



REGULATORY SERVICES COMMITTEE

14 March 2013

REPORT

Subject Heading:

Planning permission P0558.12 for the construction of a Sustainable Energy Facility comprising the erection and operation of a gasification/power generation plant, associated buildings, plant and infrastructure, issued on 30th August, 2012.

Land west of Fairview Industrial Park, Rainham.

Written consent is sought to allow solid recovered fuel to be sourced from the wider ELWA area and from further afield.

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

Local Development Framework
London Plan
National Planning Policy

Financial summary:

None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

In accordance with the legal agreement associated with planning permission P0558.12, written consent is sought to allow for solid recovered fuel to be sourced from alternative locations to the preferred options stipulated in that agreement. Consent is required to enable the operators of the proposed facility to address a shortfall in the waste fuel available to them from the preferred facilities. It is recommended that written consent be given to source fuel from elsewhere, subject to final consent from Head of Development and Building Control.

RECOMMENDATIONS

That the Committee delegate its authority to the Head of Development and Building Control to approve written requests to source waste fuel from given locations, subject to a sequential assessment being submitted demonstrating that as much fuel as possible is sourced in descending order of priority from the preferred locations and then from the wider ELWA area, prior to waste being imported from further afield commensurate with the continued economic viability of the Development.

REPORT DETAIL

- 1.1 Planning permission was issued on 30th August, 2012 for the construction of a Sustainable Energy Facility comprising the erection and operation of a gasification and power generation plant, along with associated buildings, plant and infrastructure. The proposed facility would make use of processed waste material as a fuel source in the generation of renewable energy. This waste fuel is known as solid recovered fuel (SRF), and the legal agreement associated with this planning consent, requires, for sustainability reasons, that the SRF be sourced from given facilities, located in close proximity to the proposed plant. However, the legal agreement allows for the applicant to seek written approval for the SRF to be sourced from other locations, where it would not be possible for them to achieve the desired supply of SRF from those facilities stipulated.
- 1.2 The associated legal agreement, dated 30th August, 2012, states that:
 - 2.1 *Subject to paragraph 2.2 of this Schedule, the Owner shall accept, process and store only solid recovered fuel as delivered from the Jenkins Lane Plant or the Frog Island Plant.*

2.2 *The Owner may subject to the written approval of the Council (such approval not to be unreasonably withheld or delayed) process solid recovered fuel at the Development from sources other than the Frog Island Plant or the Jenkins Lane Plant:*

2.2.1 *from within the ELWA Area where sufficient quantities of solid recovered fuel cannot reasonably be sourced from the Jenkins Lane Plant or the Frog Island Plant to satisfy the operational capacity of the Development;*

2.2.2 *from outside the ELWA Area where it can be demonstrated that insufficient quantities of solid recovered fuel can reasonably be sourced within the ELWA Area*

PROVIDED THAT it shall not be reasonable pursuant to this paragraph 2.2 for the Council to restrict the Owner to sourcing fuel from only the Frog Island Plant or the Jenkins Lane Plant under conditions and in circumstances that materially affect the economic viability of the Development AND PROVIDED FURTHER THAT the Council shall give such economic viability concerns due weight in approving requests to process solid recovered fuel from other sources in accordance with paragraphs 2.2.1 and 2.2.2

- 1.3 In order to proceed with the proposal, the applicant needs to ensure that they have a long term supply of SRF. In a letter submitted to the Council, the applicant has stated that only 25,000 tonnes per annum (tpa) of SRF can now be secured from the Frog Island and Jenkins Lane plants, as the operator of those two facilities has committed itself to other contracts during the time in which the applicants were seeking planning consent for their new facility. This falls significantly short of the 130,000tpa capacity of the proposal. The applicant is therefore seeking to source additional SRF from within the wider ELWA area, and if necessary, further afield, for instance, from Greater London and Essex.
- 1.4 Officers consider that sufficient evidence has been submitted to justify allowing the applicant to source SRF from the ELWA area and beyond, having regard to the Development Plan and all other material considerations. It is unclear at this point in time, which of the proposed alternative facilities the SRF will be sourced from, and this is the subject of on-going negotiations between the applicant and third parties. Officers consider that the applicant should source as much of its waste as possible from the preferred facilities, and then as much as possible from within the ELWA area, before resorting to facilities further afield.
- 1.5 It would be for the applicant to demonstrate in writing that this sequential approach has been rigorously applied, as and when the applicant is in a position to enter more advanced negotiations with potential suppliers. Officers therefore recommend that the Head of Development and Building Control be authorised to approve written requests to source waste fuel from given locations, subject to this sequential approach being adopted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Planning permission P0558.12 and its associated legal agreement.

2nd August, 2012
REPORT

REGULATORY SERVICES COMMITTEE

Subject Heading:

P0558.12 - The construction of a Sustainable Energy Facility comprising the erection and operation of a gasification/power generation plant, associated buildings, plant and infrastructure.

