

DR/39/16

committee DEVELOPMENT & REGULATION

date 25 November 2016

MINERALS AND WASTE DEVELOPMENT

Proposal: Installation of an abstraction main from the River Blackwater to the Integrated Waste Management Facility site (ECC Planning Permission Ref ESS/34/15/BTE) using an existing abstraction licence (Environment Agency ref AN/037/0031/001/R01)

Location: Land between River Blackwater and Rivenhall IWMF site, Kelvedon, CO5 9DF

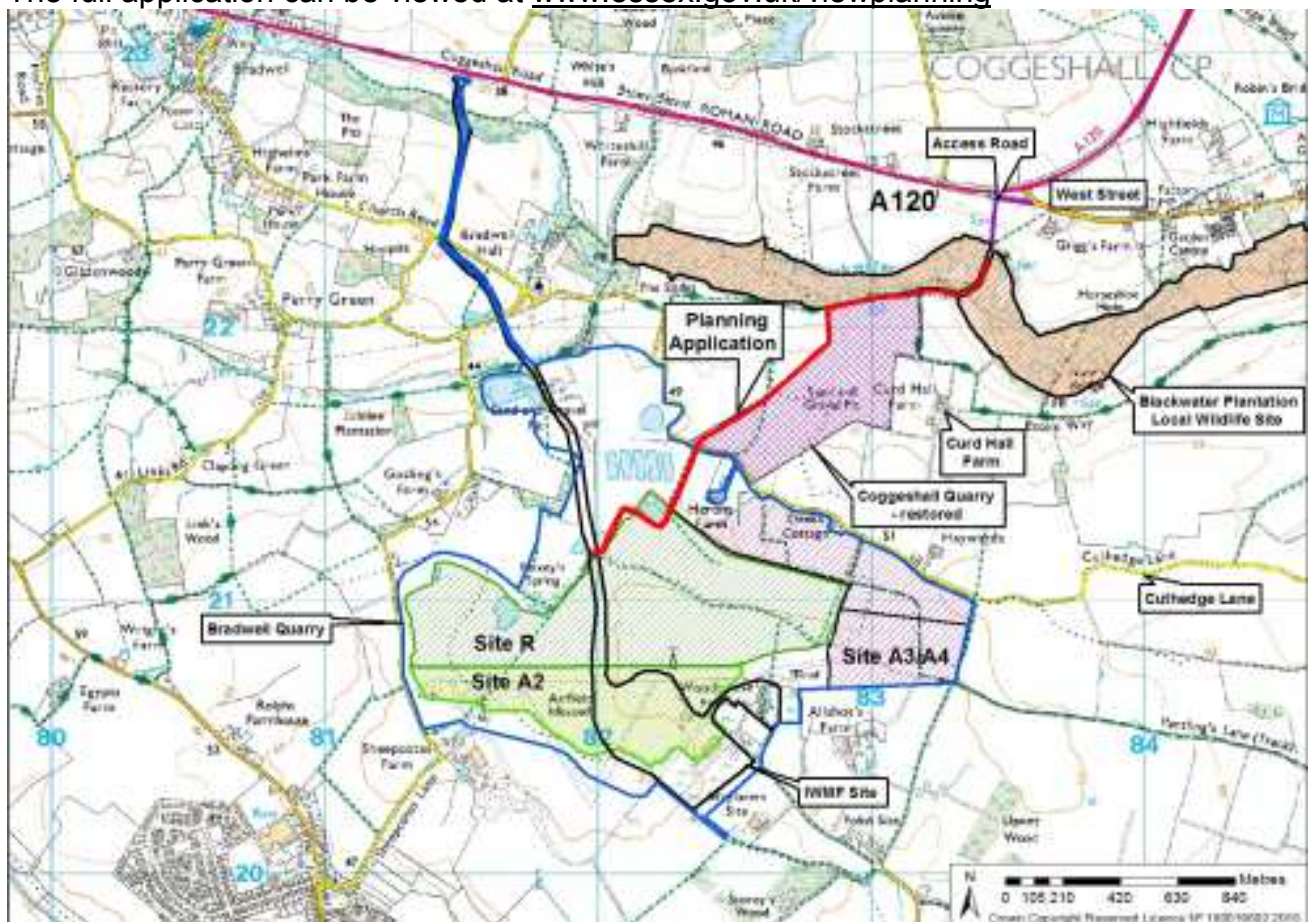
Ref: ESS/44/16/BTE

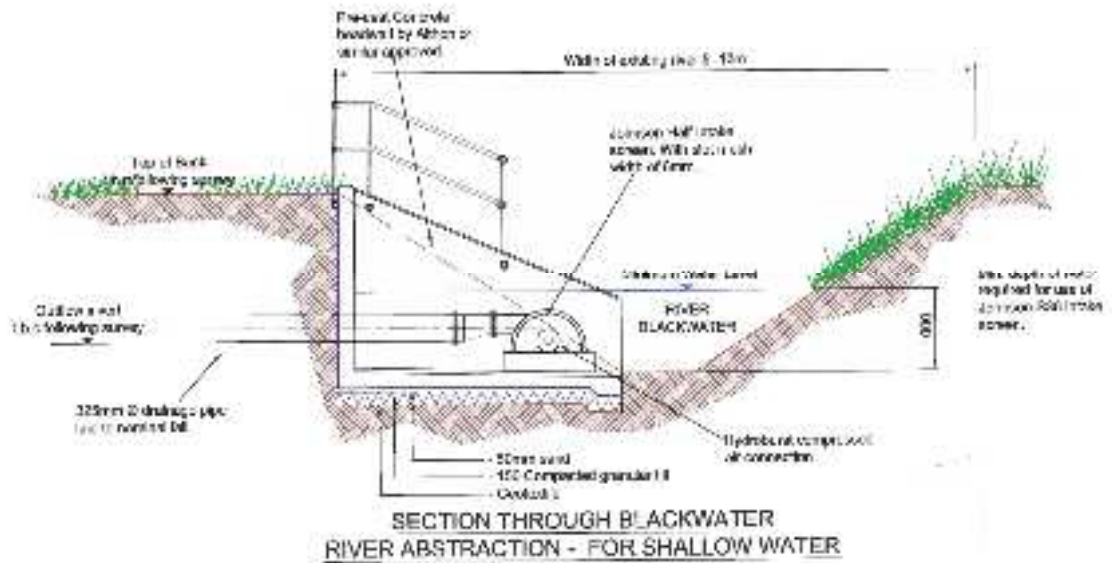
Applicant: Gent Fairhead & Co Ltd

Report by Director of Operations, Environment and Economy

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The full application can be viewed at www.essex.gov.uk/viewplanning





1. BACKGROUND

Planning permission for a Waste Management Facility at the Rivenhall Airfield was first granted planning permission (ESS/38/06/BTE) in 2009. In 2010 a further planning permission (ESS/37/08/BTE) was granted following a Call-In Public Inquiry, which revised the original application to include a Combined Heat & Power facility and De-Ink Paper Pulp Plant, known as an Integrated Waste Management Facility (IWMF). There have been several planning applications since that time, such that the current permission for the IWMF is ESS/34/15/BTE, which was granted in February 2016. This planning permission gives planning permission for the following:

- Materials recycling facility
- Mechanical Biological Treatment
- Anaerobic digestion
- Combined Heat & Power
- De-ink paper pulp plant
- Other infrastructure including a water treatment facility.

The planning permission has been technically commenced, road works having taken place and the site cleared, but no works of construction have commenced on site.

The applicant is awaiting the determination of an Environmental Permit application made in July 2016 to the Environment Agency. The permit is required before the IWMF could operate.

The IWMF as permitted would require water for waste processes and the de-ink paper pulp plant. As currently permitted, water used at the facility would be on a “closed loop” system i.e. water would be abstracted from the River Blackwater

