

DEVELOPMENT CONTROL COMMITTEE - Date: 13th April 2011

Report of the Executive Head of Planning and Transportation.

Ref: D2009/61962/FUL	WARD: D17 / BEDDINGTON NTH	Time Taken: 58 weeks, 6 days
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Site: Rear of 87 Beddington Lane & 79-85 Beddington Lane Beddington CR0 4TH

Proposal: Demolition of two existing buildings and erection of a gasification plant (incorporating 23m high chimney, together with associated lime storage sites and six cooler units) for the generation of renewable energy from waste wood and other high biomass waste.

Applicant: Beddington Heat & Power Ltd.

Agent: Mr Darren Taylor

Recommendation:

That the appeal not be contested on the grounds that if the Local Planning Authority were able to determine the planning application, the recommendation would have been to GRANT PLANNING PERMISSION subject to the completion of a S106 Legal Agreement relating to a Travel Plan and recommended conditions.

Reason for Report to Committee: This is a Major Application for which an Appeal Against Non-Determination has been received.

DEDELEGATED AT THE REQUEST OF COUNCILLOR JENNY SLARK 31/3/2010.

1.0 INTRODUCTION

1.1 This application is being referred to Members of the Development Control Committee due to the fact that an appeal has been submitted by the Applicants against Non Determination through the Written Representation process. As a result, the Applicants have removed the Council's ability to determine this application. The purpose of this report is to ascertain whether or not the Council would wish to contest the appeal and if so, on what grounds.

1.2 The subject of this application and appeal is to demolish two existing buildings and to erect a gasification plant, together with a 23m high chimney, associated lime storage site and six cooler units which would generate renewable energy from waste wood and other high biomass waste. The site would include part of that currently being occupied by Country Waste Recycling Ltd at 79-85 Beddington Lane. Despite the application description, the submitted plans and supporting information indicate that the proposed gasification plant is an 'extension' to a building on the Country Waste site that has yet to have a formal planning permission issued. This is set out in paragraph 1.3 of the planning supporting statement where the development is described as '*installation of a*

2.63 MWe Small Scale Gasification Plant, partly within a new building, and partly within a permitted waste facility ...'.

- 1.3 Under application reference D2009/60793/FUL, following presentation to the Development Control Committee of 16th September 2009, a resolution was passed to grant planning conditional planning permission for a covered recycling facility on the site at 79-85 Beddington Lane, subject to the completion of a satisfactory S106 Planning Agreement and S278 Agreement. Although the legal agreement is in process, it has not been signed and even if it were, there is no guarantee that it would be delivered.
- 1.4 Having received the appeal notification and submitted the relevant documents required in respect of the questionnaire, it was considered that due to the nature of the proposals, which clearly involve extension of a building that does not exist, the application could not be determined and therefore the appeal was invalid. Although the Planning Inspectorate suspended the appeal timetable, it has now been confirmed that the appeal is valid.

2.0 BACKGROUND

2.1 Site

- 2.2 The application site comprises an area of land to the rear No. 87 Beddington Lane and an area of land within and to the far north west corner of 79-83 Beddington Lane which is now occupied by One51 ES Recycling UK (South) Ltd (formerly having been occupied by Country Waste Recycling Ltd. The red edged site is indicated as covering an area of some 0.17 hectares. The site edged blue does not form part of the application site but it currently contains the open facility for processing waste that would 'feed' the proposed gasification plant.
- 2.3 The land edged blue is currently used as a waste transfer station with ancillary staff buildings, parking, interim vehicle/plant maintenance and serving facilities as well as waste management operations. The subject site would however, overlap with that being the subject of an outstanding application for the provision of a covered waste management facility submitted under reference D2009/60793/FUL for which planning permission has not been issued.
- 2.4 The subject area, partly within the One51 ES Recycling UK (formerly controlled by Country Waste Recycling) site and to the rear of 87 Beddington Lane is located to the west side of Beddington Lane. It would use the same entrance and exit as the current facility. Both areas of land are currently contained by boundary screening comprising concrete panels and posts. The section between Country Waste's site and to the rear of No. 87 Beddington Lane has been removed and is currently being used by Country Waste Recycling Ltd. This area houses two existing buildings, which are to be demolished, a number of skips, skip lorries, a caravan and waste. The section within the main area is used for loading sorted waste material onto lorries for removal off the site and transference elsewhere.

Surroundings

- 2.5 The land to the north and west of the site are occupied by a variety of industrial and commercial uses. To the west are lands currently used as active sludge beds and lagoons by Thames Water which is adjacent to the sewage sludge deposition known as the 'SAM site' which comprises the Scheduled Ancient Monument. Beyond this is the

landfill site and materials recycling facility which is operated by Viridor Waste Management. To the north are various industrial and warehouse operations. To the east are industrial premises, warehouses, builders' yards and operations such as Pro Logis. Further south of the site is an Asda superstore.

- 2.6 The nearest residential units are at Nos. 73-77 Beddington Lane which are approximately 245 metres to the south of the site. Portland Cottages are some 265 metres further south.
- 2.7 Beddington Lane is a designated Tier 2 London Distributor Road within the Borough Hierarchy. It is also part of the Cycle Network (Policy TR27) and Proposed Cycle Route. A section of the cycle route has been provided on the eastern side of Beddington Lane. Further to the north is Mitcham Common and to the south is Beddington Park which gives way further eastwards to residential development.

Site Specific UDP or Core Planning Strategy Designations

- 2.8 The subject site and that occupied by Country Waste Recycling Ltd, now One51 ES Recycling UK, falls within the Wandle Valley Regeneration Corridor and an Economic Regeneration Area.
- 2.9 The area is identified in the Sutton Unitary Development Plan for: Preferred Location for High Tech, Light Industrial, General Industry and Warehouse uses.
- 2.10 Land to the west of the site is designated as Metropolitan Open Land, Metropolitan Green Chain. Land to the west of the site is part of the Land Safeguarded for the Wandle Valley Country Park and is within a Locally Protected View.
- 2.11 It falls within the Beddington Sewage Works Site of Importance for Nature Conservation (SINC) (Policy OE22), an Archaeological Priority Area (Policy BE40) and also falls within an Air Quality Management Area.
- 2.12 As a result of the adoption of the Core Planning Strategy, land to the north is de-designated by the Wandle Valley Regional Park which includes the site currently occupied by Country Waste Recycling Ltd but not land to the rear of 87 Beddington Lane according to replacement Core Planning Policy PMP5.
- 2.13 All other designations remain but reference would be made to incorporate policies contained within Core Plan Strategy and the Site Development Policies - Proposed Submission Development Plan Documents.
- 2.14 Whilst there are no changes to the current designation of the site currently occupied by Country Waste Recycling Ltd, that section of land to the rear of 87 Beddington Lane does not fall within the waste allocations as contained in the Core Planning Strategy or Site Development Policies – Proposed Submissions DPD.

South London Waste Plan - Publication Stage of the Proposed Submission Version

- 2.15 The South London Waste Plan (SLWP) will form part of each borough's Local Development Framework (LDF) as set out in each borough's Local Development Scheme. Once the partner boroughs have formally adopted the plan, (anticipated at the end of 2011), it will form part of the legal development plan for all four boroughs. The South London Waste Plan is being prepared to be in conformity with the emerging Core

Strategies for Croydon, Kingston, Merton and Sutton. The London Borough of Sutton has already adopted its Core Planning Strategy. The Mayor of London encourages the disposal of waste in the nearest appropriate installation and has ambitions to manage more waste within the capital. To achieve the Mayor's ambitions for greater self-sufficiency in waste management, all London boroughs are required to manage a proportion of London's waste within their own boundaries. This is known as the waste apportionment. Beddington Farmlands is designated in the South West London Plan. The Country Waste Recycling site is identified as an 'Existing Waste Management and Waste Transfer Site' listed in Schedule 1 and is a safeguarded site.

2.16 The SLWP indicates that the site 'is currently used as an open air waste transfer station with recovery activities and is unsatisfactory within the context of modern waste management practices.' It is also noted that it is in need of modernization and improved access arrangements and attention should be paid to:

- Designing the site so that operations are carried out within a fully enclosed building;
- Ensuring there is no potential for fugitive waste as a result of good on-site storage and effective wheel-washing facilities on site;
- Protecting the residential amenity of those properties in the vicinity of the site, especially with regard to air quality which is poor as a result of the cumulative effects of various activities;
- Ensuring that traffic to and from the site is routed to avoid sensitive receptors and residential properties as far as possible and the volume of traffic is not unduly increased;
- Taking measures to maintain the existing nature conservation value of the site and providing offsite mitigation measures if this is not possible;
- Ensuring groundwater and watercourses are not harmed by any development; and
- Designing a facility which does not severely impact on the openness of Beddington Farmlands.
- Remediating the site of historical contamination
- The following species have been sited on or in the vicinity of the site: stag beetle, Eurasian Tree, Sparrow, Common Starling, Common Frog, House Sparrow, Cornflower, Caraway
- The following protected habitats are located within a 500m radius: Standing Water and Woodland

2.17 The SLWP has noted the fact that there is a resolution to grant planning permission for a covered facility as well as this current application and that this may result in an amendment of the site boundary. The existing site is protected by the Mayor's London Plan to 2016.

3.0 RELEVANT HISTORY

3.1 The planning history to the site occupied by Country Waste Recycling Ltd, formerly Country Skips has a long and complicated history.

3.2 Planning breaches have occurred over the years on land at Nos. 79 to 85 Beddington Lane including:

- Use of the land on the north side of Mile Road and rear of No.85A Beddington Lane as a compound for the storage of pipes, cables, plant and other equipment and vehicles (including caravans) associated with cable television installation and including the formation of a hard surface area.

