Beddington Farmlands Waste Management Facility

in the London Borough of Sutton

planning application no. D2012/66220

Strategic planning application stage 1 referral (new powers)


The proposal

Development of an energy recovery facility, with ancillary buildings, CHP pipelines, and associated landscaping and restoration works.

The applicant

The applicant is Viridor and the architect is Studio E.

Strategic issues

The proposed energy from waste facility that diverts residual waste away from landfill and delivers low carbon and renewable energy is welcome in principle however, the site is also located Metropolitan Open Land, which is protected from inappropriate development, except in very special circumstances.

The design and appearance of the scheme is robust reflects the function of the building whilst also seeking to minimise its visual impact upon MOL and the future Wandle Valley Regional Park.

Before being considered fully in accordance with the London Plan, a number of issues require resolution, in relation to MOL and delivery of the Wandle Valley Regional Park, biodiversity and public access, technical energy and carbon details, as well as air quality as detailed in the report below.

Recommendation

That Sutton Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 111 of this report; but that the possible remedies set out in paragraph 112 of this report could address these deficiencies.

Context

1. On 10 August 2012 the Mayor of London received documents from Sutton Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London)
Order 2008 the Mayor has until 20 September 2012 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor’s use in deciding what decision to make.

2 The application is referable under the following categories of the Schedule to the Order 2008:

1B Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or building outside Central London and with a total floorspace of more than 15,000 square metres;

1C Development which comprises or includes the erection of a building that is more than 30 metres high and is outside the City of London;

2B Waste development to provide an installation with capacity for a throughput of more than 50,000 tonnes per annum of waste;

3D Development on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.

3 Once Sutton Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

5 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

6 The application site is within Beddington Farmlands, a 97 hectare operational landfill located to the west of Beddington Lane. The proposed buildings would be located on a 2.75 hectare site located in the north-west corner of the larger site. This site for the buildings is currently occupied by buildings and structures (known as the Dano building) in use for a dry recyclate reception, bulking and transfer facility, skip recycling compound and in-vessel composting facility, and accepts material from the South London Waste Partnership (SLWP).

7 The wider site, which also forms part of the application site, has been shaped by historic mineral extraction and the ongoing landfill activities. The landfill receives municipal non-hazardous residual waste from the Partnership area, and also from commercial and industrial customers and is being filled in sectors. Once a sector of landfill void is full it is capped and covered with topsoil. Lakes have been created in the western part of the site and the first phases of the landfill restoration programme have been carried out. There are a series of other existing buildings and structures on the site associated with other waste operations, including landfill gas engines, leachate tanks, administration and weighbridge buildings, and there are a series of electricity pylons running through the site. To the north are sludge beds associated with a waste water treatment works, located to the south east of the site. Industrial premises and further sludge beds
are also located to the east of the site. The site lies 500 metres to the south of the London Borough of Merton and 600 metres to the west of the boundary of the London Borough of Croydon.

8 The site is subject to multiple designations including Metropolitan Open Land, Site of Metropolitan Importance for Nature Conservation and the Sutton UDP also safeguards the site for the Wandle Valley Regional Park, an Archaeological Priority Area, and as Metropolitan Green Chain.

9 The nearest rail stations are Hackbridge and Mitcham Junction which are over 1km to the west and therefore not considered to be within acceptable walking distance. Similarly, the nearest tram stop is at the northern end of Beddington Lane which is approximately 1km to the north. The nearest bus stops are located on Coomber Way, approximately 200 metres to the east, which are served by Route 455 (Wallington – Purley) and 463 (Pollards Hill – Coulsdon South).

10 As such, the site records a public transport accessibility level (PTAL) of 2 (where 1 is poor and 6 is excellent), therefore having a relatively low level of accessibility.

11 The nearest Transport for London Road Network (TLRN) is the A232, Croydon Road, approximately 2km to the south of the site. The A236, Croydon Road is part of the Strategic Road Network (SRN), approximately 1km to the north of the site.

Figure 1: aerial view of site with existing land uses (source: submitted Environmental Statement)
Details of the proposal

12 The applicant is proposing demolition of existing buildings on site and the construction of an energy recovery facility (ERF) to treat 250,000 tonnes per year (tpa) of residual non-hazardous waste. The inputs would comprise 200,000 tpa of municipal waste collected from households in the SLWP area and 50,000 tpa of commercial and industrial waste (where the waste has a similar composition to municipal waste). The scheme has been designed to treat up to 275,000 tpa and with a 10% design tolerance (therefore enabling it to treat up to 302,500 tpa) should this be required.

