

PLANNING COMMITTEE - Date:12 December 2018

**Report of the Assistant Director of Environment, Housing and Regeneration Directorate**

Ref: DM2018/01680	WARD: C11 / WANDLE VALLEY	Time Taken: 9 weeks, 0 days
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Site: Land To The East And West Of London Road, Including London Road Rail Bridge, Hackbridge. London Road Hackbridge London SM6 7HW.

Proposal: Installation of pipeline including the construction of pipe bridge to connect between an approved Energy Recovery Facility (and its associated approved pipelines) and a housing development site, the 'Felnex Site' to deliver District Heating provision at Land adjacent to the east and west of London Road, including the existing London Road railway bridge, London Road, Hackbridge.

Applicant: Sutton Decentralised Energy Networks Limited

Agent: Mr Adam Whiteley

**Recommendation:**

- (1) Grant planning permission subject to there being no additional representations received before the 14 December 2018 raising issues not considered within this report.
- (2) Should any additional representations raising new issues not considered within this report that are be received before the 14 December 2018 these will be reported to the following committee meeting.

**Reason for Report to Committee:** The Council has an interest in the land and the application is a departure from Council policy.

**Summary of why application proposals are acceptable:**

- The proposal is considered to be in accordance with the National Planning Policy Framework, the London Plan 2016 Policies 5.2 and 5.6 and the Sutton Local Plan as the proposal would enabling the delivery of the necessary infrastructure to deliver heat in accordance with Policy 31 of the Sutton Local Plan which relates to Carbon and Energy and more specifically the development of Decentralised Energy Networks particularly in Hackbridge.
- The proposal, which is partly located within Metropolitan Open Land (MOL), is considered to comprise inappropriate development as defined by the National Planning Policy Framework (NPPF). Whilst the proposal would result in harm by way of inappropriateness and would slightly reduce the openness of the MOL, it is considered that there is a compelling argument in favour of the proposal as follows which would outweigh this harm:
  - (i) A Very Special Circumstance exists that the development will contribute towards the delivery of a Decentralised Energy Network (DEN) which will offer significant environmental benefits.

(ii) Although there will be a very minor impact on the openness of the MOL, the majority of the proposed pipeline located within the MOL would be located underground. There is a small section that will exist above ground within MOL where the pipe rises vertically to span the bridge over the railway. The visual impact of the pipeline is considered to be limited and when considered against the other benefits that this equipment would bring to the delivery of heat to nearby homes and businesses, the proposal is considered to be acceptable.

(iii) This proposed provides the link between the previously approved section of the pipeline and the Felnex development and would be a less intrusive development within the MOL that the previously approved scheme C2017/76396/FUL.

- There will not be an unacceptable visual impact given that the above ground pipeline will be constructed adjacent to a road bridge against which it would be viewed in that context.
- The proposal would not result in any harmful impacts on adjoining properties, will not result in an unacceptable increase in traffic, and will not cause material harm to air quality, local ground conditions or biodiversity interests.

## 1.0 **BACKGROUND AND PLANNING HISTORY**

### 1.1 **Site and Surroundings:**

1.2 The application is located to the south west corner of Beddington Farmlands, extending across the railway line and into the Felnex development site to the west of Hackbridge Station.

1.3 The wider Beddington Farmlands site has historically been used for waste, wastewater and minerals extraction. Prior to this the area was in agricultural use. Large parts of the site are currently being used for active landfill operations (including areas of restored landfill) or for other waste uses.

1.4 The Beddington site is bounded to the east by sludge beds (part of Thames Water's Sewage Treatment Works) and Beddington Lane beyond, to the west by the railway, to the north by sludge beds and to the south by Beddington Park.

1.5 To the east of Beddington Lane is the Beddington Lane Industrial Estate, which is a significant area of business and industrial units, and a retail park in the southern part. Just north of the Beddington Lane Industrial Estate opposite the Jessops Way industrial area are the closest residential properties to the pump enclosure site.

1.6 The former Felnex Trading Estate occupies a 7.7 hectare site with frontages onto London Road and Hackbridge Road and Hackbridge railway station. The site adjoins the railway line to the south and the industrial units located on Restmor Way to the west, beyond which is the River Wandle. The site is abutted to the north by 'The Wave' 49 Hackbridge Road, Hackbridge Green, the Red Lion Public House (grade II listed), Hackbridge Primary School and Saxon House.

1.7 This is an application in which the Council has an interest , Sutton Decentralised Energy Network (SDEN) Limited is a Local Authority Energy Services Company (ESCo) wholly owned by the London Borough of Sutton

- 1.8 It should be noted, however, that whether this proposal is by or on behalf of the Council or by a Company of which it is owner, the identity of the applicant is not a material planning consideration and no weight must be given to this in the determination of this planning applications by the Local Planning Authority (LPA). This planning application must be assessed on its planning merits and against the policies contained in the Development Plan having regard to all material considerations. The policy position in relation to the development providing a decentralised energy network is discussed later in this report.
- 1.9 On the 3 March 2015 the Housing, Economy and Business Committee agreed, among other matters, that heat supply contracts should be completed with Viridor and the Felnax Developer and that the proposed connection of Felnax to the SDEN is Phase 1 of a longer term ambition. However, this Council decision was taken independently from the Council as LPA, has had no bearing on the officer recommendation to the Committee and again should be given no weight in the decision of the Planning Committee.
- 1.10 **Site Specific Local Plan Designations:**
- 1.11 The application has the following local plan designations.
- Metropolitan Open Land (MOL),
  - Metropolitan Green Chain,
  - Site of Metropolitan Importance for Nature Conservation,
  - Archaeological Priority Area,
  - Green Corridor,
  - An area at Risk of Flooding,
  - Hackbridge Area of Potential Intensification,
  - Hackbridge District Centre,
  - Area of Taller Building Potential,
  - Decentralised Energy Opportunity Area
  - Wandle Valley Regional Park.
  - Established Industrial Location
- 1.12 The Felnax Trading Estate is an allocated site, which is designated for a mixed use development including residential, retail, employment and community uses. The trading estate benefits from an extant outline planning permission (ref: C2016/73672), with two reserved matters applications (ref: C2016/73672 and C2016/73965) which were granted on 15 September 2016.
- 1.13 **Relevant Planning History:**
- 1.14 Part of the application site has a lengthy history of waste management use. Permission for mineral extraction and landfill operations was first granted on appeal in 1995. This was subject to a number of conditions including a requirement to complete infilling operations by 2015 and to restore the land within 17 months thereafter. Permission for a recycling centre was first granted in 2003, linked to the life of the landfill. Following Viridor's acquisition of the land in 2004, a variation to the design and layout of the facility was granted in 2005.
- 1.15 The 1995 permission was accompanied by a unilateral undertaking from Thames Water, the owners of the land, the main purpose of which was to secure arrangements

for the restoration of the land following landfill and the creation and future management of a variety of wildlife habitats. This included the formation of a Beddington Farmlands Trust to undertake the future management of the restored land. The restoration plans were embodied in a conservation management plan. (Other obligations from 1995 regarding Coomber Way and related highway measures have been largely implemented).

- 1.16 Variations to the 1995 and 2005 permissions, to allow extended hours for the reception and land filling of local authority waste, were granted in August 2009 and September 2010. In May 2012 the Development Control Committee granted permission for a further variation to permit an increase in the number of vehicle movements associated with the night time delivery of local authority waste to the waste reception building.
- 1.17 In 2005 Viridor submitted an application (D2005/54794/FUL) to build a 75,000 tonnes per annum anaerobic digestion plant adjacent to the existing recycling centre and to extend the duration of all waste management activities on the site from 2015 to 2023, reflecting its contract with the Partnership. The application also sought permission to export and stockpile clay from the site prior to landfill. The application was first reported to Committee in April 2008 when it was resolved to grant permission subject to, inter-alia, the completion of a legal agreement with Viridor to ensure the restoration and future management of the land. The application was accompanied by an amended conservation management plan that drew on the practical knowledge gained from the restoration and conservation work undertaken on site since 1995.
- 1.18 Resolution of the legal agreement was protracted, so the application was reported back to Committee on 18 July 2012 to review and refresh the 2008 resolution. The delay provided an opportunity to review the restoration plans for the land and the best management arrangements for achieving these. A conservation management scheme, to replace the 2008 management plan, was reported to the Committee. Committee confirmed its earlier resolution to grant permission subject to the completion of the legal agreement. The agreement was completed and permission approved in June 2013. Restoration of the landfill approved under this permission has been implemented and the recycling facility currently operates in accordance with this permission.
- 1.19 In March 2010 Viridor submitted an application to build a smaller (30,000 tonnes per annum) anaerobic digestion plant, again reflecting its contract with the Partnership. This remains outstanding. However, in February 2013 the Partnership confirmed that it does not intend to pursue the anaerobic digestion proposals and Viridor has now committed not to build the agreed, larger facility.
- 1.20 In July 2012 Viridor submitted an application (2012/66220/FUL) to demolish the existing buildings on site and to build an energy recovery facility (ERF) along with buildings ancillary to the ERF, construction of two combined heat and power (CHP) pipelines, revisions to the approved restoration plan for the Beddington landfill site approved under application ref:D2005/54794/FUL, amendments to the existing in-vessel composting operations, removal of existing access and provision of new access road and reconfiguration of access to Thames Water site to north.
- 1.21 The planning application was reported to the Development Control Committee on the 24 April 2013 with the recommendation of approval subject to the conclusion of a legal agreement, the provision of additional areas for habitat and access and no adverse direction being received from the Mayor of London to whom the application had been referred.