- Use of the land to the rear of No.81 Beddington Lane for the storage of plant and materials.
 - Use of No.81 Beddington Lane for the storage of plant and materials, included recycled materials and large blocks of asphalt. The use ceased in August 1994.
 - Use of the garden land of No.79 Beddington Lane for the storage of scaffolding. This ceased the same month.
 - Use of the land to the rear of Nos.79 – 81 Beddington Lane for the storage of motor vehicles. The officer's notes on the file indicate that in August (1998) the site was full of mostly wrecked vehicles and engines. These had been removed by October, when a few small skips were seen on the site. The owner of these skips could not be traced.
 - In March 1999 a complaint was received regarding the use of No.79 Beddington Lane as a waste transfer station. The waste transfer operation had ceased in June 1999 and the site used for skip hire.
- 3.3 Subsequent site visits in January 2000 revealed that the area of land to the rear of No.79 and accessed from Beddington Lane had a long history of commercial activity including scaffolding, car breaking, skip hire, waste transfer and a builders yard. The ground floor of No.79 Beddington Lane was being used as an office and workshop for the skip hire business, with a bathroom and kitchen shared between the office staff and occupier of the first floor. A residential caretaker/ security person occupied the first floor.
- 3.4 In May 2000 the Council issued an enforcement notice requiring the cessation of the use of land at Nos.79 and 81 Beddington Lane as a waste transfer station. This Notice was held in abeyance in recognition that the designation of the land was currently the subject of a policy change in the Unitary Development Plan, towards an industrial use, and because of the submission of a planning application.
- 3.5 **D2000/45682/FUL** – In July 2000 planning permission was granted for the retention of the use of parts of the premises as a large goods vehicle and heavy plant depot, ancillary offices and staff car park, together with demolition and alterations to provide improved vehicular access and egress arrangements for a limited period of two years, expiring on 7 June 2002. The site address is given as Part of 79, 81 and land adjacent to No.81 Beddington Lane. The application excluded any waste recycling or transfer activities.
- 3.6 **D2000/46581/FUL** – In September 2001 full conditional planning permission was granted for the demolition of dwellings and use of land for recycling and transfer facilities for waste, erection of a two storey portable building comprising ancillary offices, mess room and residential security accommodation, construction of concrete tipping bund and the formation of a new vehicular access and egress from Beddington Lane and to Mile Road respectively. The site address is listed as part 79, 81 and land adjacent 81 Beddington Lane, which was the same site area as earlier permission. The enforcement notice relating to the site and issued in May 2000 was withdrawn the same month.
- 3.7 **D2001/47143/FUL** – In September 2002 planning permission was granted for the use of No.83 Beddington Lane for purposes falling within Class B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 for a temporary period (use ancillary to 79 –81 Beddington Lane Ref: D2000/46581/FUL) and provision of car parking facilities. Condition 2 of the notice of permission states that the use shall be discontinued and the land restored to its former condition on or before 9 February 2003.
- 3.8 By September 2002 it was recognised that Country Skips were operating outside the boundary of the approved site and without an application being received to regularise the use of the land.

- 3.9 **D2003/5058/FUL** – In April 2003 an application for full planning permission was submitted for an extended waste transfer, processing and recovery facility including the continuance of existing uses and retention of existing operational development, for a period of five years. This application relates to an area of 0.68 hectares, of the southern part of the current application site, and includes the part of the site granted planning permission in 2001 (reference D00/46581/FUL). The actual waste transfer business occupied a larger site area than that subject to the application and would have needed to be subject to later planning permissions. The subsequent appeal against non determination was held in abeyance pending consultation and negotiation on the submission of a new planning application, to cover the entire site area occupied by the business. There followed a period of correspondence and meetings between the parties culminating in the withdrawal of the appeal on 24 May 2005 and the submission of application reference D2006/55709/FUL.
- 3.10 **D2006/55709/FUL**- On 2 August 2007 the Council granted retrospective temporary conditional planning permission for the continued use of land and buildings and retention of associated operational development as waste transfer, processing and recycling facility. This permission expired on 18 January 2009.

Land Between 85 and 87 Beddington Lane

- 3.11 Between January 1978 and April 1978 the Council granted a total of five planning permissions for the use or continued use of land between Nos.85 and 87 Beddington Lane as a car park.
- 3.12 **D1987/29939** – In April 1988 the Council granted planning permission for the erection of a portacabin for office purposes in connection with an existing business.
- 3.13 **D1987/30007** – In April 1988 the Council granted planning permission for the retention and continued use of land between Nos.85 & 87 Beddington Lane as a car park.
- 3.14 **D1995/39676/FUL** – In June 1995 the Council refused planning permission for the use of land as a transport yard and formation of a vehicular access onto a classified road.
- 3.15 **D1999/45219/FUL** – In January 2000 the Council granted planning permission for the erection of a portable building for office purposes.
- 3.16 **D2003/51155/FUL** – On 2 February 2004 the Council granted conditional planning permission for the retention of land for the storage and parking of coaches and buses, installation of bus wash, retention of bunded fuel store and five mobile buildings to provide ancillary facilities together with 6 ten metre high floodlighting columns, staff and visitor car parking and new access road. The new access road was not created. The case officer's report acknowledges the applicants intention to pave the area of the site, which is the subject of the SINC designation, however did not consider this area to be of nature conservation importance. He also noted that planning permission had been previously granted to use this area for vehicle parking under application reference 89/33292.
- 3.17 **D2007/58088/FUL** – On 23 August 2008 the Council granted retrospective temporary planning permission for relocated vehicle parking associated with adjoining waste transfer station. This permission expired on 30 April 2008.

Recent History

- 3.18 As indicated in the introduction to this report, a planning application was submitted for

the site 79-83 Beddington Lane for a covered waste management facility.

- 3.19 **D2009/60793** – This application was submitted on 26 January 2009 and validated on 30 January 2009 for an enclosed and fully landscaped waste management facility with main waste tipping and sorting building, recovered materials storage bays, detached offices/staff welfare building and adjoining highway improvements. This application also indicated provision for 23 car parking spaces, 60 HGV spaces and 30 cycle spaces. By the time this application was submitted, temporary planning permissions had lapsed (18 January 2009). This application was reported to DCC on 16 September 2009 with a recommendation to grant conditional planning permission, subject to the completion of satisfactory S106 Planning and S278 highway legal agreements. To date the resolution remains but as the agreements have not been signed, the formal decision notice has not been issued. As the temporary planning permission granted in August 2007 lapsed on 18 January 2009, the use of land and buildings and retention of associated operational development as waste transfer, processing and recycling facility has also lapsed.
- 3.20 In order to address the lapse of the temporary planning permission and having regard to the fact that the formal decision in respect of the aforementioned application has not been issued, a further application was registered as valid in July 2010, under reference **D2010/63071** for the retrospective and temporary permission for continued use of the land and buildings and retention associated operational development as waste transfer, processing and recycling facility. The determination of this application is pending.
- 3.21 It should be noted that the subject application to which this report relates were submitted on 3 November 2009 and registered as valid on 25 February 2010. About this time, the applicants would have been aware of the resolution to grant planning permission in respect of the D2009/60793 for the fully covered waste management facility and the fact that a decision had yet to be issued. In addition and having regard to the lapse of the temporary planning permission of use of the land for the waste transfer operations, currently, no planning permission exists for the use of the land as a waste transfer and recycling facility from which the proposed gasification plant can be obtain its supply of waste lawfully, but from outside the site.
- 3.22 It is noted that negotiations are continuing between the legal representatives to move toward the completion and engrossment of the S106/S278 Agreements.

4.0 **APPLICATION PROPOSALS**

4.1 **Details of the Proposals**

- 4.2 This application seeks to obtain planning permission for the erection of a small-scale gasification plant for the generation of electrical energy from renewable biomass fuels such as low-grade wood. The application site is identified as land to the rear of 87 Beddington Lane but it also extends into the site currently occupied by One51 ES Recycling UK (formerly controlled by Country Waste Recycling) at 79 – 85 Beddington Lane. The site is located to the northwest corner of the existing facility and extends northwards. It covers an area of approximately 0.17 hectares and is measures approximately 23 metres at it widest by approximately 55 metres in length at the southern end being within the site of 79-85 Beddington Lane. The remainder of the area to the north includes Unit 4 to the rear of No. 87 Beddington Lane and measures 16 metres at its widest and 35 metres at its longest. The remainder of the site at 79-85 Beddington Lane is edged red.
- 4.3 The main processing section of the proposed plant building would measure

approximately 22.19 metres in width to its southern end and 54.81 to each the east and west sides. Part of this building would overlap with the shredding bays that form part of the covered recycling building that still awaits the issue of the formal planning decision notice. This section would house a 'walking floor' which would take biomass products from the existing recycling facility or the covered facility as has been set out in the supporting information, to a feed hopper. Fuel is fed into Advanced Thermal Treatment Units, to oxidation Chambers through to the Steam Boiler where the heat from the Advanced Thermal Treatment Units passes through a Boiler where steam is produced. The steam passes through to a turbine and generator which is located in the northern part of the building. Electricity is the output which is directed to the National Grid, excess low grade heat waste goes to a cooler which can be made available for hearing application 'should a heat user be identified in close proximity to the site.' Flue gases pass from the Boiler pass through two filters to remove particulates and unwanted emissions before being emitted through a 23 metre cooler stack with a 1.3 metre diameter would be located 6 cooler units would be located outside of the site.

- 4.4 The submitted plans indicate that the proposed building that would house the gasification plant, would follow the design of the building put forward for the covered recycling facility. It would have a curved roof being 5.48 metres at its lowest and 8.78 metres at its highest, following the curvilinear form of the roof to the proposed covered recycling facility. Very little of the building would be visible from the south. The plans are annotated to state that it is a 'proposed extension' but more recent correspondence indicates that the building could be 'stand-alone'. No amended plans have been submitted to date. The building would be finished to match the materials proposed for the covered recycling facility but with a metal seam roof as opposed to a green roof.
- 4.5 Supporting Statements have been provided with the application submission including a Planning Supporting Statement with Appendices providing information in respect of:
- Design and Access
 - Technical Processes
 - Environmental Designation
 - Flood Risk
 - Sustainable Design and Construction
 - Land Contamination
 - Foul Sewerage
 - Odour
 - Air Quality Assessment
 - Noise Impact Assessment
 - Biodiversity, Nature Conservation and Ecology Study
 - Traffic Statement/Transport Assessment Report
- 4.6 The Supporting **Planning Statement** it is explained that the '*Applicant is a Joint Venture company formed between Bioflame Ltd who provide the plant design, technological integrity and operational experience, and Country Waste Recycling Ltd.*' The waste operators will supply the low grade wood and other high biomass waste to the process and will operate the plant on a day-to-day basis.
- 4.7 The gasification plant is referred to as 'small-scale being a 2.6 MWe plant, partly '*within a new building and partly within a permitted waste facility, to process approximately 30,000 tonnes of wood and other high biomass waste per annum.*' The focus is on renewable energy and the application of best practice and technology to the recovery of value from renewable energy sources.
- 4.8 It is stated that '*the installation will save a total of 9047 tonnes per year of CO₂ or*

2467 tonnes of carbon' which 'would be of significant assistance to the total contribution to local and thereby, national carbon savings.' Additionally it is stated that the source fuel arising from the existing recycling facility 'will eliminate more than 3400 HGV trips per annum which would otherwise be required to remove the waste for further processing elsewhere currently landfilled.' Aside from distribution to the National Grid, it is indicated that there is 'potential for the export of excess heat from the proposed development to other local businesses such as the data centre opposite the site and also to the establishment of Combined Heat and Power (CHP).

