

Call-in Inquiry, Commencing 29th September 2009

**Major waste site, Rivenhall Airfield
Planning Inspectorate Ref: APP/Z1585/V/09/2104804**

Community Group: Statement of Case

1. Introduction

The following statement is submitted on behalf of The Community Group.

The Community Group has been granted Rule 6 status for the Inquiry. It is proposed that the Group will present a joint case on behalf of the many local conservation, amenity, heritage and campaign groups who have objected to the planning application by Gent Fairhead.

These organisations include The Kelvedon and Feering Heritage Society, The Coggeshall Heritage Society, The Council for the Protection of Rural England (Essex branch), the Witham and Countryside Society, The Ramblers and the Stop the Incinerator group.

It is understood that The Local Councils Group, comprising Braintree District Council and six local parish councils, will also appear at the Inquiry as a Rule 6 party. In order to assist the Inquiry, the Community Group will, insofar as is possible, seek to bring forward evidence that does not duplicate that of the Local Councils Group.

In particular, the Community Group will bring forward evidence on the impact of the proposed development on the local landscape and on the local environment, with attention drawn to issues including traffic and local roads, listed buildings, pollution (including noise and light), woodland, habitats, wildlife, the local villages and the heritage of the WWII airfield.

2. Documents

The Community Group will wish to refer to the following documents:

- The Adopted Essex Waste Plan
- The previous and new PFI Outline Business Case
- The Essex and Southend Municipal Waste Strategy
- Documents from the previous public inquiry in 1995 (gravel works and landfill)
- The planning applications - both the "RCF" and "eRCF" documents and related documents including the public exhibition material

- The Adopted Braintree District Local Plan (Review)
- Representations submitted by the Community Group members, statutory consultees and others to the recent planning application. This will include the extensive portfolio of landscape photographs, photo montages and visualisations produced by the local community and submitted to Essex County Council as part of the objection to the planning application.
- The East of England Plan
- PPS1, PPS 7, PPG 10, PPG 13, PPG15, PPG 24.
- Other relevant planning documents including the grant of consent ESS/07/BTE (gravel extraction, Rivenhall Airfield)
- Traffic accident data
- Schedule of Essex County Wildlife Sites
- Local Village Plans
- English Heritage schedule of local Listed Buildings
- Local habitat and tree surveys
- Hansard
- Other relevant documents and material

3. Principle of Case

The proposed development is a very large industrial facility in the countryside, contrary to local, regional and national policies designed to protect the countryside for its own sake. The surrounding area is predominantly rural, with arable land, small woods and local villages surrounding the former WWII Rivenhall Airfield.

We are concerned about the way in which the Planning Authority has handled the application and the perceived failure to separate functions (ie the links between the PFI bid and the application site). The County Council and the applicants entered into a memorandum of understanding to site a waste incinerator on the airfield "for planning purposes" (first PFI OBC) several years ago, yet the County Council maintains that the application is a wholly "private matter". Furthermore Lord Hanningfield (The Leader of the Council) has stated that there would be "no incineration" in Essex without a referendum (Hansard). No such referendum has taken place.

There is overwhelming public opposition to the development. We understand that Essex County Council received just a single letter of support against 819 letters of objection.

We will present to the Inquiry our concerns about the way in which the site has been the subject of "planning creep" - a steady increase in size and impact of proposals over many years, with no indication as to the final likely proposal. We will contend that the applicant has consistently underestimated the negative impacts of the proposals and overstated the benefits.

The latest iteration of the proposals (which changed several times even during consideration of this application) includes the proposal to devote the entire site to Commercial and Industrial (C&I) wastes. Such a major change should have been subject of a separate planning application. There is no detailed justification in the application for a wholly C&I site – much of the application and public consultation was on the basis of treating municipal wastes.

Essex is making good progress in recycling of municipal waste and in waste minimisation, as encouraged by the Government. The very large proposed facility includes a large element of waste disposal rather than recycling. Dry recycling would merely be sorted and baled on site and exported out again. The incinerator could undermine progress in recycling and the whole concept of the centralised large sites and PFI scheme proposed by Essex is predicated on delivering large quantities of waste to the sites under contract. This is contrary to the waste hierarchy and the specific need to minimise waste. The Community Group will submit that continued progress in waste minimisation and recycling in Essex can be achieved without the large sites proposed, such as at Rivenhall Airfield (in the context of PPG 10). In any case, as recently as May/June 2009, the former PFI OBC that modelled Rivenhall Airfield has been abandoned and a new PFI OBC does not include the site. The application has been modelled on the former PFI, including the burning of Solid Recovered Fuel (SRF) from the proposed Basildon site. The new PFI no longer makes this link.

