

**PROPOSED INTEGRATED WASTE FACILITY AT RIVENHALL AIRFIELD – COSTS OF PUBLIC INQUIRY**

Agenda Item 7 (c) (iii)

**Portfolio Area:** Enterprise and Culture  
**Report Presented by:** Cllr. N Harley

**Background Papers:** None  
**Corporate Implications:** Please refer to table at end of report  
**Options:** To approve the funding of the Inquiry as set out in the report  
 To identify alternative sources of funding

**Risks:** The expenditure has been necessary to ensure that the best possible case is made to the Inquiry. The main risk is that the Inspector recommends that planning permission be granted.

**Executive Summary**

The public inquiry into the planning application for an Integrated Waste Facility at Rivenhall Airfield closed last week after a 3-week hearing. The application was called-in by the Secretary of State following a resolution of the County Council’s Development and Regulation Committee to grant permission. It has fallen to this Council, together with local Parish Councils and local community groups, to lead the case against the proposal at the inquiry. In order to ensure that the Council presented a professional and robust case at the inquiry it has been necessary to procure legal and specialist consultancy support. The total costs to the Council are estimated to be in the region of £78,600. This will be partially offset by a contribution from Parish Councils of £11,000. Formal approval of Council is required for this expenditure and as there is no provision for this within the base budget this will need to be dealt with as a supplementary budget to be funded from Housing and Planning Delivery Grant or from balances. Council’s approval to the expenditure of £78,600 gross on the costs of the Rivenhall Call-In Inquiry is requested.

**Decision**

To approve a supplementary budget for expenditure of £78,600 gross on the costs of the Rivenhall Call-In Inquiry, from either the Housing and Planning Delivery Grant or balances.

## Background

Essex County Council is the waste planning authority and is responsible for determining planning applications for waste treatment facilities in the County. In April 2009 the County Council resolved to approve an application by Gent Fairhead and Co for an Integrated Waste Management Facility at Rivenhall Airfield. This Council was a consultee on the application and had expressed strong opposition to it. Following the resolution of the County Council, this Council made representations to the Secretary of State requesting that the application be called-in for decision. The Council was advised on the 19<sup>th</sup> May 2009 that the Secretary of State had exercised call-in powers and had decided to determine the application instead of Essex County Council.

An Inspector was subsequently appointed to hold a public inquiry and to make recommendations to the Secretary of State. The Inquiry took place between 23<sup>rd</sup> September and 14<sup>th</sup> October 2009. This Council formed a partnership with the local Parish Councils to lead the opposition at the inquiry to the proposal. In order to ensure that the best possible case has been presented to the Inquiry it has been necessary to procure specialist legal and consultancy support. In particular it has been necessary to employ a solicitor to act as an advocate at the Inquiry and specialist environmental and transport consultants to support the Local Councils' case. The total cost of this support is estimated to be £78,600. Parish Councils have offered to contribute £11,000 towards these costs.

There is no provision for these costs within the base budget and this will need to be approved by Council as a supplementary budget. The Council is still awaiting a Government announcement on the Housing and Planning Delivery Grant allocations for 2009/10 and it is possible that the costs of the Inquiry can be met from this. Alternatively the costs of the Inquiry will need to be met from balances.

The Secretary of State's decision is expected later in the year.

Corporate Implications				
<b>Financial:</b>	As set out in the report			
<b>Legal:</b>	None			
<b>Equalities &amp; Diversity:</b>	None			
<b>Customer Impact:</b>				
<b>Environment &amp; Climate Change:</b>	N/A			
<b>Consultation/Community Engagement:</b>	Local Committees		Partners	✓
	Public		Staff	
<b>Key Decision:</b>	No			
<b>Public/Private Report:</b>	Public			
<b>Officer Contact:</b>	Paul Munson			
<b>Designation:</b>	Head of District Development			
<b>Ext No:</b>	2560			
<b>Email:</b>	<a href="mailto:paul.munson@braintree.gov.uk">paul.munson@braintree.gov.uk</a>			