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| MEETING                                  | DATE                | ITEM     |
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| <b>REGULATORY SERVICES<br/>COMMITTEE</b> | <b>22 JUNE 2006</b> | <b>7</b> |

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### **REPORT OF THE CHIEF EXECUTIVE**

**SUBJECT: U0004.06: Land adjacent to Fairview industrial Estate, Ford Motor Company land off Frog Lane, Rainham**

**PROPOSAL: Construction of sustainable energy facility comprising the erection of gasification/power generation plant and associated buildings and plant**

**WARD: South Hornchurch**

#### **SUMMARY**

1. This application submitted to the Council will be considered by the London Thames Gateway Development Corporation under its planning powers for determining applications for larger scale development, including waste and energy proposals, within its area. The purpose of this report is to seek Members' views on the application which will be included with those of other consultees in the report to the LTGDC planning Committee.
2. This application is for the development of a power generation facility on land to the west of the Fairview Industrial Estate on the Thames frontage. The proposed plant would use a process known as gasification to convert a fuel derived mainly from waste processing operations at the nearby Frog Island site into a gas that can be used generate electricity. The plant would produce energy for the adjoining Ford works and for the National Grid.
3. An earlier application that Members resolved to refuse was withdrawn before a decision notice was issued. However, this is a new application that needs to be considered again. In line with the original recommendation staff consider that the proposals would accord with UDP and London Plan policies and government guidance, especially those for waste management and

**Regulatory Services Committee, 22 June 2006**

renewable energy and that subject to appropriate safeguards that no objections should be raised to the application. However, in resolving to refuse the earlier application the Committee expressed concern over the adverse visual impact of such a facility on the river frontage, contrary to UDP policy ENV25 and interim planning guidance for London Riverside. Members may wish to consider whether this concern still remains and should form the basis of an objection to the LTGDC.

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| <b>RECOMMENDATION</b> |
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- 1) That the Committee considers:
  - a) Whether, in light of its previous decision to refuse planning application P1969.05 that it wishes to raise objections to the revised application; or
  - b) Whether it agrees with staff that the development complies with government guidance and London Plan and Havering UDP policies as set out in this report and that subject to appropriate controls on the development as set out at the end of the report, no objections are raised to the application: and
  - c) whether a) or b) is adopted as the resolution of the committee and the London Thames Gateway Development Corporation (LTGDC) are minded to grant permission that the proposed planning obligations and planning conditions set out in this report be endorsed by the committee and that the LTGDC be asked to adopt them.
- 2) That the Head of Development and Building Control be authorised to prepare a written response to the London Thames Gateway Development Corporation in accordance with the recommendation or as otherwise resolved by the Committee at the meeting.

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| <b>REPORT DETAIL</b> |
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**1.0 Introduction:**

- 1.1 This report is made to seek the views of Members on this planning application which will be determined by the London Thames Gateway Development Corporation. The Development Corporation will take these views into account, along with those of other consultees and any local representations, when making its decision on the application. The style and scope of this report is similar that that normally made to Members on planning applications,

**Regulatory Services Committee, 22 June 2006**

but only consultation responses/representations from ward Members are reported in accordance with agreed procedures.

- 1.2 This application is a resubmission of one considered by the Committee on 16 March 2006 when Members resolved that permission be refused on the grounds that the siting and design of the building would have a significant adverse impact on the river frontage, contrary to UDP policy ENV25 and Interim Planning Guidance for London Riverside. The applicant withdrew the original application before a decision notice was issued; a fresh application was then resubmitted with minor amendments from the original. The application is, therefore, essentially the same as that previously considered by Members.

