

PLANNING COMMITTEE MEETING: 8th July 2010

**PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC
REPORT OF THE DIRECTOR OF PLANNING**

UDC CASE NUMBER:	LTGDC-10-045-FUL	DATE MADE VALID:	26/03/2010
APPLICATION NUMBER:	10/00287/LBBD	TARGET DATE:	

APPLICANT:	Thames Gateway Power
AGENT:	Stratus Environmental
PROPOSAL:	Erection of an 18,296 sq.m. industrial building incorporating a 43.6 metre high stack to be used as an energy generation facility to generate low carbon renewable combined heat and power with associated offices, highway alterations, 2 storey car park, boundary treatment and landscaping.
LOCATION:	Site previously known as Abacus Park, Choats Road, Dagenham, Essex

1. SUMMARY

1.1 The application seeks full planning permission for a 18,296m² industrial building incorporating a 43.6m high chimney stack and associated development to be used as an energy generation facility (referred to as the Thames Gateway Energy Facility (TGEF)). An Environmental Assessment was submitted with the application. The proposal would process approximately 120,000 tonnes of non-recyclable waste per year to generate low carbon renewable heat and power through an Advanced Thermal Treatment (ATT) gasification process.

1.2 The key considerations are the principle of the land uses, waste management, environmental considerations (flood risk / contamination / air quality / noise / visual impact / biodiversity), renewable energy, traffic generation and Section 106 / Planning Obligations. The theme of efficient waste management and recycling is supported by planning policy at the national, regional and local level.

1.3 In terms of environmental considerations (flood risk / contamination / air quality / noise / visual impact / biodiversity), the Environmental Statement submitted with the application concludes that impacts are either negligible or minor beneficial and responses from consultees support these conclusions subject to appropriate conditions. In respect of visual impact, landscape character, ecology, nature conservation, archaeology and historic environment again there are no significant objections.

1.4 In terms of transport movements to and from the site during both the construction and operations phase, the conclusions of the Environmental Statement that the impacts in respect of highway capacity and highway safety are considered either negligible or moderately beneficial predicated on the transport assumptions made as part of the extant outline planning permission are accepted.

1.5 Given the planning policy for the area, the information in the Environmental Statement and responses from consultees, the application is recommended for approval subject to conditions and a S106 and referral to the GLA.

2. SITE AND PROPOSAL

Description of Site & Surroundings

2.1 The application site is located on land immediately to the west of Choats Manor Way, north of Choats Road. The site forms part of the larger Dagenham Dock area, an area of some 133 hectares (329 acres) of industrial and warehousing land bounded to the south by the River Thames and to the north by the Goresbrook and beyond that the London-Tilbury-Southend railway line and the Channel Tunnel Rail Link (CTRL). The western boundary of the area is formed by the Goresbrook as it sweeps south towards the Thames and beyond that the Barking Riverside site, which will accommodate over 10,800 new homes, along with the services, community facilities and open space needed to deliver a sustainable community.

2.2 The application site and the wider area around it are owned by the Development Corporation who are promoting the area as a Sustainable Industries Park (SIP). The Thames Gateway Energy Facility (TGEF) will be developed on land which forms part of the northern area of the SIP, which has the benefit of outline planning permission for offices, industrial and commercial, distribution warehouse uses (B1, B2 & B8).

2.3 The TEGF site is rectangular in shape, measures approximately 3.34 hectares and is relatively flat in nature. The site is currently vacant and principally made up of semi-rough ground with limited vegetation cover, which is restricted mainly to the perimeter edges of the site and on the southern bank of Goresbrook. The site is dominated by a series of high voltage pylon lines which cross the site and the surrounding industrial and commercial buildings to the immediate north, east and south. In recent years the proposed site formed the main part of a wider area which was used for construction purposes in connection with the building of the Channel Tunnel Rail Link (CTRL).

Description of Proposal

2.4 The application proposes redevelopment to provide:

- 18,296m² industrial unit and ancillary offices.
- 43.6 metre high flue stack.
- Highways alterations, 2 storey car park & cycle provision.
- Landscaping, boundary treatment and associated and ancillary works.

The development falls within Schedule 1 of the Town and Country Planning

(Environmental Impact Assessment) Regulations 1999 (as amended) and is therefore accompanied by an Environmental Statement (ES).

3. MAIN ISSUES

- Land Use
- Waste Management
- Noise
- Air Quality
- Building Design
- Sustainability & Energy Matters
- Biodiversity
- Land Contamination
- Flood Risk
- Transport Matters
- Archaeology
- Planning Obligations Community Benefit Strategy

4. RELEVANT SITE HISTORY

Application No. 01/00308/OUT – Outline application: Redevelopment of site for B1, B2 and B8 use including associated roads, footpaths and landscaping. The application was approved along with a Section 106 legal agreement.

Application No. 04/00524/OUT – Outline application for redevelopment of site and change of existing use to Class B1, B2, B8 together with associated footpaths and landscaping without compliance with condition 2 attached to outline permission No. 01/00308/OUT (this condition sought to control the exact mix of B1, B2 and B8 uses). The application was approved subject to a Section 106 legal agreement.

5. CONSULTATIONS

Greater London Authority (GLA)

5.1 London Plan policies on principle of land use, waste, climate change mitigation & adaptation, design and access, employment and training, and transport and parking are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- Land use: The principle of land use for energy facility development in the area designated as Strategic Industrial Location complies with policy 4A.27 of the London Plan.
- Waste management: The application positively contributes towards the waste policy objectives in the London Plan provided that the feedstock is non-recyclable waste.
- Climate change mitigation & adaptation: The applicant's overall approach is broadly supported. However, a detailed energy strategy should be submitted and the proposed measures stated in the environment statement should be

conditioned. The applicant should provide evidence of discussions with the LDA decentralised energy team and indicative timescales for linking the waste heat to the Thames Gateway Heat Network.

- Design: The design should be revised in terms of boundary treatment.
- Inclusive design: The design and access statement should be revised to fully accommodate inclusive design and all proposed measures should be conditioned.
- Employment & training: An employment and training strategy should be submitted and conditioned.
- Transport & parking: Further information on the feasibility of the use of river borne transport, details of cycle parking, travel planning measures, construction logistics plan, delivery & servicing plan and details of electric charging points are required. All these should be secured by conditions.

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Transport Development Management

Existing Highway Network and Impact

5.3 To enable the facility to operate to the level proposed it is estimated that the number of trips in a day by HGV's will be 86 and by private vehicles 70. The development is unlikely to create a significant number of additional vehicle movements in the area compared with the previous permission for this site. Therefore in principle LBBDD do not have any concerns regarding available capacity on the existing highway network. It seems that using the river or rail transport networks are not viable options given the volume of material involved. This should be explored further at a later date if, as is suggested in the applicant's statement, it becomes clear that these forms of transport could be used if quantities were increased as additional demands on the highway network.

Public Transport

5.4 The PTAL rating for the local area is low even with the East London Transit (ELT) bus system which connects to Barking Town Centre and the C2C Dagenham Dock Station.

5.5 It should be noted that with the proposed development growth in the surrounding areas, access to additional public and sustainable forms of transport should be made available where possible. One way would be to improve public transport with the introduction of a north - south bus route (Dagenham Heathway via Choats Manor Way to Dagenham Dock). It is acknowledged that this particular development alone would not necessarily require or would necessitate an expansion for a bus route to the site but it will form part of the SIP site, for which public transport access will be highly important. Consideration should be given to the applicant making a financial contribution to both public transport and cycle network expansion in the vicinity of the site and to be secured by a section 106 agreement.

Skills Learning & Employment

5.6 Skills, Learning and Employment are keen to ensure that training and employment clauses are contained within any approved scheme. Also, from a business perspective the developer should aim to source goods and materials locally wherever possible to support local supply chain development.

The applicant has advised that they would be willing to enter into a local labour agreement to secure training, employment and local supply of goods. The details would be secured by way of a S.106 legal agreement.

Environmental Health & Trading Standards

Noise

5.7 Initially there were concerns about one aspect of the overall conclusions drawn by the consultant in the report. Whilst neither construction nor day-time operational noise present a problem there were potentially issues around noise levels at night in relation to the nearest residential properties (Shaw Gardens) and how these were calculated. Following a revised noise assessment from the applicant, it was demonstrated that it is unlikely that there would be a negative impact on such residents and the Environmental Health team have confirmed they are happy with the revised assessment.

Land Quality

5.9 The report reviews previous site investigations that have been carried out and comments that localised contamination has been found. Need to use the standard land contamination conditions to ensure that any contamination on the site is appropriately dealt with and properly disposed of.

Air Quality

5.10 The greatest impact of the development on air quality will be dealt with by the conditions imposed by the Environment Agency (EA) as part of their permit process that will ensure ground level concentration of pollutants remain acceptable. The other area of concern relates to the impact of traffic related air pollution on the surrounding area which falls under the transportation section (where it is noted that traffic generation will be less than for what was previously permitted on the site).

Commission for Architecture & the Built Environment (CABE)

5.11 CABE applaud the successful cooperation between developer, local authority and the LTGDC and commend the crisp and clear design approach, generating a simple and elegant box. They welcome the clarity of the proposed building and rigorous regularity of the elevations which goes well together with the industrial nature of the waste management process. Located on a narrow site parallel to the A13, the rectangular layout mirrors the internal functions and achieves an elegant building. The office accommodation and visitor facilities offer pleasant and well lit spaces and allow a visual connection into the process area. Ultimately the quality of the buildings will be dependent upon the materials and detailing ensuring the facades are robust and solid which will be crucial in ensuring low maintenance costs and the building's long life.

