See appraisal
Local wildlife and general enjoyment of the park for residents of three estates in immediate vicinity	Noted
Cannot object to relocation of play area as this is the only area of the park to become waterlogged	Noted
Will encourage vermin in area, gardens and homes	Noted. See appraisal
Will devalue properties	Noted. Not a material planning consideration
Will be foul smell from stagnant water	Noted. See appraisal.
Public area used by many people accessing the Community Centre, as a route to Promenade Park or High Street	Noted
Have not received written notification of the plans	The application was advertised in accordance with the requirements of the Essex County Council Statement of Community Involvement September 2015 (revised July 2018) and The Town and Country Planning (Development

Have concerns over the plans to relocate the play area next to a death trap

Noted. See appraisal

Presence of a large volume of open and deep water in such close proximity to houses poses a significant risk to life for children who are attracted to water

Noted. See appraisal

Brickhouse Farm is on a thoroughfare for walking and cycling between the east and west sides of Maldon. A number of children and parents walk this route on a regular basis when travelling between schools and shops and Promenade Park. This increases risk of accidents happening

Noted

Should be Council's intention to build such a facility in an area with the lowest occupancy, lowest thoroughfare and lowest impact on residents?

Noted. See appraisal

Proximity of such a large volume of potentially stagnant water is undoubtedly at risk of increasing the risk of all users to increased amounts of vermin, rodents and smells associated with stagnant water. Would have wholly negative effect on quality of life of local residents.

Noted. See appraisal

Location of flood water detention basin poses significant risk to houses in the area and would likely impact the house valuation. This is a material/financial risk to those occupying the houses and could have significant impact on their personal finances.

Noted. See appraisal. Devaluation of properties is not a material planning consideration

This flood plan could increase insurance premiums and potentially mean that insurance is refused on these houses

Noted. See appraisal

Given the increase in houses within the District outside space is likely to be in even shorted supply. The premium on outside space for families to use in the

Noted. See appraisal

Maldon district should be protected where it can be used. The space at Brickhouse Farm is a valuable community asset and would be sorely missed.

The site has been used as a landing area for the Air Ambulance

Noted

Children, adults and animals could be at risk of entering a possible 1.3m of water and getting into trouble

Noted. See appraisal

What is the distance that any works will start from our back fence?

There would be a 3m green corridor between the attenuation area and residential fences/garden accesses. This is standard practice to ensure residents' access to the park is retained and would enable the maintenance of the green corridor between properties and the attenuation area.

The destruction of a copse of mature trees that are used as a play area by many children as well as dog walkers and acts as a green buffer between two established estates will increase noise and pollution and decrease the wellbeing of residents

Noted. See appraisal

Proposed development will present serious safety hazard to children from both estates many of whom are unaccompanied

Noted. See appraisal

Depth of the pit proposed could cause subsidence problems to the nearby houses, especially on south east side of the site

Noted

Any rainwater collecting there could turn stagnant and small as well as being a breeding ground for mosquitos

Noted. See appraisal

In the long period I have lived in my house cannot recall any problems with flooding. Conclude this flood relief is for the benefit of the massive estate being built on the 93 acres south of the bypass. Why can't this flood relief be built into the new estate rather than

Noted. See appraisal

being squeezed into an amenity area between two established estates to their detriment

Will lose an important recreational area used by children as a play area and adults as a peaceful oasis. Will be left with an ugly mess for children to harm themselves in with no benefits for the surrounding residents.

Noted. See appraisal

Attended public consultation where I wrote down my concerns and questions could not be answered by staff in attendance

Noted.

Water flow modelling and predicted impact is purely theoretical. If there is excessive rainfall the flood defence could overflow and the impact it could have on surrounding area could make flooding worse.

Noted. See appraisal

Could use roundabouts along the causeway as flood defences, open the drainaways that lead off of Mundon Road and along the field and houses

Noted. However this is outside the remit of this application

Houses that have flooded in the past haven't flooded for past 6 or 7 years

Noted. See appraisal

Have no objection in principle to flood alleviation works but am concerned that the proposal is ill considered and may serve to merely redirect flooding to detriment of other properties

Noted. See appraisal

Original documents and supplementary information contain no evidence to support assurances the proposal does not constitute a flood risk to the homes along Mariners Way and onward to the south

Noted

Do not accept principle that redirecting flood water to reduce flood risk to homes in one location by increasing flood risk to homes in another location should be considered an improvement.

Noted

If the detention basin overtops its upper

Noted. See appraisal

level flood water will revert to the existing flood path with the same result as existing arrangement

Proposal does not set out relative levels of existing ground, highest anticipated water level in basin and the level of the top of the bund. Noted

Application is disgusting and will encourage vermin in the area, gardens and houses Noted. See appraisal

Will devalue properties Noted. Not a material planning consideration

In the heat will be a foul smell from stagnant water Noted. See appraisal

So much building work going on in Maldon and surrounding areas. Noise, dust, road works and temporary traffic signals. All adding to grid locked roads, people being delayed and frustrated motorists. Whole area is a building site Noted

Earthworks carried out behind houses, fences may suffer damage for which any claims would not be covered by house insurance. Would lead to homeowners having to fight for compensation with building contractors. Noted. This is not a material planning consideration

Having embankment behind our house would jeopardise our security and privacy Noted. See appraisal

Should be no cutting down of trees – less and less green spaces for people to enjoy Noted. See appraisal

If these works go ahead it will leave the area and view unsightly, unnecessary and most unwanted Noted. See appraisal

Desecration of an area much loved and used all year round by children, dog walkers and people enjoying open spaces Noted. See appraisal

Will Council compensate homeowners if See appraisal

and when their house insurance is raised or when they are unable to secure any insurance due to water being in the vicinity?

Will Council compensate us if properties devalue due to flood risk close to our house? See appraisal

Having a large area of water attracts vermin and biting insects. Stagnant water can lead to serious health concerns like Weils' disease and Lymes disease Noted. See appraisal

Will also give off strong, unpleasant smells which will prevent us using gardens, having windows open or washing out Noted. See appraisal

Not enough open spaces for people to enjoy. Threat of diseases will stop people using it Noted. See appraisal

Children use playground all year round Noted. See appraisal

Children are attracted to area of water but don't realise dangers Noted. See appraisal

Main reason we brought our house is the outlook. If this development goes ahead will be robbed of that Noted. See appraisal

Never seen any excess water that would need to be rechannelled in any way Noted. See appraisal

See this as an opportunity to use a conveniently placed area of greenspace to deal with an issue that does not appear to be a problem at the moment but may be aggravated by the increased volume of new building and spread of 'hard' driveways over garden frontage. Noted. See appraisal

Area works well as a safe and valuable asset to the community Noted

Disruption to community, wildlife and natural habitat would be considerable in relation to the considered benefit to reduce flood risk to properties Noted. See appraisal

Trees were donated by Maldon and Heybridge Horticultural Society for the Millennium. Any replanting and landscaping would take some considerable time to equal current environ

Noted. See appraisal

Continued care by the authorities to keep detention basin clean and clear is a concern

Noted. See appraisal

Anticipated there will be approximately 40 lorry movements per day over a 14 week construction period. These movements will take place via Marlowe Close. Inevitably impacts on the wider Poets estate leading to Marlowe Close and will affect a much wider community then have been contacted via letters dated 18 January 2018.

