

PUBLIC INQUIRY  
LAND AT RIVENHALL AIRFIELD, ESSEX  
INTEGRATED WASTE MANAGEMENT FACILITY

Ref APP/Z1585/V/09/2104804

Application ESS/37/08/BTE

PROOF OF EVIDENCE CG2  
Landscape – quantified visual impact  
Concerns regarding the approach of the Waste Planning Authority  
Ecology and Footpaths

Summary at Section 7, page 23

Philip Hughes District and Parish Councillor

ON BEHALF OF THE COMMUNITY GROUP  
REPRESENTING LOCAL AMENITY SOCIETIES

September 2009

**Relevant experience:**

District Councillor for Bradwell, Silver End and Rivenhall ward – first elected May 1999

Silver End Parish Councillor (and former Chairman)

Involvement in promoting recycling and waste minimisation schemes in mid-Essex since the 1980s including a local commercial waste collection scheme

Experience with photography includes part of City and Guilds 747 (comprising 4 modules) in General Photography; working in Hanover Studios, London and as manager of the photographic dept of Lloyds Pharmacy, Braintree.

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## **1. Introduction**

1.1 My evidence for the Community Group will focus on the direct visual impacts on the local landscape and will also refer to potential impacts on ecology and footpaths, including the evidence of the Ramblers at Appendix 4. I will also present evidence on the dialogue between the County Council and the applicant that goes back to the 1990's regarding the potential for a waste incineration facility at the site (Appendix 5). I am not an expert in these fields, but as someone who has lived in the area for many years and who represents the local community, I submit this evidence as being what I believe to be a fair reflection of the facts. I also rely on the evidence of others.

1.2 Most of my landscape evidence relates to Appendix 1 of this proof, which is a set of images and visualizations compiled by the local community in early 2009 that formed part of an objection representation to the proposal planning application.

1.3 I do have some experience in photography and helped to take some of the images presented in Appendix 1. To the best of my knowledge the images and visualizations are fair and I believe them to be useful to the understanding of the proposal in terms of its impacts in the landscape.

1.4 I believe that the application fails in many respects to provide equivalent material. For example, few images detailing the actual application site were presented in the application or in the 24<sup>th</sup> April committee report. In addition, I believe that the application visualizations of the proposal, particularly the appearance of the incinerator chimney stack in the landscape are not a fair representation of what it would look like, when compared to the dimensions quoted in the application. The application visualizations do not show the proposed 35m x 7m main incinerator stack in correct proportions (i.e. 5:1). The application states there will be 2 stacks. Yet only one application drawing (front elevation i.e. 3-19) appears to show a very thin second stack, but not apparently at the correct height, which the Regulation 19 response states could be 27m. There is uncertainty about the final height of the stacks and their appearance and I will also (Appendix 3) present evidence that the applicant and the County Council have been in dialogue about examples of reflective stacks, which was not subject to the public consultation on the application. I also believe that the application fails to portray the heights and screening potential of the trees in and around the site accurately.

1.5 I will seek to show that the proposal will have a significant impact in the local landscape and that it would be visible over long distances. In particular, I will show visualizations showing that the incinerator stack will be starkly visible from the listed Woodhouse Farm and from Footpath 8, detrimentally affecting the setting of the listing building and the quiet enjoyment of the local footpaths.

1.6 Our original photographs were taken from 10 locations in and around the airfield. 4 of the locations were within the grounds of, or close to, listed buildings, taken with the cooperation of the owners. 7 of the locations were on, or close to, public footpaths or permissive rights of way. Appendix 2 includes a Definitive Footpath Map (Map 1) from which the numbers of the footpaths referred to below can be referenced. The viewpoints from where the photos were taken are shown in Map 2 in Appendix 2 as green dots, except for the woodland images which were from within Woodland Block W3 on the application site.

1.7 The images cover a range of issues including:

1. Scaling images - showing the actual heights of the trees and other features on the airfield.
2. Images and montages showing how the airfield looks now.
3. Using the same images and montages to produce visualizations showing what the site could look like if developed as per application ESS/37/08/BTE.

1.8 I will draw attention to the evidence, from the application, that this site is a good wildlife habitat and will attempt to illustrate this with images taken by the local community. I will question whether the full impacts of the loss of large areas of this habitat have been properly assessed and whether such impacts are acceptable in policy terms.

1.9 The methodology used to create the visualizations is given at the start of Appendix 1. Scaling was carried out and perspective and ground levels have been allowed for as explained in the methodology. I believe the results are a fair representation of how the proposal could appear in the landscape, in relation to the landscape as it was at the time the original images were taken.

