

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

<b>UDC CASE NUMBER:</b>	LTGDC-08-129-FUL	<b>DATE MADE VALID:</b>	28/08/2008
<b>APPLICATION NUMBER:</b>	08/01120/FUL/LBBD	<b>TARGET DATE:</b>	23/10/2008

<b>APPLICANT:</b>	Hunt's Heat & Power Ltd.
<b>AGENT:</b>	Bioflame Ltd.
<b>PROPOSAL:</b>	Installation of a 2.5 MWe small scale biomass plant within an existing building to process waste wood including walking floor feed handling and cooling system and stack.
<b>LOCATION:</b>	75 - 77 Chequers Lane, Dagenham, Essex, RM9 6QT

**1. SUMMARY**

1.1 The application was submitted by Hunt's Heat and Power Ltd on 18 August 2008 and validated on 28 August 2008. Hunt's Heat and Power Ltd is a joint venture between Hunt's Waste Recycling Limited and Bioflame Limited. Hunt's Waste Recycling Ltd. operates a licensed waste recovery facility in Dagenham Dock. Bioflame Ltd is a North Yorkshire based company who has developed a combustion system for converting waste into energy.

1.2 The application is a revision to an application appealed against non-determination on the 18 June 2008 and considered by the Planning Committee on 10 July 2008. The application proposes the installation of a biomass renewable energy turbine house within an existing waste management facility. The fuel source will be waste wood transferred to the waste recovery facility by lorry. The waste wood is currently being disposed of at landfill. Direct combustion is used to raise steam to drive a turbine to generate electricity. The electricity will be supplied via a connection to the National Grid.

1.3 On 10 July 2008 the Planning Committee resolved that, had it retained the authority to determine the appeal application, it would have refused planning permission for the following reasons:

- *The application fails to demonstrate that the proposed development would (a) make the fullest contribution to the mitigation of and adaptation to climate change and reduction of carbon dioxide emissions, (b) not give rise to unacceptable harm to the*

*environment and (c) not give rise to unacceptable local traffic impacts contrary to Policies 4A.1, 4A.2, 4A.21, 4A.22 and 4A.23 of the London Plan and Policy G29, G39 and T21 of the Unitary Development Plan.*

- *The application fails to demonstrate that (a) the waste cannot be reused or recycled before being considered for energy recovery and (b) the feasibility of using new and emerging advanced energy recovery or conversion technologies have been considered before thermal treatment and (c) the proposed technology will not lead to an increase in conventional incineration capacity contrary to Policies 4A.1, 4A.2, 4A.21, 4A.22 and 4A.23 of the London Plan*
- *The application, by virtue of the proposed technology, does not promote an efficient form of renewable energy generation by operating with below average efficiencies and without Combined Heat and Power mode contrary to Policy 4A.1, 4A.2 and 4A.23 of the London Plan.*

1.4 A public inquiry into the appeal application is scheduled on the 24 February 2009. The revised application has been submitted to address the reasons for refusal used to inform the Corporation's case at the public inquiry. The revised application is supported by a Planning Statement and supplementary information supporting the choice of technology, Air Quality Assessment, Noise Assessment and Transport Assessment. The applicant has indicated that it will withdraw the appeal should the revised application be granted planning permission.

1.5 The purpose of this report is to assess the extent to which the revised planning application addresses the above reasons for refusal. While the application is not referable to the Mayor, the advice of GLA officers in the planning, waste and energy teams has been sought. On 22 August 2008 the Corporation and GLA issued a joint letter setting out the information required in support of a revised application (see Appendix 3).

1.6 On 2 December 2008 the GLA issued an officer opinion stating that it does not support the application (see Appendix 4). Despite the submission of additional supporting information, the GLA officers do not consider that the revised application fully addresses the issues set out in the 22 August 2008 letter. GLA officers consider the information submitted to not (1) provide a comprehensive assessment of alternative technologies - notably gasification and pyrolysis - to the applicant's choice of technology or (2) provide a thorough investigation of the potential to supply heat generated by the process.

1.7 The Corporation has also received independent consultant advice on the appeal and revised applications. This advice recommends that the revised application addresses most of the points previously raised. The advice states that the choice of technology and scale of process will contribute to achieving climate change targets and provide a form of renewable energy. While a practical case is made for not including heat recovery as part of the scheme, it is noted that the technology has the potential to operate good CHP.

1.8 The principle of installing plant to recover waste to generate renewable energy at an existing waste recovery facility within an established industrial area is supported by planning policies that promote the consolidation of waste related facilities on a single site that do not give rise to any adverse environmental impacts.

