

**RIVENHALL INTEGRATED WASTE MANAGEMENT FACILITY**

**RESPONSE TO LANDSCAPE PARTNERSHIP REPORT PREPARED FOR PAIN**

**Prepared for Gent Fairhead & Co Limited**

**by**

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## EXECUTIVE SUMMARY

- 1 This report is a rebuttal of the 'Review of landscape and visual aspects of planning application' report for a 'Waste Management Facility at Rivenhall Airfield' prepared by The Landscape Partnership (TLP) for PAIN (Parishes Against INCineration) dated October 2017. The TLP report is a review of the June 2017 'Landscape and Visual Assessment for Increased Stack Height' (LVA) prepared for Gent Fairhead & Co Ltd (GFC) by Hankinson Duckett Associates (HDA) to support Planning Application refs: ESS/36/17/BTE and ESS/37/17/BTE, to vary the height of the stack associated with the proposed Integrated Waste Management Facility (IWMF) at the former Rivenhall Airfield, north-east of the village of Silver End, east of Braintree.
- 2 This rebuttal should be read in combination with an Addendum LVA dated January 2018, also prepared by HDA, which was submitted to support Planning Application refs: ESS/36/17/BTE and ESS/37/17/BTE. The Addendum LVA was prepared to address a number of points that had been raised by Essex County Council (ECC) through consultation of the 'June 2017 LVA. The comments raised by Essex County Council and The Landscape Partnership, are similar, hence why this rebuttal should be read in conjunction with the January 2018 Addendum LVA.
- 3 Planning permission was granted in 2010 for the IWMF with an associated stack to a height of 35m above surrounding ground levels, thus to a height of 85m Above Ordnance Datum (AOD) as limited by Condition 56. The principles of constructing a stack in this landscape has therefore been accepted and the Inspector, in his December 2009 report, stated: "*The low levels of visual impact arising from such a large-scale proposal confirm that this site is ideally suited to the proposed use.*" (Paragraph 6.85, page 32) An application to vary Condition 56 to increase the height of the stack by 23m was submitted in July 2017 (i.e. 58m above surrounding ground levels to a height of 108m AOD). The associated LVA therefore had to consider if the degree of change on landscape and visual receptors resulting from the addition of 23m to the proposed 7m diameter stack of a facility 5.64ha in plan area would lead to such a large change in the assessment of the significance of effect that the effects would now be significant.
- 4 The scope of the assessment was discussed and agreed with ECC regarding the number and location of representative viewpoints. In addition to the original seven viewpoints which were updated for comparative purposes, other montages have been prepared together with photos of a mobile access platform raised to the proposed height of the stack to allow judgements to be made as to the effects of the proposals. The levels of significance of effect were assessed to be the same in both the 2008 LVA and the 2017 LVIA. Although some Moderate Adverse levels of significance of effect were assessed for a limited number of footpath users and residents in close proximity to the stack at construction and Year 1, those

effects would reduce to Minor Adverse or Negligible by Year 15 due to maturing vegetation and restoration of intervening quarrying operations.

## **1 INTRODUCTION**

### **1.1 Background**

1.1.1 This report is a rebuttal of the 'Review of landscape and visual aspects of planning application' report for a 'Waste Management Facility at Rivenhall Airfield' prepared by The Landscape Partnership (TLP) for PAIN (Parishes Against INCineration) dated October 2017. The TLP report is a review of the June 2017 'Landscape and Visual Assessment for Increased Stack Height' (2017 LVA) prepared for Gent Fairhead & Co Ltd (GFC) by Hankinson Duckett Associates (HDA) to support a Planning Application and Section 73 application to vary Condition 56 of the implemented permission ref: ES/34/15/BTE, to vary the height of the stack associated with the proposed Integrated Waste Management Facility (IWMF) at the former Rivenhall Airfield, north-east of the village of Silver End, east of Braintree.

1.1.2 This rebuttal should be read in combination with an Addendum LVA dated January 2018, also prepared by HDA, which was submitted to support Planning Applications ref: ESS/36/17/BTE and ESS/37/17/BTE. The addendum report was prepared to address a number of points that had been raised by Essex County Council (ECC) during its consultation on the June 2017 application (specifically to provide clarification and additional information as requested by ECC in its letter of 27 October 2017).

### **1.2 Objectives of the Report**

1.2.1 TLP's commentary, to help Coggeshall Parish Council (CPC) compile its response to the ECC Scoping consultation, was written in March 2017, and was included in ECC's Scoping Opinion (dated May 2017). It is evident that TLP have prepared reports for CPC/PAIN in March, August and October 2017 and these have formed the basis of CPC/PAIN responses submitted at the same dates.

## **2 REBUTTAL OF SCOPING OPINION CONSULTATION RESPONSE**

### **2.1 General Comments**

2.1.1 Comments prepared by TLP to accompany CPC's consultation response to the Scoping Request (written March 2017) stated that although TLP's "*comments relate only to the likely effects of the proposed development on landscape character and visual receptors, it is very likely that there would be adverse effects on other environmental matters, including heritage assets*" (paragraph 2.1.6). Despite the reassurances in March 2017 that TLP would restrict itself to comments on landscape and visual matters, it still considered it necessary to comment on Listed Buildings and Conservation Areas at Section 4.5 of its October 2017 report. In addition to the Cultural Heritage chapter in the 2008 ES, the applicant has commissioned an addendum to this chapter (by Archaeology South East (ASE, formerly the Essex Field Archaeology Unit which is now a division of the Centre for Applied Archaeology, University College London) dated February 2017)

which assesses the likely effects of the proposed increase in stack height on identified heritage assets. It is unknown whether TLP have seen this report.