Noted. Neighbour notification letters were sent out to adjacent properties in accordance with the requirements of the Essex County Council Statement of Community Involvement September 2015 (revised July 2018).

Similar letters should be sent to all residents who will be affected by the lorry movements

The lorry traffic during the construction phase passing through a congested residential area poses an unacceptable disturbance to the local community with the danger of accidents which may possibly result in serious injuries or fatalities.

Noted

Object on grounds that flood team has failed to carry out proper community engagement in accordance with the good practice in CIRIA reports

Noted. There is no legal requirement for the applicant to carry out community engagement although it is strongly encouraged. It is unfortunate that the public session was carried out after the application had been submitted.

Owners of properties would to the south of the proposed basin would be required to notify their insurers that construction work may increase the flood risk to their properties

Noted. See appraisal

Owners of properties may reasonably expect rateable values to be adjusted to compensate them for the increased premiums.

Noted. However this is outside the remit of this application.

County Council may also reasonably expect to be on receiving end of counter claims from those insurers in the event of future flooding where none was recorded previously	Noted. However this is outside the remit of this application
Unclear why the detention basin should form an active part of the surface water drainage system.	Noted. See appraisal
Would not be any consistent water flow through the basin to sustain any consistent environment either semi-permanent dampness or otherwise.	See appraisal
Suggestion seems to have been presented as good idea to help support the idea of the basin but is not supported by reliable evidence and could not be considered to be sustainable	Noted
ECC should be concerned about the unsightly/industrial nature of the proposed inlet and outlet chambers, not consistent with the surrounding residential neighbourhood.	Noted
Detention basin should be redesigned only to store surplus flood water requiring only a single inlet/outlet chamber thereby reducing construction costs, some of which could be utilised to improve the form of the inlet/outlet chamber into something more akin the landscape features	Noted. However this is outside the remit of this application
Errors in Planning Statement, notably relating to time required for the basin to drain. Mentioned as 10 hours in schedule under Item 1 and 9 hours in summary of scheme	The applicant has confirmed it would be 10 hours
Calculation of vehicle movements in relation to removal of surplus material appears to be overstated	Noted
No mention of a Residual Risk Assessment being undertaken. This would have highlighted the risk	Noted. See appraisal

associated with an open body of water up to 1.3 metres deep for approximately 10 hours in a residential neighbourhood with substantial population of children

Concerned the expected one in ten year event would result in basin being flooded would be of relatively short duration. Given the model indicates that 5.3 million litres of surface water would result from the event am concerned that new drainage in Marlowe Close would be inadequate.

Noted. The proposed storage area could hold a maximum of 5,600m³ of water.

Should proposal also include upgrading a spillway with erosion protection from end of Marlowe Close leading to the basin?

Noted

Images of proposed basin in wet conditions are misleading showing grass ground cover visible through water, which would not be the situation with the basin any more than partially filled.

Noted

Design and inlet and outlet chambers must be more natural feature

Noted

Believe proposed works should be considered under the Environment Impact Assessment (Land Drainage Improvement) Regulations 1999

These Regulations relate to improvement works which are the subject of a project to deepen, widen, straighten or otherwise improve any existing watercourse or remove or alter mill dams, weirs or other obstructions to watercourses, or raise, widen or otherwise improve any existing drainage work.

Community engagement process did not follow the guidance contained within the CIRIA SuDs Manual and Environment Agency guidance on project appraisal

Noted

Do not believe the £9.1 million in damages avoided from pluvial flooding is representative of the possible benefits of the scheme.

Noted

Community engagement process undertaken by applicant department seriously flawed and the application

Noted

should not be determined until an independent examination of the actions of that department have been the subject of an independent review.

Devastated to hear area is being replaced with flood catcher

Noted. See appraisal

Council are spending money on problem that isn't there.

Noted. See appraisal

Breaks my heart to see massive fencing around the field knowing children won't be able to play.

Noted. See appraisal

Why can't it be built in new housing areas?

Noted. See appraisal

6. APPRAISAL

The key issues for consideration are:

- A. Need and Flood Risk
- B. Impact on Recreational Amenity
- C. Impact on the Natural Environment
- D. Impact on Historic Environment
- E. Impact on Residential Amenity & Highways

A NEED AND FLOOD RISK

Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings and support renewable and low carbon energy and associated infrastructure.

MDLP Policy S1 (Sustainable Development) states inter alia that "*when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply the key principle of mitigating against flooding.*"

MDLP Policy D5 (Flood Risk and Coastal Management) states inter alia that "*development should demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding (including fluvial, surface and coastal) through appropriate measures such as Sustainable Drainage Systems (SuDs), flood resilient design, safe access and egress, incorporating identified flood response plans, as well as making best use of appropriate green infrastructure as part of the flood mitigation measures.*" It goes on to say that "*development should also have regard to the aims and objectives of other relevant strategies including the Maldon*

and Heybridge Surface Water Management Plan.”

Need

Essex County Council (ECC) as the Lead Local Flood Authority (LLFA) seeks to manage local flood risk to properties within the Critical Drainage Area (CDA) of Maldon Central, as identified within the Maldon Surface Water Management Plan 2013 (SWMP).

The SWMP is produced by the LLFA in partnership with local authorities and other flood risk management authorities. The SWMP outlines the predicted risk and preferred surface water management strategy for a given area. SWMP's focus on areas of highest surface water flood risk identified in the ECC Local Flood Risk Management Strategy.

A SWMP considers flooding from sewers, drains, groundwater and runoff from land, small water courses and ditches that occurs as a result of heavy rainfall. Areas are identified as Critical Drainage Areas (CDAs) where flood risk is considered to be most significant.

The primary flood risk to properties within the Maldon Central CDA is from surface water flooding with up to 295 properties predicted to be at risk of flooding from a 1% (1 in 100 year) Annual Exceedance Probability (AEP) event and 114 from a 5% (1 in 20 year) AEP event.