1.9 The application will result in the treatment of waste wood higher up the waste

hierarchy by diverting it from landfill, supply renewable energy to the National Grid and a reduction in heavy goods vehicle movements. The choice of technology has the potential to operate in Combined Heat and Power mode and further contribute towards climate change targets. The application does not give rise to any unacceptable traffic, air quality and noise impacts.

1.10 Given the relatively small scale of the proposed technology and the contribution it will make towards climate change and a reduction in carbon dioxide emissions by reducing waste wood to landfill, generating renewable energy and reducing heavy goods vehicle movements, the GLA officer concerns are not considered sufficient to justify a refusal of planning permission. Furthermore, the proposed technology is not considered to result in any significant adverse impact on the environment subject to planning conditions requiring the submission of additional information.

1.11 It is noted that in April 2008 the Department for Environment, Food and Rural Affairs published a Market Information Report titled "Waste Wood as a Biomass Fuel". The publication acknowledges the carbon and energy benefits of recovering energy from waste wood and identifies a market for this large and under utilised renewable energy resource.

1.12 On balance, it is recommended that planning permission be granted subject to the conditions set out at paragraph 12 of this report.

## **2. SITE AND PROPOSAL**

### **2.1 Description of Site and Surroundings**

2.1.1 The application site is located within the Dagenham Dock industrial area (see Appendix 1). The site measures 1.6 hectares and is bounded by Chequers Lane to the east, TDG Pinnacle (chemical storage and distribution) to the south, Dagenham First Bus depot to the north and vacant London Development Agency (LDA) land to the west. Barking Power Station is located opposite the site beyond Chequers Lane. Vehicle access to the strategic road network is achieved via Chequers Lane, Choats Road and Choats Manor Way.

2.1.2 The site is currently occupied by Hunt's Waste Recycling Ltd. The site accommodates a large metal frame shed clad in corrugated iron and areas of open storage. Waste enters the site via a weighbridge before being sorted for wood, plastic, hardcore, ferrous and non-ferrous metals, aggregates, paper and soil before being graded into categories for recycling. The remaining waste is dispatched to landfill. It is estimated that 70% of waste is recycled. The applicant has advised that the facility is licensed to deal with non-hazardous waste only.

2.1.3 Dagenham Dock is being promoted by the Corporation and the LDA as a Sustainable Industrial Park. The Corporation is working with the LDA to provide a spatial masterplan and business case for developing this concept on the LDA's Dagenham Dock landholdings.

### **2.2 Description of Proposal**

2.2.1 The application proposes the installation of a small scale biomass renewable energy turbine house that will convert waste wood to energy and is supported by a "Combined Supporting Planning Statement and Sustainability Renewables Appraisal".

The biomass fuelled turbine is proposed to generate 2.5MWe/Hr of electricity and save 2,580m<sup>3</sup> tonnes of carbon based on a throughput of 30,000 tonnes of waste wood per annum (see Appendix 2). The electricity generated will be supplied through a connection to the National Grid and it is estimated that it can provide power to 4,347 homes per annum.

2.2.2 The plant will be housed within an existing building whose floorspace will be extended by creating a new mezzanine level. A 21.0m tall chimney will project 9.0m above the ridge level of the existing building.

2.2.3 The proposed technology has been described by the applicant as an “advanced combustion technology” designed to beat the strictest environmental control legislation. To operate the proposed technology, the Local Authority or Environment Agency will be required to issue an Environmental Permit (EP). This licence will set standards for clean burning, in accordance with the Waste Incineration Directive (WID) and air quality. The applicant states that the process achieves complete burn out based on a chamber residence of 3.9 seconds at 1000°C compared to the WID requirement of 2 seconds at a minimum of 850 °C.

2.2.4 The proposed technology includes the potential to utilise waste heat via a connection to a district heating system to enable the process to operate in Combined Heat and Power mode. There is no district heating system currently available.

2.2.5 The process will involve the throughput of 30,000 tonnes of waste wood per annum. The waste wood will be in the form of chipped tree parts, root balls and large wood particles left over from the composting of green waste collections and other waste wood that qualifies as biomass under the Renewables Obligation Order 2006. The current disposal route for this waste is landfill.