- 4.9 The plant is proposed to operate 24 hours per a day, 7 days per week but it would only be open for deliveries from the existing Waste Recycling facility as follows:

Monday to Friday: 8.00am – 5.00pm

Saturday: 8.00am to 1.00pm

Sunday: Closed.

- 4.10 The summary concludes that the proposal:
- accords with European and Central Government Guidance on the recovery of energy from waste and renewable sources
 - fully accords with Regional and Local Planning Guidance on waste management and the recovery of energy from waste and renewable sources
 - offers a sustainable and long term solution to the recovery of low grade wood and other high biomass waste within the local area
 - will have no adverse impact on local amenity, highways or landscape
 - will eliminate the need for over 3400 (**or 3100 check this**) HGV trips that would otherwise be required to transport the low grade wood and other high biomass waste off site landfill elsewhere
 - will generate enough 'green' electricity to supply over 6300 typical homes (2600 GW/hr electricity)
 - operations are strictly controlled and monitored under an Environment Permit issued by the Environment Agency and will be required to operate under stringent environmental limits in terms of what it may process and the emissions from the plant will be continuously monitored
 - the site is fully licensed and manages approximately 200,000 tonnes of construction and demolition waste annually
 - the small-scale gasification plant would require approximately 30,000 tonnes of low-grade wood and other high biomass waste per year
 - create 6 full-time jobs
- 4.11 The **Design and Access Statement** indicates that the site was selected as an appropriate location including fuel availability, land availability, electrical connection and site suitability. It '*compliments the Proximity Principle (PPS10) which exists in European Law (Waste Framework Directive 1975, as amended 1991), and states that waste should be disposed of in one of the nearest appropriate installations which limits the environmental impact of transporting waste long distances and helps to ensure that communities take responsibility for their own waste rather than dumping it on others.*'
- 4.12 There is an existing 11kV circuit breaker in close proximity to the proposed plant (the point of connection is to be determined) and could be connected via an 11kV underground cable. Also, the proximity of a nearby sub-station reduces energy loss in transmission to the national grid and the environmental impacts of having to establish longer distance connections either by underground cable or overhead pylons.
- 4.13 It is stated that the covered waste recycling facility (yet to have a formal decision notice issued) would allow the site to process 500,000 tonnes of waste once it has been constructed.

- 4.14 The design of the plant reflects the process required to convert the low grade wood and other high biomass waste into electricity and is of a scale to accommodate the minimum height for the thermal treatment units, oxidisation chambers, boiler and filtration system which require a minimum internal height of 8.0m. The building would occupy 448m² of 87 Beddington Lane and 1274m² of the waste facility at 79-85 Beddington Lane but incorrectly refers to the planning status in respect of the covered facility submitted under reference D2009/60793. The layout is determined by the location of the plant which is also determined by the operational structure and adjacencies of the plant to also maximize energy efficiency, handling and manoeuvrability, loading and unloading.
- 4.15 The height of the stack is determined by the requirement to disperse emissions, to meet Air Quality Standards and to comply with the Waste Incineration Directive and Environmental Permit.
- 4.16 In respect of landscaping, the Design and Access Statement indicates that screening will be from outside the site which reduces the requirement internally but would be agreeable to additional planting subject to suitably worded conditions.
- 4.17 The overall objective for the design is indicated as creating a clean industrial character consistent with its role as a sustainable energy generator. It will be a clear span steel portal framed building clad with goose wing grey profiled sheet metal with a dark grey trim. The materials have been chosen to ensure that the development sits well within its landscape setting.
- 4.18 Access arrangements – Vehicle access to the fuel handling section will be via a 10 metre high roller shutter door. Vehicle access to the power generation section of the building will be via one of four 4m high roller shutter doors. 3 x external personnel access will be provided also.
- 4.19 Movement to and within the site have been considered. Staff car parking is currently available on the Country Waste Recycling Ltd site and it is stated that this will accommodate further parking needs resulting from this proposal. Disabled visitor and cycle parking will be provided on the adjacent Country Waste Recycling Ltd site. Access to the building would meet Building Regulation 2000 Part M 'Access to and use of Buildings'.
- 4.20 Access for employees, deliveries, visitors and so on will be via the existing security entrance gate to the site. The site is accessed from Beddington lane, off Croydon Road (A236). There are currently an estimated 250 traffic movements to and from existing facility per day.

5.0 PUBLICITY

- 5.1 In addition to the display of 3 site notices and a press notice, notification letters were sent to 298 households and premises in Beddington Lane, Foxglove Way, Primrose Close, Bluebell Close, Therapia Lane, Beddington Cross and Prologis Park.
- 5.2 21 letters received from residents of 16 households including:

10 Camboune Road, Sutton
8, 11 Brookmead Road, Beddington Lane, Croydon
45, 63 and 180 Beddington Lane, Croydon
2 Elberon Avenue, Beddington
1 (Flat 9) Primrose Close, Wallington

14 Palmerston Road, Carshalton
 22 Crispin Crescent, Beddington
 22 Wandle Court Gardens, Beddington
 1 Mortlake Close, Beddington
 36 Guy Road, Wallington
 47 Richmond Road, Beddington
 5 Wandle Bank, Croydon
 The Green Dragon, 60 High Street, Croydon

- 5.3 Objections are raised on the grounds that:
- oppose the introduction of an incinerator
 - oppose the scale of the operation
 - the area is saturated with waste facilities
 - unacceptable smells and fumes
 - poor air quality due to dust particles in the air
 - unacceptable air pollution and dirt
 - unacceptable noise pollution and vibrations
 - increases harm to humans causing serious respiratory and skin problems
 - inability to use private gardens due to pollution
 - increase in traffic and movement of trucks carrying raw material
 - deception in the figures quoted for the reduction of lorry movements when it is actually much higher than stated and therefore is based on false presumptions
 - unsuitability of Beddington Lane to accommodate additional traffic due to its width and condition
 - congestion would be increased
 - detriment to pedestrian safety
 - flooding
 - detriment to wildlife
 - disturbance day and night
 - detriment to businesses
 - proposals are contrary to Human Rights to breathe clean fresh air
 - detriment to Hackbridge and the intentions to provide a park/nature reserve
- 5.4 The writer from Wandle Court Gardens refers to an Incinerator at 112 Beddington Lane which is not the address to which this application relates.
- 5.5 Viridor also wrote to query how the applicant will seek to ensure that the vehicle movements from the existing approved operations at the site will reduce by 4,300 pa and also state that if approved, a condition be added to ensure that it deals with waste from the adjoining facility only.
- 5.6 Another writes states that it is a contradiction to have part of Beddington Lane designated as a Conservation Area where there are restrictions on what people can do to their properties, yet further along the road businesses who dispose of radioactive, clinic and sludge waste can put forward an application to operate.
- 5.7 One writer objects to the worsening of air quality in London as highlighted in the report of Commons Environmental Audit Committee's dated 21 March 2010 and goes onto point out that pyrolysis plant can have a serious potential impact on human health: these coming from air emissions including acid gases, dioxins and furans, nitrogen oxides, sulphur dioxide, particulates, cadmium, mercury, lead, hydrogen sulphide and also contain residues such as inert mineral ash, inorganic compounds and any remaining unreformed carbons (also inert).
- 5.8 **Councillor Representations:**

- 5.9 Mr Tom Brake MP has written to express his opposition to the application due to the impact it would have on air quality and potential for there to be an increase in vehicle movements associated with other contractors wanting to use the site and facilities.

Official Consultation

Internal

- 5.10 **Waste Management:** No objections.
- 5.11 **Environmental Protection:** Comments that the Environmental Permit for the existing site which limits the total volume of waste to not more than 75,000 Tonnes per year. Apart from that there are only restrictions on the amount of asbestos that can be received and stored per day of 10 tonnes, and 50 tonnes of waste tyres but these are both included in the total limit.
- 5.12 **Air Quality:** It is stated that the air quality impact assessment submitted as part of the January 2010 Supporting Statement (Appendix L), is an assessment of the impact of a revised layout and this Authority would have to take expert advice on its validity (methodology and interpretation of date etc) but this cannot be done at short notice. Referring to paras 6.1 – 6.7 of Appendix L, the report concludes that there are ‘no air quality grounds for refusal’ when the significance of the predicted impact is assessed in accordance with London Council’s ‘Air Quality Planning Guidance’ and when the significance of the impact is assessed against the guidance issued by the Environment Protection Agency UK ‘Development Control: Planning for Air Quality’, the conclusion is much the same, though expressed differently.
- 5.13 Attention is drawn to the Health Protection Agency’s report ‘The Impact on Health Emissions to Air from Municipal Waste Incinerators’ (September 2009) has the following summary:
- “The Health Protection Agency has reviewed research undertaken to examine the suggested links between emissions from municipal waste incinerators and effects on health. While it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants. The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has reviewed recent data and has concluded that there is no need to change its previous advice, namely that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended.”*
- 5.14 If the consultants cannot validate the air quality impact assessment referred to, a suitable condition should be imposed.
- 5.15 **Emissions:** As a result of contact with the Health Protection Agency, it is stated that well-managed plants which comply with the Waste Incineration Directive should not result in emissions likely to have a significant risk to human health. The conditions set out in the Waste Incineration Directive and a facility’s Environment Permit should be sufficient to ensure that emissions present minimal risk to health. PCT’s are consultees for Environmental Permits and a view of whether a facility is likely to cause harm to public health can be provided by assessing the information given in the permit application.

