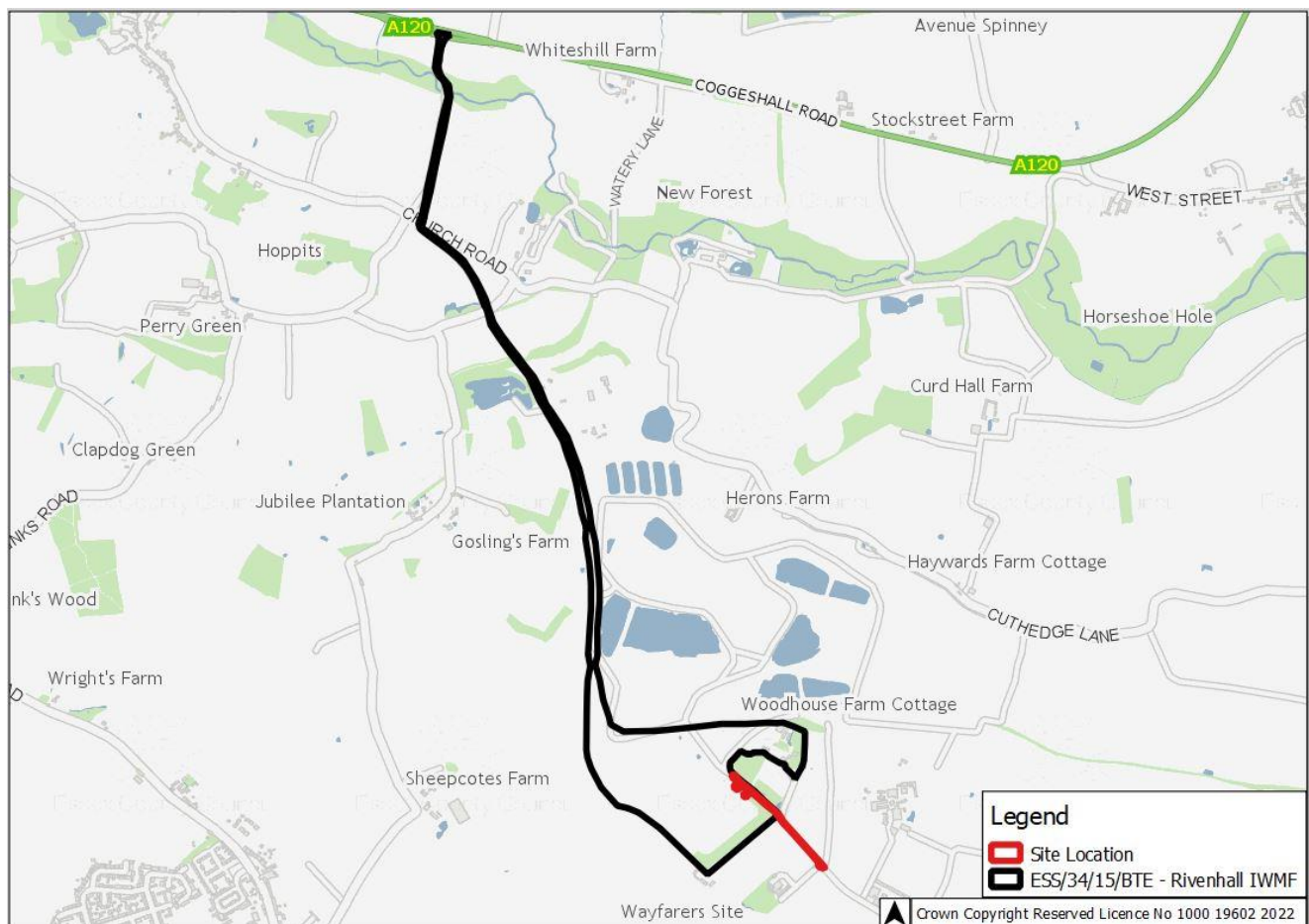


**DR/18/22****Report to:** DEVELOPMENT & REGULATION (22 April 2022)**Proposal:** MINERALS AND WASTE DEVELOPMENT - Temporary use of Woodhouse Lane by non-HGV vehicles to provide access for visitors and staff to the Rivenhall Integrated Waste Management Facility Information Hub and construction of temporary traffic management measures.**Ref:** ESS/01/22/BTE**Applicant:** Indaver**Location:** Woodhouse Lane, Kelvedon, CO5 9DF**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821The full application can be viewed at <https://planning.essex.gov.uk>

