



**REGULATORY
SERVICES
COMMITTEE**

REPORT

30 June 2011

Subject Heading:

P0650.11 – East London Sustainable Energy Facility Land west of Fairview Industrial park, off Marsh Way, Rainham

Extension of time limit of U0004.06 – Construction of sustainable energy facility comprising the erection of gasification power generation plant and associated building and plant (Application received 11th February 2011, re-registered on 1st April 2011)

Report Author and contact details:

**Simon Thelwell
Planning Control Manager
Telephone: 01708 432685
Simon.thelwell@havering.gov.uk**

Policy context:

London Plan; Local Development Framework

Financial summary:

No financial impact to the Council.

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	[X]
Excellence in education and learning	[]
Opportunities for all through economic, social and cultural activity	[X]
Value and enhance the life of every individual	[X]
High customer satisfaction and a stable council tax	[]

SUMMARY

In June 2006 a proposal was presented to Members for a new Sustainable Energy Facility that would create energy by utilising a synthetic gas produced from Solid Recovered Fuel (SRF) mainly sourced from the neighbouring Frog Island facility using a process known as gasification. Havering were consultees to the application with the decision falling to the LTGDC as the determining Authority. At that time Members resolved to raise an objection to the proposals on the grounds of the cumulative impact of pollution on the health of local residents and that the siting and design of the structures would have significant adverse impacts to the river frontage.

These objections were relayed to the LTGDC who subsequently resolved to grant planning permission subject to conditions and the prior completion of a S106 legal agreement. The S106 agreement was subsequently signed in July 2008 and planning permission granted.

A further application to vary details was submitted in 2009 to allow an alternative to the original scheme by varying the power generation equipment to which no objections were raised.

This application is seeking approval to extend the time limit for the implementation of the 2008 planning consent which imposed a standard 3 year time limit on the commencement of development. A further three years is sought. The submission seeks no changes to the scheme as approved in 2008.

Staff recommend that as there have been no significant change in circumstances since the original approval in 2008, that the extension of time sought be approved subject to a legal agreement to reflect this application and to make LBH party to the agreement instead of the LTGDC and no contrary direction from the Mayor for London.

RECOMMENDATIONS

- A. That the Committee resolve that, the application is considered unacceptable as it stands but it would be acceptable subject to:
- a) No direction to the contrary from the Mayor for London;
 - b) The prior completion of a S106 legal agreement Deed of Variation pursuant to Section 106A of the Town and Country Planning Act 1990 (the 1990 Act) to ensure that the provisions of the original S106 dated 1st July 2008 as varied by a Deed of Variation dated 20th August 2010 relating to U0004.06 (referred to as the "Original Planning Permission") in the original Section 106 as varied) are applicable to this application and to make the London Borough of Havering party to the agreement as

successor Local Planning Authority. Such Section 106 Deed of Variation will ensure that planning application under planning reference P0650.11 will be bound by the planning obligations in the original Section 106 as varied that apply to the "Original Planning Permission" and which are summarised, though not exhaustively below:

- A total financial contribution of £100,000 to cover:
 - i) improved public access to riverside areas;
 - ii) environmental improvements and landscaping in the vicinity of the site;
 - iii) improvements to public transport provision to the area;
 - iv) a contribution to a base line study to be undertaken by the Havering PCT of the impact of air pollution on respiratory problems within the local population (under 15s) and to monitor impact once plant is up and running.
- To implement, review and maintain a staff travel plan throughout the life of the development and,
- That no development under the permission is to commence until a contract with the East London Waste Authority (Shanks) for the supply of solid recovered fuel primarily from the Frog Island Bio-MRF (MBT) facility to the power generation plant has been signed and evidence of this provided;
- The planning permission not be implemented prior to the developer providing conclusive evidence to the Council that all of the necessary authorisations required by the Environment Agency have been secured.
- That SRF can only be taken from the Jenkins Lane Bio-MRF in circumstances where the Frog Island facility has been closed, totally or partially for maintenance or to maintain the operational capacity of the plant;
- To specify the limited circumstances where SRF can be brought to the site from sources within the ELWA area other than the Frog Island and Jenkins Lane Bio-MRFs to maintain the necessary input for power generation.
- To use reasonable endeavours to secure a conveyor link between the plant site and Frog Island; to regularly review the proposal to secure a conveyor link and to regularly report to the local planning authority with details.
- Save for consequential amendments all other covenants, obligations and recitals of the original Section 106 dated 1st July 2008 shall not be varied.
- Subject to payment of the Council reasonable legal fees associated with the Deed of Variation.

c) the planning conditions set out below:

CONDITIONS:

1. SC04 – The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. No buildings hereby permitted shall be first occupied until provision shall be made within the site for the approved number of car parking spaces. Thereafter the car parking spaces shall be made permanently available for use for car parking and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made available off street in the interests of highway safety.

3. Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area, and that the Development Control Policies Development Plan Document Policy DC61

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development.

5. No goods or materials shall be stored on the site in the open without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of visual amenity.

6. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

7. The development hereby approved shall not be commenced until a report on potential contamination of the site has been prepared by an appropriately qualified person and submitted to and approved in writing by the LPA. The report shall include:

- i) a survey of the scale and nature of any contamination;
- ii) an assessment of potential risks to the public, buildings (existing or proposed) or the environment, including adjoining land and the water environment; and
- iii) details of any remedial measures necessary to make the site suitable for the proposed use or development.

The development hereby approved shall not be commenced until remedial measures have been carried out as approved and completed to the satisfaction of the Local Planning Authority.

If during development works any contamination should be encountered which was not previously identified and is either from a different source or of a different type to that identified in the original approved survey then revised remedial measures shall be submitted to and approved by the local planning authority, and those measures shall be carried out as approved prior to the first occupation of the development.

If during development works any contamination should be encountered in areas previously expected to be free from contamination, remedial measures shall be carried out in accordance with the approved details prior to the first occupation of the development.

Reason: To protect those engaged in construction and the occupation of the development from potential contamination.

8. The development hereby approved shall not be commenced until details of the site surface and foul drainage systems have been submitted to and approved in writing by the local planning authority. The drainage system shall be constructed in accordance with the approved details.

Reason: To prevent the pollution of the water environment.

9. The development shall not be carried out unless in accordance with the environmental standards, mitigation measures, requirements and methods of implementing the development contained in the Environmental Statement and appendices thereto, submitted in support of the approved planning application U0004.06 produced by Enzygo Limited, unless and to the extent that such standards, measures, requirements and methods are altered by the express terms of this permission and the approved strategies, frameworks, protocols and other documents submitted or to be submitted pursuant to it.

Reason: To ensure the development is carried out in accordance with the assessment carried out as part of the environmental statement and the mitigation measures proposed therein.”

- 10 The development shall be carried out in accordance with the environmental standards, mitigation measures, requirements and methods of implementing the development contained in the environmental statement relevant to the development and appendices thereto, submitted with the planning application, the development specification and framework and any Regulation 19 of Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 submission documents, unless and to the extent that such standards, measures, requirements and methods are altered by the express terms of this permission and the approved strategies, frameworks, protocols and other documents to be submitted pursuant to it.

Reason: To ensure the development is carried out in accordance with the assessment carried out as part of the environmental statement and the mitigation measures proposed therein.

11. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent the contamination of ground water as piles may create pathways for contamination that pose a risk to groundwater resources.

12. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given only for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent the contamination of ground water as the site is on historic landfill and this may mobilise contaminants.

13. The development hereby approved shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

14. External artificial lighting within 40m of any surrounding sites of interest for nature conservation (including Rainham Creek, Lower Beam River and the Inner Thames Marshes) shall be directed away from the area and shall be focused with cowlings.

Reason: To minimise light spill from the new development into these sites of interest for nature conservation.

15. The development hereby approved shall not be commenced until a detailed method statement for the removal or long term management of giant hogweed present on the site has been submitted and approved in writing by the Local Planning Authority. The method statement should include proposed measures to prevent its spread during any operations relating to the proposal, such as mowing, strimming or soil movement. Any soils brought to the site shall be free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981 (as amended). Development shall proceed only in accordance with the approved method statement.

Reason: Giant Hogweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act.

16. The development hereby approved shall not be commenced until details of a vegetated Buffer Zone 16 metres wide alongside the Thames, and a vegetated Buffer Zone 5 metres wide alongside the pond to the east of the site and the ditch running in parallel to the Thames has been submitted to and approved in writing by the Local Planning Authority. Thereafter the buffer zones shall be implemented in accordance with the approved details to the satisfaction of the local planning authority. The buffer zones shall be measured from the top of the bank and shall be free of structures, hard standing, car parks and fences in order to avoid problems such as fragmentation of the buffer; the introduction of non-native species into the buffer; and pressure for inappropriate bank retention works.