13 The main building housing the plant process equipment will be approximately 109 metres long and up to 80.7 metres wide (this includes an ash collection enclosure to the east) and 42.1 metres in height. Two 85 metre high flues (one for each line) will be situated towards the south western end of the main building.

14 Ancillary buildings comprise an education centre, CHP plant, administration/welfare building, waste transfer facility, workshop, pumping station, weighbridges, together with ancillary facilities, landscaping and boundary treatment.

15 Parking for 58 cars (including 3 Blue Badge spaces) will be provided on the site adjacent to the education centre / CHP / administration building, with a new access road from Beddington Lane.

16 Three CHP pipelines – two to the boundary and one to an existing landfill gas engine compound are proposed.

17 The applicant is also proposing revisions to the approved restoration plan for the Beddington landfill site to take account of the ERF land take and to reflect the early closure of the landfill.

18 This scheme is the result of a procurement process by SLWP to secure a suitable residual waste management solution on the basis that the current landfill operations will be at capacity by 2023, and to find more sustainable and cost effective means of disposing of waste. The applicant has been selected as the preferred bidder by the SLWP and will enter into a contract to take and process waste up to 2042.

Case history

19 Since early 2010, the applicant has been engaged in pre-application discussions with GLA officers regarding the proposal. In responding to this, officers have highlighted the need to demonstrate very special circumstances to outweigh the harm of inappropriate development on Metropolitan Open Land. The need to demonstrate high design quality and minimising visual impact, together with delivering other benefits in terms of air quality, CO₂ equivalent (eq) emissions savings, CHP delivery, and biodiversity impact in particular have been raised.

20 The majority of the site is currently being used for active landfill operations (including areas of restored landfill) or is in other waste uses and has historically been used for waste, waste water and minerals extraction. In 1995, planning permission was granted to Thames Waste Utilities on appeal for mineral extraction and landfill operations on 92 hectares of the Beddington Farmland. The planning permission included a requirement to complete infilling operations by 2015.

21 In terms of the site for the proposed buildings, this presently contains a recycling centre comprising a green waste composting facility, a municipal solid waste composting facility and a
skip-waste recycling facility. Known as the Dano buildings, this scheme was supported by the GLA and subsequently approved by Sutton Council in 2003 (ref PDU/0654). This has temporary planning permission linked to the life of the landfill, and is due to be removed when the landfill activity ceases.

22 In terms of the wider site, in 2005, planning permission for an extension of the existing waste management centre was referred to the Mayor (PDU/0993a). This comprised the construction of a plant for 70,000 tonnes per annum anaerobic digestion of household waste, an extension of land filling from 2015 to 2023, the export of clay, variation of the landfill phasing and approved restoration scheme, installation of two additional gas engines and an extension of time was supported by the GLA. This was to extend the operations approved in 1995 from 2012 to 2023. In April 2008, Sutton Council resolved to grant planning permission, subject to the completion of a section 106 agreement, in relation to phasing, displacement of habitats, formation of a trust for management of the site, compliance with a Conservation Management Plan, contributions towards air quality, and transport mitigation works. This application was supported by the former Mayor. To date, this application is the subject of discussions between the applicant and Sutton Council however, the section 106 has not been signed and as such, the decision notice has not been issued.

23 In 2010, a referral (PDU/0993c) for the extension of the above waste management centre, comprising construction of a plant for the anaerobic digestion of 30,000 tpa of kitchen waste, installation of an associated compost maturation pad and an extension to the existing gas compound including the installation of two gas engines and associated infrastructure up until the year 2022. This application was supported by the Mayor, subject to providing a revised conservation management plan and details relating to energy and biodiversity. This scheme proposed a smaller AD facility than the one described in paragraph 19 above. This application is still pending consideration by Sutton Council and has not been referred back to the Mayor for Stage 2 consideration.

Strategic planning issues and relevant policies and guidance

24 The relevant issues and corresponding policies are as follows:

- Waste: London Plan; the Municipal and Business Waste Management Strategies; PPS10
- Green Belt/MOL/Green chains: London Plan; Green Grid SPG
- Biodiversity: London Plan; the Mayor’s Biodiversity Strategy; draft Tree and Woodland Strategies; London’s Foundations (Geodiversity) SPG
- Design/all buildings/views: London Plan, Revised View Management Framework SPG
- Access: London Plan; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)
- Air quality: London Plan; the Mayor’s Air Quality Strategy;
- Ambient noise: London Plan; the Mayor’s Ambient Noise Strategy;
- Sustainable development: London Plan; Sustainable Design and Construction SPG; Mayor’s Climate Change Adaptation Strategy; Mayor’s Climate Change Mitigation and Energy Strategy; Mayor’s Water Strategy
- Transport: London Plan; the Mayor’s Transport Strategy;
For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2009 Sutton Core Strategy, the 2012 Sutton Site Development Policies DPD, the adopted South London Waste Plan (2011), the 2003 Unitary Development Plan ‘saved policies’ and the 2011 London Plan.