(under an already permitted Abstraction Licence issued by the Environment Agency) and stored in (already permitted) water storage lagoons. The water once used would be treated, stored and reused on site negating the need for discharge. There would be an ongoing need to top up water in the lagoons as some water would be lost as part of the operation of the IWmf.

The existing water abstraction licence issued by the Environment Agency is subject to limitations as to when and how much water can be abstracted. The licence also requires water storage capacity, such that water can be stored and used at times when flow within the river is too low to permit abstraction. The principle of water abstraction from the River Blackwater has been established through this abstraction licence and is not a planning matter.

The current planning application the subject of this report, seeks planning permission for the water main, the abstraction point infrastructure and a pumping station required to bring the water from the River Blackwater to the IWmf. The applicant had originally considered this would be Permitted Development not requiring express planning permission, but this is not the case and hence a planning application has been made.

It is acknowledged by the applicant that there is an option for a different water management system that would see water abstracted from the river and used and treated on site before returning it to the river as a discharge. This would require authorisation from the Environment Agency. Therefore, while the applicant has stated they might pursue an abstraction and discharge as a potential option, they do not have authorisation from the EA for such and therefore are seeking to gain planning permission for the pipework and infrastructure necessary for the permitted water management system.

At the current time the application for the water main and associated infrastructure the subject of this application is on the basis of the IWmf operating on a “closed loop” system, where there is abstraction only with NO discharge to the River Blackwater.