Land west of Fairview Industrial Park, Rainham.

Report Author and contact details:

Simon Thelwell (Planning Control Manager) 01708 432685

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 construction of a sustainable energy facility on land to the west of the Fairview Industrial Estate. The facility would employ gasification technology to generate renewable energy from solid recovered fuel (SRF) to be supplied from the Frog Island (Havering) and Jenkins Lane (Barking and Dagenham) waste processing facilities. The proposal would have a capacity of

130,000 tonnes per annum (tpa) and would generate approximately 25 megawatts of electricity along with heat that could be supplied to neighbouring properties.

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

(A)

That subject to:

- The expiration of the consultation period on 3rd August 2012 and there being no new consultation responses received raising material considerations other than those already considered by Committee; and
- There being no contrary direction from the Mayor of London under the Mayoral referral procedure

It is recommended that the Committee delegate to the Head of Development and Building Control authority to grant planning permission, subject to the completion of a legal agreement and planning conditions. If new material considerations are raised, then the matter shall be remitted back to Regulatory Services Committee for its further consideration and resolution.

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 940m² and amounts to £18,800.

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

- The safeguarding of an area along the riverside part of the site for use as a future riverside walk.
- A contribution of £150,000 to be used, either in part or in full, towards any of the following:
 - Thames side path to the south 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 £1,500 to fund an air quality monitoring program for a period of five years.
- A clause that the developer employs reasonable endeavours to ensure that the recommendations of the Local Employment and Training Scheme are taken into account by the Construction and Operations Contractors during the respective phases of the proposed development and if requested by the Council, to provide evidence of the measures taken to ensure the compliance of these Contractors with the Scheme
- A clause providing for the eventuality that, should the neighbouring Flogas site no longer be needed as a COMAH site, that the developer employs reasonable endeavours to provide a conveyor belt between the proposed facility and the neighbouring waste recycling facility to the east.
- A clause requiring the developer to undertake sufficient work within the site to enable the connection of the proposed facility to a heat network in the area, should one be established in future. The proposal should be connected to the heat network within two years of the network being established.
- Provision of a Travel Plan for employees of the proposed development to the satisfaction of the Council.
- A clause that the operator only uses solid recovered fuel, and only that produced at the Frog Island and Jenkins Lane facilities, except under given circumstances.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Council's reasonable legal costs in association with the preparation of the legal agreement shall be paid prior to completion of the agreement irrespective of whether or not it is completed.
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That, subject to there being no new material considerations, the Head of Development and Building Control be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time limit - 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. Accordance with plans - 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. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61

3. Drainage – The development shall not be commenced 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.

4. Flood Defences - Prior to the development hereby approved being brought into use, a survey of the existing river wall shall be submitted to and approved in writing by the Local Planning Authority to establish the following information:

- 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 scheme of works, including implementation dates, needed to raise the defences in the future by 600mm above the current flood defence level if needed to address future climate change.

The approved scheme shall thereafter be implemented by the developer.

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.

5. Flood Defences - Prior to the development being commenced, a proposal of the works necessary to bring the defences up to the life expectancy of the development (60 years for commercial) shall be 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 users of the site for the lifetime of the development.

6. Flood Defences – The development shall not be commenced until full details, including calculations and drawings, of all development to take place within 16 metres of the River Thames have been submitted to the Local Authority for its written approval.

Reason:

To maintain the integrity of the flood defences of the River Thames.

7. Ecology - No development shall take place until a scheme for the provision and management of a 16 metre wide buffer zone alongside the River Thames and a 5 metre wide buffer zone around the pond have been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

The buffer zone scheme shall be free from built development including lighting and formal landscaping. The schemes shall include:

- Plans showing the extent and layout of the buffer zone.
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- Details of any proposed fencing and lighting.

Reason:

To ensure that the development is compliant with Paragraph 109 of the NPPF and Article 10 of the Habitats Directive. Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

8. Japanese Knotweed - Prior to commencement of development a detailed method statement for removing or the long-term management of Japanese Knotweed (*Fallopia japonica*) and Giant Hogweed (*Heracleum Mantegazzianum*) on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Japanese Knotweed and Giant Hogweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason:

To prevent the spread of Japanese knotweed and giant hogweed which are invasive species. Without this condition avoidable damage could be caused to the nature conservation value of the site contrary to National Planning Policy as set out in the National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

9. Noise - Before any development commences details of a scheme shall be submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. Such scheme as may be approved shall be implemented prior to the development being brought into operation / use and thereafter retained in accordance with such details.

Reason: To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Core Strategy and Development Control Policies Development Plan Document.

10. Contaminated Land - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (having previously submitted 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, along with a Phase II Report);

- a) 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 Statement 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.