Reason: To maintain the character and ecology of the watercourses and provide undisturbed refuges for wildlife using the river corridor and to retain access to the watercourse for the Environment Agency to carry out its functions and to protect the river environment.

17. No development hereby approved shall be commenced until a watervole survey has been carried out on all riparian and wetland habitats and submitted to the local planning authority for its approval. The survey shall:
- (a) identify presence/absence; population size, etc
 - (b) assess the development's impact on the watervole population.
 - (c) produce a mitigation strategy if a population is present.

Thereafter mitigation measures shall be carried out in accordance with the approved mitigation strategy.

Reason: The habitat of water voles is protected under the Wildlife and Countryside Act 1981 and therefore development must not impact on their habitat. Any encroachment within this zone should ensure that this species is not present.

18. Prior to the commencement of development details of the construction of storage facilities for oils, fuels or chemicals shall be submitted to and approved in writing by the Local Planning Authority. The construction of any such facilities shall be carried out in accordance with the approved scheme before first occupation of the development pursuant to the use hereby permitted.

Reason: To prevent pollution of the water environment.

19. No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

Reason: To prevent pollution of the water environment.

20. Details, including drawings as appropriate setting out the means by which any groundwater encountered during site construction works is to be disposed of, including any appropriate mitigation methods, shall be submitted to the local planning authority for approval. The dewatering of the site shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment.

21. The development hereby permitted shall not be commenced until such time as a survey of the existing river wall, to establish the following information has been submitted to, and approved in writing by, the Local Planning Authority.

- The structural integrity and stability of the wall, including, if needed, intrusive investigation and or testing of the wall and any buried element.
- Supporting structural calculations.
- A proposal of works needed to raise the defences in the future by 600mm above the current flood defence level if needed to address future climate change.

Reason: To establish the condition of the existing river wall to both inform the assessment of needed remedial and or replacement works and the detailed design for any construction close to the flood defence. In addition to preventing the increased risk of flooding to third parties, to the site itself and to prevent any detrimental effect on water quality or biodiversity.

22. The development hereby permitted shall not be commenced until such time as a proposal of the works necessary to bring the defences up to the life expectancy of the development (60 years for commercial) has been submitted to and approved in writing by, the Local Planning Authority. The recommendations of the proposal shall be completed before the development is operational.

Reason: To ensure the safety of the facility and occupants for the lifetime of the development.

23. No works shall be commenced on the site until calculations, details and drawings of all works within 16 metres of the River Thames have been submitted to the Local Planning Authority for its prior approval. The works shall be carried out in accordance with the approved details

Reason: To maintain the integrity of the flood defences of the River Thames

24. A horizontal access strip 16 metres wide adjacent to the River Thames, Ingrebourne and Havering New Sewer shall be left free from any permanent development, including fences and other obstructions.

Reason: To retain access to the watercourse for the Environment Agency to carry out its functions and to protect the river environment.

25. The development hereby approved shall not commence until a flood management strategy fully detailing flood warning and evacuation plans has been submitted to and approved by the Local Planning Authority. The strategy shall be implemented in full accordance with the approved details before first occupation of the development.

Reason: To minimise risks from tidal flooding.

INFORMATIVES

Under the Water Resources Act 1991 and the Thames Region Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for certain works or structures in, over, under or within 16 metres of the top of the bank of the River Thames, designated a 'main river'. This is irrespective of any planning permission granted. Please contact Ian Blackburn (0207 091 4013) for further details.

Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP11, CP15, DC50, DC52 and DC55 of the Core Strategy and Development Control Policies Development Plan Document and the policies of the Joint Waste Development Plan Document.

The proposed development would provide a waste management solution for locally generated wastes in accordance with government guidance in PPS 10 and the London Plan. In particular it would accord with the proximity principle and subregional self-sufficiency. It would generate electricity from a renewable resource in a manner on type of locality advocated in PPS22. It would meet the objectives of the Landfill Directive and government policy on waste. It would achieve these objectives in a manner that would be both sustainable and have insignificant environmental impact. The proposals comply with the Havering LDF preferred options document and London Plan policy sustainable waste management and renewable energy, which set out a positive approach to these issues, including self sufficiency for the ELWA sub-region in waste management. It is considered that the proposals are also acceptable in accordance with policies CP11, CP15 and DC50.of the Core Strategy and Development Control Policies Development Plan Document.