The Maldon SWMP identified a preferential flow path which develops along Fambridge Road in a southerly direction. Close to the intersection with Cross Road the flow path predominantly follows the low lying land in a south easterly direction towards the Mariners Way and Limebrook Way areas of Maldon. Due to the urbanised nature of the area the natural flow paths incorporate areas of significant development and therefore create risk to residential properties. The application site was deemed a priority site due to historical flooding incidents and the number of properties indicated to be at risk. As the LLFA, ECC has subsequently conducted a number of detailed studies for the CDA to determine whether the proposed scheme would be a cost beneficial scheme.

A feasibility study has identified the application site as a potential location for a flood storage area within the open space adjacent to the Brickhouse Farm Community Centre to store surface water flows and alleviate flooding to properties downstream.

The proposals also include the installation of improved road drainage along Marlowe Close, immediately north of the Brickhouse Farm Community Centre open space. The proposed road drainage would intercept surface water flows and convey them into the storage area before re-entering the existing Anglian Water surface water sewer to the south east, at a regulated rate.

The proposals have been designed to protect up to 21 residential properties from internal flooding in a 5% AEP event and reduce flood depths to 174 properties in the Maldon Central Area. The storage area would hold a maximum of 5,600m³ of water and have a maximum depth of 1.3m. It would be seeded and top-soiled to

ensure that the scheme is in keeping with the surrounding environment.

The application site is within Flood Zone 1, land defined as having a less than 0.1% annual probability of flooding from rivers or the sea.

Design

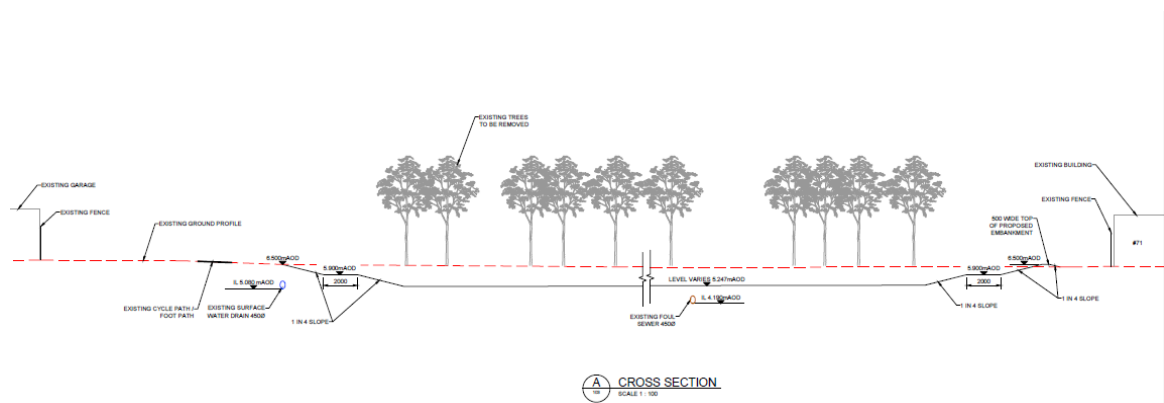
The proposed grated road drainage channels in Marlowe Road would be connected to the existing manhole via a 450mm pipe. The inlet to the storage area would comprise a headwall, flap valves, energy dissipation measures and an apron for erosion protection around the inlet pipes (the main inlet pipe connected to the surface water network and the discharge pipe from the drainage channel on Marlowe Close), as well as a safety screen to prevent unauthorised access to the inlet pipes. The purpose of the flap valves is to prevent reverse flows at high return period events when a high-water level in the storage area could induce backing up of pipes that are below the water level in the storage area. The energy dissipation and apron for erosion protection are required due to the relatively high flow velocities expected during higher return period events.

To ensure a gravity driven system, a fall is required towards the outlet of the storage area to ensure that all the water drains from the area once the storm event has passed. A fall of 1 in 150 across the area would be provided so that water would naturally flow towards the outlet.

The outlet structure from the storage area would comprise a headwall, concrete channel, safety screen and outlet pipe. The headwall would be designed to tie into existing ground levels at the perimeter of the storage area so that the clearance of the screen could be undertaken during flood conditions, ensuring flow out of the storage area was not impeded.

To ensure the area could be used during dry periods a grassed access ramp would be provided to the north west corner of the proposed storage area. The proposed ramp would be compliant with DDA requirements.

The side slopes of the proposed storage area would be 1 in 4 to facilitate ease of maintenance and stability. A benched two-stage slope is proposed with a slope of 600mm depth from the footpath/cycleway, a horizontal section 2 metres wide and a further slope down to the base of the storage area, the depth of which would vary due to the fall of the area towards the outlet pipe.



The open space adjacent to Brickhouse Farm Community Centre was identified as the preferred location for the storage area because of the overall benefits it achieves. As the Maldon Central Area is heavily urbanised, there are limited spaces to deliver a flood alleviation scheme. The applicant considers that as the green space adjacent to Brickhouse Farm is in close proximity to the key surface water flow path running through the Critical Drainage Area (CDA) the proposed scheme is the most logical and cost-effective point to intercept and direct the water into the storage area.

One of the Preferred Options contained within the 2013 Maldon and Heybridge Surface Water Management Plan (SWMP) involved the applicant investigating the benefits of directing runoff (preferential flow path) into the playing fields of Plume School and promoting shallow storage above the playing surface along with directing and storing flows within the open space east of Mundon Road.

However, this would have caused significant disruption to the local community intercepting surface water flows at Shakespeare Drive and transporting the water approximately 400m to the green space. The costs associated with upgrading the local drainage network along with ongoing disruption to the surrounding road would have made the delivery of this proposal unrealistic and too costly.

Representations also asked why the storage area couldn't have been constructed within the green space owned by Essex County Council immediately to the south of the field owned by Plume School or within the roundabouts on Limebrook Way. The applicant has confirmed that neither of these locations would have achieved the same amounts of flood risk reduction benefits to the residential properties in the area.

Representations also asked whether it was possible to postpone the delivery of the scheme for 10-20 years until such time as the land south of Limebrook Way was developed so that the scheme could be incorporated into the development design and funding contributions from the developer would help pay for the scheme which would also protect any new residential development.

The applicant has responded by stating that it is anxious to deliver the proposed scheme as soon as possible to ensure properties are protected from significant surface water flood risk.

