



REGULATORY SERVICES COMMITTEE

REPORT

3 November 2011

Subject Heading:

P0530.11 - Construction of a Biogas Generation Plant, using Anaerobic Digestion, capable of handling up to 100,000 tonnes of organic materials including supermarket waste, food waste and manufacturing waste per annum.

Report Author and contact details:

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Policy context:

**Local Development Framework
London Plan
National Planning Guidance**

Financial summary:

None

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

Ensuring a clean, safe and green borough	[X]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Valuing and enhancing the lives of our residents	[]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This planning application proposes the erection of a biogas generation plant on land off Creek Way, Frog Island, located to the south of Ferry Lane alongside the River Thames. The proposal would comprise a number of large structures, including tanks, a machine hall, and a chimney. The proposal would employ technology known as anaerobic digestion, which involves processing organic waste in a manner that releases biogas (methane). The biogas is then used as a fuel to generate electricity on-site, some of which is used in the operation of the facility, with the rest being fed into the national grid. The proposed facility would process approximately 100,000 tonnes of organic waste per annum, with up to 5MW of electricity being produced. Heat generated by the facility will be recycled, being used by the proposed facility and an existing, neighbouring facility.

The main issues to be considered by Members in this case are the principle of development, visual impact, amenity, access considerations, ecology, flood risk and drainage, and other considerations. Officers are recommending that the application be approved, subject to conditions and the completion of a Section 106 agreement.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- The safeguarding of an area along the riverside part of site for use as a future Riverside Walk.
- A contribution of £100,000 to be used, either in part or in full, towards any of the following:
 - Thames side path to the front of the application site
 - Public access improvements between Rainham and the River Thames
 - Street lighting along Marsh Way
 - A public bus bridge over Creek Way.
- A contribution of £50,000, to be used for Biodiversity improvements in the vicinity of site.
- A clause that the developer employs best endeavours to provide staff/employment requirements in relation to construction and operation of

the facility and to establish a suitable training programme in relation to the construction stage and operation of the development.

- Provision of a Travel Plan for employees.
- Payment of the Council's legal fees associated with the preparation of the agreement.
- All contributions will be subject to indexation using the appropriate Index. All contributions to be spent within 7 years of receipt of the final payment relating to the specified contributions and to include any interest earned prior to spending.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of those agreements, grant planning permission subject to the conditions set out below:

1. 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. The development hereby permitted shall be carried out in accordance with the following approved plan(s) and information:

- PL103 (Plant Elevations)
- CS047350_B_PL_001
- CS047350_B_PL_002 Rev C
- 3435-D2-015 Rev P5
- 3435-D2-017 Rev P2
- 3435-D2-018 Rev P1
- 3435-D2-019 Rev P3

The plant visualizations referenced:

- 110912 (Frog Island AD PL103 West Perspective)
- 110912 (Frog Island AD PL104 Aerial)
- 110912 (Frog Island AD PL105 Southeast Perspective)
- 110912 (Frog Island AD PL103 Southwest Elevational).

The following details, except where they have been superseded by any of the above drawings:

- The submitted Environmental Statement dated March 2011

- Air Quality Addendum dated 19th July 2011
- Additional Information and Responses to Statutory Consultees dated 10 August 2011
- Design and Access Statement
- Flood Risk Assessment;
- Planning Explanatory Statement
- Transport Statement

Reason:-

For the avoidance of doubt and to ensure the development is undertaken in accordance with the approved plans.

3. No development shall take place until samples of all materials to be used in the external construction of the building(s), including the colour scheme, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and retained as such for the life of the development.

Reason:-

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

4. No development shall take place until details of the proposed boundary treatment at the site, including dimensions, materials and colour scheme, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and retained as such for the life of the development.

Reason:-

To protect the visual amenities of the area and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. No development shall take place until a scheme detailing the proposed means to prevent material being deposited on the public highway, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the approved buildings being brought into use, and retained for the life of the development.

Reason:-

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the

Development Control Policies Development Plan Document Policies DC61 and DC32.