- 1.22 The application was deferred so that further investigation on air quality and traffic issue, and to consider reinforced conditions on these topics and related provisions within the draft S106 agreement. In May 2014 planning permission was granted subject to conditions and the execution of a S106 agreement.
- 1.23 Following the granting of planning permission, permission was given in June 2014 to challenge the decision through a Judicial Review which was brought to the High Court. Following the Courts investigation the Judge dismissed the case for Judicial Review on 6 November 2014 a further claim for permission to the court of appeal was made and subsequently refused on 15 February 2015. Viridor are currently implementing the ERF permission on site.
- 1.24 Application D2015/72902/FUL was submitted in October 2015 for the 'use of existing composting and waste product storage buildings and hardstandings for the receipt, bulking and transfer of residual waste, street sweepings, green waste, mixed recyclates and food waste for temporary period until 31 December 2022. The application was granted 21 January 2016.
- 1.25 Application D2015/72898/FUL was submitted in October 2015 for the 'Variation of Condition 13 of previously approved application D2005/54794/FUL, to permit the disposal of Local Authority waste between 13.00 and 16.30 for six Saturday afternoons in any one calendar year'. The application was granted 25 January 2016.
- 1.26 On 30 November 2016 details were submitted to approve condition 14 of application D2012/66220/FUL in relation to the full technical specifications of the pipework to be laid between the ERF and the site boundary. This application was granted on 27 February 2017.
- 1.27 On the 7 February 2017 an application ref: C2017/76396 was submitted for the installation of pipeline including the construction of pipe bridge to connect between an approved Energy Recovery Facility (and its associated approved pipelines) and a housing development site, the 'Felnex Site' to deliver Combined Heat and Power (CHP) provision which was heard by the Planning Committee on the 15 March 2017 which resolved to grant planning permission. The decision was issued on the 20 March 2017.
- 1.28 On the 7 February 2017 an application ref: D2017/76395 was submitted for the erection of a pump house, metering enclosure and associated works for a temporary period of seven years which was heard by the Planning Committee on the 15 March 2017 which resolved to grant planning permission. The decision was issued on the 20 March 2017.
- 1.29 On the 21 February 2018 an application ref: DM2018/00299 was submitted for a non-material amendment application to amend approved Planning Application C2012/66220/FUL to allow for alterations to the pipeline route on the western boundary.
- 1.30 In relation to the redevelopment of the Felnex development site the following applications are relevant.
- 1.31 C2009/62175/OUT – Outline application to determine access and layout for up to 725 residential units, a foodstore with a net floor area of up to 2,600 square metres, 2,000

- square metres approx of additional retail floor space within Class A1, 6,100 square metres approx of office and workshop space within Classes B1(a), (b) and (c), a residential care home within Class C2, a community building with doctor's surgery within Class D1 and an energy centre, together with open space, children's play space, landscaping, car parking and access roads. Permission granted 28 March 2012.
- 1.32 C2012/66386/DEM - Application to determine whether prior approval of the Local Planning Authority is required to the method of demolition of the Felnex Trading Estate. No objection raised 27 September 2012.
- 1.33 C2014/68760/FUL – Minor amendments to layout and footprint involving amalgamation of the main block fronting London Road (including the food store) into the adjacent proposed residential development in accordance with submitted drawings Illustrative plan 11025 P1-113; Land use parameter plan 11025 P1-110; Massing parameter plan 11025 P1-112; Movement parameter plan P1-111. (Variation of condition 45 of previously approved application number C2009/62175/OUT) which states: 'The development hereby permitted shall be carried out in accordance with the following approved drawings, all dated 10 May 2011: Illustrative plan 1393/P/001 Rev B; Land use parameter plan 1393/P/002 Rev B; Massing parameter plan 1393/P/003 Rev B; Movement parameter plan 1393/P/004 Rev B). Permission granted 16 May 2014.
- 1.34 C2014/68755/ARM - Approval of reserved matters for part of site (phase 1) relating to appearance, scale and landscaping pursuant to condition 1 of application number C2014/68760/OUT for a mixed commercial/residential development comprising buildings between one and six storeys in height involving 725 residential units, a foodstore with a net floor area of up to 2,600 square metres, 2,000 square metres approx of additional retail floor space within Class A1, 6,100 square metres approx of office and workshop space within Classes B1(a), (b) and (c), a residential care home within Class C2, a community building with doctor's surgery within Class D1 and an energy centre, together with open space, children's play space, landscaping, car parking and access roads. Permission granted 3 July 2014.
- 1.35 C2016/73625/OUT - Variation of condition 3 (Phasing Plan), 18 (Mitigation), 24 (Heating/Energy) and 44 (Drawing Numbers) (minor material amendment application) of previously approved Outline application no. C2014/68760/OUT to determine access and layout for up to 725 dwellings, a food store with a net sales area up to 2564 square metres, 948 square metres of additional retail floor space within Class A1, 6100 square metres of office and workshop space within Class B1(a), (b) and (c), 7740 square metres of assisted living accommodation (Class C2), 565 square metres of health facility and 98 square metres as a community room together with energy centre, open space, children's play space, landscaping, car parking and access roads. Permission granted 20 July 2016.
- 1.36 C2016/73672/ARM – Application for approval of reserved matters for Phases 1 and 2 to determine appearance, scale and landscaping pursuant to outline application number C2016/73625 for a mixed development comprising 2564 square metres of A1 (foodstore) floorspace, an additional 948 square metres of A1 (retail) floor space and 725 dwellings comprising 562 one, two and three bedroomed flats in sixteen blocks rising from four to six storeys in height and 163 two, three and four- bedroomed 3 storey houses and three storey houses with roof accommodation. Provision of assisted living accommodation containing 80 units with ancillary accommodation and a medical

facility within a five storey building. Provision of garages, carports, surface and basement car parking, refuse, cycle stores, energy centre, sub stations, children's play areas, hard and soft landscaping, new access roads from London Road and Hackbridge Road and alterations to road junctions. Permission granted 7 September 2016.

- 1.37 C2016/73965/ARM – Application for approval of reserved matters for Phase 3 (Business Forest) to determine appearance, scale and landscaping pursuant to outline application number C2016/73625 for erection of a four storey building comprising 6,100 square metres of B1(Business) floorspace. Provision of cycle and refuse storage, 57 car parking spaces and associated landscaping. Permission granted 7 September 2016.
- 1.38 C2016/75591/FUL 'Installation of underground heating pipes, electrical cabling, communication cabling and associated works to allow transfer of hot water and high speed data through a decentralised energy network.' Granted 24 February 2017.

## 2.0 APPLICATION PROPOSALS

### 2.1 Details of Proposal:

- 2.2 Planning permission is sought for the installation of pipeline including the construction of pipe bridge to connect between an approved Energy Recovery Facility (and its associated approved pipelines) and a housing development site, the 'Felnex Site' to deliver District Heating provision at land adjacent to the east and west of London Road, including the existing London Road railway bridge, London Road, Hackbridge.
- 2.3 The originally consented pipeline route follows a route west from the ERF through the Beddington Farmlands before turning south and broadly following the route of the permissive part adjacent the western boundary of Beddington Farmlands adjacent to the railway track. The pipe as consented would continue south past the London Road railway bridge and the Beddington Farmlands site boundary by approximately 110 metres before turning west for approximately 43 metres and then north back towards the consented pipe gantry over the railway for approximately 102 metres.
- 2.4 This application proposes to re-route the most southerly part the approved pipeline from that described above. Rather than going past the railway bridge and then turning back on its self, it is proposed that the pipeline would immediately turn west for 26 metres and then turn south west for 40 metres before being attached to the previously consented pipe gantry over the railway tracks, and then down into the Felnex site. This would be a more direct route that would be less intrusive than the approved routing.
- 2.5 The pipe line as mentioned above would consist of two pipes measuring 500 millimetres in diameter including the insulation. The majority of the pipeline would be sited underground in a trench which would be a 1.2 metres in depth with the pipes set 600 millimetres below the ground level. The trench would be filled with sand around the pipes to a depth of 700 millimetres above which the displaced soil would be reinstated.
- 2.6 The pipe work would exit the ground adjacent to the road bridge on London Road that spans the railway track south of Hackbridge Station where it is routed via a purpose built supporting gantry approximately 1.5 metres wide, 6.5 metres in total height and 5

metres above track level. This structure supports the pipes and stands 0.9 metres from the north west facing side of the road bridge facing towards Hackbridge Station and the Felnex development site. The structure is approximately 25 metres in length and at its highest point it will be 1 metre higher than road level on the bridge and would be constructed in a zinc galvanised steel framework. This is exactly the same as the consented scheme and has already been installed under the consented scheme ref: C2017/76396.

2.7 In view of the High Court judgement and taking into account national planning guidance and the EIA Regulations (2011, as amended), it was concluded that an EIA would be required. This has been submitted in the form of an EIA addendum to the EIA submitted with application ref: D2012/66220/FUL, which is considered to be a reasonable and proportionate approach, as the environmental baseline of the ERF development and the SDEN proposals are very similar.

2.8 **Sutton's Decentralised Energy Network (SDEN):**

2.9 In July 2013, the Strategy and Resources Committee approved the use of the wholly owned Special Purpose Vehicle, Opportunity Sutton Limited, to further the development of a district heating network in Sutton. The committee agreed that heat supply contracts should be completed with Viridor and the Felnex developer. Delegated authority was given to the Strategic Director (Resources) and Strategic Director (Environment and Neighbourhoods) in liaison with the Vice-Chair of the Strategy and Resources Committee and the Chairs of Housing, Economy and Business and Environment and Neighbourhood Committees as appropriate to progress the project in line with the report's recommendations.

2.10 The function of the pipeline is to provide low carbon energy for domestic hot water and space heating initially from the gas engines on the Beddington Farmlands site and then at a future date to connect to the ERF. Planning permission for the CHP pipeline to the boundary of the Beddington Farmlands site was approved as part of the ERF permission and details of the technical specification of that pipeline have recently been approved by the submission of details to the relevant condition (14) of the ERF permission (by Viridor).

2.11 Since the granting of planning permission for the pipeline extension under application reference C2017/76396, an easement has been negotiated with a third party to allow the laying of the pipeline over their land. This has allowed the applicant to propose a shorter route for the pipeline. This would result in a more direct routing and a reduction of the length of pipeline to be laid by approximately 200 metres.

