

## Jon Brier

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**From:** Christopher Leconte  
**Sent:** 19 October 2021 09:47  
**To:** Claire Tomalin - Principal Planning Officer  
**Cc:** John Ahern; Tom Dearing; Gareth Jones; Jon Brier  
**Subject:** Rivenhall IWMF

Claire,

Please find below our response to your recent email. Perhaps we can pick this up with you tomorrow.

Kind Regards

**Christopher Leconte**

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**CAUTION:** This email originated from outside of RPS.

Chris/John

Following from yesterday's liaison meeting there was information and points raised yesterday, which would be useful to clarify formally with respect to implementation of ESS/34/15/BTE and the current application ESS/34/15/BTE/66/01.

Temporary visitor/information building

I appreciate that these are still being developed, but when you are in position, it is suggested that a pre-application request is made to clarify what, if any planning permission would be required and access to such a facility.

**Response:** I will present plans of the temporary visitor building when we meet next week, but we believe it clearly benefits from permitted development rights under Part 4, Class A – temporary buildings and structures. For convenience I reproduce this below:

*“ Class A – temporary buildings and structures*

**Permitted development**

*A. The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.*

**Development not permitted**

*A.1 Development is not permitted by Class A if—*

*(a) the operations referred to are mining operations, or*

*(b) planning permission is required for those operations but is not granted or deemed to be granted.*

**Conditions**

*A.2 Development is permitted by Class A subject to the conditions that, when the operations have been carried out—*

*(a) any building, structure, works, plant or machinery permitted by Class A is removed, and*

*(b)any adjoining land on which development permitted by Class A has been carried out is, as soon as reasonably practicable, reinstated to its condition before that development was carried out."*

Unless you see any difficulties over interpretation, I propose that this position is simply agreed between us by exchange of emails and an appropriate record kept of the same.

#### Management of vegetation around the IWMF

Management of woodland and pond (by the gate to Woodhouse Farm access road) was mentioned. I would draw your attention to the Habitat Management Plan approved initially under condition 54 of SoS Decision (ECC Ref. ESS/38/07/BTE/54/1). The Plan was then updated as part of application Ref: ESS/34/15/BTE. Should you wish to propose different or additional management, I would suggest that a S73 to amend the details would be necessary. As mentioned at the meeting works to the TPO area would also require authorisation from Braintree DC.

**Response:** Noted. We hope to submit one or more planning applications in connection with the Woodhouse Farm complex in the near future. We will keep you abreast of our plans once they are firmed up.

#### Earth Bund south of IWMF, outside the application area.

Mention was made of planting up this bund at the liaison meeting. If I could explain a bit of the background to this area of planting. The original intention as secured in the S106 was this area would be planted up at an early stage after permission was granted. At the public inquiry proposals were revised, such that soils from the IWMF site under the area of TPO were to be stripped, so that the seeds source in the soils would regenerate local species. When the permission was implemented, rather than just topsoils being spread in this area, sub and topsoils were stored on this area. Also the amount of topsoil was found to be a lot less and of poorer quality than expected, probably due to historical disruption when it was an airfield. When the planting details were approved for this area, it was not envisaged they would be on a bund. Be aware the bund is in 2 parts the higher section closer to the existing woodland is subsoil, the lower section close to the transplanted hedge is topsoil (soil stripped from the IWMF area). There is no actual planning permission for this bund, but it has been in place since March 2016 and would assist in screening the facility. However if the bund is to be retained, then I think it would be beneficial if the subsoil is shaped and the topsoil spread over the subsoil. The approved planting details may need to be amended to reflect the different landform. This could be achieved through a s73 application.

**Response:** Noted, and thanks. At present we are not proposing to re-profile the bund; simply to plant it up. The densities and types may alter and if they do we will advise you of the same and agree an appropriate way forward.

#### ESS/34/15/BTE/66/01

Information was provided yesterday at the liaison meeting which would be useful to be able to refer to as part of consideration of the current application with respect to condition 66. However, in order to enable this I would appreciate if an additional supporting/statement letter could be submitted with respect to the application, covering the following points.

The options being considered for the use and steam, I believe at the meeting both district heating and cooling systems were mentioned. It would need to be made clear these are subject to further planning permissions.

What options are being considered for the space that would be available within the IWMF if the MRF, MBT, AD facilities were not developed. My understanding from the meeting (subject to planning permission) were the following:

- Facility to recycle 120,000tpa of bottom ash into aggregate
- Facility to deal with bulky waste, such as mattresses etc

The current application refers to the possibility of applying for a DCO to allow power generation in excess of 50MW. Queries have been raised as part of the consultation that the need for the DCO arises from the possibility that the EfW facility might be increased in size to use the maximum amount of waste permitted to be imported by the planning permission i.e. 853,000tpa. My understanding from the liaison meeting and it would be good if this could be clarified, that the DCO arises not from increasing the input into the incinerator above 595,000tpa, but the incinerator would be more efficient and thus able to generate more electricity than was quoted in the 2015 application. In the 2015 application the combined power to be generated by the CHP and AD was approximately 50MW with 22MW used on site to power the various elements, leaving 28 MW for export to the grid. An explanation as to how it is now anticipated that there could be potential to produce in excess of 50MW for export to the grid would be beneficial.

Not mentioned at the meeting, but what would be the alternative for use of the heat and steam if no facility directly utilising the heat and steam could be found by the time the incinerator was operational? Subject to appropriate permission is there potential to generate more electricity from the heat and steam?

As you will have heard at the meeting there is concern that the facility will not be integrated, particularly with respect to the use of the heat and steam. However, on a slightly different point without the MRF & MBT, how would it be ensured that the all the waste to put input to the incinerator had had all recyclables recovered e.g. paper and plastics, such that it is only residual waste. There has always been concern raised that the incinerator would discourage recycling.

As stated it would be helpful if the above points could be clarified in a statement to support the "plan of action".

**Response:** We would be happy to submit a further document in connection with the above to elaborate and clarify the points you raise. In brief though please note the following:

1. Any change to the authorised scheme, if it involves development and cannot be dealt with via the discharge of existing planning conditions, will be the subject of one or more further applications. Depending on the consenting regime (TCPA 1990 or Planning Act 2008, DCO regime), ECC will either be the determining authority or be consultee in the decision making process;
2. The district heating scheme we spoke of is currently an aspiration by Indaver and they wish to engage with you and your authority to explore the possibilities of devising and delivering such a scheme locally;
3. The plans for the IWMF building that are currently being explored, in addition to the EfW component, are an IBA treatment facility (the scale is presently assumed to be about 120,000tpa); a waste pre-processing facility for selected waste streams, most notably bulky items; and a heat off-take area designed to serve a presently undefined heat/steam user;
4. We do not intend to alter the tonnages the plant is authorised to treat but the increase in power output i.e. greater than 50MWe, is achieved through better, more efficient plant not more fuel.
5. The power output will be above 50MWe but may vary depending upon the balance of heat and electricity produced;
6. Household waste arriving on the site will already have been subjected to some form of pre-treatment. Waste separation at source is now the norm so that only residual waste streams should arrive at the IWMF site. There may be occasions where wastes arriving on site might be subjected to further pre-treatment e.g. bulky waste items, in which case these will be sent for pre-processing site within the IWMF to extract recyclates.

I hope the above helps as an interim position, but we look forward to meeting you on Wednesday 20<sup>th</sup> at 2.00pm to discuss further.

Regards

Claire Tomalin BSc (Hons), MA, MRTPI  
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