6. Land contamination: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority:

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a "Validation Report" must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the Local Planning Authority; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, Land Contamination and the Planning Process .

Reason:-

To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document policy DC53

7. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls;
 - d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
 - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
 - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
 - g) siting and design of temporary buildings;
 - h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
 - i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded;
 - j) details relating to the cumulative impact of construction traffic, including site access arrangements, booking systems, construction phasing, vehicular routes, and the scope for load consolidation and/or modal shift to reduce road-based traffic movements.

The development shall be undertaken in accordance with the approved scheme.

Reason:

To protect local amenity and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. No development shall take place until a scheme detailing site security measures, including reference to boundary treatments, lighting and CCTV, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the use of any of the buildings and shall be retained thereafter, unless otherwise agreed in writing by the LPA.

Reason: For the security and convenience of users and employees of the site and to ensure no light spillage onto ecologically sensitive areas.

9. No development shall take place until details relating to the construction of the site drainage system have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the use of any of the proposed buildings unless otherwise provided for in the scheme.

Reason:-

To prevent the pollution of the water environment.

10. No development shall take place until a scheme detailing the construction of the site sewerage infrastructure has been submitted to and approved in writing by the Local Planning Authority. The approved development shall thereafter be undertaken in accordance with the approved details. None of the buildings hereby permitted shall be occupied until the approved infrastructure is in place.

Reason:-

To prevent the pollution of the water environment.

11. No development shall take place until a scheme detailing the proposed external lighting at the site, including details of siting, design, and measures to prevent any adverse impacts on local ecology, have been submitted to and approved in writing by the LPA. The approved details shall be implemented prior to the approved buildings being brought into use and shall be retained for the life of the development.

Reason:-

In the interests of nature conservation and amenity.

12. No development shall take place until a delivery and servicing plan has been submitted to and approved in writing by the LPA. The scheme shall provide details of how the operator will manage traffic movements to and from the site to ensure that Heavy Goods Vehicle movements are optimised to avoid daily peak hour periods. The approved scheme shall be implemented and retained for the life of the development.

Reason:-

In the interests of highway safety and amenity.

13. No development shall take place until a scheme detailing the proposed use of heat recovery equipment at the approved facility, and the proposed use of surplus heat at the approved facility and neighbouring development, has been submitted to and approved in writing by the local planning authority.

The approved scheme shall be implemented and retained for the life of the development.

Reason:-

In the interests of sustainable development.

14. An access strip at least 4 metres wide with unrestricted gate access, shall be maintained throughout the life of this planning permission to enable access to the Thames Tidal Defences from the end of Creek Way. The access strip shall be provided at all times from the commencement of the development.

Reason:-

To ensure that the Environment Agency has the necessary access required to carry out its functions, both day to day and in an emergency.

15. No goods or materials shall be stored on the site outside of the approved buildings.

Reason:-

In the interests of visual amenity.

16. Notwithstanding the provisions of Class A of Part 8 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no extension of or alterations to the approved buildings shall be undertaken without the prior written approval of the Local Planning Authority.

Reason:-

To protect the visual amenities of the area and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Reason for Approval:

The proposal is considered acceptable having regard to the relevant criteria of Policies CP11, DC9, DC32, DC34, DC48, DC50, DC52, DC53, DC55, DC58, DC59, DC61, and DC72 of the LDF Core Strategy and Development Control Policies DPD, and all other material considerations.

2. Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Site Description

- 1.1 The application site, which is located alongside the River Thames and approximately 1.5km to the southeast of Rainham village, comprises an area of hard standing and is accessed via Creek Way, which runs southwest from Ferry Lane. The site is approximately 1.25 hectares in area and is currently unoccupied; it formerly contained two large shed structures used for the storage of portacabins and containers. The site's boundaries are formed by palisade fencing and the river defence wall.
- 1.2 The site is located within an established industrial area. Its south eastern and north eastern boundaries abut neighbouring industrial and commercial uses, with part of the north eastern boundary lying adjacent to Rainham Creek, which is designated as a Metropolitan Site of Nature Conservation Interest. The site's north western boundary abuts land owned by the applicant, which is occupied by a material recycling facility, beyond which is a Solid Fuel Recovery facility, also owned by the applicant. Further to the west still, there is an extant planning consent for the erection of a gasification plant (planning permission: U0004.06) The site's south western boundary, which is formed by a flood defence wall, lies adjacent to the River Thames, which is designated as a Metropolitan Site of Nature Conservation Interest.
- 1.3 The site is located on land designated as a Strategic Industrial Location and within Flood Zone 3a, although it benefits from a flood defence wall running alongside the River Thames. The Rainham Marshes Site of Special Scientific Interest (SSSI) is located approximately 250m to the north east.

2. Description of Proposal

- 2.1 This planning application proposes the construction of a biogas generation plant using anaerobic digestion.

- 2.2 Anaerobic digestion is an in-vessel process that involves placing organic waste in an anoxic (no oxygen) environment where it is broken down by bacteria. The resultant release of biogas (methane) can then be captured and used as fuel in an on-site power plant for the generation of electricity. The remaining solid material left at the end of the process, known as digestate, can be used as an agricultural fertiliser.
- 2.3 The proposal would process up to 100,000 tonnes per annum of organic waste, including supermarket waste, food waste, and food manufacturing waste. The captured biogas will be transferred to an on-site combined heat and power (CHP) plant to generate up to 5MW¹, 20% of which will be used to power the facility, with the remainder being fed into the national grid. Heat generated during the process, which would otherwise be emitted to the surrounding environment and wasted, will be used to provide heating at the proposed development and a neighbouring facility. Approximately 30,000 tonnes of digestate will be produced per annum. Any ferrous and non ferrous metals, along with plastic and grit, would be extracted for recycling.
- 2.4 The proposed development would comprise various structures including digester tanks, processing sheds, an air treatment plant, CHP plant, biogas storage units, a chimney, and an office building. Access roads, manoeuvring areas, and car parking would also be included. The more conventional looking buildings, such as the machine hall and reception building, would be located at the north western end of the site, along with approximately 8 tanks and the air treatment equipment. The south eastern end of the site would be dominated by the larger anaerobic digestion tanks, of which there are 5, a biogas holder, the CHP plant and chimney, and some smaller tanks. All of the tanks would be located in bunded areas.
- 2.5 The tallest of the proposed structures would be the CHP stack (chimney), which would be approximately 35m in height. The various tanks range in height from 9m to 28m. The anaerobic digester tanks, of which there would be five, would be approximately 28m in height. Two further tanks would be approximately 23m in height, and another around 21m in height. The remaining ten tanks would be between 9m and 14m in height. The processing building, which would be approximately 2265m in area, would have a ridge height of approximately 14m.
- 2.6 The proposal would result in the creation of around 12 permanent jobs.

3. Relevant History

- 3.1 The planning permissions of most relevance to this application are as follows:

¹ 5MW would power approximately 2500 households per annum.
<http://www.bwea.com/edu/calcs.html>

P0940.06 - Equipment storage building, for engineering spare parts - Approved with conditions 19/07/2006.

P0689.00 - Erection of new workshop, fuel/vehicle wash facilities/refurbishment of offices to form new bus servicing depot for a period of five years – Application Refused 10/11/2000.

P0797.95 - The temporary location of an asphalt plant - Approved with conditions 18/09/1995.

3.2 The following decision relates to the site located immediately to the north:

P0197.03 - 1) Change of use to waste Management facility. 2) Erection of a biological materials recycling facility (Bio-MR2F) and RRC materials recycling facility - Approved with conditions 27/11/2003.

4. Consultations/Representations

4.1 Statutory Consultees

Environment Agency - No objections. Conditions have been recommended in relation to various matters, which Members will be updated about at Planning Committee.

Greater London Authority (GLA) - Objections raised. A commitment to local employment is required; calculations are required in relation to energy production; local ecological improvements should be considered; the absence of a river path; the visual impact; contributions towards the river walkway, a new bus bridge, and the provision of cycle parking, a travel plan, and a construction logistics plan.