English Heritage (Archaeology)

5.12 The site lies within an Archaeological Priority Area. Evidence of prehistoric activity and significant palaeoenvironmental evidence has been found in the area and similarly significant heritage assets may be present on this site. The archaeological desk based assessment considers the archaeological potential of the wider London Sustainable Industries Park. The proposed development of the application site is much larger than the one considered in the desk based assessment and therefore likely to affect remains of archaeological importance. It is therefore recommended that the standard condition is included requiring that archaeological investigations be undertaken in advance of development works. Once the extent of the impact on any heritage assets with archaeological interest has been established, an appropriate mitigation strategy can be implemented.

Environment Agency

5.13 No objections subject to the imposition of six conditions relating to flood risk mitigation measures, ground contamination and remediation/monitoring, controls over piling and similar measures and no infiltration of surface water drainage.

Health & Safety Executive

5.14 No objections.

Natural England

5.15 This development is located adjacent to the Goresbrook and the Ship & Shovel Sewer Site of Importance for Nature Conservation. As such, need to ensure that in the first instance any potential adverse effects are avoided as far as possible. If effects cannot be avoided, mitigation measures should be put in place and these should be secured through use of a planning condition. As well as mitigation, should also look to enhance the natural environment (as stated in Section 10 of the Environmental Statement).

5.16 Need to ensure that work associated with the development is timed to avoid the bird nesting period. Also records indicate that water voles have been observed in the Goresbrook and the Ship & Shovel Sewer SINC to the south-west of the development. If minded to grant planning permission, need to be confident that water voles are not present and the applicant should be required to undertake a mammal survey to assess the potential impact of the development on the water vole population.

5.17 Whilst there are concerns about the general impact of air pollution on protected areas in East London such as Epping Forest, agree that, on the basis of the modelled data presented as part of the application, the additional emissions arising from the proposed TGEF are not likely to have a significant effect upon any statutorily designated sites (i.e. European sites, SSSIs, NNRs and LNRs). However there will be an impact on local non statutory sites where conditions are already not good.

Essex & Suffolk Water

5.18 No comments or observations to make. However, we wish to inform the applicant that there are private mains within the boundary of the site but these mains are not the responsibility of Essex & Suffolk Water.

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The locations have been marked on a plan which has been sent to the applicant for their information. It is considered that this matter can be satisfactorily resolved by way of an informative attached to the planning permission.

Thames Water

5.19 Thames Water requests that the Applicant should incorporate within their proposal measures to avoid the risk of backflow at a later date during storm conditions. They also recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities to avoid oil-polluted discharges entering local watercourses.

EDF Energy

5.20 No response received.

London City Airport

5.21 No response received.

London Fire & Emergency Planning Authority (Vehicle Access)

5.22 Access to the TGEF building is considered acceptable subject to the roadway being a minimum of 3.7m in width and being able to support a vehicle of 14 tonnes laden weight. Access for fire fighters to the interior and access to the two storey car park and office building need to comply with regulations.

London Fire & Emergency Planning Authority (Water Supply)

5.23 Five private fire hydrants are recommended and locations identified on a plan.

The locations have been marked on a plan which has been sent to the applicant for their information. It is considered that this matter can be satisfactorily resolved by way of an informative attached to the planning permission.

National Grid

5.24 No response received.

Transco

5.25 No response received.

Channel Tunnel Rail Link / High Speed 1

5.26 No response received.

Network Rail

5.27 No response received.

6. APPLICATION PUBLICITY

6.1 Site Notice Expiry: 21/04/2010

6.2 Press Notice Expiry: 22/05/2010

6.3 Neighbour Notification:

The application was advertised by way of 2 Site Notices and a Press Notice in the News. The notices advised that the application was accompanied by an Environmental Statement.

A total of 327 neighbouring properties were consulted on 6 April 2010. As a result of the consultation process, 3 letters of representation were received.

7. REPRESENTATIONS

7.1 Summary of representations and response are set out as follows:

INDIVIDUAL COMMENT:

RESPONSE TO COMMENT:

1. Too many industrial buildings

The site falls within a Strategic Industrial Location. New industrial type development is therefore acceptable in principle.

2. Health concerns / pollution

The Council's Environmental Protection team have raised no objections to the proposal in respect of air quality. During the operational phase of the development, the EA will monitor emissions to ensure compliance with the Waste Incineration Directive (WID) emission limits.

3. Smells

Non-recyclable waste and resultant syngas are treated at very high temperatures. It is not expected that the residual gas would give rise to any smell or odour. However, a condition could be attached to the planning permission requiring monitoring of odours upon commencement of the operational phase and mitigation if needed.

4. Devaluation in property prices

Concerns regarding devaluation in property prices are not material planning considerations.

8. RELEVANT PLANNING POLICY

8.1 Planning Policy Guidance

PPS1 - Delivering Sustainable Development
PPS5 - Planning for the Historic Environment
PPS9 - Biodiversity and Geological Conservation
PPS10 - Planning for Sustainable Waste Management
PPG13 - Transport
PPS22 - Renewable Energy
PPS23 - Planning and Pollution Control
PPG24 - Planning and Noise
PPS25 - Development and Flood Risk

8.2 The London Plan (Feb 2004)

2A.10 Strategic Industrial Locations
3B.4 Industrial Locations
3B.10 Environmental Industries
3C.20 Improving Conditions for Buses
3C.21 Improving Conditions for Walking
3C.22 Improving Conditions for Cycling
3C.23 Parking Strategy
3D.14 Biodiversity and Nature Conservation
4A.1 Tackling Climate Change
4A.2 Mitigating Climate Change
4A.3 Sustainable Design and Construction
4A.4 Energy Assessment
4A.5 Provision of Heating and Cooling Networks
4A.6 Decentralised Energy: Heating, Cooling and Power
4A.7 Renewable Energy
4A.9 Adaptation to Climate Change
4A.10 Overheating
4A.11 Living Roofs and Walls
4A.12 Flooding
4A.13 Flood Risk Management
4A.14 Sustainable Drainage
4A.19 Improving Air Quality
4A.20 Reducing noise and enhancing soundscapes
4A.21 Waste management strategic policy and targets
4A.22 Spatial policies for waste management
4A.23 Criteria for the selection of site for waste management and disposal
4A.26 Numbers and types of recycling and waste treatment facilities
4A.27 Broad locations suitable for recycling and waste treatment facilities
4A.33 Bringing Contaminated Land Into Beneficial Use
4B.1 Design Principles for a Compact City
4B.2 Promoting World-Class Architecture and Design
4B.3 Enhancing the Quality of the Public Realm
4B.5 Creating an Inclusive Environment
4B.6 Safety, Security and Fire Prevention and Protection
4B.15 Archaeology
5C North East London

8.3 London Borough of Barking and Dagenham Unitary Development Plan

Strategic Policy E

Strategic Policy F

Policy E1 - Employment Development within Employment Areas

Policy E6 - Employment Promotion

Policy G28 - Contaminated Land

Policy G29 - Waste

Policy G31 - Waste Re-use and Recycling

Policy G33 - Flooding

Policy G34 - Flooding

Policy G36 - Noise and Vibration

Policy G37 - Light and Dust Pollution

Policy G39 - Air Pollution

Policy G47 - Trees in the Urban Area

Policy G67 - Footpaths/Rights of Way/Green Chains

Policy DE1 - Urban Design

Policy DE3 - Nature Conservation and the Built Environment

Policy DE6 - Safety and Security

Policy DE9 - Energy Conservation

Policy DE16 - Hard Landscape

Policy DE17 - Soft Landscape

Policy DE36 - Development on Sites of Archaeological Significance

Policy DE37 - Protection of Archaeological Sites

Policy C17 - Planning Obligations/Community Benefit

Policy T10 - Land Use and Public Transport

Policy T12 - Pedestrian Accessibility

Policy T19 - Provision for Cycling

Policy T21 - Road Hierarchy

Policy T24 - New Road Layout

Policy T25 - Alterations to the Road Network

Policy T27 - New Vehicle Accesses

Policy T32 - Service Areas

8.4 LBBB Local Development Framework (LDF) Core Strategy Pre Submission Report (November 2008)

Policy CM1 - General Principles for Development

Policy CR1 - Climate Change and Environmental Management

Policy CR2 - Preserving and Enhancing the Natural Environment

Policy CR4 - Flood Management

Policy CC4 - Achieving Community Benefits through Developer Contributions

Policy CE3 - Safeguarding and Release of Employment Land

Policy CE4 - Mix and Balance of Uses within Designated Employment Areas

Policy CP3 - High Quality Built Environment

8.5 LBBB LDF Borough Wide Development Policies Pre Submission Report (November 2008)

Policy BR1 - Environmental Building Standards

Policy BR2 - Energy and On-Site Renewables

Policy BR3 - Greening the Urban Environment

Policy BR4 - Water Resource Management

Policy BR5 - Contaminated Land

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Policy BR9 - Parking
Policy BR10 - Sustainable Transport
Policy BR11 - Walking and Cycling
Policy BR13 - Noise Mitigation
Policy BR14 - Air Quality
Policy BR15 - Sustainable Waste Management
Policy BC7 - Crime Prevention
Policy BP3 - Archaeology
Policy BP8 - Protecting Residential Amenity
Policy BP11 - Urban Design

8.6 Other Relevant Planning Policies: Joint Waste Development Plan Document for the East London Waste Authority (ELWA) Boroughs: Submission Document

The purpose of the Joint Waste DPD is to set out a planning strategy to 2020 for sustainable waste management which enables the adequate provision of waste management facilities in appropriate locations having regard to the London Plan. The Joint Waste DPD will form part of the Local Development Framework.