2.12 **Significant amendments to application since submitted:**

2.13 A revised landscaping scheme was submitted on the 7<sup>th</sup> November 2018.

3.0 **PUBLICITY**

3.1 **Adjoining Occupiers Notified**

3.2 **Method of Notification:**



- 3.3 Letters were sent to 113 adjoining occupiers in the surrounding area on 15 October 2018 and two site notices advertising the application as a departure from the development plan were erected within the vicinity of the site on the same day.
- 3.4 A press notice also appeared in the Sutton Guardian on the 17 October 2018 advertising the application as a departure from policy.
- 3.5 However, due an administrative oversight which omitted to include the fact that the development was accompanied by an Environmental Statement, a further site notice was erected within the vicinity of the site on the 8 November 2018 advertising that the application was both a departure from the development plan and was accompanied by an Environmental Statement. A further press notice was published within the Sutton Guardian on the 22 November 2018 advertising the application as a departure from the development plan and was accompanied by an Environmental Statement. The expiry of the 21 day notice contained in the press notice is the 14 December 2018.
- 3.6 The Local Planning Authority cannot make a decision on the application before this date and this is the reason for the recommendation to grant planning permission subject to no further representation being made before this date. It is considered that this is a reasonable and proportionate means of reporting this application to ensure that it is not unreasonably delayed, is a practice that the LPA has used previously and also takes account of the application being a resubmission of a similar development, with reduced impact and in the absence of any objections
- 3.7 **Number of Letters Received:**
- 3.8 None
- 3.9 **Official Consultation:**
- 3.10 **Internal:**
- 3.11 **Sustainability:**
- 3.12 No objection.
- 3.13 **Lead Local Flood Authority:**
- 3.14 No objection.
- 3.15 **Environmental Health:**
- 3.16 No objection subject to a condition securing details of all non-road mobile machinery proposed to be used within the construction of the pipeline.
- 3.17 **Biodiversity:**
- 3.18 No objection subject to the revised landscaping scheme being implemented on site.
- 3.19 **Highways Officer:**

3.20 No objection.

3.21 **Tree Officer:**

3.22 No objection.

3.23 **External:**

3.24 **Network Rail:**

3.25 No comments received.

3.26 **Greater London Authority:**

3.27 No comments received.

3.28 **Thames Water:**

3.29 No comments received

3.30 **National Planning Casework Unit:**

3.31 No comments received.

3.32 **Transport for London:**

3.33 No objection.

3.34 **Environment Agency:**

3.35 No comments received.

3.36 **Greater London Archaeological Advisory Service:**

3.37 No comments received.

3.38 **Councillor Representation:**

3.39 None.

#### 4.0 **MATERIAL PLANNING POLICIES**

4.1 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:

- London Plan 2016
- Sutton Local Plan 2018
- The South West London Waste Plan March 2012

4.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework (NPPF) 2018
- National Planning Policy Guidance (NPPG)
- Adopted London Borough of Sutton Supplementary Planning Guidance Documents
- Draft London Plan 2018
- Human Rights Act 2008
- Equality Act 2010

4.3 **Material Planning Policies Considered in Determining this Application:**

4.4 **London Plan 2016:**

- 1.1 Delivering the Strategic Vision and Objectives for London
- 3.9 Mixed and Balanced Communities
- 4.12 Improving Opportunities for All
- 5.2 Minimising Carbon Dioxide Emissions
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.2 Providing Public Transport Capacity and Safeguarding Land for Transport
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.4 Enhancing London's Transport Connectivity
- 6.9 Cycling
- 6.11 Smoothing Traffic Flow and Tackling Congestion
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.2 An Inclusive Environment
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

4.5 **Sutton Local Plan 2018**

- Policy 1 Sustainable Growth
- Policy 5 Wandle Valley Renewal
- Policy 6 Distinctive District Centres
- Policy 14 Industrial Land and Waste Management
- Policy 15 Industrial Use
- Policy 17 District and Local Centre Development

- Policy 24 Green Belt and Metropolitan Open Land
- Policy 25 Open Spaces
- Policy 26 Biodiversity
- Policy 28 Character and Design
- Policy 29 Amenity
- Policy 30 Heritage
- Policy 31 Carbon and Energy
- Policy 32 Flood Risk and Sustainable Drainage
- Policy 33 Climate Change Mitigation
- Policy 34 Environmental Protection
- Policy 36 Transport Impact

4.6 **Supplementary Planning Guidance/Documents:**

- SPD14 Creating Locally Distinctive Places.

4.7 **The South London Waste Plan:**

4.8 The South West London Waste Plan (SWLP) was adopted in March 2012 and is a joint waste development plan document and forms part of the LDF for The London Borough of Sutton, The London Borough of Croydon, The London Borough of Merton and The Royal Borough of Kingston. It is used by the Local Planning Authorities for the determination of planning applications relating to waste facilities.

4.9 The following policies below set out the SLWP are deemed to be of importance with the proposed application:

- Policy WP3 – Existing Waste Sites
- Policy WP7 – Protecting and Enhancing Amenity

4.10 Policy WP3 highlights that national and regional policy recognises local authorities have a responsibility to safeguard current existing waste sites and to maximise their potential, particularly when inside a Strategic Industrial Location.

4.11 Policy WP7 underlines that developments for waste facilities will be required to demonstrate that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people and the environment.

5.0 **PLANNING CONSIDERATIONS**

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

- **Principle of Development and Impact on the Openness of the Metropolitan Open Lane (MOL)**
- **Impact on the Wandle Valley Regional Park**
- **Environmental Impact Assessment:**
  - Natural Heritage
  - Water Environment
  - Landscape
  - Ground Conditions
  - Land Use
  - Socio-Economic and Health Impacts
  - Air Quality

- Cultural Heritage
- Noise
- Transport and Traffic
- Cumulative Environmental Impacts
- **Design Quality**
- **Impact on Neighbours**
- **Sustainability**
- **Trees and Landscaping**
- **Summary of response to material considerations**
- **Community Infrastructure Levy**

5.2 **Principle of Development:**

5.3 London Plan Policy 5.2 Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

5.4 Policy 5.6 of the London Plan states proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites.

5.5 Policy 31 of the Sutton Local Plan states:

**a** Proposed developments should meet the following targets for reducing CO<sub>2</sub> emissions expressed as a percentage improvement over Part L of the 2013 Building Regulations:

- all residential buildings forming part of major developments should achieve 'zero carbon' standards, by:
  - (i) achieving at least a 35% reduction in regulated CO<sub>2</sub> emissions on site.
  - (ii) offsetting the remaining regulated emissions (to 100%) through the delivery of CO<sub>2</sub> reduction measures elsewhere through a Section 106 contribution to the council's carbon offset fund priced at £60 per tonne over 30 years.
- all major non-residential developments should achieve at least a 35% reduction in regulated CO<sub>2</sub> emissions on site.
- all minor residential developments should achieve at least a 35% reduction in regulated CO<sub>2</sub> emissions on site.

**b** In seeking to minimise CO<sub>2</sub> emissions in line with the above targets, all proposed developments will apply the Mayor's energy hierarchy by:

- achieving the highest standards of energy efficient design and layout.
- supplying energy efficiently in line with the following order of priority:
  - (i) being designed to connect to existing or planned district heating and/or cooling networks supplied by low or zero-carbon energy, unless it can be demonstrated through whole life cycle evidence that connection is not reasonably possible. All major developments located within identified Decentralised Energy Opportunity Areas (Maps 10.1 and 10.2) should apply the council's 'Decentralised Energy Protocol' (Schedule 10.A).
  - (ii) site wide heating and/or cooling network supplied by low or zero-carbon energy.
  - (iii) communal heating and cooling.

- using renewable energy generated on-site. Major developments will be expected to achieve at least a 20% reduction in total CO2 emissions (regulated and unregulated) through renewables with minor developments achieving a reduction of at least 10%.
- 5.6 As such, the provision of this connecting pipeline and supporting structures will enable the delivery of a scheme to provide heat from a decentralised energy network which would be acceptable in principle against this policy. The proposal is in conformity with the waste policies of the development plan but inappropriate development in Metropolitan Open Land (MOL).
- 5.7 Within London, land designated as Metropolitan Open Land (MOL) is considered equivalent to Green Belt in terms of protection. Paragraph 88 of the National Planning Policy Framework (NPPF) states: “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”
- 5.8 Policy 7.17 of the London Plan states: “The strongest protection should be given to London’s MOL and inappropriate development refused, except in very special circumstances.” This policy confirms other protection given to MOL in national documents, such as the NPPF. In the case of the NPPF it notes the types of development that may be considered appropriate in principle.
- 5.9 Paragraph 89 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:
- Buildings for agriculture and forestry;
  - Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
  - The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
  - Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 5.10 The proposal is partly located within the MOL and, as such, is considered to comprise inappropriate development as defined by the NPPF. The majority of the proposed pipeline would be located within the MOL, but would be located underground. A small section that will exist above ground within MOL where the pipe rises vertically to travel under the void of the road bridge before spanning the railway via the proposed gantry.
- 5.11 It is considered that there are Very Special Circumstances (VSC) applicable to this proposal which outweigh the harm by way of inappropriateness and any other harm

such as the very minor impact on the openness. The VSC include that the development will provide for a Decentralised Energy Network (DEN) which is considered to be a wider environmental benefit.