4.2 Non statutory Consultees

London Borough of Bexley - No objections.

Civil Aviation Authority - No objections.

Environmental Health - No objections. A planning condition has been recommended relating to contaminated land.

Highways	-	No objections.
Thames Water	-	No objections.
London Fire and Emergency Planning Authority	-	No objections; information relating to the installation of additional fire hydrants required.
Transport for London	-	Additional information required - Construction Logistics Plan; Green travel initiatives should be explored; a strategy for managing traffic movements to avoid peak hour traffic; and potential contributions towards public transport and public access provision.

4.3 This application was advertised and notification letters were sent to adjacent addresses. No representations have been received from members of the public.

5. Relevant Policies

5.1 Core Strategy and Development Control Policies Development Plan Document ("The LDF"):

CP11 (Sustainable Waste Management)
DC9 (Strategic Industrial Locations)
DC32 (The Road Network)
DC34 (Walking)
DC48 (Flood Risk)
DC50 (Renewable Energy)
DC52 (Air Quality)
DC53 (Contaminated Land)
DC55 (Noise)
DC58 (Metropolitan Site of Nature Conservation Importance)
DC59 (Biodiversity in New Developments)
DC61 (Urban Design)
DC72 (Planning Obligations)

5.2 The London Plan

Policy 5.16 (Waste Self-Sufficiency)
Policy 5.7 (Renewable Energy)

5.3 Relevant national planning guidance:

PPS1 (Delivering Sustainable Development)
PPS10 (Planning for Sustainable Waste Management)

PPS22 (Renewable Energy)
PPS25 (Development and Flood Risk)

5.4 Draft Joint Waste Development Plan Document (“Joint Waste DPD”)

W1 (Sustainable Waste Management)
W2 (Waste Management Capacity, Apportionment and Site Allocation)
W5 (General Considerations With Regard to Waste Proposals)

6. Staff Comments

6.1 This proposal is put before Planning Committee as it is a Major development where obligations are being sought by means of a legal agreement. Planning consent should only be granted in the event that the legal agreement is finalised.

6.2 The main issues to be considered by Members in this case are the principle of development, visual impact, amenity, access considerations, ecology, flood risk and drainage, and other considerations.

7. Assessment

7.1 Principle of development

7.1.1 The proposed biogas generation plant would divert up to 100,000 tonnes per annum of organic waste away from landfill and result in the generation of up to 5MW of renewable energy and 30,000 tonnes of digestate that would be suitable for agricultural uses. It is considered that the proposal would be akin to a B2 use insofar as it would involve an industrial process and of an industrial nature in terms of its operation and appearance.

7.1.2 Policy CP11 of the LDF states that the Council is committed to increasing recycling and reducing the amount of waste being landfilled. Policy 5.7 of the London Plan states that “The Mayor seeks to increase the proportion of energy generated from renewable sources.” Paragraph 5.39 states that “Energy generated from waste provides a particularly significant opportunity for London to exploit in the future. Preference should be given to using advanced conversion technologies including anaerobic digestion.” Policy W1 of the Joint Waste DPD states that the East London Waste Authorities (ELWA) will encourage the reuse and recycling of materials, and the recovery of resources. Policy DC50 states that renewable energy development will be supported subject to certain criteria. As a recycling and recovery facility that will divert waste away from landfill, the proposal is considered to be in accordance with the strategic objectives of the LDF, the London Plan, and the Joint Waste DPD.

7.1.3 The site is located on land designated in the LDF as a Strategic Industrial Location. Policy DC9 states that within such areas, with the exception of the Beam Reach Business Park, B2 and “waste uses” will be considered acceptable providing they are in accordance with the Joint Waste DPD and

Policy CP11 of the LDF. The proposed development is considered to be both akin to a B2 use, but given that it would involve the chemical treatment of waste, the proposal is considered to be a “waste” use in terms of the LDF and Joint Waste DPD.