2.1.2 The applicant has continued to use the methodology as defined in the 2008 LVIA as it was considered that the use of a different methodology would not enable comparison of the assessment of significance of effects with later reiterations of the LVA. The 2008 LVIA defined what constituted a 'significant' effect. The set of representative viewpoints was compiled in consultation with landscape architects from ECC. It is assumed that any increase in height of the stack would be construed as 'significant' in the eyes of an objector, thus it is wholly subjective to suggest that the addition of 23m is "*a significant increase in height*" of the stack (paragraph 2.1.9). The increase in the zone of influence has been demonstrated through the production of the ZTV for the permitted 35m stack and for the proposed 58m stack. The following text taken from the January 2018 Addendum (paragraph 3.1.12) demonstrates that the increase in stack height would not result in "*a far wider zone of influence*":

*The ZTV of the permitted 35m stack would cover an area of 100.35km<sup>2</sup> (which represents about 32% of the 20km diameter study area of 314.3km<sup>2</sup>). By increasing the stack to a height of 58m above surrounding ground level, the ZTV would increase by 28.26km<sup>2</sup> from the extent of the ZTV for the permitted height, i.e. 9% (above that for the 35m high stack). With the increase in the area of the ZTV of over 28km<sup>2</sup>, there is the potential for the stack to be seen by a slightly increased number of local and distant receptors within the wider landscape, including from some local heritage assets and public rights of way. At an increase of 9%, the new ZTV is only marginally greater than that previously assessed, and the difference in 'visibility' of the stack would not be significant from most already identified visual receptors. In addition, any 'new' receptors as a result of the increased stack height would generally be at such distances that the change in their views would not be significant.*

## 2.2 Landscape Impact Assessment

2.2.1 The assessments submitted by the applicant consider the likely effects of the proposed development on features set out in the seven bullet points listed at paragraph 2.2.1 of the TLP report. The "*setting of Ancient Woodland*" would only be an issue if the proposed development was located within 15m of the woodland's identified boundary (as determined through historical map research, though the 'no-development' buffer is under government review). Similarly, the "*visual setting of Scheduled Monuments*" would be a consideration if there was inter-visibility between the asset and the proposed development. There would be very limited inter-visibility between the Monuments listed in the TLP report (second bullet of paragraph 2.2.1) and the proposed stack at its increased height (refer to Viewpoint 33 for extent of view of truck mounted access platform from the Church of St Mary and All Saints at Rivenhall).

2.2.2 The effect of the proposals on "*the visual setting of Listed Buildings*" and Conservation Areas has been considered in the assessments submitted by the applicant (Chapter 9:

Cultural Heritage in 2008 ES and an addendum dated February 2017 by Archaeology South East, a division of the Centre for Applied Archaeology, University College London) and also at Section 4.5 of this rebuttal. These assessments have considered the extent of existing views towards the site from these heritage assets and then assessed how much of the stack is likely to be visible and in what context.

2.2.3 The “*experience of users of public rights of way in the vicinity of the site*” is addressed in the visual assessment sections of the 2008 LVIA and 2017 LVA rather than being a landscape issue. Similarly, the effects of the proposed development on “*local plan policy features*” such as Protected Lanes or Historic Parks and Gardens is more relevant for assessment in the visual sections of the LVAs and the effects on users of these features.

2.2.4 The national, regional and district wide published landscape character assessments listed in the three bullets at paragraph 2.2.2 of the TLP report have all been considered in the assessments submitted by the applicant.

## 2.3 Visual Impact Assessment

2.3.1 The assessments submitted by the applicant consider “*the likely effects of the proposed development on visual receptors*” as set out in the ten bullet points listed at paragraph 2.3.1 of the TLP report. Photographs of the existing view of the site from each of these viewpoints (or in their vicinity, if they exist at all) have been included as follows:

Bullet Point	Viewpoint	Montage
1	Public footpaths around edge of airfield and within surrounding area	Viewpoint Woodhouse and 8
2	Essex Way, e.g. edge of Cressing, Clapdog Green, in the vicinity of Curd Hall Farm and in the vicinity of Grange Farm (Coggeshall)	Generally restricted visibility from this footpath. Viewpoint 32 (Curd Hall Farm) and
3	Coggeshall Hamlet	On edge of ZTV. Viewpoints 13 and 38 are the closest to the hamlet.
4	Southern edge of Coggeshall	Not in ZTV
5	The eastern edge of Silver End	Viewpoint 3
6	Listed buildings in the surrounding landscape	Viewpoint Woodhouse and
7	Sheepcotes Lane to the west	Viewpoints 1 and 2
8	Western Road/Parkgate to the south	Viewpoint 7
9	Cuthedge Lane to the north	Viewpoints 4 and 5
10	Pantling’s Lane (protected lane and bridleway to the east)	Viewpoints 29, 30 and 31

2.3.2 The visual receptors considered within the 2008 LVIA and the addendum LVAs were identified and agreed with ECC for assessment purposes. The majority of the visual impact assessment has been carried out in winter, though comparative sunny day photographs were taken in May 2017.



### **3 REBUTTAL OF COMMENTARY ON COMPLIANCE OF 2017 LVIA WITH SCOPING OPINION**

#### **3.1 Background**

3.1.1 Whilst recommendations have been made by both PAIN and Coggeshall Parish Council in their consultation responses to a Scoping Opinion (ref ESS/24/17/SPO) for the proposed change to the stack height of the IWMF, it is not known if ECC were in agreement with these recommendations. The TLP report draws attention to the fact that their comments were “*compiled within a limited timescale*” and thus “*are not necessarily exhaustive*” (paragraph 3.1.6). The report goes to confirm a major failing with TLP’s comments, that they did not even visit the site. This calls into question the credibility of their assessment and their judgements, particularly if they cannot confirm the visibility or otherwise of the site/proposals from the visual receptors they have suggested. Furthermore, the status of the existing planning permission which represents the baseline environment against which the degree of change and significance is assessed, has not been considered in any detail,

#### **3.2 General Comments**

3.2.1 The application for the increased stack height (ESS/36/17/BTE and ESS/37/17/BTE) was accompanied by a full LVA (dated June 2017), though it was clearly stated that this needed to be read in combination with the 2008 LVIA which accompanied the application for the IWMF (ESS/34/15/BTE). The criticism that the 2017 LVA was not a standalone document (though such a stipulation was not specifically made by ECC) was remedied by the submission of the ‘Addendum Landscape and Visual Impact Assessment for the Increased Stack Height’ in January 2018.

