



Mr Gavin Jones  
Chief Executive  
Essex County Council  
County Hall  
Market Road  
Chelmsford  
Essex  
CM1 1QH

Our Ref: ZA72987

24 February 2022

Dear Mr Jones,

**Planning Application: ESS/34/15/BTE/66/01 | Details pursuant to Condition 66 (Plan of action for an alternative use or a scheme of rehabilitation) of ESS/34/15/BTE | Rivenhall Airfield, Coggeshall Road (A120), Braintree, CO5 9DF**

Further to my previous correspondence and representations on behalf of residents, in advance of the Development and Regulation Committee considering this matter on Friday 25 February 2022 I would like to raise some further comments and objections with the proposals for the Committee to consider.

As the Committee will be aware and as is noted in the report, this site has a long and complex planning history. The consent granted by the then Government in early 2010 has been subject to further changes and revisions and since then there have also been changes to policies, strategies and approaches on the environment and to address the challenges posed by climate change. Moreover, market conditions have also changed for waste, recycling and recovery materials. Consequently, waste incineration is viewed as being a less favourable approach and through the Government's Resources and Waste Strategy there is an increased focus on waste reduction, re-use and recycling. If this development was being considered as a fresh new planning application, then it is likely that it would be refused.

While I note the peculiar, complex and unusual circumstances surrounding this planning matter, the application to address the requirements of condition 66 and the assessment and recommendations of planning officers in the report, the application needs to be refused by Members of the Committee.

The local community in this part of Essex has had to put up with the threat of the waste incinerator being built for many years and condition 66 was due to provide some certainty and ensure that the paper pulp, recycling, biological treatment and anaerobic digestion elements of the scheme were delivered. The proposed plan of action from Indaver to address condition 66 is unacceptable as all three options they have put forward fail to provide certainty. Moreover, the applicant has also failed to meet the terms of condition 66 by failing to submit an alternative option to rehabilitate the site, as is required of it. Given that Indaver have failed in the application to meet this requirement of condition 66 this provides the Committee with grounds to refuse this application.

When examining the options proposed by Indaver in their so-called plan of action, they

constitute nothing of substance and do not amount to a plan. Two of the options, options 2 and 3, would require entirely new planning consents to be sought and as such I welcome the assessment in the report from officers recommending that those two options are refused.

However, I am concerned to see the recommendation from officers proposing that the Committee accepts option 1. The site as currently consented is not likely to be built out and put into operation and approving option 1 as recommended would therefore not provide certainty over this matter. Six years have passed since the consent was granted and in that time plans have had to be further revised and Indaver have stated on multiple occasions, including in the plan of action, that they do not think that they can deliver the integrated waste management facilities in full. Even with the conditions suggested by the Council, the lack of a clear commitment, assurances and progress on development the non-incinerator elements of the site by Indaver means that residents and the local community would have little or no confidence in the decision. The applicant's commitment to this option lacks credibility and as such Members of the Committee should look to refuse this option.

Moreover, if option 1 were to be approved, Members of the Committee must be mindful that this will prolong the impact and uncertainty for the local communities affected. As the report notes, it could take a further four years for the site to be built out as consented if option 1 is approved, which would cause further disruption. Refusing this application would change the dynamics of the planning process between the applicant, the Council and the local communities in this part of Essex with the Council being in a position to potentially begin enforcement action to put a stop to this unwelcome development.

Members of the Committee will note from the report that there is widespread local opposition to these plans with parish councils, Braintree District Council, elected representatives and a large number of residents all objecting. Pages 60 to 76 gives details of those objections and I would urge Members of the Committee to consider strongly the concerns and objections that have been raised. These include strong material grounds for refusal including on environmental and climate change grounds, the fact that this option and the development would contradict planning and environmental policy, the impact on highways of additional HGV traffic, and the need for this incinerator now being diminished.

It is clear that granting permission to option 1 of the applicant's plan of action would contradict planning and environmental policies. The application must be refused and the applicant held to account for not complying with the planning consent granted.

However, in the event that the Committee is minded to follow the recommendation, it is vital that the conditions are further strengthened and tightened up. In particular, conditions should include binding performance measures that ensures that the development of all elements are being brought forward as authorised. The proposal for Condition 70 on pages 98 and 99 of the report stipulates that the incinerator/CHP element of the scheme cannot be brought into 'beneficial operation' until the other elements of the scheme have "been constructed and [be] available for beneficial operation." However, condition 70 as presently drafted does not prevent the incinerator element being developed and being ready for 'beneficial use' in advance of any construction taking place on the other elements of the site. Consequently, the conditions need strengthening to provide some assurances that all elements of the site will be developed together, completed together and ready for operation together.

Moreover, the Committee should consider putting a condition on the applicant requiring them to bring forward a 'scheme of rehabilitation for the site' within a short timeframe, given that this was not included in this application when it should have been.


Furthermore, the Committee should also consider putting in place a clear deadline for all

elements of the site to be brought into beneficial operation and the construction to be completed.

I note from the report that whatever the outcome of this application, the local community may still face the threat of the incinerator being built with other planning processes, appeals and applications available. However, that should not deter the Committee and the Members of the Committee for standing firm and refusing this application.

I trust that these points and all of the objections and concerns raised by residents, parish councils, the district council and elected representatives will be considered in full by Members of the Committee.

Yours sincerely,

*with our good wishes,*  


**Rt Hon Priti Patel**  
**Member of Parliament for Witham**