AND

- B. That the Head of Development and Building Control in conjunction with the Assistant Chief Executive for Legal and Democratic Services be given delegated authority to negotiate and agree the precise wording of conditions with the Environment Agency to address any issues the Environment Agency may raise in respect in particular to flood risk.

REPORT DETAIL

1.0 Background

- 1.1 The development of the East London Sustainable Energy Facility (ELSEF) on land at the Ford Motor Company Limited complex, adjacent to the Fairview Industrial Estate, in Rainham was approved by the LTGDC on 14 September 2006, subject to planning conditions and the completion of S106 legal agreements, despite objections from Havering. The S106 Agreement

was completed between the LTGDC, the landowners and the planning permission was subsequently formally granted by the LTGDC on 2 July 2008. This scheme was based on a process of electricity generation from the combustion of synthetic gas to generate steam, which in turn would be used in a condensing steam turbine to produce electrical power.

- 1.2 A variant of this original scheme was subsequently granted planning permission in August 2010 (ref U0017.09) using the same fuel and material input to the facility but based on an alternative power generation equipment and technology, consisting of gas engines instead of the steam turbine. Havering raised no objections to these changes.

2. Site Description

- 2.1 The application site is approximately 2.95 hectares in area and located on the northern bank of the Thames and is currently used by the Ford Motor Company Limited as part of its vehicle holding centre. The site extends westwards as far as the Beam River; beyond which is the Ford works. To the east is the Flogas LPG bottling depot and the southern part of the Fairview Industrial Park. Adjacent to the depot on the east side of the site and approximately 100m away, is the Shanks East London (Bio-MRF) which processes waste from the boroughs of Havering and Barking and Dagenham as part of a contract with the East London Waste Authority (ELWA).
- 2.2 The site lies approximately 1.8km from the centre of Rainham, with the nearest residential properties at Creekside, some 1.4 km away. Larger areas of industrial land, Rainham Sewage Treatment Works, CEME, the A13, CTRL and C2C railways are located between the site and Rainham Village. To the south of the site across the Thames are the industrial areas of Belvedere in the London Borough of Bexley, beyond which are residential areas some 2.3 km away.
- 2.3 Access to the site is through Fords car compound via a private roadway; access can also be gained from Marsh Way, but the entrance is currently obstructed with concrete slabs.
- 2.4 The site is located within the Rainham Employment Area and is identified as a Strategic Industrial Location.

3. Description of Proposal

- 3.1 Approval is sought to extend the time limit for the implementation is sought is for the construction of a power generation plant that would utilise a synthetic gas produced from a solid recovered fuel (SRF) using a process known as gasification. The facility is designed to generate about 18 MW of electricity and operate on a 24 hours per day 7 days a week basis. The delivery of fuel by road would be between 08.00 and 18.00 hrs Monday to Friday, and between 9:00 and 14:00 on Saturdays. Other deliveries and

export of residuals would be 7 days a week. The proposed facility comprises:

- A gas island comprising the gasifier and gas cleaning plant and associated storage silos;
- Associated process and storage plant including condensers, cooling tower, chemical, gas and water storage tanks, effluent treatment plant, heat exchangers and electrical switch gear;
- Buildings housing a pelletiser, pelletiser storage area, steam turbine and boilers;
- A visitor centre;
- A conveyor system between the development site and the Shanks East London (Bio-MRF) on Frog Island;
- A site office and maintenance building; and
- Operational and visitor parking areas, circulation space and a weighbridge together with the extension of Frog Lane from Marsh Way to the operational area of the facility.

The facility would take between 12 and 18 months to construct, following that there would need to be a period of about 6 months for commissioning.