## **2. The “eRCF” and the site area**

2.1 The “eRCF” proposal introduces industrial elements (paper pulping plant and waste incinerator) into a rural location.

2.2 The applicant has sought to argue that the “eRCF” is not significantly different from the “RCF” in terms of landscape and other impacts.

2.3 The Essex County Council (ECC) case officer stated at the 24<sup>th</sup> April Development and Regulation Committee meeting that the eRCF site was “exactly the same” as the former RCF proposal. I would submit that this was not accurate.

2.4 The buildings for the current proposal are on a 17% greater footprint and the “eRCF” proposal includes a 35m high, 7m wide chimney, although this height is not definite. A second stack up to 27m is proposed. A greater area of woodland will be lost, with the residual belt reduced from “at least 30 metres” to 20m, with 5 m of that coppiced, as stated in the Regulation 19 response (19-41).

2.5 The applicant has sought to portray the area as industrialized. I would submit that this is not the case and the images in Appendix 1, particularly the wide landscape montages show that the site is surrounded by arable land and small woods.

2.6 The commercial uses are limited and relatively isolated. The only actual current commercial use on the main part of the application site (the buildings footprint) is in Hangar No.2 which is currently (August 2009) being used as a grain store .

2.7 The built development on the application site comprises the Hangar No.2, other surviving WWII structures and the listed Woodhouse Farm.

2.8 The local community view of the airfield is that it is a largely open, largely rural area of “big skies”. The footpaths are well used and people are often seen out horse riding, or walking their dogs or flying model aircraft. On every occasion that I have been on the airfield during the taking of the photographs submitted in Appendix 1 and subsequently in gathering evidence for this Inquiry, I have seen people out and about enjoying such activities. There is strong local and wider interest in the WWII legacy.

2.9 In Appendix 1, Submission 1, the scaling images show a colleague holding a 4m high pole. It can be seen that from this location (Appendix 2, Map 2), near the Polish camp, viewing towards the site from footpath 8, the trees are less tall than stated by the applicant. He describes and draws the trees at curious heights in the application, including well over 20m. As detailed in the text to Submission 1 the heights of the trees are much lower, and parts of Hangar No.2 can be seen through the trees. Similarly, from location 2, near Woodhouse Farm and footpath 8, the trees are again less tall than stated by the applicant, as detailed in the text accompanying the image.

2.10 Submissions 2 and 3 include a view of the existing Hangar No.2 as seen from viewpoint 2. The building can clearly be seen through the trees and would be of a similar height to the proposal buildings, although the proposal buildings would be much larger and would additionally include stacks. There are also images of Woodhouse Farm, the grassland near it, and finally a view directly towards where the 35m high incinerator stack would be in the landscape.

2.11 Submission 4 shows an image from viewpoint 3, near Heron's Farm and near footpath 55. Hangar No.2 can clearly be seen.

2.12 Submission 5 shows panoramas constructed from stitched together images of the site as seen from viewpoint 1. These show the very rural aspect of the area and the relationship between the Woodhouse Farm complex and the Woodland Block W3, in which the waste site would be built. Of note is that Footpath 8 passes very close to the edge of the proposed waste site, and not 300m from it as stated by the applicant.

2.13 Submission 6 shows montage images taken from viewpoint 2 near Woodhouse farm, looking towards the proposal site.

2.14 Submission 7 shows montage views taken from viewpoint 4 near Parkgate, looking towards the proposal site. Storey's Wood can be seen, which is a County Wildlife Site. The existing road sweeping business is barely visible. Some of the current minerals workings can be seen. This viewpoint is on footpath 55 towards the southern edge of Map 1 in Appendix 2. The view is largely rural.

2.15 Submission 8 shows a single image and a montage taken from viewpoint 5 which is on one of the permissive paths near Silver End, off Western Road at the location shown on Map 2. The landscape view here is much more open than the views from viewpoints 1, 2 and 4. Hangar No.2 can be seen and in the wider montage, the Radar Tower can be seen, near Hangar No.1.

2.16 Submission 9 shows the Hangar No.2 as seen from Viewpoint 6. The montage image shows the Hangar set in a rural landscape, with trees around it and a young hedge (which would be lost to the development) in front of it. The accompanying text discusses the differences between the applicant's claimed heights of the trees, and the actual heights which can be compared in these images with the height of the Hangar which is agreed as being up to 14m at its highest point and 12.5m to the main ridge. The proposed development is so large that viewpoint 6 would be inside the "eRCF" buildings.

