

also at
Halstead, Sudbury,
Tiptree and Coggeshall

The Chief Planning Officer
Essex County Council
County Hall
Market Road
Chelmsford
CM1 1QH

Your ref
Our ref DW LK GF 250312.1
Date 05 August 2014

Dear Sir

Gent Fairhead & Co Limited, Rivenhall Airfield, Essex, C5 9DF

1. INTRODUCTION

1.1 We are instructed by Gent Fairhead & Co Limited (GFC) to apply for an extension of time of 2 years to implement the planning permission granted on 2 March 2010 by the Secretary of State for an Integrated Waste Management Facility (IWMF) at Rivenhall Airfield, Essex.

1.2 The application comprises:

- i) Application Form; (*Doc 2*)
- ii) Ownership Certificate/Agricultural Land Declaration;
- iii) Cheque for £575;
- iv) Statement from Ralph Keeble outlining the steps taken to date to implement the planning permission; (*Doc 3*)
- v) Statement from Steve Smith updating the original Environmental Impact Assessment; (*Doc 4*)
- vi) Statement from Ralph Keeble concerning need; (*Doc 5*)
- vii) Bio-Diversity Checklist; (*Doc 6*)
- viii) This letter. (*Doc 1*)

2. APPROACH TO THE APPLICATION

2.1. We appreciate that if this application is approved, then it will result in a new planning permission. You have, therefore, to determine the application in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, namely determine it in accordance with the provisions of the development plan unless material considerations indicate otherwise.

2.2. Equally you should bear in mind that a streamlined process was introduced to enable planning permissions to be kept alive. The guidance to the new measures said "This measure has been introduced in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve".

- 2.3. This is particularly important in this instance. GFC's development partners were not able to commit to the required investment during the recession. Further, owing to the recession itself, some have changed their business models or strategies and can no longer pursue the project. However, there is now committed interest in the project and GFC seek, as a safeguard, the extension of time to implement the planning permission. Moreover, the Council are reminded that Article 18 of the Town and Country Planning (Development Management Procedure) Order 2010 applies to this application and as a consequence only limited (if any) consultation is required.
- 2.4. The same guidance also reminds local planning authorities that the development has already been approved in principle and as a consequence both applicants and local planning authorities should primarily concentrate on any changes in policy or material considerations. Indeed, the guidance actually says "We did not anticipate that any additional information to that which must be provided on the application form, will be required in most circumstances".
- 2.5. The local planning authorities are also reminded to take "a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly". This guidance is clearly intended to apply to major developments given the reference within the guidance to EIA Developments. It is, therefore, against this background that the remainder of this statement will briefly detail what has been occurring since the grant of the planning permission, look at any changes in the development plan, and other matters which may affect the determination of the application.

3. STEPS TAKEN TO IMPLEMENT

- 3.1. We are enclosing a detailed statement from Mr Ralph Keeble, a director of GFC. He has been involved with this project throughout its life.
- 3.2. It may be self-evident from the work undertaken to date that there is a clear intent on the part of GFC to develop an IWMF. Insofar as it is not abundantly clear, we can confirm that it is the intention of GFC to pursue this project to fruition.
- 3.3. A very considerable sum of money has already been invested in the project. Investment will continue. Furthermore, development partners and commitments to the necessary funding are now largely in place.
- 3.4. This is a large project necessitating the investment of many millions of pounds. It is a complex project in terms of engineering, etc., and to that extent it is inevitable that it was going to take time to develop. This application should, nevertheless, be determined on the basis that GFC are committed to the scheme.

4. PLANNING POLICY

- 4.1. The original application was determined at a time when the Development Plan predominantly comprised the East of England Plan, the Essex and Southend Waste Local Plan and the Braintree District Local Plan Review. The relevant central government advice at that time was PPS10.
- 4.2. The Inspector who reported to the Secretary of State, advised the Secretary of State and he agreed that the proposals were broadly consistent with the policies of the Development Plan. Likewise, he reported that the proposal was generally in accordance with national policy, including that contained in PPS10. This, therefore, establishes a starting point, and we would suggest that there is no need to revisit these plans but simply to have regard to any changes.
- 4.3. The Waste Local Plan remains part of the Development Plan. It identified Rivenhall Airfield as a preferred site for a waste management facility. The Council is in the process of reviewing this Local Plan and has published a Waste Development Document – Preferred Approach (November 2011). This document retains Rivenhall Airfield as a "safeguarded" site for waste management. It is

identified as one of 3 strategic sites which are "essential for meeting the waste management requirements in Essex and Southend". The development plan, therefore, clearly continues to support the development of a waste management facility at Rivenhall Airfield.

- 4.4. A further change has been the introduction of the Waste (England and Wales) Regulations 2011. These implement the revised Waste Framework Directive (Directive 2008/98/EC). The proposed IWMF at Rivenhall will assist in meeting the aims and objectives of this Directive.
- 4.5. PPS10 remains extant advice but we recognise that the government has produced for consultation updated national waste planning policy (July 2013). There is nothing within this document which would suggest that waste management facilities at Rivenhall should not be allowed to proceed. Indeed, the updated draft policy encourages the use of heat as an energy source where energy from waste development is being considered. We appreciate that only limited weight can be given to a consultation document, but it is quite clear from that document that national policy fully supports the retention of a planning permission at Rivenhall Airfield for waste management facilities. It is also, perhaps, worthy to note, that within this document it is suggested that local planning authorities, when determining planning applications, should only take into account need where the proposals are not consistent with an up-to-date local plan.
- 4.6. You will also be aware that since the grant of planning permission the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) have been published. The main thrust of the NPPF is to encourage sustainable development. This proposal would result in a sustainable form of development. There is nothing whatsoever in either the NPPF or the NPPG which suggests that planning permission should not be renewed.
- 4.7. In conclusion, therefore, we contend that there have been no significant changes in either development plan or national planning policy since the grant of the original planning permission. Insofar as there have been any changes, then they clearly support this proposal.

5. NEED

- 5.1 You have indicated to us that we should provide some update on need. We are therefore enclosing a further statement from Mr Ralph Keeble.
- 5.2 This demonstrates that there is a clear need within Essex and beyond, for a waste management facility of the type being proposed.

6. OTHER MATTERS

- 6.1 It is recognised that this is a major development which also requires an Environmental Impact Assessment. There is, therefore, a need for you to issue a new screening opinion but we do draw to your attention that the advice on renewing planning permissions clearly states that further information is unlikely to be required. Our client has, nevertheless, commissioned Mr Steve Smith to review the original Environmental Impact Assessment and to consider whether there are any elements which need to be updated.
- 6.2 You will see from his document that there have been no changes which can possibly justify a different conclusion being reached.

7. CONCLUSION

- 7.1 This is a straightforward application for the renewal of a planning permission for a waste management facility.
- 7.2 The proposal is in accordance with the Development Plan and the emerging national policy provides further support.

- 7.3 There have been no significant changes in the locality or in the circumstances which can possibly justify an alternative conclusion. Planning permission should, therefore, be granted.
- 7.4 In addition, given the level of consultation expected in respect of the application to discharge pre-commencement conditions, additional time would also be of assistance to the County Council.

Yours faithfully

HOLMES & HILLS LLP

E-mail: dw@holmes-hills.co.uk

Encs.