2. SITE

The application site is located between Bradwell and Coggeshall south of the A120 and River Blackwater in Braintree District. The application site consists of a narrow piece of land extending from the River Blackwater to the site of the IWmf on Rivenhall Airfield, approximately 20m wide by 1.7km long.

The site starts at a pedestrian bridge over the River Blackwater. This pedestrian bridge is parallel to a road bridge which was historically part of the private access road from West Street to Coggeshall Quarry (now closed and restored). This redundant haul road has been retained for agricultural use. From the bridge the route of the water main follows the access road of the closed quarry west to the restored land that was Coggeshall Quarry. Then along the northern boundary of the restored quarry running parallel and south of the Essex Way, along this section would be located the underground pumping station. The route then heads due south and south west along the western boundary of the restored Coggeshall

Quarry (a mix of woodland and hay meadow). The water main route then crosses Cut Hedge Lane, and then runs along the western boundary of an agricultural field west of Herons Farm (residential property) before entering land part of the existing Bradwell Quarry to reach the location of the haul road for the IWMF. From here the water main would be along the route of the haul road to the IWMF and does not form part of the application site.

The first section of the application site approximately 200m from the River Blackwater is within the Blackwater Plantation Local Wildlife site. The same section is within the flood plain for the River Blackwater.

Curd Hall a grade II Listed Building is located approximately 400m to the south of the water main/pumping station. Herons Farm is located 250m east of the proposed water main.

The application site runs parallel with Coggeshall Footpath 33 (Essex Way) and crosses Bradwell Footpath 23 and Bradwell Footpath 55.

The site crosses Cuthedge Lane designated a protected lane within BDLPR.

3. PROPOSAL

The proposal consists of a water main to take water from the abstraction point to the site of the IWMF. The application also includes the abstraction point and a pumping station. The water main and pumping station would be located below ground and the abstraction point located under the existing pedestrian bridge over the River Blackwater. The water main would be installed in a 1m wide by approx. 1.75m deep trench. Arisings from the trench would be stored alongside the trench during the water main installation and the trench would then be restored, with any surplus spoil being removed. Where the water main crosses Cuthedge Lane trenchless technologies would be used.

The trench would accommodate two different size water pipes. The larger diameter pipe to allow abstraction at a faster rate when flows are high and a narrower pipe to allow slower removal of water during lower flows. The trench would also carry an electricity cable to the pumping station.

To install the 1.7km length, it is anticipated that 50m to 100m of water main would be laid a day, potentially with 3 teams working on different sections. The installation works would be undertaken during the construction period of the IWMF. The construction of the IWMF is unlikely to commence until an Environmental Permit has been granted by the Environment Agency, for which an application is awaiting determination.

The proposed pumping station is to be located outside the flood plain and Local Wildlife Site, on the northern edge of the restored Coggeshall quarry and would be located below ground with only inspection covers visible on the surface.

The contractor's compound would be located within the IWMF site. Works would be undertaken between 07:00 and 19:00 hours Monday to Sunday; the same

permitted construction hours for the IWMF.

Access to the site for the section north of Cuthedge Lane would be via the existing access on West Street and the redundant access road to Coggeshall Quarry and the northern section via Bradwell Quarry/IWMF access road to the A120.

4. POLICIES

The following policies of the Essex and Southend Waste Local Plan (WLP) adopted 2001, the Essex and Southend Replacement Waste Local Plan Pre-Submission 2016, the Braintree District Council Local Development Framework Core Strategy 2011 (BCS) and Braintree District Local Plan Review 2005 (BDLPR) provide the development framework for this application. The following policies are of relevance to this application:

	<u>WLP</u>	<u>RWLP</u>	<u>BCS</u>	<u>BDLPR</u>
Flooding and surface water	W4A			
Surface & ground water	W4B			
Highways	W4C	12		
Development control criteria	W10E	10		
Hours of working	W10F			
Safeguarding/improvements to Rights of Way	W10G			
Countryside			CS5	
Natural Environment and Biodiversity			CS8	
Built and Historic Environment			CS9	
Industrial & Environmental Standards				RLP 36
Pollution control				RLP 62
Water supply and land drainage				RLP 71
Water quality				RLP 72
Landscape Features and Habitats				RLP 80
Trees, Woodland, Grasslands and Hedgerows				RLP 81
Protected species				RLP 84
Rivers corridors				RLP 86
Protected Lanes				RLP 87
Layout and design of development				RLP 90
Alterations, extensions and changes of use to Listed Buildings and their settings				RLP 100
Archaeological Evaluation				RLP 105
Archaeological Excavation and Monitoring				RLP 106

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to 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 there are three dimensions to sustainable development: economic, social

and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must 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 the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless 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; or specific policies in this NPPF indicate development should be restricted.