The Joint Waste DPD refers to the European Union Waste Framework Directive as the principal legislation for waste. A key principle of the directive is the waste hierarchy - reduce, re-use, recycling and composting, energy recovery and disposal - and the objective to manage waste as near to the top of the hierarchy as possible. This approach is consistent with policies 4A.21, 4A.22 and 4A.23 of the London Plan, Policy BR15 Sustainable Waste Management of the Borough Wide Development Policies Document (BWDPD), Policy CR3 Sustainable Waste Management of the Core Strategy document and adopted UDP policies G29 and G31.

Preferred Policy W2 of the Joint Waste DPD: Waste Management Capacity, Apportionment and Site Allocation states that the ELWA boroughs will meet their apportionment of municipal and commercial waste by:

(i) Safeguarding the capacity of existing waste management facilities (listed in Schedule 1 of the Joint Waste DPD) and supporting increased operational efficiency at these facilities; and (ii) Approving waste management facilities where it will contribute to the ELWA boroughs meeting the London Plan apportionment on sites within the locations listed in Schedule 2 of the Joint Waste DPD.

In addition, Preferred Policy W2 states that where there are no opportunities within these preferred areas for a waste management facility, sites within designated industrial areas as identified in LDF's will be considered.

Preferred Policy W3 of the Joint Waste DPD advises that applications for advanced thermal treatment facilities will be considered only where the waste to be treated cannot practicably and reasonably be reused, recycled or processed to recover materials and where there is provision for energy recovery and co-location with complementary activities.

In all cases, applications will be required to meet the relevant borough's design guidance. Preferred Policy W5 details a range of measures that applications for new waste related developments should satisfy.

9. ASSESSMENT OF MAIN ISSUES

Land Use

9.1 The application site is located within a Strategic Industrial Location (SIL), the Dagenham Dock Employment Area, as identified in the London Plan (Policy 2A.10, 3B.4 and table A2.1) and is identified as a Strategic Industrial Location (Policy CE3) within the emerging Local Development Framework Core Strategy (LDF). It is allocated for general employment purposes (Strategic Policy E and Policy E1) within the Barking and Dagenham Unitary Development Plan (UDP).

9.2 London Plan Policies 3B.10 and 4A.22 advise that the Mayor will support the establishment of green industries and green practices, through, inter alia, land use policies and, that DPD policies should identify and safeguard land and premises in appropriate locations including river- and rail-based locations to secure capacity for appropriate environmental industries and facilities for recycling and reprocessing waste. Policies 4A.23 and 4A.27 of the London Plan encourages using sites located in SILs, local employment areas or existing waste management locations.

9.3 Within the documents that comprise the LDF, Policy CM1 of the Core Strategy outlines the broad locations for future development and advises that employment growth will be focussed on Dagenham Dock as well as other designated SILs and Locally Significant Industrial Sites. In addition to this, Policy CE4 of the Core Strategy advises that the Dagenham Dock employment area will be developed and promoted as a SIP with an increased emphasis on high technology manufacturing and processing industries. In particular, proposals to establish recycling and reprocessing activities and other industries in the environmental business sector are encouraged within Dagenham Dock.

9.4 Furthermore, in selecting sites for waste management and disposal, Preferred Policy W2 of the Joint Waste DPD provides the current guidance on site allocation to meet identified needs for recycling, composting and recovering of waste. Dagenham Dock SIP is one of the sites considered suitable for such activities. Whilst the application site falls just outside the boundary in the DPD this is more a matter of as proposals have developed boundaries need to be adjusted. The site for the TGEF was not considered by the Site Assessment. However given the very similar characteristics of the application site and the defined area it is reasonable to apply the same criteria. As this facility will have a throughput of 120,000 tonnes per annum, it will make a significant contribution to managing the waste apportioned to the ELWA boroughs by the London Plan.

9.5 In view of the above it is considered that the principle of the facility within this locality is acceptable.

Waste Management

9.7 National, regional and local planning policies refer to the European Union Waste Framework Directive as providing the principal legislation and framework for waste management. A key principle of the directive is the waste hierarchy as detailed under 8.6. In addition, the directive advises that the best disposal or treatment options should be located as close as possible to the origin of the generated waste, known as the 'proximity principle'.

9.8 PPS10 Planning for Sustainable Waste Management requires the regional planning bodies, in this instance the GLA, to prepare regional spatial strategies (RSS), in this case the London Plan, to meet the needs for the management of all waste streams, and for local authorities to produce local development documents, in this case ELWA with its Joint Waste DPD, that reflect their contribution to delivering the RSS. The London Plan (2008) provides guidance on waste recycling and management at the regional level. London Plan Policies 4A.21 and 4A.26 require adequate capacity for waste management and treatment to be provided by 2020 and requires this capacity to be provided by (1) minimising the level of waste generated, (2) increasing re-use, recycling and composting of waste and reduce landfill disposal, (3) minimising the amount of energy used from the collection, treatment and disposal of waste in line with reducing carbon dioxide emissions (Policy 4A.2 of the London Plan sets long terms targets for reducing carbon dioxide emissions) and (4) promoting the generation of renewable energy and renewable hydrogen energy from waste. In addition, Policy 4A.23 of the London Plan advises that Boroughs should allocate sufficient land for waste management and disposal, employing the following criteria, (a) proximity to source of waste (b) the nature of activity proposed and its scale (c) the environmental impact on surrounding areas, noise, odour, visual impact and full transportation assessment. Paragraph 4.62 of the London Plan states that performance should improve for all forms of waste in London in terms of greater efficiency of use, a reduction in amounts generated and an increase in recycling.

9.9 At the local level, the emerging Core Strategy and BWDPDs follow the stance of the London Plan and national planning policy guidance in encouraging greater efficiency in waste recycling and management. Policy CR3 of the Core Strategy and BR15 of the Borough Wide DPD are particularly pertinent. They prioritise waste reduction, re-use, recycling and composting, new and emerging recovery technologies and conventional incineration over landfill, which will only be considered acceptable as a last resort. Also they look to ensure sufficient and timely provision of waste management in appropriate locations, including waste disposal.

9.10 Preferred Policy W3 of the Joint Waste DPD advises, inter alia, that applications for Advanced Thermal Treatment (ATT) facilities will be considered only where the waste to be treated cannot practicably and reasonably be reused, recycled or processed to recover materials and where there is provision for energy recovery and co-location with complementary activities. Furthermore, Preferred Policy W5 of the Joint Waste DPD similarly lists general considerations that waste-related development must satisfy. In particular Preferred Policy W5 advises that applications for facilities that manage non-apportioned waste must demonstrate that there is not a more suitable site nearer the source of waste arising.

9.11 The facility will generate up to 16 mega watts of electricity (MWe) and/or 64 mega watts of thermal (heat) (MWth) of low carbon renewable combined heat and power through the gasification of some 120,000 tonnes of non-recyclable waste per annum. The non-recyclable waste would primarily comprise commercial and industrial waste arisings such as plastic, paper, contaminated food waste and those materials rejected from the recycling process. However, the facility would also have the ability to accept municipal solid waste (household/domestic waste) and construction and demolition waste with a proportion (likely to be some 10%) of hazardous waste such as oily rags.

9.12 Gasification is an Advanced Thermal Treatment (ATT) process in which the waste product is combusted to produce a syngas and a solid residue of non-combustible material (ash). The gasification process takes place in the primary chamber where the waste material is gasified in the presence of air, or air enriched with oxygen at

temperatures of some 550°C to produce the syngas. Within the secondary chamber, the syngas is then combusted at temperatures of 850 °C - 1100 °C (dependent upon whether the waste is hazardous or non-hazardous) to the requirements of the EU Waste Incineration Directive (WID). Energy is generated as the syngas is combusted with the hot gases fed through a heat exchanger where steam is produced. Steam drives the turbine which turns the generator producing electricity. After the steam has released its energy through the turbine, it is condensed back into water using a closed loop cooling system therefore recycling the water time and again.

9.13 A Combined Heat and Power (CHP) unit will be provided as part of the process, which will enable the exportation of the electricity to either future occupiers of the SIP or the regional electricity network along with the thermal heat to surrounding businesses/industrial units. There is also the potential to contribute towards the local district heating initiatives being developed by the London Thames Gateway Heat Network. The proposal would have the capacity to provide low carbon renewable electricity to 31,500 homes or some 45% of Barking and Dagenham households.

9.14 Approximately 94% of the non-recyclable waste entering the facility will be transferred into heat and power. The remaining 6% will be a solid residue of non-combustible ash. The applicant is exploring opportunities to utilise this by product for secondary aggregates but assuming a worst case scenario, the 6% ash product would require landfill disposal.

9.15 In respect of the chosen location for the facility, the applicant has advised that they have agreements with a number of operators along River Road, with one facility likely to provide some 70% of the anticipated 120,000 tonnage throughput alone. In addition, the applicant advises that the proposed location was chosen because of the availability of local recycling operators and immediate supply of non-recyclable waste, the so-called proximity principle. Also the Joint Waste Plan identifies a capacity shortfall for recovering facilities to manage the London Plan apportionment which this facility helps address.