2.2.6 The process begins by removing any non-ferrous material from the waste wood. The waste wood is then shredded before being transported on a walking floor/bulk feeder unit positioned outside the building. A variable speed controller is used to maintain the required discharge rate of waste wood to the fuel transfer system. The waste wood is then combusted to raise steam to drive a turbine to generate electricity. The technology is designed to achieve complete combustion so that gases are fully oxidized before they leave the combustion chamber. A filter system is proposed to remove all residual smoke particulates to within permitted levels. The combustion process produces ash, which represents 1% to 5% of the total fuel, which is proposed to be mixed back into topsoil for land spread.

2.2.7 The applicant states that the proposed development will result in the net reduction of 1500 lorry movements per annum. The application states that deliveries or loading of the fuel source will take place during normal working hours but that provision should be made for 24 hour emergency loading during long holiday period when the site is closed.

2.2.8 The proposed development will create at least two full time jobs and two part time jobs.

2.2.9 Bioflame Ltd. has secured planning permission for a 2.5MWe/hr electrical biomass turbine in Caythorpe, Lincolnshire, a 20,000MW/pa renewable energy power station in Thurlleigh, Bedfordshire and operates a demonstration project in Pickering, North Yorkshire.

2.2.10 The application identifies a proposed pathway along the southern edge of the

site in accordance with aspirations to improve east-west pedestrian connections along the River Thames.

### **3. MAIN ISSUES**

- Land Use
- Waste Management
- Renewable Energy
- Air Quality
- Traffic Generation
- Visual Impact

### **4. RELEVANT SITE HISTORY**

4.1 In 2001 a complaint was received that the site was being used as a waste transfer station without planning permission (ref: 01/00158/DIFFAP). An application was requested and submitted following a site inspection.

4.2 In October 2004 planning permission was granted for the use of the site for waste recycling with associated buildings subject to conditions and a Section 106 legal agreement (ref: DC/01/00603/FUL). The discharge of conditions remains outstanding.

4.3 In September 2005 planning permission was granted for use of an additional strip of land adjacent to the southern boundary of the site for use as vehicular access, car and lorry parking, skip storage and other amendments to the approved layout of the site subject to conditions (ref: DC/05/00457/FUL). The discharge of conditions remains outstanding.

4.4 LBBB advises that the conditions pursuant to the 2004 and 2005 applications have not been discharged. LBBB also advises that following the threat of enforcement action the applicant's verbal response was that the site was being operated in compliance with conditions and that a site meeting would be arranged to confirm this. No site visit has yet taken place.

### **5. CONSULTATIONS/NOTIFICATIONS**

#### Greater London Authority (GLA)

5.1 While the application is not referable to the Mayor of London, GLA opinion was sought given the relevance of London Plan policies to the consideration of the appeal and revised applications.

5.2 On 2 December 2008 the GLA issued an officer opinion stating that it does not support the application. Despite the submission of additional supporting information, the revised application is not considered to fully address the issues set out in the 22 August 2008 letter. GLA officers consider the information submitted to not (1) provide a comprehensive assessment of alternative technologies - notably gasification and pyrolysis - to the applicant's choice of technology or (2) provide a thorough investigation of the potential to supply heat generated by the process.

#### London Borough of Barking and Dagenham

5.3 On 3 December 2008 the Development Control Board agreed to recommend that the application be granted planning permission subject to conditions. The following provides a summary of the comments received from internal consultations:

#### *Environmental Health*

5.4 Advise that the proposed development could lead to an increase in emissions, degradation in air quality or increase in fine particulates which will have a detrimental effect on the health of those who work and live in the borough. It is recommended that in the event that planning permission is granted a planning condition is imposed that requires the submission of a scheme for air quality monitoring of nitrogen oxide and fine particulates

5.5 Advise that the proposed development would not increase background noise to an unacceptable level. It is recommended that in the event that planning permission is granted a planning condition is imposed that requires noise generated by the operation to not exceed or increase the existing background level of La90 – 10dB at the boundary of the site.

#### *Highways*

5.6 Raise no objection to the traffic generation impact of the proposed development.

#### *Regeneration*

5.7 Raise no objection to the principle of providing a waste to energy installation but raise concern about the visual impact of open storage given Hunt's Waste Recycling Ltd's non-compliance with planning conditions pursuant to previous planning permissions.

5.8 Recommend the imposition of planning conditions that (1) prohibit any additional open storage on the site and (2) require the implementation of mechanisms for monitoring the adequacy of the waste wood fuel and associated emission levels. *Point (2) is most appropriately addressed through the requirements and monitoring of compliance with the Environmental Permit.*

#### *Climate Change*

5.9 Advise that the proposed development appears to be direct incineration and is contrary to the London Plan. In the event that planning permission is granted, request the imposition of a planning condition that requires the waste heat generated by the process to contribute to a planned district heating network using waste heating generated by Barking Power Station. It is recommended that the appropriate pipe work be installed from the plant to the edge of the site to enable a future connection to the future heat network.

