

ESSEX COUNTY COUNCIL

**Town and Country Planning Act 1990 (as amended)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
ORDER 2015
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2011**

In pursuance of the powers exercised by it as County Planning Authority, Essex County Council has considered an application to carry out the following development:

Full planning application to increase stack (chimney) height from 85m Above Ordnance Datum to 108m AOD (35m above existing ground levels to 58m above existing ground levels) of the Integrated Waste Management Facility¹.

¹The Integrated Waste Management Facility comprises Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and Pulping Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant (CHP) utilising solid recovered fuel to produce electricity, heat and steam; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; visitor/education centre; extension to existing access road; provision of offices and vehicle parking; and associated engineering works and storage tanks

at Land at Rivenhall Airfield, Coggeshall Road (A120), Braintree CO5 9DF

and in accordance with the said application and the plan(s) accompanying it, hereby gives notice of its decision to REFUSE PERMISSION FOR the following reasons:

1. The proposed development would cause (less than substantial) harm to the setting of a listed building as the development does not preserve the setting of Allshots Farm and Woodhouse Farm, Grade II listed buildings, contrary to S66 (1) of the Listed Buildings and Conservation Areas Act 1990 and it is considered that there are no material considerations to override the statutory presumption against granting planning permission for the development. The unacceptable adverse impact would be contrary to the NPPF, Policy 10 of the Essex and Southend Waste Local Plan 2017, Braintree Core Strategy (2011) policy CS9 and Braintree District Local Plan Review (2005) policy RLP 100.
2. It has not been demonstrated that the increase in stack height and the use of the reflective materials would not have an unacceptable impact on the quality and character of the landscape, countryside and visual environment contrary to the NPPF, Policy 10 of the Essex & Southend Waste Local Plan 2017, Braintree Core Strategy (2011) policy CS8 and Braintree District Local Plan Review (2005) policies RLP 80 and RLP 90.

3. It has not been demonstrated that there is a need for the waste treatment capacity of the IWMF, in Essex and Southend-on-Sea, beyond those shortfalls identified in Policy 1 of the Waste Local Plan and as such would be, likely to give rise to waste not being managed in accordance with the principles of the Waste Hierarchy, of achieving net self-sufficiency for waste management in Essex and Southend-on-Sea and the Proximity Principle, contrary to the NPPW and would undermine the strategic objectives of the Essex and Southend Waste Local Plan 2017.

REASON FOR REFUSAL

The proposal is considered unacceptable having been assessed in the light of all material considerations, including weighting against the policies of the development plan listed below:

WASTE LOCAL PLAN (WLP) adopted 2017

- Policy 1 - Need for Waste Management Facilities
- Policy 3 - Strategic Site Allocations
- Policy 10 - Development Management Criteria
- Policy 11 - Mitigating and Adapting to Climate Change
- Policy 12 - Transport and Access

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

- CS4 - Provision of Employment
- CS8 - Natural Environment and Biodiversity
- CS9 - Built & Historic Environment

BRAINTREE DISTRICT LOCAL PLAN REVIEW (BDLPR) adopted 2005

- RLP 36 - Industrial & Environmental Standards
- RLP 62 - Development Likely To Give Rise to Pollution or the Risk of Pollution
- RLP 63 - Air quality
- RLP 65 - External Lighting
- RLP 72 - Water Quality
- RLP 80 - Landscape Features and Habitats
- RLP 81 - Tree, Woodlands, Grasslands and Hedgerows
- RLP 83 - Local Nature Reserves, Wildlife Sites and Regionally Important Geological/Geomorphological Sites
- RLP 84 - Protected species
- RLP 90 - Layout and design new development
- RLP 95 - Preservation and Enhancement of Conservation areas
- RLP 100 - Alterations, extensions and changes of use to Listed Buildings and their settings

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

The proposed development has been screened as required by Regulation 63 of The Conservation of Habitats and Species Regulations 2017. It has been concluded that further assessment it is not required.


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

In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion, assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework. In this instance, however, it has not been possible to resolve the issues of concern so as to overcome the harm as identified in the reasons for refusal.

Dated: 20 May 2019

COUNTY HALL
CHELMSFORD

Signed



Graham Thomas - Head of Planning Service

IMPORTANT - ATTENTION IS DRAWN TO THE NOTES ON THE NEXT PAGE

NOTES

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 (as amended).
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision that relates to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- Alternatively, if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.