

Jon Brier

From: Claire Tomalin - Principal Planning Officer <Claire.Tomalin@essex.gov.uk>
Sent: 26 August 2021 17:28
To: Christopher Lecointe
Cc: Jon Brier
Subject: FW: Rivenhall IWMF

Follow Up Flag: Follow up
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Dear Mr Lecointe, further to my email of Tuesday, there are a number of points on which we would seek clarification.

1. Re condition 2 comment, it is clear that the process flow plan 1-10A is not indicative. It sounds like what you might submit would not comply with the process flow chart. Can you explain how you would consider that the use of a CHP plant independent of any of the other elements would therefore comply with the conditions?
2. Re condition 2 comment about the CHP. It is not clear that the heat element is addressed in the way anticipated by the flow chart approved under condition 2. Can you clarify how this would comply if that were the case.

This is the comment referred to:

Condition 2 (Approved Plans)

The CHP plant or any other part of the IWMF must be constructed and used in accordance with the attached to the Planning Permission for its construction to be lawful. This would be in accordance with Condition 2 and the approved plans.

In this respect, we note that many of the plans listed in Condition 2 are indicative or illustrative. Therefore, the construction and use of the CHP plant (prior to or in the absence of the CHP plant) would not result in a breach of planning providing it complies with the relevant approved plans.

3. In relation to your comment on condition 66, whilst the contents of an action plan are not specified, the two different elements of (a) an alternative use or (b) rehabilitation of the site will necessarily be very different, and it seems likely that 'alternative use' anticipates a separate process to enable such use might need to be employed and it was not assumed that a different planning use was or would be granted as part of this planning permission or this planning condition.

In the circumstances where anything other than rehabilitation (akin to restoration and making good the site) were proposed at the end of the 5 year period, it could be anticipated that the requisite action plan would include other potential planning applications being made to achieve the relevant alternative use with a time line to submit and implement and complete. This is supported by the wording of the reason for the condition "To ensure that if the development of the IWMF is not progressed to a beneficial use within a reasonable period, that the site is either planned for an alternative use or the site rehabilitated in the interests, of minimising the adverse environment impacts of incomplete implementation and in accordance with WLP W8A, W10E and MLP DM1 and BCS policies CS5 and CS8."

Although you say:

Condition 66 does not prevent Indaver from submitting a plan of action implementation of the Planning Permission.

we're not clear how 'partial implementation', or even 'partial beneficial occupation', as an action plan within the post 5 year timeline would comply with condition 66 because that more limited use would not appear to comply with condition 2 so would appear to need an independent planning permission. Perhaps you can clarify your interpretation in this respect. The steps for obtaining, implementing and bringing into use of that separate planning permission would however appear to be suitable as part of an action plan under condition 66.

As soon as we are clear on a timetable for receiving the advice we are awaiting, I will be in contact to re-arrange a pre-app meeting.

Regards

Claire Tomalin BSc (Hons), MA, MRTPI
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In line with government advice relating to the COVID-19 pandemic, ECC Planning Service is working remotely, away from the office for the foreseeable future. This means staff are working flexibly throughout the day around caring responsibilities.

From: Claire Tomalin - Principal Planning Officer
Sent: 24 August 2021 15:53
To: 'Christopher Lecointe' <lecointec@rpsgroup.com>
Cc: Jon Brier <Jon.Brier@rpsgroup.com>
Subject: FW: URGENT Rivenhall Pre-App meeting

Dear Mr Lecointe

Thank you for your email and letter of yesterday.

With respect to Condition 66, your clients may wish to protect their position on the interpretation of this condition by making a submission before the 1 September 2021.

It is intended to seek clarification from you in the next few days on a number of the points made within your letter.

Regards

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From: Christopher Lecointe <LecointeC@rpsgroup.com>
Sent: 23 August 2021 17:20
To: Claire Tomalin - Principal Planning Officer <Claire.Tomalin@essex.gov.uk>
Cc: Jon Brier <Jon.Brier@rpsgroup.com>
Subject: URGENT Rivenhall Pre-App meeting

CAUTION: This is an external email.

Claire,

Thanks for the update. I have tried to call you to discuss this but cannot get through on either number at present so I thought I would drop you a line instead.

Of course we understand the timing difficulties and yes it looks as though we need to postpone the formal meeting. However, I am concerned that in postponing that, it leaves us with less time to prepare our application to discharge Condition 66 in time – 1st September 2021. If we cannot have the pre-app in good time that may mean we will miss this date and technically be non-compliant with this condition – will the authority be able to grant a concession and allow more time to prepare a submission post any rearranged pre-app please?

Also, in anticipation of some of the issues likely to be raised at our meeting, including the issues recently raised by the local liaison committee in respect to the potential partial implementation of the planning permission, we thought it was necessary to set out our position on this matter. Enclosed with this email, therefore, is a short letter which has been prepared by HSF LLP and RPS for your consideration.

I look forward to hearing from you in respect of the rearranged meeting and in respect of the enclosed letter; happy to talk through initially by way of a call in the first instance if that is helpful.

Kind Regards,

Christopher Lecointe
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From: Claire Tomalin - Principal Planning Officer <Claire.Tomalin@essex.gov.uk>
Sent: 23 August 2021 13:43
To: Jon Brier <Jon.Brier@rpsgroup.com>
Cc: Christopher Lecointe <LecointeC@rpsgroup.com>
Subject: URGENT Rivenhall Pre-App meeting

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Jon

I've just left you a message.

We have been seeking some external advice on Rivenhall which is relevant to tomorrow's meeting.

Unfortunately the person providing the advice had been on leave and now they are back, but unfortunately the whole family has come down with Covid and the advice has been delayed.

Without the advice, we don't feel the meeting tomorrow would be very beneficial.

I would wish to postpone, I apologise for this delay.

Regards

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