3.2 The solid recovered fuel from the mechanical biological treatment plant at Frog Island, which typically would comprise of a mixture of paper, textile, wood and some plastic would be pelletised to form the fuel for the power generation plant. The bulk of the fuel feedstock will be provided by the Shanks East London (Bio-MRF) approximately 100m to the east of the proposed gasification facility with the balance of the fuel supply material being supplied via the Shanks' plant at Jenkins Lane, in Newham. This plant also manages waste collected in the ELWA area and produces SRF of the appropriate technical specification for use as a fuel in the proposed gasification facility. During periods of maintenance at the primary fuel source location it will be necessary to import a greater proportion of the fuel source from the Jenkins Lane facility. In the very unlikely event that both these sources become unavailable for short periods suitable material would be sought from elsewhere in the ELWA or London to ensure that power generation is not interrupted. The SRF would be transported to the site either by a conveyor system across adjoining land or by road via Creek Way and Marsh Way. Any material from Jenkins Lane would be transported by road via the A13.

3.3 The process of turning the fuel into electricity can be summarized as follows: The fuel material would be delivered to the plant un-pelletised where it would then be mixed with hydrated lime before pelletising. The pellets would be stored from where there would be a continuous conveyor system to transfer the material to the gasification process. The process transfers heat to the fuel which is turned into a synthetic gas composed of mainly nitrogen, carbon dioxide, carbon monoxide and hydrogen. There would be solid by-product arising from the process, including ash, know as char. The char

would be removed from the gas, cooled and stored in silos before being taken off-site for disposal at a suitably licensed landfill site.

- 3.4 The synthetic gas would then be cooled and cleaned by a series of processes which would leave a small quantity of surplus liquor that cannot be reused in the process. This would be neutralized and treated biologically before being discharged to sewer. The gas would then be burned in a boiler plant to generate steam which would be used in a condensing steam turbine to generate electricity. The by-products of the combustion process would be discharged to the atmosphere via a 34 metre high stack.
- 3.5 In the event of emergencies or shut down it would be necessary to divert the synthetic gas to a ground flaring system, with the combustion emissions going directly to atmosphere.
- 3.6 The facility would comprise a number of buildings and structures, the centre piece being the gasification plant. In response to the riverside setting of the facility the proposed layout ensures that a single building fronts and gives definition to the riverside boundary of the site and presents a single architectural solution to the river rather than a series of fragmented facilities. The architectural treatment and the palette of materials used would be common to all the buildings and structures where possible. The riverside and administration buildings would have rendered block work plinths at ground floor level and be clad on upper levels in stucco embossed mill finish aluminum trapezoidal metal cladding. Windows and louvers would be in gray or aluminium. Roofs would be of a similar aluminium finish to the cladding.
- 3.7 Subject to the agreement of the adjoining landowner, an elevated conveyor system would be constructed between the plant and Frog Island in order to transport the SRF from the Frog Island facility. The conveyor would be supported by a series of stilts about 6 metres above ground level and enclosed in a galvanized steel mesh a further 2 metres higher.

4. Consultations and Representations

- 4.1 The application has been advertised as a major application by reason of the size and nature of the proposals for which the extension of time would apply. The application was advertised by press notice, site notices and letters to neighbouring properties. No letters of representation have been received.
- 4.2 The following consultee responses have been received:
- **London Borough of Bexley** – No objection
 - **London Fire Brigade** – Advise of the need for three additional fire hydrants.
 - **LFEPA** – No objection
 - **National Air Traffic Service (NATS)** – No safeguarding objections

- **Thames Water** – Advises that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. Recommends that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.
- **Mayor for London** – Advise that the application is strongly supported in strategic planning terms. It is requested that some further information should be provided relating to energy recovery, exportation of heat and flow diagrams to show the waste products from the process. The safeguarding of land for a riverside path should be maintained and car and cycle parking requirements should be in accordance with the draft replacement London Plan.
- **Natural England** – No comments, but would expect the Local Planning Authority to assess and consider the possible impacts arising from the proposal when determining the application.
- **Environment Agency** – No objections subject to updated conditions being imposed..
- **Streetcare/Highways** – No objection
- **Health and Safety Executive** - Does not raise any objections on safety grounds against the granting of planning permission.

5. **Planning History**

- 5.1 There is an extensive history of planning applications in the near vicinity. Of most relevance to this application are:

P1969.05. - Construction of sustainable energy facility comprising the erection of gasification/power generation plant and associated buildings and plant - withdrawn following resolution to refuse.

