

Report to District Development Control Committee



**Epping Forest
District Council**

Date of meeting: 3rd October 2012

Subject: Proposed Fieldes Lock Power Station, Ratty's Lane, Hoddesdon, Herts – Application for a Development Consent Order to the Planning Inspectorate (Ref: EN010046) for a Rail-Linked Power Station

**Officer contact for further information: Nigel Richardson (01992) 564110
Committee Secretary: S Hill Ext 4249**

Recommendation:

- (1) That the Committee consider the Council's response to the current consultation on an application for a Development Consent Order for the proposed Fieldes Lock Power Station; and**
- (2) That the Director for Planning and Economic Development be authorised to submit the response based upon the members views expressed at the meeting.**

Report Detail:

Introduction

1. (director of Planning and Economic Development) Veolia Environmental Services (UK) Plc (Veolia) has made an application for a Development Consent Order (DCO) to the Secretary of State for Energy and Climate Change, to construct and operate a rail-linked power station at land off Ratty's Lane in Hoddesdon, covering an area of approximately 5.6 hectares, currently occupied by an aggregates depot and rail siding owned by Lafarge. The proposed power station would have an electrical output capacity in excess of 50 Mega Watts (54.5 Mega Watts) and therefore falls within the definition of a "Nationally Significant Infrastructure Project" (NSIP). Such projects are not decided by the local planning authority, but by The Secretary of State via The Planning Inspectorate, who, after consultation and assessment, consider that the development is acceptable, would issue a Development Consent Order (DCO's).

2. Pre-application was carried out in two phases of public consultation and Epping Forest DC made comments at the time, particularly in regard of air quality, noise, visual impact and road traffic.

3. Local Authorities in whose areas applications for NSIP's are submitted are invited to produce a Local Impact Report (LIR). The Planning Act 2008 requires that the Examination Authority (and Secretary of State) must have regard to the LIR in determining applications for DCO's. However, before this is produced, there is an opportunity for those interested to make representations direct to the Planning Inspectorate between 17 September and 19 October 2012.

4. Whilst the site is all within the administrative area of Broxbourne Borough Council, it is close to the western boundary of Epping Forest District Council and comments can be made at this stage to the Planning Inspectorate, hence the purpose of this report.

Location

5. The site is adjacent the existing gas-fired Rye House Power Station and the West Anglia Main Line railway (London to Cambridge), within an existing industrial estate. The eastern side of the site is within a few metres of the River Lee and agricultural land, some of which is part of the Lee Valley Regional Park within the Green Belt area of Epping Forest District Council (EFDC). Road access is from an existing entrance from Ratty's Lane, which leads to the A10 via Essex Road and Dinant Link Road. There is also an existing road link off Ratty's Lane into Essex Road south into Dobbs Weir Road and therefore into Epping Forest DC.

6. The nearest residential property to the site is Lock Keepers Cottage, which lies approximately 20m from the eastern boundary beyond a lock on a channel of the River Lee, still within the administrative boundary of Broxbourne Borough Council, and properties in Glen Faba Road, in Epping Forest DC. Long term and visitor moorings are also present in the vicinity of the site.

Details of the Proposal

7. The proposed development will principally comprise infrastructure to receive, store and combust Solid Recovery Fuel (SRF). Veolia is seeking to build and operate the proposed development for two purposes:

- To manage residual waste
- To generate electricity, including electricity from renewable and low carbon fuel sources and gas for use in the UK

8. Veolia's intended primary source of SRF is from the North London Waste Authority Fuel Use Contract. However, Veolia is one of two bidders for this and therefore in order for the proposed development to be commercially viable in the event that Veolia does not win the contract, Veolia require a facility that can source SRF from a sub-regional area, in this case, Hertfordshire, Essex and North London.

9. On the site, this will consist of a main Power Station building, flue gas treatment equipment and air cooled condensers. It is designed to combust between 256,000 and 416,000 tonnes of Solid Recovered Fuel (SRF) in combination with natural gas, to produce electricity and heat. The application states that a minimum of 90% of the SRF will arrive to the site by rail (up to 2 x 22 wagon trains a day) from the redevelopment of existing on-site rail sidings and be unloaded by automated overhead cranes for the unloading of containers from trains. Up to 10% will be delivered by road from HGV's. To support the operation of the facility, the proposed development will also include electrical and gas connection infrastructure, site drainage, weighbridges, a gate house, traffic circulation roads, parking area and a storm attenuation pond, landscaping works including tree planting and retention of trees on the eastern boundary and temporary construction lay down area.