## **1. BACKGROUND**

Planning Permission for the Rivenhall IWMF was first granted by the Secretary of State (SoS) in March 2010 following a call-in public inquiry (ECC Ref ESS/37/08/BTE).

While the original application was determined by the SoS, subsequent applications fall to the Waste Planning Authority (WPA) to determine, unless called-in or legislation requires otherwise. There have been subsequent variations to the planning permission and submissions in response to conditions, which have been dealt with by the WPA. The extant planning permission for the Rivenhall IWMF is ESS/34/15/BTE.

The development of the IWMF is currently progressing as this stage the works have mainly been preparing the levels prior to actual construction works.

Under permitted development rights the developers (Indaver) have installed an Information Hub (visitor/meeting room), within the IWMF site, adjacent to main area to contain the IWMF buildings and structures. The Information Hub has been constructed reusing 4 shipping containers joined together to which windows and doors have been added, giving views out over the construction site.

The planning permission for the IWMF requires all access to the IWMF to be via the access road from the A120 to the north of the facility. At the time of determination of the original application there was particular concern that there should be no access to the facility from Woodhouse Lane to the south.

The current application's main purpose is seeking to allow some staff of the developer and visitors vehicles, including cars, mini buses and occasional coaches to access the Information Hub from Woodhouse Lane. In addition, some traffic management measures such as signage and speed bumps.

## **2. SITE**

The application is located in Kelvedon Parish, approximately 4km south east of Braintree and lies at the northern end of Woodhouse Lane, a cul-de-sac that provides access to Allshots Farm and the Polish Camp commercial/industrial area. Woodhouse Lane is accessed via Park Gate Road. Westwards on Park Gate Road access would be via the village of Rivenhall to the A12 or alternatively eastwards on Park Gate Road through Kelvedon and the A12.