3.2.2 The applicant’s formal Scoping Request letter (6 March 2017) stated that “*a full application for the stack alone will be prepared to address the change in height*” of the stack. The Scoping Opinion (3 May 2017) received from ECC did not challenge this description of the scope of the application, nor did it stipulate how the baseline for the 2017 should be defined. It is considered wholly reasonable, in the light of the consented (and implemented) IWMF planning permission that the assessment should consider the degree of change arising from the increase of 23m on the height of a 7m diameter stack on a 5.64ha waste management facility. In granting permission for the IWMF, the inspector’s decision report stated: “*The low levels of visual impact arising from such a large-scale proposal confirm that this site is ideally suited to the proposed use.*” (Paragraph 6.85, page 32) Judgements are made as to the effects of the extended stack height on landscape and visual receptors; not only on those identified in the 2008 LVIA for ease of comparison, but on potential additional visual receptors as reported in the 2017 LVA and January 2018 Addendum. As stated in the Addendum, (paragraph 4 of the Executive Summary):

*“the addition of 23m onto the height of the permitted stack will increase the perceived visual prominence of the stack in the landscape and though these effects will be limited to those receptors closest to the stack, the degree of change is not considered to be sufficient to affect the levels of significance of effect as previously assessed.”*

3.2.3 The TLP report is not specific in identifying how it considers the 2017 LVA to be contrary to the 2013 guidance (GLVIA3). Even in applying the revised assessment of ‘value’ and ‘susceptibility to change’, it is still considered that the outcome regarding the determination of sensitivity of receptors would not have altered between the 2008 LVIA and 2017 LVA. The January 2018 Addendum was specifically written to provide the clarification and additional information requested by ECC in its letter dated 27 October 2017. In this letter, ECC’s only query regarding the methodology was a request to include a statement that any amendments arising from GLVIA3 had been addressed. No specific queries were raised regarding the methodology for the assessment of significance of effects as used in the June 2017 LVA.

3.2.4 As stated at paragraph 2.5.1 of the January 2018 Addendum *“the visual receptors considered within the original LVIA and the addendum LVAs were identified and agreed with ECC for assessment purposes”*. During the consultation period for the 2008 application, *“no issues were raised regarding the coverage of receptors”*. *“In addition, these receptors were tested at the public inquiry (appeal ref APP/Z1585/V/09/2104804), without any concerns being raised about whether they represented the likely distribution of receptors with the potential to be affected by the proposed development, and with no suggestion at the Inquiry or request by the inspector that additional receptors should be evaluated”* (also paragraph 2.5.1 of the January 2018 Addendum). During a site visit with ECC officers, held on 10 January 2017, it was agreed that these same receptors (and the seven representative viewpoints) would be assessed in the 2017 LVA. In a letter received from Place Services (Anne Westover’s comments) dated 9 February 2017, it was stated that in addition to the original seven representative viewpoints, an additional receptor located on the PROW just to the north west of the Polish Camp (the eighth viewpoint) would be included.

3.2.5 TLP’s criticism that *“the LVIA considers the effects of the development on the above factors, albeit in a very brief and sweeping manner, with little detail or justification”* can equally be applied to TLP’s report. The June 2017 LVA intended not to repeat information already presented and accepted in the 2008 LVIA. TLP’s criticisms are without basis and they do not proffer their own assessment or explain their reasoning behind these judgements.

3.2.6 The following comments are offered in rebuttal to the bullet points listed at paragraph 3.2.12 of the TLP report:

- The sensitivity of visual receptors is clearly set out in Tables 8-4, 8-5, 8-6 and 8-7 in both the 2008 LVIA and 2017 LVA. How judgements have been made is traceable against the prescribed methodology.
- ECC was quite specific regarding which viewpoints should be assessed. Written assessment of the additional viewpoints was considered unnecessary as it is self-evident from the montages that the likely effect of the increased stack height would be insignificant from these more distant viewpoints.
- Much of the Essex Way lies on the edge or outside the ZTV (particularly in the vicinity of Wright's Farm). Consideration of the view from Curd's Hall Farm is addressed by Viewpoint 32.
- The proposals do not impinge physically upon any identified Ancient Woodlands, and the setting of Ancient Woodlands is not a planning issue (unlike the setting to heritage assets).
- The effect of the increased height of the stack on the visual setting of historic receptors has been considered in the Cultural Heritage chapter of the 2008 ES and in an addendum to this chapter (by Archaeology South East (a division of the Centre for Applied Archaeology, University College London) dated February 2017.

3.2.7 The presentation of the visualisations in Appendices D and E of the 2017 LVA allow for accurate assessment of the proposals.

### 3.3 Production and Presentation of Photomontages

3.3.1 The Landscape Institute Advice Note 01/11 is currently under review, and a public consultation draft of the note was issued on 1 June 2018. Although the Scottish Natural Heritage Guidance (Visual representation of windfarms, February 2017) recommends image heights of 130mm for baseline photographs and 260mm high for photomontages, it was considered important for comparative purposes (between the existing situation, the stack as permitted and the stack as proposed) to include three panoramas to each A2 sheet, thus reducing images to a height of 100mm. As stated at paragraph 4.5.3 of the January 2018 Addendum:

*“it is considered that the omission of information, such as the viewing distance between the viewer's eye and a printed copy of a montage, does not make the montages less technically accurate or make it impossible for the viewer to form a judgement of the likely effects of the stack as portrayed in that location. At a practical level, someone looking at the montages will view them at a distance which is comfortable for them, taking into consideration the quality of their eyesight, the length of their arms, the quality of reproduction of the printed copy, etc.”*

3.3.2 HDA's Photomontage Methodology was submitted to ECC in September 2017 and it was included at Appendix G of the January 2018 Addendum. The methodology states the focal length of the camera used, which is “a focal length equivalent to 50mm focal length on a traditional SLR”, which is the accepted standard, as stated at paragraph 3.3.4 of the TLP report. The location of each of the viewpoints is included on the submitted viewpoint location plans (Dwg Nos 732.1/48D and 732.1/67A), and even without a grid reference or GPS position (though these were supplied to Pager Power Ltd for the Solar Glint and Glare Study), it has been possible to replicate the photographs between the 2008 LVIA

and 2017 LVA (though quarrying has changed the intervening landform at some viewpoints). Inclusion of information such as the eye level height (as dictated by the photographer's eye level), camera settings, and angle of the extents of view, has to be proportionate to whether such information would be helpful to the viewer and whether its inclusion would make the images more *"easily understood, and usable by members of the public and those with a non-technical background"* (paragraph 3.3.7 of TLP report).