**2.0 Site Description:**

- 2.1 The site lies on the northern bank of the Thames and is currently used by the Ford Motor Company Limited as part of its vehicle holding centre. This 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 remainder of the Fairview Industrial Park which contains predominately large shed warehousing units. Adjacent to the depot on the east side of the site and approximately 100m away, is the Shanks East London (Bio-MRF) which has just started operation. This is due to process waste from the boroughs of Havering and Barking and Dagenham as part of a recently signed contract with the East London Waste Authority (ELWA).
- 2.2 The proposed site amounts to some 2.95 hectares and lies approximately 1.8 Km (1.1 miles) from the centre of Rainham, with the nearest residential properties at Creekside between Rainham Creek and the sewage works, some 1.4 km away. Between the site and Rainham are industrial areas, the A13, the Channel Tunnel Rail Link and C2C railways, the new CEME (Centre for Engineering and Manufacturing Excellence) building and the sewage works. To the south 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. Within the Ford car compounds are two wind turbines that supply power to the car plant; these are about 85 metres high. Looking northward from the site the view is dominated by a row of electricity pylons and the elevated A13, with glimpsed views of Dagenham and Rainham beyond, especially the high-rise tower blocks in South Hornchurch.
- 2.3 Access to the site is through the car compound via a private roadway; access can also be gained from Marsh Way, but the entrance is currently obstructed with concrete slabs. Immediately to the south of the site is the Thames earth flood protection embankment that separates the site from the river, this is predominately vegetated by grass, with the occasional shrub. A drainage balancing pond (approximately 30 x 10m) is situated in the south-east corner of the application site.

### 3.0 Description of proposal:

3.1 It is proposed to construct 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 13 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

**Regulatory Services Committee, 22 June 2006**

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 cleaner 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 aluminium trapezoidal metal cladding. Windows and louvres would be in grey 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. 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.

**Regulatory Services Committee, 22 June 2006**

3.8 The application is accompanied by an environmental statement (ES) that addresses the following potential impacts: Surface water flooding; landscape and visual appraisal; nature conservation; traffic; air quality; noise and archaeology. The ES has identified no significant impact from the proposed development. It has shown that the proposed gasification facility will create mostly beneficial environmental impacts and that mitigation measures embodied within the project design, or imposed through planning conditions, will limit any minor impact identified.

**4.0 History:**

4.1 There is an extensive planning history in the vicinity of the application site, the main applications are:

L/HAV/1369/68 – approved. Facilities building, Car Park, Storage Area and Bridge;

L/HAV/1506/69 – approved. Outline Application for steam wash building, full application for covered way;

L/HAV/1131/70 – approved. Additional facility building comprising offices & mess room;

L/HAV/1949/71 – approved. Erection of 11000 volt overhead line;

L/HAV/1068/76 - approved. Re-grading of river frontage adjacent Frog Island in accordance Thames Flood Barrier scheme;

L/HAV/350/80 - approved. Erection of 11000 volt overhead line on wooden poles;

L/HAV/245/81 – approved. Portakabin reception office;

L/HAV/1604/81 – approved. Vehicle storage area, new buildings offices, canteen, inspection bay, gate house & lighting towers;

P0279.93 – approved. Construction of two carriageway roads for internal access within Ford Estate

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.

**5.0 Representations:**

5.1 As part of the procedures established by the council for considering applications to be determined by LTGDC, ward councillors in the South Havering area have been consulted. At the time of preparation of the report two objections had been received raising the following main issues:

## Regulatory Services Committee, 22 June 2006

- The proposed facility would increase pollution levels in the area to the detriment of the health of local residents.
- The process involved is unreliable and dangerous;
- The proposal does not reflect the vision for the area and is contrary to the community strategy;
- The proposal would undermine the Thames Gateway vision of the riverside for residential, leisure and business enhancement and help to perpetuate the negative image of the Rainham area as a place to invest;
- The Mayor London opposes all forms of incineration.