There is no guarantee that the land would be developed over the next few years which would continue to leave the properties in the Maldon Central area vulnerable to flooding. Furthermore, any proposals to deliver a flood alleviation scheme on developer land would require Essex County Council to pay compensation to the developer which could put the scheme at risk of being unfeasible from a financial point of view.

The applicant has stated that any new major development to the south of Limebrook Way would have its own surface water drainage strategy to manage surface water run-off to ensure flood risk was not increased to existing properties. Given the topography of the land in the area, any scheme delivered south of Limebrook Way would not protect properties surrounding Brickhouse Farm.

Following construction of the attenuation area Maldon District Council would be responsible for maintenance as landowner. This would include maintenance of the landscaped areas within the storage area including the slopes as well as ensuring the inlet, outlet and low flow pipes were kept clear and functioning correctly. Should planning permission be granted a Memorandum of Understanding or formal legal agreement would be prepared. Essex County Council would inspect the area on an annual basis as part of the Flood Assets Register inspection.

Local residents have also expressed concern that the proposed scheme could increase flood risk to their properties and the surrounding area.

The applicant has confirmed that the scheme has been designed to protect properties and would have been discounted during the feasibility process if it was found to have increased flood risk elsewhere.

Residents have also raised concerns regarding the insurability of their properties should the proposed scheme be delivered. As Local Lead Flood Authority, Essex County Council has delivered flood alleviation schemes across the county and is not aware of any of them negatively affecting the insurability of residential properties and has stated that the proposed storage area would help reduce the potential of flooding from surface water during extreme events.

It is considered that it has been demonstrated that there is a need to reduce the risk of surface water flooding in the area and that the proposed scheme would achieve this in compliance with the principles set out in paragraph 148 of the NPPF, Policy S1 (Sustainable Development) and Policy D5 (Flood Risk and Coastal Management) of the Maldon District Local Development Plan July 2017.

B IMPACT ON RECREATIONAL AMENITY

MDLP Policy S1 (Sustainable Development) states inter alia that *“when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply the following key principle of the effective management of the District’s green infrastructure network.”*

MDLP Policy N3 (Open Space, Sport and Leisure) states inter alia that *“proposals for development on open space (including district parks, local parks, children’s play areas, cycle ways, bridleways, footpaths and allotments), sports and recreational building and land, including playing fields will not be allowed.”*

MDLP Policy D1 (Design Quality and Built Environment) states inter alia that *“all development must respect and enhance the character and local context and make a positive contribution in terms of providing sufficient and usable private and public amenity spaces, green infrastructure and public open spaces.”*

The site is designated as open space within the Maldon District Local Plan. The site forms a valuable piece of open space (including allotments (AL18), a children’s play area (PA18) and a Community Centre) and is highly valued and used regularly by the local community. A shared footpath/cycleway (not a formally

designated right of way) crosses the site east to west from Johnston Way to Poulton Close.



The existing allotments would not be affected by the proposed storage area. However, it is necessary to relocate the existing children's play area approximately 15 metres north of its current location.

Several representations have raised concerns about the presence of the flood storage area on an area of open space close to a children's play area and residential properties and on a popular walking/cycle route between estates, local facilities and Promenade Park.

Concerns relate to the fact that the storage area would be 1.3m in depth and when full of water would be particularly attractive to children which would bring serious safety implications.

The applicant is not proposing to erect fencing around the storage area so that the area would remain open and available for use by the local community and would not impact on the visual amenity of the area. The storage area would only contain water at times of excessive rainfall when it is more unlikely that the area would be used by the local community and would drain within a maximum of 10 hours. The applicant is willing to provide signs and safety equipment around the storage area if required.

Concerns have also been raised about the potential for rats, vermin, mosquitos and odours from stagnant water and the possibility that people would stop using the park area as a result.

The majority of mosquitos require permanent, still water to live and/or breed in. The proposed storage area would only contain water at times of excessive rainfall and drain within a maximum of 10 hours. Even if further rainfall added to the water in the storage area within that time it would not provide a suitable habitat for

mosquitos.

Similar schemes delivered around the County over the last 4 years have not resulted in the presence of rats or vermin. As the storage area would only contain water at times of excessive rainfall and would drain within a maximum of 10 hours it is not considered that it would provide a suitable environment for rats and vermin.

Representations have also made reference to the risk of catching Legionnaires disease, Weil's disease and Lymes disease from stagnant water in the storage area.

Legionnaires disease is generally caught by inhaling tiny droplets of water containing the bacteria that causes the infection. The NHS website states it is more commonly caught in places like hotels, hospitals or offices where the bacteria has got into the water supply. It is normally caught from things like air conditioning systems, spa pools and hot tubs and showers, taps and toilets. The website states that it cannot normally be caught from drinking water containing the bacteria, other people with the infection or places like ponds, rivers and lakes.

Weil's disease (Leptospirosis) is spread in the urine of infected animals – most commonly rats, mice, cows, pigs and dogs. It can be caught if soil or fresh water (such as from a river, canal or lake) containing infected urine gets into the mouth, eyes or a cut usually during activities like kayaking, outdoor swimming or fishing. Again as the proposed storage area would only contain water at times of excessive rainfall and would drain within a maximum of 10 hours it is not considered it would provide a suitable environment for rats and other vermin and therefore the likelihood of Weil's disease being present is low.

Lyme's disease is caught from the bites of infected ticks. Although ticks that may cause Lyme's disease are found all over the UK, high risk areas include grassy and wooded areas in southern England and the Scottish Highlands. If planning permission is granted Maldon District Council would be responsible for the maintenance of the storage area, including cutting the grass and it is not considered that the risk for Lyme's disease would be any greater than existing.

As stated previously the storage area would only contain water during periods of excessive rainfall and should be empty within a maximum of 10 hours and therefore the water should not be in the storage area for a long enough period of time to become stagnant.

Maldon District Council has not objected to the proposed scheme and has commented that the open space would not be lost but would be re-configured and therefore, whilst there would be some temporary disruption there would be no overall decrease in open space provision at the site. Being part of the surface water drainage network would affect the usability of the open space at times when water is present, but it is considered that this would be at times when the demand to use the open space is minimised.

Maldon District Council has requested a condition be attached should planning permission be granted requiring details of boundary treatment and/or signage to

be submitted. This request is primarily in the interest of ensuring that the measures do not detract from the character and appearance of the site and surrounding area.

Several residents have stated that it would be sensible to move the children's play area as its existing location becomes boggy during inclement weather and is unusable.

The applicant is in discussion with Maldon District Council, as landowners, with regards to the type of play equipment that would be provided in the relocated area. It would be an opportunity to modernise the existing equipment as well as laying all-weather matting so that the area could be used following periods of rainfall.