3.3.3 All the montages have, out of necessity, been prepared using a wireframe model of the existing terrain and the proposals to verify scale and placement, though it was considered unnecessary to provide the wireframe superimposed on the existing photograph, as the fully rendered montages have been provided which supersede the 'working out' stage. ECC did not specify the inclusion of wireframe models, and given the number of viewpoints finally presented, the inclusion of wireframes would have been excessive. Although the photographs have been produced at a high resolution it cannot be guaranteed that they will be uploaded to the Planning Authority's website *"at a high enough resolution"* (paragraph 3.3.9 of TLP report).

### **3.4 Conclusions**

3.4.1 TLP confirms that it has not, due to time constraints, been able to analyse the assessment of effects as presented in the 2017 LVA. It is therefore assumed that the judgements presented in the Notes column of the visual receptor tables (pages 15 to 20 of the TLP report) are untested and not verified in the field, which thus undermines the credibility of their assessment.

3.4.2 Only one viewpoint was added for assessment in the 2017 LVA at the instruction and agreement of ECC. The potential for additional receptors, (within the pink areas of the ZTV – Dwg no 732.1/48D) was tested in the field, through the use of a truck mounted access platform set to the proposed increased height of the stack. The use of the platform proved very useful, allowing comparison with the panoramas of the modelled stack and demonstrating that the comparative scale of the proposals was not misrepresented and thus proving the montages to be accurate.

## **4 REBUTTAL OF REVIEW OF SELECTED ASPECTS OF 2017 LVIA**

### **4.1 Accuracy and Selection of Viewpoint Locations within the LVIA**

4.1.1 Appendix D of the January 2018 Addendum included Rev D of the Photo Location Plan (Dwg No 732.1/48) which corrected 'ambiguities' noted by ECC, which match some of those identified by TLP. Photo Location W does indeed relate to Woodhouse Farm (not Woodside Farm as stated in the TLP report). The farmhouse lies within the red line boundary, therefore in an attempt not to obscure that boundary or the symbol showing its status as a Listed Building, the photo location identification/arrow was slightly offset.

- 4.1.2 From close range viewpoints, such as Woodhouse Farm and Location 8 (near the Wayfarers site) *“the model of the proposed stack extended higher than the vertical field of view of the original photo, therefore rather than show the stack shorter than modelled, it was considered prudent to include more sky in this montage to show the full extent of the modelled stack”* (paragraph 4.5.5 of the January 2018 Addendum). Some of the photo location identification symbols, though shown in the correct locations, were coloured red rather than black and vice versa (to indicate which distance range they fell within). This has been remedied on Rev D, but this minor anomaly should not have affected the readers understanding of the location of these viewpoints.
- 4.1.3 In Viewpoint 19, the modelled position of the stack is shown (in white outline) as lying below the horizon, therefore the presence of vegetation is irrelevant. Pantling’s Lane is lined by vegetation for much of its length, therefore Viewpoint 29 is representative of the majority of views experienced from this bridleway. Even in winter, given the orientation of Pantling’s Lane to the proposed stack, the densely branched vegetation lining the lane will provide a high degree of screening, though admittedly less than in summer.
- 4.1.4 It was not stipulated by ECC (or in LI guidance) that every receptor identified has to be represented by a photo and though it is sometimes useful to include a photo to prove there is no view from certain receptors, the inclusion of photos from every receptor, particularly those whose views are restricted, would be unnecessary.
- 4.1.5 The location of visual receptors are not just shown on Figures 8.2 and 8.4 of the 2008 LVIA, but also on Figure 8.3, so the receptor locations are complete across a range of scales of maps. In addition, the receptor locations, montage locations and the ZTV were shown in combination on Dwg No 732.1/67A (Receptor and Photomontage Locations, in Appendix D of the January 2018 Addendum). Those Public Rights of Way selected as visual receptors were agreed with ECC and opportunities to include other receptors were offered to ECC. ECC considered it was unnecessary to include any further viewpoints than originally assessed.

## **4.2 Comparison of 2008 and 2017 Applications**

- 4.2.1 The observations regarding changes in terminology between the 2008 and 2017 LVIA’s have little bearing on the outcome of the assessment. TLP suggests that *“a different selection of photo locations is illustrated by the photomontages in the 2008 LVIA in comparison to the 2017 LVIA”*. This is inaccurate and as described in the 2017 LVIA at paragraph 4.2.6, *“updated montages have been taken from as close to the original montage locations as practically possible”*. The 2017 LVIA goes on to state that *“where the intervening view has changed from that portrayed in 2008, the reasons have also*

*been set out below*”, and these are listed for the nine original viewpoint locations. Additional viewpoints (Nos 9 to 31) to those in the 2008 LVIA, as agreed with ECC, are set out in paragraph 4.2.9 of the 2017 LVIA.

### **4.3 Review of Judgements Made in the 2017 LVIA as Compared to the 2008 LIVA**

4.3.1 The TLP report suggests at paragraph 4.3.4 that the sensitivity of a visual receptor *“should not be dependent on distance”*. The sensitivity of a receptor does have some relevance to its distance from a site, as this is part of the judgement of a receptor’s susceptibility to changes in its view. A receptor’s sensitivity is determined as a product of its value and its susceptibility to change. Value is determined by the type of receptor, for example, walkers on a footpath are usually out to enjoy recreational exercise within the local landscape and thus the value of their views whilst walking along footpaths is higher than say that of a motorist whose view should be focussed on the road. However, if a receptor’s existing view of the landscape, and the site in question, is constrained by vegetation, then their susceptibility to changes in those views is reduced. Thus sensitivity is determined by a receptor’s ability to view the site at the baseline. Where a receptor is in close proximity to a site, but has a restricted view of it (hidden behind a wall, for example) then it will have a lower sensitivity than a receptor who is further away, but currently has an open view of the site. However, in the view experienced by a receptor at some distance from a site, the site is only going to form a small part of the wider view, so that receptor’s susceptibility to changes in that view will also be reduced, thus reducing their sensitivity.