Any further representations received will be reported at the meeting

### 6.0 Policy Considerations & Issues:

6.1 **Policy guidance:** the main policy guidance is as follows:

6.1.1 Government guidance in PPS22 (Renewable energy) PPS10 (Planning for sustainable waste management) and the London Plan. The London Plan includes policies that support the Mayor's Waste Strategy and Energy Strategy. PPS23 (Planning and pollution control) is also relevant. These documents are up to date and relevant to this application and significant weight should be given to them. Further guidance is set out in RPG9a (The Thames Gateway Planning Framework).

6.1.2 UDP policies EMP1 (Rainham Employment Area), ENV1/MWD1 (environmental impact), MWD13 (recovery & recycling), and ENV25 (Thameside development). The UDP does not include any policies specifically relating to energy generation. Interim Planning Guidance (IPG) 'An urban strategy for London Riverside' and full council resolution 61 'investment opportunities' of 2/2/05 are also relevant.

6.1.3 The preferred options consultation document as part of the Local Development Framework (LDF) preparation includes a section on renewable energy and waste management.

### 6.2 Issues:

6.2.1 The main issues arising from these policies are:

- Is the proposed development acceptable in principle in this location in terms of UDP, London Plan and government policies in PPS10 and PPS22?

**Regulatory Services Committee, 22 June 2006**

- Would the development meet the sustainability objectives in the London Plan, for both waste management and energy production, including draft modifications, and those in PPS10 and PPS22? Would the waste be managed in accordance with the proximity principle?
- Would the environmental impact of the development be acceptable, including the impact on air quality and public health in terms of the guidance in PPG23?
- Would the development be acceptable in principle in this location in relation to regeneration and other strategies for the area?
- Would the development be acceptable in visual terms on the river frontage?

**6.2.2 Principle of the development:** There are two related considerations when assessing whether development of this nature is acceptable in principle in the location proposed. These concern sustainable waste management and renewable energy. Consideration also needs to be given to the appropriateness of the development in terms of policies for regeneration of the area.

**6.2.3 Assessment of renewable energy issues:** The main guidance is in PPS22 and in the London Plan, supported by the Mayor's energy strategy. There are no specific policies on renewable energy in the UDP, although the preferred options document does address the issue. The guide that accompanies PPS22 explains what renewable energy is and draws a distinction between the mass burn incineration of waste and gasification schemes. For 'advanced' technologies such as gasification, any municipal solid waste (biodegradable and non degradable) may be used as fuel, but only the biodegradable fraction qualifies as a renewable resource. The waste in this case would have been processed by heating to reduce its volume and to stabilise it, but it would include both biodegradable (wood and paper) and non-degradable (plastic) fractions. However, biodegradable material would make up the larger fraction of the resultant fuel. In these circumstances staff are of the view that the solid recovered fuel derived from the waste would essentially be a renewable resource.

**6.2.4** PPS22 is particularly clear on the importance the government attaches to renewable energy and the approach local authorities should take to encourage such developments in appropriate localities. Where the technology is viable schemes should be accommodated where environmental, economic and social impacts can be addressed satisfactorily. Local development documents (DPDs) should promote and encourage, rather than restrict, the development of renewable energy sources. The Council in its preferred options document does not allocate any specific sites for renewable energy, even though this proposal would meet the base criteria in PPS22 for doing so, but does propose a positive approach to standalone schemes. The



**Regulatory Services Committee, 22 June 2006**

Government's energy policy, including its policy on renewable energy, is also set out in the Energy White Paper (Our Energy Future – Creating a Low Carbon Economy), published in February 2003. The Government has set a target to generate 10% of UK electricity from renewable energy sources by 2010 subject to the costs to consumers being acceptable. The White Paper sets out the Government's aspiration to double that figure to 20% by 2020, and suggests that still more renewable energy will be needed beyond that date.