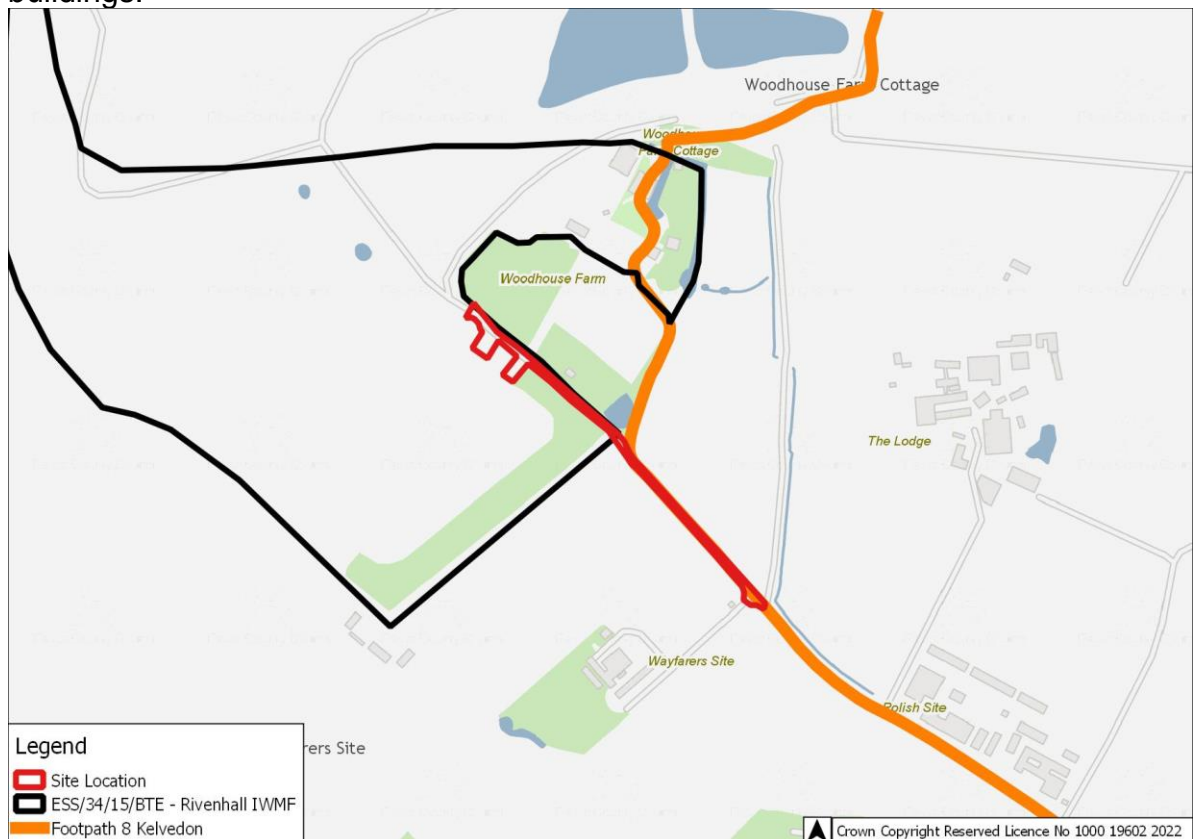
The application site is relatively small at approx. 0.3ha and is made of a narrow strip of land with two wider sections in the north.

The application area partly overlaps with the Rivenhall IWMF planning permission area, including a section of concrete road and hardstandings which formed part of the access roads and hard areas of the former Rivenhall Airfield. The application in the south also includes part of an existing private concrete access track that links Woodhouse Lane to the concrete roadways of the former Rivenhall Airfield. The Information Hub is located off of one of these concrete roads.

The wider sections of the application site would be the location of parking areas, the thin strip being the access to these parking areas and the Information Hub..

The nearest residential dwellings are at Allshots Farm (including the Lodge) 280m to the east, with commercial/industrial area of the Polish Site 175m to the south. Woodhouse Farm buildings (Listed Buildings) lie to the north east, currently unoccupied, but due to be refurbished as part of the Rivenhall IWMF development.

Public Right of Way footpath 8, runs along part of the proposed access route, before it leaves the access track to head north east through Woodhouse Farm buildings.



### 3. PROPOSAL

The application seeks to allow members of the public and some Indaver staff/support team to enter the site by vehicles (non-HGV) from Woodhouse Lane (presently prohibited by condition on the IWMF permission), in order to allow the Information Hub to operate more effectively and for the convenience and safety for those wishing to visit the site, wishing to find out more about the facility and site during the period of its construction.

The Information Hub is a temporary structure designed to allow Indaver to host members of the public, and any other interested party, at the site for the purposes of providing information about the developer, the construction of the development and its use. It is envisaged that the Rivenhall Local Liaison Group (a requirement of the legal agreement for the Rivenhall IWMF) can meet there as well as parties of school children and other students could attend to learn about its construction and Indaver and other interested parties. The Information Hub would be managed and operated by Indaver staff and other personnel. The Information Hub is already in

place, having been placed there under Permitted Development rights (without the need for express planning permission).

At present the access to the Information Hub is via the A120 to the north. This is controlled by condition 8 and 65 on the IWMF planning permission (ESS/34/15/BTE). Initially the access route utilises the existing Bradwell Quarry private access road. Beyond the quarry processing area, a temporary surfaced access road has been made to the IWMF construction compound and Information Hub. However, this access is used by construction traffic as well as the traffic associated with the quarry. In addition, not all of the road can be surfaced currently due to haul roads crossing the route. Indaver (the applicant) thus wishes to temporarily allow visitors and Indaver staff and its support team, to access the IWMF Information Hub from Woodhouse Lane to the south.

