

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 (ExQ2) Issued on 25 June 2024

This document sets out the Examining Authority's (ExA) Second Written Questions and requests for information (ExQ2), in order to facilitate the conduct of the Examination. Responses are due by **Deadline 4, Tuesday 9 July 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].

Column 1 sets out the unique reference number to each question which starts with 'Q2' (indicating that it is from ExQ2), followed by an issue 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.

Responses are due by Deadline 4, Tuesday 9 July 2024.

List of abbreviations

BDC	Braintree District Council
dDCO	Draft Development Consent Order
DSM	Dry Silo Mortar
EEAST	East of England Ambulance Service NHS Trust
ECC	Essex County Council
ECFRS	Essex County Fire and Rescue Service
ExA	Examining Authority
ISH1	Issue Specific Hearing 1
NPS	National Policy Statement
TCPA	Town and Country Planning Act

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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Q2.1 General and Miscellaneous		
Q2.1.1	Essex County Fire and Rescue Service East of England Ambulance Service NHS Trust	The ExA asked the Applicant whether compliance with the Emergency Preparedness and Response Plan [REP1-012] should be secured in the dDCO. The Applicant stated at ISH1 [EV3-004, 00:45:18] [EV3-005] that the Construction Design and Management Regulations 2015 apply, which suitably deal with the matter and there is no need for duplication in the dDCO. Do ECFRS and EEAST accept this position. If not, please explain fully any remaining concerns.
Q2.2 Climate Change and Greenhouse Gases		
Q2.2.1	Essex County Council Braintree District Council	Both ECC and BDC are of the view that it is unclear what the climate change impact will be from the Proposed Development and how this will affect local carbon emissions. The Applicant set out at ISH1 [EV3-002] [EV3-003] that the carbon emissions of the consented scheme were assessed when it was originally consented. ECC and BDC, explain why the assessment undertaken for the consented scheme does not provide the information sought.
Q2.2.2	Braintree District Council	BDC has set out [REP3-013] that it will reply to points raised by the Applicant on methodological matters at ISH1 [EV3-002] [EV3-003] at Deadline 4. Given the short time remaining in the examination, please provide this information in reply to this question.
Q2.3 Consented Development		
		No further questions in this section at this stage.
Q2.4 Cumulative Effects		
		No further questions in this section at this stage.
Q2.5 Development Consent Order		
Q2.5.1	Essex County Council	The Applicant has provided a Technical Note on decommissioning and the requirements of NPS EN-1 [REP3-001, Appendix 4]. This concludes that due to the limited nature of the works there would be no significant effects during decommissioning and therefore, there is no reasonable basis for imposing a requirement in the dDCO requiring a decommissioning plan to be provided. Further, the Applicant noted that any requirement requiring details of the decommissioning of the consented scheme would not be relevant to the development to

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		be permitted and so cannot reasonably be imposed. Do ECC accept the Applicant's position? If not, explain fully why this is the case.
Q2.5.2	Essex County Council	ECC has requested [REP3-014] a change to the dDCO to include a requirement in relation to the Local Liaison Group. The Applicant is of the view [REP3-010] that the remit of the Site Liaison Group under Schedule 3 of the Section 106 Agreement is the Application Site (ie the Consented Scheme redline) and therefore automatically includes the Proposed Development. Is this accepted by ECC? If not, explain fully why this is the case.
Q2.5.3	Essex County Council	The Applicant has sought to make additions to the dDCO [REP3-004] under the interpretation of the 'TCPA permission' to include: <i>'any planning permission granted by the relevant planning authority pursuant to planning application ESS/02/22/BTE'</i> . ECC, confirm whether you consider reference to planning application ESS/02/22/BTE to be appropriate.
Q2.5.4	Applicant	The most recent version of the Applicant's dDCO [REP3-004] makes changes to some of the numbering to now include (a) to (g). Explain why this is necessary.
		See ExA's proposed Schedule of Changes to the dDCO for further Development Consent Order matters.
Q2.6 Noise		
Q2.6.1	Applicant	<p>The Applicant has provided a Technical Memorandum [REP3-001, Appendix 2] that considers the cumulative noise effects of the Proposed Development with the Dry Silo Mortar (DSM) plant at Bradwells Quarry. ECC has noted [REP3-017] that the assessment does not include the bagging plant that is also permitted to operate at the same time as the DSM plant. Further, ECC consider [REP3-017] that it is prudent to also consider whether the DSM operating at its consented noise limits, in combination with the Proposed Development, could cause a significant adverse cumulative effect.</p> <p>a. Provide a revised note that also considers the bagging plant as a source of potential noise.</p> <p>b. What is the Applicant's reply to ECC's view that the cumulative effects of the consented noise limits for the DSM plant and the Proposed Development should be assessed?</p>
Q2.6.2	Applicant	ECC has set out [REP3-017] that a full review of the noise modelling has not been possible due to the supporting data (such as manufacturer datasheets, noise measurement data and

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		internal room noise level calculations) not being made available. Applicant, explain why these have not been provided.
Q2.6.3	Applicant	ECC has considered the information provided by the Applicant on the source noise data [REP3-015] and has some concerns that it may not represent the reasonable worst-case conditions. The most pertinent concerns that ECC consider could result in an under prediction of noise levels are the level of reflection that has been assumed from the surfaces of buildings within the model and noise source directivity, particularly if there are examples of noise source propagation from sources to receivers that are on-axis and consequently more likely to result in an increase in prediction noise level at receptors. Applicant, set out fully why you consider the source noise data assumptions to be robust, responding to each of the concerns raised by ECC.
Q2.6.4	Applicant	ECC consider [REP3-015] that there is the potential for the over prediction of source noise in the modelling, such as the receiver height at the sensitive receptor known as The Lodge at night and the omission of source directivity for noise sources where the noise propagation path is off-axis. Applicant, confirm if this is the case and if so, set out the implications for the assessment.