The NPPF combined and streamlined all planning policy except for waste. Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The level of consistency of the policies contained within the Braintree District Local Plan Review and the Essex and Southend Waste Local Plan is considered further in the report.

Paragraph 216 of the NPPF states, in summary, that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The Essex and Southend-on-Sea Replacement Waste Local Plan is currently subject to Examination in Public, with public consultation on a number of modifications scheduled to take place in January 2017. Modifications are proposed for those policies listed above but they are not significant with respect to this waste development. It is considered that significant weight should now be given to the relevant policies of the new Plan.

5. CONSULTATIONS

BRAINTREE DISTRICT COUNCIL: No comments to make.

ENVIRONMENT AGENCY: No objection. The abstraction location, storage details and other pertinent matters are consistent with the applicant's Abstraction licence. With respect to ecology the works should not be carried out at sensitive times of year, avoiding noise and other impacts on breeding birds and other protected species. Impacts on the river bank will need to be minimised to avoid contamination with pollutants such as silt entering the river especially during fish spawning season: March-July inclusive. The design of the abstraction point should be sensitive as possible to the river environment and surveys should ensure that otter and water

vole are not affected. The abstractions from the river and reservoir will require mesh of a suitable size to prevent damage to or intake of protected eels and elvers.

ESSEX WILDLIFE TRUST: No response received.

ESSEX RAMBLERS: No response received.

HIGHWAY AUTHORITY – No objection, subject to a condition requiring a Traffic Management Plan.

HIGHWAY AUTHORITY (Public Rights of Way): No objection. It is noted that some paths could be affected by the works; public paths should remain open and safe to walk at all times. If the surface is damaged by works the applicant will be responsible for repairs. If there is a need to temporarily close any path an application will need to be made for a temporary closure.

PLACE SERVICES (Ecology): No objection, subject to conditions. The route is partly on disturbed ground and lacks important ecological features. The section of the site adjacent to the River Blackwater Local Wildlife Site should be checked for legally protected species prior to the works commencing to remove any residual risk of harm, this should be required by condition. Species rich hedgerows should be protected as set out in the application.

PLACE SERVICES (Trees): No objection

PLACE SERVICES (Landscape) : No objection

PLACE SERVICES (Historic Environment): No objection subject to conditions. Previous archaeological investigations at Rivenhall Airfield have revealed various archaeological remains. While much of the area has been subject of archaeological investigation the application site lies on the edge of these areas and there is potential for both archaeological remains and important palaeoenvironmental remains. Conditions to be imposed requiring archaeological investigation of unassessed areas.

BRADWELL PARISH COUNCIL – Object on the following points

- Planning application does not mention a power supply for the pump station and therefore may not be viable.
Comment: It is understood a power supply exists as remnant of the Coggeshall Quarry and this would be utilised with cabling in the trench to take power to the pumping station
- Lack of diagrams to show how the pumps and any associated electrical power equipment will be disposed around the bridge.
Comment: The pump is not located under the bridge but underground within the restored Coggeshall Quarry.
- There may be visual impact – no figures, diagrams or proposals have been provided to negate this view.
- Gent Fairhead have to date made no application to discharge treated effluent into the River Blackwater. It is acknowledged by the applicant that this may take place in the future. Appreciate not for comment at this stage, but would oppose

- any such application.
- IWMF proposal subject to continual change consider a whole new application should be submitted for the final design and use for the site

COGGESHALL PARISH COUNCIL: No response received

KELVEDON PARISH COUNCIL: Concerned that infrastructure being installed before EA Environmental Permit issued.

SILVER END PARISH COUNCIL (adjacent): Object on the grounds that there will be potential contamination to the river itself and the local wildlife. There is also concern over a potential reduction in the level of the water within the river.

RIVENHALL PARISH COUNCIL (nearby): Object. River Blackwater forms a boundary of the parish and is a sensitive ecosystem. Application makes clear that there is potential for a further application including discharge and potentially greater water consumption, than that currently permitted. The planning history is one of continual change and application should be refused until final proposals are known.