Concerns have been raised over the proposed re-location of the children's play area which would be closer to properties in Marlowe Close and the potential for noise, anti-social behaviour and overlooking of properties/gardens as a result. Further consideration is given to the potential impacts on residential amenity further in the report.

Although the proposed scheme would mean that areas of the open space were unavailable for use during periods of excessive rainfall, there would not be a loss of open space which is considered to be in accordance with Policy S1 (Sustainable Development), Policy N3 (Open Space, Sport and Leisure) and Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.

C IMPACT ON THE NATURAL ENVIRONMENT

MDLP Policy S1 (Sustainable Development) states inter alia that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply the following key principle of conserving and enhancing the natural environment by providing protection and increasing local biodiversity and geodiversity."*

MDLP Policy N1 (Green Infrastructure Network) states inter alia that *"there will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure."*

MDLP Policy N2 (Natural Environment, Geodiversity and Biodiversity) states inter alia that *"All development should seek to deliver net biodiversity and geodiversity gain where possible."*

MDLP Policy D1 (Design Quality and Built Environment) states inter alia that *"all development must respect and enhance the character and local context and make a positive contribution in terms of natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value."*

Landscape/Trees

On the site of the proposed flood storage area is a copse of trees which will

require removal.

An Arboricultural Impact Assessment (AIA) and Draft Method Statement were submitted as part of the planning application.

All the existing trees (34 trees with and 1 tree group) within the application area would need to be removed to allow the construction of the storage area. The maximum depth of the attenuation area would be 1.3m below existing ground level. This depth is too deep to consider lowering the ground level around the trees and would affect the amount of water the area could hold.

The removal of the trees would result in significant loss in terms of visual amenity as the trees are visible from all publically accessible areas of the site and provide a unique landscape character.

None of the existing trees are subject to Tree Preservation Orders (TPOs). There is a mixture of tree species on the site including Silver Birch (*Betula pendula*), Lime (*Tilia*), Sycamore (*Acer pseudoplatanus*), Hawthorn (*Crataegus*), Field Maple (*Acer Campestre*), Pine (*Pinus* sp.) and fruit trees – Apple (*Malus*) and Pear (*Pyrus*). 27 of trees proposed for removal are category B (including the small group), 6 are category C and 1 is category U. The overall condition of the trees is considered to be good with a high amenity value. Most of the trees are semi-mature and considered to contribute to a distinctive landscape character.

It is proposed to plant a total of 77 replacement trees within the site in mitigation. The AIA recommends that the replacement trees should be similar species to those being removed. Where a Category B tree is removed, it should be replaced with a semi-mature tree that should be at least 12-14cm in girth and when a Category C tree is removed, it would be suitable to replace it with a young tree which should be at least 8-10cm in girth. It suggests that suitable species for the replacement planting could include Cherry (*Prunus* sp.) and Alder (*Alnus glutinosa*) along with Pine, Birch and fruit trees.

Maldon District Council has commented that the proposal would not result in the loss of the existing use, but its reconfiguration and whilst there would be some reduction in usability and removal of existing landscaping at the site, it is considered that this would be off-set by the replacement landscaping and the benefits derived from reduced flood risk. It has no objection in relation to the content of Policy N1.

Maldon District Ward Members have raised an objection to the scheme on the grounds that the removal of a significant number of mature trees would have a detrimental impact on the amenities of the site and would be contrary to Policy N2.

Maldon District Council's tree officer has commented that the scheme involves removing a large number of trees that were likely planted when the estate was built with the purpose of providing screening and amenity. The trees have matured to provide the park with the screened setting it currently enjoys within the urban landscape. The removal of the trees would have a significantly detrimental impact on the amenity of the site but will also likely have an impact on the surrounding residents' enjoyment of their properties from possible noise and privacy when

activities take place in the park.

New planting would be provided which would help to mitigate to a certain degree. Concerns are raised regarding the establishment of the trees and having funding in place to accommodate their welfare, replacement and management. Vandalism could present a risk and there could be costs associated with replanting.

Concerns have been raised regarding the suitability of the proposed planting of a London Plane and 2 Sycamores close to the relocated play area. Sycamores characteristically have aphid infestations which result in sticky deposits and attract stinging insects. London Planes have fine hairs on the underside of their leaves, which help with pollution sequestration but can irritate eyes and throats when in close and constant proximity. The canopy overhang to the play area could provide a roost for birds and result in bird mess causing health and safety concerns. Having these species close to properties could cause issues at a later date with subsidence and shadow cast, given the orientation of the site.

It is suggested that Silver Birch and Willow are included in the replacement planting together with the proposed Alder and Silver Maple. Alder, Birch and Willow are more indigenous to wet woodland environments, with potentially looking at managing the Willow as coppice rather than allowing it to develop into trees. Consideration could also be given to including some Cricket Bat Willows that could be harvested in the future with proceeds going back to enhancing the management of the park.

More consideration should be given to the tree species proposed to be used in the replacement planting, taking into account suitability for location, space to develop, seasonal interest and security via design. The redevelopment of the park setting would be important with the species used, their positioning in relation to park use and possible impact on usage of the park and surrounding properties. The formation of a community group for the park and community planting projects could help reduce vandalism and encourage the park to be looked after.

Any replanting scheme would need to have a robust aftercare and management schedule, with appropriate funds set aside to address this issue to help the new setting become established and self-sufficient.

Place Services (Arboriculture) has no objection to the proposed scheme.

The proposed flood storage area would consist of a meadow grass mix for wet soils and a general purpose meadow mix of wild flowers.

Place Services (Landscape) has no objection to the proposed scheme. It has commented that the proposals would have a large impact in the existing tree stock. The removal is felt to be justified through the proposed mitigation strategy. It is considered that the variety of species and stock sizes provide good compensation for the loss. It is recommended that the density and area of woodland planting is specified on landscape proposals.

In light of the comments made by Maldon District Council (with regard to replacement tree planting, in particular the proposed tree species) and Place

Services (Landscape), it is considered appropriate to attach a condition requiring the submission of a detailed landscaping plan, including a landscape management plan. It is also considered appropriate to attach the standard condition requiring the replacement planting of any landscaping that dies, is damaged, diseased or removed with a 5 year period following completion of the proposed development.

Ecology

A Preliminary Ecological Appraisal was submitted as part of the application. It concludes that the site is generally of low ecological value but does contain some biodiversity features/potential which include a plantation woodland with potential for nesting birds and potential for transient reptiles. The Appraisal recommends that tree work should be carried out between March and August inclusive; a native re-planting scheme should be provided by the applicant to fully compensate for any tree losses on site and tall ruderal habitat should be cleared between March and October when reptiles are active and can easily move away from the area.

