



COGGESHALL PARISH COUNCIL

Village Hall, 25 Stoneham Street, Coggeshall, Essex, CO6 1UH
01376 562346
clerk@coggeshall-pc.gov.uk

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Essex County Council
Minerals and Waste Planning
County Hall
CHELMSFORD
CM1 1QH

Dear Sir/Madam

Coggeshall Parish Council objects to applications 36/17/BTE stack height planning application and 37/17/BTE to vary conditions 2, 14, 17 and 56.

The Parish has, where possible, separated our objections to these applications but they are inexorably linked, and as such, this letter should be considered as an objection to **each** application.

However, as there is an inevitable overlap between the applications, we ask that these objections are also considered as objections to both applications distilling out the relevant elements to each application as required.

Application 37/17/BTE

We believe that condition 56 was imposed to restrict the height of the stack and thereby provide a general protection against increasing the size of the plant unduly. At the time of the imposition of condition 56, the applicant and their consultants confirmed the restriction to 85m AOD was not an issue.

We must also point out that:

- No engagement with the EA was sought at the time of the public inquiry (2010) and the increase in stack height is a direct result of the EA permit refusal in December 2016
- The Applicant demonstrated at the time of public inquiry that a stack of this height could be acceptable and, whilst no objection was raised at that time by the Environment Agency, this was simply because the EA had **not been consulted** and no permit application had been made
- The incinerator has been subject to significant planning creep with the removal of the geographical limits allowing waste to be imported into Essex
- The changes in overall plant capacity in Feb 2016, significantly increasing the incineration aspect to 595,000 TPA, was again sought (and approved by ECC) without any consultation with the EA
- Construction was started (on or around the 3rd March 2016) on the basis that the stack design was complete and final and in accordance with condition 14.

- The application is, once again, made without a confirmed EA permit and as such is subject to further uncertainty

The engagement with the EA is a significant issue and there have always been reports as 'no comment' yet; this is because the EA has not been engaged and no weight or emphasis has been placed on this fact (please see doc DR/05/16 Environment Agency section)

The reasons for our objections to 37/17/BTE are as follows

- 1) The village of Coggeshall and surrounding area (as evidenced in the thousands of objections they have submitted to the EA and to these applications) is concerned from a health and air quality perspective as the permit refusal clearly demonstrates unacceptable air quality emissions that would exceed permissible levels and will have an adverse impact on human health and air quality.
This demonstrates the incinerator capacity changes have outstripped the original design parameters, as demonstrated by the EA, and is the very reason why condition 56 was imposed and must remain unchanged protecting all the local communities
- 2) The applicant has not engaged with the EA until its permit application and subsequent refusal last year. This changes the emphasis on all and any comments that the EA has 'no comment' and was 'not consulted' - greater emphasis needs to be placed on the applicant's disregard for the environmental impact of the incinerator and its exclusion of the EA until it was convenient for the Applicant
- 3) Coggeshall is currently under siege from developers capitalising on the difference between the local plan, the neighbourhood plan and the 5 year housing supply. We have recently experienced an appeal/inspection that noted the importance of the heritage and landscape of a site in Coggeshall. As such we believe that allowing significant protective conditions imposed by an inspection or public inquiry to be overturned in a subsequent application makes a complete mockery of the planning process and opens the door for developers to challenge planning conditions imposed. We implore ECC to adhere to these imposed conditions and not to set a dangerous precedent for developers in our region
- 4) Condition 14 was signed off at the lawful start of construction on the basis that the design of the stack was final, that all details of the stack should be submitted prior to commencement of development **and shall be maintained as such.**
- 5) The applicant demonstrated that an 85m stack was acceptable justifying it themselves and as such must be enforced.
- 6) The height limitation that the applicants themselves offered in terms of a 35m stack height, (and which the Inspector and SoS agreed with in relation to the extant consent) amounts to an agreed height restriction, which is a criterion set down in the NPPfW. Again this must be enforced
- 7) The Inspector to the 2009 Inquiry (and subsequently, the SoS) were both clear that all details of the stack had to be agreed prior to commencement to avoid risk with regard to impacts.

In addition, we question the contrary approach undertaken by ECC with regard to the imposition of conditions where not applied.

For example, during the Feb 2016 application ESS/34/15/BTE, ECC acknowledged that *'while the application was originally submitted on the basis of certain capacities for each facility, the SoS did not impose conditions specifically stating what the capacities of each element'* when allowing the capacities to change in Feb 2016, yet ECC is now seeking to amend conditions imposed during the same inquiry.

Consequently, this condition must not be changed for the reasons above and as it is now a NPPfw condition with planning constraint, again it would set a dangerous precedent if ignored.