LOCAL MEMBER – BRAINTREE – Witham Northern: Object on the following grounds:

- The River Blackwater and its tributaries is an important feature through mid-Essex and is a valuable habitat for a wide variety of wildlife. The applicant claims it is poor in the area where the abstraction is planned, in reality otters have been recorded nearby.
- In the application documents, acknowledged intend to apply for a water scheme completely different to the one they are applying for now (on the basis of the extant time and volume limited abstraction licence), instead intend to make application to EA for both abstraction and discharge.
- IWMF permission considered at Inquiry in 2009, where evidenced was submitted by applicant that the water system would operate on a 'closed loop'. This was agreed by the Planning Inspector and the Secretary of State who derived from that evidence that the external water demand for the site would be "minimal". Now, it is stated the "River Blackwater will be the primary source of industrial water". There are many serious implications to these statements of intent: regarding - the fact that the river is a conduit to stock drinking water reservoirs; the fact that at any time of year it can get very low due to Essex being the driest county in the UK; the fact that its flow has to be supplemented by the transfer system; the fact that it is used for agricultural irrigation; its rich and varied ecology, etc. Having one of the largest waste sites in Europe relying on it as the primary source of water is a big deal.
- The planning history of the Rivenhall Airfield major waste site/incinerator is one of apparently endless change with no certainty as to what is actually the full design. The application states that the abstraction/discharge system will be informed by "the final design of the plant". It is now over 6 years since planning permission was given for the site, yet it keeps changing - the decision on the variation application (Feb 2016) being a major shift away from recycling and towards waste incineration.
- The 2009 Inquiry was told that the closed loop system would recycle water with minimal external importation. This was based on a paper pulping plant

(the largest water consumption element of the site) about double the capacity of what is proposed now following the "variation" application. Given that the incinerator boiler lines will use mains water, how is it that an apparently greater water use is proposed via an application yet to be submitted, when compared to the consent of 2010, water use should be very much less ? Unless the applicant sets out clearly what they intend to do, we cannot know.

- The current application should be refused. By the applicant's own admission they want to achieve something different and it appears possible that the plant cannot operate based on the current application. There needs to be a clear setting out of why the water cycle is being so radically changed (via a further application to come). Without clarity, the planning aspects, including the critical issues of the impacts on the Blackwater, cannot be known or assessed.
- Constant changes mean the local community does not know what they are getting and this current application is not what the applicant wants in respect of water.

LOCAL MEMBER – BRAINTREE – Braintree Eastern: Any comments received will be reported.

6. REPRESENTATIONS

13 properties were directly notified of the application. Letters of representation were received from 27 respondents. These relate to planning issues covering the following matters:

Observation

Comment

Water Environment

The volume of water to be abstracted will destroy the river and deplete water resources at a time increase house building in the area

An abstraction licence is already permitted by Environment Agency.

See appraisal

The discharge of water into the river will cause a rise in temperature , which could affect the life cycle of the river – reduced metabolism, raised requirement for food, lack of oxygen in the water. Could impact upon native oyster and otter populations

The application proposals do not include discharge to the River Blackwater.

Installation of the abstraction will cause environmental impact, including water pollution, and impact on aquatic life

See appraisal

Contrary to BDLP as likely to impact upon protected species like the Bittern which is threatened by excessive water

See appraisal

abstraction.

Original IWMF, closed loop system therefore no need or abstraction and new lagoon.

Water abstraction always formed part of the “closed loop system”, to allow initial filling of storage lagoons and topping up of water lost as part of operation of the IWMF. The water used in the IWMF would be treated on site within the waste water treatment facility and reused on site.

The quantities of water to abstracted and discharged are unclear.

The quantity of water to be abstracted is controlled by the abstraction licence issued by the Environment Agency. This proposal does not include discharge to the River Blackwater.

River Blackwater is a protected water course.

River Blackwater is a controlled water and this would have been taken into account by the EA in granting an abstraction licence.

The natural environment in this area has been under considerable pressure in recent years and this development seems to have been given preferential treatment, resulting in undue strain being placed on wildlife.

Each application has been considered on its individual merits in accordance with local and national planning policy. Each application has considered the impact and cumulative impact upon ecology.

See appraisal.

Application states not in a flood area, but it is located in flood area, therefore application in valid

Part of the application site is within the flood plain of the River Blackwater, no objection has been raised by the EA with respect to its part location within the floodplain.

Impact on ecology of river.

See appraisal

Water source from river was initially minimal now significant.

See appraisal.

The river is an important means of topping up drinking water reservoirs and

The abstraction licence permitting water from the River

is part of the regional water transfer system.

Blackwater is already permitted by the Environment Agency.

Other issues

ECC consideration of application bias as relying on IWMF as part of Replacement Waste Local Plan.

The draft RWLP has allocated the Rivenhall site for Waste Management to meet some of the waste management's needs for Essex and Southend.

ECC consideration of application bias as relying on IWMF as part of Replacement Waste Local Plan

The RWLP has allocated the Rivenhall site for Waste Management to meet some of the waste management needs for Essex and Southend.

Facility was originally a recycling plant now mutated into one of largest incinerators in country, with waste from all over country.

The principle of the IWMF has been established through existing planning permissions.

Will result in increased traffic.

See appraisal.