The Community group will put forward a case that the proposal is wholly inappropriate in such a location and its impacts would be unacceptably adverse such as to alter the character of the area (in the context of PPS 7 and the Braintree Local Plan).

4. Specific Issues

TRAFFIC

- The site is poorly served by major – and even minor - roads.
 - From an aerial photograph of the site it is apparent that the site currently has limited road access. The closest major road, the A120 can only be accessed by a long private haul road.
- A12 and A120 already congested
 - Access to the site is proposed from the A120 via Bradwell. The A120 already suffers with congestion with traffic flows beyond design capacity, especially at peak travel times. The Highways Agency has already indicated that for safety reasons it will not allow access from the proposed site directly on to any new A120, notwithstanding the likelihood that any new road will not be built for many years. If the catchment for the site is to extend to London much of the traffic will come via the A12, making the use of local

roads from the south very likely. Lorries could come from anywhere in the Eastern Region, in breach of the Proximity Principle (PPG 13).

- Local roads unsuitable for HGVs
 - If either the A12 or the A120 is blocked, site HGVs will attempt to divert either through Rivenhall and Silver End, Kelvedon or via Coggeshall Road (Feering). Church Street/Hollow Road in Kelvedon and Coggeshall Road are both totally unsuited for HGV vehicles and have both height and existing weight restrictions. In the past the police have also used these roads as diversion routes when the A12 and A120 have been blocked.
 - Ash Lane and Church Road in Bradwell are cut by the existing (and proposed) haul road. Ash lane is a Protected Lane. We understand that Essex County Council has a commitment “to preserve the traditional character of historic lanes with landscape character”. Allowing this application to go ahead would undermine this commitment.
 - The existing haul road is currently maintained by Blackwater Aggregates yet is intended to be extended and widened to the proposed waste development. The road crosses the River Blackwater in a Special Landscape Area (Braintree District Local Plan). If the development went ahead, the total daily movement of HGVs along the road would increase substantially (to over 600 per day total) such that in effect, the haul road traffic would take priority over local public roads. The volume of traffic would also have a visual impact in the countryside and increase dangers to local road users, including cyclists, pedestrians and horse riders.
- Traffic volumes do not tally with increased plant capacity
 - The numbers of vehicle movements proposed per day have not increased since the “RCF” application of 2006, (404 vehicle movements per day) despite the total plant gross capacity increasing to c1.3 million tonnes per annum – around a 50% per cent increase over the 2006 application. In addition there will be another 90 LGV/car movements associated with staff, deliveries and visitor movements.
 - We are not convinced that these figures are accurate, in as much as they assume that most of the HGVs will be unrealistically large with unrealistically high loading. The applicants appear to have “worked backwards” from the 404 per day figure.
 - We believe that any disruption to traffic on the A120 caused by HGV queuing would cause unacceptable danger on the single carriageway trunk road.

- The proposal includes a provision for a new junction with the existing A120, but does not describe the provision for vehicle stacking.
- We are also concerned that open-topped lorries will generate litter along the route. Although the applicant maintains that only closed-topped lorries will be used this is not always the case at other sites.
- The construction period is proposed for up to 2 years, 7 days a week. This is unacceptable in a rural area, particularly in regard to HGV and heavy plant movement.
- The planning permission for gravel extraction (ESS/07/BTE) on the Airfield states by way of condition that the haul road will be removed and the land restored to agricultural use on completion of the gravel workings. The proposed waste site would breach this condition by extending without time limit, and intensifying, the use of the private haul road.

IMPACT ON THE LANDSCAPE

- the “eRCF” has a 17% larger footprint than the “RCF” previously granted consent. In any case, the development is a very large industrial complex in the countryside.
 - the site is 25.3 hectares – over 4 times larger than that stipulated in the Essex Waste Plan and the proposed buildings over 20 times larger than the existing hangar - in direct breach of the Essex Waste Plan Inquiry Inspectors' accepted recommendations that the buildings should be “comparable in scale” to the existing buildings (ie the WWII hangar).
 - We will refer extensively to the photographs and visualisations submitted by the local community which show that the application site and surrounding area is largely open countryside and not an industrial “brownfield” site as the applicant has suggested.
 - Existing tree screening is lower and uneven in height and less opaque in depth than the applicant has stated. Many trees are much less than the overall 18m - 22m claimed by the developer – typical heights are between 11m and 16m but many are lower still. Also, many trees are deciduous and leaf cover does not extend throughout the year.
 - The proposed buildings are to be only slightly lower in height than the ridge of the existing hangar – which currently can be clearly be seen above the tree line and through the trees from several vantage points. This means that the proposed waste site buildings, AD tanks and especially the incinerator chimney will be clearly visible and not screened as the developer claims.
 - The impact of the incinerator stack will be more visible than the applicant currently states – even at the 35m height /7m width currently stated, which we believe is lower than will be required. The Environment Agency has indicated that a 35m stack would