Place Services (Ecology) supports the application and has commented that sufficient ecological information has been provided. This information provides certainty for Essex County Council of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured the development can be made acceptable. The biodiversity enhancements proposed should be secured by condition.

Two conditions are proposed should planning permission be granted. The first requires all mitigation and enhancement measures and works to be carried out in accordance with the details contained in the Preliminary Ecological Appraisal submitted with the application and the second requires the submission of a Biodiversity Enhancement Strategy.

Whilst the loss of all of the existing trees on the site is regrettable, it is considered that the replacement planting of 77 trees, including semi-mature trees, would provide adequate mitigation.

Further it is considered that subject to the imposition of conditions relating to landscaping, mitigation and enhancement measures, Biodiversity Enhancement Strategy as proposed, it is considered that the proposed scheme would be in accordance with Policy S1 (Sustainable Development), Policy N1 (Green Infrastructure Network), Policy N2 (Natural Environment, Geodiversity and Biodiversity) and Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.

D IMPACT ON HISTORIC ENVIRONMENT

MDLP Policy S1 (Sustainable Development) states inter alia that *“when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply the following key principles in policy and decision making: conserve and enhance the historic environment by identifying the importance of local heritage and providing protection to heritage assets in accordance with their significance.”*

MDLP Policy D1 (Design Quality and Built Environment) states inter alia that “*all development must respect and enhance the character and local context and make a positive contribution in terms of historic environment particularly in relation to designated and non-designated heritage assets.*”

An Archaeological Desk Based Assessment was submitted as part of the application.

The Assessment concluded that the site is located within an area with prehistoric and Roman settlement in the vicinity. There is the possibility of further unknown below ground archaeology being present, particularly relating to the former extent of the post-medieval farm yard of Brick House. Archaeological deposits are both fragile and irreplaceable and the construction of scheme has the potential to impact on archaeological deposits and landscape features.

A programme of archaeological investigation will be required if groundworks are necessary for the construction of the scheme. A range of options are available:

- Trial trenching would define the nature of the surviving archaeological deposits if groundworks or extraction is required.
- A condition on the planning consent requiring work post consent

Place Services (Historic Environment) has no objection to the proposed scheme subject to a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

It is considered that providing the proposed development is carried out in accordance with the submitted information and the proposed condition it would be in accordance with Policy S1 (Sustainable Development) and Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.

E IMPACT ON RESIDENTIAL AMENITY & HIGHWAYS

A public consultation event was held at Maldon District Council offices on 19 February 2019 between 3pm-8pm.

There has been criticism of the fact that a public consultation event was not held until the consultation period for the planning application ended. The applicant has responded by stating that it was originally hoped to hold the event at the Brickhouse Farm Community Centre prior to the submission of the application. There were problems in trying to contact the appropriate persons at the Centre to arrange a date. When contact was made the applicant was informed that Centre was in constant use and an alternative venue would need to be found.

With the benefit of hindsight the applicant is aware that holding the public session prior to the submission of the application may have resulted in the receipt of less representations as local residents would have had the opportunity of raising their concerns and asking questions about the scheme at an earlier opportunity.

There has also been criticism that members of the flood team in attendance at the event were unable to provide answers to questions raised by local residents and seemed unaware of the site constraints.

As part of the pre-application process it was recommended to the applicant that public consultation was carried out prior to the submission of the application. There is no legal requirement for the applicant to do so and it would not have been appropriate to refuse to validate the application for that reason. Representations on the planning application were accepted after the end date of the consultation period to enable residents to submit comments on the proposed scheme after attending the public session. It is not considered that any residents have been disenfranchised by this approach.

MDLP Policy D1 (Design Quality and Built Environment) states inter alia that “*all development must respect and enhance the character and local context and make a positive contribution in terms of protecting the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.*”

During the construction phase of the flood storage area there is potential for disturbance to the local community by way of noise, dust and lorry movements removing the excess excavated materials from the site.

The nearest residential properties to the proposed construction route would be to the north in Marlowe Close; although it is acknowledged that the increased lorry movements have the potential to impact on other residential properties on the estate. It is estimated that there would be 40 lorry movements per day for 14 weeks during the construction of the proposed storage area. It is important that the scheme is carefully managed by all involved with the scheme to ensure that the potential for significant adverse impacts on the local community are minimised.

The Highway Authority has no objection to the proposed scheme but has noted that no Construction Management Plan was submitted as part of the application. The applicant commits to the submission of a Construction Management Plan. It is therefore considered appropriate to attach a condition should planning permission be granted requiring the submission of a Construction Management Plan prior to the commencement of development.

Clarification is required by the Highway Authority on how the proposed highway works in Marlowe Close would be managed to ensure access is maintained at all times. It is considered appropriate for this to form part of the Construction Management Plan.

The application is silent with regard to dust management. It is expected that this would be managed throughout the construction period. As such, dust management could be incorporated into a condition requiring a Construction Management Plan, should planning permission be granted.

The actual operation of the proposed scheme would not be considered to be particularly noisy or to have a more significant detrimental impact on the residential amenity, than the existing recreational use.

As stated previously it is necessary to relocate the existing children's play area approximately 15 metres north of its current location, adjacent to residential properties in Marlowe Close.

The relocation of the children's play area 15 metres to the north of its existing location could have an adverse impact on the nearest residential properties in Marlowe Close, by way of noise, overlooking and loss of privacy.

Representations have expressed concerns about the proximity of the relocated play area to residential properties and the potential for noise and anti-social behaviour.

Other representations have expressed support for the relocation of the play area as it is considered unusable in times of inclement weather.

The applicant is in discussion with Maldon District Council with regards to the play equipment for relocated play area, to ensure that there would be no potential for overlooking or lack of privacy for the nearest residential properties. There is an opportunity for the modernising of the existing equipment, provision of new equipment and/or the provision of all-weather matting to make the area accessible when wet.

It is considered appropriate to attach a condition should planning permission be granted for details of the proposed play area to be submitted prior to installation.

It has been suggested by Maldon District Council that the formation of a community group for the park could help reduce vandalism. It may also help reduce the potential for anti-social behaviour in the children's play area.

It is considered appropriate to attach a condition, should planning permission be granted, requiring details of the proposed play equipment to be installed in the play area to be submitted so that the potential for overlooking and lack of privacy of the nearest residential properties is minimised.

It is considered that with the selection of appropriate play equipment for the play area there should not be any potential for overlooking or loss of privacy for the nearest residential properties.