Proximity to residential development of IWMF

Principle of IWMF has been established through previous planning applications.

The design of the plant seems to have changed.

The application is for a water main to the IWMF, the abstraction of water from the River Blackwater has always been part of the proposals.

Application site not all owned by proposer.

Land ownership is not a planning issue.

Route of pipework will affect Public Rights Of Way.

See appraisal

Applicant states that likely to make further application for abstraction and discharge. Proposals always changing.

See appraisal.

Object to the incinerator and the effect it will have on my young children and their neighbourhood.

The principle of the IWMF has been established through existing planning permissions.

7. APPRAISAL

The key issues for consideration are:

- A. Need & Principle of Development
- B. Water Environment
- C. Ecology
- D. Landscape, visual Impact
- E. Historic Environment
- F. Noise
- G. Traffic & Public Rights Of Way
- H. Cumulative impact

A NEED & PRINCIPLE OF DEVELOPMENT.

The extant planning permission for the IWMF always proposed that water would be utilised from River Blackwater. Past planning applications for the IWMF have not included the pipework and infrastructure required to bring the water from the River Blackwater to the IWMF. The applicant previously thought such pipework and infrastructure would be permitted development not requiring express planning permission. It was subsequently confirmed that this was not the case and hence the current planning application.

The applicant has already obtained an abstraction licence from the Environment Agency to allow water to be abstracted from the River Blackwater at a point under an existing pedestrian bridge, such that the principle and impact of water abstraction from the River is not part of the planning consideration.

There is a need for pipework to bring the water from the river to the IWMF. The applicant has sought to choose a route that minimises disturbance, locating the route partly within existing tracks and adjacent or across land previously subject to disturbance through mineral extraction. In addition the need for removal of existing hedgerow and trees has been minimised, as well as disruption to public rights of way and the public highway.

Policies of the adopted Waste Local Plan are considered to be out of date, although many of its principles conform to the NPPF and NPPW. The Site of the IWMF is an allocated site within the emerging Replacement Waste Local as a site suitable for waste development. The RWLP is currently at Examination in Public, with hearing sessions having been held in September/October 2016. The Inspector has not indicated that the plan is unsound and publication of modifications is anticipated in early 2017. No significant changes are proposed which would impact upon the determination of this application.

The proposed pipework is necessary to provide the water required to operate the IWMF and facilitate its operation.

However, it is necessary to consider the Environmental Impact of the proposals.

B WATER ENVIRONMENT

Concern have been raised by both local residents and Parish Councils as to the impact of water abstraction upon flows in the river and the impact of discharge upon water quality and ecology.

Firstly it must be emphasised that this application is for pipework to abstract water only and **not** to facilitate to discharge. No authorisation exists from the Environment Agency for discharge and while this is an option the applicant may pursue, it is not the case at the current time. Should the applicant obtain authorisation for discharge, there would be likely to be a need to be a further planning application for the necessary pipework and infrastructure for a discharge.

As to concerns raised as to the impact of water abstraction, this is not a land use planning matter. The applicant holds a licence to abstract water from the Environment Agency which is subject to restrictions which ensures flows in the river do not adversely impact on water abstraction required for public use or upon the ecology of the river. The Water Abstraction Licence is subject to the following requirements and restrictions:

- *water abstraction at NGR TL 8343 2223 from a pumping sump with two pumps with a combined capacity of not more than 100l/sec;*
- *for the purpose of filling reservoirs for the subsequent purpose of process water for waste treatment, processing and recycling;*
- *the maximum quantity of water to be abstracted is not to exceed 360 m³/hr;*
- *8,640 m³/day;*
- *250,000 m³/year;*
- *no abstraction is permitted when the flow in the River Blackwater (as gauged by the Agency) at Appleford Bridge gauging station (NGR TL 845 158) is equal or less than 1,309l/sec (1.309 m³s⁻¹); and*
- *no abstraction shall take place until the Licence holder has provided a storage facility, capable of storing at least 250,000 m³ of water which is constructed or lined so that it remains impermeable.*

The Environment Agency has not raised an objection to the application and has confirmed that the details within the planning application are consistent with those of the water abstraction licence.

Concern has been raised that the water demands of the facility have changed since the planning permission was granted in 2010. It was set out within the application made in 2015 and determined in February 2016, that the water demands of the facility had changed in response to the change in processes at the site. It remains the case that the paper pulp plant is the main user of water and much of the water for the paper pulp plant would be treated and recirculated on site. The anticipated daily shortfall of water in

the permitted scheme of 2010 was estimated at approximately 120m³ per day, while it was confirmed in the more recent application (ESS/34/15/BTE) that the estimated shortfall is likely to be more in the region of 500m³ per day. This change is in response to changes in the operation of the IWMF, eg it had been anticipated that water recovered from the MBT process could be used to quench bottom ash within the CHP, but this has been found not to be viable and hence a greater volume of water is required for this element.