Application 36/17/BTE

We have reviewed the documentation concerning this application and bring the following objections to your attention.

- 1) Coggeshall Parish Council is one of seventeen consultees that the applicant was 'advised to approach directly'. The applicant has totally failed to consult Coggeshall Parish Council in the preparation of the Environmental Statement or in any other way. In addition, and to the best of our knowledge we do not believe any of the other listed consultees/parishes have been contacted.
- 2) Conditions exist where it is stated that the plume must not be visible, the supporting documentation clearly states that this is not the case and further review of the applicant's plume visibility documentation by independent experts reveal the applicant's visibility calculations are flawed with incorrect mixing ratios and % water vapour being in excess of 20% meaning the plume will be visible for a much larger portion of the year.

Whilst this has been revealed during the evaluation of the second EA permit application this cannot simply be passed as an EA issue when plume visibility issues are of material concern whereas the applicant clearly states there will be **NO** plume visible.

- 3) The height of the stack is still in question as it has not been validated by the EA, even if this has occurred at 108 AOD this is still not either in line with the original EA advice included within the first refusal nor does it represent BAT
- 4) The application does not comply with the scoping option ESS/24/17/SCO report requirements, omitting the following:
 - a. A heritage report and the significant impacts of the increased stack
 - b. A new LVIA as above extended to demonstrate its (the stacks) impact
 - c. A new EIA that completely and fully answers the required questions
 - d. Cumulative impact that includes new permitted planning
 - e. Clarification of the ZTV methodology
 - f. Clarification of the Ash die back
 - g. Any refinements to the approved scheme of landscape mitigation and restoration

Based on the above we believe that the application has not be properly validated and as such must be dismissed as invalid

- 5) There is no consideration given to aircraft, there are 8 small airstrips nearby and regular hot air balloons trips from Prested hall as well as very low military flights.
- 6) The local Air Ambulance service has expressed concern for the above, especially with regard to novice pilots.
- 7) There are no emergency plans that address the above
- 8) Within the air quality reports, sensitive receptors are incorrectly identified for example HH26 is shown as agricultural however it is in the centre of Coggeshall.
- 9) We believe that the incinerator will continue to change with the ultimate removal of the anaerobic digestions and mechanically and biologically treat waste aspect being totally removed as recent contracts for these services have already been let by ECC

- 10) Recent problems with the Basildon plant (providing SRF) and the ensuing legal battle mean most if not all the waste will be trucked in from a distance, and this is not sustainable.
- 11) The stack height costs and the subsequent BAT verses cost analysis is distorted as these costs do not include the base construction costs jeopardising the financial viability and funding of the project
- 12) The Joint Health and Wellbeing Strategy for Essex states that there needs to be measures implemented to improve environmental factors, such as reduction in air pollution
- 13) The EA reports do not include small particles that are associated with Parkinson's, Alzheimer's and dementia
- 14) There has been a sea change with regard to national air quality awareness with Braintree identified as a nitrogen dioxide hot spot and the incinerator now contradicts new government targets and aspirations for air quality improvements.

We are extremely concerned that we find ourselves; -

- In a position where is it possible that we will be incinerating waste from anywhere but Essex.
- In a position where discussions and recommendation have been made by offices to ECC without any input from the EA prior to the permit application last year. For example (and in the absence of any EA direction since no application has been made) the committee was misled with regard to the effectiveness of the below ground element of the stack. This was reported by the officer in charge emphasising that the stack below ground was effective where this is simply not the case (please see doc DR/05/16)
- In a position where we have been informed on numerous occasions that they simply don't know what they are getting based on the ongoing uncertainty with regard to the incinerator stack, water usage and potential discharge etc, yet ECC allows this application to progress seemingly in favour of the incinerator
- In a position where ECC needs this incinerator and is both relying on it from a waste management perspective as well as a solution to their SRF from Basildon as opposed to their current contracts
- Concluding that the applicant is cost-oriented and casts doubt over their ability to run an incinerator let alone provide a coherent correct planning application that appears to deceive both the EA and ECC at the expense of the environment with supporting documentation of questionable validity and integrity

Based on this we believe that ECC cannot make a sound impartial transparent decision on either of these applications and Coggeshall Parish Council fully supports the requirement for both the EA and planning applications to be 'called in' for inspection.

Furthermore, we request that Highways is added to the consultees as the road infrastructure needs reviewing again as it has changed markedly since 2010 at their last point of engagement. This cannot be ignored, particularly with the pending decision about the new A120 route.

We believe that to ensure ECC maintains any credibility or integrity when considering these applications, the decision on these applications has to be passed to an independent individual or organisation.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D Morgan', with a stylized flourish at the end.

Debbie Morgan
Parish Clerk
For and on behalf of Coggeshall Parish Council