#### Environment Agency

5.10 Raise no objection to the impact of the propose development on flood risk.

5.11 Raise concern about the size of the site and its ability to accommodate the proposed activity.

5.12 In the event that planning permission is granted recommend the imposition of

planning condition requiring no infiltration of surface water drainage into the ground.

5.13 Emails have been exchanged with officers from the Environment Management and Licensing teams responsible for issuing, and monitoring compliance with, permits under the Environmental Permitting (England and Wales) Regulations 2007. They have confirmed that the process will require an EP permit and will be subject to the stringent requirements of the Waste Incineration Directive (WID). An application for an EP will be considered against the use of Best Available Technology (BAT), compliance with the requirements of the WID and the environmental impact in terms of air quality and nuisance.

5.14 The Environment Agency has confirmed that the Bioflame Ltd. demonstration project in Pickering, North Yorkshire has been issued with an EP.

#### Health and Safety Executive (HSE)

5.15 The HSE do not advise against granting planning permission.

### **6. APPLICATION PUBLICITY**

6.1 Site Notice Expiry: 01.10.08

6.2 Press Notice Expiry: N/A

6.3 Neighbour Notification:

34 neighbouring occupiers were consulted. The deadline for submitting representations was 1.10.07.

### **7. REPRESENTATIONS**

7.1 No letters of support or objection were received following public consultation.

### **8. RELEVANT PLANNING POLICY**

#### 8.1 Planning Policy Statement/Guidance

PPS1 Delivering Sustainable Development  
PPS 1 Planning and Climate Change (Supplement to Planning Policy Statement 1)  
PPS10 Planning for Sustainable Waste Management  
PPS13 Transport  
PPS22 Renewable Energy  
PPS23 Planning and Pollution Control

#### 8.2 London Plan (2008)

2A.1 Sustainability criteria  
2A.10 Strategic Industrial Locations  
3B.4 Industrial Locations  
3C.17 Tackling congestion and reducing traffic  
4A.1 Tackling climate change  
4A.2 Mitigating climate change

- 4A.5 Provision of heating and cooling networks
- 4A.21 Waste management strategic policy and targets
- 4A.22 Spatial policies for waste management
- 4A.23 Criteria for the selection of site for waste management and disposal

### 8.3 London Borough of Barking and Dagenham Unitary Development Plan (1996)

- Strategic Policy E
- Strategic Policy F
- Strategic Policy Q
- Strategic Policy Y
- E1 Employment Development within Employment Areas
- E6 Employment Promotion
- BR4 Dagenham Dock Employment Area
- BR5 Dagenham Dock Riverside Area
- G29 Waste
- G31 Waste Re-use and Recycling
- G36 Noise and Vibration
- G37 Light and Dust Pollution
- G38 Water Pollution
- G39 Air Pollution
- G40 Energy
- DE1 Urban Design
- T20 Road Hierarchy
- T31 Lorries

### 8.4 Other Relevant Planning Policies & SPG's

#### Joint Waste Development Plan Document for the East London Waste Authority (ELWA) Boroughs: Preferred Options Report (April 2008)

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

8.4.2 The Joint Waste DPD refers to the European Union Waste Framework Directive as the principal legislation for waste. A key principle of the directive is the waste hierarchy - reduction, re-use, recycling and composting, energy recovery and disposal – and the objective to manage waste as near to the top of the hierarchy as possible. This approach is consistent with Policy 4A.21, 4A.22 and 4A.23 of the London Plan.

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

- (i) safeguarding the capacity of existing waste management facilities listed in Schedule 1 and supporting increased operational efficiency at these facilities; and
- (ii) approving waste management facilities where it will contribute to the ELWA boroughs meeting the London Plan apportionment on sites within the location listed in Schedule 2.

8.4.4 Hunt's Waste Recycling is listed in Schedule 1 as a waste management facility

capable of increased operational efficiency and Chequers Lane is identified in Schedule 2 as an appropriate location for in-vessel composting and anaerobic digestion facilities.

8.4.5 Furthermore, Preferred Policy W2 states that applications for thermal treatment facilities (excluding conventional incineration) will only be allowed where the waste to be treated cannot be practically and reasonably reused, recycled or reprocessed, and that provision is made for energy recovery.