- 5.16 It is further added that the HPA cannot comment on whether the proposed facility at Beddington will be well managed and comply with the Regulations or not.
- 5.17 **Highways:** Additional information/clarification is required as the proposed site plan does not include vehicular access to the office and staff welfare building facing Beddington Lane as part of the previous application; there is no increase in staff car parking spaces but a reduction of 10 cycle spaces from the previous scheme; there were 60 spaces for overnight parking of heavy vehicles, 2 separate exit weigh bridges and a twin vehicle wash facility.
- 5.18 Reference is also made to the fact that the proposal leads to demolition of two storage bays (one for wood and one for green waste). The site plan show only one bay for wood acting as a feedstock to the proposed plant. The location of storage for biomass/green waste and the HGV movements associated between storage and the proposed plant needs to be clarified.
- 5.19 However, it is noted that the effect on the highway in terms of overall traffic increase is minimal.
- 5.20 **Creative Energy Networks (CEN):** Has no specific sustainability comments but suggests that the possibility of recovering heat and supplying it to MUSIS should be investigated.
- 5.21 **Biodiversity:** States that the planning submission:
- makes no mention of biodiversity
 - Section 14 suggests that there are, in fact, other biodiversity features that could be enhanced on site.
 - The report is that which was submitted for the existing waste transfer site. The report does not state it covers the extended site including 87 Beddington Lane and no mitigation measures have been proposed for the development of the gasification plant.
 - The Ecology Report notes that: "the existing two-storey brick building within the application site has a tiled roof, which may provide potential crawl spaces suitable for pipistrelle bats." (9.17, Pg.22, Appendix J).
 - a bat survey following standard methodology would need to be carried out prior to demolition work. If bats are found, a licence from Natural England will need to be applied for to carry out mitigation and demolition work
 - as there is no assurances that the development of the main site will go ahead, it cannot be deemed to be able to make a considered judgement on the impact of this scheme and as such, does not accept the submitted report or site drawings as being a true and accurate reflection of the site.
 - a professional assessment of the site from David Lewis Associates, in the form of a signed declaration that explicitly states that the application site was thoroughly covered in the previous surveys and highlights, through target notes on a clear map, exactly where any potential protected species legislation concerns are and what the recommended avoidance / mitigation / compensation strategies might be, would be accepted
 - the submitted application and proposed site plan are insubstantial in terms of regard to biodiversity and potential conflicts with current legislation. The submitted Ecological report does not provide the necessary information to assess the ecology impact of this planning application.
- 5.22 Finally, it is strongly recommended that a suitably qualified ecologist either:
- a) submits a detailed letter stating explicitly that the current application site was surveyed as part of the surveys for 79 Beddington Lane, with appropriate detailing of any species or habitat of note or;

- b) surveys the current application site for the possibility of protected species and submits their report to this Section for assessment and verification prior to any work being undertaken on site

5.23 The site may be of low potential for protected species or habitats due to the nature of business recorded there but this does not demonstrate the required evidence on which to base a considered decision. Without a solid evidence base, either from the statement of a suitably qualified ecologist or a new survey, a considered assessment of potential impacts cannot be undertaken. Planning and biodiversity policy and guidance requires that biodiversity implications and enhancements are taken into account.

External

- 5.24 **London Borough of Merton:** State that an Air Quality Assessment should be undertaken and should include dispersion modeling, how emissions from the proposed gasification plant will affect pollution concentrations in the London Borough of Merton with regard to statutory air quality objectives and impacts on human health. It is further stated that the report should recommend suitable measures to prevent any deterioration in local air quality as a result of the plant/ With regards to transport, further information has been requested in order to fully consider impacts on the road network and highway safety issues.
- 5.25 **Croydon Council:** No objection.
- 5.26 **Transport for London (TfL):** No objection but notes that a Delivery Servicing Plan be required by Condition. Pedestrian improvements are also recommended to footways in the vicinity of the site on both sides of the roads to link to the nearest bus stops. Some cycling parking should be provided for staff who wish to cycle to work.
- 5.27 **Thames Water:** Do not object.
- 5.28 **Natural England:** State there it is their opinion that this proposal does not significantly affect in priority areas of Natural England, therefore do not object to proposal. It is however stated that the proposed land take from the Beddington Farmlands Site of Interest for Nature Conservation Interest and is recognized, however, and the land take is deemed to be minimal and a large part of this has already developed/ hard standing resulting in negligible biodiversity. Therefore scheme proposals for suitable landscaping and planting around the edge as a site, which should be of indigenous/native species, together with green walls and roofs should have triggered by increased biodiversity and ecological potential for the area. It is stated that although there are no objections to the proposal, it is recommended that should the council being minded to grant permission for this application at measures to secure enhancement of the natural environment in accordance with the planned items referenced should be secured. Reference is made to PPS9, PPG17, the London Plan Policy 3D. 14, 4A.9 and Planning Policy Statement 1: Planning and Climate Change.
- 5.29 It is also stated that the council can condition the provision of a suitable landscape scheme as part of any formal approval, a with suitable native species as proposed, and in line with enhancement of the existing Site of Interest for Nature Conservation and proposed Regional Park.
- 5.30 **Environment Agency:** Recommended that planning permission should only be granted to proposed development as submitted subject to conditions to deal with contamination risks, remediation, verification, mitigation, further contaminants, disposal of surplus water, details of hiring and other foundation design, and point out that the development will require an Environmental Permit from the Environment

Agency is required unless exemption applies.

- 5.31 **London Wildlife Trust:** Oppose the proposals. Consider the application raises broader issues than wildlife issues but express concerns relating to:
- emissions being a concern for human health and there will be potentially harmful emissions as a result albeit at current permitted levels which are declining over the years and potential failure to meet EU Regulations
 - no details of 'other high biomass waste' and what this constitutes particularly in respect of emissions
 - the figures for waste state that the site currently manages 200,000 tonnes of which of which about 40,000 tonnes is wood but the 2009 application means the site would be able to manage 500,000 tonnes of which 100,000 tonnes would be wood but the gasification plant can only process 30,000 tonnes of wood
 - the figures of waste management are queried as only 30% of wood would go into the gasification plant and the rest to landfill
 - it is queried if a further application is to be submitted once the principle of the development is established and thus a larger plant would lead to more emissions
 - the application is confusing in terms of biodiversity claiming there are 'no locally, nationally or internationally designated sites within 2km of the proposed site' but it is adjacent to the SINC that is recognized in the London Plan, the UDP and LDF. Despite this Appendix J provides a statement on 'Biodiversity, Nature Conservation and Ecology'
 - Appendix J denigrates the immediate area of Beddington and fails to properly assess bird presence
 - Along with other species, the Sparrow population has not been mentioned in the evaluation given that they nest in a box within 50 metres of the site and are likely to be feeding in the area
 - Mitigation measures are supported but questions the provision when the red line boundary only forms a small section of the Country Waste site and are considered to be exaggerated and in terms of invertebrate species is merely 'name dropping'
 - Mitigation is not convincing
 - No mention was made of bees
 - There were references to screening but could not be seen on the plans
 - The claim that the are of mitigation measures is greater than the part of the SINC within the application site is disingenuous as an area north of Mile Road was encroached upon
- 5.32 **The Beddington Farm Bird Group:** Object to the proposals due to the importance of the Beddington Farmlands to nature conservation, the designations and the exceptional importance for birds in London. It is pointed out that the Beddington Farmlands have MOL, SINC status and a potential SSSI and that the Farmlands are covered by a Conservation Management Plan which should protect key species. Bird species will come under threat if restoration is delayed. Reference is also made to potential harmful pollutants affecting air quality and potential exposure to the future population of the first sustainable suburb.
- 5.33 Similar points are raised as per the comments of the **London Wildlife Trust** in respect of statements regarding the biodiversity interest of the site are incorrect and the report attempts to make the existing designations less important; mitigation measures being over stated; extent of planting and mitigation given the red edged site; discrepancies regarding the amount of waste to be processed and wood waste; concerns over the nature of 'other high biomass waste'. It is suggested that the applicant should consider a realizable uplift incentive to enhance the conservation aspects of this application including potential financial uplifting along with Viridor.

5.34 **Mitcham Conservators:** No observations

6.0 **Material Considerations**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the London Borough of Sutton comprises the following documents:

(1A) The London Plan (originally adopted 2004, amended version, consolidated with alterations, adopted February 2008).

(1B) The London Plan: Consultation draft replacement plan, October 2009.
This document, which will eventually replace the existing consolidated version of the London Plan, was published for public consultation on the 12 January 2010. Although the draft replacement plan will not supersede the existing London Plan until after it has been formally adopted, the draft plan will be a material consideration that should be taken into account in deciding planning applications and will gather increasing weight the further into the replacement process.

In the event that there are discrepancies between the adopted CPS, SDP and Replacement London Plan, legal guidance indicates that the latest adopted document prevails.

(2) The Sutton Unitary Development Plan (UDP) (adopted April 2003). Some of the UDP Policies have now been replaced by the Core Planning Strategy Policies.

(3) The Local Development Framework (LDF) which is to replace the UDP in due course as the official Development Plan for the Borough. At present it comprises two main documents (additional ones for specific areas such as Sutton Town Centre will be produced):

(a) The Core Planning Strategy (CPS) which sets out the Council's long term vision, spatial strategy and core policies for shaping the future development in the Borough and managing change over the next 15 years in line with the principles of sustainable development. Following public consultation and a formal public examination by Government Inspectors the final version of the CPS was adopted by the Full Council on 7.12.09. The adopted CPS replaced a number of the UDP policies and is a material consideration in the determination of planning applications.

(b) The Site Development Policies Development Plan Document (DPD) which identifies sites for future development (outside Sutton Town Centre) and sets out detailed development management policies to be used to help decide planning applications. The DPD has been through two stages of public consultation and was approved by the Full Council on 7.12.09 for submission to the Secretary of State. A further public consultation was carried out in January - March 2010. The DPD is now accorded weight by the Council in determining planning applications (and is a material planning consideration.)

In the event that there are discrepancies between the adopted CPS, DPD and Replacement London Plan, legal guidance indicates that the latest adopted document prevails.

Also a material consideration in determining planning applications are:

(a) National Planning Guidance in the form of Planning Policy Statements and Planning Policy Guidance / Documents.

(b) Adopted London Borough of Sutton Supplementary Planning Guidance/Documents.

(c) The South London Waste Plan – Proposed Submission Publication Stage.