9.16 In respect of the waste hierarchy, the TGEF is a form of energy recovery and whilst it is therefore the last but one solution in the hierarchy it will divert non-recyclable waste from landfill (which is currently the least sustainable and environmentally-friendly form of waste management), and use this material for energy recovery, which is an improvement up the waste hierarchy chain. The diversion of waste from landfill is very much in accordance with EU directives and Central Government policy. Furthermore, the energy generated would be delivered to the grid for local use and the heat would be used to serve adjoining facilities. A legal agreement would need to be signed with the applicant to secure the implementation of the necessary pipe work so that the TGEF can supply heat to adjoining occupiers and potentially the London Thames Gateway Heat Main project.

9.19 Waste delivered to the TGEF will have already been sorted to remove any recyclable material. As part of this, the applicant is required to comply with the duty of care regulations and the site's Environmental Permit issued by the EA. In addition, the applicant advises that part of the workforce will include roles for sustainable waste management advice and education.

9.20 In light of the above, it is considered that the application satisfactorily demonstrates and justifies (1) the location of the facility, (2) promoting the generation of renewable energy (both heat and power), (3) diversion from landfill, (4) a more efficient management of waste up the waste hierarchy chain by using non-recyclable waste as a

resource, and (5) reduced transport impacts of waste disposal. The theme of efficient waste management is therefore supported at national, regional and the local level subject to detailed considerations regarding the likely associated environmental impacts such as noise, air quality, smell, visual amenity and traffic generation.

Noise

9.21 Policy 4A.20 of the London Plan states that the Mayor will, and Boroughs should, reduce noise by inter alia, minimising the existing and potential adverse impacts of noise arising from development proposals and should separate new noise sensitive development from major noise sources wherever practicable. At the local level, Policy BR13 of the BWDPD advises that where it is not possible to fully separate noise sensitive and noise generating land uses, planning permission will only be granted if there will be no exposure to noise above an acceptable level.

9.22 The noise and vibration assessment submitted with the application assessed a series of worst case scenario predictions based on agreed criteria and the testing points for residential receptors which were considered noise sensitive were agreed with the Council's Environmental Health team.

9.23 In respect of the noise impact of the construction phase on surrounding sensitive residential receptors, the noise assessment concludes that noise levels would not exceed the proposed noise criterion of 65 dB (LAeq 1hr) at any of the agreed tested residential locations. In terms of vibration, an assessment has been made of the impact of potential piling and it concludes that the predicted vibration levels correspond to a low probability of adverse comment and accordingly, the report concludes that no mitigation measures are required in respect of vibration. During the operational phase of the TGEF, the noise assessment including the associated HGV activities, would, at all of the tested residential locations during the day time, result in noise levels well below the existing measured background noise levels. During the night time, worst case predicted noise levels at the closest sensitive receptor in Shaw Gardens and Keel Close are again significantly below the measured background noise levels.

9.24 Also the predicted levels are unmitigated worst case scenarios and do not take account of any mitigation measures that will be proposed such as a Construction and Environmental Management Plan (CEMP) and a Considerate Constructors Scheme (CCS) which would help to identify and control adverse impacts such as construction noise through controlled working hours, noise barriers, use of quiet machinery etc. In addition, the impacts associated with the construction phase would be temporary (whilst the development is under construction) and dependent upon the specific location of works. They can also be controlled by planning condition. Accordingly, the application is considered to satisfy the London Plan and Borough Policies.

Air Quality

9.25 The whole of the Borough has been designated an Air Quality Management Area (AQMA). The main air quality issues relate to the impact of vehicular movements both during the construction phase and when the development is operational along with emissions from the facility. The emissions will be controlled by the EA Permit.

9.26 London Plan Policies set long term targets for reducing carbon dioxide emissions and air quality to be taken into account when determining planning applications. In addition, Policy BR14 of the Council's BWDPD advises that where development is likely to have a significant negative impact on air quality, permission should only be granted

where mitigation measures are introduced which bring the levels of air pollution to an acceptable level.

9.27 During the construction phase, there is potential for dust emissions to result in nuisance for adjacent properties. Immediate surrounding land uses are predominantly industrial and other commercial, however, residential uses are located approximately 400 metres away and these are considered sensitive and may also experience impacts. The air quality assessment considers the overall impact of dust nuisance to be negligible during construction as this would be a temporary, short to medium term localised impact. The erection of dust barriers, dust suppression, covered skips, minimised stock piles, restricted on-site movements and provision of on-site wheel washers would further limit these impacts. In addition, a CEMP and CCS will also be required by condition.

9.28 The impact on air quality from traffic, both construction and operational, will be in the areas immediately adjacent to the principal means of site access along Choats Road and the confines of the development site. In terms of construction traffic the Environmental Statement concludes that the impacts of construction traffic are considered negligible. Once the development is operational, in day to day terms, there would clearly be an increase in vehicular traffic, however, the anticipated transport movements associated with the extant outline planning permission (which could legitimately be built out) is a material consideration. In addition, vehicular movements associated with landfill disposal would be diverted to the TGEF and the proposed catchment area for the waste material is anticipated to be primarily local via the numerous materials recycling facilities currently operating in the Borough. The Environmental Statement concludes that operational traffic will result in a moderately beneficial impact predicated on the reduction in vehicle movements over the extant outline planning permission and the reduction and diversion of vehicle movements to landfill disposal, many of which pass through all of the borough and Havering to sites in Essex.

9.29 Operationally, direct emissions from the gasification process within the facility are the main source of pollutant emissions. Pollutants, as defined in the EU WID 2000, were used to provide a worst case scenario assessment of the facility. The air quality assessment advises that ambient concentrations of NO₂ (nitrogen dioxide) currently exceed the annual average Air Quality Standard (AQS) at locations across the Borough. Emission levels for residential receptors are predicted to be less than 1% of the AQS and detailed modelling indicates there would be no exceedance of an AQS for any of the other WID pollutants. As a result of the operations of the TGEF, there would be a small increase in ground level concentration of pollutants. The Environment Agency has advised they have no specific comments on air quality as this will be covered within the Environmental Permit application. Similarly, the Council's Environmental Health team has advised that the greatest impact of the development on air quality will be dealt with by the Environmental Permit. The proposed facility would be designed to meet the requirements of the Best Available Technology (BAT), and pollutant minimisation techniques will be used to help control emissions to within regulatory limits. A Continuous Emissions Monitoring System (CEMS) will also help to monitor and ensure effective pollutant control. The stack associated with the development at some 43.6 metres will help ensure effective dispersion of emissions.

9.30 The air quality assessment stresses that the modelling is based on a worst case scenario and that the TGEF has been designed to operate within WID limits to satisfy the requirements of the Environmental Permit. The main way the Permit achieves this is by determining and enforcing permit conditions based on BAT. BAT seeks to prevent

or minimise pollution, which can be implemented effectively and are economically and technically viable, whilst meeting the overall aims of the EC Directive regarding emission limit values.

9.31 The air quality assessment concludes that there will be a small increase for NO₂ levels but these will remain within WID limits. The impact of the proposed development on air quality therefore ranges from minor adverse locally direct from TGEF emissions to minor beneficial for vehicle emissions and wider global warming impacts. Whilst it is accepted that locally, the facility will generate emissions which will increase the existing air quality background levels, the emissions are considered negligible and would remain within the WID limits as controlled by the Environmental Permit. This is acknowledged by the EA and the Council's Environmental Health team who both raise no objections on air quality grounds.

9.32 One of the letters of representation has raised concerns regarding potential smell/odour emanating from the facility. In this regard, the waste material would be contained within the building and no open storage would be permitted (this can be secured by way of condition). The gasification process itself will heat the waste at very high temperatures and it is considered unlikely that this will result in adverse smells. The risk of smells and odour has not been identified as a concern by the Environmental Health team, however, it is considered prudent to attach a monitoring condition, whereby if smell or odour is then identified as causing a nuisance, mitigation measures can be undertaken.

9.33 The benefits of the scheme in respect of the wider environmental considerations are considered to outweigh any local air quality concerns and accordingly, the application is considered to London Plan and Borough Policies.

Design & Visual Amenity

9.34 In respect of visual impact, the proposed building at some 18,300 sq.m will undoubtedly be one of the larger units within Dagenham Dock, the largest being the Voltaic building on the southern side of Choats Road, which has a floor area of some 21,643 sq.m. The proposed unit is rectangular in size centrally located on the plot. There are 5 main components to the building comprising (1), the energy generation hall, (2) the waste reception hall, (3) the boiler house/CHP room, (4) the flue stack and (5) the two storey office accommodation.

9.35 The energy generation hall would measure 225 metres in length by 61.4 metres in width by 18 metres in height and would contain the primary and secondary gasification chambers, conveyor/storage area for ash removal, flue gas treatment equipment, power generation area (CHP/turbine). The boiler/CHP room would be contained within the energy generation hall and will have pipe work connections to allow for the exportation of CHP for onward supply to the grid and surrounding buildings. The waste reception hall would measure 53 metres in length, 53 metres in width by 18 metres in height and would contain the vehicle tipping bays and 3 roller shutters. All waste material would be unloaded, stored and processed inside the building. The flue stack comprises 6 internal flues surrounded by a wind shield to give the appearance of a singular stack. The stack would measure some 43.6 metres in height located along the eastern elevation between the two cooling modules. The cooling modules will form two banks on either side of the flue stack, each bank consisting of 9 units with overall dimensions of 18.7 metres in length by 16.7 metres in width by 10 metres in height. The two storey office accommodation would measure 35 metres in length by 21 metres in width by 8 metres in height and would also provide for welfare, educational and

visitor facilities.