8.4.6 The Joint Waste DPD defines incineration as “the controlled thermal treatment of waste by burning, either to reduce its volume or toxicity“, but acknowledges that energy recovery can be made to produce heat and/or power. Thermal treatment is defined as “the general term used for waste management technologies that are designed to generate power, and often recover heat, through the combustion of waste.

#### Dagenham Dock Interim Planning Guidance for a Sustainable Industrial Park (April 2003)

8.4.7 The Interim Planning Guidance sets out the planning policy context for the regeneration of Dagenham Dock as a Sustainable Industrial Park. The policy objectives include (1) encouraging manufacturing industries in the environmental business sector, (2) supporting proposals that establish recycling and reprocessing activities (3) and promoting high standards of design and environmental management. The application site is located with an area identified as appropriate for recycling industries. Policy DD3 states that the recycling industries zone is reserved for appropriate environmental industries and facilities for the recycling and reprocessing of waste. Furthermore, the policy states that some open storage maybe permitted in circumstances where it is not visible from the highway, contained within solid retaining walls and not stockpiled for excessive periods.

## **9. ASSESSMENT OF MAIN ISSUES**

### Land Use

9.1 The application site is located within a Preferred Industrial Location (PIL) and Designated Employment Area in the London Plan and Unitary Development Plan. The Preferred Options Joint Waste Development Plan Document for the East London Waste Authority boroughs identifies Hunt’s Recycling Ltd. as an existing waste management facility and Chequers Lane as an appropriate location for new in-vessel composting and anaerobic digestion facilities.

9.2 In selecting sites for waste management and disposal, Policy 4A.23 of the London Plan encourages using sites located in PILs or existing waste management locations.

9.3 The principle of installing a waste to energy plant at an existing waste recovery facility within an established industrial area is encouraged by planning policies that promote the consolidation of waste related facilities on a single site and seek to limit the environmental impact of such uses.

### Waste Management

9.4 National, regional and local planning policies refer to the European Union Waste Framework Directive as providing the principal legislation and framework for waste management. A key principle of the Directive is the waste hierarchy - reduction, re-use, recycling and composting, energy recovery and disposal – and the objective is to

manage waste as near to the top of the hierarchy as possible.

9.5 PPS10: Planning for Sustainable Waste Management requires the regional planning bodies (GLA) to prepare regional spatial strategies (RSS) (London Plan) to meet the needs for the management of all waste streams, and for local authorities (East London Waste Authority) to produce local development documents (Joint Waste Development Plan Document for the East London Waste Authority Boroughs) that reflect their contribution to delivering the RSS.

9.6 The London Plan (2008) supersedes the Unitary Development Plan (1995) on matters relating to energy and waste. The application is not statutorily referable to the Mayor of London because it does not propose an installation with capacity for a throughput of more than 50,000 tonnes of waste per annum. Given the primacy of the London Plan on waste and energy policy, the GLA were asked to provide an opinion on the extent to which the revised application addresses the reasons for refusal adopted on appeal application. GLA officers express concern at the extent to which the application responds to the 22 August 2008 letter and do not support the application.

9.7 Policy 4A.1 of the London Plan requires development to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise emissions of carbon dioxide, based on a hierarchy that promotes reduced energy use, supplying energy efficiently and using renewable energy. The policy states that these contributions should most effectively reflect the context of each development – for example, its nature, size, location, accessibility and operation. Policy 4A.2 of the London Plan sets long terms targets for reducing carbon dioxide emissions.

9.8 The application will make a positive contribution to the mitigation of, and adaptation to, climate change, and minimise carbon dioxide emissions, by generating renewable energy and reducing the amount of energy used, and carbon dioxide emitted, in the disposal of waste wood to landfill. The applicant estimates that the process will save 2580 tonnes<sup>3</sup> of carbon per annum. The extent to which the application makes the fullest contribution depends on the choice of technology. The Corporation has received advice from its consultant that the choice of technology is supported by a comparative assessment of the efficiency of alternative available technologies. The applicant argues that there is limited available data on the performance of new or advanced conversion technologies cited as preferential in the London Plan. The GLA has not provided information to the contrary. Furthermore, the technology choice has the potential to operate with greater efficiencies in CHP mode if, and when, a demand for the waste heat is identified.

9.9 While the GLA advice states that advanced conversion technologies emit lower levels of carbon dioxide and make a more positive contribution towards mitigating climate change, it is acknowledged that the proposed technology makes a positive contribution to the mitigation of, and adaptation to, climate change and a reduction in carbon dioxide emissions. While the application does not promote processes and/or technology higher up the waste hierarchy, this does not constitute grounds for a refusal of planning permission.