- b) 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 LPA ; and
- c) 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.

11. Construction Method Statement - 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.

12. Delivery and Servicing Plan - No development shall take place until a delivery and servicing plan has been submitted to and approved in writing by the Local Planning Authority. 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. Boundary Treatment - 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.

14. Materials - 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.

15. Highways - 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 proposed development 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.

16. Electric Vehicle Charging Facilities – No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the proposed provision and use of electric vehicle charging points on the proposed parking spaces. The approved scheme shall be implemented prior to the approved scheme being brought into use and shall apply to at least 20% of parking spaces.

Reason:

In the interests of sustainable development and in accordance with Policy 5.2 of the London Plan.

17. Archaeology - No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved scheme.

Reason:

Heritage assets of archaeological interest are likely to survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and in NPPF Chapter 12.

18. Archaeology - The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 18, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:

Heritage assets of archaeological interest are likely to survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and in NPPF Chapter 12.

19. Drainage - 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 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 ensure protection of controlled waters by ensuring contaminants present in the ground are not mobilised by the infiltration of surface water.

20. Groundwater - 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 protect controlled waters by ensuring piling is not carried out in contaminated land which would create a pathway for contaminants to groundwater below the site.

21. Cycle Storage - No development shall take place until details of the proposed cycle storage arrangements have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such for the life of the development.

Reason: In the interests of encouraging sustainable transportation measures and in accordance with Policy DC35 of the Development Control Policies Development Plan Document.

22. Dust – No development shall take place until a scheme for the control of dust drift has been submitted to and approved in writing by the Local Planning Authority. The operation of the proposed facility shall be undertaken in accordance with the approved details.

Reason:

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

23. Ecology - The proposed development shall be undertaken in accordance with the ecological mitigation measures referred to in Section 13.11 of the submitted Environmental Statement.

Reason:

To protect the Inner Thames Marshes and Ingrebourne Marshes SSSIs.

24. Waste Types – At no time shall putrescible waste be imported onto the development site.

Reason:

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

25. Storage - There shall be no storage of waste material, including Solid Recovered Fuel, or containers on the development site in the open air.

Reason:

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

26. Flood Risk – The proposed development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) CRM.007.002 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed 5l/s/ha for the whole site if discharged to Havering Main Sewer. FRA ref 6.6 - 6.9

2. Provision of compensatory flood storage on / or in the vicinity of the site to a 1 in 100 year + climate change standard.

Reason:

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

2. To prevent flooding by ensuring that compensatory storage of flood water is provided.

27. Permitted Development Rights - 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.

28. Landscaping - 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 completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:

In the interests of visual amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

29. The proposed vehicle parking area shall be provided prior to the proposed development being brought into use and shall be retained for the life of the development.

Reason:

In the interests of highway safety and amenity and in accordance with the Development Control Policies Development Plan Document Policy DC32.

Or (B)

In the event that the Section 106 agreement is not signed and completed by the expiry of this application's determination date on 30th August 2012, that planning permission be refused on the grounds that the proposal does not make adequate arrangements:

- (a) for the provision of environmental and connectivity improvements in the local area;
- (b) a Travel Plan;
- (c) an air quality monitoring scheme to measure the impact of the proposal;
- (d) the potential provision of a conveyor belt to provide a sustainable means of transportation between the proposed facility and its waste source;
- (e) for providing training/employment opportunities for local people.

Informatives

Reason for Approval

The proposal would be located on land, which already benefits from planning consent for a renewable energy facility that is safeguarded under Schedule 1 of the Joint Waste Development Plan Document for East London. The proposed development would employ a different type of gasification technology, which the applicants consider to be more commercially viable and which would be more efficient in terms of waste to energy output. The proposal would have a higher waste capacity than the approved scheme and therefore provides additional waste capacity over and above what has been safeguarded. The additional waste capacity is not required to meet the waste capacity gap for recovery identified in the Joint Waste DPD and the proposal is therefore considered to be contrary to Policy W2. However, the unneeded additional waste capacity is considered to be relatively modest and the proposed development would provide significant environmental benefits, which it is considered outweigh the proposal being contrary to the Development Plan. The proposal would divert waste away from landfill and would generate a substantial amount of renewable energy. The proposal would generate significantly more renewable energy than the previously approved, and safeguarded, scheme with only a modest increase of waste capacity over and above the approved scheme. It is therefore considered that there are other material considerations that overcome the Departure from the Development Plan.

In terms of the proposal's visual, highway, amenity, and environmental impacts, it is considered that there would not be any significant adverse impacts subject to the use of conditions and the completion of a Section 106 Agreement.

