

## **Application by Indaver Rivenhall Ltd for an Order Granting Development Consent for the Rivenhall IWMF and Energy Centre scheme**

### **The Examining Authority's written questions and requests for information (ExQ1) Issued on 16 April 2024**

This document sets out the Examining Authority's (ExA) First Written Questions and requests for information (ExQ1), in order to facilitate the conduct of the Examination. Responses are due by **Deadline 1, Tuesday 7 May 2024**.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues in the Rule 6 letter, Annex C [PD-002]. The questions relate to issues as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 1 sets out the unique reference number to each question which starts with 'Q1' (indicating that it is from ExQ1), followed by an issue number, a sub-heading number and a question number. When you are answering a question, please start your answer by quoting the unique reference number.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. Please provide a substantive response to the questions directed at you, or indicate why the question is not relevant to you. You may also respond to questions that are not directed at you, should the question be relevant to your interests.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions an editable version of this table is available in Microsoft Word.

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## List of abbreviations

<b>dDCO</b>	Draft Development Consent Order
<b>EA</b>	Environment Agency
<b>ECC</b>	Essex County Council
<b>EEAST</b>	East of England Ambulance Service NHS Trust
<b>EfW</b>	Energy from Waste
<b>EIA</b>	Environmental Impact Assessment
<b>ES</b>	Environmental Statement
<b>ExA</b>	Examining Authority
<b>DEFRA</b>	Department for Environment Food & Rural Affairs
<b>FRA</b>	Flood Risk Assessment
<b>MW</b>	Megawatt
<b>NPS</b>	National Policy Statement



## **Examination Library**

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the [Examination Library](#). The Examination Library will be updated regularly as the Examination progresses.



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<b>Q1.1. General and Miscellaneous</b>		
<b>Q1.1.1</b>	Applicant	The ExA notes [APP-049] that an Electricity Generation Licence, Class C will be required. Is this likely to act as an impediment to the Proposed Development?
<b>Q1.1.2</b>	Applicant Environment Agency	The ExA notes the ministerial direction from DEFRA to the EA to temporarily halt the issuing of environmental permits for new waste incineration facilities until 24 May 2024. Confirm whether this has any implications for the Proposed Development.
<b>Q1.1.3</b>	Applicant	How will any major accidents and disasters be dealt with by the Proposed Development?
<b>Q1.1.4</b>	East of England Ambulance Service NHS Trust	EEAST consider [RR-005] that the Proposed Development is likely to have a significant impact on its emergency ambulance operations, service capacity and resources (staff, vehicle fleet and estate assets) requiring appropriate mitigation and management measures to be identified and secured through either a planning obligation or Deed of Covenant. Given that the Proposed Development will not result in any traffic movements above that already consented, provide further justification for this view.
<b>Q1.1.5</b>	Applicant	The 2023 revised NPSs (EN-1 to EN-5) came into force on 17 January 2024. Set out any implications these have for the Proposed Development and whether they affect the findings of the ES.
<b>Q1.2. Climate Change and Greenhouse Gases</b>		
<b>Q1.2.1</b>	Applicant	The ES [APP-032] assumes that there will be electricity generation of 62.5MW. Provide further justification for this assumption and explain why 60MW or 65MW is not assessed as a best/worst case?
<b>Q1.2.2</b>	Applicant Essex County Council	<p>ECC [RR-002] has set out that the opportunity to deliver other climate-related co-benefits of the project should be explored in order to make best use of the development and that this could include educational benefits, such as education information boards and explaining the role of the project in delivering a decarbonised national grid, UK energy security, strategy and tackling climate change.</p> <p>a) Applicant, respond to this request and set out whether you consider this to be necessary.</p> <p>b) ECC, how would such measures be secured and are they necessary to make the Proposed Development acceptable?</p>