9.36 The design of the unit and proposed materials are not of a typical industrial building. The proposed materials will include timber cladding, translucent polycarbonate panelling and a mix of green and brown roofs. Elements of the building will be translucent to allow visibility of the machinery and process through the building to provide both an attractive and interesting appearance as well as an educational/learning aspect. The proposed unit would also achieve a high standard of sustainable design and construction with a BREEAM rating of excellent proposed. CABE are very supportive of the scheme.

9.37 The stack will have significant levels of visibility from a wide range of vantage points including residential properties in Scrattons Farm, Great Fleete and north of the A13. However, there are already a number of tall structures within the vicinity of Dagenham Dock as may be expected within an industrial setting. In particular, electricity pylons that support the power cables are some 60m high within the locality, the stack at Barking Power Station is some 50m and the Fords turbines are approximately 120m high. In addition to this, as part of the overall landscaping treatment for the SIP, there is a very comprehensive landscaping scheme proposed which essentially seeks to create an urban woodland with clearings for the proposed buildings and road network. Given the industrial characteristics of the surrounding area, the prevalence of existing tall structures within the locality, the proposed use of modern and attractive construction materials and comprehensive landscaping arrangements, the application is not considered to result in any significant adverse visual impact.

Sustainability & Energy Matters

9.38 Both London Plan and borough policies require all major and strategic developments to meet a high standard of sustainable design and construction. In this instance, the application proposes a BREEAM excellent rating. It is however recommended that a condition be imposed requiring the development to provide a detailed assessment during construction and evidence upon completion to demonstrate that the building achieves a BREEAM excellent rating.

9.39 There are various London Plan policies regarding climate change and energy matters and Borough policies require all new development to meet high environmental building standards through overall carbon reductions including achieving an on-site renewable energy target of 20%.

9.40 The application was not been initially accompanied by a detailed energy strategy and this has been identified by both the GLA and the borough's Climate Change team. The applicant has since undertaken a basic energy assessment which advises that the facility is designed to generate energy from non-recyclable waste destined for landfill which is, in itself, a significant environmental benefit. The facility would reduce CO2 emissions by 46,000 tonnes per annum by avoiding landfill and fossil fuel use. The Office for Gas & Electricity Markets (OFGEM) consider that as only the biodegradable element of the waste is renewable which accounts for approximately half of the waste stream, the TGEF will generate approximately 8 MW of renewable energy (with the other half low carbon – giving a total output of 16 MWe).

9.41 In addition to this, the TGEF will use green roofs on the office component and a brown roof on the waste reception hall. Photo voltaic panels (PV's) will also be installed on the gasification hall roof which would save an additional 351 tonnes of

carbon per year and could provide for all of the energy demands of the offices or could be exported back into the grid (or a combination of the two). The details of the PV panels can be secured by way of condition. The offices will also be heated and actively ventilated by the gasification plant. The TGEF will generate hot water at a minimum of 45°C which can be used to heat office radiators and in the summer months, thermally powered vents will pull cool air into the office space to allow cool air circulation. These methods are anticipated to further save 15.33 tonnes of carbon per year. In addition to this, the energy statement advises that motion sensors for lighting and grey water recycling will also reduce the power consumption of the building.

9.42 Given the nature of the use, and that the energy demands of the building will be easily met by the amount of renewable energy generated at the facility through the gasification process and provision of PV panels, it is considered that the energy strategy is acceptable and demonstrates the facility to be carbon negative over the life time of the development and therefore accords with GLA and Borough Policies.

Biodiversity & Land Contamination

9.43 Policy 3D.14 of the London Plan seeks to ensure that a proactive approach to the protection, promotion and management of biodiversity is taken in line with the Mayor's Biodiversity Strategy. At the local level, Policy CR2 of the emerging Core Strategy seeks to protect the Borough's natural environment including all sites of ecological or geological value whether or not they have statutory or local protection. Furthermore, Policy BR3 of the BWDPD requires new development to adopt a sequential approach of (1) retain, enhance, or create features of nature conservation value and avoid harm; (2) mitigate for impacts to features of nature conservation value; (3) where there is no viable alternative, compensate for the loss of features of nature conservation value.

9.44 The application site is located adjacent to the Goresbrook and the Ship & Shovel Site of Importance for Nature Conservation (SINC) which is a designation of local importance. In respect of any impacts on statutorily designated sites, Natural England concludes that, on the basis of the modelled data, the additional emissions arising from the TGEF are not likely to have a significant effect. The affect of process emissions to the non-statutory sites (such as the Goresbrook and the Ship & Shovel SINC) are significantly higher, and combined with existing high levels, Natural England consider that this may result in further degradation of these sites.

9.45 The proposal will increase emissions to air within the locality (as acknowledged within the Environmental Statement accompanying the application). However emissions from the TGEF will be within EU WID limits which is sufficient for the EA to issue an Environmental Permit and the Council's Environmental Health team raises no objections to the scheme on air quality grounds. In addition to this, the proposed stack height will help to ensure a wider dispersal of emissions.

9.46 Natural England have also advised that the following measures should be secured; an Ecological Mitigation and Management Plan (EMMP) detailing a mechanism for formalising and delivering proposed mitigation and enhancement; and a mammal survey to assess the potential impact of the development on the water vole population are undertaken. It is considered that the EMMP can be required by way of condition. A water vole and otter survey formed part of the Environmental Statement accompanying the application and concluded that no water vole activity was seen along any stretch of the Goresbrook but noted that the habitat provides optimal foraging opportunities for water voles with well developed marginal vegetation on both the northern and southern banks. The survey further advises that burrowing opportunities

are limited on the banks of the Goresbrook as it lacks suitable steep profile at water level and no bank burrows were seen on the southern or northern sides of the bank. The survey noted that the application site will have no direct impact on the Goresbrook as the development will be located away from the banks to provide an adequate buffer. In light of this it is not considered reasonable to request a further mammal survey.

9.47 A reptile survey was undertaken over seven separate days between September and October 2009 and a total of 5 common lizards were seen which is low. The report further considers that the areas of grassland immediately along the Goresbrook provides habitat for foraging, refuge and hibernation and that the proposed development will ensure a buffer zone is maintained. This is likely to be a minimum of 15 metres from the top of the Goresbrook bank or 25 metres to the edge of the Goresbrook stream. The survey suggests that exclusion fencing is erected to avoid accidental encroachment. In light of the reptile survey results it is considered that the site has very limited ecological value. It is however considered necessary to attach conditions requiring exclusion fencing and the translocation of any reptiles on site to the buffer zone adjacent the Goresbrook.

9.48 An assessment of winter birds was undertaken over four separate days between November 2009 and February 2010. A total of 13 species were recorded of which 6 were 'notable' with 4 identified as a Priority Species on the UK Biodiversity Action Plan (UKBAP). The survey notes that the site is of low value to birds during the winter due to the very few recorded sightings across the application site with no significant flocks or populations of birds observed but the survey does identify the adjacent Goresbrook as being a site of slightly higher value. The survey concludes that the provision of green and brown roofs will compensate any potential loss as well as providing a more structured habitat and creating a potential nesting habitat. Green and brown roofs will provide a range of benefits and their detailed construction of the green and brown roofs can be secured by way of condition. A breeding bird survey will be required by condition prior to commencement of the development.

9.49 In terms of landscaping, there is a detailed landscaping scheme proposed which essentially seeks to create an urban woodland with clearings for the proposed buildings and road network as part of the wider SIP landscaping scheme. Detailed tree planting is shown on the areas not forming operational land for the TGEF in line with the SIP aspirations. There are some concerns over the amount of non-native species and their suitability and longevity, however, the applicant has demonstrated their commitment to a very comprehensive landscaping scheme and so it is considered that the details of tree species, sizes and locations can be controlled and agreed by way of condition.

9.50 The site falls within a very industrial setting and is considered to have a low ecological value. Overall, the proposals would create new structured habitats with a biodiversity value and is considered to adequately compensate for any habitat loss in accordance with London Plan and Borough policies.

9.51 In respect of land contamination, the Borough has advised that the application site suffers from ground contamination and this has been identified within the Environmental Statement supporting information submitted with the application. A condition is recommended regarding site investigation and remediation as needed.

Flood Risk

Fluvial & Tidal Flood Risk

9.52 The application site is located within Flood Zone 2 (medium probability of flooding) and 3a/3b (highest probability of flooding). Accordingly, a Flood Risk Assessment (FRA) accompanied the planning application and this has been reviewed as required by PPS25 (Development and Flood Risk). The submitted FRA advises that historically, there are no known incidents of flooding on the site. The Goresbrook runs immediately to the north and west boundaries of the application site and does not benefit from flood defences. To the south of the site runs a small tributary of the Goresbrook. Flood zones are derived on an unprotected basis i.e. that there are no flood defences in place. Therefore measures need to be incorporated within the design and layout of the development to ensure that consideration is given to the possibility of future flood defence breaches. The finished floor levels will be above the minimum level required by the EA for a 1 in 100 year incident.