2.17 Submission 10 shows (in order) views from Listed Buildings – viewpoint 7 (Rook Hall and adjacent footpath); viewpoint 8 (from the northern edge of the newly planted "Ruffian Wood" at Porters Farm); and viewpoint 9 (from the garden of Wolverton), in Silver End with footpath 52 passing through the view from SheepCotes Lane). It can be seen that from Viewpoints 7 at Rook Hall and 8 at Porter's Farm, the Radar Tower is visible in the landscape, but as a lattice structure, similar to the electricity pylons which can also be seen. Small woods, typical of the mid-Essex landscape can be seen, with Storey's Wood featuring from both viewpoints. Porter's Farm is near to the access to Woodhouse Lane, which could be used as an access to the waste site, raising concerns about HGVs using local roads. In the application in plan 3-8, section B' shows an "access road" with a lorry on it, close to point at which the road emerges from the trees on to the road connecting the site with Woodhouse Lane. When the A12 is blocked, large HGVs do currently breach the weight restriction that exists in Hollow Road, Kelvedon, and use the road past Porter's Farm. The views from Wolverton are more open with Hangar No.2 visible, as well as Hangar No.1 which is closer. The Radar Tower is seen as a lattice structure, with the sky visible through it.

2.18 Submissions 11, 12 and 13 are all single images taken from within Woodland Block W3. This woodland is protected by Tree Preservation Orders but would be largely destroyed by the development, with just 15m of standing trees and 5 m of coppice surviving in a belt around the "eRCF" void walls, which at the southern wall is 20m deep

(application plan 3-8). The applicant has provided few photos of the actual application site, and no images of the woodland were shown at the April 24<sup>th</sup> committee meeting. In his Regulation response (at 19-37) the applicant states that there are “few mature trees” on the site. Whilst there are obviously not any ancient, massive trees, many of the larger trees in the wood are substantial, with spreading crowns, and fissured bark. I understand that such trees are likely to support wildlife. From my lay knowledge of trees and woodland, in my experience the woodland on the application site is not dissimilar to many woods in this part of Essex. In Submission 13, examples are shown of spilt branches, gnarled wood and deadwood. From the advice I have seen given by Buglife, as reproduced in Appendix 1, I understand that such features can be beneficial to invertebrates. Buglife did ask for a survey of invertebrates to be conducted in their objection of 30<sup>th</sup> October 2008. The applicant states (Regulation 19 19-37) that there are few habitats suitable for invertebrates, including dead wood.

2.19 Submission 14 includes single images of airfield structures taken within Woodland Block W3, of taxiways near Hangar No.2 and of old WW2 buildings in and around TPO tree group G1 (application plan 19-3). I understand that positive recordings of bat activity in and around these buildings has been made by the local End to End Nature Care Group. The application wildlife surveys suggest that the site is a rich habitat for birds and my lay understanding is that the mix of woodland, taxiways, grassland and hedges in and around the site provides good habitat. I would ask that as well as the loss of habitat from the construction of the development, what would be the long term impacts of the noise and light emitted from the development and the frequent movements of HGVs ?

### **3. The April 24<sup>th</sup> Essex County Council meeting and the prior discussion about an incinerator at Rivenhall Airfield**

3.1 The local community have for many years been concerned with the fact that whilst one part of Essex County Council was considering planning applications for Rivenhall Airfield, other parts were in commercial access negotiations with the applicant and also developing a waste PFI bid modeled on including the airfield as a reference case. The local community have asked whether these multiple engagements (planning, policy, commercial, PFI) with the applicant could influence the direction of determination of the application.

3.2 At Appendix F F6 of the 24<sup>th</sup> April committee report it was stated that the “commercial negotiations being undertaken by the Waste Disposal Authority are an entirely separate process to the private planning application”.

3.3 I am not stating in my evidence that the planning decision process was led by other considerations, but do question whether the various strands of engagement with the applicant were “entirely separate” as would be understood by a member of the public. In Appendix 5 I include copies of correspondence between the County Council and the applicant (and other parties) and raise the following matters from their contents:

1. Gent Fairhead obtained a Non Fossil Fuel Obligation Order (NFFO) consent in relation to the potential construction of a waste incinerator at Rivenhall Airfield in October 1998. Letter 1 shows the advice given to Gent Fairhead in February 1998 from an engineering company about lowering the plant into the ground by 20m, which happens to be exactly the same depth as the incinerator is sunk into the ground in the “eRCF application”. The letter covers minimising the stack height and the disposal of ash into the nearby gravel pits, amongst other matters. The letter also refers to submissions made to the County Council about an incinerator as early as April 1997.
2. Letter 2 is a submission from Gent Fairhead to the 1999 Waste Plan Inquiry. This submission was in support of the site allocation in the Plan, which succeeded, albeit on a smaller footprint of 6H at site WM1. The submission claims the area to be “an industrial area permitted for a variety of bad neighbour uses”. As stated elsewhere, the local community strongly refutes this description. The submission suggests that an incinerator would have a stack of “25 metres only above existing ground level