9.10 London Plan Policy 4A.21 requires adequate capacity for waste management and treatment to be provided by 2020 and requires this capacity to be provided by (1) minimising the level of waste generated, (2) increasing re-use, recycling and composting of waste and reduce landfill disposal, (3) minimising the amount of energy used from the collection, treatment and disposal of waste in line with reducing carbon dioxide emissions and (4) promoting the generation of renewable energy and

renewable hydrogen energy from waste. The Policy also states that where waste cannot be recycled, the production of energy from waste using new and emerging technologies (gasification, plasma gasification and anaerobic digestion) should be encouraged, especially where the products of waste treatment could be used as fuels (e.g. biofuels and hydrogen). The applicant states that the limited demand for low grades of waste wood reflects its unsuitability for recycling.

9.11 While the application does not increase the re-use, recycling or composting of the waste wood, the waste wood will be treated higher up the waste hierarchy by diverting it from landfill, carbon dioxide emissions currently associated with its disposal to landfill will be reduced and renewable energy will be generated. The application is therefore considered to meet the principal objective of Policy 4A.1 of the London Plan.

9.12 Policy 4A.21 also states that the Mayor will consider an increase in waste minimisation, recycling and composting, and the development of new and emerging advanced conversion technologies, in favour of proposals to increase conventional incineration capacity. While each case is required to be treated on its merits, the Policy states that, over the lifetime of the plan, the aim is for current incinerator capacity to become oriented towards non-recyclable residual waste.

9.13 While the application proposes the combustion, or incineration, of waste wood, it is considered to be preferable to conventional incineration as it will result in the generation of renewable energy. When the merits of the application are taken into account, the choice of technology is considered acceptable and when considered against what is only a policy preference for using new and emerging advanced conversion technologies. The application is considered to meet the principal objective of Policy 4A.21 of the London Plan.

9.14 Policy 4A.22 requires the management of waste higher up the waste hierarchy and provides support to treatment facilities that recover value from residual waste. In the selection of sites for waste management and disposal, Policy 4A.23 sites the (1) proximity of source of waste, (2) the nature of activity and its scale, (3) the environmental impact on surrounding areas, (4) the transport impact of collection, transfer and disposal and (5) a preference for using sites in Preferred Industrial Locations (PIL) as important criteria.

9.15 The application will manage an existing waste stream higher up the waste hierarchy and recover the value from residual waste wood. The proposed technology is to be installed at an existing waste management facility located within a PIL and serve an existing market for the collection of waste wood; is designed in response to the nature and scale of activity at an existing waste management facility; does not result in an adverse environmental impact on the surrounding area; and reduces the existing transport impact of disposal to landfill. The application is considered to meet the principal objectives of Policies 4A.22 and 4A.23 of the London Plan and address the previously adopted reasons for refusal.

### Renewable Energy

9.16 Policy 4A.21 of the London Plan promotes the generation of renewable energy and renewable hydrogen from waste. Policy 4A.23 of the London Plan states that *wherever possible*, opportunities should be taken to include provision for Combined Heat and Power and Combined Cooling Heat and Power and to accommodate various related facilities on a single site.

9.17 PPS1 refers to the Renewable Obligations 2002 as stating that only electricity derived from 'biomass' will be eligible for subsidies associated with Renewable Obligation Certificates (ROCs). Biomass is defined as a fuel of which at least 90% of the energy content is derived from plant or animal matter and including wood waste. The applicant advises that the commercial viability of the proposal is based on the award of ROCs. This provides a clear incentive for the fuel source to comply with the biomass definition and qualify as a source of renewable energy.

9.18 The applicant states that the technology has the potential to operate in Combined Heat and Power mode but that there is no identified heat demand within the vicinity of the site and that the costs associated with its supply would be prohibitive. It is argued that the potential to operate efficiently in CHP mode is limited by the scale and location of the activity and the difficulty in achieving economies of scale associated with larger plants. To ensure the maximum output of electricity is generated, the temperature of the waste heat is estimated to be 43°C compared to a standard CHP output of 80°C. This low grade heat is not anticipated to generate significant demand.

9.19 While the applicant has not undertaken a comprehensive assessment of the potential heat demand, it is acknowledged that as there is no existing heat distribution network the existing industrial uses are likely to meet their own heat demands. It would be unreasonable to expect an operation of this size to provide the necessary infrastructure to supply third party demand competitively.