It is considered that the proposal satisfies the relevant criteria of Policies CP11, DC9, DC32, DC34, DC35, DC48, DC50, DC52, DC53, DC55, DC58, DC59, DC61, DC66 and DC72 of the LDF Development Control Policies Development Plan Document. The proposal is considered to be acceptable having had regard to the Development Plan and all other material considerations.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with

the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

Archaeology

The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.

Japanese Knotweed and Giant Hogweed

The applicant could be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) should they cause a Schedule 9 plant species to grow in the wild. Japanese Knotweed and Giant Hogweed are both listed on Schedule 9 of the Act.

Use of herbicides

Our prior written consent is required for the use of herbicides on or near a watercourse. This is to ensure that the herbicides will not have a detrimental affect on the riverine habitat. A copy of the application form can be found on the following link: <http://www.environmentagency.gov.uk/homeandleisure/wildlife/31350.aspx>

Flood Defence Consent

Our Prior Written consent is required for any works in, over or within 16 metres of the River Thames under the Thames Byelaws. If the applicant wishes to apply for Flood Defence Consent they should email DCLondon@Environmentagency.gov.uk.

Highways

The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

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 site is an irregular shaped area of land located to the west of the Fairview Industrial Estate on land that has hitherto been in use by the Ford motor company for the storage of vehicles. The site area, including the access route, is 3.5 hectares in area. The site is accessed from Frog Lane, which is a private road running south from Marsh Way. Frog Lane runs in a north-south direction with the Fairview Industrial Estate and Ford land located on either side of it. The operational area would be located alongside the River Thames.
- 1.2 The site's eastern boundary lies adjacent to the Fairview Industrial Estate; the southern boundary runs alongside the River Thames, which is designated in the LDF as a Metropolitan level Site of Nature Conservation Importance; the western boundary runs alongside land forming part of the Ford motor company estate; whilst the northern boundaries abut Ford land and the public highway.
- 1.3 The site is located on land designated as a Strategic Industrial Location in the LDF, and the site is listed in Schedule 1 of the Waste DPD. The site is located within Flood Zone 1, as defined by Havering's Strategic Flood Risk Assessment. The Inner Thames Marshes and Ingrebourne Marshes Sites of Special Scientific Interest (SSSI) are located to the east and south east.

2. Description of Proposal

- 2.1 This planning application proposes the construction of a sustainable energy facility, which would generate renewable energy through the use of gasification. The gasification process involves the heating of waste or other material, which releases fuel gas, such as methane, which can then be burnt to generate electricity. The proposed fuel in this case would be solid recovered fuel (SRF), produced at the neighbouring Frog Island waste processing facility, along with another facility at Jenkins Lane, Barking and

Dagenham. The SRF in this case would comprise the fractions of Municipal Solid Waste that remain after recyclates, garden and food waste have been recovered from the waste generated.

- 2.2 The proposed facility would receive up to 130,000 tpa of SRF and would have an output of approximately 25MW, around 21.4MW of which would be available for export to the National Grid. It is anticipated that the proposal would produce enough electricity to power over 50,000 homes. The gasification process would produce residues consisting of a mixture of bottom ash (inert) and fly ash (hazardous). Both of these resultant materials are capable of being recycled, they can be used in the manufacture of concrete blocks for instance although treatment will be required either on-site or off-site in the case of the hazardous material.
- 2.3 Planning permission has already been granted for a gasification facility at the site (planning permission P0650.11, granted 14th November 2011). However, the applicants have decided to seek consent for a modified proposal, which they consider would involve a more efficient and commercially viable process. As a result, the proposal under consideration would have a very different appearance to the previously approved scheme. The proposal under consideration would have a more vertically orientated design than the previous scheme, being significantly taller. The proposal would process around 32,000 tpa more material than the previously approved scheme, but produce around 25% more energy per tonne of waste.
- 2.4 The proposed development will comprise buildings, plant, and hardstanding areas for vehicle parking, manoeuvring, and access. The operational area of the site is located in a rectangular area alongside the River Thames. The proposed structures would include a fuel reception and storage building, gasifier building, boiler hall, turbine hall, administration/visitor/workshop building, hot gas filters building, and a chimney, along with silos and tanks. The proposal would also include fencing, external lighting, the installation of weighbridges, and a riverside pathway. The proposed chimney would be the tallest structure with a height of 80m above ground level, however, a number of the other structures would also be relatively tall, generally being between 19m and 48m in height above ground level.
- 2.5 The main cluster of plant and buildings at the centre of the operational area, would have an overall footprint of around 4,000sqm. This cluster of plant and buildings include the turbine house, gas boiler, hot gas filters, and gasifier hall at the southern end of the site, which would form the main 'frontage' of the development as viewed from the River Thames. Taken together, these buildings would have a width of approximately 80m and a depth of 24m. The air cooled condensers, having a footprint of around 650sqm would run parallel with the site's western boundary, whilst the parking area, site office and visitor centre building would be located alongside the northern boundary of the operational area. A 3m wide cycle and pedestrian path is indicated running alongside the River Thames.