- 5.12 Other material considerations to be taken into account include the fact that the part of the development above ground in MOL is small scale. Its visual impact is considered to be very limited and when considered against the other benefits that this application would bring to the delivery of heat to nearby homes and businesses, the proposal is considered to be acceptable.
- 5.13 It terms of the construction of the underground pipe in MOL there would be some loss of scrub and ruderal habitats for a temporary period during the course of construction. However, when compared to the previously approved route (ref: 12/66220) the proposed routing of the pipeline would be shorter and the overall loss of scrub and ruderal habitats would also be reduced. The Council's Principal Tree Officer and Biodiversity Officer have not raised any objection as mitigation is provided in the form of a replacement landscaping scheme secured by condition and this proposal would result in less disturbance to both trees and habitats. Views of part of the proposed gantry will be partially visible from MOL, however, this impact will be minimal noting that there is an intervening bridge/road and the gantry will be read in the context of the other surrounding built form.
- 5.14 As such, whilst the proposal results in harm by way of inappropriateness and would have some minor impact on the openness of the MOL, it is considered that there is a compelling argument in favour of the proposal in terms of the wider environmental benefits and the minimal visual impact which, when considered as a whole, outweigh any harm caused. It is considered that the principle of development is acceptable subject to compliance with all other policy guidance and having regard to all other material considerations.
- 5.15 **Impact on the Wandle Valley Regional Park:**
- 5.16 In addition to the Metropolitan Open Land designation, the application site is designated as Land to be Safeguarded for the Wandle Valley Regional Park. The creation of the Wandle Valley Regional Park is a strategic objective of the London Plan. In Policy 2.18, it is stated: "In areas of deficiency for regional and metropolitan parks, opportunities for the creation of green infrastructure to meet this deficiency should be identified and their implementation supported, such as in the Wandle Valley Regional Park."
- 5.17 In 2012, the Mayor gave further expression to this policy in the Green Infrastructure and Open Environments: The All London Green Grid SPG. Figure 21 identifies the application site as part of the Wandle Valley Green Grid and Paragraph 5.99 states: "The Wandle Valley Regional Park initiative sets out a vision for the creation and improvement of a linked network of open spaces along the river corridor. The park will connect to town centres, transport hubs, communities and business areas, extending out to connect to the open spaces in the surrounding area. This includes Mitcham Common, a large area of grassland and woodland, which added to the proposed new country park, would provide an extensive open space corridor to Beddington Park in the south. The protection and restoration of the river corridor's natural qualities will play an important role in making a vital and vibrant piece of green infrastructure in this part of London."

- 5.18 In addition, Policy 28 of the Sutton Local Plan states:
- a The council will seek to retain the existing level of open space in the borough by:
    - (v) working with partners and stakeholders to support and promote measures to help deliver the vision of the Wandle Valley Regional Park as a network of high quality, accessible and interconnected open spaces based around the River Wandle.
- 5.19 Within the Environmental Statement (ES) the applicant has assessed the impact of the construction and operation of the pipeline in relation to the Wandle Valley Park. In respect to construction the ES states that “Given the construction corridor required to install the proposed pipeline extension, there are likely to be temporary adverse effects on the local landscape due to vegetation removal resulting in temporary adverse visual effects (not significant) for the receptors during construction when the proposed pipeline extension is laid. These effects are outlined within the Landscape chapter of this ES Addendum.”
- 5.20 When the pipeline is laid and operating the ES states that “The operation of the proposed pipeline extension will have no significant effects on the adjacent receptors. The proposed pipeline extension will be below ground for most of its route and will therefore have negligible effect of no significance on receptors.”
- 5.21 In addition mitigation in the form of a landscaping scheme has been submitted to repair any loss of vegetation as a result of the construction of the pipeline.
- 5.22 As stated above in paragraph 5.13, it is considered that as the impact of the proposed development would be relatively minor when considered in terms of the impacts on the Wandle Valley Regional Park, providing that the mitigation measures proposed are fully implemented there will be no long term detriment to the park. The Councils Biodiversity Officer has raised no objection on this basis.
- 5.23 **Environmental Impact Assessment:**
- 5.24 It was agreed that in view of the relevant planning history and the submission of the original EIA in 2012 under application ref: D2012/66220/FUL in relation to the ERF development of the site, that a formal EIA scoping exercise was not required. It was also agreed that the ES (Environmental Statement) addendum should identify any new or varying significant environmental impacts during construction or operation resulting from the addition of the extension of the approved pipeline as part of the ERF development beyond the boundary of the Beddington Farmlands site in addition to those already described in the main ES. This enables the impact of this proposal to be considered on its own planning merits as well as a separate consideration of its environmental impacts from the ERF permission, which is an expectation of the High Court decision concerning the judicial review of the ERF decision handed down in 2015.
- 5.25 A review of desk based information was undertaken which confirmed that, except for the ongoing development of the ERF and associated facilities that were fully accounted for in the main ES, there have been no significant changes to the environmental baseline since 2012. A review of the planning context was undertaken and it was identified that provision of the pipeline and pipe bridge was a requirement to deliver Policy DM6 (Climate Change Mitigation) of the Site Development Policies DPD now superseded by Policy 31 of the Sutton Local Plan 2018. Updated policy, legislation and



guidance since publication of the main ES was taken into account in the assessment sections for each environmental topic. It was agreed that the scope of the ES Addendum should focus on the following technical topics:

- Natural Heritage
- Water Environment
- Landscape
- Ground Conditions
- Land Use
- Socio-Economic and Health Impacts
- Air Quality
- Cultural Heritage
- Noise
- Transport and Traffic
- Cumulative Environmental Impacts

#### **5.26 Natural Heritage:**

5.27 An extended Phase 1 habitat survey the pipeline extension was carried out in September 2016 by Atkins' ecologists. The survey area included the proposed working corridor for the pipeline extension. The survey assessed the habitat types within the survey area and checked for evidence of, or potential for, notable and protected species.

5.28 The ES addendum identified no internationally or nationally statutory designated sites within 2km of the pipeline extension. The section of the pipeline extension east of the railway is within the following non-statutory designated site:

- Beddington Farmlands Site of Metropolitan Importance (SMI) – designated for its wetland habitats, bird and bat assemblages. This designated site has Metropolitan value for nature conservation;

5.29 The adjacent ERF site, which includes the consented pipeline route, is also wholly included within the Beddington Farmlands SMI. A further two non-statutory designated sites are within 500 metres of the pipeline extension. These are:

- Upper River Wandle SMI, 220 metres from the pipeline extension, is designated as a chalk stream, with associated ponds and wet woodlands; and
- Beddington Park and St Mary's Churchyard SBI, 215 metres from the pipeline extension, is designated for a lake and ponds, riverside habitats, secondary woodland and wet grassland.

5.30 No new designated sites have been identified since the original ES was produced.

5.31 The extended Phase 1 habitat survey identified an area of dense scrub (bramble, elder, and ivy), tall ruderal vegetation (nettles) and small trees along the section of the pipeline extension east of the railway. There are also areas of scattered trees, including sycamore and ash immediately to the north of the pipeline extension at this location.

5.32 To the north of this section of the pipeline extension there is a footpath/walkway to Hackbridge railway station and a small area of hardstanding adjacent to the railway line. This area of hardstanding contains some young scrub and tall ruderal vegetation,

including nettles, buddleia and some garden escapes, including iris and a young apple tree sapling.

- 5.33 There is minimal vegetation along both sides of the rail track, with some small patches of bramble and buddleia scrub and rough grass. On the western side of the railway is bare ground, within the area of the demolished Felnex industrial estate. The adjacent ERF site to the east of the pipeline extension route was surveyed for the original ES, and includes the following notable habitats: standing water and marginal vegetation and open mosaic and wasteland habitats, which are habitats of principal importance. These habitats are not present within the pipeline extension route.
- 5.34 Notable and Protected Species:
- 5.35 The updated desk study identified new records of dunnock, goldcrest, little egret, mistle thrush, starling and swift within 1km of the pipeline extension. All of these species were recorded within the ERF Development Area during the 2011 bird surveys. There is also anecdotal evidence of little ringed plovers displaying over the recently cleared areas of open ground within the Felnex development site. Little ringed plovers are listed under Schedule 1 of the Wildlife and Countryside Act (as amended) and are protected against disturbance whilst breeding.
- 5.36 The updated desk top study also identified new records of Daubenton's, noctule, Leisler's, soprano pipistrelle and common pipistrelle bats within 1km of the pipeline extension. These species were also recorded within the ERF Development Area during the 2011 bat surveys. The assemblage of bats that use the ERF Development Area is highly likely to utilise the habitats within the eastern section of the pipeline extension which is also suitable for foraging and commuting bats.
- 5.37 All trees which could potentially be affected by the pipeline extension route were assessed for bat roosting potential during the update extended Phase 1 habitat survey in September 2016 and June 2018. All trees assessed were considered to have negligible potential to support roosting bats.
- 5.38 Surveys were commenced for the original ES for reptiles in 2011 and 2012 found no evidence within the ERF application site. Nonetheless, suitable habitat is present within the pipeline extension route for common reptile species, and there is anecdotal evidence of a population of slow-worms being present within the railway corridor adjacent to the pipeline extension. Slow-worms are a protected species and it is considered that this population, if present, would have local value.
- 5.39 The original ES, identified a grouping of rare and scarce invertebrates. This grouping was identified as having Metropolitan value for nature conservation. As similar habitat is present within the eastern section of the pipeline extension as within the ERF Development Area, then it is considered likely that this grouping could be found within habitat as well as the ERF site.
- 5.40 In the original ES, three trees were surveyed that were considered to have bat roost potential, however no evidence of any bat roosts was recorded and as such, the potential for roosting bats within the ERF site was ruled out. The trees within the study area were considered to have negligible potential for roosting bats. Therefore it is considered that there would be no impact on potential roosting bats as a consequence of the proposed application.

- 5.41 The ES addendum considers that the proposal would have no impact on great crested newts and the updated extended Phase 1 habitat survey, of other notable or protected species that were identified in the survey methodology.
- 5.42 Construction Impacts:
- 5.43 The application proposes the temporary removal a section of dense scrub and tall ruderal vegetation approximately 45m in length and up to 10m in width for the working corridor of the pipeline extension section east of the railway; this is located along the outer edge of Beddington Farmland SMI. The pipeline extension will therefore require the temporary loss of 0.05 ha of habitat from the SMI, which is 0.03% of the total area of the SMI.
- 5.44 The accumulative total permanent or temporary loss of habitat due to the ERF development and the proposed pipeline extension from Beddington Farmland SMI is 6.32 ha, or 3.4% of the total area of the SMI. The ES addendum states that the proposed pipeline extension will result in no additional permanent loss of habitat from the SMI and habitat cleared for the working corridor will be reinstated and replanted. This is a reduction of 0.02 ha of the SMI which would be affected by the pipeline installation.
- 5.45 The ES addendum continues to state that the assessment of the significance of effects on the SMI as given in the original ES is considered to still stand in relation to the cumulative effects on ecological features of the consented pipeline and the proposed pipeline extension.
- 5.46 Habitats:
- 5.47 The ES addendum advises that all vegetation within the working corridor will be temporarily cleared for the installation of the pipeline. The pipeline will avoid all trees with a greater than 25 cm diameter trunk at chest height. Therefore, the proposed pipeline extension will result in the temporary loss of approximately 0.05 ha of dense scrub, tall ruderal habitat, and small trees.
- 5.48 Owing to scrub and tall ruderal habitat being present throughout the consented pipeline route, this additional temporary loss of 0.05 ha is considered to be negligible. The original ES concluded that there was a probable significant negative effect at a local level on habitats due to the ERF development area and the consented pipeline. The assessment of significance of effects on habitats as given in the main ES is considered to hold true in relation to the cumulative effects on ecological features of the consented pipeline and the proposed pipeline extension.
- 5.49 In addition the proposed route of the pipeline when compared to the consented scheme ref: C2017/76396 would result a reduced Biodiversity impact, and would result in the loss of only 1 tree rather than the 27 trees as previously consented. The one tree which would be lost is considered to be of low retention value.
- 5.50 Disturbance due to Human Activity, Noise and Light:
- 5.51 The ES addendum states that it is predicted there will not be any disturbance to breeding or wintering bird populations beyond that associated with the consented pipeline. Some works associated with the proposal are likely to be carried out

overnight when the pipeline is installed below the pedestrian path linking London Road/Wandle Road with Hackbridge station.