7.1.4 The Joint Waste DPD has been subject to an Examination in Public but has yet to be formally adopted and will therefore be afforded less weight than the guidance contained in the LDF. Policy W2 of the Joint Waste DPD establishes the amount of waste to be managed by the East London boroughs over the coming years and identifies sites within the plan area to provide the required capacity to manage this waste. Schedule 1 sites are safeguarded waste management facilities that are already in operation, and Schedule 2 sites are locations where additional waste management operations would be encouraged. The site under consideration does not constitute either a Schedule 1 or Schedule 2 site.

7.1.5 However, Policy W2 does state that where an applicant can demonstrate there are no opportunities within the preferred Schedule 1 and 2 areas for a waste management facility, that sites within designated industrial areas will be considered. The site is located within an industrial area, and as a waste use, could be in accordance with Policy DC9, providing it complies with the Joint Waste DPD. As part of their submission, the applicants have undertaken a detailed assessment of the suitability of the appropriate Schedule 2 sites, including the Ferry Lane North site in Rainham, along with sites in the boroughs of Barking and Dagenham, and Newham, all of which are identified as being suitable for in-vessel composting and anaerobic digestion.

7.1.6 The assessment concludes that the Schedule 2 sites considered are unsuitable for the following reasons:

- The sites are “unavailable” to the applicants, although no evidence is provided to demonstrate a serious attempt to acquire the sites;
- The sites are not in close proximity to the applicant’s existing waste management facilities;
- The sites do not currently host existing commercial waste facilities meaning the required infrastructure would not be in place.

The application site however is owned by the applicant, is located alongside the applicants’ two existing facilities, which are designated as Schedule 1 sites, and the proposal would benefit from the presence of existing infrastructure.

7.1.7 That the applicants do not have control of the alternative sites is considered to be of very limited weight, although the benefits that the application site offers in terms of co-locating the proposal with existing facilities are of greater significance. The applicants considered the Ferry Lane North site in more detail with advice from the LPA stating that it is likely to be capable of hosting an anaerobic digester facility with a capacity of approximately 60,000 tonnes per annum. The proposed facility would have a capacity of

100,000 tonnes per annum and the applicants state that: *“It is not considered reasonable to expect the [applicant’s] AD facility to reduce its capacity in order to be suitable to the Ferry Lane site.”* This is not considered to be a particularly convincing argument.

7.1.8 The proposed development, to be located on an unallocated site, would result in the processing of up to 100,000tpa of waste over and above the ELWA apportionment in the London Plan, which the Schedule 1 and 2 sites have an identified capacity to handle. The proposal would result in an additional 40,000tpa of waste over and above the ELWA apportionment, in comparison to the situation if the applicants developed a 60,000tpa facility at the Ferry Lane North site. The proposed development could therefore potentially result in the ELWA exceeding their apportionment by between 40,000tpa and 100,000tpa.

7.1.9 As discussed, Policy W2 of the Joint Waste DPD states that new waste uses can be acceptable outside of the Schedule 1 and 2 sites providing the applicant can demonstrate there are no opportunities for waste management facilities within the available allocated sites. The applicants have not demonstrated this. It is considered that the proposal, which would not be located on an allocated site and which would result in the ELWA apportionment being exceeded, is contrary to Policy W2 of the Joint Waste DPD.

7.1.10 However, the proposal would deliver benefits such as the recycling and recovery of waste, and the generation of renewable energy, all of which is supported by the strategic objectives of the London Plan, LDF, and Joint Waste DPD. Adjacent sites, which are also located within the strategic industrial area, have been granted approval and subsequently developed as waste management facilities. These facilities are now safeguarded in the Joint Waste DPD. The land immediately to the north west of the site is in use as a materials recycling facility and a biological materials recycling facility. The land immediately to the north west of these modern waste facilities benefits from planning consent for a gasification facility. Recent planning decisions concerning land in close proximity to the site have therefore established that large scale, modern waste management facilities can be acceptable in the area under consideration. The application site would allow for mutually supportive synergies between the proposed development and safeguarded, existing facilities.