- 6.2.5 PPS22 provides further guidance on the consideration of applications for renewable energy schemes. In particular planning authorities should consider such proposals in the same way in which they would handle any other industrial scheme. The relevant planning considerations are largely the same. In addition the wider environmental and economic benefits of renewable energy schemes are material considerations that should be given significant weight.
- 6.2.6 PPS22 identifies particular issues in relation to siting which are important, which include the source of the fuel, the economic implications of transporting the fuel, site access and proposed energy use. Where the fuel is waste PPS22 also stresses the importance of having regard to waste management plans for the area; in this case the ELWA strategy. Waste issues will be addressed later in the report, including the importance of this scheme to the sustainable management of the borough's waste.
- 6.2.7 It is clear from the guidance that allocated industrial areas are appropriate locations for renewable energy schemes as they are similar in nature to other industrial developments. Locational and regeneration issues are dealt with in more detail later in the report, but staff consider that in principle this is an appropriate site for this renewable energy use in terms of the criteria in PPS22. The site is close to the source of the fuel involving a very short road journey, mostly on private roadways. There is already an access onto Marsh Way that links to the proposed site. Whilst the applicant has yet to secure a route for the proposed conveyor link, this still remains an option that would take the supply of the fuel off the roads altogether. The proposed site is also very close to the proposed recipient of the energy, Fords at Dagenham. Therefore, in terms of these criteria the proposed site is ideally located.
- 6.2.8 **Assessment of waste issues:** Whilst it can be argued that the main purpose of the proposed facility is to generate electricity, it also has a dual role in managing waste material. Therefore, it is appropriate to consider the waste management implications of the proposal. The main guidance for this is in the London Plan and PPS10 which include the following principles for the location of new waste management facilities:

**Regulatory Services Committee, 22 June 2006**

- To use industrial sites such as the Preferred Industrial Locations (PILs) identified in the London Plan and sites where waste facilities can be co-located;
- To give priority to re-using previously developed land;

6.2.9 Since the adoption of the UDP there have been significant changes to the way waste needs to be managed and the recent Government guidance and London Plan policies reflect this as follows:

- To aim to manage most of London's waste within its boundaries and to seek to achieve sub-regional self-sufficiency;
- To increase the use of new and emerging technologies to reduce reliance on landfill in accordance with Government and European objectives;
- To move waste management up the waste hierarchy and to landfill as a last resort, and;
- Transporting waste by modes other than road.

6.2.10 The relevant London Plan policies are 4A.1 - 4A.3. These include a target of managing 85% of London's waste within its boundaries by 2020. This proposal would assist in reaching these targets and also help meet the objective of utilising new technologies to reduce the reliance on landfill. National waste policy reflected in PPS 10 aims to break the link between economic growth and the environmental impact of waste by only accepting the disposal of waste as a last resort. To achieve this significant new investment in waste facilities is required. This proposal helps to achieve this aim.

6.2.11 The gasification of processed waste is new 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. Members have previously accepted new waste management technology 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 amounts that need to be landfilled would be reduced significantly, with only the residues from the process needing to be disposed of in that way. Staff consider that the gasification of the by-product from the Frog Island facility is a sustainable method of waste management that would meet government and London Plan objectives. It would also meet the requirements of MWD13 for permitting recycling and recovery facilities.

6.2.12 The alternative to treating the dried waste in the ELWA strategy is to take the material to Bedfordshire for landfilling. Whilst there are other landfill sites nearer to Frog Island this is the option proposed by ELWA's waste contractor.

**Regulatory Services Committee, 22 June 2006**

Most of the transport to the landfill site would be by rail, there would also be significant road transport, especially compared with the current proposal. Therefore, from a road transport point of view the gasification proposal would be much more sustainable. Should the developer be able to secure the conveyor link between Frog Island and the site then only residues and a small portion of the waste input (from Jenkins Lane) would need to be transported by road.