- 2.6 The proposed plant and buildings would be finished in a variety of materials including aluminium curtain walling, aluminium mesh, silver metallic cladding, and translucent cladding materials.
- 2.7 The proposal would be operated on a 24 hours per day, 7 days per week basis. The delivery of fuel by road would be between 0600 and 2000hrs, Monday to Saturday. It is anticipated that the facility would generate 266 vehicle movements per day, 204 of which would be HGVs. The proposal would create 25 full-time jobs over the 25 year life of the facility.
- 2.8 During the construction phase, two temporary areas alongside Frog Lane would be used as storage compound and layby areas.

3. Relevant History

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

P0650.11 – 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) – Approved 14th November 2011.

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 on 24th August 2010.

U0004.06 – Construction of sustainable energy facility comprising the erection of gasification power generation plant and associated building and plant – Approved on 2nd July 2008.

4. Consultations/Representations

- 4.1 This application was advertised by site notice and in the local press. Notification letters were sent to 175 neighbouring addresses. A representation has been received from a member of the public stating that there should be a requirement that the Thames Path extension not be obstructed.

4.2 Statutory Consultees

Natural England	No objections; conditions recommended.
English Heritage	No objections; conditions recommended.
Environment Agency	No objections; conditions recommended.

	Greater London Authority	Additional information is required.
4.3	Non statutory Consultees	
	Transport for London	No objections; conditions recommended.
	Environmental Health	No objections. Planning conditions recommended in relation to noise, air quality, and contaminated land.
	Highways	No objections subject to a planning obligation.
	Thames Water	No objections.
	Essex and Suffolk Water	No objections.
	London Borough of Bexley	No objections; however, it is considered that there is no strategic justification for the proposal.

5. Relevant Policies

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

CP10 (Sustainable Transport)
 CP11 (Sustainable Waste Management)
 DC9 (Strategic Industrial Locations)
 DC32 (The Road Network)
 DC34 (Walking)
 DC35 (Cycling)
 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)
 DC66 (Tall Buildings and Structures)
 DC72 (Planning Obligations)

5.2 Joint Waste Development Plan Document ("the Waste DPD")

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

5.3 The London Plan

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

5.4 Relevant national planning guidance:

The National Planning Policy Framework

PPS10 (Planning for Sustainable Waste Management)

6. Staff Comments

6.1 This proposal is put before Planning Committee as it is a Major development, which is contrary to the Development Plan.

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

7. Assessment

7.1 Principle of development

7.1.1 Policy CP11 of the LDF states that the Council is committed to increasing recycling and reducing the amount of waste being sent to landfill. 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. The proposal would assist in diverting waste from landfill by providing a destination for material that is difficult to recycle or reuse. 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." Policy DC50 of the LDF 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.

7.1.2 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 Waste DPD and Policy CP11 of the LDF.

7.1.3 The London Borough of Bexley have raised no objections to the proposal but questioned the need for waste facilities of this nature. Both the London Plan and the Waste DPD support advanced waste processing facilities such as this one, subject to compliance with other planning policies.

7.1.4 The Waste DPD was formally adopted by the East London Boroughs on 27th February 2012. This document sets out East London's waste planning strategy to 2021, identifying the levels of waste management capacity required by the area and guiding the location of facilities to address this requirement. One of the Waste DPD's objectives is to:

“Reverse the historical trend of the ELWA area being the dumping ground for London's waste.”

7.1.5 Policy W2 of the Waste DPD sets out the amount of waste to be managed by the East London boroughs up to 2021, as established in the London Plan, and identifies preferred sites within the plan area that can be developed to provide the required capacity to manage this waste. The identified waste capacity requirement refers to the difference between the amount of processing capacity available and the amount of waste that needs to be dealt with. In relation to the recovery of waste, which includes gasification facilities, the Waste DPD identifies that there is a capacity gap, meaning that more processing capacity is needed in order to meet the apportionment.

7.1.6 As of 2011, the identified capacity gap in relation to the recovery of waste is identified as being 262,710 tpa, increasing to 269,370 tpa by 2021. This means that in order for the East London Boroughs to meet their London Plan waste apportionment, new waste recovery facilities will be required to address this shortfall. However, this shortfall in waste recovery capacity is likely to be met with over 300,000 tpa of capacity having been approved by the East London boroughs since the waste capacity gap was established.

7.1.7 Policy W2, in addition to outlining the amount of waste capacity that East London requires, also establishes preferred sites for the development of new capacity. Schedule 1 sites are safeguarded waste management facilities that are already approved or operational. Policy W2 states that the ELWA boroughs will meet their waste apportionment by safeguarding the waste capacity of those facilities listed in Schedule 1, and by encouraging increased processing at these facilities towards the licensed amounts. The Joint Waste DPD assumes that the Schedule 1 facilities are running at 75% of capacity.