- assuming the plant base was at 20 metres below ground level.” The submission discusses wind directions and the “disposal of residues into the adjacent gravel pits.”
3. Letter 3 shows discussion between The Council and the applicant in January 2005 where the Council is stating it is “seeking to “mitigate some of the potential planning and investment risk for bidding contractors” and suggests the submission of “an application based on (say) the Barcelona facility”. The e-mail from the applicant also refers to the fact that “a great deal of work has already been done based on our understanding from our previous meetings”.
  4. Letter 4, dated June 2005, refers to further discussion between the Council and Gent Fairhead specifically in relation to the availability of the Rivenhall site “as part of the proposed Essex Waste PFI Project” and market access, as well as the availability of finance.
  5. When the PFI OBC was published in 2007 (now superseded by a new and different PFI OBC), it included, at Appendix 24, a letter from Gent Fairhead which was blanked out as confidential. Under a Freedom of Information Act request, this letter was obtained and is appended as letter 5. In this letter, dated April 2007, Gent Fairhead sets out an intention to develop a refuse derived fuel incinerator (termed in the letter a CHP) as well as a bio-ethanol facility (which is not part of the current “eRCF” proposal but suggests a future application may be possible). The letter also refers to the “RCF” as “an indicative waste scheme, granted by the WPA in March 2007”. I would submit this is an important statement – namely that the “RCF” was considered by the applicant to be an “indicative scheme” and not a final one.
  6. Letter 6, dated July 2007, refers to a “Confidentiality Agreement” between Essex County Council and Gent Fairhead.
  7. Letter 7, dated July 2007 is a reply from Gent Fairhead confirming completion of the Agreement. At this point I would state that the County Council were asked on more than one occasion by Councillor James Abbott, under a Freedom of Information request, to disclose all correspondance between The Council and Gent Fairhead in relation to planning matters at Rivenhall Airfield. Whilst some papers were eventually released, sometimes after Appeal, the Confidentiality Agreement and some other papers referred to in letters have not been, so there may be other material with planning implications that has not been disclosed, despite the fact that all correspondance on planning matters should be made public.

8. Letter 8 dated March 2008 confirms that Gent Fairhead and The Council had undertaken discussions regarding the submission of a planning application for “an SRF energy plant and associated industrial process at Rivenhall to utilise a proportion of the heat in a CHP scheme “. The letter also states that The Council “will endeavour to resist the disclosure of specific information on the grounds of commercial sensitivity”. I would point out that the reason given by The Council for not disclosing material to Councillor Abbott was commercial confidentiality, when he was seeking to obtain information that was about the use of Rivenhall Airfield as a planning matter. This letter refers to prior discussion regarding an incineration facility at Rivenhall, yet the application at 1-1 states that the “eRCF” was proposed in response to the decisions by The Council: “on 20 May 2008, the Cabinet approved the principles of the OBC” and “on 15 July 2008 the County Council adopted the JMWMS”, The application is dated August 2008. So for several months prior to the decisions to make the “significant change to the ECC Municipal Waste Strategy, May 2008 (1-1), the Council and the applicant had already been in discussions about the “eRCF” application. Also of note in the application is that the applicants considered that the “RCF” “no longer represents the most suitable technologies for the future waste Contract ...Neither does it complete the full range of services that could be offered on the site to meet the requirements of the County, in particular the need for energy recovery”. I would submit two points here; firstly, Gent Fairhead are clearly stating that the “RCF” is not their, or the County Council's desired solution at the site and secondly, to ask how the applicant's statement in 1-1 squares with the statement from the County Council that the application for the “eRCF” was “a private application submitted by the site owner ... not influenced by the Waste Management Section” (letters from Lord Hanningfield, Leader of the Council to many local residents during the consideration of the planning application in 2008/9).
9. Letter 9 is a response from Gent Fairhead of March 2008 confirming their intention to submit an application in support of the PFI OBC.

3.4 The Council their PFI OBC 2007, prior to submission of the current application, on Rivenhall Airfield being a main waste site in Essex, to include a waste burning plant (or as the Council described it “an energy plant” ) which would burn MBT derived material from the Rivenhall site and from Basildon. The amount of MBT material from Basildon to be delivered to Rivenhall is identical in the PFI OBC 2007 and the current application at

87,500 tpa. The term “energy plant” (a Waste Strategy, non-planning term) was used in letters to local people, specifically in relation to this application and in advance of the 24<sup>th</sup> April committee meeting.