- 5.52 It is anticipated that this work will be short-term, up to four nights and will use directional lighting to avoid unnecessary light spillage. Therefore, it is considered that lighting during construction of the proposed pipeline extension will not cause any significant disturbance. One of the options for installing the pipeline requires the use of piling to install the abutment foundations required to support the pipeline crossing over the railway track. The process of the pipeline installation is estimated to take approximately 4 to 6 weeks and any piling would be short-term, taking a few hours to complete. It was noted that the gantry over the railway line was installed under the previously approved scheme ref: 17/76396, and as such any piling works have been completed and would not contribute further to disturbance of any protected species.
- 5.53 Dust and Water Flow:
- 5.54 The ES addendum considers that the proposal will not significantly increase the levels of dust being produced, and therefore the cumulative effect of the consented pipeline and the proposed pipeline extension will not be significant.
- 5.55 The ES addendum considers that the cumulative effects of the ERF Development and the pipeline extension are negligible, and therefore there will be no significant effects on water flow and quality.
- 5.56 It is considered that the proposal would not significantly alter the effects on ecological features identified in the original ES and would not significantly affect the conservation objectives of Beddington Farm SMI, nor any of the key ecological features identified within the original ES.
- 5.57 The ES addendum identifies that there may be some negligible disturbance during the installation of the pipeline; however, it is considered that this will be small scale and short term. All habitats lost will be replanted, and there will be no significant residual adverse effects as a result of the proposed pipeline extension and/or the consented pipeline.
- 5.58 As such, no concern is raised to this proposed development in terms of its potential impact on natural heritage.
- 5.59 Water Environment:
- 5.60 There are four main waterbodies within the Viridor application boundary. These include; the River Wandle, the Oily Ditch (and associated lakes and reed beds), the MEC (the Main Effluent Channel from Beddington Sewage Treatment Works) and number of smaller non-main river drainage channels.
- 5.61 The proposed pipeline extension begins at the south west boundary of the Viridor site and is approximately 75m from the southern lake reed beds, which forms part of the Oily Ditch. Between this lake and the pipeline extension, there is another non-main river drainage channel which flows in a northerly direction along the western boundary of the site.
- 5.62 The beginning of the pipeline extension is approximately 30 metres from the drainage channel and is over 900 metres away from the closest point of the River Wandle and

MEC within the Viridor site boundary. The site and pipeline extension route are located over 45 km from the sea (Thames Estuary) and are considered not to be at risk of tidal flooding. The baseline for the original ES describes the location for the main ERF works as being a site with no formal drainage, draining naturally to the northern drain. Since 2012, the formal drainage scheme proposed as part of the ERF scheme has been constructed on site and has been designed to replicate natural drainage process and limits runoff to greenfield run-off rates.

- 5.63 The ES addendum states that there is no change to the four foul water rising mains that cross the Viridor site and these do not interact with surface water or groundwater. The proposal will run parallel to one of the foul water mains. In addition, the proposed route for the pipe extension in the Felnex development site may need to cross a 229 mm diameter pipe that runs adjacent to the railway line. Within the Felnex development site the pipeline extension will run parallel to the Thames Water 229 mm diameter pipe.
- 5.64 Flood Risk:
- 5.65 The flood maps in the updated 2015 Strategic Flood Risk Assessment (SFRA) have been used as the baseline for assessing the impacts of the proposed pipe extension on flood risk as part of the ES addendum. A comparison with the previous flood risk baseline has also been undertaken to determine whether the updates result in any significant changes to the potential effects identified in the original ES.
- 5.66 The ES addendum showed a comparison of the SFRA fluvial flood map with the flood map within the original ES, which shows a small reduction in the flood extents within and adjacent to the Viridor site. The extent of Flood Zone 3 (high probability), is reduced around the northern lake and the extent of Flood Zone 2 (medium probability), which previously covered the area of land between the Viridor site (south west corner), the railway and London Road is no longer forecast. As such, it is considered that the proposal is not located within Flood Zone 2 and is classified as Flood Zone 1 (low probability).
- 5.67 The updated flood maps show the majority of the Felnex development site to be located within Flood Zone 2. However, the proposed route for the pipeline extension is outside this extent. Based on the updated flood maps, the entire route for the proposed pipeline extension can therefore be classified as Flood Zone 1 and not at risk of fluvial flooding.
- 5.68 The SFRA contains updated maps for surface water flooding, these maps are not directly comparable to the ones used in the original ES, and the risk of surface water flooding is presented using a different approach. The surface water flood maps (SWFMs) used in the original ES presented the depth of flooding predicted during a 1 in 30 and 1 in 200 annual probability event, whereas the updated SWFMs (SFRA 2015) present the risk of flooding in four bands; high, medium, low and very low.
- 5.69 The most noteworthy change is the estimate of surface water flood risk at the start of the pipeline extension, next to the Viridor site boundary. Previous estimates indicated depths of flooding between 0.1m and 0.3m during a 1 in 200 (0.5%) annual probability event. This area of risk has reduced and the route of the pipeline is now outside of a Low Risk area (1 in 100 – 1 in 1,000 annual probability) and classified as having a Very Low Risk (> 1 in 1,000 annual probability). The route of the proposed pipeline in the Felnex development site is also classified as Very Low Risk.

- 5.70 The assessment of groundwater flooding in both the original ES and the updated SFRA (2015) is based on the British Geological Survey Susceptibility to Groundwater Flooding Maps. An evaluation showed that there is no change in the level of risk predicted for both the ERF and the route for the proposed pipeline. In both locations there is the potential for groundwater flooding to occur at the surface and the original ES indicates a strike level of approximately 3.0m below the ground level.
- 5.71 There is no update to the reservoir flooding maps in the updated SFRA (2015) and as such, the ES addendum considers that the risk remains the same as described in the original ES.
- 5.72 Construction Impacts:
- 5.73 The construction of the pipeline extension is considered likely to cause small but limited impact on the overland surface water flow paths. The risk of flooding during construction is considered low and the works are unlikely to exacerbate flooding elsewhere.
- 5.74 The high groundwater levels across the application site mean that there is potential risk of groundwater flooding to the pipeline trenches. As these excavations are shallow in depth it is considered that the groundwater flow within them will be minimum.
- 5.75 As such, it is considered that the construction of the proposed pipeline, it would have a negligible adverse effect on the surface water hydrology and flood risk of the non-main river drainage ditches and localised surface water flow paths.
- 5.76 Operational Impacts:
- 5.77 The proposal would be laid in trenches approximately 1.2 metres deep. The pipes will be bedded in sand with the remainder of the trench being backfilled with imported or excavated stone-free material and the top layer will reinstate the existing ground level.
- 5.78 With regard to the pipeline extension, the extension to the potential groundwater flow path will be small and will be intercepted by the break in pipeline route where the pipes are elevated above ground on the gantry adjacent to the London Road bridge.
- 5.79 Condition 31 of the ERF required details to be submitted to the Local Planning Authority to provide a scheme detailing flood risk management measure, drainage strategy and SUDs techniques. This condition has been approved and as such, will require groundwater monitoring and investigations to be ongoing.
- 5.80 As such, it is considered that the proposed pipe line and pipe bridge would not alter the significance of effects on the water environment and no cumulative effects are likely to occur. The Councils Lead Local Flood Risk Officer has raised no concern. As such, no objection is raised on these grounds.
- 5.81 Landscape:
- 5.82 The landscape through which the pipeline will pass contributes to a green corridor running adjacent to the railway line. It is predominantly mixed scrub with some trees, with the landscape being predominantly flat with no significant high points.

- 5.83 To the east of the construction path is a footpath and the ERF site. The landscape area is viewed by those using the step free access to the southbound platform of the railway station, those on the footpath that connects Beddington Park in the south with Hundred Acre Bridge in the north and those passing by on the train.
- 5.84 The proposed pipeline would be largely below ground and visibility of the pipeline will be limited to the above ground crossing of the railway line. The proposal will require the removal of an area of vegetation approximately 0.05 ha in area. The landscape area that the proposed pipeline would pass through forms part of a Green Corridor and Metropolitan Open Land. The vegetation mainly comprises of self-sown trees and vegetation.
- 5.85 The ES addendum considers that during construction there will be minimal adverse effects on both landscape and visual amenity which are considered not to be significant and there would not be any lasting permanent effects during operations from the pipeline extension.
- 5.86 As such, it is considered that the potential impacts of the pipeline extension in relation to landscape and visual effects, is therefore considered to be negligible and no objection is raised on these grounds. A condition is included for details to be submitted for replacement planting to be submitted to the Local Planning Authority.
- 5.87 Ground Conditions:
- 5.88 The original 2012 ES identified that there are no significant cumulative effects expected from land or groundwater contamination predicted from the proposed ERF. Therefore, in agreement with the Local Planning Authority ground conditions have been scoped out of the ES addendum, providing that all construction and operational activities on site are undertaken in accordance with the relevant management plans, policies and regulatory guidance.
- 5.89 Contamination is not expected to present a risk to construction staff or site workers at the proposed waste facility provided standard health and safety practices are followed.
- 5.90 As such, no concern is raised to this planning application in regards to ground conditions.
- 5.91 Land Use:
- 5.92 An assessment of the predicted impact was undertaken in reverence of each of the receptors identified as part of the ES addendum. The assessment indicated that the impact would mainly be low with low to medium impact to Wandle Valley Regional Park and the Felnax Development.
- 5.93 The ES addendum confirms that during the construction of the pipeline there is expected to be a change in amenity for non-motorised users (NMU) particularly at footpaths that are located close to the construction works. A temporary closure of the footway between London Road and Hackbridge Station will be required for a short period of time. This closure is likely to result in minor adverse effects on NMU users.
- 5.94 It is considered that the proposed pipeline being small in scale and the nature of the works are considered minor when compared to those of the ERF development as a whole. In addition, the proposed pipeline will not prohibit any other local developments.