9.20 A planning condition is recommended to require the plant to be designed and installed to maximise the potential for the facility to operate in CHP mode and utilise the waste heat. On this basis, the application is considered to be in accordance with Policy 4A.21 and 4A.23 of the London Plan and address the previously adopted reasons for refusal.

#### Air Quality

9.21 The application is supported by an Air Quality Assessment which concludes that the combination of complete combustion and a sophisticated filtration system will ensure that the process complies with WID requirements and Environmental Permit targets on emissions. The operation will use filtration system to remove all residual smoke particulates to within permitted levels. Smoke particulates will be emitted via a 21.0m tall chimney stack.

9.22 LBBD Environmental Health has not fully considered the Air Quality Assessment and recommends that a planning condition require the submission of a scheme for monitoring nitrogen oxide and fine particulates. The application is considered to address the previously adopted reasons for refusal.

#### Noise

9.23 The application is supported by a Noise Assessment which concludes that the activity will not generate unacceptable noise levels. The plant will be housed within an acoustic box inside a closed building to prevent a noise impact and claims that there will be no detectable sound beyond the site boundary other than the noise levels associated with the existing site operations. The application states that deliveries or loading of the fuel source will take place during normal working hours but that provision should be made for 24 hour emergency loading during long holiday period when the site is closed.

### Traffic Generation

9.24 The application is supported by a Transport Statement (TS) that concludes that the proposed development will result in a reduction of approximately 1500 lorry movements per annum or 5 lorry movements a day. The existing waste recycling facility is estimated to receive 30,000 tonnes of waste per annum transport in 20 tonne capacity heavy good vehicles. The equivalent of 1500 vehicle movements transport waste wood to the site and the same number is required for its disposal to landfill. It is assumed that the proposed development will not result in an increase in waste wood being transported to the site. LBBT Traffic and Road Safety Team raise no objection to the trip generation impact of the proposed development. The application is considered to be in accordance with Policy 3C.17 of the London Plan and Policies T20 and T31 of the Unitary Development Plan and address the previously adopted reasons for refusal.

### Visual Impact

9.25 The proposed biomass renewable energy turbine house will be accommodated within an existing steel frame shed extended through the creation of an internal mezzanine level. A 21.0m high, 1.4m diameter stack will rise 9.0m above the ridge level of the existing building. Given the industrial characteristics of the surrounding area, the application is not considered to result in any adverse visual impact. The application is considered to be in accordance with Policy DE1 of the Unitary Development Plan.

## **CONCLUSION AND REASONS FOR APPROVAL**

10.1 The appeal application has been revised to address the reasons for refusal adopted by the Corporation and forming its Statement of Case to be heard at a public inquiry scheduled for the 24 February 2009. The applicant has indicated that it will withdraw the appeal in the event that the revised application is granted planning permission. The revised application is supported by a Planning Statement, Air Quality Assessment, Noise Assessment and Transport Statement and supplementary information supporting the choice of technology.

10.2 While the application is not referable to the Mayor of London, the advice of GLA officers in the planning, waste and energy teams has been sought given the primacy of London Plan policy on energy and waste. GLA officers do not support the application on grounds that it does not (1) provide a comprehensive assessment of alternative technologies - notably gasification and pyrolysis – to the applicant's choice of technology or (2) provide a thorough investigation of the potential to supply heat generated by the process.

10.3 The principle of installing plant to recover waste to generate renewable energy at an existing waste recovery facility within an established industrial area is supported by planning policies that promote the consolidation of waste related facilities on a single site.

10.4 The revised application is considered to sufficiently address the previously adopted reasons for refusal. The application is considered to make a positive contribution to the mitigation of and adaptation to climate change and the reduction of carbon dioxide emissions. The choice of technology will recover the energy from waste wood currently being disposed of at landfill, generate renewable energy and result in a net reduction in traffic movements. The process is not considered to result in any significant adverse air quality, noise and traffic impacts.

10.5 The application is not considered to lead to an increase in conventional incineration capacity as it will supply renewable energy to the National Grid. The choice of technology responds appropriately to the scale and nature of the existing waste recovery facility. The applicant has submitted a basic comparison of the performance of the proposed technology against alternative technologies.

10.6 While the proposed technology has the potential to operate in Combined Heat and Power mode, this is not proposed because there is no identified heat demand or heat network to connect to and it would be unreasonable and unviable to expect the applicant to supply heat to a third party competitively.