The application seeks consent for a temporary period until January 2026 for the following:

1. To allow vehicular traffic associated with the use of the Information Hub (excluding HGV, and other construction traffic), to temporarily use Woodhouse Lane as a means of access to the site;
2. During this period to erect temporary signage to ensure use only by staff and vehicles associated with the Information Hub and signage to control speed
3. During this period to erect temporary traffic calming speed ramps to ensure safe and convenient access

The use of the route from Woodhouse Lane would be for a period up to hand-over of the site, when construction is completed and commissioning has been undertaken. This period is presently envisaged as being to the end January 2026. At that point the temporary signage and ramps would be removed. It should also be noted that during this period, Indaver would undertake any patching or resurfacing work to the private stretch of Woodhouse Lane and on-site roads, to ensure the road is safe to use. Express consent is not sought for these works as these are permitted development.

The applicant has stated is difficult to predict vehicle numbers, but using a similar case that Indaver have experience of in Ireland, they have had on average approximately 20 visitors per week. No individual visit is expected to be greater than 10-15 people; this would vary and may be exceeded on occasions e.g. for site liaison meetings if held in person, or school trips. The vehicle types would vary but would not include HGV's; so cars, some school vehicles in the form of mini buses and coaches occasionally.

In terms of times of operation, the earliest it is expected by the applicant that vehicles would arrive would be 6.00am, for Indaver staff setting up the Information Hub. The latest times staff and visitors are likely to leave would be 7.00pm but occasionally later if an evening event is held e.g. a consultation event.

#### **4. POLICIES**

The following policies of the Essex and Southend Waste Local Plan adopted 2017,

the Braintree Core Strategy adopted September 2011 and Braintree District Local Plan Review adopted July 2005 provide the development plan framework for this application. The following policies are of relevance to this application:

WASTE LOCAL PLAN (WLP) 2017

Policy 10 - Development Management Criteria

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

CS5 Countryside

BRAINTREE DISTRICT LOCAL PLAN REVIEW (BDLPR) 2005

RLP 36 Industrial and Environmental Standards

RLP 90 Layout and Design of Development

NEIGHBOURHOOD PLAN

Kelvedon PC Neighbourhood Plan is at too earlier stage to have weight.

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

## 5. CONSULTATIONS

Summarised as follows:

BRAINTREE DISTRICT COUNCIL: No objection

HIGHWAY AUTHORITY: No objection from a highway and transportation perspective, subject to a condition to ensure the PRoW remains clear of obstructions and signage warning vehicles of the presence of pedestrians.

RAMBLERS ASSOCIATION: Comment as follows:

- Consider the application drawing should show the location of Kelvedon Footpath 8

Officer Comment: *This is not a validation requirement*

- The route of FP8 should be clearly signed to prevent pedestrians walking into the IWmf site rather than following the correct route through Woodhouse Farm.
- The route of footpath 8 should be unobstructed i.e. no gates or other structures
- Require clarification as to the number of vehicles
- There is no specific off carriageway route for pedestrians along the Woodhouse Farm track.
- Consider the application area should include that part of Woodhouse Lane that is not public highway the section south of the Polish Site.

Officer Comment: *As the access road is in existence there is no requirement for the full length of the private road to be included in the application area.*

KELVEDON PARISH COUNCIL: No objection

BRADWELL WITH PATTISWICK PARISH COUNCIL (adjacent parish): No comments received.

COGGESHALL PARISH COUNCIL (adjacent parish): No comments received.

SILVER END PARISH COUNCIL (adjacent parish): Objection. The principle that there should be no access via Woodhouse Lane was agreed at the Public Inquiry into the IWmf. There is concern that the access will be used for HGV which will come through Silver End which the roads cannot cope with.