3.5 The sensitivity to a proposal to build a plant that would burn household waste in Essex is high, because Lord Hanningfield made repeated assurances that there would be no waste incineration in Essex without a referendum, including in the House of Lords:

Hansard 17 Dec 2002

Lord Hanningfield:

"We have spent two years trying to get the authorities to agree on the matter within a consortium. The word "incineration" is already engraved on my heart. We have had riots and disturbances as no one in Essex wants incineration. In fact, I have given an undertaking that there will be no incineration without a referendum in our county. Therefore, we are considering different and very expensive methods of disposal, and we hope that modern technology will catch up a little. In many parts of the country, incineration is not acceptable. We need to find different ways to deal with waste and we are trying to speed up technology in order to find methods of doing so."

3.6 The local community therefore regard the proposal to build such a plant at Rivenhall as a breach of pledge and are particularly concerned about the long standing discussions between The Council and the applicant over this matter.

3.7 The PFI OBC 2007 and the JMWMS are necessarily linked. In his letters to residents during the consultation on the “eRCF” application, Lord Hanningfield stated that the application would be considered “in accordance with planning policy” and “not influenced by the Waste Management Section” - which is charged with delivering the JMWMS. Yet the 24<sup>th</sup> April committee report and officer presentation repeatedly used the JMWMS to justify the "eRCF". I would submit that the 24<sup>th</sup> April committee report also contained inaccuracies, which were the subject of a letter to Go-East prior to the Call-In.

3.8 In section 4, I will present the evidence that the local community wanted Members of the County Council to see at the 24<sup>th</sup> April committee meeting, but which was not shown. I welcome the opportunity to present this evidence to the Inquiry because Essex County

Council refused to present any of the community images to the committee. I would ask whether this could be contrary to Government advice that all material considerations should be taken into account when determining planning applications.

3.9 Essex County Council stated that they would not show any of the material as it was a "late submission". But the material was sent to the case officer, and acknowledged, over a period of weeks (due to the volume of information), with the last submission being on 23<sup>rd</sup> February 2009. The County Council therefore had this material for a period of 2 months prior to the meeting. The officer did make reference to it in the presentation, but did not actually present any of it to the committee.

3.10 The case officer did show visualizations, but these were from the applicant, and as I have already indicated, we submit that these are not a fair representation of the proposal.

3.11 It had been brought to the attention of the case officer many months before the meeting that the drawing showing the front elevation of the proposal (i.e. 3-19) is incorrectly presented, with tree heights that are unrealistically high (20m or more) and the residual tree belt too wide, giving a false impression of the screening. This was confirmed by the tree survey and woodland maps in the applicant's Regulation 19 response and I would submit also in our photos, Submission 1.

Despite this, the presentation to Members still included what I would submit were inaccurate drawings.

In Appendix 1, the photos in Submission 1 show the height of the trees along two important sight lines, as can be compared to the 4m pole being held.

3.12 The application visualizations include constructions that appear to have used a similar method to the one we used, namely to take photos of the landscape as it is now and superimpose the waste site structures. However, I would submit they are not accurate. In 8-7.1, the chimney is shown as a thin, pale structure of low contrast compared to the sky, with a height to width ratio ranging from between 11 to 13. Yet it is known from the application that the main stack is planned to be 35m x 7m, i.e. a ratio of 5:1 – a much thicker looking stack. None of the landscape photographic visualizations appear to show a second 27m stack, which is described in the Regulation 19 response. None of the visualizations show a visible plume. In 8-7.3, the stack appears to be on the wrong side of the building. In many of the visualizations, it appears that spring crops or tall grass are

present which appear to make the building “sink” lower into the landscape, whereas for much of the year the crops would not be present at such heights. In 8-7.7 and 8-7.8, a convenient plant which appears to be cow parsley is partially obscuring the view of the waste site buildings. In drawings 8-8 the screening trees in the side views are shown as about 28m to 37 m tall (by comparing with the height of the chimney). At the higher end, this is more than double the height of the trees found in woodland W3, as listed in the Regulation 19 response tree survey. The front view is more realistic and shows the second stack as a very thin feature. But the main point I would submit is that there is both inconsistency and inaccuracy in the application drawings and visualizations such that it is not possible to obtain a fair view of what the development would actually look like in the landscape.

#### **4. The Stacks in the landscape**

4.1 A key landscape impact is that of the chimney stacks. The April 24<sup>th</sup> meeting was told that the Environment Agency has “no objection” to the proposal “but cannot confirm the stack height” (of the main incinerator chimney).

4.2 I would submit that the doubt about the stack height places significant uncertainty on the extent of the impact of the development in the landscape. Essex County Council stated to the applicant in its Regulation 19 letter that it would be preferable to agree between the various parties the actual stack height requirement at the current stage of the process, but this has not happened.