U0004.06 - Construction of sustainable energy facility comprising the erection of gasification power generation plant and associated building and plant – Approved

U0017.09 – Variation of conditions 6 and 9 to planning permission U0004.06 to allow minor amendments to the power generation strategy and ancillary plant and equipment – Approved

6. **Relevant Policies**

Havering LDF Policies

CP3 – Employment
CP11 – Sustainable Waste Management
CP15 – Environmental Management
CP17 – Design
DC9 – Strategic Industrial Locations
DC33 – Car Parking
DC48 – Flood Risk

DC49 - Sustainable Design and Construction
DC50 – Renewable Energy
DC52 – Air Quality
DC53 – Contaminated Land
DC55 – Noise

Consolidated London Plan Policies

4A.1 – Tackling Climate Change
4A.3 – Sustainable Design and Construction
4A.7 – Renewable Energy
4A.12 – Flooding
4A.13 – Flood Risk Management
4A.19 – Improving Air Quality
4A.21 – Waste Strategic Policy and Target
4A.22 – Spatial Policies for Waste Management
4A.23 – Criteria for the Selection of Sites for Waste Management and Disposal
4A.27 – Broad Locations Suitable for Recycling and Waste Treatment Facilities.

National Guidance

PPS10 – Planning for Sustainable Waste Management
PPS22 – Renewable Energy
PPS23 - Planning and Pollution Control
PPS25 – Development and Flood Risk

7. Staff Comments

- 7.1 The acceptability of the development of a gasification plant in this location has previously been established and currently has planning permission. The proposals seek to extend the time limit for the implementation of that development. In looking at the principle of the development the dual considerations of sustainable waste management and renewable energy were fully assessed in both the original report to Havering's Regulatory Services in its function as consultee and the report to the LTGDC Planning Committee who were the determining Planning Authority at the time. Copies of both reports are appended.
- 7.2 The support for the principle of the development detailed in the previous reports has been strengthened further since the grant of the original consent by the relevant policies of the LDF and the consolidated London Plan and the Draft Climate Change Mitigation and Energy Strategy, all of which seek to promote renewable energy technologies.
- 7.3 Policy DC50 indicates that proposals for the development of renewable energy facilities will be acceptable subject to provisos related to design and impact balanced against the benefits of achieving diverse and sustainable energy supplies and reducing greenhouse effects.

- 7.4 Policy 4A.7 of the London Plan requires Boroughs to identify broad areas where the development of specific renewable energy technologies is appropriate and the Draft Climate Change Mitigation and Energy Strategy encourages the conversion of waste into low carbon energy in waste-to-energy plants.
- 7.5 The original advice to members, that the relevant guidance makes it clear that allocated industrial areas are appropriate locations for renewable energy schemes, is unchanged. The use would be similar in nature to other industrial developments and staff's view that the principle that this is an appropriate site for this renewable energy use remains unchanged.
- 7.6 Turning to the principle of sustainable waste management the level of Policy support for the proposal has also strengthened since the original consent was granted. Policy DC9 accepts that Strategic Industrial Locations are suitable locations for waste uses subject to being consistent with the policies set out in the Joint Waste Development Plan Document and Core Policy CP11. This in turn is supported by Policy 4A.27 of the Consolidated London Plan which sets out broad locations which would be suitable for recycling and waste treatment facilities.
- 7.7 The gasification of processed waste is still a relatively new technology in the field of waste management. However, it is identified as being important to achieving waste management targets for limiting landfill in PPS10 and the London Plan in particular. The Council has accepted the principle of utilising new waste technologies when approving the Frog Island facility. This gasification proposal would provide the next link in the sustainable management of the municipal waste collected in Havering and Barking and Dagenham. The amount of waste that needs to be sent to landfill would be reduced significantly, with only the residues from the process needing to be disposed of in that way. It is considered that the gasification of the by-product from the Frog Island facility would be a sustainable method of waste management which would meet government and London Plan objectives. It would also meet the criteria of Policy CP11 for permitting new waste management facilities.
- 7.8 There is an existing extant permission with over 2 years remaining which would use gas engines as the means of power generation from the synthetic gas produced. This application is to extend the time limit on the original permission which would use the gas in a boiler plant to produce steam, which in turn would be used in a condensing steam turbine to produce electrical power. As yet there has been no final decision on which method will be used due to the fast pace of this developing technology and hence the need to keep the original permission alive in order to maintain the element of choice.
- 7.9 Current national planning advice is that Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward

quickly. In this instance, although the previous decision to grant planning permission was taken by the LTGDC, that decision was in accordance with the policies of the UDP which was at that time the Development Plan. The decision was also made taking full cognisance of the Environmental Impact Assessment and the comments of the Environment Agency and PCT who did not raise any objections on the grounds of public health, pollution or safety. National planning advice states that Local Planning Authorities should, in making their decisions on applications for extensions of time, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission. Although it is within the LPA's power to refuse an application, this should only be where changes in the development plan or other material considerations indicate the proposal should no longer be treated favourably.