The following are also relevant material considerations:

- The draft Revised Early Minor Alteration to the London Plan

Waste policies and principles

Planning Policy Statement 10 sets out criteria for sustainable waste management, requiring the Mayor and planning authorities to help drive waste up the ‘waste hierarchy’ of reduction, reuse, recycling and composting, using waste as a source of energy, and only disposing as a last resort. PPS10 requires the Mayor to identify the tonnages of municipal and commercial /industrial waste and to apportion them by waste planning area. It requires an evaluation of the adequacy of existing waste facilities to meet London’s future needs and identify the number and type of facilities required, and criteria for the selection of sites.

The London Plan sets out a number of policies relating to the management of waste, and sees that making better use of waste has a major role to play in tackling climate change, distribution of waste tonnage requiring management, broad locations where facilities should be accommodated, and supporting policies which look to ensuring that communities take more responsibility for their own waste. Policies are focussed on a greater efficiency of use, a reduction in amounts generated, and an increase in recycling and low carbon energy generation from any waste remaining.

Policy 5.16 of the London Plan refers to waste self-sufficiency and states that the Mayor will work with London boroughs and other bodies towards managing as much of London’s waste within London as practicable, and seeking that the equivalent of 100% of London’s waste is managed within London by 2031. This will include seeking to create positive environmental and economic impacts from waste processing; improving London’s net self-sufficiency through reducing the proportion of waste exported from the capital. A number of targets are set out for recycling/composting targets of municipal solid waste, commercial and industrial waste and construction, excavation and demolition waste up to 2031. It confirms that for the purposes of self-sufficiency, in addition to prevention, reduction and re-use, waste is deemed to be managed in London if it is used in London for energy recovery. As set out in paragraph 5.84, the Mayor has a preference for advanced conversion waste processing technologies, and that proposals for new facilities are evaluated by positive carbon outcome (end-to-end) to ensure the best possible environmental outcome.

The Mayor’s Municipal Waste Management Strategy sets out policies and proposals for reducing the amount of municipal waste produced, increasing the amount of waste reused, recycled or composted, and generating low carbon energy from waste remaining. This strategy also sets out how the Mayor, through the London Waste and Recycling Board, will help develop more waste management infrastructure in London. It sets out a number of key targets for the management of London’s municipal waste to meet, including achieving zero municipal waste direct to landfill by 2025, and to generate as much energy as practicable from London’s organic and non-recycled waste in a way that is no more polluting in carbon terms than the energy source it is replacing. The Mayor has also developed a greenhouse gas emissions performance
standard (EPS) for all of London’s municipal waste management activities to work towards - a
world city first.

31 The Mayor’s Business Waste Strategy ‘Making Business Sense of Waste’ is the first Mayoral
strategy for London’s business waste. This strategy sets out initiatives to help all kinds of London’s
businesses, from shops, restaurants, office buildings, manufacturers to construction companies to
save money and reduce harm to the environment through better waste management.

32 As preferred bidder in the SLWP procurement process, this proposal has been judged by the
SLWP as the most appropriate in meeting its requirements in terms of deliverability of an
integrated solution for processing waste on a single site; prioritising recycling and recovery of
waste; recovering energy; achieving a high diversion rate of residual waste from landfill compared
to other technologies; and producing financial savings over current practice. The SLWP considers
that the scheme drives waste management up the waste hierarchy and use waste as a resource to
produce renewable energy with disposal as the last option, in accordance with relevant national
and London Plan waste management guidance and policies.

33 The applicant has confirmed that the size of the facility is based on an assessment of the
quantity of waste arisings that will require management in the future, across the life of the 30 year
waste management contract, and the need to meet the agreed performance measures in the
contract between the applicant and the SLWP. The contract sets out a requirement to handle an
average of 200,000 tpa across the contract period. An allowance is made to deal with construction
and industry waste and give flexibility to accommodate growth variations and allow maximum
landfill diversion opportunities even if the Partnership does not meet its indicative recycling
targets. Whilst it is accepted that allowing for some flexibility in inputs would be appropriate for a
scheme of this scale, further discussion is required to ensure that in allowing for this extra capacity,
it would not disincentivise the meeting of recycling targets. Appropriately worded conditions
would be expected as part of any planning permission to ensure this is not the case.

