

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:

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

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

at Rivenhall Airfield, Coggeshall Road (A120), Braintree

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. 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).

Revised Notice - Application Ref: ESS/55/14/BTE

- 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.

Revised Notice - Application Ref: ESS/55/14/BTE

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 (IW²) 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

²IW² 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 IW² (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

Revised Notice - Application Ref: ESS/55/14/BTE

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.

Revised Notice - Application Ref: ESS/55/14/BTE

- 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.

Revised Notice - Application Ref: ESS/55/14/BTE

- 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.

Revised Notice - Application Ref: ESS/55/14/BTE

- 19 No works to install process equipment or plant within the IWFM shall commence until details of the IWFM 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 IWFM 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 IWFM 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 IWFM 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 IWFM 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 IWFM.

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.

Revised Notice - Application Ref: ESS/55/14/BTE

- 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 IWFMF with the exception of periods of start-up and maintenance and repair of the IWFMF.

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 IWFMF 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

Revised Notice - Application Ref: ESS/55/14/BTE

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.

Revised Notice - Application Ref: ESS/55/14/BTE

- 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,

Revised Notice - Application Ref: ESS/55/14/BTE

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 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.

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

Revised Notice - Application Ref: ESS/55/14/BTE

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 IWFM, 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 IWFM 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 IWFM 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

Revised Notice - Application Ref: ESS/55/14/BTE

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.

Revised Notice - Application Ref: ESS/55/14/BTE

- 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

Revised Notice - Application Ref: ESS/55/14/BTE

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

Revised Notice - Application Ref: ESS/55/14/BTE

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

Revised Notice - Application Ref: ESS/55/14/BTE

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.

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)

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 adopted 2001

W3A – Waste Strategy

W3C – Receipt of Essex wastes only

Statement of Reasons

The planning policy justification for the imposition of conditions 28 and 30 relied upon national and regional planning policy that has now either been changed or abolished. Whilst nationally there continues to be an objective to be self-sufficient for waste disposal and recovery (Waste Regulations 2011), waste should where possible be treated or disposed of at the nearest appropriate facility (rWFD) and in line with the proximity principle, however recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant.

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

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

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

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

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

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

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 March 2015

COUNTY HALL
CHELMSFORD

Signed:

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.