6.2 **National Planning Guidance:**

- PPS1 1 'Planning for Sustainable communities'
- PPS: 'Planning and Climate Change – Supplement to Planning Policy Statement 1'.
- PPG2: 'Greenbelts'
- PPS5: 'Planning and the Historic Environment'
- PPS9 - Biodiversity and Geological Conservation
- PPS10 - Planning for Sustainable Waste management
- PPS22 – Renewable Energy
- PPS23 - Planning and Pollution Control
- PPG24 - Planning and Noise
- PPS25 - Development and Flood Risk

6.3 **The London Plan (Consolidated with Alterations since 2004)**

- 3B.10 - Environmental Industries
- 3B.11 - Improving employment opportunities for Londoners
- 3C.17 - Tackling congestion and reducing traffic
- 3D.8 - Realising the value of open space and green infrastructure
- 3D.10 - Metropolitan Open Land
- 3D.11 – Open Space provision in DPD's
- 3D.12 – Open Space Strategies
- 3D.14 - Biodiversity and nature conservation
- 4A.1 – Tackling climate change
- 4A.2 – Mitigating climate change
- 4A.3 – Sustainable design and construction
- 4A.3 – Sustainable energy
- 4A.7 – Renewable energy
- 4A.19 – Improving air quality
- 4A.20 – Reducing noise and enhancing soundscapes
- 4A.21-Waste strategic policy and targets
- 4A.22- Spatial policies for waste management
- 4A.23- Criteria for selection of sites for waste management and disposal
- 4A.24 – Existing provision – capacity, intensification, re-use and protection
- 4A.25 – Borough level apportionment of municipal and commercial /industrial waste to be managed
- 4A.26 – Numbers and types of recycling and waste treatment facilities
- 4A.27 - Broad locations suitable for recycling and waste treatment facilities
- 4A.28 – Construction, excavation and demolition waste
- 4B.1- Design principles for a compact city
- 4B.15- Archaeology
- 5A.1- Sub Regional Implementation Frameworks
- 5E.1 – The strategic priorities for South West London
- 5E.3 – Area for intensification in South West London

6.4 The London Plan: Consultation draft replacement plan, October 2009.

- 2.17 – Strategic industrial locations
- 2.18 – Green infrastructure: the network of open and natural spaces
- 3.1 – Ensuring equal life chances for all
- 3.2 – Addressing health inequalities
- 5.1 – Climate Change mitigation
- 5.2 – Minimising Carbon Dioxide Emissions
- 5.3 – Sustainable design and construction
- 5.7 – Renewable Energy
- 5.12 – Flood Risk Management
- 5.13 – Sustainable drainage
- 5.16 – Waste self-sufficiency
- 5.17 – Waste capacity
- 6.3 – Assessing transport capacity
- 6.9 – Cycling
- 6.11 – Smoothing traffic flow and tackling congestion
- 6.12- Road Network Capacity
- 6.13 – Parking
- 7.6 – Architecture
- 7.8 – Heritage assets and archaeology
- 7.14 – Improving air quality
- 7.15 – Reducing noise and enhancing soundscapes
- 7.16 – Green Belt
- 7.17 – Metropolitan Open Land
- 7.19 – Biodiversity and access to nature
- 8.1 – Implementation
- 8.2 – Planning Obligations
- 8.3 – Community Infrastructure Levy

6.5 Core Planning Strategy

- PMP4 – Main Locations for Industry
- PMP5 – Wandle Valley
- PMP9 – Open Space Network
- BP5 – Improving Health and Wellbeing
- BP6 – One Planet One Living
- BP7 – Flood Risk & Climate Change Adaption
- BP8 –Waste Reduction & Management
- BP10 – Transport Strategic & Borough Wide Proposals
- BP12 –Good Urban Design & Heritage
- DP2 – Planning Obligations

6.6 Sutton Unitary Development Plan

- G/OE5- Nature Conservation and Important Landscape Features
- G/CL2- Sports, Recreation and Leisure Facilities
- G/TR5- Transport Impact of New Development
- G/PNR1- Environmental Protection
- OE17- Protection and Enhancement of Green Chains
- OE22- Sites of Importance for Nature Conservation
- OE23- Development Affecting Sites of Importance for Nature Conservation
- OE24- Access to sites of Importance for Nature Conservation
- OE28 – Habitat Creation and Enhancement
- BE4 – Building Relationship
- BE9- Access for Disabled People

- BE11 – Protection of Borough Views
- BE12 – Landscape Provision in new development
- BE40- Archaeological Field Evaluations
- TR18- New Development and Transport
- PNR1- Polluting Development
- PNR2-Water Pollution
- PNR17- Water Contamination
- IMP1- Planning Obligations

6.7 **Site Development Policies – Proposed Submission Development Plan Document**

- DM1 – Protecting Amenity
- DM4 – Historic Environment
- DM5 –Sustainable Design & Construction
- DM6 – Climate Change Mitigation
- DM7 – Flood Risk
- DM8 -Climate Change Adaption
- DM10 – Air Quality
- DM11 – Contaminated Land
- DM12 –Noise and vibration
- DM15 – Green Belt/Metropolitan Open Land
- DM17 – Biodiversity Habitats and Species
- DM19 – Promoting Sustainable Transport & Accessibility
- DM20 – Assessing the Impact of New Development
- DM21 – New Development and the Highway Network
- DM22 – Parking
- DM33 – Strategic and Established Industrial Locations

6.8 **Supplementary Planning Guidance/Documents**

- London Plan SPG - Industrial Capacity- March 2008
- SPD5- Planning Obligations

6.9 **Other relevant documents and legislation**

- Planning for Sustainable Waste Management ; the companion guide to PPS10 (June 2006)
- Waste Strategy for England 2007 (DEFRA)
- The London Plan Sub Regional Development Framework; South London (May 2006)
- Mayors Transport Strategy 2001
- Mayor's Air Quality Management Strategy Cleaning London's Air (2002)
- Mayors Municipal Waste Strategy: Rethinking Rubbish in London (2004)
- Mayor's Energy Strategy: Green Light to Green Power (2004)
- Recycling and Recovery Facilities – A Site Investigation in London (2005)
- Mayor's Ambient Noise Strategy (2007)
- Mayor's Climate Change Action Plan (2007)
- Powering Ahead: Delivering Low Carbon Energy for London 92009)
- Clearing the Air: Mayor's Draft Air Quality Strategy (2010)
- Draft London Climate Change Adaptation Strategy (2010)
- Draft Municipal Waste Strategy 2010
- Environmental Protection Act 1990
- Pollution Prevention and Control Regulations
- Open Space Strategy 2007
- The Local Biodiversity Action Plan (2005)
- Sutton Borough Local Implementation Plan

- Sutton Municipal Waste Management Strategy

7.0 **PLANNING CONSIDERATIONS**

7.1 The principle considerations (including whether any material planning objections have been reasonably addressed) in relation to this application are:

- **Use**
- **Design**
- **Open Land, Landscape, Nature Conservation & Biodiversity**
- **Sustainability**
- **Impact on Local Residents**
 - **Air Quality**
 - **Odour**
 - **Noise**
- **Traffic & Parking**
- **Other Relevant Material Planning Considerations**

Use

7.2 The site was occupied and licensed to Country Waste Recycling Limited but is now occupied by One51 ES Recycling UK under a license of the same nature and limitations as that for Country Waste Recycling. Apart from the area of land comprising that to the rear of No. 87 Beddington Lane, it is identified as an existing waste management location. The principle of the use of 79-85 Beddington Lane as a waste management facility was established by permissions granted in 2001 and 2007. In addition, the resolution to grant planning permission for a covered facility under reference D2009/60793/FUL was considered to be acceptable.

7.3 Although there is a concern that the proposed gasification plant reads as an 'extension' to a covered facility building that does not exist at present and despite, protestations by the Applicant/Appellant that it could be 'stand-alone', it is considered that in all other respects, the proposals would accord with Policy BP8 of Sutton's Core Planning Strategy 2010 and waste related Policies contained in the London Plan 2008, Draft Replacement London Plan 2009. Additionally, the site is identified in the South London Waste Plan (Proposed Submission Publication Stage) as Site 17. The Core Planning Strategy and Site Development Proposed Submissions Development Plan Document both recognize this site as being part of the waste management strategy and being located within the Beddington Strategic Industrial Area.

7.4 The area of land to the rear of 87 Beddington Lane is not included within a recognized waste management/processing site but it is within the Beddington Strategic Industrial Area. The expansion of a site to provide improvements in the processing of waste within or close to an existing waste facility is supported by the Core Strategy, both London Plan's and the South London Waste Management Plan (Policies WP6 and WP8). As the proposal relates to the provision of a gasification plant, allowing for the processing of waste to produce energy on site, reducing landfill and land-take, it is supported by the aforementioned plans and the locational criteria set out in PPS10 "Planning for Sustainable Waste Management" and PPS22 'Renewable Energy'. A reduction in land fill needs to be addressed given that land at Beddington Farmlands was granted planning permission which will expire in 2023.

7.5 Part of the application site has been de-designated from the Wandle Valley Country Park as set out in the Alterations to the UDP Proposals Maps contained in Appendix 2 of the Site Development Policies – Proposed Submission DPD. That part to the rear of 87 Beddington Lane is not included within this designation. Land to the west remains within the lands designated for the park. It is however, covered by a designation as a Site of

Importance for Nature Conservation. The loss of protection for sites of strategic importance for Biodiversity in London is contrary to London Plan Policy 3D.14 'Biodiversity and Nature Conservation' as the policy operates to resist development that would affect the nature conservation value of Sites of Importance for Nature Conservation. However, the policy goes on to state that "...if that is not possible, to minimise such impact and seek any mitigation of residual impacts." The dual designation of part of the application site area as Preferred Industrial Area and as a Site of Importance for Nature Conservation is considered further in this report.

- 7.6 In this instance, it is considered that the introduction of a gasification plant partly within and adjacent to an existing waste management site is acceptable in terms of use and principle and would accord with the London Plan 2008 (Policy 4A.37) the Draft Replacement Plan 2009 (Policy 5.17), Sutton's UDP and Core Strategy as well as the objectives and policies of the South London Waste Management Plan (Policies WP4, WP5, WP6 and WP8). The application site is located within a Preferred Industrial Area and is an existing waste management location, despite the dispute as to the ability of being provided as an extension to a building that does not exist or as a freestanding structure – the principle of the development is considered to be acceptable in policy terms. Mitigation in respect of nature conservation and landscape mitigation are addressed further in this report.