With the proposed relocation of the children's play area, adjacent to residential properties in Marlowe Close it is accepted that there is the potential for noise disturbance. This area is existing open space and available for informal recreation activities by the local community which brings its own potential for noise disturbance. It is not considered that the relocation of the children's play area would have a significant detrimental impact on the residential amenity of the adjacent residential properties and would be in accordance with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.

7. CONCLUSION

It is considered that there is an identified need for flood protection in the Brickhouse Farm area of Maldon. The proposed site is considered to be a suitable location in terms of proximity and the proposed design would be the optimum to ensure minimal impact in compliance with the NPPF and Policy S1 (Sustainable Development), Policy D5 (Flood Risk and Coastal Management), Policy N1 (Green Infrastructure Network) and Policy N3 (Open Space, Sport and Leisure) of the Maldon District Local Development Plan July 2017.

It is not considered that the proposed scheme would prejudice the use of the land for informal recreation. Although there would be times when the storage area would be full of water, and therefore inaccessible, the existing children's play area and footpath/cycleway would be retained (albeit in a slightly different location) and, as such, would be in accordance with Policy S1, Policy

Furthermore, it is considered that with the imposition of conditions relating to the construction period there would not be a significant impact on amenity, in compliance with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.

The development would necessitate the removal of all 34 existing trees and 1 group of trees on the site, which is unfortunate. It is proposed to replant 77 trees in mitigation, with species more suitable for wet conditions. It is considered that the imposition of landscaping and ecological conditions with regards to the submission of a detailed landscaping scheme and ecological enhancements would mean that the proposed scheme would be in compliance with Policy S1 (Sustainable Development), Policy N1 (Green Infrastructure Network), Policy N2 (Natural Environment, Geodiversity and Biodiversity) and Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.

Overall it is considered that the proposed scheme would meet the criteria of Policy S1 (Sustainable Development), Policy N1 (Green Infrastructure Network) and Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan 2017 where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the area.

8. RECOMMENDED

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: *To comply with section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 19 December 2018 and validated on 9 January 2019 together with:

- Preliminary Ecological Appraisal version 1.4 prepared by Place Services dated 10 December 2018
- Archaeological Desk Based Assessment prepared by Place Services dated April 2017
- Planning Statement dated 19 December 2018
- Arboricultural Impact Assessment and Draft Method Statement prepared by Place Services dated 14 December 2018
- Drawing Number MAL2_00 Rev A (Proposed Landscape Plan) dated 9 February 2019
- Drawing Number 5154071-ATK-MC-DR-T-102 Rev PO1 (Site Plan) dated 14 December 2018
- Drawing Number 5154071-ATK-MC-DR-T-103 Rev PO1 (Proposed Works General Arrangement (Block Plan) dated 14 December 2018
- Drawing Number 5154071-ATK-MC-DR-T-104 Rev PO1 (Proposed Cross Section) dated 14 December 2018
- Drawing Number 5154071-ATK-MC-DR-T-101 Rev PO1 (Location Plan) dated 14 December 2018

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy S1 (Sustainable Development), Policy D1 (Design Quality and Built Environment), Policy D2 (Climate Change & Environmental impact of New Development), Policy D5 (Flood Risk and Coastal Management), Policy N1 (Green Infrastructure Network), Policy N2 (Natural Environment, Geodiversity and Biodiversity) and Policy N3 (Open Space, Sport and Leisure) of the Maldon District Local Development Plan July 2017.*

3. No development shall take place until a landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 4 of this permission.

Reason: *To comply with Section 197 of the Town and Country Planning Act 1990 (as amended) to improve the appearance of the site in the interest of visual amenity and to comply with Policy D1 (Design Quality and Built Environment) and Policy N2 (Natural Environment, Geodiversity and Biodiversity) of the Maldon District Local Development Plan July 2017.*

4. Any tree or shrub forming part of a landscaping scheme approved in connection with the development (under Condition 4 of this permission) that dies, is damaged, diseased or removed within the duration of 5 years following planting shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy D1 (Design Quality and Built Environment) and Policy N2 (Natural Environment, Geodiversity and Biodiversity) of the Maldon District Local Development Plan July 2017.*

5. 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 County 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.

Reason: *To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Policy D1 (Design Quality and Built Environment) and Policy S1 (Sustainable Development) of the Maldon District Local Development Plan July 2017.*

6. No soils or materials shall be imported to the site for the purpose of constructing the Flood Storage Area as shown on Drawing Number 5154071-ATK-MC-DR-T-103 Rev P01 (Proposed Works General Arrangement (Block Plan) dated 14 December 2018.

Reason: *To ensure that there are no adverse impacts on local amenity from the development, not assessed in the application details, and to comply with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.*

7. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. The plan shall provide for the following all clear of the highway:
 - Safe access into the site
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel and underbody washing facilities

The Plan shall additionally provide details for the management of the exportation of soils from the site, dust management, commitment to no handling or movement of soils unless they are in a dry and friable condition, maintenance of access to Marlowe Close during the proposed drainage improvement works and working hours.

The development shall take place in accordance with the approved Plan.

8. Reason: *To ensure that during the construction period, on-street parking of vehicles in the adjoining streets does not occur and to ensure that loose*

materials and spoil are not brought out onto the highway in the interests of highway safety, to ensure the protection of amenity during the construction period and in compliance with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.

9. No signage or safety equipment shall be installed around the perimeter of the flood storage area hereby permitted until details of the signage and safety equipment have been submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: *In the interests of public safety and visual impact and in accordance with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.*

10. No play equipment shall be erected or installed in the relocated play area as shown on Drawing Number 5154071-ATK-MC-DR-T-103 Rev PO1 (Proposed Works General Arrangement (Block Plan) dated 14 December 2018 until details of the play equipment including heights have been submitted to and approved in writing by the County Planning Authority.

Reason: *To ensure that there are no adverse impacts on the neighbouring residential properties by way of overlooking or loss of privacy and in accordance with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.*

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) 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: In determining this

planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

MALDON - Maldon

DR/13/19

committee DEVELOPMENT & REGULATION

date 26 April 2019

ENFORCEMENT OF PLANNING CONTROL – INFORMATION ITEM

Enforcement update.

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to Suzanne Armstrong – Tel: 03330 136 823

1. PURPOSE OF THE ITEM

To update members of enforcement matters for the period 1 January to 31 March 2019 (Quarterly Period 4).

2. DISCUSSION

A. Outstanding Cases

As at 31 March 2019 there are 19 outstanding cases. Appendix 1 shows the details of sites (9) where, after investigation, a breach of planning control is considered to have occurred.