4.3.2 The table in the TLP report (pages 15-20) sets out the judgements made in the 2008 and 2017 LVIAs, at three stages – at construction, Winter Year 1 and Winter Year 15, (note: no change in judgements arise from the proposed modification in the height of the stack) with those judgements of TLPs only at Winter Year 15. In the LVIAs, the effects of the proposals were judged to have a moderate adverse significance of effect on only three receptors, R5 (Deeks Cottage), P2 (Footpath Nos 92/35, 67/71 and 67/55) and P6 (Footpath Nos 92/31 and 108/57) out of 35 receptors assessed. These ‘significant’ effects were only assessed to be experienced by these three receptors at construction, and only by receptors at P2 and P6 at Year 1, with no significant effects experienced at Winter in Year 15 for any of the identified receptors.

4.3.3 In contrast, the TLP report suggests that ‘significant’ effects at Winter Year 15 would be experienced by **fifteen** receptors. TLPs judgements are disproportionate to the degree of change in these receptors’ current views with the proposals in place, particularly when considered in the context of the permitted scheme and with the maturing of planting not only proposed to mitigate the visual effects of the IWMF, but also that planting associated with the restoration of the quarry.

4.3.4 There is no justification why the views experienced by residents in a Listed Building should be of a higher sensitivity than those of residents in a house that is not listed. It may be that their views of the site are the same, thus they should be judged on the same basis.

#### **4.4 Identification of Additional Visual Receptors**

4.4.1 This section of the TLP report suggests that views from several additionally identified visual receptors would be adversely affected by “*the proposed development but are not considered in either of the applicant’s LVIAs*”. Liaison between the applicant and ECC did result in the addition of some receptors for further assessment, so the January 2018 Addendum does address some of the additional receptors listed in the TLP report, but many were not considered to raise an issue with respect to their potential views of the stack and thus have not been included for assessment.

4.4.2 A table in TLP’s report (pages 21 and 22) lists what TLP believe to be ‘missing’ receptors, but other than the ‘Notes’ column, no assessment of the significance of effect arising from increasing the height of the stack is offered. The TLP table is repeated below with the addition of a further column setting out the reasoning why the increased height of the stack is not considered to have an adverse effect on these receptors:

**Table of Additional Visual Receptors**

Visual receptor type, sensitivity and view		Location	TLP Notes Summary of changes to views in Winter Year 15	HDA Notes
Residential properties  High/Medium Sensitivity	A	Parkgate Farm Cottage, Parkgate Road, Silver End	Partially screened by garden hedge. Clear view across field to site. Mast is clearly visible. Stack would be visible above woodland. Proposed buildings also likely to be visible.	No 4 Parkgate Cottage has conifer trees along its boundary with Parkgate Road, whereas No 3 has open views across arable fields towards Storey's Wood and the wood to the south of the IWMF building. Although the stack would be visible above these woodlands, at 1.2km distance, it would form only a small part of a wider panorama available from No 3.
	B	Griggs Farm, West Street, Coggeshall	Open view across valley. Prominent new feature within the landscape. Discordant feature. Effect on skyline.	The farmstead (set within business units) lies 2.3km from the proposed stack, therefore at this distance, even if views of the stack are possible above the maturing trees in the Blackwater valley, it would not be a prominent feature.
	C	Stockstreet Farmhouse, A120 Coggeshall Road	Open view across valley. Incinerator would be a prominent new feature within the landscape. Would be a discordant feature. Effect on skyline.	Mature trees on this property's boundary with the busy A120 screen most views to the south towards the site, but at 2.3km distance, although the stack may be intermittently visible on the skyline, it would not be a prominent feature of these restricted views.
	D	Whiteshill Farm, A120 Coggeshall Road	ZVI suggests that stack would be visible from Whiteshill Farm. Adverse effect on skyline.	The farmhouse is better screened by vegetation around its garden boundaries than the adjacent Lodge, but both properties are 2.3km from the proposed stack, which though potentially visible on the skyline, would not be a prominent feature.
	E	Rivenhall Hall, Rivenhall	ZVI suggests that stack would be visible from Rivenhall Hall. Adverse effect on skyline.	Only the top of the proposed stack would be visible from this property above intervening woodland, particularly that around Ford Farm to the north, but at 2.5km distant, it is unlikely that the stack would have an adverse effect on overall views from this property (refer to Viewpoint 33).

Visual receptor type, sensitivity and view		Location	TLP Notes Summary of changes to views in Winter Year 15	HDA Notes
	F	Baytree Farmhouse, A120	ZVI suggests that the stack would be visible from Baytree Farm. Adverse effect on skyline.	This property is situated over 4km from the proposed stack and has several other buildings located to its rear which screen any ground level views towards the stack.
	G	Porter's Farmhouse, Hollow Road (actually Parkgate Road)	Potential for views towards stack.	The farmhouse is located 1.5km from the proposed stack and any views of the stack would only be of its top above blocks of intervening woodland.
	H	Rook Hall, Hollow Road	ZVI suggests that the stack would be visible.	This property is just under 2km from the proposed stack and as with Porter's Farmhouse, only the top of the stack would be visible above intervening woodland.
Public Rights of Way  High/Medium	I	PROW 92-7	Kelvedon. To east of site. Open views across farmland towards stack. The incinerator would be a significant new feature within the landscape.	This long footpath extends from the Essex Way just east of Curd Hall towards the Polish Site, then along the northern edge of Storey's Wood towards the Elephant House. The proposed stack would be in close proximity to users of this footpath near the Elephant House but only seen above woodland. Users would also experience close range views of business premises at Allshot's Farm, the Polish Site and the Elephant House.
	J	PROW 72-81	Footprint of the site is currently hidden by a bund, views towards the site partly filtered by hedgerow. Stack would be potentially visible above woodland. Part of path crossing the quarry temporarily stopped up. No assessment from this path.	Bridleway 72-81 is currently aligned along Cuthedge Lane (Viewpoint 4) and then heads south, sharing the alignment of Footpath 92-7. Users are currently affected by quarrying operations.
	K	PROW 92-44	Diverted footpath. Open views across field. Stack would be a prominent new feature with the landscape clearly visible above woodland.	As a continuation of Pantling's Lane, this footpath is aligned to south of bund, but with open views to the south of the scrapyards at Allshot's Farm as well as stack above woodland.
	L	PROW 67-71	Additional section of path not considered in the assessment. View is temporarily affected by quarrying operations; however, views will be possible once quarry is restored.	Views currently adversely affected by quarrying operations. Planting proposals associated with restoration will screen views towards the IWMF.