As such, it is considered that the proposal would have minimal impact on land use and as assessed in relation to the wider ERF development, it is considered to result in some beneficial effects in terms of land use. As such, no objection is raised in relation to land use.

5.95 Socio-Economic and Health Impacts:

5.96 The ES addendum assessed the four issues which formed the basis of the original ES:

- local amenity;
- health;
- employment; and
- the local economy.

5.97 The original ES considered impacts on skills and training. The pipeline extension is considered not to have any additional effects on skills and training and therefore has not been considered further. Additionally, the ES addendum also considers wider issues, in relation to existing and future residential uses (including future residents of the Felnex development), the provision of near zero carbon heat to the Felnex development and the provision of heat at a low price for future occupants.

5.98 The ES addendum has stated that the existing workforce currently utilised for the ERF and consented pipeline will be used for the proposed pipeline extension. The construction of the consented pipeline and proposed pipeline extension would possibly contribute to some additional employment.

5.99 The control of the railway required to undertake the proposed pipeline extension will take place at night and therefore would not impact on train schedules as works are proposed to take place during 'Rule of Route' hours and will not have any effect on the general public. It is therefore considered that the socio-economic and health effects of travel disruption arising from the proposed pipeline extension during construction are negligible.

5.100 The pipeline proposes to facilitate the provision of low carbon heat energy to residents and business users on the approved Felnex development. This would support local, regional and national targets regarding decentralised energy systems and reduction in carbon emissions.

5.101 The ES addendum concludes that there would not be any adverse socio-economic impacts associated with the construction phase of the project. There is likely to be a small positive employment effect associated with the additional construction work to the main ERF project and any potential impacts on travel and leisure facilities is considered to be minimal.

5.102 Overall, it is considered that the impact of the proposal would provide a small positive economic benefit associated with additional construction employment. As such, no objections are raised in regards to Socio-Economics and Health Impacts.

5.103 Air Quality:

5.104 The ES addendum assessment concentrated on the air quality impacts during the construction of the pipeline only. It has considered that the operational effects are not considered relevant as air quality effects resulting from operational vehicle movements



(delivery of waste and removal of ash) and flue gasses emitted from the operational ERF will not change as a result of the pipeline extension.

- 5.105 The original ES acknowledged that all local authorities are required by Part IV of the Environment Act 1995 to review air quality and to assess both present and likely future air quality against objectives set out in the government's national air quality strategy (AQS). Should a Local Authority discover that more than one of the AQS objectives could be breached; an Air Quality Management Area (AQMA) must be designated and developed an Action Plan to alleviate pollution levels.
- 5.106 In June 2013, after the original 2012 ES was produced, the Local Authority declared a borough-wide AQMA for annual and hourly mean nitrogen dioxide (NO<sub>2</sub>) and annual and 24-hour mean PM<sub>10</sub> 33. As established in the original ES, the London Borough of Sutton and the London Borough of Croydon have automatic monitoring of ambient air pollutant concentrations at a number of locations within 5 km of the ERF.
- 5.107 The ES addendum considered that the Beddington Lane North and Beddington Lane monitoring sites are considered to be the most representative of local air quality within and around the proposal as they are in relatively close proximity and are described as industrial monitoring sites.
- 5.108 The results of the monitoring sites indicate that monitored NO<sub>2</sub> and PM<sub>10</sub> concentrations at these sites were well within relevant AQS objectives in 2015 and that there has been a decrease in NO<sub>2</sub> concentrations at these within recent years.
- 5.109 No monitoring results from passive NO<sub>2</sub> diffusion tube sites were reported within the original ES due to the lack of sites sufficiently close to the proposed development site at the time of writing. However, since the publication of the original ES, the Local Authority have installed a number of new diffusion tube sites, four of which are within 500 metres of the proposed pipeline extension, at which monitoring commenced in 2013.
- 5.110 The data supports the finding that annual mean NO<sub>2</sub> concentrations in the area are largely decreasing and are currently within the AQS objectives. Although the monitoring results present an improvement for NO<sub>2</sub> in the area since the original ES, no clear downward trend can be seen in the continuous monitoring data for PM<sub>10</sub>. Instead, annual mean PM<sub>10</sub> concentrations appear to have remained relatively stable at the sites that measure PM<sub>10</sub>, in those years for which data is available between 2009 and 2015. Monitored PM<sub>10</sub> concentrations at both Beddington Lane sites are however currently well within the relevant AQS objectives for PM<sub>10</sub>.
- 5.111 Construction Dust Impacts:
- 5.112 The ES addendum considered that it was not necessary to repeat the dust assessment for the whole ERF site, an assessment of the potential construction dust effects associated with the proposed pipeline extension was required as the pipeline extends south west beyond the ERF site boundary previously considered, close to a residential area.
- 5.113 The assessment did not include demolition within the assessment as the proposal does not propose any demolition. Track out of dust was also not considered as part of the assessment, as this generally applies to vehicles moving on unpaved roads, which then move out onto public highway.

- 5.114 The proposal does not foresee any construction vehicles to travel over made ground. The proposal works will involve earthwork and construction activities, as such; the assessment has focused on the potential risk of dust effects occurring during these activities.
- 5.115 The proposed construction activities for the proposal in the areas to the east and to the west of London Road will consist of site preparation works, excavations / shallow trenching, pipe laying, backfilling and compaction. At the existing road overpass, work activities will consist of preliminary works and installation of framework structure and pipeline.
- 5.116 The sensitivity of the surrounding area to dust and soiling impacts on people and property has been classified as 'medium' as it is estimated to be approximately 20 highly sensitive human receptors within 50 metres of the construction site boundary. The sensitivity of the area to human health impacts is classed as 'low'. The sensitivity of the area to ecological effects is classed as 'negligible', as there are no designated ecological sites within 50 metres of the proposed works.
- 5.117 The potential for dust emissions for earthworks and construction are classified as being 'small'. The sensitivity of the surrounding area in relation to dust soiling is classified as 'medium'. The assessment also identifies the risk of dust impacts in relation to human health and ecological receptors is being classified as 'negligible' for both earthworks and construction activities, as the sensitivity of the surrounding area is classified as 'low' and 'negligible' respectively.
- 5.118 The ES addendum concludes that there may be a temporary increase in local air pollutant concentrations within the locale of the pipeline, due to exhaust emissions from plant used. Typical plant could include excavators of various sizes for cutting and filling operations, bulldozers, pavers and rollers. The emissions generated by such plant are considered to be minimal in comparison to the emissions generated by traffic on the roads within the area, to result in a significant effect.
- 5.119 The Council's Environmental Health Service have not raised objection to the proposal, subject to a condition requiring the non-road mobile machinery to meet minimum the Stage IIIB emission criteria of Directive 97/68/EC.
- 5.120 Cultural Heritage:
- 5.121 The proposed pipeline would run from the ERF to an energy centre within the proposed Felnex development. The pipeline would be approximately 1.2 metres deep and run along the outer edge of the Beddington industrial site, across Hackbridge railway station platform, beneath London Road and across the rail lines and then into the Felnex development site.
- 5.122 The main assets which were previously been identified in archaeological works within the vicinity of the pipeline, both within the ERF and further west, include isolated prehistoric and Medieval findspots, limited Bronze Age and Neolithic features and the remains of a Medieval building. As such, it is considered that it is likely that the proposed route of the pipeline could contain archaeological remains from a range of periods. However, the proposed route runs across land which has been subject to varying degrees of disturbance (historic and modern) including edge of a landfill site, railway construction, road construction and a well-established light industrial complex.

- 5.123 The ES addendum considers that these past activities are extremely likely to have truncated or removed archaeological remains in many locations along the proposed route. Subsequently, the intensity and quality of archaeological remains within the narrow pipeline corridor is unlikely to be significant; although remains may be present.
- 5.124 The majority of the proposal would be below ground, with the exception of where the pipeline crosses the railway bridge. Once in operation, the below ground elements of the pipeline are considered not to have any impact on the setting of any designated assets nor will they physically affect any archaeological remains. The gantry over the railway is situated 400 metres from the Beddington Park Conservation Area and 300 metres from the grade II listed buildings, which have been identified as being the Old Red Lion Inn and Hackbridge Green. The gantry would be screened from these designated assets by the Felnex development and as such, it is considered that the proposal would not affect their settings.
- 5.125 As such, it is considered that the proposal would not cause significant impact to cultural heritage, subject to a condition for a stage 1 written scheme of investigation to be submitted to the Local Planning Authority, prior to commencement of works.
- 5.126 Noise:
- 5.127 A noise assessment was undertaken in July 2012 in support of the original ES. A baseline monitoring study was undertaken to acquire ambient background noise levels in the area surrounding the development site between August 2011 and March 2012. A combination of attended short-term weekday daytime and night time measurements and long-term weekday and weekend unattended measurements were undertaken.
- 5.128 Impacts were anticipated during the construction phase to be low, specifically those required for the construction of the pipeline. A condition was recommended on the ERF development (condition 22) which stated that prior to the commencement date, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority. The CEMP required details about environmental control procedures during construction. Details were submitted to and approved by the Local Planning Authority in respect of this condition.
- 5.129 The proposed route of the pipeline would run adjacent to Hackbridge railway station and residential properties along London Road and Wandle Road. To the north of the railway station are mixed use areas which include residential properties along London Road and Hackbridge Road as well as the Hackbridge Primary School. To the west of the Felnex development site there is a commercial/industrial district with residential dwellings to the rear.
- 5.130 Construction Noise Assessment:
- 5.131 The ES addendum in considering the potential significant effect of construction noise, of particular importance will be the exact nature of the activities, plant and equipment types, distance between receivers and activities, operating periods and the hours of work.
- 5.132 The majority of the construction activities are proposed to be undertaken during daytime periods. Nevertheless, works requiring railway possession will be required and would consist of the installation of metal structures at the existing road overpass.