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<b>Q1.2.3</b>	Applicant Essex County Council	ECC [RR-002] are of the view that carbon emissions should be recorded and published, to show the positive impact even if small. a) Applicant, respond to this request and set out whether you consider this to be necessary. b) ECC, set out how would such measures be secured and are they necessary to make the Proposed Development acceptable?
<b>Q1.3. Consented Development</b>		
<b>Q1.3.1</b>	Applicant	Confirm whether an EfW plant alone is currently being constructed and whether the other components of the existing consent will be delivered in the future.
<b>Q1.3.2</b>	Applicant Essex County Council	ECC has set out [RR-002] that it does not believe an EfW plant alone can be constructed in accordance with the existing consent. a) Applicant, confirm whether or not this is the case. b) ECC, provide full and comprehensive evidence to support your view and set out what implications you consider there are for the Proposed Development.
<b>Q1.4. Cumulative Effects</b>		
<b>Q1.4.1</b>	Applicant Essex County Council Braintree District Council	Has the Proposed Development suitably considered all other relevant developments in the vicinity of the site, including all minerals workings?
<b>Q1.5. Development Consent Order</b>		
<b>Q1.5.1</b>	Applicant	The ES [APP-032] refers to the Proposed Development having a lifespan of 25 years, whereas the FRA [APP-047] refers to 40 years. a) Clarify which is correct. b) Should the dDCO set out the Proposed Development's lifespan?
<b>Q1.5.2</b>	Applicant	The dDCO [APP-013] does not cap the level of electricity generation. The ES [APP-046, Paragraph 4.7] states ' <i>To generate electricity greater than 65MW, a larger turbine and generator is likely to be required. This would require significant change to the consented building envelope, greater fuel throughput and, as a result, an increased number of HGV trips. This would have negative air quality and noise effects as well as landscape and visual</i>

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		<i>impacts once operational (due to the increase in building size). It was not considered a reasonable alternative by the Applicant'. On this basis and given the ES has not assessed electricity generation over 65MW, should a cap be inserted into the dDCO?</i>
<b>Q1.5.3</b>	Applicant	The Order limits [APP-007] [APP-008] are limited to the footprint of the building. Provide further justification for the extent of the Order limits and explain why other aspects of the Proposed Development are not included, such as the access road.
<b>Q1.5.4</b>	Applicant	The dDCO [APP-013] or the planning conditions to the existing consent [APP-046] do not contain any provisions in relation to the decommissioning of the Proposed Development. How will appropriate decommissioning be secured?
<b>Q1.5.5</b>	Applicant	Will there need to be a new or revised Section 106 Agreement in support of the application? If so: a) What is the timetable for providing this? b) Will the dDCO need to refer to it?
<b>Q1.6. Noise</b>		
<b>Q1.6.1</b>	Applicant	The ES [APP-033] sets out that the EIA Scoping Opinion from the Planning Inspectorate [APP-040] was in agreement that the existing noise limits should be used as the basis for the assessment. It is unclear to the ExA where this is set out in the EIA Scoping Opinion. Provide the exact reference to the suggested agreement.
<b>Q1.6.2</b>	Applicant	ECC is of the view [RR-002] that a new noise assessment is required and should be undertaken in accordance with BS4142:2014 +1:2019, appropriate for the noise effects of an industrial facility on residential properties. Further, the EfW should also be considered as a specific sound source, not the additional component, as BS4142:2014 +A1:2019 is clear that residual and background sound sources/levels should not include any contribution from the specific sound source. Whilst noting some of the Applicant's responses to these matters in the ES [APP-033, Section 8.3], provide a full and detailed response to this suggestion referring to all relevant guidance.
<b>Q1.6.3</b>	Essex County Council	ECC consider [RR-002] that it is not appropriate for the noise limits of the existing permission to form the baseline for the assessment. Explain fully why the correlation between planning condition compliance and residential effects should not be used.

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<b>Q1.6.4</b>	Applicant	<p>The assessment methodology [APP-033, Table 8.6] sets out that the magnitude of effect is based on the level of exceedance over the noise limits set out in the existing consent.</p> <ul style="list-style-type: none"><li>a) Explain why the noise limits were set at the levels that they were in planning conditions 38, 39 and 40 of the existing consent.</li><li>b) Should the noise limits be considered as maximums not to be exceeded?</li><li>c) Could any exceedance of the noise limits result in unacceptable effects on the residential receptors?</li></ul>
<b>Q1.6.5</b>	Applicant	<p>The cumulative assessment [APP-033, Table 8.14] with Bradwell Quarry only considers day-time effects. ECC has set out that Bradwell Quarry has consent for the operation of a Dry Silo Mortar Plant from 06.00-07.00 and 19.00-22.00.</p> <ul style="list-style-type: none"><li>a) Explain why this has been excluded from the cumulative assessment.</li><li>b) Provide a revised assessment that includes Dry Silo Mortar Plant.</li></ul>
<b>Q1.6.6</b>	Essex County Council	<p>ECC has noted [RR-002] that there are no specific noise limits within the EA's Environmental Permit. Explain why this has raised concern given there are noise limits set out within the existing consent.</p>
<b>Q1.6.7</b>	Applicant	<p>The ES [APP-033, Table 8.7] sets out that residential properties are considered to be of medium sensitivity in the daytime. Provide further justification for this assumption, referring to relevant guidance.</p>
<b>Q1.6.8</b>	Essex County Council	<p>Do ECC agree with the modelling inputs and assumptions used in the ES [APP-033, Paragraph 8.6.2] and its appendices [APP-045]?</p>