Surface Water

9.53 The existing site is predominately permeable made ground and, as such, surface water currently drains uncontrolled through the site. As a consequence of this the proposed development would result in an increase in surface water runoff rates by virtue of the new building, hard surfacing, and new access roads. The application needs therefore to include methods to control and where possible reduce such runoff in line with the site's previous condition. London Plan Policy 4A.14 advises that sustainable urban drainage systems should be promoted on new development. In addition, Policy BR4 of the BWDPD requires new development to achieve a high standard of water efficiency, by incorporating measures to minimise water consumption through reduction, reuse and recycling.

9.54 The development proposes utilising, and recycling, rainwater run off from the roof of the proposed building which will be discharged into a storage tank and pumped to the office building for use as a non-potable water supply. Excess water run off from the roof and hard standing areas will drain to a series of swales adjacent to the access roads. The swales are oversized in order to provide water storage and will be connected to each other via underground pipes to drain to an 8,000 m³ attenuation pond in the south east corner of the wider SIP. Stored water will be drained in a controlled manner to the Goresbrook rather than via the traditional uncontrolled soakaway method. The risk of flooding from ground water is considered very low considering the local drainage channels such as the River Thames and Goresbrook that can help accommodate ground water. In addition to this, there is a very comprehensive soft landscaping scheme proposed for the wider SIP which includes a dense tree planting programme along with green and brown roofs. Hard surfacing will be permeable with additional water storage capacity within the below ground aggregate.

9.55 The FRA concludes that the risk of flooding on the site is assessed as low. Surface water will be reused where possible for non-potable office use and for biodiversity which is considered a significant improvement over the existing soakaway situation. Excess water will be filtered away in a controlled and structured manner. The EA has raised no objections to the submitted FRA, subject to the imposition of conditions. In light of the above, the application is considered to accord with London Plan and Borough Policies.

Transport Matters

9.56 The proposed facility would be accessed via two entrance points from a new access road which will also be used to serve the wider SIP. Vehicle routes have been designed as part of the proposals for the overall SIP.

Traffic Generation

9.57 In respect of traffic generation arising from the operational phase of the proposed development, the transport assessment provides a worst case scenario over a 24 hour period for the full range of vehicles associated with the use at both construction and developed stages. The Council's Transport Development Management team and TfL have advised that the proposed use would represent a reduction of the trip levels anticipated to be generated by the previous consented use of the site and accept that the development would not have a significant impact on the local highway or the TfL road network.

Servicing/Emergency Services Access

9.58 Policy T32 of the Borough's UDP requires new development to provide adequate service areas and lorry parking facilities where appropriate within the curtilage of the development. The plans detail adequate servicing areas including entrance and exit weighbridges and HGV loading and unloading and manoeuvring areas. No objections are raised by the Borough in respect of servicing and the Fire Brigade raise no objections in respect of emergency services access. In light of the above, it is considered that the application satisfies Policy T32.

Car & Cycle Parking

9.61 The application makes provision for 71 car parking spaces including 5 blue badge spaces for people with disabilities. Provision will also be made for on site electrical charging points with the fuel supplied by the TGEF. 5 motorcycle parking spaces and 10 bicycle spaces are also proposed on site. Changing and showering facilities will be provided as part of the welfare facilities. TfL have advised that the car parking provision is consistent with London Plan Policy and at the local level, the car parking provision is consistent with Policy BR9 of the BWDPD.

Public Transport

9.62 The PTAL for the site is between Level 1-2 which represents a low public transport accessibility level and therefore has poor public transport links. Dagenham Dock C2C Station is located approximately 850 metres away on foot which provides direct links to Barking Railway Station and the National Rail Services, as well as regular services into Central London. The District Line and Hammersmith & City Line tube services are also available from Barking Railway Station. In terms of bus connections, there are two bus stops along Choats Road which forms part of the ELT route from Ilford to Dagenham Dock Station via Barking Town Centre and the Thames View Estate. The ELT service runs at a frequency of 1 service approximately every 15 minutes. TfL has advised that the proposal will not generate a significant number of non car passenger trips and any likely impact of additional demand on the bus, transit and rail network will be minimal due to the site's distance from any public transport nodes, the nature and the scale of the development.

9.63 Whilst in respect of east/west bus connections the application site is reasonably well serviced, in respect of north/south bus linkages the site is very poorly served. Buses terminate at the Merrielands retail park north of the A13 therefore prohibiting north-south movement on public transport. Given that the application site forms part of the wider SIP which is being promoted and developed as an environmentally friendly, sustainable industries park, and given the size and magnitude of the proposed scheme, it is considered that the development should help to mitigate the developments impact on both the local highway network and contribute to connections and movement within the locality to help provide and improve the transport infrastructure necessary to sustain sustainable new development. In addition to bus routes there is the proposed Sustrans route immediately to the north of the application site. This will be a pedestrian and cycling route that will link Barking Riverside with Dagenham Dock C2C station. Land assembly has taken place and funding has been secured for the design of the route. However, there is no funding in place for the construction of the route. Accordingly it is considered appropriate and necessary that the applicant makes a financial contribution to both bus improvements and cycling within the locality, principally, to facilitate north south linkages but also to help realise the implementation of the Sustrans route and as the SIP, other Dagenham Dock sites and the Barking Riverside development are built out, it will be even more critical to make these improvements.

Freight Movement

9.64 Whilst London Plan policy encourages the use of the Thames for the movement of materials and the GLA has identified the possibility of the applicant using a nearby river wharf for transportation purposes, the applicant does not currently intend doing so. This is because there are sufficient local waste streams principally emanating from material recycling facilities along River Road to service the facility. Furthermore, the site is effectively on the route to the landfill site in Essex and vehicles will simply divert off to the TGEF. Due to the availability of these sources, and the relatively small quantities involved, the applicant advises there is no economic incentive to utilise the river. However, transportation by river will be thoroughly considered at the construction phase and this can be secured by condition as part of a Construction Environmental Management Plan. In addition, whilst it is accepted that there might be benefits in using the river for transportation, there are also local concerns associated with transportation of waste material by river which relates to the geographical location of the material and controlling where the waste material arises from. Potentially, utilising the water for transportation could result in waste arising from various parts of London and wider afield, which is clearly not a fair, equitable and appropriate form of sustainable waste management in terms of maximising proximity to the source of waste. Sustainable waste management should be undertaken as near to the source as possible and in a self sufficient manner so that areas are not reliant on others for disposal.

9.65 On balance, it is considered that the proximity of the TGEF to existing waste sources, the commitment to sustainable waste management primarily for local waste streams within the Borough and specifically River Road and the diversion of vehicles from landfill to the TGEF is considered to significantly outweigh aspirations to utilise the river for transportation. In light of this, the application is considered to satisfy the requirements of London Plan and Borough Policies.

Archaeology

9.66 In terms of archaeology, the site is located within an archaeological priority area. To comply with Borough policies and the comments from English Heritage it is recommended that conditions requiring field surveys and any mitigation measures are

imposed.

Planning Obligations Community Benefit Strategy

9.67 The Corporation's Strategy allows for commercial schemes to be assessed on a case by case basis rather than applying a tariff as is the case for residential schemes. Given the sustainability principles being promoted at the SIP, the existing poor level of public transport and connections and the likely intensification of this area in the immediate future, Section 106 Heads of Terms have been discussed regarding public transport, cycling/pedestrian route improvements, improvements to local SINC(s), provision of a heating network and a local labour, goods and supplier's agreement. Whilst the details of contributions are still being negotiated the applicant has agreed to make contributions.

9.68 The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. Under Regulation 122, a planning obligation may only constitute a reason for granting planning permission if the obligation is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. In addition, under Circular 05/05, a planning obligation must be relevant to planning and reasonable in all other respects. A draft policy which will replace the Circular has been issued for consultation. Although of limited weight at present the approach proposed above is consistent with the advice in the emerging policy.

9.69 As required by the Corporation's Strategy this commercial scheme has been assessed on its merits and certain needs to assist infrastructure in the area have been identified. Officers believe that, in this case, the contributions towards those needs identified at 11B (1) (below) satisfy the tests set out in Regulation 122 in that they are necessary, relevant to planning and reasonable in all other respects. It should be noted that if the proposed contributions were not to be provided then the failure to contribute appropriately to the infrastructure needs generated by the development would have justified the refusal of planning permission.

10. CONCLUSION AND REASONS FOR APPROVAL

10.1 The proposed facility is in compliance with the relevant GLA and Borough policies and land use allocation for this area. The facility will help manage the waste apportionment to the ELWA boroughs by the London Plan and importantly divert waste from landfill. It will also act as a catalyst for further developments within the overall SIP and be able to provide such developments with a sustainable energy source as well as generating low carbon energy/heat for exportation over a wider area.

10.2 It is considered that revisions to the application and the use of conditions and S106 Heads of Terms satisfactorily address comments received and that refusal is not justified. With particular reference to the requests in the GLA Stage 1 letter, comments are as follows:

- a) Provision of detailed energy statement and safeguarding future connection to proposed Heat Network. Conditions are recommended regarding photovoltaics, BREEAM excellent rating and provision of living roofs plus S106 clause regarding safeguarding future link to the Network
- b) Boundary treatment and details of hard and soft landscaping plus street furniture reserved by a condition

- c) Measures to achieve accessible and inclusive environment reserved by a condition
- d) Employment and training reserved by condition
- e) Issues around transport and parking are reserved by conditions
- f) It is considered that it would be unreasonable to impose a condition that only non-recyclable waste be used in the facility. Apart from issues of enforceability the EA Permit arrangements require extensive details as to the types of waste to be used so as to ensure that only wastes which can not be treated further up the waste hierarchy, are used.