These would be undertaken in compliance with the 'rules of route' for rail possessions which are between 01:00-04:30 during weekdays and between 01:00-07:00 during weekends.

- 5.133 The ES addendum states that the construction activities for the development in the areas to the east and to the west of London Road are likely to consist of site preparation works, excavations/shallow trenching, pipe laying, backfilling and compaction. At the road overpass work activities will consist of site preparation works, shallow foundation and installation of a partially prefabricated framework structure and pipeline.
- 5.134 It is also anticipated that daytime activities will be undertaken only on weekdays. The proposal would require between 2 and 4 nights of rail possession and night-time works. These evening and night-time activities are estimated to occur only during weekends, when longer rail possession timeframes are available. Additionally, it is presumed that noisy preparation activities for night-time work (such as delivery of material and equipment, bridge closure, crane positioning) will be undertaken between 19:00-23:00 so far as practicable rather than during night-time hours.
- 5.135 Site preparation would include a number of different sub-activities in areas to the east and to the west of London Road. To the east, vegetation removal and soil excavation and to the west works within existing hardstanding will be required. These will require use of different plants with different noise emissions. However, the cumulative effects of noise emissions from either areas are considered to be comparable due to different separation distances and the presence of screening elements along the propagation path, noise emissions from only one of the two construction areas will be dominant at each receptor. Only noise contributions from the construction area each receptor is more exposed to were considered as they are representative of worst conditions.
- 5.136 During daytime and evening periods, the assessment shows that there is a suggestion of a significant noise effect at the nearest properties when site preparation, pipe laying and backfilling activities are undertaken. During night-time periods, a significant noise effect is indicated at all receptors, with lower magnitude (only 1-3 dB) due to the larger separation distance to the construction site.
- 5.137 The ES addendum considers that when a significant noise effect is indicated, other factors should also be taken into account to determine if there is a significant adverse effect. The construction activities associated with the proposed pipeline extension will be short-term and temporary and it is expected that night-time works will be undertaken over approximately 2-4 nights.
- 5.138 Significant noise impacts are predicted during daytime and evening periods at the nearest, most exposed receptors (Wandle Lodge) to the construction works. During night-time periods significant noise effect was predicted for a number of residential receptors surrounding the site.
- 5.139 However, due to the short-term nature of the construction activities and the limited number of receptors in the study area, it is concluded that construction works can be managed with the adoption of recommended management and mitigation measures to result in residual noise effects which are not significant.
- 5.140 The type of activities expected would suggest that the number of construction vehicle movements would not be of a sufficiently high level to result in significant noise and

vibration impacts on the wider road network during daytime periods. As a consequence, it is anticipated that the resulting changes in road traffic noise will be negligible (less than 1 dB(A)).

- 5.141 During night-time periods lower traffic flows are anticipated on the local road network in normal conditions, and construction vehicles are likely to have comparatively higher impacts. However, the proposal considered that there would only be between 2 and 4 nights of construction activities expected. The ES found that significant noise impacts are predicted during daytime and evening periods at the nearest, most exposed receptors to the construction works. During night-time periods significant noise effect was predicted for a number of residential receptors surrounding the site.
- 5.142 However, due to the short-term nature of the construction activities, the fact that the gantry over the railway track has been installed and the limited number of receptors in the study area, it is concluded that construction works will be managed with the adoption of Best Practicable Means to result in residual noise effects which are not significant.
- 5.143 As such, it is considered that the proposal would have negligible noise impacts to the surrounding properties.
- 5.144 The Council's Environmental Health Service have not raised objection to the proposal.
- 5.145 Transport and Traffic:
- 5.146 The original ES assessed the traffic and transport impacts associated with the construction and operation of the new energy facility. As the proposed extension will have no effect on traffic once works are completed, operational effects have been scoped out of this Addendum. This assessment has been specifically undertaken to examine the construction impacts of the 300m pipeline extension as well as cumulative effects with the approved pipeline.
- 5.147 The application considered that there will be no additional construction vehicles associated with the proposal, as the construction works will use vehicles already being used for the consented pipeline and associated development. It is anticipated that construction will take four to six weeks and will be completed within the original 35 month construction period set out for the wider ERF development. As a result the main focus of the addendum has focused on the pedestrian path that runs parallel to London Road between the London Road/Wandle Road junction and Hackbridge Station and the potential temporary closure of London Road, which is dependent on access not being available via the Felnex development site.
- 5.148 Access arrangements for construction vehicles for the pipeline extension will remain as they are for the construction of the wider ERF site and it is estimated that no additional construction vehicles will be required. However with London Road and the rail tracks, may require some construction vehicles to access the site from the Felnex development site which, in turn, is accessed from Hackbridge Road.
- 5.149 The ES addendum advises that the proposal will not result in an increase in the level of construction related traffic associated with the wider ERF development as assessed in the original ES, but will instead increase the duration of construction of the pipeline by around four to six weeks. However, given the 35 month programme of the wider ERF

scheme, it is expected that the time to build the pipeline will be absorbed into the overall ERF construction period.

- 5.150 The two potential main impacts of construction are considered to be the closure of the footpath linking London Road with Hackbridge railway station, and the night time closure of London Road.
- 5.151 The original 2012 ES stated that the trip generation during construction was determined using information supplied by the contractors regarding the average HGV loads and staff by work day for each month during the 35 month construction period.
- 5.152 In the original ES, HGV loads were expected to peak at 46 per day in month 12 of construction. Approximately 340 staff were expected to be on site at the peak of works. It is expected that 50% of these would drive, with the remainder using public transport. The construction of the pipeline extension is considered to increase the level of construction vehicle activity and as a result there will be no intensification of use of the site access onto Beddington Lane. However, some construction vehicles will need to access the pipeline site from the Felnex development site via Hackbridge Road.
- 5.153 The extension to the pipeline will pass beneath London Road, before being constructed adjacent to the road bridge which passes over the railway tracks. Whilst the pipeline is constructed adjacent to the road bridge, it will be necessary to close London Road. This element of work is anticipated to occur at night and anticipated to last for approximately 2 to 4 nights. During this time drivers will need to find alternative routes.
- 5.154 The route of the pipeline will run adjacent to the pedestrian path which links London Road/Wandle Road with Hackbridge Station. The application proposes that this path will remain open during the construction works except for a short closure where the pipeline passes below the footpath (at the Wandle Road end). At this point it will be essential to close the pedestrian path for 2 to 4 nights and therefore, pedestrians travelling north will need to find an alternative route to the station.
- 5.155 The applicant advises that the shortest alternative route is to follow the pavement alongside London Road as it passes over the tracks and then to turn down the station approach road just to the north of the station. This will take approximately four minutes from the point where the footway meets London Road. If the footpath were to be used, the route would take around two minutes therefore, a delay of two minutes would be expected which is not considered to be significant.
- 5.156 The application has been assessed by the highways team who raise no objection subject to conditions requiring the submission of a Construction Management Plan (CMP) and the reinstatement of the Public Right of Way (PRoW). However, it should be noted that this current application does not impact on a Public Right of Way as the application site is to the east of the PRoW. As such, it is considered that only the CMP condition should be imposed. An informative will also request that the applicant contacts the Highways team at Sutton and LoBEG (TfL's London Bridge Engineering Group) regarding its London Road Bridge Inspection regime. As such, it is considered that the proposal would have negligible traffic impacts to the surrounding road networks.
- 5.157 Cumulative Environmental Impacts

- 5.158 The ES Addendum assessment has considered cumulative effects from the pipeline extension combined with the consented pipeline and the entire ERF and it is concluded that there will be no significant cumulative effects. Any potential cumulative effects that may arise will be negligible, temporary and very short term in timescale. The consideration of cumulative effects has confirmed that the proposed pipeline extension will not change the significance of effects identified within the original ES.
- 5.159 Summary:
- 5.160 The application is for the installation of pipeline including the construction of a pipe bridge to connect between either an approved energy recovery facility or gas engines for a temporary period and a housing development to deliver the provision of low carbon district heating.
- 5.161 In terms of natural heritage, water environment, landscape, ground conditions, land use, socio-economic and health impacts, air quality, cultural heritage, noise and transport and traffic, the application has demonstrated by way of an Environmental Statement addendum that the proposal would have a negligible impact.
- 5.162 The proposal is considered to be in accordance with the NPPF, the London Plan 2016 and the Councils Local Plan. As such the environmental impacts of the development are considered acceptable as discussed above and further below.
- 5.163 Design Quality:
- 5.164 The National Planning Policy Framework (NPPF) states at paragraph 64 that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." Policy 28 of the Sutton Local Plan and SPD14 'Urban Design' requires development to respect or reinforce the character and identity of the area and avoid developments which do not integrate well into the surroundings.
- 5.165 The proposal includes the installation of pipelines and a pipe bridge. The pipe bridge is positioned adjacent to the existing road bridge which crosses the railway line.
- 5.166 The pipe bridge is constructed in a zinc galvanised steel framework. Whilst the pipe bridge appears visually different to that of the road bridge, it is considered that the steel pipe bridge does not detract from the existing railway line and road bridge and would have a functional appearance similar to structures that may ordinarily be found on or adjacent to operational railway land.
- 5.167 It is considered that the proposed pipeline and pipe bridge is not considered to have a detrimental impact on the character and appearance of the surrounding area. As such, it is considered that the proposal complies with Policy 28 of the Sutton Local Plan and is considered acceptable in design terms.
- 5.168 Impact on Neighbours:
- 5.169 Policy 29 of the Sutton Local Plan states that the Council will not grant planning permission for any development that adversely affects the amenities of future occupiers or those currently occupying adjoining or nearby properties or has an unacceptable impact on the surrounding area.