10. There will be one main building on the site, located on the northern half of the site, which will be metal-clad and polycarbonate recycled material for the exterior. It will be a maximum of 47m high, but predominantly 35m in height, 55m wide and 110m long. This will also include a Visitor Centre, and SRF storage bunker and automated crane system to move SRF onto the combustion process lines, a boiler house, turbine hall, weighbridges and an enclosed tipping hall for SRF to be received by road. Steel, matt light grey, twin exhaust

chimney stacks for the discharge of the cleaned flue gases will rise from the roof at a height of 85m above ground level and a lower height stack of 55m high (for discharge from the boiler), all with an external diameter of around 2.5m.

11. Soft landscaping for the site is in the main the retention of the majority of the existing group of trees on the eastern side (facing EFDC) and enhanced with new native woodland planting.

12. Other works outside the core site and part of the proposed development include upgrading of the site access road (Ratty's Lane).

13. The facility will be staffed by approximately 45 people and operate 24 hours a day, 7 days a week. It is expected that there will be up to 2 SRF deliveries by train a day from Monday to Saturday. Construction of the site is expected to take 30 months to complete with the facility expected to be ready for reception and processing of material in 2016.

National Policy Context

14. The government's response to the urgent national need for large scale new energy infrastructure (to be brought forward in the next 10-15 years) was to bring forward an amendment to the planning system, via the 2008 Planning Act and associated National Planning Statement on Energy. To deal with National Significant Infrastructure Projects, the Secretary of State must decide the application in accordance with any relevant national policy statement unless, among other matters, the adverse impact of the development would outweigh its benefits. National Policy Statement EN-1 (NPS EN-1) states that, along with the relevant technological specific NPS, EN-1 is the primary basis for decisions and should start with the presumption in favour of granting consent to applications for energy NSIPs. NPS EN-1 also recognises that in relation to the need for significant amounts of new large scale energy infrastructure, there will be some significant residual adverse impacts.

Local Policy Context – Epping Forest

15. Although the proposed development lies within Broxbourne Borough and Hertfordshire County, the proposed development would to some extent be viewed from this part of Epping Forest administrative area. The following policies from the Local Plan are therefore relevant:

- CP2 - seeks to protect and improve the quality of the rural and building environment.
- CP3 - expects the scale and nature of new development to be consistent with the principles of sustainability and respect the character and environment of the locality.
- CP4 - requires new development to incorporate principles of energy conservation.
- DBE1- buildings to respect their setting.
- DBE2 and DBE9- new buildings to not be detrimental upon the amenity or use of existing neighbouring or surrounding properties.
- RST24 – Development adjacent Lee Valley Regional Park to have regard to the importance of the park for leisure, recreation and nature conservation.

Veolia's case for The Proposed Development

1. It will have the capacity to generate 54.5MW of energy, including low carbon and renewable energy and will reduce the amount of waste landfilled and reliance on fossil fuel energy, thereby cutting greenhouse gases.
2. It will contribute to the management of residual waste through energy recovery either from North London or from the sub-regional area.

3. An assessment of potential alternative sites concludes that the Fieldes Lock Site to be an appropriate location in terms of least adverse environmental effects. It relies heavily on the proposed use of sustainable transport (rail), is within an existing industrial estate, adjacent to an existing power station, already has a road access and a planning permission allowing up to 200 (each way) heavy goods vehicles per day.
4. It proposes improvements to access arrangements to the River Lee tow path.

Planning Issues affecting Epping Forest District Council

16. There was two phases of consultation in 2011 and 2012 prior to the submission of this application. Whilst a significant number consulted considered this to be a suitable location, the local community raised concerns over the routing of HGV's, the visual impact of the facility (predominantly the impact of the increased height of the chimney stacks and the proposals for screening the site) and the potential impact on local air quality and human health. Officers of this Council raised similar concerns.