7.1.11 Whilst the proposal would be contrary to Policy W2 of the Joint Waste DPD, it is considered, on balance, that the benefits outweigh this. The proposal is therefore considered to be acceptable in principle, having regard to the London Plan, the LDF, and the Joint Waste DPD, and all other material considerations.

7.2 Visual Impact

7.2.1 Policy DC50 of the LDF states that proposals for renewable energy generation will only be approved where, amongst other things, they do not

cause demonstrable harm to visual amenities. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

- 7.2.2 The site is located in a prominent location along the River Thames although it is also located in an existing industrial area, which is designated as a Strategic Industrial Area in the LDF. Neighbouring sites have been granted approval and subsequently developed as large-scale waste management facilities. The land immediately to the north west of the site is in use as a materials recycling facility and a biological materials recycling facility. The land immediately to the north west of these modern waste facilities benefits from planning consent for a gasification facility. Recent planning decisions concerning land in close proximity to the site have therefore established that large scale, modern waste management facilities can be acceptable in the area under consideration.
- 7.2.3 As discussed, the proposal would involve the erection of numerous large structures including tanks up to 28m in height, a machine hall that would be 2500sqm in area and 14m in height, and a CHP stack that would be 35m in height. Taken together as a group, the various elements of the proposal would amount to a visually significant development that would be visible from the River Thames, the borough of Bexley to the south, and the A13 to the north. The substantial bulk and massing of the larger structures, particularly the larger tanks and the machine hall in this prominent location, are such that high quality materials would be required to make the proposal acceptable.
- 7.2.4 The applicants, who own the two neighbouring waste management facilities, are proposing to clad the Machine Hall in similar materials to the existing, neighbouring buildings, including the use of a timber strip across the length of the building. This is intended to achieve a continuous aesthetic along the river side. It is also proposed to use stainless steel on the more industrial looking structures, such as the tanks and the CHP stack. The applicants have submitted visuals, and both the GLA and planning officers now consider the proposal to be acceptable, subject to the use of conditions.
- 7.2.5 It is recommended that conditions be imposed, should planning permission be granted, requiring the submission and approval of details relating to the proposed use of facing materials, colour scheme, the proposed boundary treatment, and the proposed use of security measures such as CCTV, in the interests of visual amenity.
- 7.2.6 Given the nature of the proposal, including its siting, scale, and design, it is considered that it would be in accordance with Policies DC50 and DC61 of the LDF, subject to the imposition of the afore mentioned conditions.

7.3 Amenity

- 7.3.1 Policy DC50 of the LDF states that proposals for renewable energy generation will only be approved where, amongst other things, they do not

cause demonstrable harm to residential amenities or give rise to unacceptable levels of pollution. Policy DC52 states that planning permission will only be granted providing significant harm to air quality would not be caused. Policy DC53 states that planning permission will only be granted for development that would not lead to future contamination of the land in and around a site, and, where contamination is known to exist at a site, a full technical assessment is undertaken. Policy DC55 states that consent will not be granted for development that would result in unacceptable levels of noise and vibrations affecting sensitive properties. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

- 7.3.2 The proposal largely involves an enclosed process, contained within sealed tanks and buildings. The site is located within an established industrial area, approximately 1.5km from the nearest residential properties. The potential environmental impacts arising from this proposal are likely to be a result of noise, odour, air pollution, and existing ground contamination. These impacts have been considered as part of the applicant's planning application, which included an Environmental Statement.
- 7.3.3 Given the nature of the proposal and the site's location, where there is an absence of any sensitive neighbouring land uses, it is considered unlikely that the proposal would give rise to any significant adverse noise impacts. In terms of potential odour impacts, all air from the enclosed buildings, pre treatment storage, and mixing tanks will be collected and treated prior to its release. In terms of potential air quality impacts, the GLA and Environment Agency have considered the details submitted by the applicant and raised no objections. Emissions from the combined heat and power plant will be tightly controlled and emitted through the 35 metre stack. Emissions and odour will also be the subject of an Environmental Permit administered by the Environment Agency. The Council's Environmental Protection officer has requested additional information in relation emissions and the applicants have submitted additional information in response. At the time of writing, revised comments have not been received from Environmental Health; Members will be updated of any developments at committee.
- 7.3.4 The proposed development would involve breaking up and recycling the existing hardstanding at the site; the land beneath the hardstanding could be contaminated. The Council's Environmental Health officers have considered the proposal and have raised no objections subject to the imposition of a planning condition requiring an assessment of contamination at the site. It is recommended that this condition be imposed should planning permission be granted.
- 7.3.5 In order to ensure that the construction process does not lead to any significant adverse impacts to the public or neighbouring occupiers in terms of dust and other considerations, it is recommended that a condition be imposed, should planning permission be granted, requiring the submission of a Construction Method Statement.