Design Quality

- 7.7 The requirement for design quality is not outweighed by the benefits arising from the provision of a gasification plant on and adjacent to this existing waste management site. It is clear that the design has to take account of the function, processes and machinery to be contained within as well as meeting specific requirements for Health and Safety as well as environmental controls. Constraints also need to be considered including the National Grid Overhead Power Lines.
- 7.8 PPS1 requires that the design of new buildings are appropriate for their context and make a positive contribution to the visual amenities of an area. Policy 4B.1 of the London Plan 2008 and Policy 7.6 of the Draft Replacement London Plan 2009 require a high quality of design in London and its suburbs. These sentiments are embodied within Core Policy BP12, Policy BE4 of the UDP, Policies DM1 and DM5 of the Site Development Policies –DPD.
- 7.9 The design of the gasification plant has taken its cue from the design of the covered recycling facility and to read as an 'extension' to that facility as indicated in the approved plans. No further plans have been submitted to show the gasification plant in isolation. Bearing in mind that if the appointed Inspector were to consider that the Appeal can be determined when the covered facility does not exist, and having regard to the design principles established by the approach to the covered facility with its curved green roof, it is considered that the proposed plant building to which this appeal relates would read as an appropriate form of extension.
- 7.10 It is considered that the site could accommodate a stand-alone facility but this would need to be demonstrated through the submission of amended plans and also demonstrating that it would not result or require changes to the covered facility submitted under reference D2009/60793/FUL. It appears that the siting of the gasification plant building would overlap and remove two shredding bays forming part of the covered recycling facility.
- 7.11 It is considered that the proposed plant building could read as an appropriate form within this industrial context. Its contemporary design is an improvement on the normal portal framed 'atcost' industrial building. Its profiled form reduces the impact of scale, bulk and mass when viewed from afar. The stack is the minimum required for a gasification facility in this location. It would be seen against the backdrop of the overhead power lines, the

flare stack to the Viridor site and within a panoramic view taking in the 'Ikea' towers.

- 7.12 Due to the containment of the site there are limited views immediately adjacent to the site larger 'blue' edged site for Beddington Lane or Mile Road. There are existing concrete screening panels around the perimeter of the 'blue' edged site and part of the site edged 'red' to the west. No additional landscaping has been proposed within the 'red' edged site as heavily reliance has been placed on the landscaping proposals and green roof contained to the covered recycling facility.
- 7.13 This scenario poses a legal issue regarding determining an application or appeal for the extension of a building that does not exist and results in changes to it and how this can be controlled by condition - this would be a matter for the appointed Inspector to consider and if allowing the appeal, to impose suitable conditions to effectively control the development. For that reason, no conditions are recommended in respect of this issue but it is recommended that details of the eastern elevation are provided by condition as well as external materials.

Open Land, Landscape, Nature Conservation & Biodiversity

- 7.15 It is recognized that the site is located within a Site of Nature Conservation Interest (SINC) and it adjacent to lands to the west which are designated as part of the Wandle Valley Country Park. In terms of planning considerations, the key issue must be to resolve the apparent conflict between the development plan status of the land on which the site is located, against the requirement to provide appropriate waste management facilities within the Borough and on-site. There are national, regional and local planning policies to protect and conserve Metropolitan Open Land (MOL) and Sites of Importance for Nature Conservation (SINC). However, there are also national, regional and local planning and other policies to provide sufficient waste management facilities to cater for current and future demand for the processing, recycling and disposal of household and commercial waste.
- 7.16 PPS9 sets out a number of key principles that local planning authorities should adhere to in order to ensure that potential impacts of planning decisions on biodiversity are fully considered. The most relevant to this proposal are as follows:
- Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.
 - The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.
- 7.17 Policy 3D.10 relates to Metropolitan Open Land and states; The Mayor will and boroughs should maintain the protection of Metropolitan Open Land (MOL) from

inappropriate development. "Land designated as MOL should satisfy one or more of the following criteria:

- land that contributes to the physical structure of London by being clearly distinguishable from the built-up area
- land that includes open air facilities, especially for leisure, recreation, sport, arts and cultural activities and tourism which serve the whole or significant parts of London
- and that contains features or landscapes of historic, recreational, nature conservation or habitat interest, of value at a metropolitan or national level
- land that forms part of a Green Chain and meets one of the above criteria."

- 7.18 The explanatory paragraphs continue; "MOL will be protected as a permanent feature, and afforded the same level of protection as the Green Belt. Appropriate development should minimise any adverse impact on the open character of MOL through sensitive design and siting and be limited to small scale structures to support outdoor open space uses."
- 7.19 Policy 3D.14 refers to Biodiversity and Nature Conservation and states the following: "The Mayor will work with partners to ensure a proactive approach to the protection, promotion and management of biodiversity in support of the Mayor's Biodiversity Strategy. The planning of new development and regeneration should have regard to nature conservation and biodiversity, and opportunities should be taken to achieve positive gains for conservation through the form and design of development. Where appropriate, measures may include creating, enhancing and managing wildlife habitat and natural landscape and improving access to nature."
- 7.20 Further, it states "The Mayor will identify Sites of Metropolitan Importance for Nature Conservation (SMIs), which, in addition to internationally and nationally designated sites, includes land of strategic importance for nature conservation and biodiversity across London. Boroughs should give strong protection to these sites in their DPDs.
- 7.21 Where development is proposed which would affect a site of importance for nature conservation or important species, it is advised that the approach should be to seek to avoid adverse impact on the nature conservation value of the site, and if that is not possible, to minimise such impact and seek mitigation of any residual impacts. Where exceptionally, development is to be permitted because the reasons for it are judged to outweigh significant harm to nature conservation, appropriate compensation should be sought."
- 7.22 The principle of the introduction of a gasification plant to this site and in this location is accepted. As stated in the section referring to design, it will be seen largely within the containment of the former Country Waste Management site and with other industrial buildings forming a backdrop. This is not an 'open' and undeveloped part of the SINC or MOL. In addition, the containment of the site would avoid spillage into the adjacent lands to the west designated as the Wandle Valley Country Park. Visually and being within a more built up part of the SINC and MOL it is considered that there would be no harm to the openness of the MOL.
- 7.23 It should be noted that the preceding paragraphs refer to the fact that the proposed development relies predominantly on the landscaping and green roof proposed as part of the covered recycling facility scheme and did not include landscaping as part of this submission. The Applicants did indicate that they would not be adverse to including landscaping if required and therefore conditions are recommended to include provision for a green wall, particularly to the west side and landscaping. With regard to Nature Conservation, the supporting statements also tend to rely heavily on the provisions put forward in respect of the covered recycling facility. There is no mention of Biodiversity.

- 7.24 Appendix J identifies the remaining planting that exist to the north eastern boundary of the larger 'blue' edged site and the isolated native shrubs along the western and southern boundaries and implies that there are other biodiversity features that could be enhanced on site, which have not come forward. Reliance is placed on the provision of green walls and a green roof to the covered recycling facility which, of course, does not exist and does not form part of this application. Additional planting referred in paragraph 9.39 of Appendix J very much relates to the site edged blue.
- 7.24 As a result, it is considered that the Applicants/Appellants should have addressed the proposals and supporting information in respect of the situation that presents itself now - without the covered recycling facility. The reports provided are related to the covered facility and having regard to Natural England's Standing Orders and PPS9, would be considered out-of-date. Nevertheless, Natural England have not objected to the proposals but recognized the need for additional planting.
- 7.25 There are recorded sightings of bats in the immediate area, the presence of a building which may provide potential crawl spaces suitable for bats, sightings of stag beetle and significant bird species in the area due to the wetlands and sludge beds nearby, it is considered that the surveys did not consider the part of the site identified as being to the rear of No. 87 Beddington Lane and are not up to date. as there is no assurances that the development of the main site will go ahead, it cannot be deemed to be able to make a considered judgement on the impact of this scheme and as such, does not accept the submitted report or site drawings as being a true and accurate reflection of the site. Therefore and if the Inspector is minded to allow this appeal, it is considered that a suitable condition should be imposed to require the submission of an updated survey that encompasses the entire area of the site edged red. This could be an addendum to the existing surveys which would not be unreasonable in the circumstances and would address the requirements of PPS9, Policy 3D.14 of the London Plan 2008, Policies 7.9 and 7.17 of the 2009 Draft London Plan and Policies OE22, OE23 and OE28 of the UDP as well as DM15 and 17 of the Site Development Policies – DPD. If in the future, the covered recycling facility is provided, the cumulative improvement of the site in terms of biodiversity and habitat would be realized.

Sustainability

- 7.26 The siting of the proposed facility has taken account of the locational tests contained in PPS10. As stated previously it would be partly within and adjacent to an existing licensed waste management facility has been designed to be capable of adapting to future changes in waste management, the importance of which is emphasised in the London Plan and the emerging South London Waste Plan. As such there would be sufficient waste to 'feed' the gasification plant to produce energy as a by-product as renewable energy from waste. As a result and having regard to the intention to manage waste on one site, this would meet the requirements of the South London Waste Plan and London Plan objectives, the wood waste would be processed reducing the need to remove the residue to other sites and/or landfill. Waste would be treated as close to the source as possible and that it would support an existing facility albeit in a way which would bring it line with the Council's policies and reduce it's impact on the environment and amenity of the area and provide energy that can be fed into the National Grid as well as potentially providing lower grade heat to homes or indeed to the Hackbridge Sustainable Suburb. At this stage, aside from feeding into the National Grid, no receiver is firmly identified for low grade heat arising from the process.
- 7.27 Residual Ash arising from the process is estimated at approximately 2% of the total fuel and is indicated collected in sealed bins. This is described as being non hazardous and a good soil conditioner and can be mixed back into topsoil and used for land recovery or as an ingredient for a second grade aggregate based product. There no assurances as

to where this residual ash would be removed to and the journeys arising. Nevertheless it is considered that the principle of the development and the production of energy from waste through gasification is a sustainable process which meets adopted policies and approaches to sustainability including PPS1 and its Supplement, PPS22 and the climate change agenda. The significant benefit is that the gasification process is a cleaner means of the processing waste into energy with minimal emissions and those emissions are considered to be non –hazardous. It also means that there would be a lesser number of HGV movements leaving the site to travel to another location to dispose of waste that cannot be reused, recycled or put into the gasification process.

- 7.28 In terms of the construction of the building, the Applicant/Appellant has submitted a Sustainable Design and Construction Statement stating that the plant will achieve a minimum BREEAM rating of ‘very good’ and will be ‘carbon neutral.’ It will be self-sustaining in respect of energy and heat to meet the needs of the plant itself. It will need an Environment Permit to operate and both air quality and noise pollution will be continuously monitored. It is indicated that rainwater will be harvested from the roof, but not details are provided of how this is to be achieved. If only a small amount of water is required for the closed loop cooling system, it is considered that the appointed Inspector should take account of a proposed condition requiring the submission of details of rainwater harvesting and reuse.
- 7.29 Notwithstanding the references by the Applicant/Appellant that there will be no adverse impact on wildlife habitats, issues relating to the SINC, nature conservation, biodiversity, protected species and landscape provision are addressed in the preceding paragraphs.