10.3 The application is therefore recommended for conditional permission subject to referral to the Mayor of London and subject to the applicant entering into a S.106 legal agreement to secure environmental, public transport and cycling improvements, heating connections and a local labour, goods and suppliers agreement.

11. RECOMMENDATION

It is recommended that the Planning Committee give delegated authority to the Director of Planning to **GRANT PLANNING PERMISSION** subject to:

- A. Referring the application to the Mayor of London as a Stage 2 referral, confirming that the LTGDC is minded to grant planning permission;
- B. Subject to any direction by the Mayor, to delegate authority to the Director of Planning to determine the application subject to the satisfactory completion of the S106 agreement securing the following Heads of Terms:
 - 1. financial contributions towards the improvement of bus services within the vicinity of the site, implementing the cycle/pedestrian link between the site and Dagenham Dock interchange and improvements to local SINC(s)
 - 2. connections to the boundary of the site to facilitate future introduction of heat network
 - 3. local labour, goods and contractors.
- C. Delegate authority to the Director of Planning to grant planning permission subject to the conditions and informatives listed in this report, together with any amendments or additions that he considers necessary

If Members resolve that planning permission be granted that the Committee confirms that in their decision they have taken the environmental information into account as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and are satisfied that the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 are met in relation to the contributions referred to at 11B91) (above)..

Following the issue of the decision a statement be placed on the London Borough of Barking and Dagenham Statutory Register confirming that the main reasons and considerations on which the Committee decision was based were those set out in this officer's report to the Committee as required by Regulation 21 (1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

12. CONDITIONS AND REASONS

1. The development hereby permitted must be commenced not later than the expiration of THREE YEARS from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and because of the scale and timescale of the development.

2. Save as these conditions provide otherwise or any matter is reserved for the later approval of the Local Planning Authority, all works are to be completed in accordance with the drawings referred to in the drawing table dated March 2010 (Report No. CY1052/3/PS) prepared by Stratus Environmental Limited unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development is constructed in accordance with the approved plans and other details submitted, in accordance with Policy DE1 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4B.1, 4B.2 and 4B.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

3. The development hereby permitted shall not exceed a total annual throughput of 120,000 tonnes per annum unless otherwise agreed in writing with the Local Planning Authority.

Reason: To accord with the submitted scheme and in the interests of proper planning.

4. No development shall take place until full details, including samples, specifications and annotated plans of all facing materials and plant have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory standard of external appearance, in accordance with Policy DE1 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4B.1, 4B.2, 4B.3, 4B.9 and 4B.10 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

5. No open storage shall be permitted on site unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of external appearance, in accordance with Policy DE1 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4B.1, 4B.2, 4B.3, 4B.9 and 4B.10 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

6. No development shall commence until the applicant has provided to the Local Planning Authority for approval an independently verified BREEAM assessment that achieves an 'Excellent' rating with certification. The approved scheme shall then be implemented in accordance with these details. A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be

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provided, confirming that the agreed standards have been met, prior to the first occupation of the development.

Reason: To ensure the proposed development is designed in an environmentally sustainable manner and in accordance with Policy 4A.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004) and Policy BR1 of the Borough Wide Development Policies Report (2008).

7. No development shall take place until details of the photovoltaic panels have been submitted to and approved in writing by the Local Planning Authority. The details shall include a strategy for monitoring the energy demand. The renewable energy technologies shall be installed in accordance with the approved detail and thereafter permanently retained.

Reason: To ensure compliance with the propose energy strategy in accordance with Policies 4A.6 and 4A.7 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004) and Policy BR2 of the Borough Wide Development Policies Report (2008).

8. No development shall take place until a detailed scheme for living roofs has been submitted to and approved in writing by the Local Planning Authority, and implemented to the satisfaction of the Local Planning Authority. The roofs shall comprise at least 50% native species, not including *Sedum* species, seeded with an annual wildflower mix or local seed source.

Reason: To protect and enhance the biodiversity of the site and contribute towards sustainable drainage in accordance with Policy 4A.11 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004) and Policy BR3 of the Borough Wide Development Policies Report (2008).

9. No development shall take place until an Ecological Mitigation and Management Plan (EMMP) has been submitted to and approved in writing by the Local Planning Authority. The EMMP shall detail biodiversity and ecological mitigation and enhancement measures and should include details of how these will be monitored, managed and funded. Thereafter the EMMP shall be implemented in accordance with the approved details.

Reason: To protect and conserve the natural features, ecology, and character of the area and ensure their long term sustainability through appropriate site management in accordance with Policies 3D.14, 4C.1 and 4C.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004) and Policy CR2 of the Core Strategy Policies Pre Submission Report (2008).

10. No development shall take place until a survey of breeding birds has been undertaken, submitted to, and approved in writing by the Local Planning Authority. The survey shall include mitigation measures where necessary and shall only be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: To protect and conserve the natural features, ecology, and character of the area and ensure their long term sustainability through appropriate site management in accordance with Policy 3D.14, of the London Plan (Feb 2008, Consolidated with Alterations Since 2004) and Policy CR2 of the Core Strategy Policies Pre Submission Report (2008).

11. No development shall take place until an accessibility statement outlining those

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measures proposed to ensure an accessible and inclusive environment both internally and externally including a minimum 5% disabled car parking spaces have been submitted to, and approved in writing by the Local Planning Authority. Thereafter the accessibility statement shall be implemented in accordance with the approved details.

Reason: To ensure an inclusive environment in accordance with Policy 4B.5 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

12. No development shall take place until a security management scheme, including, for example, details of CCTV, door entry systems and car park security, has been submitted to and approved in writing by the Local Planning Authority. The security management scheme shall be implemented in accordance with the approved details and prior to the occupation of the relevant Phase of development and permanently retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to provide a safe and secure development, in accordance with Policy DE6 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4B.1, 4B.2, 4B.3 and 4B.6 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

13. No development shall take place until details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority for the following area. The hard and soft landscaping scheme for each area shall include details of the following:

1. tree and planting species;
2. surface materials;
3. boundary treatment;
4. highway design and layout;
5. street furniture;
6. signage and information boards;
7. management and maintenance

The hard and soft landscaping shall be implemented in accordance with the approved details and thereafter permanently maintained, to the satisfaction of the Local Planning Authority.

The soft landscaping details shall be accompanied with adequate information to demonstrate:

- a. the use of suitable native and locally appropriate planting species, which where practical shall be locally sourced;
- b. that planting shall be selected and designed to maximise the habitat available to locally important and protected species.
- c. that all landscaping that is intended to be accessible shall be fully accessible and useable by disabled people, including wheelchair users, people with sight impairment and people with prams or pushchairs

The soft landscaping scheme shall be implemented in the first planning season following first occupation. Any plants or trees required as part of the implementation of the condition that die or are removed, damaged or diseased within a period of FIVE

years from the substantial completion of the development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent for a variation.

Any trees, shrubs or grassed areas become diseased, damaged or die within the first five years from the date of planting within any part of the development shall be replaced within the next planting season, to the satisfaction of the Local Planning Authority.

Reason: In the interest of design quality, residential amenity, walking, cycling, accessibility, public safety and biodiversity, in accordance with Policies DE1, DE16 and DE177 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 3C.18, 3C.21, 3C.22, 3D.14, 4B.1, 4B.2, 4B.3, 4C.11 and 4C.15 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

14. No development shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall provide details of all methods of site preparation and construction of the development and include:

- a. traffic management;
- b. demolition and clearance;
- c. site remediation and ground works;
- d. waste management;
- e. surface water pollution control;
- f. sourcing of materials;
- g. location and type of stored materials
- h. smoke and odour control;
- i. avoidance of fires;
- j. wheel washing;
- k. noise and vibration;
- l. hours of operation;
- m. implementation and monitoring.

The Construction Management Plan shall be implemented for the entire period of the works at the site, to the satisfaction of the Local Planning Authority.

Reason: In the interest of pollution and residential amenity, in accordance with Policies G31, G36, G37, G38, G39, T24 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

15. All construction compounds for the development hereby permitted shall be erected within the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to minimise noise and disturbance, in the interest of residential amenity, in accordance with Policy G36 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

16. No demolition, construction or building works shall be carried out except between

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the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday or at any time on bank or public holidays without the prior written approval of the Local Planning Authority, unless the works have been approved in advance under section 61 of the Control of Pollution Act 1974.

Deliveries of construction and demolition materials to and from the Site by road shall take place between 08:00 - 18:00 Monday to Friday & 08:00 - 13:00 on Saturday and at no other time except with the prior written approval of the Local Planning Authority.

Reason: In order to minimise noise and disturbance, in the interest of residential amenity, in accordance with Policy G36 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

17. No impact piling shall take place without the prior written approval of the Local Planning Authority and shall only take place in accordance with the terms of any such approval and where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: In order to minimise noise and disturbance, in the interest of residential amenity, and to prevent deep foundations from providing additional pathways for contamination to affect controlled waters in accordance with Policies G36 and G38 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.17, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

18. Notwithstanding the provisions of Parts 4 and 5 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, no part of the Site shall be used for the stationing of caravans or mobile homes or any other form of temporary residential accommodation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain planning control and in the interest of residential amenity, in accordance with Policies G36 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

19. No development shall take place until details of foul and surface water drainage and pollution prevention measures have been submitted to and approved in writing by the Local Planning Authority. Details of foul and surface water infrastructure required pursuant to this condition shall comprise:

- a. Specification of all pollution prevention measures;
- b. Flow estimates and calculations for all drainage infrastructure and details of sizing of pipes;
- c. Details of discharge points and discharge rates (including relevant calculations);
- d. Details of any proposed measures of surface water attenuation.