Visual receptor type, sensitivity and view		Location	TLP Notes Summary of changes to views in Winter Year 15	HDA Notes
Transport networks  Medium/Low	M	T2 Cuthedge Lane	Long section of Cuthedge Lane that is not shown on LVIA Figure 8.3 or 8.4. Lane follows a line through open farmland. Stack would be clearly visible. The 35m stack would be partially hidden by woodland. 58m stack would be substantially more visible.	Cuthedge Lane, at its closest to the site, is aligned perpendicular to the site, therefore motorists will need to look at 90° from the road (see montages at Viewpoints 4 and 5). More distant viewpoints (Nos 38, 39 and 40) are illustrated at Dwg No 732.1/101 with the access platform.
	N	T3 Parkgate Road	The incinerator would be visible from a much longer section of road than shown on Figure 8.3. Stack will form prominent new feature within the landscape. Discordant feature within view. Lower section would be screened by woodland; however, stack would rise above woodland.	Parkgate Road is aligned perpendicular to the site, therefore for motorists to experience views of the stack, beyond the dense roadside hedgerows and the intervening Storey's Wood, they would need to look away from the road (at 90°) for a fleeting glimpse of the stack over 1km away.
	O	Temple Lane, Cressing	Mast is visible in middle distance from section of Temple Lane. It is likely that the proposed stack would be at least as visible and possibly more visible than the mast due to the bulk of the stack.	Only a short section of Temple Lane coincides with the ZTV (to the east of its junction with Church Road) and the stack would be 2.5km away, thus is unlikely to form a prominent feature. Silver End lies between this section of Temple Lane and the site and the lane is lined with hedges.
	P	West Street, Coggeshall	Views towards site from open sections of the street particularly from its western end. Views to the incinerator stack are likely to be partially filtered in summer by trees within the valley but more open in winter.	Open sections of West Street are very limited, with views of the site, over 2.3km away, obscured for the most part by vegetation either along the road itself or along the intervening Blackwater valley.
	Q	A120	Clear views towards site from sections of A120 where hedgerow is missing and from layby. Stack likely to be visible above hedge, particularly in winter. Stack would have an adverse effect on skyline.	Visual receptors on the A120 are likely to be in cars/lorries travelling at speed; these motorists would have to look away from the road to the south across the Blackwater valley to obtain only a fleeting glimpsed view of the stack on the horizon. The stack would be an isolated structure.

## **4.5 Listed Buildings and Conservation Areas in the Surrounding Landscape**

- 4.5.1 Section 4.6 of the 2018 Addendum responded to a request from ECC for an assessment of the effects of the proposed stack upon the landscape and visual setting of certain heritage assets to be included. The assets described included the Conservation Areas at Silver End (paragraph 4.6.9 and Figure 732.1/102) and Coggeshall (paragraph 4.6.10 and Figure 732.1/103), but not the Conservation Area at Cressing (its eastern boundary coincides with the edge of the ZTV for the proposed stack). The TLP report does not suggest that there are any issues regarding the potential effects of the proposed development on these Conservation Areas.
- 4.5.2 A discussion of the potential effects of the proposed development on the Grade I Listed Building of Cressing Temple was included in the January 2018 Addendum (at paragraph 4.6.7), but the Addendum did not include Grange Barn at Coggeshall. It is evident from Figure 732.1/103 that Grange Farm lies outside the ZTV, therefore the proposed stack would not be visible from Grange Barn. Woodhouse Farm, Allshot's Farm and Sheepcotes Farm were all discussed (in paragraphs 4.6.2 to 4.6.4 of the January 2018 Addendum respectively).
- 4.5.3 The TLP report goes on to state that "*the proposed development would be clearly visible (from Woodhouse Farm) and would result in a significant change to the setting of the listed building*". The view from Woodhouse Farm is included at Viewpoint Woodhouse (drawing references 732.1/30C, 732.1/68A: comparison and 732.1/90: sunny day comparison). These montages demonstrate that only the top of the stack would be visible above the intervening woodland from Woodhouse Farm; the proposed IWMF building would not be visible. The farmhouse is currently derelict and any connection it had with its associated farmland was lost when permission was granted for the current quarrying activities.
- 4.5.4 The farmhouse and surrounding buildings will be restored to create a visitor centre for the IWMF, thus bringing back into beneficial, economic use these derelict buildings, which have become isolated from their agricultural context. As stated at paragraph 3.2.14 of the January 2018 Addendum "*a planning application (15/01191/LBC) for Listed Building Consent for the proposed redevelopment and refurbishment of the Woodhouse Farm complex has been granted by Braintree District Council under Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9).*"
- 4.5.5 Views experienced by staff and visitors upon completion of construction of the visitor centre would predominantly comprise large areas of woodland and although the stack would be visible above this vegetation, this feature and the rest of the IWMF are the purpose of their visiting Woodhouse Farm. The landscape proposals (Dwg no 732.1\_05

Rev G – HDA SL4 – Soft Landscape Proposals Sheet 4 of 5) show that proposed car parking will not encroach upon and will be screened from the former garden of the farmhouse, which would be retained as existing. It is thus considered that the proposed development would have a beneficial effect on the landscape setting of these listed buildings.

#### **4.6 Landscape Character in the Vicinity of the Application Site**

4.6.1 The justification for the identification of landscape character at the local level was set out in the 2008 LVIA. Local character areas or types are defined as areas of homogeneous characteristics, such as topography, landscape features or in this case, land uses. The identification of local areas or types was intended to provide a simple, easily understandable way of sub-dividing the character areas identified within the published character assessments, which tend to cover large geographical areas. The differentiation between the industrialised and agricultural land use areas has changed since they were first defined in 2008 and continue to change. However, this change in boundaries does not fundamentally alter the fact that the site and its surrounding area are predominantly industrial in character.