It should be noted the licence requires adequate storage such that should water levels fall within the river preventing abstraction the IWMF would have adequate stored water to allow operation throughout a period of drought. This was demonstrated as part of the application ESS/34/15/BTE. Water storage is provided by Upper Lagoon (part of the IWMF facility), in New Field Lagoon (which forms part of the Bradwell Quarry restoration) and prior to construction of New Field Lagoon a temporary water body known as Sheepcotes Lagoon located within the unrestored workings of Bradwell Quarry is permitted.

The principle of the water abstraction is established through the Abstraction Licence issued by the EA and the principle of use of the water in the IWMF was reaffirmed through planning permission ESS/34/15/BTE for the IWMF. The current application seeks only permission for the infrastructure to move the water from the river to the IWMF.

The NPPF and local plan policies seek to protect surface water quality and protect it from pollution. Care would need to be taken to avoid silt entering the river during construction of the abstraction point. The potential for silt entering the river would only be short-term during construction and could be controlled by condition should planning permission be granted.

Subject to conditions it is considered the proposals are in conformity with WLP policies W4A, W4B, W10E and emerging RWLP policy 10 and BDLPR policies RLP71 and RLP72

C ECOLOGY

As explained above concern has been raised as to the impact of water abstraction on the river, including the potential impact ecology upon aquatic life. The impact of abstraction on flows in the river and subsequent impact on aquatic life would have been considered as part of the determination of the Abstraction Licence by the EA. As explained above the Abstraction Licence is subject to restrictions to ensure flows are maintained within the River Blackwater.

The abstraction point and the first 200m of the pipework would be within the Blackwater Plantation Local Wildlife site. However the pipework in this section would be placed within the existing access road, such that disturbance would be minimal. The pumping station is located outside the CWS and the flood plain.

It is acknowledged by the applicant, the EA and the County's Ecologist that care will need to be taken to minimise impact during the installation of the abstraction point on the river, installation of the pipework and pumping station. This is particularly important within the Local Wildlife Site. Periods of sensitivity should be avoided including bird nesting season, contamination by silt during fish and eel spawning periods. In addition that the detail of the abstraction point needs to ensure that aquatic life is not drawn into the abstraction point, through appropriate use of mesh. In addition that surveys are undertaken prior to installation of the abstraction point to ensure there are no protected species present such as voles and otters. All such matters could be controlled through condition.

The majority of the route outside the Local Wildlife Site is either on the edge of ground previously disturbed by mineral extraction or within arable fields such that there would be limited impact upon ecology.

National and Local planning policy seeks to protect habitats and species from adverse impact it is considered subject to conditions to control those matters mentioned above the proposals would be in accordance with the NPPF, WLP policy W10E and RWLP emerging policy 10 and BDLPR policy RLP 80, RLP 81, RLP 84, RLP 86 and BCS policies CS5 and CS8.

D LANDSCAPE & VISUAL IMPACT

The abstraction point would be located below the existing pedestrian bridge and the pipework and pumping station would be located below ground. There is likely to be some visual impact during the installation phase which is anticipated to last no longer than 6 months happening concurrently with development of the IWMF.

Upon reinstatement of the trench the only residual visual impact would be limited to the inspection covers.

It is therefore considered there would be no landscape impact and only limited visual impact during installation. It is therefore considered that the proposals would be in accordance with conditions to control those matters mentioned above the proposals would be in accordance with WLP policy W10E and RWLP emerging policy 10 and BDLPR policy RLP 90 and BCS policy CS5.

E HISTORIC ENVIRONMENT

National and Local planning policies seek to protect loss of heritage assets.

Curd Hall is a grade II Listed Building located approximately 500m from the pipework and pumping station. As explained the pipework and pumping station would be below ground having no impact upon the setting of the listed building. There may be some visibility of the installation works but this would be short term and there is an intervening broken hedge, restricting views. It is considered that upon completion of installation there would be

no harm to the setting of the Listed Building.

Some of the route of the pipework has been subject to previous archaeological investigation, in places the route follows on the margin of disturbed areas, but previous investigation of adjacent areas would indicate there may be archaeological interest. In particular, the section close to the river has not been subject of prior investigation and records show presence of a mill in this location, plus there is potential for paleo environmental information. Therefore the County's Archaeologist requires conditions to be imposed to ensure appropriate archaeological investigation and recording in those areas previously not disturbed, which could be secured by condition.