34 Policy 5.17 of the London Plan states that proposals for waste management should
achieve a positive carbon outcome resulting in greenhouse gas savings. This particularly applies
to energy from waste facilities, whereby the direct emissions from the technology are offset by
emissions savings from the generation of energy. Wherever possible opportunities should also be
taken to provide combined heat and power and combined cooling heat and power. In terms of
the appropriateness of the technology, notwithstanding the benefits of the scheme that drew
SLWP to choose the applicant as its preferred bidder, satisfactory demonstration that the
proposed energy from waste facility will deliver greenhouse gas savings to achieve a positive
carbon outcome is still required as detailed in paragraphs 47-50 below. Conditions would be
expected as part of any planning permission in relation to inputs and that waste that is
incinerated only comprises matter that cannot be reused or recycled.

35 Whilst the principle of a new waste management facility in South London to divert residual
waste arisings in South London away from current reliance on landfill is supported, the site is also
located within Metropolitan Open Land where such development is deemed to be inappropriate
and where very special circumstances need to be demonstrated. Furthermore, despite the
applicant’s assertions, as detailed below, whilst the site is currently used for waste management
purposes, it is not protected for waste uses beyond 2023. As such, there are outstanding issues as
detailed below which need to be satisfactorily addressed before the scheme could be regarded as
fully in accordance with the London Plan.
Energy generation

36 Policy 5.5 states that the Mayor expects 25% of the heat and power used in London to be generated through the use of localised decentralised energy systems by 2025. Policy 5.6 refers to evaluating 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. Policy 5.7 states that development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation.

37 Policy 5.8 of the London Plan states that the Mayor supports and encourages the more widespread use of innovative energy technologies to reduce use of fossil fuels and carbon dioxide emissions. In particular the Mayor will seek to work with boroughs and other partners in this respect, for example by stimulating the uptake of advanced conversion technologies such as anaerobic digestion, gasification and pyrolysis for the treatment of waste. Policy 5.17 states that waste management proposals should achieve a positive carbon outcome to take the opportunity to provide combined heat and power and combined cooling heat and power wherever possible, and contribute towards renewable energy generation. The proximity to the source of waste is also a consideration in evaluating waste proposals.

38 The proposed ERF would use incineration technology designed to process up to 302,500 tonnes per annum of domestic, commercial and industrial waste. It is proposed to incinerate waste and use the steam raised to drive a steam turbine. This steam turbine will generate up to 26 MWe of electricity of which 22 MWe will be fed into the supply grid, via an existing sub-station off Latham’s Way in Croydon and 4 MWe would be used at the facility itself.

39 The applicant has submitted a report (South London Energy Recovery Facility – Combined heat & power (CHP) Report dated July 2012) which sets out the intention to build a facility that is CHP enabled, and would be equipped with the necessary additional facilities for extracting steam, including a heat station and extraction point. The design includes the provision for the future generation of hot water and for taking steam and/or hot water to the boundary of the site for connection into a heat distribution system. It is projected that the heat station will have a rating of 20 MWth (initially 15 MWth).

40 The report sets out that in addition to providing a heat station at the ERF, the applicant will install pipework (i) between the ERF and the existing landfill gas facility, (ii) between the ERF and the west boundary of the site and (iii) the landfill gas facility and the east boundary of the site whilst the ERF is being constructed. This will allow heat to be supplied from CHP at the landfill gas facility during the initial phase and the ERF to take over once the gas yield from the landfill site decreases as waste is diverted. Planning permission is sought for these pipelines.

41 The applicant has committed to working with the GLA, supported by the Decentralised Energy Project Delivery Unit (DE:PDU) to develop a viable district heating scheme to be operated by an energy services company (ESCo). These commitments are welcomed and should the scheme be approved, these commitments would be expected to be secured through the s106 legal agreement. A number of potential loads have been identified within a 5 km radius and discussions are continuing with the developers of an approved scheme nearby, the Felnex Trading Estate (775 residential units, supermarket and business units). This development has received outline planning permission and currently would provide a heat load of 1.2 MWth. In order to carry through the commitment and progress made to date in identifying heat customers, obligations would be expected within any section 106 agreement, requiring commitments towards participation in a working group to ensure the delivery of surplus heat to the neighbourhood at the earliest possible time.
Heat extraction from electricity generating steam turbine

42 In terms of technical details of the process, the applicant has stated that steam will need to be extracted from the turbine at two intermediate pressures (‘bleed’ for base load and ‘intermediate’ for peak load) to supply heat for the district heating system.