Vehicular Access and Traffic

17. Access has been the determining factor for locating the proposed development at this site. As already stated above, the majority of the SRF will arrive by rail from an existing siding within the site. It also benefits from having an existing road access which is being used by HGV's as part of Lafarge's aggregate operation.

18. HGV's will deliver SRF and materials to treat process emissions and will transport some residual material from the site for recycling and final disposal. The site though is close to the A10 approximately 3kms west of the site and the applicants state that this is the direction where HGV's will travel. During the operation of the power station, HGV traffic will be managed to occur outside of morning (8am-9am) and afternoon (5pm-6pm) peak hours. A Transport Assessment that forms part of the application concludes that there will be an overall reduction in total traffic associated with this site, comprising 32 fewer HGV movements per day and 4 more staff car movements per day in comparison to the existing use of the site.

19. For the construction phase, Veolia are proposing a Construction Travel Plan to ensure traffic will occur outside the peak morning and afternoon hours. Other measures proposed include Travel Plans to reduce the level of vehicular traffic, employment of local people where possible to reduce the need for long commutes, use of fully enclosed or sheeted vehicles to reduce the amount of dust and use of appropriate signage for all vehicles in line with a routing strategy.

20. Traffic levels on the local highway network should therefore not increase. However, there is a good possibility that HGV traffic could also travel south and then west into Dobbs Weir Road and hence along road routes within Epping Forest DC. 21. Local experience is that HGV traffic currently also use this route and has been a source of nuisance to residents along Dobbs Weir Road in area of the district where there is not only the Broxbourne Industrial Estate but also glasshouse and industrial businesses that generate their own associated traffic movements. Concerns have been raised that there are no measures to stop HGV's ignoring the road weight limit at Dobbs Weir and how will Veolia ensure that HGV's will use the correct route to the A10?

22. Veolia have taken these concerns into account and state that they will monitor and enforce the route and take action. Training will be given to drivers to ensure they understand the reasoning behind the agreed routes, such as minimising disturbance to local residents. They will use Automated Number Plate recognition (ANPR) to control vehicular entry and

therefore have number plate details and times of all vehicles using the facility so that they can monitor the situation. If vehicles associated with the facility are reported to be using the Dobbs Weir bridge or other unauthorised routes Veolia will warn the drivers and the driver's employers that they are not complying with contract. Sanctions against companies whose drivers disregard routing agreements are yet to be defined in supply contracts but Veolia is confident in its ability to insist on suppliers using agreed routes.

23. A Draft Development Consent Order has been submitted as part of the application and includes suggested conditions to be attached requiring a Construction Traffic Management Plan (covering routing, signage, notices, daily movements of HGV's), hours of operation, travel plan, no more than 10% of waste be delivered by road and not exceed 46 HGV movements a day.

24. In addition, the supporting documents include a statement on proposed Heads of Terms for an agreement pursuant to s106 of the town and Country Planning Act 1990. This includes among other matters prevention of HGV's from using Dobb's Weir bridge route as well as provision of signage (showing pedestrian crossing) where a public footpath meets Essex Road and continues into the Lee Valley Regional Park. Furthermore, the agreement states that a Community Liaison Group, which has been set up (and currently includes District Cllr Bassett and Cllr Mary Sartin as well as representatives of Roydon Parish Council and Nazeing Parish Council) will continue to be convened and hosted by Veolia during the operational life of the development.

25. It would appear, to an extent, therefore that this issue has been addressed and measures would be put in place to limit the impact of HGV movements on the local road network in this part of Epping Forest DC. However, it should be noted that whilst an ANPR would be provided at the site, the previously suggested ANPR camera on Dobbs Weir Road is not part of the statement on the Heads of Terms. The benefit of this would be to capture any HGV movement whether or not part of the application site. Further discussions should therefore take place with the relevant Highways Authority on this provision and monitoring.

Amenity - Visual Impact

26. The site is enclosed by the existing structures of the surrounding industrial estate and mature trees and other vegetation. Direct views of the site from Epping Forest are possible from the area of the Lee Valley Regional Park, the public right of way tow-path alongside the River Lee and further afield from more distant elevated locations of Nazeing and Roydon. Whilst the main building will be more visible, it will be against the backdrop of neighbouring large-scale industrial buildings to the east where the built-up area to the west meets the more rural area and Green Belt to the east at this point.