7.3.6 No objections have been received from members of the public in relation to this proposal. No objections have been raised by the Environment Agency, however, conditions have been recommended, which members will be given an update about during the Planning Committee meeting.

7.3.7 It is considered that, given the nature of the proposed development, including its siting, scale and design, there would not be any significant adverse impacts, in terms of noise, odour, and pollution, on local or residential amenity if this application were approved. The proposal is considered to be acceptable subject to the imposition of the afore mentioned conditions. It is considered that the proposal would be in accordance with Policies DC50, DC52, DC53, DC55, and DC61 of the LDF

7.4 Access Considerations

7.4.1 Policy DC32 of the LDF states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed. Policy DC34 states that in appropriate circumstances, contributions will be sought towards planned initiatives to promote walking, including the Thames Pathway scheme.

7.4.2 The site is located in an existing industrial area that is served by a public highway suitable for heavy goods traffic. It is estimated that the proposal would generate around 56 traffic movements per day. The Council's Highway officers have considered the proposal and have raised no objections. In order to protect highway safety and amenity, it is recommended that a condition be imposed requiring details of the methods proposed to prevent the deposit of material in the public highway be submitted for the LPA's approval.

7.4.3 The GLA and Transport for London have commented on the proposal and have stated that additional information should be submitted to include the following. A Construction Logistics Plan, which provides details of how traffic will be managed during the construction phase; a scheme that considers green travel initiatives; a strategy for managing traffic movements to avoid peak hour traffic; and potential contributions towards public transport and public access provision. The GLA has stated that contributions should be made towards a new bus bridge and a public footpath alongside the Thames. Conditions can be imposed requiring details of a Construction Logistics Plan and a Delivery and Servicing Plan, should planning permission be granted.

7.4.4 The applicants have agreed to enter into a Section 106 agreement obligating them to provide the following: safeguard an area along the riverside part of site for use as a future Riverside Walk; adopt a Travel Plan for employees; and to contribute £100,000 towards a pathway alongside the Thames, public access improvements between Rainham and the river, street lighting along Marsh Way, and a bus bridge over Creek Way.

7.4.5 The Environment Agency have recommended conditions to ensure the stability of Creek Way, which they consider could collapse under more intense usage. This matter is considered further in the following section of this report.

7.4.6 In terms of its impact on highway safety and amenity, and having regard to access considerations generally, it is considered that the proposed development would be acceptable and in accordance with Policies DC32 and DC34 of the LDF, subject to the imposition of the afore mentioned conditions and the finalization of a Section 106 agreement.

7.5 Ecology

7.5.1 The site is located alongside two Metropolitan sites of Importance for Local Nature Conservation, and approximately 250m away from the Rainham Marshes SSSI. Policy DC58 of the LDF states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced.

7.5.2 An Ecology and Nature Conservation Assessment was submitted as part of the planning application. The site, which is an area of previously developed land and currently covered in a concrete hardstanding, was found to be of low ecological value.

7.5.3 An Ecological Appraisal has been submitted with the application, which concludes that the proposed extension of the working period would not have any significant adverse impacts on the area's ecological assets. Whilst the site is located in close proximity to other areas of land of higher ecological value, no cumulative effects or residual impacts were identified.