RIVENHALL PARISH COUNCIL (nearby parish): Objection for the following reasons:

- Access to the site should be via the A120, which has always been a key principle in all planning permissions and agreements relating to the IWmf and should remain so.
- The application states there are conflicts between access to Woodhouse Farm, the construction of the IWmf and the quarry, it is for the applicant to ensure there is no conflict, it has always been the case that the IWmf and quarry would share the access road.

- Woodhouse Lane is a narrow minor country road and is unsuitable to take the additional traffic
- Woodhouse Lane north of the Polish Site is pedestrian public right of way. At the moment there is very little traffic beyond the Polish Site, as such walkers have a relatively safe environment to walk in the countryside.
- At a recent Rivenhall IWMF liaison meeting Indaver stated that depending on the outcome of use of the Woodhouse Lane access they might wish to make the access permanent beyond the application stated period till 2026.
- There is concern that allowing this use of Woodhouse Lane will lead to a further application to allow access for more traffic to the IWMF via this route in the future e.g. as an emergency access.
- There is concern that if a second access is permitted in the future it will be used by heavier traffic including HGVs, particularly if there should be blockages on the A120 or mis directions from Sat-Navs. HGVs could approach this second access through Rivenhall, but routes Via Kelvedon or Rivenhall End are theoretically unavailable due to weight restrictions.

*Officer Comment: This concern will be brought to the attention of Indaver, to see if mechanisms can be put in place to reduce the chances of Sat Navs redirecting traffic, particularly HGVs other than via the A120 entrance.*

- Pedestrian access is possible via Woodhouse Lane as there are no parking restrictions on Woodhouse Lane and areas of hardstanding alongside the road and it's only a short walk to the IWMF site.

*Officer Comment: It is not considered appropriate to encourage vehicles to park along Woodhouse Lane, which could form obstructions, particularly as Woodhouse Lane provides access to Allshots Farm and the Polish Site/Allshots Enterprises.*

FEERING PARISH COUNCIL (nearby parish): No objection, but comment that application area doesn't include the section of Woodhouse Lane that is not public highway.

*Officer Comment: As the access road is in existence there is no requirement for the full length of the private road to be included in the application area.*

Indaver state they will patch and resurface the private road to ensure the road is safe, this should include safe for pedestrian users. The Highway Code now requires vehicles to give way to pedestrians. Concerned at the length of the temporary period requested, until 2026.

LOCAL MEMBER – BRAINTREE - WITHAM NORTHERN: Any comments received will be reported.

LOCAL MEMBER - BRAINTREE EASTERN: Any comments received will be reported.

## **6. REPRESENTATIONS**

9 properties were directly notified of the application, of which only one was a

residential dwelling. 2 letters of representation have been received. The comments are summarised as follows:

| <u>Observation</u>                                                                                                                                                                                                                                                                                                                                                                                                                       | <u>Comment</u>                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Access to the IWMF should remain via the access road from the A120 as currently required                                                                                                                                                                                                                                                                                                                                                 | See appraisal                                                                                 |
| The use of this southern access won't just be to the Information Hub, but for abnormal loads as mentioned at the Rivenhall Local Liaison Group. The bridges over the River Blackwater should be made strong enough for all loads. It has been known for a long time that the bridges were not strong enough/suitable for heavy large loads and there has plenty of time to achieve address this avoiding the need to use Woodhouse Lane. | See appraisal                                                                                 |
| Woodhouse Lane, between the Polish Site and Woodhouse Farm is currently very quiet and is also a public right of way. Increased traffic would be in conflict with pedestrians.                                                                                                                                                                                                                                                           | See appraisal                                                                                 |
| This would result an increase of traffic through local villages.                                                                                                                                                                                                                                                                                                                                                                         | See appraisal                                                                                 |
| Woodhouse Lane is a narrow minor country road and is unsuitable to take the additional traffic                                                                                                                                                                                                                                                                                                                                           | See appraisal                                                                                 |
| The roads through Silver End and Rivenhall re not suitable for HGVs                                                                                                                                                                                                                                                                                                                                                                      | The proposals do not include access via HGVs only by cars, mini buses and occasional coaches. |

## **7. APPRAISAL**

The key issues for consideration are:

- A. Need and Amenity
- B. Traffic, Highways and PROW

### **A NEED AND AMENITY**

The applicant is seeking a temporary second access to the Rivenhall IWMF Information Hub for visitors and some staff via Woodhouse Lane. This would allow access to the Information Hub, that has been placed adjacent to the main area for the IWMF.