- 6.2.13 Another factor Members should be aware of is the implications of the Landfill Directive. The Government has set a limit for each local authority on the amount of waste it can landfill. This limit will reduce over time to meet the targets set out in the Directive and Government's waste strategy. Exceeding the limits could result in significant fines or extra costs in purchasing additional landfill allowances. Whilst this is not strictly a planning consideration it does clearly indicate the importance that is attached to reducing reliance on landfill. The current proposal would, if permitted, ensure that Havering's municipal waste is managed in a sustainable fashion in accordance with government policy and at the same time avoiding the potential for additional costs or fines.

**Assessment of location and regeneration issues**

- 6.2.14 The site lies within the Thames Gateway, the Rainham Employment Area (Policy EMP1) and the River Thames Area of Special Character (Policy ENV25). RPG9a sets out the main planning framework for the Thames Gateway area. The principles of the framework have been further developed with the establishment of London Riverside, one of the Government's 'zones of change' for the Thames Gateway Strategic Partnership. The area is also a priority area for the Mayor and the London Development Agency. The 'Urban Strategy for London Riverside' identifies the site as continuing to play a role as part of Ford's car distribution network, but with opportunities for more intensive development. The document seeks to bring about regeneration in line with sustainable development principles, including the provision of high quality environments with good design and mix of land uses. It seeks a design led approach, which accepts a range of land uses and seeks the highest possible standards of sustainable architecture and urban design. This scheme is considered to meet these objectives and is linked to the Ford's works as a supply of renewable energy. The location of the site within the Ford Estate is determined by two factors; its isolation from other Ford activities and its proximity to Frog island and existing industrial areas.
- 6.2.15 The Rainham Employment Area is suitable for industrial uses (B1 & B2), storage and distribution (B8) and other employment opportunities that do not conflict with other policies. Whilst legally power generation does not fall into any of these industrial categories, it is an employment generating use where the proposed activities can be considered to be similar in character to a general industrial use (B2) and therefore not necessarily incompatible within an industrial area. The guidance in PPS22 referred to earlier fully supports

**Regulatory Services Committee, 22 June 2006**

this approach. Therefore, in principle the proposal is one that can be considered acceptable in the Rainham Employment Area. However, its location on the riverside requires further consideration in respect of the criteria set out in the appendix to ENV25 and other guidance. This is addressed further below.

6.2.16 The proposal is judged to involve imaginative design principles to deliver something that would stand out from its surroundings, but not 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 staff consider that a high standard would be achieved by this development and would be appropriate for an industrial area and meet the requirements of ENV25. However, when considering the earlier application Members took a different view and were critical of the design of the building considering that it would have an adverse impact on the river frontage. Members will wish to consider again whether the building would be an intrusive feature in the landscape exacerbated by its prominent location on the river frontage. In reaching a view Members will need to take account of the other public service buildings on this part of the Thames and the industrial nature of the riverside. The main view of the building would be from the river itself and the opposite bank. The visual impact from residential areas in Rainham is judged by staff unlikely to be not significant.

6.2.17 Staff suggest to Members that rather than being an intrusive feature it represents a significant investment in an area of generally low quality uses and design standards. It is the judgement of staff that it would make a significant contribution to the improvement of the environment and character of the area.

6.2.18 Additional issues arise because of the site's location adjacent to the River Thames. There is a common theme throughout the various policy documents that sites adjacent to the river need special consideration. Policy ENV25 in particular sets criteria for such development and these are reflected in later guidance. Generally along the riverside priority should be given to developments that need a riverside setting. Policy TRN26 seeks to encourage the development of proposals for the transport of goods by river. The Ford estate is served by a number of jetties and many of the cars stored in the car compound are brought in by river. There are no safeguarded wharves/jetties in the vicinity of the site and the length of river frontage affected is relatively short. Therefore, in these circumstances staff consider that this development would not prejudice the use of the river for the transport of goods. There would be no opportunities or need to use river transport in relation to the proposed facility given the close proximity of the source fuel. The developer has agreed to enter into a planning agreement to secure public access along the river frontage in line with ENV25 that could form part of a future riverside foot/cycleway.