B. Closed Cases

11 cases were resolved during the period 1 January to 31 March 2019.

LOCAL MEMBER NOTIFICATION

Countywide

Enforcement Committee Report

<u>Location</u>	Nature of problem	Remarks
<u>Basildon</u>		
Terminus Drive Pitsea Hall Lane Pitsea SS16 4UH	Surfacing works not commenced in breach of pp	Breach of Condition 6 of permission ESS/13/15/BAS which requires the hard surface of the access road from the Waste Processing Building to Pitsea Hall Lane in accordance with the approved drawings. A Breach of Condition Notice has been served. Full compliance with the notice was due by February 2019. Works have commenced but not complete. A further visit is scheduled to ensure compliance with the notice served.
<u>Braintree</u>		
Straits Mill, Bocking, Braintree, CM7 9RP	Carpet Recycling	A material change of use of the land to a waste transfer facility. Waste is imported including wood, textiles, soils and other similar waste materials. A site office and weighbridge have been installed and waste is being processed on site. Essex County Council and the Environment Agency have adopted a joint working protocol; it was considered that the EA were the appropriate authority to deal with the notice for this site. A notice was served by the EA to remove all waste by the 31st December 2018. Whilst some progress has been made a substantial amount of waste remains on the land. The EA and ECC will consider their options in this case.
<u>Colchester</u>		
Gean Trees, The Causeway, Great Horkesley, Colchester, CO6 4EJ	Importation of waste	Report to Development and Regulation Committee in October 2017 recommendation that at the current time, no further action is taken by ECC as WPA in respect of the breach of the enforcement notice served, subject to the land being sold and any new land owners working with the WPA towards compliance with the notice. Members agreed the recommendation.
Lexden Springs School Winstree Road Stanway Colchester	Play equipment not in accordance with plans	Report presented to Members of the Development and Regulation Committee Recommendation that taking into account the results of the harm assessment carried out on the 8th January 2019, it is not

		considered expedient to take enforcement action and that no further action will be taken to regularise this breach of planning control. Members discussed this case and considered that this should be subject to no further complaints being received.
<u>Rochford</u>		
James Waste Management, Land to the East of Brickfields Way, Purdys Industrial Estate, Rochford SS4 1NB	Site monitoring	Storage of waste outside permitted area. Site currently has a permission with Rochford District Council. A new application has been submitted to the WPA for an extension to the existing Materials Recovery Facility including the formation of an outside waste transfer area, the construction of a new building and other associated site works, plant and machinery.
<u>Tendring</u>		
Mantys Equestrian, Brook Farm, Nansen Road, Clacton-on-Sea CO15 5EF	Importation of waste	Importation and deposition of waste, raising the levels of the land. An enforcement notice was served for the removal of the waste materials. The notice has taken effect and compliance was due by the 21st June 2018. A report was presented to Members of the Development and regulation Committee on the 26th October 2018 it was agreed that; at the current time, no further action is taken by the County Council as Waste Planning Authority in respect of the breach of the enforcement notice issued in June 2017, subject to no further waste materials being imported to the land and the remaining unauthorised waste material being removed from the land by May 2019. Officers will continue to monitor the site to ensure that the land is restored appropriately in accordance with the requirements of the enforcement notice.
Wivenhoe asphalt plant, Alresford Road, Wivenhoe, Colchester CO7 9JU	Breach of Condition ESS/07/18/TEN Condition 51 requires the removal of the asphalt plant by 31st December 2018	A site monitoring visit identified that the asphalt plant has not been removed as required by condition 51 of application ESS/07/18/TEN which required the removal of the plant by 31st December 2018. A timescale has been agreed with the operator for complete removal of the plant. A further visit will be carried out to check compliance.

Uttlesford		
New Farm, Elsenham Road, Stansted, CM24 8SS	Importation of waste	Importation, depositing, storing and spreading of waste materials on the land. On the 5th October 2015 an enforcement notice was served. The land owner and tenant appealed the enforcement notice. The Planning Inspectorate issued their decision in relation to the appeal on the 1st July 2016. The appeal against the enforcement notice was allowed on ground (g) such that 12 months has been given for the removal of the waste and restore the land, which commences from the 1st July 2016. The removal was required by the 1st July 2017. A site visit confirmed that the enforcement notice has not been complied with and a hearing was listed at the Magistrates Court for the 29th March 2018 to prosecute the land owner for non-compliance with the enforcement notice. Information came to light from the defendant's solicitor (land owner) that indicates further enquiries need to be undertaken. Essex Legal Services continued communication with the defendant's solicitor.
Oakbury House, Molehill Green Takeley, CM22 6PH	Deposit of waste	Importation of waste raising the levels of the land. The waste deposited is to be removed and the land owner is working with the WPA to rectify the breach of planning control. Progress is being made, however due to the location of the land within a small village it is accepted that the removal may take some time in order to minimise the impact on local residents. Officers will continue to monitor the site to ensure removal of the deposited material.

DR/14/19

Committee DEVELOPMENT & REGULATION

Date 26 April 2019

INFORMATION ITEM**Applications, Enforcement and Appeals Statistics**

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to Emma Robinson – tel: 03330 131 512

or email: emma.robinson@essex.gov.uk

1. PURPOSE OF THE ITEM

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

Major Planning Applications**SCHEDULE**

Nº. Pending at the end of February

28

Nº. Decisions issued in March

3

Nº. Decisions issued this financial year

35

Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)

100%

Nº. Delegated Decisions issued in March

1

Nº. applications where Section 106 Agreements pending at the end of March

3

Minor Applications

% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)

100%

Nº. Pending at the end of February

8

Nº. Decisions issued in March

3

Nº. Decisions issued this financial year

35

Nº. Delegated Decisions issued in March

2

All Applications

Nº. Delegated Decisions issued in March

3

Nº. Committee determined applications issued in March

3

Nº. of Submission of Details dealt with this financial year

179

Nº. of Submission of Details pending at the end of March

32

Nº. of referrals to Secretary of State under delegated powers in March

0

Appeals

Nº. of outstanding planning and enforcement appeals at end of March

0

Nº. of appeals allowed in the financial year

0

Nº. of appeals dismissed in the financial year

0

Enforcement

Nº. of active cases at end of last quarter

19

Nº. of cases cleared last quarter

11

Nº. of enforcement notices issued in March

0

Nº. of breach of condition notices issued in March

0

Nº. of planning contravention notices issued in March

0

Nº. of Temporary Stop Notices issued in March

0

Nº. of Stop Notices issued in March

0