43 The applicant should set out in a process flow diagram the relevant steam system process, the pressures and associated steam temperatures together with potential heat extraction capacity in MWth for of the two stages. In addition, a commitment should be made to providing the necessary space and equipment (listing of equipment to be provided, e.g. heat exchanger, circulation pumps, etc) within the ERF to allow the extraction of the heat to take place and its onward supply by means of the site heat network as described below. The applicant should also provide a data sheet for the proposed steam turbine and also provide a calculation of the Z ratio (as defined in the CHPQA Guidance Note 28).

Site heat network

44 As set out above, the applicant is proposing as part of this planning application to install district heating pipelines below ground. In order to ensure the satisfactory and timely delivery of this infrastructure, as part of any section 106 negotiations, commitments to installing the site heat network and any necessary boundary equipment (including a list, detail and design information of equipment required) to allow the connection to a district heating network (supplied by others) in order to supply heat loads outside the development would be expected. Timeframes for implementation would also be expected.

45 A section 106 obligation would also be expected, requiring the steam turbine to be procured with a steam extraction capacity of 20 MWth for the sole purpose of supplying the district heating heat network. Timeframes for installation and operation of this infrastructure would also be expected.

Technical details - Needs Assessment and Carbon Balance Report

46 The applicant has undertaken an assessment of the proposed facility’s CO₂ equivalent (CO₂ eq) emissions performance against the Mayor’s carbon intensity floor (CIF) for waste to energy facilities, as set out in the Mayor’s Municipal Waste Management Strategy. The CIF has been set at a level to ensure that energy generated from waste is done in a way that is no more polluting in carbon terms than the energy source it is replacing. The Mayor welcomes such an assessment be undertaken in order to help determine conformity with London Plan policy 5.17(B)(d) in relation to achieving a positive carbon outcome. In undertaking this policy test a number of points of clarification for the applicant’s calculations are required.

47 Further information is required to better understand the CO₂ eq performance of the proposed facility, namely in relation to the findings set out in table 7.6 of the document (titled ‘Direct greenhouse gas emissions and energy recovered by South London ERF’). In particular, the following points require clarification:

- the CO₂ eq performance of the facility operating in both electricity only and CHP modes;
- the assumption used for the amount of heat produced actually being exported and used. The GLA assumes a 50% heat use rate. The actual heat use will depend on the facility and the heat demand.

48 The applicant is requested to use the GLA’s free online greenhouse gas emissions tool to assess the proposed facility’s CO₂ eq performance and to advise on the outcome of this before the
application is reported back at Stage 2. This basic tool and user instructions can be found at http://www.london.gov.uk/priorities/environment/waste-resource/energy-recovery.

49 The applicant should also confirm if there are any operational issues for the proposed facility as waste composition changes over time due to expected improvements in recycling rates. The four boroughs sending waste to the proposed facility are aiming for 50% recycling by 2020, so it is important to understand if the facility can treat potentially increasingly biomass-rich waste.

Summary

50 In summary, notwithstanding other policy compliance, the applicant’s commitment to deliver a low carbon/renewable energy source, thereby contributing towards reductions in carbon dioxide emissions is welcomed in principle. This subject to confirmation of certain technical matters being clarified as well as appropriately worded section 106 obligations to ensure that there is a clear commitment from the applicant towards delivering a district heat network to serve the local area. This would need to include requirements in relation to establishment of a working group and set out clear objectives to be met within a defined timeframe.

South London Waste Plan, need and apportionment

51 Policy 5.17 seeks to increase waste processing capacity and requires boroughs to manage a proportion of London’s waste within their own boundaries. This is known as the waste apportionment. Borough-level projections of London’s waste arising and apportionment of municipal solid waste and commercial and industrial waste are set out in the London Plan. Boroughs may collaborate by pooling their apportionment requirements. The policy states that developments which include a range of complementary waste facilities on a single site will be supported. This includes developments that contribute towards renewable generation, and in particular, the use of technologies that produce a renewable gas. Policy 5.17(G) of the London Plan states that in the process of LDF preparation, land to manage borough waste apportionments should be brought forward through protecting and facilitating the maximum use of existing waste sites, particularly waste transfer facilities and landfill sites.