7.5.4 Policy DC59 of the LDF states that biodiversity and geodiversity enhancements, that are integral to new development, will be sought. The opportunities for seeking ecological and nature conservation enhancements within the site are very limited. The GLA has stated that a contribution should be made towards local ecology. The applicants have agreed to enter into a Section 106 agreement containing an obligation to contribute £50,000 towards off-site biodiversity enhancements.

7.5.5 The Environment Agency has objected to the proposal on the basis that an intensification of the use of Creek Way, which is not adopted, could destabilize the roadway and cause it to collapse into Rainham Creek. However, as this roadway is leased and maintained by the applicants, this matter can be resolved through the use of planning conditions requiring the submission of a scheme identifying any necessary repairs to Creek Way; establishing a short and long term maintenance plan; and requiring that the approved scheme be implemented.

7.5.6 No objections have been raised by the Environment Agency, however, conditions have been recommended, which members will be given an update about during the Planning Committee meeting.

7.5.7 Subject to the aforementioned condition and Section 106 agreement, in terms of its ecological impact, the proposal is considered to be acceptable and in accordance with Policies DC58 and DC59 of the LDF.

7.6 Flood Risk and Drainage

7.6.1 The site is located in Flood Zone 3a, as defined by the Strategic Flood Risk Assessment, although it benefits from flood defences located along the riverside. Policy DC48 of the LDF stipulates various requirements relating to major development proposed in Flood Zone 1, and any other development located in Flood Zones 2 and 3. It is stated that a sequential approach should be adopted, which directs development to the lowest appropriate flood risk zone; that flood storage capacity should not be constrained in the Flood Plain; and that necessary surface water drainage requirements are achieved. The LPA takes advice from consultees on the latter two issues.

7.6.2 This planning application was accompanied by a Flood Risk Assessment, which has been considered by the Environment Agency with no objections being raised. No objections have been raised by Thames Water.

7.6.3 It is recommended that conditions be imposed, should planning permission be granted, requiring the submission and approval of details relating to the proposed site drainage system and sewerage infrastructure.

7.6.4 The LPA is required to take a sequential approach to the location of proposed development, encouraging development in areas with the lowest risk of flooding possible. The guidance contained in PPS25 defines the proposal, which constitutes an industrial/waste processing use, as “less vulnerable” development. Less vulnerable uses are considered to constitute appropriate development in Flood Zone 3a. The proposed development will complement neighbouring waste processing facilities that are also owned and operated by the applicant. Given the synergies that can be achieved by locating the proposal at the application site, it is considered that the proposal could not more reasonably be located in an area at lower risk of flooding and that it therefore passes the Sequential Test.

7.7 Other Considerations

7.7.1 The GLA has stated that the applicant should make a commitment to strategies aimed at recruiting local unemployed people. A clause will be included in the proposed Section 106 agreement requiring the developer to use best endeavours to provide information about employment opportunities in relation to construction and operation to relevant agencies. There will also be an obligation to establish suitable training programmes in relation to the construction stage and operation of the development.

7.7.2 The applicants have provided energy calculations stating that the proposed facility would produce 9Gwh per annum of surplus heat. The GLA has requested additional information in relation to the use of heat recovery equipment, which would enable heat generated at the site to be transferred

to neighbouring development. It is recommended that a condition be imposed, should planning permission be granted, requiring the submission of details relating to heat recovery equipment.

7.7.3 The London Fire Brigade requires the installation of additional fire hydrants at the site to ensure there are sufficient water supplies to fight any potential fires at the site. This is considered to be a Building Control matter that can be dealt with after the planning phase, should planning permission be granted.

8. Conclusion

8.1 Officers consider the proposal to be acceptable, having had regard to Policies CP11, DC9, DC32, DC34, DC48, DC50, DC52, DC53, DC55, DC58, DC59, DC61, and DC72 of the LDF, and all other material considerations, subject to conditions and a Section 106 agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required to draft a new Section 106 agreement which is required to ensure that the applicants agree to the planning obligations described at the beginning of this report.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application form
The supporting information referenced in Condition 1.