- 7.10 In terms of design the scheme is unchanged and staff consider that it involves imaginative design principles that would deliver a scheme that would stand out from its surroundings, without being immediately recognisable as a public service building. This is similar to the approach to the design of the new buildings at the Gerpins Lane Civic Amenity site and on Frog Island that were supported by the GLA. Whilst the standard of design is a matter of judgement it is considered that a high standard would be achieved by this development which would be appropriate for the area and meet the requirements of DC61. It represents a significant investment in an area of historically low quality uses and design standards and it is judged that it would make a significant contribution to the improvement of the environment and character of the area.
- 7.11 The original planning application was submitted with an Environmental Impact Assessment but staff do not consider that the likely impacts arising from the proposed development have changed to any significant degree since that time. The potential impact upon air quality as a result of emissions was of particular concern to Members when the original application was under consideration. It is understood that air quality in the area has not changed to any significant degree since the original application was made. The requirements that the necessary permit under the Pollution Prevention and Control Regulations be obtained from the Environment Agency and that the developer contribute towards a base line study by the PCT into the impact of air pollution on respiratory problems within the local population (under 15s) and to monitor impact once plant is up and running would remain embodied in the Legal Agreement. Although LDF has become the adopted Development Plan for the area since the original application was considered staff are satisfied there have been no changes to planning policy or other material considerations which would require that the effects of the proposal on the environment be reconsidered.
- 7.12 There have been some changes in the advice received from the Environment Agency (EA), but these are concentrated on the issue of flood risk and can be addressed by the imposition of conditions. These conditions remain under discussion with the EA.

7.13 Turning to transportation and highways matters, it remains the intention to construct a conveyor link between the Frog Island facility and the application site. This would significantly reduce the transport distances involved with dealing with the Council's waste as residues from Frog Island are currently transported by road to Dagenham Dock for onward transit to a Bedfordshire landfill site. The conveyor link would cross land outside the control of the applicant but the applicant has agreed to maintain efforts to secure the link through a clause in the S106 obligation.

7.14 The proposed lorry route to the site would be mainly over private roads, but there would be a short section of public highway, Marsh Way. This is currently unlit and the agreed contribution to help remedy this through the S106 remains. There is already a bus service to the CEME site which employees of the facility could use. A financial contribution to help secure the long term future and extension of the route would be maintained in the legal agreement. The applicant has also agreed to submit and implement a staff travel plan to help reduce reliance on car transport for employees.

8. **Conclusion**

8.1 Staff are satisfied that the proposal remains acceptable when considered against the relevant policies in relation to renewable energy, waste management, location and regeneration and environmental impact.

8.2 The proposed development would provide a waste management solution for locally generated wastes in accordance with government guidance in PPS 10 and the London Plan. It would also generate electricity from waste in an allocated strategic industrial area within a building of good quality design representing a significant investment in a priority area for regeneration. The S106 would provide necessary safeguards, contributions and obligations.

8.3 In all other respects the application remains in accordance with the relevant national guidance, regional and local development plans and it is accordingly recommended that planning permission be granted subject to a variation to the legal agreement and no contrary direction from the Mayor for London.

IMPLICATIONS AND RISKS

Financial implications and risks:

No financial implications or risks.

Legal implications and risks:

A Section 106 planning obligation would need to be prepared and signed prior to the issue of the planning permission.

The heads of the agreement are set out in the report recommendation.

Human Resources implications and risks:

There would be no human resource implications or risks.

Equalities implications and risks:

There are no specific social inclusion and diversity issues that arise directly from this report. The council's policies and guidance, the London Plan and Government guidance all seek to respect and take account of social inclusion and diversity issues.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions.
5. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
6. The relevant planning history.