52 Sutton Council has worked with Croydon, Kingston and Merton Councils’ to produce a joint waste development plan (known as the South London Waste Plan Development Plan Document) and pooled their apportionment requirements. This document, which was adopted in March 2012 sets out the partner boroughs’ long-term vision, spatial strategy and policies for the sustainable management of waste over the next 10 years and is part of Sutton Council’s local development framework. The Waste Plan contains policies to promote the adequate provision of modern, high quality, clean and well-run waste management facilities on the most suitable sites and areas in the partner boroughs.

53 Schedule 1 of the Waste Plan identifies the application site as ‘site 18: Viridor Recycling Centre Beddington Farmlands’ comprising an existing waste site that is ‘safeguarded’ and likely to be redeveloped within the period 2011-2016. Policy WP3 refers to existing waste sites in Schedule 1 and states that these existing permitted sites will be safeguarded for their current use or conversion to waste management. It is important to note however, that the policy sets out that this particular site is subject to a resolution to grant temporary permission that is due to expire in 2023 and that after this, the land will be incorporated into the Wandle Valley Regional Park. This is reiterated in the site description, where it confirms that the current waste operator has a licence for the site until 2023, after which the site is intended to become a Country Park within the proposed Wandle Valley Regional Park. It notes that developers of the site for waste purposes should pay particular attention to (amongst other things) “ensuring that the site is made available for the creation of the Wandle Valley Regional Park by virtue of the existing temporary planning
permissions and the London Borough of Sutton’s resolution to grant temporary planning permission;”

54 As the site is only protected for the lifetime of the plan and not for the time period in which planning permission is sought, the requirements that apply to windfall sites, as detailed in WP5 of the Waste Plan are of more relevance to this application. This policy sets out a number of criteria for sites coming forward that are not safeguarded in the Plan, relating to need, lack of alternative (safeguarded) sites and meeting a number of locational criteria. Of relevance to this particular case is an expectation that sites which come forward: are not within or will not have an adverse effect on nature conservation areas protected by international or national regulations; do not result in visually detrimental development conspicuous from strategic open land (eg Green Belt or Metropolitan Open Land); and do not adversely affect regional and local nature conservation areas, conservation areas and locally designated areas of special character, archaeological sites and strategic views. Sites with a history of restored landfill are also discounted.

55 The proposal runs contrary to many of the locational criteria above, and more commentary is provided in paragraphs 63 to 73 below in relation to biodiversity issues. In addition as they are located on MOL, they also need to demonstrate “very special circumstances”, as discussed below, that must be demonstrated in relation to development on Metropolitan Open Land below.

Metropolitan Open Land

56 London Plan policy 7.17 affords Metropolitan Open Land the same level of protection as Green Belt and maintains its protection from inappropriate development. Inappropriate uses will only be acceptable where they do not have an adverse impact on the openness of MOL. It confirms that the strongest protection should be given to London’s MOL and inappropriate development refused, except in very special circumstances.

57 NPPF Para 146 states: “When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.” PPS10 Para 3 is also noted. This refers to protecting green belts but that the particular locational needs of waste management facilities should be recognised, “together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission”.

58 As noted above, whilst currently in waste management use, the site is located within MOL and is not deemed an existing waste site for the purposes of policy assessment. As noted above, the South London Waste Plan recognises the importance of the Metropolitan Open Land designation and confirms that when the current landfill operations cease in 2023, the site will cease to be safeguarded for waste management and so other designations (including MOL) will have their full effect. As such, the applicant is required to demonstrate that very special circumstances exist to allow development on MOL and a site that is defined as a windfall site for the purposes of SLWP policy analysis.

‘Very special circumstances’

59 There has been extensive discussion at pre-application stage between GLA officers and the applicant regarding what constitutes ‘very special circumstances’ for the proposed development to proceed on MOL. The applicant has to date highlighted specific locational requirements and lack
of suitable alternative sites as well as the benefits of the scheme that amount to outweighing the harm caused to openness.

60 In particular, the applicant has sought to demonstrate that there are no alternative sites that could deliver the proposed ERF. This alternative site assessment has drawn on research carried out by the SLWP in addressing its need to find a solution for treating its residual waste. The first stage of the methodology was to generate a long list of sites, using the boundary of the four boroughs that make up the Partnership area as the area of search. This list, comprising 157 potential sites were then reviewed, to exclude sites that were unsuitable due to their size, incompatible permission or current use, environmental designations or where site assembly would be required and/or land ownership would be problematic. As a result of this sieving exercise, 14 sites remained. More detailed analysis then took place on this shortlist, against operational, planning and environmental criteria. This sieving stage looked at locational requirements, in terms of proximity to waste arisings, proximity to the strategic road network, potential for CHP and potential for co-location with other waste uses. It also assessed planning and environmental impact. This assessment resulted in the proposed site ranking joint second, behind a site located to the east, controlled by Thames Water and also designated as MOL. The applicant’s case for selecting the proposed site is based on availability, and whether it is owned or otherwise controlled by Viridor or the Partnership and has been identified by the applicant as a robust location for the proposed ERF when considering the potential alternatives.