Impact on Local Residents

- 7.30 The impact of the proposed development on the local area has been considered in terms of air quality, noise and odour. Account has also been taken of the fact that the major part of the site is in use as an ‘open’ waste recycling facility and the presence of other waste management facilities in the immediate area. It is also recognised that the impact on the area in respect of all three matters, would be improved were the covered facility present. It is not and therefore, the focus is on the situation at present and whether or not the proposed gasification plant would have a harmful effect on the residential environment.
- 7.31 Air Quality: Beddington Lane falls within a Air Quality Management Zone where there is a requirement on the Local Authority to consider the implications arising from a development proposal on the air quality within a defined zone. Where it is considered that air quality would not improve or would worsen, proposals are likely to be refused. PPS23 sets out the Government’s current policies on air quality and planning and advises that any consideration of air quality and potential impacts arising from development is capable of being a material consideration. It requires existing and likely future air quality in an area to be considered in the determination of a planning application. However, it stresses that not all planning applications for development within or adjacent to Air Quality Management Areas (AQMAs) should be refused even if the developments would result in a deterioration of local air quality. “Such an approach could sterilise development, particularly where authorities have designated their entire areas as AQMA.”
- 7.32 An Air Quality report (Appendix L) was submitted with the application and relates to the site edged red and indicates that account was taken of background pollutant concentration data to assist in predictions as well as information based on the gasification process itself. Sensitive receptors were noted and data taken into consideration. An assessment was made based on the existing conditions, the impact during construction, dust generation and emissions as well as atmospheric conditions and dispersal. The conclusion indicates that the predicted impacts on

baseline pollutant concentrations as a result of operational emissions at sensitive receptor locations ranged between *intermediate-minor, adverse and neutral*. It is stated that when operating the actual impacts on baseline concentrations are likely to be less and when compared with the London Council's 'Air Quality Planning Guidance' (APEC), all predicted impacts at sensitive receptor locations were classified as having a 'no air quality grounds for refusal.'

- 7.33 Whilst LBS Environmental Health Officers are not in a position to validate the air method of assessment and results, it would appear when the significance of the impact is assessed against the guidance issued by the Environment Protection Agency UK 'Development Control: Planning for Air Quality', the conclusion is much the same, though expressed differently. Nevertheless, it is considered that if the consultants cannot validate the air quality impact assessment referred to, a suitable condition should be imposed. A condition is therefore recommended to ensure the development is acceptable in terms of dust. Whereas any increase in NO₂ concentration is not considered to be so significant to support a reason for refusal on this ground alone. In any event, should levels prove to be excessive, it would be the responsibility of the Environment Agency to control activities and operations within the plant should Air Quality levels reach unacceptable levels as a result of the gasification plant.
- 7.34 Odour: The supporting statement indicates that due to the nature of the non-hazardous low grade wood and other high biomass waste used on the site, the proposal is not considered to form a significant source of odour. It is acknowledged that there are other odour sources within the area and issues have arisen where green waste in open storage has raised concerns. The odour arising from uncovered green waste and sewerage treatment sites is recognizable and easily distinguishable. It is considered that the low grade wood products are unlikely to give off noxious odours. Although 'other high biomass products' are not identified, the type of waste being brought to the site would be controlled by an Environmental Permit. The supporting statement indicates that the only emission would be sulphur dioxide which would be processed to the extent that the emissions limit values set by the Environment Agency would be met. As with air quality, meteorological and atmospheric conditions including dispersion have to be taken into consideration. If at any point the levels of emission and thus odour exceed set limits then it would be for the Environment Agency to control and prevent operations continuing.
- 7.35 It is also noted that the HPA considered well-managed plants which comply with the Waste Incineration Directive should not result in emissions likely to have a significant risk to human health. The conditions set out in the Waste Incineration Directive and a facility's Environment Permit should be sufficient to ensure that emissions present minimal risk to health. PCT's are consultees for Environmental Permits and a view of whether a facility is likely to cause harm to public health can be provided by assessing the information given in the permit application.
- 7.36 Noise: Whilst most activities would be within the proposed building on site, there would be an intensification of operations on site – with or without the covered recycling facility. The supporting information indicated that existing ambient background noise levels were considered and it was shown that the proposed small-scale gasification plant was predicted to be below background noise levels. However, it is not clear if the assessment took account of the future scenario should the covered facility be provided. It is therefore considered that a more specific demonstration should be provided for the gasification plant, within the site as it currently presents itself and with the future facility. That there would be little or no impact from noise, and in particular some data about noise levels from specified plant to address the requirements of PPS24 'Planning and Noise' and Policy DM10 – Air Quality of the Site Development Policies – DPD.

Traffic & Parking

- 7.37 A traffic statement accompanied this submission and indicates that the current traffic generation levels, especially HGV movements, would see a reduction of approximately 3432 HGV trips from the site. This would be directly related to the fact that 30,000 tonnes of the low grade wood waste and other high biomass waste would be used to 'feed' the gasification plant as opposed to being exported to other sites which would require a continuation of the use of the local road network. This equates to approximately 12 HGV trips that would be saved per day (6 in and 6 out) to export waste to landfill. There would be some trips associated with the removal of Ash from the site and a further 2 for the disposal a lime and an additional 4 staff trips per day. Neither TFL nor LBS' Highway Engineer raises objections to the proposal on the grounds of traffic movements. It should be noted that this scenario is based on the existing waste management facility at present but not the proposed facility to which the gasification plant has been indicated as an extension to. This larger facility would process a greater tonnage of waste – and an amount that could not be processed through the small-scale gasification plant. Nevertheless, it is considered that if the covered facility were in place, there would be a commensurate reduction in movements.
- 7.38 Given that movements associated with the transfer of low grade wood waste to the gasification plant would be predominantly internal movements, it is not considered appropriate that there should be a requirement to enter into a S106 Legal Agreement in respect of highway improvements.
- 7.39 Although it stated that there will be an increase in 6 staff on site, not all staff will be present at the same time due to shift working. Nevertheless, there is no parking provision within the red edged site, it would appear that site edged blue is being relied upon to accommodate the additional car parking requirements. In addition to there being no increase in staff car parking spaces, there is a reduction in 10 cycle spaces as set out in the scheme submitted under reference D2009/60763/FUL which also included 60 spaces for the overnight parking of HGV's. The Applicant/Appellant has not shown how the increased staff numbers would not result in the need for additional spaces nor would it affect the arrangements proposed under reference D2009/60763/FUL. A condition is therefore recommended to address this matter. It is however considered that the Applicant/Appellant should provide a Unilateral Undertaking to provide a Green Travel Plan in respect of staff movements to and from the site as well as encouraging less-reliance on the private car, given the ease of access to public transport networks and the cycle paths in the immediate area. The provision of a travel plan would ensure that the development would accord with PPG13, Policy 3C.17 of the London Plan 2008; Policies 6.11, 6.12 and 6.13 of the Draft Replacement London Plan 2009; Policy BP10 of the Core Strategy, Policy G/TR5 and TR18 of the UDP as well as Policies DM21 and 22 of the Site Development Policies – DPD.
- 7.40 It should be noted that the scheme submitted under reference D2009/60763/FUL requires the completion of a satisfactory Section 106 Legal Agreement and S278 Agreement which includes the widening and improvement of a 150m section of Beddington Lane along the site frontage as part of the development proposals, which would provide:
- a) A right hand ghost island into the site and wider through lanes for both northbound and southbound traffic;
 - b) Two informal pedestrian crossings (refuges). Currently there are only a limited number of safe crossing points for pedestrians on Beddington Lane;
 - c) A new footway running along the entire frontage of the site on the west side of Beddington Lane. Currently there is no footway in this location.
- 7.41 These proposed improvements are supported and have been prepared in consultation with Sutton officers. The detailed design of the proposed highway works

would need to be the subject of a condition and the works will require a section 278 agreement. It is considered that the implementation of these proposals would significantly improve highway safety conditions for pedestrians and road users in this part of Beddington Lane. It is not considered necessary to require such improvements in relation to the application for the provision of a small scale gasification plant forming the subject of this application/appeal.

Other Statutory Controls and Legislation

- 7.42 The operation of the business on the site is also subject to seeking the appropriate consents from other authorities. An environmental permit is required from the Environment Agency, and will be the subject of conditions and requirements restricting the operation of the business use of the site and its effect on the environment, including matters relating to dust generation. The developer is also subject to requirements of the Pollution Prevention and Control Regulations 2000 and the Environmental Protection Act, which are administered by the Council's Environmental Protection Officers. There is an overlap between the different legislations and authorities and therefore it is important to ensure that the applicant is not required to do something under the Planning Acts, which would not be acceptable under the other legislation and vice versa. It is not appropriate to condition matters that are issues for the pollution control authorities, other than when these may have a direct impact on land use planning.

Planning Obligations:

- 7.43 Policy IMP1 and Circular 1/97 state that, where appropriate, the Council will seek to ensure planning obligations from developers to provide community benefits necessary to facilitate implementation of an acceptable development scheme. In March 2007, the Council adopted Supplementary Planning Document No.5 – Planning Obligations, which sets out the basis on which the Council will seek contributions from appropriate development proposals in order to facilitate improvements and benefits to the community and to the local environment.
- 7.44 The Applicant/Appellant should be required to submit a Travel Plan and agree to its implementation by way of a s106 legal agreement.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 It is considered that if the Local Planning Authority and the Development Control Committee were still in a position to determine this application, that negotiations would have been entered into to enable the Applicant/Appellant to demonstrate the the small-scale gasification plant would be erected as a separate building, as opposed to the extension of a facility that does not exist and for which there are no assurances that it will be delivered. This would have required the submission of amended plans to show a clear physical separation between this proposal and that awaiting issue of a formal decision notice. It was for this reason that it was considered that the application could not be progressed in its current form and similarly, the appeal could not be progressed. The Planning Inspectorate ruled otherwise and therefore the appeal process has been restarted.
- 8.2 As a result, it should be noted that there is no objection to the principle of the proposed small-scale gasification plant on this site as it would accord with the waste provisions and requirements of PPS10, both London Plans, the South London Waste Plan and Local Plans including the UDP, Core Strategy and SDP –DPD. It is also considered that the process to produce energy from waste meets the climate change objectives of Central Government as set out in PPS22 and would combine the processing of waste with reductions in the need to travel as well as producing energy from renewable

sources and using cleaner process. The on-site facility would reduce the level of HGV movements along the local road network. In all, it is considered that the introduction of the facility should see a commensurate improvement in air quality in this part of Beddington Lane and would have been considered acceptable in planning terms.