4.3 The applicant and the County Council (Statement of Common Ground) now state that both the main stacks will be encased in the proposed 35m x 7m chimney. However, this is not what the application says, nor what the application drawing 3-19 shows – which is two stacks.

4.4 I believe it is therefore fair that in my evidence I am presenting the two stacks, of 35m and 27m height, which is the best information we had at the time we constructed the visualizations and reflects the information submitted by the applicant in the Regulation 19 response.

4.5 The community landscape evidence also uses a possible 45m high stack in the set of photo montage visualizations in Appendix 1 to cater for the possibility of a higher stack and the landscape impacts. The developer did not do so. The reason for a 45m stack visualization was that the EA (Source: Letter to Councillor James Abbott 7<sup>th</sup> July 2008) stated that “from an examination of Permits issued by the EA for waste incinerators, the height of chimneys seems to vary from 45m to over 100m ...”

4.6 In the April 24<sup>th</sup> committee report, the Built Environment Section of the County Council commented that the “proposed chimney will introduce a new tall built element in the landscape, visible over a wide area. The chimney could therefore have a major visual impact in the landscape which could potentially be detrimental to the character of the area”.

4.7 Mitigation has been proposed in the form of a mirrored surface which the County Council then considers would make the chimney “a feature in the landscape”. At page 42, the committee report again makes reference to the incinerator stack being a “point of interest in the landscape”. This suggestion does not reflect local views. Residents regard the prospect of a tall and wide industrial chimney in the local countryside as totally unacceptable. It appears that only the County Council believes that such a chimney would become an attractive feature or local landmark.

4.8 As the community landscape evidence shows, the existing wooded skyline would be broken by the 7m wide chimney, at least 35m high. I am not aware of evidence produced during the application to explain how having a mirrored finish will make the chimney less visually intrusive. A mirrored surface will reflect the light incident on it, which could include lights from the plant. The mirrored surface could make the chimney more intrusive when seen against cloudy sky backgrounds. Whilst not apparently part of the public consultation, nor presented to the 24<sup>th</sup> April meeting, the applicant and the County Council did discuss reflective chimney surfaces between themselves, in relation to an example of a brewery in Tadcaster (e-mail to ECC 9<sup>th</sup> March 2009). Appendix 3, photos 1 – 3 contains some of the images they discussed. I would submit that the chimneys shown are starkly visible against the sky under all 3 conditions shown and that a reflective surface does little to disguise them. It should also be noted that these chimneys do not have the same 5:1 ratio as the proposed “eRCF” main stack and are much thinner.

4.9 In Appendix 1 Submission 15 to 22, we show visualizations of the proposal as seen from the same viewpoints as I have previously referred to. From each viewpoint, there are two visualizations, the difference being one has a 35m main stack and the other a 45m stack. The stacks are shown coloured a mid grey. A visible plume is shown from the 35m and 45m stacks. Due to the different focal lengths used for the original images, (as described in the methodology), the appearance of the stacks is not directly comparable between all the different viewpoints. However, we believe that the scaling for each individual viewpoint is correct with respect to the heights of the trees, features and structures visible.

4.10 In Submission 15, the view from the listed Rook Hall is shown. The stacks would be clearly seen in the landscape, rising above the woodland. They are much more prominent than the more distant, lattice structure of the Radar Tower.

4.11 Submission 16 shows visualizations from the listed Wolverton in Silver End. The stacks would be visible as would be the main waste site buildings.

4.12 Submission 17 shows visualizations from the listed Porter's Farm. Despite the intervening woods, the top of the stacks would still be visible, but not the main waste site buildings. The Radar Tower is visible to the left and appears slightly smaller than the 35m stack as it is about 1.5 times further away.

4.13 Submission 18 shows visualizations from viewpoint 4, just north of Parkgate and on footpath 55. Walkers along this path would see the stacks in the landscape, rising above the woods.

4.14 Submission 19 shows visualizations from the location off Western Road, at viewpoint 5. From here, there is little intervening growth and the main waste site buildings would be seen as well as the stacks. Any lighting on poles could be visible directly from here in the areas in front of the main entrance (i.e. to the left of the building in these views). Similar open views would be had from a number of properties on the Eastern side of Silver End.

4.15 Submission 20 shows views from near Heron's Farm at viewpoint 3 and the adjacent Footpath 55. The waste site is just 0.8km distant and both the stacks and main buildings would be clearly seen. These views capture well what I would expect would be seen because this view is facing South, and in the months of the year when the Sun is lower, the stacks would be seen in silhouette.