Subject to those conditions referred to above it is considered the proposals would be in compliance with heritage protection policies WLP policy W10E and RWLP emerging policy 10 and BDLPR policy RLP 100, RLP 105 and RLP 106 and BCS policy CS9.

F NOISE

There is likely to be short-term noise disturbance during the installation phase from construction traffic and the installation works, but these would be limited in duration. Due to the location of the pump below ground there would be negligible noise from the pumping station in the long term.

To minimise the impact of installation works on the surrounding local amenity it is considered appropriate to limit hours of installation to those as permitted for construction of the IWMF Monday to Sunday 7am to 7pm.

Subject to conditions to control those matters mentioned above, it is considered there would not be significant adverse impact on local amenity and the proposals would be in accordance with WLP policy W10E and RWLP emerging policy 10 and BDLPR policy RLP 36.

G TRAFFIC & PUBLIC RIGHTS OF WAY

The contractors' compound would be located within the IWMF site. Access for installation of the pipework and infrastructure would be either through the existing access for Bradwell quarry for that south of Cuthedge Lane or via the old access to Coggeshall quarry for that north of Cuthedge Lane. There would be no access from Cuthedge Lane.

The crossing of Cuthedge Lane would utilise trenchless technologies such that there would be minimal disruption to the users of Cuthedge Lane. The Highway Authority has not raised an objection subject to a Traffic Management Plan.

The proposed route does in part run parallel to the Essex Way and crosses 2 other public rights of way. Any disturbance to PRow would only be during the installation phase. Due to the small scale nature of the trench, crossing boards could be utilised negating the need for any temporary footpath

closures. PRow team have no objection subject to conditions to ensure PRow remain open and unobstructed and that any disturbance to PRow is repaired.

Subject to conditions to control those matters mentioned above the proposals would be in accordance with WLP policies W4C, W10E and W10G and RWLP emerging policy 10 and BDLPR policy RLP 87.

H CUMULATIVE IMPACT

Concern has been raised as to the continual changes with respect to proposals associated with the IWMF and whether in fact the whole development should be reconsidered taking all the changes into account.

As explained previously, the changes to the process elements and the resulting changes to likely water usage, formed part of the application ESS/34/15/BTE. The EA raised no objection to that application.

In addition the environmental impacts of the pipework and infrastructure were considered as part of the cumulative impacts within the Environment Impact Assessment that accompanied the application ESS/34/15/BTE and were concluded not to give rise to significant cumulative impacts.

8. CONCLUSION

The proposal for the water main, abstraction point and pumping station are necessary to transport the water already permitted for abstraction under an existing Abstraction Licence to be used in the permitted IWMF. As the majority of the infrastructure would be below ground the long-term impacts would be very limited, most impacts would be associated with the installation phase and could be minimised through the imposition of conditions.

The NPPF sets out 3 dimensions to sustainable development, economic, social and environmental. With respect to social and economic dimensions. The water main is largely remote from houses and any disturbance would be short-term during the installation phase. With respect to the economic dimension the infrastructure is necessary to enable development and operation of the IWMF. Subject to conditions it is considered any environmental impacts could be adequately minimised.

It is therefore considered there is no reason to withhold planning permission. The proposals are considered, subject to conditions to be in conformity with national and local plan policies (as set out in Section 4) and therefore the development plan as a whole.

9. RECOMMENDED

That planning permission be **granted** subject to conditions covering, in summary, the following matters:

1. Commencement of development.

2. Application Details.
3. Hours of installation Monday to Sunday 7am to 7pm.
4. Submission of details of abstraction point.
5. PROW to remain open unobstructed and restored to original condition.
6. Site of abstraction and pipework route within CWS prior to installation to be surveyed for protected species.
7. Sensitive times of year for breeding birds and other protected species to be avoided.
8. Submission of management plan to minimise release of silt into the river during installation of the abstraction point.
9. Installation of abstraction not within fish and eel spawning period March-July inclusive.
10. Archaeological and palaeoenvironmental investigation and recording where necessary in areas not previously investigated.
11. Prior to commencement of development submission of traffic management plan.
12. Public rights of way maintained open and free from obstruction.
13. Species rich hedgerows should be protected as set out in the application.

BACKGROUND PAPERS

Planning application ESS/44/16?BTE
Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

The proposed development would not be located adjacent to/within distance to a European site

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

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

The Waste Planning Authority has engaged with the applicant prior to submission of the application, advising on the validation requirements and likely issues.

Throughout the determination of the application, the applicant has been kept informed of comments made on the application and general progress. Additionally, the applicant has been given the opportunity to address any issues with the aim of providing a timely decision.

LOCAL MEMBER NOTIFICATION

BRAINTREE – Witham Northern
BRAINTREE – Braintree Eastern