- 8.3 Due to the legalities associated with the imposition of conditions to control the extension of a building that does not exist, it will be for the Planning Inspectorate to ascertain and impose conditions to do so, having regard to the tests contained in Circular 11/95. However and without prejudice to the Local Planning Authority's stance that the Applicant/Appellant should submit amended plans for a stand alone facility, it is recommended that the appeal is not contested. Without prejudice to the Local Authority's views, conditions are put forward for consideration should the appointed Inspector be mindful to allow the appeal.

Background Papers: D2009/61962/FUL

Drawings and other documents can be viewed on line –

- 1) Go to page: <http://82.43.4.135/FASTWEB/welcome.asp>
- 2) Enter Planning Application Number: **D2009/61962**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents

G

Mr Darren Taylor
Bioflame Ltd.
South View Yatts
Pickering
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D2009/61962/FUL

DRAFT

WARNING: It is in your interests to ensure you obtain the approval of the Local Planning Authority, where the conditions require that to occur. Failure to comply with the following conditions may lead to enforcement action to secure compliance.

FIRST SCHEDULE

Rear of 87 Beddington Lane & 79-85 Beddington Lane Beddington CR0 4TH

Demolition of two existing buildings and erection of a gasification plant (incorporating 23m high chimney, together with associated lime storage sites and six cooler units) for the generation of renewable energy from waste wood and other high biomass waste.

SECOND SCHEDULE

(1) The development must be begun not later than the expiration of three years beginning with the date hereof.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

(2) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified;
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;

- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The site is underlain by Hackney Gravel Formation defined as a Secondary Aquifer. We therefore consider that the site is located in an area of moderate risk to groundwater. Also, the site is in very close proximity to the Beddington Farmland Landfill.

According to PPS 23, where contamination is known or suspected, or where the development will create new pathways by which existing contaminants might reach receptors and where it will introduce new vulnerable receptors, the applicant should provide a preliminary risk assessment comprising: a desk study, walk over site reconnaissance and conceptual site model identifying potential pollutant sources, pathways and receptors as a basis for assessing the risk to controlled waters.

(3) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: The site is located in an area of industrial use and so there is potential for undiscovered sources of contamination to be present that may pose an unacceptable risk to ground and surface waters.

(4) The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the protection of groundwater. It is stated in the Support Statement that the development will sit within a contained environment in terms of surface water runoff, but we would like to review the final design.

(5) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: Piling or other sources of ground penetration could create a pathway for contaminants to migrate into the Chalk aquifer. Preventive measures should be taken in order to protect groundwater quality. A Foundation Works Risk Assessment Report should be prepared and submitted for assessment.

(6) Prior to the commencement of development and notwithstanding the details contained in the submitted plans, details of the east facing elevation shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details.

Reason: To ensure that the 'unattached' side east elevation is of a satisfactory appearance, having regard to Policy BP12 of the Core Strategy.

(7) The type and treatment of the materials to be used on the exterior of the building shall be approved in writing by the local planning authority prior to the development being carried out. The approved materials shall be used in the construction of the development hereby approved and completed prior to its use.

Reason: To safeguard the visual amenities of the area and to ensure compliance with Policy BP12 of the Core Strategy.

(8) Notwithstanding the details shown in the submitted plans, details shall be submitted of a landscaping scheme to include boundary planting within the red edged site and living walls to screen the development and approved in writing by the local planning authority and the works carried out in accordance with the approved details.

Reason: To improve the visual amenities of the area and ensure compliance with Policy BP12 of the Core Strategy.

(9) All planting, seeding or turfing shown in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure where applicable compliance with Policy OE30 of the Unitary Development Local Plan which seeks to ensure the maintenance of trees as well as compliance with Policy BE13 which seeks to ensure landscaping schemes, provide where appropriate adequate privacy and screening, pay sufficient regard to the Council's Nature Conservation Guide, boundary treatments and promote satisfactory townscape.

(10) Delivery from the existing facility within the land edged blue on Drawing No < > to the gasification plant indicated as being within the site edged red shall be limited to between the hours of 8.00am – 5.00pm Mondays to Fridays: 8.00am to 1.00pm on Saturdays and at no time on Sundays.

Reason: To control the use of the site having regard to the proximity of the nearest residential properties but not preventing the processing within from operating over a 24 hour period, 7 days per week,

(11) Prior to development commencing, updated surveys to include details of the existing wildlife, wildlife habitats and population surveys of species within the red edged site identified in Drawing No: < > including a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account any protected species that have been identified on the adjacent site excluding the covered facility, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance existing species and habitat on the site in the future and having regard to the fact that the covered facility referred to in application reference D2009/60793/FUL and to accord with PPS1 and its Supplement, PPS9, Policy 3D.14 of the London Plan 2008; Policy 7.18 of the Draft Replacement London Plan 2009; Policies OE22, OE23 and OE28 of the UDP.

(12) Prior to the commencement of development, details of method of collection of rainwater from the roof of the proposed plant building and its reuse shall be submitted to and approved in writing by the Local Planning Authority and the agreed details put in place before the completion or first use of the building.

Reason: To ensure the sustainable management of water and to reduce the potential for flooding.

(13) The development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and retained thereafter.

Reason: To prevent the increased risk of flooding.

(14) The building/s hereby approved shall achieve a sustainability rating of at least "Very Good" under the appropriate BREEAM scheme. A post-construction review certificate from the Building Research Establishment must be submitted to the Local Planning Authority prior to occupation of the building.

Reason: To comply with Sustainable Design and Construction IPG Guideline SDC3 and to ensure overall environmental sustainability of the building.

(15) Prior to the commencement of development a construction logistics plan shall be submitted to and approved in writing by the Local Planning Authority. The construction logistics plan should address ways to minimise construction impact movements on the nearby Strategic Road Network especially during peak hours. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and retained for the duration of the construction.

Reason: In order to ensure the proposals are in accordance with London Plan policy 3C.25 Freight Strategy.

(16) Prior to the commencement of development a delivery and servicing plan shall be submitted to and approved in writing by the Local Planning Authority. The delivery and servicing plan should aim to manage freight and deliveries effectively and sustainably. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and retained thereafter.

Reason: In order to ensure the proposals are in accordance with London Plan policy 3C.25 Freight Strategy.

(17) The new gasification plant building shall not be used until space has been laid out within the blue edged site (Site Plan at Scale 1:2500 refers) to provide an additional 6 car parking spaces and cycle spaces to meet the needs of the proposed development. Such parking and cycling provision should not remove or affect the provisions for parking of vehicles, cycles, motor cycles and HGV parking within the site edged blue which relates to application reference D2009/60763/FUL. The parking area shall be used and permanently retained exclusively for its designated purpose.

Reason: To prevent obstruction and inconvenience to other users (especially pedestrians, cyclists and those with disabilities); in the interest of highway safety and to avoid prejudicing the future delivery of the covered waste management facility submitted under reference D2009/60793/FUL.

(18) No development shall take place until there has been submitted and approved by the Local Planning Authority Prior a dust management plan for the prevention or minimisation of dust during both the construction phase and the subsequent operation of the site. The plan should:

(i) identify all aspects of the construction phase and ancillary activities likely to create emissions of dust or smoke

(ii) propose the methodology to prevent or minimise the emission of dust or smoke during the construction phase.

(iii) identify all aspects of the operation of the site likely to create emissions of dust, and propose the methodology to prevent or minimise emissions of dust

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and in relation to the post construction operation of the site retained thereafter.

Reason: To protect local residents and businesses.

(19) No external light column shall be erected on site until details of their location, height and design have been submitted for the Local Planning Authority's approval in writing. The light columns shall be installed in accordance with the approved details.

Reason: To ensure compliance with Core Policy BP12 which concerns good urban design.

(20) Before occupation of the buildings details of the siting and design of the proposed nesting boxes for Tree Sparrows and bat boxes shall be submitted for the Local Planning Authority's approval in writing. The approved boxes shall be erected on site

within one month of the approved soft landscaping being completed and retained thereafter.

Reason: To avoid significant damage to the nature conservation value of the site in accordance with Planning Policy Statement 9.

(21) No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other item shall be stacked or stored outside the building hereby approved without the prior written approval of the Local Planning Authority.

Reason: To ensure an acceptable standard of development taking into account Core Policy BP12 and G/PNR1 on Environmental Protection.

(22) No external plant or machinery shall be installed or placed outside the buildings and enclosures shown on Site Plan (Scale 1:2500 @ A4) without the prior written approval of the Local Planning Authority. Any such equipment shall be installed or sited only in accordance with the approved details.

Reason: To ensure an acceptable standard of development taking into account Core Policy BP12 and G/PNR1 on Environmental Protection.

(23) All vehicles leaving the site will at all times be sufficiently clean that there will be no visible deposition of mud, waste material or any other comparable contaminant on the public highway.

Reason: To ensure an acceptable standard of development having regard to the Policies of the Unitary Development Plan and London Plan and in particular relating to safety and efficiency of operation of the highway.

(24) Prior to the commencement of the development, a verification report relating to the assessment of air quality baseline and predicted measurements shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with agreed recommendations.

Reason: To control the impact of the development on Air Quality given the presence of nearby buildings and residences.

(25) The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning Supporting Statement including Appendices

Site Plan Scale 1:2500 @ A4

Existing Site Plan 1195-04 Rev B (A1 @ 1:500)

Proposed Plant/Building Layout 1195-01 Rev A (A1 @ 1:25)

Proposed Plant/Building Elevations 1195-02 Rev A (A1 @ 1:200)

Proposed Site Plan 1195-03 Rev C (A1 @ 1:500)

Reason: For the avoidance of doubt and in the interests of proper planning.

(26) The type and treatment of the materials to be used on the exterior of the building(s) shall be approved in writing by the Local Planning Authority prior to the development being carried out. The approved materials shall be used in the

construction of the development hereby approved and completed prior to its occupation/use.

Reason: To safeguard the visual amenities of the area and ensure compliance with Policy BE38 of the Unitary Development Plan which seeks to ensure development is of a high standard of design.

INFORMATIVES.

(1) Environmental Permit

This development will require an Environmental Permit from the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2010 prior to site activity unless an exemption applies.

The application for an Environmental Permit in this case will need to be accompanied by a detailed drainage map of the site

Further information can be obtained from our website at the following link:

<http://www.environment-agency.gov.uk/business/sectors/32320.aspx> or by contacting our National Customer Contact Centre on 08708 506506.

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