4.6.2 The current quarrying activities certainly “*temporarily lend the area an industrial character*” as recognised in the TLP report, but in addition there are still features associated with the area’s former use as an airfield, even in those areas defined as agricultural, where strips of old runway still exist. The industrial character of the area is perpetuated by several businesses in the vicinity of the site, including the Elephant House (a road sweeping and gulley-clearance/haulage business, W5 on Figure 8.3 of the 2008 LVIA), The Polish Site (various business uses at W6), a vehicle scrapyards at Allshot’s Farm (W3) and the mast and Hangar No 1 by Sheepcotes Farm (W2). The character of the site and its immediate surroundings have more affinity with an industrial character than with agricultural uses. The TLP report suggests that the development “*would introduce a discordant feature to the surrounding rural agricultural landscape*” (para 4.6.7), however, it should be noted that ‘discordant’ features are not uncommon in the area, including masts, electricity pylons, hangars and other large barn-type structures. As stated in the January 2018 Addendum LVA, in granting planning permission for the IWWMF there was a recognition that “*an industrial structure would be introduced into an industrial landscape, so it would not be out of keeping with the current character*” (para 4.1.5).

4.6.3 The presence of existing and proposed woodland is highly relevant to whether the stack would have a strong visual influence upon users of that landscape. From some viewpoints the stack would indeed be visible above adjacent woodland, but where

receptors are within or behind woodland, then their views would be constrained by vegetation.

4.6.4 As stated at paragraph 2.3.1 of the 2017 LVIA, "*the description of the baseline landscape character at the regional and district level has not changed from the 2008 LVIA*". As the Braintree District Landscape Character Assessment (LCA) was referred to in the 2008 LVIA and it has not been updated since 2006, repeated reference to this study was not made in the 2017 LVIA. Due recognition has been given to all the published landscape character assessments when assessing the effects of the proposed development on the landscape character of the wider area. The assessment of effects has not considered the site in isolation, but in its landscape context e.g. as set within a quarry which is currently permitted to operate until 2022, with Reserved Site allocations within the Minerals Local Plan that could (subject to planning) result in future extensions to the quarrying operations until at least 2031.

4.6.5 Although the Braintree study states that Area B18: Silver End Farmland Plateau has "*moderate to high sensitivity to change*", the Essex LCA has assigned a 'moderate' landscape sensitivity for types of development similar to the IWMF (Category 5) within Area B1: Central Essex Farmlands. Sensitivity across a large geographical area can be very variable, with some parts being more sensitive to change than others. The Braintree study recognises the existence of "*a large sand and gravel pit with large mounds of sand and gravel*" and it is inevitable that such a feature will have an effect on the sensitivity of an area to accept change. The area is evidently one that is undergoing radical changes and whilst it is recognised that quarrying is only a temporary activity, many key characteristics and landscape elements have already been removed and it will take time for restored features to be re-established. It is therefore not considered unreasonable to state that this is a landscape that has and continues to accept large degrees of change.

#### **4.7 The Value of the Landscape of, and View from, West Gate**

4.7.1 In this section, TLP suggests, through reference to an appeal decision on land to the north of West Street in Coggeshall that "*the proposed development would therefore result in an adverse effect on views from sensitive receptors within a valued landscape*". The sensitive receptors specifically referred to are users of Footpath 17, 18 and the Essex Way. All these footpaths lie on the edge of the ZTV of the proposed stack, so only a limited amount of the top of the stack would be visible to people using these paths. Footpath 17 lies over 3km from the proposed stack and Footpath 18 is even further away, at about 3.3km distant. Neither footpath appears to be well used given the lack of definition and wear on the ground, though they do both cross large arable fields. Given the distance from which only the top of the stack would be visible from these footpaths, it

is anticipated that the stack would not form a prominent feature in these views, and as such it is unlikely that the stack would have an adverse effect on these views.

4.7.2 The Essex Way lies closer to the proposed stack than the other two footpaths (though only 1.5km distant at its closest) but it is tucked into the southern edge of the Blackwater Valley and due to the path's location in relation to this landform, it intermittently coincides with the ZTV for the stack. The Essex Way therefore does not offer "*clear views towards the proposed location of stack*" (para 4.7.4 of TLP report). Even those sections of the Essex Way that lie within the ZTV of the stack, e.g. the section to the west of Grange Farm on the approach to Coggeshall, is lined on its southern side by vegetation, which limits the openness of views towards the stack.

4.7.3 The appeal decision quoted in the TLP report does not suggest that the site of the IWMF is within a valued landscape. The landscape in the vicinity of the appeal site off West Street does not have the same characteristics as that around the IWMF site and is not of a comparable quality.

#### **4.8 Considerations on the Use of Aluminium Sheeting to Clad the Chimney Stack**

4.8.1 Contrary to the statement in the TLP report, it is not considered to be wholly necessary to provide examples of how the reflective material proposed for the stack would perform specifically in just rural situations or only when used for a similar purpose such as a stack. In the range of case studies presented, it is possible to appreciate how such a reflective material would react to the surrounding sky environment. Mirrored acrylic, mirrored glass and the approved "Alucobond NaturAL Reflect 405" all have similar reflective properties which provide the same desired effect of mirroring the appearance of the sky in its various lighting and cloud cover scenarios.

4.8.2 The Blackwall Tunnel Flue was included as an example, to demonstrate that it is possible for such a functional, industrial element to be a design feature, a landmark and a work of art. It is readily admitted that the punched aluminium used on this flue is not the same material as that proposed for the IWMF stack, but how it reacts to changes in natural light will be a similar feature of the IWMF stack. The IWMF stack is inevitably going to be in silhouette at some times of the day, but again, these dynamics in how the stack is lit will provide variety to any views of the stack. Maintaining the reflective nature of the material has been a key consideration in the structural design of the stack. The TLP report suggests that a 'mock-up' is provided, so "*the effectiveness of the material in minimising visual effects*" can be viewed. The nearest example of the type of material proposed for use on the stack can be seen at Colchester on the Ivor Crewe Lecture Theatre at the University of Essex.