61 In considering the very special circumstances that exist in this case, it does appear that there would be some difficulty in securing a site of the size required in a location that is accessible to the four boroughs, without harming residential amenity and also in terms of securing a scheme that delivers benefits in terms of providing a heat network for the surrounding neighbourhood. The benefits that the applicant has identified in terms of bringing forward the delivery of the Country Park and the careful design that mitigates its impact to some extent are also acknowledged. However, in terms of warranting very special circumstances, there still remain outstanding issues regarding the scheme overall and the overall benefits that the scheme would bring and as such, it is not possible to confirm that the scheme meets London Plan and national guidance in relation to inappropriate development on MOL.

62 It is also understood that the Council is presently reviewing the alternative site assessment including the availability of some of the sites that have been eliminated by the applicant, such as those listed in the South London Waste Plan as existing waste sites under Schedule 1. As such, further discussion would be expected as the scheme progresses in order to fully demonstrate that very special circumstances apply and that there are no suitable alternative sites. GLA officers would welcome involvement in these discussions with view to reaching common agreement on whether very special circumstances have been demonstrated.

**Biodiversity and the Wandle Valley Regional Park**

63 London Plan Policy 7.19 states that development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity. This is further supported by London Plan Policy 5.10 relating to urban greening and policy 7.21 regarding trees.

64 London Plan policy 7.1 recognises the diverse importance of open space and open space networks to London and its communities, and seeks to protect and promote their potential value. Policy 2.18 refers to green infrastructure and seeks enhancements to London’s green infrastructure, particular where a proposal falls within a regional or metropolitan park deficiency area. The Wandle Valley is identified in the London Plan as a regional park opportunity. The GLA is working with partners, including the boroughs to develop and implement the concept of this
regional park, which runs from the Thames through the boroughs of Wandsworth, Merton, Sutton and Croydon, to Croydon town centre. The Sutton Core Strategy proposals map safeguards the site for the Wandle Valley Regional Park and as noted earlier in this report, the South London Waste Plan also notes the expectation that the site be incorporated into this park.

65 The All London Green Grid SPG identifies the proposed site as one of the regional park opportunities. It states that: “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.” It goes on to identify an opportunity to “create a 200 hectare country park at Beddington Farmlands through the restoration of land used for gravel extraction and landfill tipping, linking Beddington Park with Mitcham Common.”

66 The application site is designated as a Site of Metropolitan Importance for Nature Conservation. London Plan policy 7.19 states that on Sites of Importance for Nature Conservation, development proposals should “give strong protection to sites of metropolitan importance for nature conservation (SMIs). These are sites jointly identified by the Mayor and the boroughs as having strategic nature conservation importance”. In this respect, the site is of exceptional importance for birds in London, with nationally important populations of several species and one of the longest species lists in London (82 bird species were recorded at the Beddington SMI during the 2011 breeding season). As a Metropolitan wildlife site, it is part of the key strategic framework for biodiversity described in policy 7.19 above and in the Mayor’s Biodiversity Strategy.

67 The existing gravel extraction and landfill permission, currently in operation, secured a conservation management plan for implementation as part of the capping and restoration works. This indicates the management of the site through all phases of the permission, and has details of the restoration of most of Beddington Farmlands as a nature reserve comparable to Rainham Marshes, much of it with full public access. This reserve forms the heart of a wider Regional Park plan initiated by Sutton Council in the late 1990s, which includes the remainder of Beddington Farmlands, the land to the west of the railway line, Beddington Park to the south and Mitcham Common (and Mill Green) to the north.

68 In total, the proposed development results in the permanent loss of 6.27ha of habitat, mainly comprising, currently, of hardstanding and wasteland habitats, but also including standing water, grassland and mature trees in the ERF development area. However, in the existing restoration scheme linked to the previous planning permissions, this area was to be restored to wet grassland to meet key conservation objectives. The applicant is therefore proposing a review of the restoration plan to take account of the loss of wet grassland. This is also to reflect the change in landform resulting from the early closure of the landfill that this scheme will trigger. In considering the proposals, a balance needs to be struck between restoration of the landfill site, operational requirements and achieving the aspirations for Beddington Farmlands.