7.1.8 The site under consideration has planning permission for a 98,000 tpa capacity gasification facility, which is listed under Schedule 1 of the Waste DPD. The proposed gasification facility would have a capacity of 130,000 tpa, providing 32,000 tpa of additional waste recovery capacity that is not required given that the waste capacity gap for recovery has already been filled. Whilst Policy W2 states that the ELWA apportionment will be met through the safeguarding of Schedule 1 facilities, and encouraging

increased throughput at these, it would not be necessary to encourage any increased throughput in this case as the apportionment to 2021 has already been met.

- 7.1.9 Whilst it is considered that the principle of a 98,000 tpa gasification facility is already established at the site, it is also considered that the additional capacity being proposed in this case is unnecessary and would result in the area significantly exceeding its waste apportionment. Paragraph 4.11 of the Waste DPD states that:

“...sites will only be approved where they are needed to contribute to meeting the London Plan apportionment figures for the ELWA boroughs, and capacity sought only where there is an identified need.”

The proposal is therefore considered to be contrary to Policy W2 of the Waste DPD.

- 7.1.10 Policy W5 states that applications for new facilities that manage non-apportioned waste must demonstrate that there is not a more suitable site nearer to the source of waste. The application under consideration proposes a new facility for the management of non-apportioned waste without demonstrating that there is a more suitable site nearer to the source of waste. However, the submitted information states that the proposed fuel source would be the neighbouring waste processing facility to the east, along with another facility at Jenkins Lane. It is considered unlikely that there could be a more suitable location for the proposed facility in relation to its proximity to the source of waste.

- 7.1.11 Whilst the proposal would be contrary to Policy W2 of the Waste DPD, weight must also be given to the other material considerations, which might be considered sufficient to overcome the departure from the Development Plan. The proposal would generate approximately 25MW of renewable energy, the vast majority of which would be available for export to the national grid. The proposal would employ a more efficient type of gasification technology than the previously approved scheme, and it is anticipated that 25% more electricity can be produced for the same amount of fuel input. The previously approved scheme would produce 13MW of electricity from 98,000tpa of SRF, compared to 25MW from 130,000tpa of SRF in the case under consideration. There is also potential for the export of heat from the scheme to neighbouring properties. The Greater London Authority have requested additional information concerning proposals for the export of heat from the scheme. The applicants are currently preparing additional information and Members will be updated at Committee. It is proposed to secure a combined heat and power scheme by means of a Section 106 agreement.

- 7.1.12 The submitted information states that the proposal could provide enough electricity to power over 50,000 homes, and would also have the potential to provide heat to neighbouring properties as part of a combined heat and power scheme. Moreover, the siting of the proposal alongside existing,

advanced waste management facilities, including the Frog Island Mechanical and Biological Treatment facility, from which the proposal would derive much of its fuel, would reduce the distances involved in transporting waste material. The proposal would also provide 25 full time jobs.

7.1.13 The job creating benefits of the proposal are considered to be of limited weight, given that other uses could be developed at the site that could generate even more employment opportunities. However, when taken together with the environmental benefits of the proposal, given that it would be well sited in relation to the source of waste; help to divert waste away from landfill; and generate a significant amount of renewable energy, are considered to be of significant weight.

7.1.14 Whilst the proposal is considered to be contrary to Policy W2 of the Waste DPD, it is considered that the environmental benefits of the proposal outweigh this.

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. Policy DC66 stipulates the criteria that must be satisfied to justify the siting of tall buildings or structures (above 18m in height) outside of Romford Town Centre.

7.2.2 The site is located on land designated as a Strategic Industrial Location and the surrounding area is characterised by “employment” related development. The Fairview Industrial Estate is located immediately to the east and the site is adjoined by a large area of hardstanding associated with the Ford motor company, which is located to the west. A significant amount of industrial development, including energy from waste facilities, along with large wind turbines, are located on the other side of the river, in the London Borough of Bexley.

7.2.3 The GLA have requested additional information in relation to the design of the proposal, which the applicants are in the process of preparing. Members will be updated at Committee of the outcome of these discussions.

7.2.4 The proposal would result in a significant amount of operational development on what is currently an area of open land, although there is extant planning permission for the development of a similar gasification facility at the site, which would also bring a large-scale industrial development to the site if it were implemented. However, the physical appearance of the proposal does differ significantly from what has previously been approved. The new gasification technology now being proposed means that the proposed facility would have a more vertically-orientated appearance.