## 5 CONCLUSIONS

### 5.1 Rebuttal of TLP Conclusions

- 5.1.1 By granting planning permission in 2010 for the IWMF with its associated stack to a height of 35m above surrounding ground levels, the Inspector must have considered that *“the descriptions and assessments within the LVIA’s provide sufficient levels of detail to enable a thorough understanding of the landscape character of the site and its visual amenity”* (extracted from paragraph 5.1.3 of TLP report). The landscape character of the site and its visual amenity have only changed with regard to the extent of quarrying operations in the intervening years between granting of permission and the application to increase the stack height by 23m.
- 5.1.2 To ensure that comparisons could readily be made between the permitted scheme and the 2017 application to increase the stack height by 23m, it was considered necessary to continue to use the 2008 LVIA methodology, despite publication in the interim of a revised edition of the recognised industry best practice, GLVIA3. This approach was discussed and agreed with ECC prior to drafting the June 2017 LVA. The principles of how to assess landscape and visual impacts arising from proposed development has not fundamentally changed between GLVIA2 and GLVIA3 it is considered the use of the 2008 methodology would still be relevant.
- 5.1.3 Landscapes are constantly changing and evolving, sometimes imperceptibly, but in other instances quite dramatically, such as in the case of quarrying. At the time of establishing the baseline, the site and its surroundings were a working quarry, which was categorised as an industrial land use as opposed to an agricultural one. Whilst it is recognised that quarrying is only of a temporary nature, during the period of working, such operations can result in the loss of characteristic landscape features and a general despoiling of the landscape, which can pervade for many years. The ‘industrial’ characteristics of the site and its surrounds were not only derived from long-term quarrying (currently up to 2022 with mineral reserves allocated as Reserved Sites for potential future extraction), but from other businesses and large man-made structures in the area which combine to degrade the value of the landscape.
- 5.1.4 Liaison between the applicant and ECC resulted in the identification and agreement regarding the number and location of representative viewpoints. This was restricted to the original seven viewpoints, plus an additional viewpoint on the public right of way to the north-west of the Polish Camp (Viewpoint 8). No further residential properties to the north of the site have been suggested for inclusion in the assessment either by ECC or TLP. Although it is agreed that West Street and Coggeshall Road fall within the ZTV, in reality, views from these roads towards the site are constrained by vegetation and would require motorists to look away from the road ahead by at least 90°. With regard to views

from the Essex Way, Footpath 17 and 18, all these footpaths lie on the edge of the ZTV of the proposed stack and are at 1.5km to 3km distance. It is therefore anticipated that as only the top to the stack would be visible from these footpaths, it would not form a prominent feature in these views (only as prominent as other structures visible in the view, such as pylons), and as such it is unlikely that the increase in the height of the stack would have an adverse effect on users of these footpaths.

5.1.5 The judgements made within the 2017 LVIA were only required to consider the magnitude of visual change arising from adding 23m to an already permitted stack height of 35m above surrounding ground levels. Moderate adverse levels of significance of effect have been assessed in both the 2008 LVIA and the 2017 LVA at construction for only three out of the 35 visual receptors identified (R5, P2 and P6). Minor adverse levels of significance of effect would remain at Year 15 for five visual receptors (residents of Heron's Farm (R6), and users of Footpath Nos 92/35, 67/71 and 67/55 (P2), Footpath Nos 67/55 and 67/72 (P4), Footpath 67/56 (P5), and Footpath Nos 92/31 and 108/57 (P6)). So whilst the degree of change resulting from the proposed modification to the height of the stack would not lead to an increase in the significance of effect for any of the receptors, there would still be some Moderate Adverse effects at construction and at Year 1, but none at Year 15.

5.1.6 TLP's report suggests that there would be effects of Moderate (adverse) significance on landscape character. The application to modify the height of the stack will not result in *"the introduction of extensive built form into what is currently open countryside"* as the application for the IWWMF has already been approved. Likewise, the application would not result in a *"change of land use, loss of historic field patterns, loss of existing trees or other vegetation"*. TLP are evidently not considering this application, which is only for the proposed increase in stack height. Effects on landscape character would be negligible.

5.1.7 Although some Moderate Adverse levels of significance of effect were assessed, this was only for a limited number of footpath users and a few residents in close proximity to the proposed stack at construction and Year 1. By Year 15, it has been assessed that no significant effects would remain.

5.1.8 The LVA accompanying the application enables the reader to trace the reasoning behind the judgements made to the significance of effect that the proposed increase in stack height would have upon landscape character and visual amenity. The residual effects arising from the proposed development would not be significant.

## **5.2 Response to PAIN Report**

5.2.1 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 public rights of way (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 proposals, 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.”* (Paragraph 6.85, page 32)

5.2.2 The IWMF is allocated as a permanent strategic site within the Waste Local Plan that was subject to detailed and bespoke site identification and assessment methodology by ECC and the Inspector (through her Examination in Public) of the IWMF proposals, which are supportive of Essex’s principle aim of “Net Self-Sufficiency”. The Examination in Public of the Waste Local Plan was held between the 27 September 2016 and 7 October 2016, and the Inspector was made aware of representations submitted by members of PAIN to the Environment Agency (when considering the first Environmental Permit application for a stack of 35m above surrounding ground level) requesting that the IWMF stack should be increased in height. In addition, the Examination in Public took place following ECC’s comments to the Environment Agency in consultation to the first Environmental Permit application advising that: *“any changes to the proposal would trigger a requirement for a variation application to the current planning consent”*.

5.2.3 Within her report on the examination into the Replacement Waste Local Plan, the Inspector concluded in paragraph 54:

*Although there was strong opposition to this allocation, the grant of planning permission has established the principle of this form of development on this site. It is also a firm indication that the waste management capacity is likely to be delivered during the lifetime of the RWLP. I understand that further work will be required as a result of the Environmental Permitting process, including a revision to the design in relation to the height of the stack. The fact that an Environmental Permit is being pursued supports the case that the facility should be regarded as deliverable. Although other concerns were raised, including the detailed arrangements between this facility and the Tovi Eco Park or the extent to which it might actually function as a combined heat and power facility, these do not alter the appropriateness of the site for the allocated waste management uses.*

5.2.4 The planning application(s) ESS/36/17/BTE and ESS/37/17/BTE made by GFC to ECC simply seek to increase the proposed height of the stack at the permitted IWMF on the former Rivenhall Airfield near Kelvedon in Essex. The environmental impacts associated

with landscape and visual impacts associated with the proposed 23m increase in the IWMF's stack height, have demonstrated that its impact(s) associated with the change from the existing baseline environment would be Low.

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