The permitted access under to the IWMF planning permission (ESS/34/15/BTE) is only from the A120. The existing private access road to Bradwell Quarry is permitted to be extended south to the IWMF. The construction of the extended access road has not been undertaken, at the current time there is a temporary surfaced access road to the construction compound for the IWMF. In addition, at the current time there is a temporary arrangement to allow vehicles to leave the permanent quarry road and gain access to the temporary access road, which may not be obvious to visitors unfamiliar with the site, which could lead to conflict with quarry traffic. In addition, the temporary access is crossed by unmade haul roads necessary to allow dump trucks to move materials as part of the preparation works for the construction of the IWMF. At these crossing points the road is not surfaced and can become quite rutted such that it's not very suitable for road going visitor vehicles particularly cars. The route is also used for construction vehicles visiting the IWMF site. Upon completion of the permanent access road to the IWMF, the access road will be suitable for all road going traffic from the A120 to the IWMF site.

It is considered that the route via Woodhouse Lane is justified as it would be a simpler and safer route for visitors and staff going to the Information Hub, avoiding potential conflict with quarry and construction traffic. The applicant stated the use of this second access was likely to be needed until January 2026. Since submission of this planning application the Development & Regulation Committee have considered an application (ESS/34/15/BTE/66/01) with respect to discharging Condition 66 the IWMF permission. The resolution of the committee imposed a condition requiring the completion of construction of the IWMF by 31 December 2026. The applicant has subsequently requested that the use of the second access be permitted until 31 December 2026, in line with the planning permission. This is considered reasonable, and a condition could be imposed requiring cessation of use of the second access by 31 December 2026 or upon completion of construction of the IWMF, whichever is the sooner, should permission be granted.

It is only anticipated that the number of visitor vehicles would be approximately 20 per week based on the applicants experience at a similar facility. With some potential school mini buses and occasional coaches.

The likely hours of for use of the access are suggested by the applicant as 6am to 7pm, with occasional later times e.g. for a consultation event. The current permitted hours for both construction and operation of the IWMF start from 7am, it is not considered justified that staff, even if setting up for an event need to arrive before 7am and would result in an increase in early morning vehicles through Rivenhall and/or Kelvedon. It also might lead to confusion as to the permitted hours the IWMF site generally. Therefore, if planning permission was granted, it is considered hours of use the Woodhouse Lane access should be limited to 7am to 7pm Monday to Friday, 7am to 1pm Saturdays, in line with the IWMF permission, but that occasional use at other times be permitted subject to prior notification to the WPA. It is considered subject to this condition, there would be no adverse impact upon amenity in the local area in accordance with WLP policy DM10 and BLP policy RLP 36.

As the proposed private road from Woodhouse Lane is existing and works to maintain the route would be on the existing alignment of the road, there would be no additional impacts in terms of archaeology, ecology and/or loss of agricultural land. The proposals are therefore not considered to be in conflict with WLP policy DM10 or BCS policy CS5.

## B TRAFFIC, HIGHWAYS and PUBLIC RIGHTS OF WAY

No objection has been raised by the Highway Authority, Braintree District Council or Kelvedon Parish Council (in which the proposal is located) to these proposals.

Concern has been raised by other Parish Councils and representees that Woodhouse Lane is unsuitable for the additional traffic. Woodhouse Lane, is a relatively minor road, but does already experience higher vehicle numbers than a country lane, in that it provides access, to Allshots Farm, a scrap yard at Allshots farm, as well as access to the Polish Site/Allshots Enterprises, which is a small commercial/industrial estate.