7.2.5 The proposal would have a modern, industrial appearance and, as discussed earlier in this report, would have a stack that is 80m in height above ground level, along with various other buildings and structures ranging from approximately 19m to 48m in height. A number of these structures would have significant bulk and massing. The proposal would be visible from various public rights of way in the surrounding area and would be prominent from the river. The proposed chimney would be visible from a wide area, although, given its slim appearance, it is not considered that this would result in a significant adverse impact on visual amenity, particularly given the preponderance of other, existing tall structures in the area. The remainder of the site structures, a number of which would have significant height, bulk, and massing, would also have a significant visual impact, but this impact is not considered to be significantly harmful given the nature of the surrounding landscape, which is already characterised by large scale, industrial development.

7.2.6 In the interests of visual amenity, it is recommended that a condition be imposed preventing the storage of waste material and containers in the open air. Conditions should also be imposed requiring the submission of material samples for the approval of the local planning authority.

7.2.7 The proposal would result in tall structures being constructed outside of Romford Town Centre. It is considered that the height of the proposal is necessary to facilitate the process being proposed. The applicants consider the proposed technology to be more efficient and commercially viable than that to be contained in the previously approved, and safeguarded, scheme. The site is clearly a more appropriate location for the proposal than Romford Town Centre given its industrial nature. It is considered that the proposal has the potential to become a landmark development alongside the Thames, accompanying other large-scale, landmark industrial buildings such as the energy from waste facilities in Bexley. The proposal has an “honest” design which signifies its function and it is considered that the proposed use of light-metallic coloured materials would result in a high quality finish. The visual impact of the proposal is considered to be acceptable and the siting of the facility appropriate; it is considered that the proposal would not be contrary to Policy DC66 of the LDF.

7.2.8 Given the nature of the proposal, including its siting, scale, and design, and the nature of the surrounding landscape, it is considered that it would be in accordance with Policies DC50, DC61 and DC66 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 of the LDF 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 site is located in an industrial area; the nearest residential properties are located over a kilometre from the site to the north. The Council's Environmental Health officers have raised no objections to the proposal subject to the use of conditions relating to the control of noise and contaminated land. These conditions should be imposed if planning permission is granted.
- 7.3.3 It is considered that the Environmental Statement contains sufficient information in relation to the control of air pollution not to warrant a planning condition in relation to this matter. Emissions are also a matter that will be controlled by the Environment Agency as part of the Environmental Permitting regime. The site is located in an Air Quality Management Area. The sources of new air emissions will be from road traffic associated with the proposal and from the proposed stack, including nitrogen dioxide, sulphur dioxide and others. The cumulative impact of the proposal and other, similar developments in the area has been considered as part of the Environmental Impact Assessment, particularly in relation to sensitive receptors including residential and other development located to the north, to ascertain potential impacts on human health. The likely impacts on nearby ecological sites have also been considered. It is concluded that the impact of the proposed development on local air quality, the general population, and the local community would not be significant. The Council's Environmental Health officers have raised no objections in relation to air quality impact, although a financial contribution of £1500 is being sought towards the cost of air quality monitoring measures in the local area.
- 7.3.4 The proposed legal agreement also contains a requirement that the proposed facility only use SRF produced at the Frog Island and Jenkins Lane processing facilities. This would assist in limiting the nature of the impacts that arise from the development.
- 7.3.5 Should planning permission be granted, it is also recommended that conditions be imposed preventing the storage of waste in the open air; prohibiting the importation of putrescible waste; and requiring the submission of details relating to the control of dust. These conditions would assist in preventing any significant adverse impacts arising from odour and dust drift.
- 7.3.6 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, or pollution, on local or residential

amenity if this application were to be approved. The proposal is considered to be acceptable subject to the imposition of the aforementioned conditions. It is considered that the proposal would be in accordance with Policies 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.

7.4.2 The site is located in an existing industrial area that is served by a public highway suitable for heavy goods traffic. The site access and turning areas are capable of handling HGVs movements. It is estimated that the proposal would generate around 204 lorry movements per day. The Council's Highway officers have considered the proposal and have raised no objections subject to a planning obligation that the developer makes a financial contribution towards the provision of street lighting along Marsh Way.

7.4.3 Transport for London were consulted about the proposal with no objections being raised subject to the use of conditions requiring the submission of a travel planning details, a Delivery and Servicing Plan, and a Construction Logistics Plan, along with details relating to electrical vehicle charging points to be used within the site. The GLA have endorsed these comments, adding that further details be required in relation to cycle storage arrangements. It is recommended that conditions be imposed requiring the submission of this information and compliance with any details approved. It is recommended that the proposed Travel Plan be sought by means of the legal agreement to be completed by the applicant prior to the grant of planning permission.

7.4.4 Transport for London have also stated that financial contribution towards local connectivity improvements should be sought. The Council's Highway officers have raised no objections to the proposal subject to a planning obligation requiring a financial contribution towards street lighting along Marsh Way. The legal agreement relating to the previously approved gasification facility at the site included various provisions relating to connectivity and access improvements, which it is recommended are carried over as part of a new legal agreement, with changes where necessary to reflect the increased size of the proposed facility.