## Assessment of environmental issues

- 6.2.19 **Environmental Impacts:** The planning application is accompanied by an environmental statement (ES) that considers the main potential impacts of the development. Further details are given at the beginning of this report. The conclusion of the assessment is that there would be no significant environmental impacts. Subject to the development being carried out in accordance with the statement the development would meet the criteria set out in MWD1 and the guidance in PPS10 and PPS22. The main potential impacts identified would arise from the atmospheric emission from the facility and its visual impact. The main impact from emission would fall within the industrial areas around the site and not on residential areas either in Rainham or in Bexley. The main visual impacts would be from and across the river, and not so much from residential areas in Rainham.
- 6.2.20 The potential impact from emissions from the facility have been assessed in accordance with current best practice and modelling techniques. This was undertaken using appropriate meteorological data and the government set standards for emissions from such processes. The modelling looked at the worse case situation whereas in practice the actual emissions would be much lower than those modelled. The approach adopted calculated the additional contribution that the new development would have to current air quality; this takes account of the emissions from existing power stations and industrial plant. Staff consider that the potential impacts have been assessed in accordance with the guidance in PPS23.
- 6.2.21 Should Members be concerned about the cumulative impact of these various processes, including the possibility of a new mass burn incinerator at Belvedere, account should be taken of a study commissioned by the council some years ago when the Belvedere and Crossness schemes were first proposed. The study concluded that the cumulative impact of the various proposals at the time would not have a significant impact on air quality, in particular pollutants such as NO<sub>x</sub>, that were of concern because of the impact on public health. Any increase would be insignificant compared with existing levels arising mainly from motor vehicles. A subsequent assessment by the Environment Agency reached similar conclusions. The modelling process in this case took account of those new facilities subsequently constructed as part of the background and reached similar conclusions, although the possible impact of a new incinerator at Belvedere was not considered. However, staff consider that the same conclusions can be drawn as the earlier studies.
- 6.2.22 Nevertheless, one of the main concerns raised by the MP, local Councillors, the public and other local organisations to the previous application is the potential impact on air quality from emissions on the health of local residents. This is especially strong given the perceived high incidence of asthma sufferers in the Rainham area, especially amongst the under 15's and the

**Regulatory Services Committee, 22 June 2006**

concern that additional pollutants in the atmosphere would exacerbate the situation. Similar concerns were raised in respect of the autoclave proposal at the Cleanaway site. In considering this issue Members will need to take account of a number of factors relating to this matter.

- 6.2.23 As well as making an application for planning approval, the applicants have made an application for a permit to the Environment Agency under the Pollution Prevention and Control Regulations. These regulations incorporate the European Directive on waste incineration, which covers other technologies such as gasification where waste is used as a fuel. The aim of the regulations is to prevent or limit as far as practicable, negative effects on the environment and the resulting risk to public health. The Directive requires the setting and maintaining of stringent operational conditions, technical requirements and emission limit values for plant. A permit is required from the Environment Agency before any such plant can operate. In considering this issue Members will need to take account of government guidance in relation to planning decisions where there are other controls. Planning authorities should not seek to stray into areas where there are other statutory controls and it would not normally be appropriate to refuse permission on ground covered by other controls such as air quality unless the regulating body advises accordingly. Although a permit has not yet been issued the Environment Agency did not object to the previous application subject to conditions. Should Members, nevertheless, continue to be concerned then it could request in its response to the LTGDC that a planning obligation be sought preventing construction before a permit is in place.
- 6.2.24 There is no evidence that staff are aware of that indicates that the impact on air quality or public health would be significant. Staff are satisfied that the evidence submitted through the ES satisfactorily demonstrates this. The Havering PCT did not object to the earlier application on health grounds. Members may take comfort from the fact the PCT is a consultee on the permit application (as are the council) and have the opportunity to give detailed consideration to any public health effects. In these circumstances staff recommend that there are no objections on the grounds of air quality or impact on public health. Reports from the Havering PCT identify problems with respiratory health in the area but do not present data that makes a link between this illness and air quality. Should Members, nevertheless remain concerned about potential health effects it could request that the LTGDC satisfies itself on the potential health impact before granting a planning permission. The LTGDC could also be asked to consider whether funding should be sought from the developer to carry out research into respiratory impacts on health, especially the under 15's, where there is a high number of hospital referrals for respiratory problems in the Rainham area, during the life of the development.
- 6.2.25 The application site has previously been tipped with waste materials and therefore the impact this would have on the development needs to be