- 5.170 The closest residential properties to the application site would be 1-6 Wandle Lodge and the Felnex development which is currently under construction and the proximity of the proposal to the road bridge were assessed as being acceptable. The majority of the pipe line would be located underground. The proposed pipeline would reach above ground level at the railway track and would be contained within the gantry as discussed in paragraph 2.6 above. The gantry is located along the northern elevation of the railway bridge.
- 5.171 Whilst the pipeline may be visible from the upper rear windows of Wandle Lodge and potentially from the rear gardens of some residents Wandle Road, the pipeline and gantry would be viewed against the existing railway bridge and will not result in an unacceptable impact on the light or outlook to the nearest residential properties.
- 5.172 As referred to in paragraph to in paragraphs 5.138 – 5.139, the proposal may result in some additional noise and disturbance to adjoining residential properties during construction. However the gantry has been installed and the due to the temporary nature of the works, it is considered that the proposal would not result in significant noise and disturbance over a prolonged period of time.
- 5.173 As such, it is considered that the proposal would not have an unacceptable impact on adjoining residents in terms of light, outlook, noise and disturbance.
- 5.174 Sustainability:
- 5.175 Policy 31 relates to climate change mitigation and part b) of the policy requires that proposed developments are designed to connect to a DEN particularly in Hackbridge.
- 5.176 As discussed above in paragraph 2.3 the proposal will provide pipelines from the ERF development to the Felnex development to provide hot water and heating. The applicant has confirmed that the “Energy Statement for the Felnex development (April 2016), prepared by Silver for the purpose of clearing Conditions (22), (23) and (25) attached to the original permission for the site (Ref: C2014/68760/OUT), provides a comparative assessment of the following 2 options for the supply of low heat to the Felnex development:
- Option 1 'Heat Supply DEN' - external supply of low carbon heat to the site from the ERF and Landfill Gas Engines proposed waste heat network (i.e. SDEN phase 1).
  - Option 2 'Heat Supply DEN (CHP)' - supply of low carbon heat from a CHP plant located on-site and through a site wide decentralised energy (DE) network.
- 5.177 The outcome of the assessment shows that connecting Felnex to the waste heat network (Option 1) has significantly more potential than the on-site CHP option (Option 2) to reduce overall CO2 emissions from the site and therefore for delivering the Council's One Planet Vision and planning policy objectives for the Hackbridge Neighbourhood.
- 5.178 Based on detailed SAP and SBEM outputs included as part of the Energy Statement, a connection to the proposed waste heat network (Option 1) could deliver a 63.4% reduction in regulated CO2 emissions compared to the minimum requirements of Part L of the 2013 Building Regulations, equivalent to an overall saving of 687.1 tonnes of CO2 per annum. This total saving consists of an estimated 49.6 tonnes from built



energy efficiency measures alone with the remaining 637.6 tonnes achieved through connection to the waste heat network.

- 5.179 By contrast, the CHP option (Option 2) would deliver only a 36.2% reduction in regulated CO2 emissions - equivalent to a much lower saving of 392.4 tonnes of CO2 per annum. This saving consists of an estimated 49.6 tonnes from built energy efficiency measures alone (as with Option 1) with the remaining 342.8 tonnes achieved from sourcing low carbon heat from the CHP plant located on-site. The CHP Option would therefore give rise to an additional 294.8 tonnes of CO2 emissions per annum compared to connecting Felnex to the waste heat network.”
- 5.180 As confirmed by the applicant, the proposal would provide a significant environmental benefit by providing a DEN. DEN's are encouraged by Development Plan documents and, as discussed above, such benefits are considered to be Very Special Circumstances in support of the proposal.
- 5.181 The Councils Sustainability Officer raises no objection to the proposed development given that it would enable the completion of a decentralised energy network as required in accordance with Policy 31 of the Sutton Local Plan.
- 5.182 Trees and Landscaping:
- 5.183 Policy 28 of the Sutton Local Plan states that development shall make suitable provision for high quality hard and soft landscape treatments around buildings. Landscape proposals will need to ensure that new development is integrated and positively contributes to or enhances the streetscene. Policy 26 of the Sutton Local Plan seeks to create, conserve or enhance biodiversity and improve access to nature by sustaining and, where possible improving the quality and extent of natural habitat enhancing biodiversity in green spaces and among developments.
- 5.184 The application would require the removal of an area of vegetation of approximately 0.05 ha for a temporary period during the course of construction of the pipe. This is currently mixed scrub. However, a landscaping scheme has been submitted and assessed by the Council's Principal Tree Officer and Biodiversity Officer. A planning condition has been recommended securing the proposed replacement landscaping scheme after the completion of the development.
- 5.185 **Planning Obligations:**
- 5.186 Community Infrastructure Levy
- 5.187 Given the footprint of the proposal the Mayor of London's and the Councils CIL are not payable in this instance

## 6.0 CONCLUSION AND RECOMMENDATION

- 6.1 The proposal is considered to be in accordance with the National Planning Policy Framework, the London Plan 2016 Policy 5.2 and 5.6 and the Councils Local Plan as the proposal would enabling the delivery of the necessary infrastructure to deliver heat in accordance with Policy 31 of the Sutton Local Plan which relates to Carbon and Energy and more specifically the development of Decentralised Energy Networks particularly in Hackbridge.

- 6.2 The proposal, partly located within Metropolitan Open Land (MOL), is considered to comprise inappropriate development as defined by the National Planning Policy Framework (NPPF). Whilst the proposal would result in harm by way of inappropriateness and would slightly reduce the openness of the MOL, it is considered that there is a compelling argument in favour of the proposal as follows which would outweigh this harm:
- (i) A Very Special Circumstance exists that the development will contribute towards the delivery of a Decentralised Energy Network (DEN) which will offer significant environmental benefits.
  - (ii) Although there will be a very slight impact on the openness of the MOL, the majority of the proposed pipeline is not located within the MOL and/or located underground. There is a small section that will exist above ground within MOL where the pipe rises vertically to span the bridge over the railway. The visual impact is considered to be limited and when considered against the other benefits that this equipment would bring to the delivery of heat to nearby homes and businesses, the proposal is considered to be acceptable.
- 6.3 There will not be an unacceptable visual impact given that the above ground pipeline will be constructed adjacent to a road bridge against which it would be viewed
- 6.4 The proposal would not result in any harmful impacts on adjoining properties, will not result in an unacceptable increase in traffic, and will not cause material harm to air quality, local ground conditions or biodiversity interests.

Background Papers: DM2018/1680

**G**

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DM2018/01680

# 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

Land To The East And West Of London Road, Including London Road Rail Bridge, Hackbridge. London Road, Hackbridge, London, SM6 7HW

Installation of pipeline including the construction of pipe bridge to connect between an approved Energy Recovery Facility (and its associated approved pipelines) and a housing development site, the 'Felnex Site' to deliver District Heating provision at Land adjacent to the east and west of London Road, including the existing London Road railway bridge, London Road, Hackbridge.

## 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) The development hereby permitted shall be carried out in accordance with the following approved plans: P061-LBS\_10\_0040 Rev P03, P061-LBS\_10\_0046 Rev P01, P061/LB SUTTON 1250 Rev. 4, B17108/ECEL/DRG/GN/101 Rev. C, P061-LBS\_02\_0014 Rev. C08, Montage 10.3.17, P061-LBS\_10\_0005 Rev P01, Arboricultural Impact Assessment ref: RT-MME-127296-02 Rev. J updated August 2018, Arboricultural Method Statement ref: RT-MME-128892 Rev. A dated July 2018,

Enteq Dust Management Plan, Peter Brett Ecology Report ref: 37979 Rev. AA June 2018, Construction Logistics Plan, DSEN Planning Statement dated September 2018, SDEN Supplementary Information dated June 2018, Landscaping Plan drawing no. MEL-385-002 Rev. B, SDEN statement on landscape restoration.

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

(3) The development, hereby permitted, shall only commence in conjunction with a Decentralised Energy Network.

Reason: In order to safeguard the Metropolitan Open Land from inappropriate development.

(3) The materials and finishes of the proposed pipeline and gantry shall be as specified within the approved drawing and supporting documents. The approved materials shall be retained for the lifetime of the development.

Reason: To safeguard the visual amenities of the area and to ensure compliance with Policy 28 of the Sutton Local Plan which seek to ensure high standards of design.

(4) The development shall be constructed in accordance with the approved construction logistics plan and dust management plan.

Reason: To avoid hazard and obstruction being caused to users of the public highway and in the interest of highway safety.

(5) Prior to the operation of the development, all landscaping shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice. The works shall be carried out in accordance with the timetable agreed with the Local Planning Authority and any plants or trees that (within a period of five years after planting) are removed, die, or become in the opinion of the Local Planning Authority seriously damaged or defective shall be replaced as soon as is reasonably practicable with others of a similar size/species/number as originally approved, unless the Local Planning Authority consent to any variation.

Reason: To ensure provision, establishment, and maintenance of a reasonable standard of amenity afforded by appropriate landscape design in accordance with Policy 28 of the Sutton Local Plan and in accordance with good forestry practice.

(6) All Non-Road Mobile Machinery (NRMM) used in the construction of the development should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIB equipment is not available. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

Reason: To ensure that the construction phase of the development will not result in a deterioration of local air quality in line Sutton's Local Plan Policy 34.

## INFORMATIVES.

(1) This approval only grants permission under section 57 of the Town and Country Planning Act 1990. Further approval or consent may be required by other legislation, in particular the Building Regulations and you should contact Building Control on 020 8770 5000 before proceeding with the work.

(2) This application has been assessed against the relevant policies of the London Plan 2016, Sutton's Local Plan 2018. The proposal is generally in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and for this reason planning permission is granted.

(3) The submitted application complied with the relevant planning policies and Sutton Council has accordingly granted planning permission.

(4) The applicant is advised that the Local Highways Authority and TfL's London Bridge Engineering Group should be notified regarding the London Road Bridge Inspection Regime.

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