10.7 Given the relatively small scale of the proposed technology and the contribution it will make towards climate change through the reduction of waste to landfill, the generation of renewable energy and the net reduction in vehicle movements, the GLA concerns are not considered sufficient to justify a refusal of planning permission. Furthermore the proposed technology is not considered to result in any significant adverse impacts on the environment

10.8 On balance, the application is considered to be in accordance with PPS1, PPS10, PPS22 and PPS23, Policies 3B.4, 3C.17, 4A.1, 4A.2, 4A.21, 4A.22 and 4A.23 of the London Plan and Policies E1, BR4, G29, G36, G39, G40, DE1, T20 and T21 of the Unitary Development Plan.

## **11. RECOMMENDATION**

11.1 It is recommended that planning permission be GRANTED subject to the conditions and informatives set out at section 12 of this report.

## **12. CONDITIONS**

1. The development hereby approved shall commence before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by S.51 of the Planning and Compulsory Purchase Act 2004)

2. Save as these conditions provide otherwise all works are to be completed in accordance with drawing numbers 1115 Rev 3, 115-A Rev 1, 1115-B Rev 1 prepared by White Young Green and Bioflame Ltd.

Reason: To ensure that the development is constructed in accordance with the approved plans and other details submitted, in accordance with Policy DE1 of the Unitary Development Plan (1996) saved from the 27 September 2007 in accordance with the direction of the Secretary of State.

3. The development hereby approved shall not commence until a copy of the Environmental Permit (EP) and Renewables Obligation Certificate(s) (ROC) have been submitted to the Local Planning Authority.

Reason: The development is acceptable only on the basis of the particulars contained within the EP and ROC(s) in accordance with Policies G36, G37, G38, G39 and G40 of the Unitary Development Plan (1996) saved from the 27 September 2007 in accordance with the direction of the Secretary of State.

4. The development hereby approved shall not commence until schemes for monitoring nitrogen oxide and fine particle emissions and noise levels have been submitted to and approved by the Local Planning Authority. Noise levels during operation shall not exceed or increase the existing background level of La90 – 10dB at the boundary of the site. The air quality and noise monitoring schemes shall be implemented in accordance with the approved details and thereafter permanently maintained.

Reason: To minimise the adverse impact of emissions on the amenity of surrounding occupiers in accordance with Policy G39 of the Unitary Development Plan (1996) saved from the 27 September 2007 in accordance with the direction of the Secretary of State.

5. The development hereby approved shall not commence until details of surface water drainage are submitted to and approved by the Local Planning Authority. The surface water drainage shall be implemented in accordance with the approved details and thereafter permanently maintained.

Reason: To protect controlled waters in accordance with Policy G38 of the Unitary Development Plan (1996) saved from the 27 September 2007 in accordance with the direction of the Secretary of State.

6. Prior to commencement, details of the walking floor, belt conveyor, water cooling units and stack shall be submitted to and approved in writing by the Local Planning Authority. The walking floor, water cooling units and stack shall be implemented in accordance with the approved details and thereafter permanently maintained.

Reason: In the interests of the visual amenity of the area in accordance with Policy DE1 of the Unitary Development Plan (1996) saved from the 27 September 2007 in accordance with the direction of the Secretary of State.

7. The development hereby approved shall not be submitted until details of the storage of waste wood are submitted to and approved by the Local Planning Authority. The scheme shall not increase the amount of open storage currently on site. The storage of waste wood shall be implemented in accordance with the approved details and thereafter permanently maintained.

Reason: To control and limit the open storage in the interests of the visual amenity of the area in accordance with Policy DE1 of the Unitary Development Plan (1996) saved from the 27 September 2007 in accordance with the direction of the Secretary of State.

8. No plant or machinery shall be constructed or materials stored with the land identified and safeguarded as a “proposed pathway” on drawing no. 1115 Rev 3 for a future pedestrian link along the southern boundary of the site without prior approval of the Local Planning Authority.

Reason: To safeguard opportunities to improve pedestrian access in the area in accordance with the Dagenham Dock Interim Planning Guidance for a Sustainable Industrial Park (2003).

## **INFORMATIVES**

1. The applicant is advised that planning conditions pursuant to application references DC/01/00603/FUL and DC/05/00457/FUL remain outstanding and require immediate

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attention to prevent formal enforcement action.

2. The applicant is advised of the need to provide one private fire hydrant within the boundary of the application site.

**CASE OFFICER:** Will Steadman

**Appendix 1:** Site Location Plan

**Appendix 2:** Site Layout Plan and Process Flow Diagram

**Appendix 3:** LTGDC letter dated 22 August 2008

**Appendix 4:** GLA letter dated 2 December 2008