4.16 Submission 21 shows views from viewpoint 1 on footpath 8. The applicant states at 8-32 that there would be "negligible impact" in terms of visual amenity from F8. I would submit that our visualizations demonstrate there would be significant visual impact and that when walking along F8 towards the site, the stacks would present an increasingly dominant intrusion. In winter, the tops of the main buildings would be visible over, and probably partly though, the trees, especially when seen from close up because there would be just 15m. of standing trees remaining.

4.17 Submission 22 shows views that the applicant has not sought to construct in his visualizations – namely the important relationship between the stacks and the listed

Woodhouse Farm complex. Comparison with the original images in Submission 5 shows the impact of these tall industrial structures into the countryside in what is currently protected woodland and in the vicinity of listed buildings. I would submit that it transforms the view from a rural one to an industrial one.

4.18 Submissions 23 and 24 show visualizations from Woodhouse Farm itself. From this location, about 180 m from the main stack, the view is dominated by the industrial chimney which at 35m we estimate would protrude some 15m above the tree line, not the 2m drawn by the applicant in 3-18. The applicant has not attempted to construct any photographic visualizations from this location, despite it being one of the most important aspects. The main waste site buildings would be partly visible though the trees. People using footpath 8 would have very direct views of the stack and could potentially both hear the plant and smell it. This is an area rich in nocturnal wildlife such as owls and bats.

4.19 In concluding this section, I would submit that the applicant has not supplied fair visualizations as part of his application. I would suggest that if we as a community group can attempt to construct visualizations based on the real current landscape, using dimensions from the application itself, then the applicants should have been able to do the same and to a higher standard of presentation with the resources available to them. The impact on the setting of the listed buildings is a key topic in consideration of this application, as it was at the 1995 Inquiry into earlier plans for waste site development at Rivenhall Airfield.

## **5. Ecology**

5.1 The photographs submitted in Appendix 1 show many of the habitats available on the site. The application does provide some assessments of the habitat value of the site and surrounding area in terms of surveys of birds and identification that the site is used by protected species such as bats. Being a lay person in respect of ecology, I rely mainly on the applicant's studies as evidence of the wildlife present on the site.

5.2 The wildlife value did not however appear to be reflected in the April 24<sup>th</sup> committee report. No details were provided of the high value of the area as documented in the surveys which showed that there are at least 5 protected species (4 bat species plus Great Crested Newts) and nearly 70 bird species, including many red and listed species as well as Essex Biodiversity Action Plan species (BAP) such as Brown Hares. I understand that BAP species are important to the County Council.

5.3 The committee report at page 45 refers to the habitats on the site being "likely" to provide suitable habitat for birds. But this is not a matter of possibility. The surveys undertaken by the applicant show that approaching 70 species of birds use or nest on the site and nearby. There are also locally identified bird species not included in the applicant's surveys, including buzzards which I understand from local sightings were nesting in the area in 2009.

5.4 The committee report stated that the Environment Agency refer to the need for licences "should" bats or Great Crested Newts be found on the site. The ecological studies undertaken by the applicant have already established that they are present. Bats have also been confirmed roosting and feeding across wide areas of the site, including using many of the old WW II buildings that the development would destroy, by the local End to End nature care group. The developer states in the application that he would be in breach of UK and EU legislation if the development went ahead in respect of impact on Protected Species.

5.5 It is claimed in the committee report that there would be "no harm to protected species". This appears to be contradicting the applicant's view that the harm to bats would be contrary to UK and EU law. The removal of woodland and buildings would directly result in the loss of roosting sites and habitat for bats.

5.6 At page 45/46, the committee report refers to the “potential” for newts and that it is “likely” that there are bats and barn owls on the site. Again, these are not matters of possibility, but matters of fact according to the applicant's surveys.

5.7 The potential for impacts on wildlife, including BAP, listed and protected species is reflected in the fact that the CPRE, Buglife and the Essex Wildlife Trust have all objected to the application.

5.8 In the committee report at page 58, condition 50 does not reflect the fact that much of the rich habitat on the site will be destroyed during construction of the plant. The loss of large areas of woodland, grassland and hedgerows during a major development operation and attendant noise, dust and light pollution could have a significant impact on the ecology of the site and surrounding land, compounded by lowering of the water table.

Essex Wildlife Trust and Buglife requested further wildlife surveys, particularly of invertebrates. In the 24<sup>th</sup> April committee report, the development is identified as “causing root damage and detrimental impact on surviving trees due to the removal of woodland, the void and walls”.

5.9 In the committee report at Appendix D and in the application, it is claimed that ecological impacts will not be significant. But a number of organisations who work on a regular basis at a national level on habitats objected to the application. Many local people also objected because they know from local knowledge that this is a rich area for wildlife. Mitigation will take decades to (partially) replace the function of the existing habitats and even then will be much more disturbed than at present from noise, air pollution and light pollution.