It is not considered that the proposed number or nature of proposed vehicles, (specifically not including HGVs) would give rise to highway safety and capacity issues. Access by HGVs to the IWMF site could be excluded by condition.

Concern has been raised that allowing this application, might lead to a further application to allow HGVs to access the IWMF via this route. Such proposals would require a separate application and at this time if such an application were submitted, it is considered such a proposal would be unlikely be acceptable.

Concern has also been raised that there has already been mention at the Rivenhall Liaison Group that there may need to be access via Woodhouse Lane for a number of heavy/abnormal loads. It is correct that certain plant required to be brought to the site for construction of the IWMF may be too large/heavy to use the access via the A120 due to limitations of the existing bridges that cross the River Blackwater. However, it is understood options are being looked at as to how this might be overcome. If such access is required this would need to be subject to a separate request/application. It is understood in the long term the bridges over the River Blackwater are likely to be improved/replaced.

### Public Rights Of Way (PRoW)

Woodhouse Lane is public highway as far as the Polish Site, beyond which it is private road but also a PRoW for pedestrians (Kelvedon 8). Concern has been raised that additional vehicular use of this private road, which is shared with pedestrians would bring vehicles into conflict with pedestrians. The applicant has suggested installing speed bumps. While these are not considered necessary by the Highway Authority, should the applicant wish to progress this suggestion they would need to discuss this with the Highway Authority. Signage has been proposed by the applicant and is required by the Highway Authority, to ensure drivers and pedestrians are aware of each other's potential presence. Subject to a condition to ensure the PRoW remains unobstructed and that signage is provided, it is not considered that the number and nature of vehicle would give rise to adverse effects on the PRoW that would warrant refusal.

## 8. RECOMMENDED

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

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- 1 The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

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

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- 2 The development hereby permitted shall be carried out in accordance with the details of the application dated 4 January 2022, together with the covering letter From RPS dated 4 January 2022, email from RPS dated 290 January 2022 and the following drawing entitled "Site Location Plan – Temporary Access" dated November 2021 Drawing no. 12037-0009-02 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with WLP policy DM10, BCS policy CS5 and BLP policy RLP 36.*

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- 3 Prior to commencement of the development details shall be submitted to and approved in writing by the Waste Planning Authority to show the following:
- a) Measures to ensure Public Right Of Way Footpath 8 (Kelvedon) shall remain clear and unobstructed at all times; and
  - b) Signage warning drivers of the presence of pedestrians over that length of Footpath 8 (Kelvedon) affected by the proposal.

The development shall be carried out in accordance with the approved details.

*Reason: To protect highway efficiency of movement and safety and the Public Right of Way, in accordance with policy DM1 and DM11 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and MLP policy DM 10.*

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- 4 The access from Woodhouse Lane shall not be used outside the following hours:
- 0700 hours to 1900 hours Monday to Friday  
0700 hours to 1300 hours Saturdays

and at no other times, including on Sundays, Bank or Public Holidays, unless previously notified and approved by the Waste Planning Authority.

Without prejudice to the foregoing the access from Woodhouse Lane shall only be

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used for the purposes specified in the application.

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policy DM10 and BLP RLP 36.*

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- 5 The access from Woodhouse Lane shall not be used by Heavy Goods Vehicles to access the IWMF development as permitted by ESS/34/15/BTE or any subsequent amending permissions.

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policy DM10, BLP RLP 36 and BCS policy CS5.*

- 
- 6 Use of the access from Woodhouse Lane for staff and visitors shall only be permitted until the 31 December 2026 or upon completion of the construction of the IWMF and the associated permanent access road from the A120, whichever is the sooner.

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policy DM10, BLP RLP 36 and BCS policy CS5.*

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)**

The proposed development would not be located adjacent to a European site. Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 is not required.

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## **EQUALITIES IMPACT ASSESSMENT**

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

## **STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER**

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the

proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015.

## **LOCAL MEMBER NOTIFICATION**

BRAINTREE - Braintree Eastern