7.4.5 It is recommended that the proposed legal agreement include the requirement for a financial contribution of £150,000 to be used in part or in whole towards the costs of street lighting along Marsh Way, the Thames Path, accessibility improvements between Rainham village and the River Thames, and local public transport improvements. It should also be a requirement that an area alongside the river wall be safeguarded for use as a riverside pathway and that reasonable endeavours be made by the developer to secure a conveyor belt system between the site and the Frog Island facility to reduce vehicle movements.

7.4.5 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 Council's approval.

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 CP10 and DC32 of the LDF, subject to the imposition of the aforementioned conditions and the completion of a Section 106 agreement.

7.5 Ecology

7.5.1 The site is located alongside a Metropolitan Site of Nature Conservation Importance and in close proximity to the Inner Thames Marshes and Ingrebourne Marshes SSSIs. Policy DC58 of the LDF states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced. Natural England have been consulted about this proposal and raised no objections subject to the use of a condition requiring the implementation of those protection measures proposed in the submitted Environmental Statement. This condition should be imposed if planning permission is granted.

7.5.2 The Environment Agency have also proposed conditions, should consent be granted, requiring a 16m stand-off distance from the River Thames along with a further condition relating to the control of Japanese Knotweed. These conditions should be imposed if planning permission is granted.

7.5.3 Subject to the use of the aforementioned conditions, the proposal is considered to be acceptable, having had regard to Policies DC48, DC58, and DC59 of the LDF.

7.6 Flood Risk and Drainage

7.6.1 The site is located in Flood Zone 1, as defined by Havering's Strategic Flood Risk Assessment. 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 Essex and Suffolk Water or Thames Water.

7.6.3 The Environment Agency has recommended several conditions relating to surface water drainage; the survey, maintenance and protection of the river defence wall; and the protection of ground waters. It is recommended that these conditions be imposed should planning permission be granted.

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. Given that the proposal is located in Flood Zone, it is not considered that there are any other sites that the proposal could be located on that would be at lower risk of flooding.

7.6.5 Subject to the use of the afore mentioned conditions, the proposal is considered to be in accordance with Policy DC48 of the LDF.

7.7 Other Considerations

7.7.1 The proposal would result in the erection of 940sqm of new buildings and would therefore give rise to a Mayoral CIL payment of £18,800.

7.7.2 Policy W5 of the Waste DPD stipulates the types of information that should be included with planning applications for waste development, including mitigation measures to minimise or avoid various types of impact. The proposal is considered to be acceptable in relation to this policy.

7.7.3 The GLA has stated that the applicant should make a commitment to strategies aimed at training local people during the construction phase of the development and in the operation of the proposal. A clause will be included in the proposed Section 106 agreement requiring the developer to use best endeavours to provide training opportunities in relation to the construction and operation of the development.

7.7.4 Policy DC70 of the LDF states that planning permission will only be granted where satisfactory provision is made for the preservation and recording of archaeological remains. English Heritage were consulted about the proposal and have recommended the use of conditions, should planning permission be granted, requiring a site investigation and other measures to protect any onsite archaeology. It is recommended that this condition be employed.

7.7.5 The GLA have stated that the applicant should provide additional information relating to the design of the proposal and the proposed combined heat and power plant. Members will be updated at Committee with any revised comments that are received.

7.7.6 The application has been recommended for approval subject to conditions and the completion of a legal agreement by 30th August 2012, the heads of terms for which were detailed earlier in this report. In the event that the legal agreement is not completed by the 30th August 2012, it is recommended that the application be refused on the following grounds:

- 1) The failure to make provision for environmental and connectivity improvements in the local area; an employee Travel Plan; and a potential conveyor belt, would result in insufficient sustainable transport measures being provided, contrary to Policies CP10 and DC72 of the LDF.
- 2) The lack of provision for training/employment opportunities for local people is such that the proposal would be contrary to Policies DC13 of DC72 of the LDF.

8. Conclusion

- 8.1 Whilst it is considered that the proposal would be contrary to Policy W2 of the Waste DPD, it is considered that other material considerations overcome this departure from the Development Plan, namely that the proposal would provide significant benefits in relation to the production of renewable energy and heat. The proposal is considered to be acceptable, subject to the aforementioned conditions and the completion of a legal agreement that would achieve the objectives outlined earlier in this report.
- 8.2 Officers consider the proposal to be acceptable, having had regard to Policies W2 and W5 of the Waste DPD, along with Policies CP10, CP11, DC9, DC32, DC34, DC35, DC48, DC50, DC52, DC53, DC55, DC58, DC59, DC61, DC66 and DC72 of the LDF, and all other material considerations.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Planning application P0558.12; all submitted plans and information including Environmental Statement, application form, and certificates.