produce ground level emissions close to legal limits and would not be best practice, suggesting a higher chimney might well be needed. This should be a matter that is clear at application stage, and not separated - as per Government advice.

- Loss of woodland
 - The Regulation 19 information from the developer shows that in places less than 20m of standing trees, of woodland supposedly protected by Tree Preservation Orders, will be left around the site and we believe that the long term viability of these will be threatened by their proximity to the developed area and the drop in the local water table.
 - Trees on the site also generate deep leaf litter and branch-fall, providing habitat for insects which will be reduced if woodland is lost.
 - There are American trees on the site which derive from the occupation by US serviceman which stand as a memory to the Allied efforts during WW2 and the loss of many lives. The Airfields of Britain Conservation Trust erected a memorial stone at the airfield in early 2009 to commemorate its role as a base for the RAF and US Air force during WW2. The peaceful enjoyment of the site will be badly affected by the proposed new development and the well preserved WWII hangar and other lesser, but surviving, buildings would be destroyed .
- Impact on footpaths
 - Footpath 8 crosses through part of Woodhouse Farm and very close to the eastern corner of the proposed buildings. Others cross or are adjacent to the site and these are used by local residents and walkers. Footpaths, 19, 57 and 58 are crossed by the existing access road. The high level of HGV movement would harm the enjoyment of these routes.
- Loss of arable land.
 - at least 11.5 hectares of grade 3a “best and most versatile” agricultural land would be lost. This is contrary to policy.
- Loss of habitat for known protected and listed species
 - including 4 species of bat, Great Crested Newts, Brown Hares and 66 species of birds – more than 50 of which are known to nest in the area. The bird species include Barn Owl, Kingfisher, Hobby, Little Ringed Plover, Skylark and Woodpecker. The developer has acknowledged that the development “breaches legislation” in the case of bats and newts. We understand that the developer has not conducted a detailed survey of the invertebrate species on the site

– but we would point out that these – in turn – support the other species as part of a healthy and integrated ecology.

- Visual impact of the chimney stack
 - The dimensions and materials proposed are an unacceptable intrusion on the rural landscape. The applicants have suggested a mirrored finish after the planning application consultation period but have not demonstrated how examples of similar installations in rural areas, under a variety of conditions, would appear.
 - Residents of many houses in the area, including listed buildings and walkers on public footpaths will also have direct views of the stack (community photos and visualisations). If the chimney height is increased (45m has been modelled in the community visualisations), the visual dominance will be even more significant.
 - In addition to the “physical” stack we believe that the “plume” from the incinerator stack could also be visible.

- Impact on groundwater supplies
 - The development will have significant demands for water – a net importation required of 121 tonnes per day (application) some of which will come from the River Blackwater – with knock on impacts on river and bird life and on the remaining trees left on the site after development. The Officer’s report to the 24th April 2009 Essex County Council Development and Regulation committee meeting stated that dewatering of the site would extend up to 300m from the site radially, producing a dewatering cone of some 600m diameter. This could impact on the proposed tree screening and surviving woodland and potentially on other woods such as Storeys Wood which is a County Wildlife Site.

- Noise pollution (PPG24)
 - The site will operate 24/7. This contravenes the Essex Waste Plan policies which state that there should be no working on Sundays and public holidays or outside core working hours of 7.00am – 18.30pm. The impact on local residents will be negative. The developers themselves admit that current sound levels at night fall below detectable levels and admit that noise levels “will rise”. This is not an industrial area, it is open countryside. The conditions that Essex County Council intended to apply to the grant of consent allowed for much higher noise levels than the application stated and for exception periods of even higher noise levels. Reference was made by County Officers to the noise conditions placed on the nearby gravel workings, but these do not operate at night.

- Light pollution
 - Rivenhall Airfield is currently a very peaceful, quiet area at night – one of the few in Essex where it is still possible to see the Milky Way on a clear night. The 24/7 operation of the plant, plus associated security and access lighting around the development will have a significant negative impact on the area and make the site highly intrusive on local residents and wildlife. Neither the types of lighting nor hours of use proposed by the applicant, nor the (different) conditions proposed by the County Council would prevent intrusive light pollution. Both parties have failed to understand the likely impacts.