27. The accompanying Environmental Statement does recognise that three properties at Glen Faba and Fieldes Lock will be visually affected, but these already have views of Rye House power station in the same direction.

28. The retention and addition of landscaping would help to reduce the impact of the new building, though it will do little to hide the proposed high chimney stacks. These will be higher, though slimmer, than the chimneys on the adjacent power station site and therefore visible across the landscape from the south and east. However, officers do not consider this will cause harm over the long distant views and the design of the proposal has been endorsed by the Design Council CABE (Commission for Architecture and the Built Environment).

Amenity – Noise

29. The issue of the impact of noise from the development has been considered in detail and a number of operational noise mitigation measures included in the design to meet target noise levels by at least 5dB, to allow for the possibility that noise from the site may have a tonal character for which an acoustic feature correction of +5db may be added to any noise assessment. Although we can be confident that operational noise has been considered in detail and will be minimised by design, it has been conceded that "until the facility is built and operational, no guarantees can be given".

30. The draft DCO does include conditions on hours of operation and approval for noise management.

31. The actual development and future decommissioning of the site may also cause some noise and vibration, but the impact is likely to be within normal parameters, of a limited duration, that can be adequately controlled by additional powers if necessary, and therefore is not considered to be significant issue with regard to the consent for the development.

Air Quality

32. Neither Epping Forest District Council nor the Borough of Broxbourne Council is the organisation that would be granting the Environmental Permit for Fieldes Lock Power Station. The responsibility for granting and enforcing any Environmental permit lies firmly with the Environment Agency. The Local Authorities would however retain their duties to review and assess air quality and to investigate for statutory nuisance.

Impacts on air quality in the Epping Forest District from stack emissions:

33. The Development Consent Order application indicates that the Environment Agency agrees the pollution control approach proposed by the applicant. This would indicate that the Secretary of State is unlikely to refuse the application on the basis that the any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted.

34. The Development Consent Order application indicates that the potential releases should be adequately controlled under the pollution control framework (however this decision is for the Environment Agency, not Epping Forest District Council).

35. It also indicates that the project should not lead to any substantial change in air quality, either as a standalone project or when considering the cumulative impacts of other local pollution sources. The key findings of the dispersion modeling assessment are that there will be no significant impacts from process emissions on sensitive human receptors from the Proposed Development either alone or in combination with emissions from the existing Rye House Power Station and the planned Trent Developments Sustainable Energy Facility.

Impacts on air quality in the Epping Forest District from vehicle exhaust:

36. The Development Consent Order application indicates that traffic routes are via Essex Road, not Dobbs Weir Road.

Impacts on air quality in the Epping Forest District from site odour:

37. The Development Consent Order application indicates that the potential for odour annoyance from the project is considered minimal.

38. The statement is based on the containment of waste prior to tipping in the proposed tipping hall, and the constant presence of a slight negative pressure in the tipping hall at all times. This is caused by the airflow required to feed the combustion process, and the combustion process should then destroy the odorous compounds.

39. In summary on this point, there appears to be no significant impact on air quality in Epping Forest District.

Conclusion

40. This is a significant development on the edge of our district for the Planning Inspectorate to assess and determine. However, there has been considerable pre-application consultation taken place in two phases, including the setting up and retention of a Community Liaison Group, which has two EFDC district councillors as its members.

41. There will be a visual impact given the scale of the development and prominence of the chimney stacks at such a height, however, the current thicker chimney stacks on the adjacent site are visible across medium and long distance views and the proposals will be lighter in colour and finish.

42. Concerns over associated HGV traffic into Dobbs Weir Road appears to be addressed in the application submission and suggested terms of the s.106 agreement and conditions.

43. There are a small handful of residential properties on Epping Forest DC side which will be affected, mainly by the visual outlook, but it is against the backdrop of existing industrial buildings and landscaping is proposed to be retained and added to.

44. Lee Valley Regional Park Authority have also been engaged in the consultation process and will no doubt respond to the Planning Inspectorate in respect of nature conservation and recreational matters.

45. Members are asked to consider the proposals and provide guidance to officers in order that a formal response can be made to the consultation.