Where possible, all surface water drainage systems shall be designed using the principles of Sustainable Urban Drainage.

The approved drainage works and pollution prevention measures shall be implemented prior to the first occupation of the development and thereafter permanently maintained to the satisfaction of the Local Planning Authority.

Reason: To prevent pollution of the water environment, in accordance with Policy G38 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

20. No hazardous substances included in the Schedule of Planning (Hazardous Substances) Regulations 1992 shall be used, handled or stored on the site until details of such use, handling or storage have been submitted to and approved in writing by the Local Planning Authority. Such hazardous substances shall only be used, handled or stored in accordance with the approved details, to the satisfaction of the Local Planning Authority.

Reason: To prevent pollution of the water environment, in accordance with Policy G30 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 3D.14, 4A.3 and 4C.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

21. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), dated 29 January 2010, reference 18411 London Sustainable Industries Park compiled by Price Myers and the following mitigation measures detailed within the FRA:

- The proposed drainage scheme will comprise of SUDS elements to attenuate surface water, improve water quality and improve biodiversity and amenity value (Section 3.2, page 16).
- Finished floor levels are set no lower than 1.625m above Ordnance Datum (Section 4.8.1, page 26).
- Flood storage compensation (volume for volume and level for level) will need to be provided for any areas of land raising within the 1:100 cc fluvial flood extent (Section 4.6, page 23).
- Limiting the surface water run-off from the development to 12 litres per second per hectare.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. Ensuring the structural integrity of existing and proposed flood defences and reduce the impact and risk of flooding on the proposed development and future occupants in accordance with Policies G33 and G34 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.12 and 4A.13 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

22. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval:

- a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information

discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy G28 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 3D.14, 4A.3 and 4A.17 and 4A.33 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

23. No development shall take place until a programme of archaeological work, in accordance with a written scheme for investigation that includes the recording and historic analysis of building structure, architectural details and archaeological evidence, has been submitted to and approved in writing by the Local Planning Authority. Works to the relevant phase of development shall only take place in accordance with the approved scheme. The archaeological works shall only be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: As important archaeological remains may exist on site the Local Planning Authority wishes to secure the provision of an archaeological investigation and the recording of any remains prior to commencement of development, in accordance with Policies DE36 and DE37 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from

the Secretary of State) and Policies 4B.15 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

24. Noise from construction activities shall not exceed 75dB Laeq 10 hour between 8.00 and 18.00 Monday to Friday and shall not exceed 75dB Laeq 5 hour between 8.00 and 13.00 on Saturdays, measured 1 metre from the façade of any occupied building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity, in accordance with Policy G36 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3 and 4A.20 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

25. No development shall take place until a strategy for noise monitoring at the site perimeter during the construction and operational phase has been submitted to and approved in writing by the Local Planning Authority. The approved monitoring measures shall be implemented and undertaken during the demolition and construction phase, unless otherwise agreed in writing by the Local Planning Authority. As a minimum the monitoring shall meet the following requirements:

- a. Continuous monitoring of noise shall be undertaken throughout the construction phase and monitoring shall be at a minimum of 4 locations (1 permanent base station and 3 mobile stations) and the following parameters shall be measured: Laeq 1hr and LA1 1hr;
- b. Noise results shall be forwarded to the Local Planning Authority within 48 hours of being taken
- c. Construction noise will be assessed using BS5228 (control of noise from construction sites) and best practicable means will be used at all times to minimise noise and vibration from construction.

Reason: In the interests of amenity, in accordance with Policy G36 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3 and 4A.20 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

26. In the event that complaints regarding noise are received by the Local Planning Authority during construction or once the development is operational, from any sensitive receptor, and thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken. A report on the findings, with proposals for removing, reducing or mitigating identified adverse effects resulting from the operation, and a programme for the implementation of remedial measures to be undertaken shall be submitted to the Local Planning Authority no later than 5 working days from the receipt of the complaint, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of future residents and neighbours, in accordance with Policy G36 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3 and 4A.20 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

27. In the event that complaints regarding smell/odour are received by the Local

Planning Authority during construction or once the development is operational, from any sensitive receptor, and thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken. A report on the findings, with proposals for removing, reducing or mitigating identified adverse effects resulting from the operation, and a programme for the implementation of remedial measures to be undertaken shall be submitted to the Local Planning Authority no later than 5 working days from the receipt of the complaint, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of future residents and neighbours, in accordance with Policy G39 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policy 4A.19 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

28. No development shall take place until details of the external lighting to all buildings and public rights of way have been submitted to and approved by the Local Planning Authority. The external lighting shall be provided in accordance with the approved details prior to the occupation of the relevant phase of development and shall thereafter be permanently maintained, to the satisfaction of the Local Planning Authority.

All external lighting shall be designed to prevent light spill into the watercourse or adjacent river corridor habitat. The specifications, location and direction of external artificial lights should be such that the lighting levels within 8m of the top of the bank of the watercourse are maintained at background levels (Lux Level of 0-2).

Reason: In the interest of visual amenity, residential amenity, highway safety and public safety, in accordance with Policy G37 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4B.1, 4B.2, 4B.3 and 4B.6 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

29. No development shall take place until detailed design drawings and safety audits of the new highway layout and site access arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with Policies T24, T25 and T27 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 3C.16, 3C.18 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

30. No development shall take place until a Travel Plan is submitted to and approved by the Local Planning Authority. The Travel Plan shall include details of funding, implementation, monitoring and review. The development shall be occupied only in accordance with the approved Travel Plan.

Reason: To promote sustainable travel patterns in accordance with Policies 3C.1 and 3C.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004). and Strategic Policy X of the Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State).

31. No development shall take place until a Deliveries and Servicing Plan has been submitted to and approved by the Local Planning Authority. The development shall be

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occupied only in accordance with the approved Deliveries and Servicing Plan.

Reason: To ensure bus priority is achieved and maintained along the public transport corridor in accordance with Policy 3C.20 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

32. No development shall take place until details of the parking layout, electric car charging points and surfacing materials for the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to ensure that sufficient off-street parking areas are provided and not to prejudice the free flow of traffic on the adjoining highway, in accordance with Policies T24, T25 and T27 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 3C.16, 3C.18 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

33. No development shall commence until full details of cycle parking, including its external appearance, location and the means of secure storage proposed, have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided prior to the occupation of the development, and shall be retained thereafter, and used for no other purpose.

Reason: In order to encourage the use of cycling as a sustainable mode of transport, in accordance with Policies 3C.3 and 3C.22 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004) and Policy BR10 of the Borough Wide Development Policies Pre Submission Report (2008).

11. INFORMATIVES

English Heritage (GLAAS)

The development of this site is likely to damage archaeological remains. 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.

2. London Fire Brigade

Consideration has been given to the provision of water supply for fire fighting purposes and 5 new private fire hydrants are required. The applicant is advised to contact London Fire Brigade to discuss their location and requirements.

3. Essex & Suffolk Water

The applicant is advised that there are private mains within the boundary of the application site.

4. Thames Water

Development covers a large area currently served by private sewers. The local sewers are small in diameter and impact will depend upon proposed points of connection to Thames Water infrastructure. The applicant is advised to contact Thames Water

Developer Services on 0845 850 2777 to discuss the details of point of connection and drainage strategy for the development. Peak overall discharge to sewers should be no greater than historical by means of surface water retention or connection of surface water direct to water course by private agreement.

5. Environment Agency

Flood risk

Further information on SUDS can be found in:

- PPS25 page 33 Annex F
- PPS25 Practice Guide
- CIRIA C522 document Sustainable Drainage Systems-design manual for England and Wales
- CIRIA C697 document SUDS manual
- the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS.

The Interim Code of Practice is available on both the Environment Agency website: www.environment-agency.gov.uk and the CIRIA website: www.ciria.org.uk

Environmental Permit

This development will require an Environmental Permit (EP). We have been involved in pre-application discussions with the applicant regarding their proposals and the information they will need to submit with their application for an EP.

When the applicant makes an application for an EP, we will determine it with regards to its demonstration of the use of Best Available Technology (BAT), compliance with the requirements of the Waste Incineration Directive (WID) and the predicted environmental impact of the process including air quality, odour and nuisance. In Chapter 11 of the Environmental Statement, the applicant has included the results of air quality modelling which predict the likely impact of the proposed development on local air quality. We expect this information to also be included in the application for an EP, as well as the input data files used for the modelling. We will carry out an audit of the air quality modelling to assess its accuracy, and we will assess the results of the modelling with regard to the predicted impact of the proposed installation on local air quality. Once our determination is complete, we will then either grant an EP for the installation, including pre-operational conditions where relevant, or refuse it if we determine that the proposed installation is likely to have an unacceptable impact on the environment.

The recovery, treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and also requires an Environmental Permit.

Treatment of contaminated soil by mobile plant requires a mobile treatment permit. Soil may be re-used on-site as part of a soil recovery operation by registering an exemption with the Environment Agency or by obtaining an Environmental Permit.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice as soon as possible to avoid any delays.

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It is recommended that developers should refer to the Environment Agency's:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- Website at www.environment-agency.gov.uk for further guidance.

CASE OFFICER: Will Steadman

Appendix 1: Site Location, Layout Plans and Elevations