- **LISTED BUILDINGS**

- The area is well known for its large number of historic buildings. The “Images of England” section of the English Heritage website shows the number of listed buildings in the various villages surrounding the site as follows

grade 1 – 16 buildings
 grade 2 – 565 buildings

Bradwell	28	Rivenhall	17
Coggeshall	238	Silver End	25
Feering	42	Witham	104
Kelvedon	127		

However, this internet site does not show ALL listed buildings so even this high number is a probable understatement.

- Some of the Grade 2 Listed buildings closest to the site would have direct views of the waste site buildings, especially the chimney. Some of the listed buildings are also on local roads or lanes that could be used by HGVs and potentially damaged by any increased traffic volume. A local resident in Kelvedon has appealed to Lord Hanningfield to restrict heavy vehicles driving through the Conservation Area in Kelvedon High Street because of the damage being done to listed buildings.
- Close proximity to Silver End
 - The site is less than 1km from the historically important “model garden village” of Silver End, which is substantially covered by a conservation area with an Article 4 Direction. Many properties – including several individually listed buildings – would have direct views on to the waste site from the northern and eastern sides of the village – especially where there is open landscape. The proposed buildings protrude out of the existing and proposed

screening such that views from Silver End and lanes nearby would be some of the most stark.

- The incinerator stack would be visible from the listed buildings of Rook Hall, Porters Farm and Wolverton. It would also be visible from the recently planted Ruffians Wood – part of the Trafalgar Woods programme.
 - Development in Silver End has been controlled by Essex County Council and by Braintree District Council to protect its architectural importance. This same village could now be exposed to one of the largest waste sites in Europe, from its construction through to its 24/7 operation, especially if the site has further industrial development once the waste site is in operation.
- Woodhouse Farm
 - The proposed waste site buildings, car park and the incinerator stack will be clearly visible from the nearby Woodhouse Farm, harming its setting. The applicant has erroneously sought to show that the stack would not be visible, and then only slightly visible from the Farm. The community landscape evidence shows that it would be a dominant imposition on the setting of the Farm.
- **INCINERATION, AIR QUALITY AND EMISSIONS**
 - A significant change from the “RCF” proposal to the “eRCF” was the introduction of a 360,000 tonne per annum (tpa) waste paper pulping plant and an associated 360,000 tpa waste incinerator.
 - There is deep concern in the local communities about the nature and levels of emissions that would come from the plant. The emissions modelling needs rigorous independent assessment.
 - The Adopted Essex Waste Local Plan states that before incineration is considered, recycling targets have to be tested. The Community Group will propose that Essex is making good progress in both reducing waste and recycling it and is on target to meet LATS requirements and that there is no need case for resorting to burning wastes, especially as a large incinerator will “demand to be fed” under contract.
 - It is clear that potentially harmful emissions will be the inevitable by product of the incineration of waste. These include oxides of nitrogen, oxides of sulphur, carbon monoxide, hydrogen chloride, dioxins, furans and PM10 particles and heavy metals including antimony, arsenic, cadmium, cobalt, copper, chromium, lead, manganese, mercury, nickel, thallium and vanadium (application). The chimney cannot filter out all pollutants. The exposure levels are related to chimney height and local meteorology, yet the chimney height is the subject of dispute and the applicants have postulated unscientific concepts regarding wind directions, including stating

that it would be a “worst case scenario” that the wind might blow towards Silver End, the nearest settlement.

- The incinerator will produce millions of tonnes of carbon dioxide over its projected lifetime. Yet no detailed carbon balance has been proposed by the applicant. The Community Group will propose to the Inquiry that this is contrary to Government guidance (PPS1 (Climate Change)). The Government places great importance on the need to reduce greenhouse gas emissions to combat climate change, particularly CO2. The proposed paper pulping plant/“Combined Heat and Power Plant (CHP)” is, as County Planning Officers stated to the 24th April D&R Committee meeting “an energy hungry solution” (ie contrived solution) to the incineration of wastes in the countryside. All of the heat produced and most of the electricity would be used internally within the waste complex with no district benefit would derive that is usually the purpose of CHP.
- The incineration process will also produce ash, some of which will be toxic. It is not clear what will happen to this by-product, but some will need to be land filled and we understand that the nearest toxic waste sites are in Cambridgeshire and North Lincolnshire.

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