PPS9 ( at 1) states that

***“Local Planning Authorities should ensure that appropriate weight is attached to protected species and biodiversity” and that at (vi), where harm would occur “LPAs will need to be satisfied the development cannot reasonably be located elsewhere that would result in less harm or no harm.”***

## **6. Footpaths**

6.1 Appendix 2 Map 1 shows the extensive network of footpaths in the area, both around, and through, the application site. In addition, there are permissive rights of way, such as between the site and Silver End.

6.2 These footpaths are greatly enjoyed by local people and are well used. Their value in offering access to tranquil countryside, away from the noise of traffic and built up areas, is described in his evidence by Mr. Polombi.

6.3 The Ramblers Association is part of the Community Group. Their specific evidence is included at Appendix 4 and deals with some of the most used footpaths in the area, which although at greater distances to the site than some of the ones I have mentioned in connection to the photographic exercise (such as F8), would still be adversely affected by the development, and in particular by increased heavy traffic.

## **7. Summary and Conclusion**

7.1 The local community has long been concerned about the applicant's portrayal of the area as industrialised and the lack of accurate assessments of what the landscape looks like now, and how it could look if the “eRCF” was ever built. Rivenhall Airfield is greatly valued by local communities as a quiet, tranquil place, now regarded as being at threat from a very major industrial development. I have referred to the concerns of the local community about the decision making process in respect of the County Council's multiple roles and the long standing proposals to build an incinerator at the airfield which date back to the 1990's (at Appendix 5). I have referred to the lack of certainty over the final design of the proposal, especially the stack heights. I have asked why the application drawings and visualizations are apparently inconsistent and inaccurate. Furthermore, I have referred to the April 24<sup>th</sup> meeting at which the community landscape evidence was not presented, despite requests for it to be shown. I therefore welcome this opportunity to now present that evidence in full.

7.2 In January 2009, members of the local community set out to compile a photographic record of the site and its surrounds and to use this material to construct their own visualizations of what the plant could look like, based on known heights of features in the landscape, dimensions quoted in the application, our own scaling and taking into account perspective and ground levels (set out in Appendix 1, which includes the Methodology). We took photographs from 10 locations, as detailed in Appendix 2, Map 2. These locations included viewpoints on footpaths and from near listed buildings, including Woodhouse Farm, the nearest listed building to the proposed waste site. We produced 2 sets of visualizations, with the main incinerator stack at 35m and at 45m. I would submit that this is a reasonable approach given the lack of certainty over the final height of the main stack and the fact that the lowest heights for incinerator stacks given EA Permits is 45m.

7.3 I would submit that this exercise demonstrates that we:

1. Show that the application site and surrounding area is largely open countryside and not an industrial area as the applicant has tried to suggest.
2. Show that the tree screening is lower in height and less opaque in depth than the applicant has stated.
3. Show that the impacts on the settings of listed buildings are greater than stated by the applicant.

4. Show that the entire proposal will be more visible in the landscape than stated by the applicant.
5. Show the potential visual impacts of the gas flare stack and incinerator stack at currently proposed and possible higher levels, which the applicant has not done.
6. Show the area and site from more viewing points, and from more realistic viewing points, than the applicant has done - including from people's homes and well used local footpaths.

7.4 I have also related these impacts to the known ecological value of the site and have shown examples of features on the site which support wildlife, or which expert organisations state are likely to support wildlife. This includes details of the protected woodland under threat, which neither the County Council, nor the applicant have sought to illustrate photographically.

7.5 In describing the visual impact, I have referred to the extensive and well used footpath network in the area which is detailed in Appendix 2, Map 1. I have also referred to the evidence of The Ramblers (Appendix 4).

7.6 I would submit that the "eRCF" proposal would have a much greater impact in the landscape than the "RCF" proposal due to the greater loss of woodland, but in particular due to the industrial stacks in the open countryside. At Appendix 3 I have included photos supplied by the applicant to ECC showing how a highly reflective chimney can appear under varying lighting conditions. I would submit that under all conditions shown, such a stack (which would be much thicker than shown in those photos at the "eRCF"), would be highly intrusive in the countryside. The main waste plant buildings would be visible from a number of locations as I have detailed and I believe we have shown that the stacks would be visible from right around the airfield and for significant distances from the site, harming the amenity and enjoyment of the area. This harm would extend to the views from many listed buildings and from many footpaths. At the listed building complex at Woodhouse Farm, together with the adjacent footpath, the impact would be dramatically negative.

**(Summary is approximately 10% of length of whole document which is 7921 words in total).**