**Regulatory Services Committee, 22 June 2006**

considered in accordance with the guidance in PPS23. Whilst the site does contain some contaminants as identified in the ES staff are satisfied that because of the nature of the development that the site can be safely developed. An appropriate condition is recommended.

**7.0 Conclusions**

7.1 The report assesses four main issues arising from the application; renewable energy, waste management, location and regeneration and environmental impact. In considering how to respond to the LTGDC, staff consider that the issues to which Members need to pay particular regard are as follows:

- 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 sub-regional self-sufficiency;
- It would generate electricity from a renewable resource in a manner on type of locality advocated in PPS22.
- The LDF preferred options document takes a positive approach to self sufficiency for the ELWA sub-region in waste management and to renewable energy proposals.
- The UDP (EMP1) and the LDF preferred options document identify the site as having the potential for future industrial development.
- The proposal would provide significant investment in the area and would provide an imaginative design solution to this large public service building. Its location could help to enhance the current run down nature of this part of the river frontage and represent a significant environmental improvement to the area. This would comply with the principles of interim planning guidance, *an urban strategy for London Riverside* and policy ENV25.
- The environmental statement demonstrates that the impacts arising from emissions from the plant, including those on public health, would not be significant and be within the relevant air quality regulations. There is a separate system of regulatory control on such processes designed to ensure that emissions, and their impact on air quality and public health, are within acceptable limits.
- In terms of the Havering UDP it can be concluded that the proposals would be acceptable meeting the criteria in policy MWD13, MWD1/ENV1, and ENV25. The development would also be in accordance with the general principles set out in the preferred options consultation report

**Regulatory Services Committee, 22 June 2006**

- 7.2 In conclusion staff consider that the proposal would not conflict with the objectives of the various regeneration frameworks and would provide an important contribution to the regeneration of the area, by helping in the process of economic uplift and environmental improvement. However, should Members take a different view on the design and impact of the building then this could form the basis of an objection to the LTGDC. Members may also wish to consider whether because of these objections a building of this type is acceptable on the Havering river frontage.
- 7.3 On the other hand should Members be satisfied with the principle of the development, they may wish to leave the judgment on the design and visual impact of the building to the LTGDC to make and suggest areas to be covered by conditions and a planning obligation should it be judged these aspects are acceptable.
- 7.4 Notwithstanding these considerations, should Members, nevertheless, be of the view that the development is unacceptable and wish to raise objections to the application then the response to the LTGDC can be framed in accordance with Members objections.
- 7.5 Should Members agree with staff that no objections, subject to the consideration set out above, be raised, staff recommend that any permission should be subject to the following:

## Planning conditions to cover:

- Assessing and dealing with any site contamination;
- Measures to minimise the environmental impacts on surrounding areas, including ground water and nature conservation interests;
- Materials;
- Landscaping;
- Limits on open storage;
- Carrying out the development in accordance with the environmental standards, mitigation measures, requirements and methods of implementing the development contained in the environmental statement;

## Planning obligation under S106 to cover:

- A financial contribution to cover:
  - i) improved public access to riverside areas;



**Regulatory Services Committee, 22 June 2006**

- 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 issued by the Environment Agency have been secured.

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**STEPHEN EVANS**  
**Chief Executive**

**Background Papers**

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The environmental statement submitted with the application