69 The applicant has undertaken survey and consultation work and has submitted an amended restoration plan that includes refining the configuration of the habitat zones and public access routes. The revised restoration programme, which would be carried out in phases, would include the introduction of 17.5 ha of meadow grass for amenity use, 15.75 ha of heathland/acid grassland for habitat creation, 15.2 ha of wetland habitat associated with the existing lakes, together with 10 ha of species-rich grassland for fauna and a 2 ha sacrificial crop. The applicant is also proposing to fund and accommodate a warden, responsible for maintenance and monitoring,
education and controlling public access to Beddington Farmlands, together with landscaping features to increase on-site biodiversity values, including planting and installation of bird boxes.

70 As noted at pre-application stage, the location for the proposal does not hold any significant ecological interest itself, and it would not appear that its footprint would have any significant impact in terms of existing biodiversity values. The proposed development would however, result in the permanent loss of the equivalent of 3.35% of Beddington Farmlands SMI that would otherwise be restored as wet grassland and appropriate mitigation measures are therefore expected to compensate for this. From an ecological viewpoint, elements of the redesign of the restoration area appears appropriate, however the proposals to relocate wet grassland simply result in the displacement of other habitats and the diminution in the extent of wet grassland which functions best as a contiguous block of habitat. Further discussion would be appropriate once detailed feedback is obtained from the relevant local conservation groups and biodiversity officers to agree the final details of the restoration plan. As noted at pre-application stage, the current plans do indicate an area of land (in Thames Water ownership) that now falls outside the proposed restoration area and it is unclear as to what its future prospects are. The future management of this land as part of the overall conservation management plan for the proposed Wandle Valley Country Park would need to be discussed further before the application is reported back at Stage 2, and appropriate mitigation measures secured through any proposed section 106 agreement.

71 In terms of other impacts upon Beddington Farmlands, it is also appropriate to consider the scheme in terms of its impact the openness and character of the future Country Park. Given the scale of development, the impact in terms of views across the MOL is significant however, as discussed below, the applicant has sought to minimise the scale of development and carry out mitigation works to reduce this impact. There is no doubt the scheme would impact upon the openness and character of the future park, but on balance, given the current condition, and lack of public access that exists at present, and the benefits that the scheme brings otherwise, the physical impact of the proposed buildings are accepted in this instance, in terms of biodiversity considerations.

72 In addition to the ecological objectives for Beddington Farmlands, a key aspiration for the Wandle Valley Regional Park and in particular the Country Park is to increase the accessibility of the site for surrounding communities and visitors and it is understood that there is a strong community aspiration for such in the local area. The site is currently inaccessible except for waste related and limited recreational/conservation uses, as such it acts as a barrier to movement in this part of London. Traces of earlier connectivity are apparent on the western edge of the site where two bridges provided access across the railway line and the applicant’s proposal to relocate the previously suggested wet grassland area and instead provide public access is a positive step in opening up these links. In addition, consideration needs to be given to ensuring that the industrial activity from the proposed development is not at odds with the need to accommodate public routes, including providing more defined east-west routes between Beddington Lane and the Irrigation bridge on the western edge of the site. The visitor centre, which would potentially provide a resource for users of the Regional Park needs to be considered carefully so that pedestrian access can be afforded from the Park and through the site, on to Beddington Lane, for instance. A narrative should be provided by the applicant to justify the position and that it does maximise opportunities to link to future public routes across the Country Park.

73 In considering the necessary mitigation and enhancement works expected of the applicant, in order to achieve the long term aspirations for the Regional Park, and compensate for the loss of habitat, the applicant would be expected to dedicate an appropriate level of resources for long term future management. Further discussion with the applicant and the Council to agree the
restoration plan and other mitigation would be expected in due course and should be secured as part of the section 106 agreement.

**Tall buildings / views**

74 London Plan (2011) policy 7.7, which relates to the specific design issues associated with tall and large-scale buildings, is of particular relevance to the proposed scheme. This policy sets out specific additional design requirements for tall and large-scale buildings, which are defined as buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline and are larger than the threshold sizes set for the referral of planning applications to the Mayor. Policies 7.10 and 7.11, which set out the Mayor’s approach to protecting the character of strategic landmarks as well as London’s wider character, are also important considerations.

75 The proposal would be a tall building in terms of the London Plan definition. The main building structure would have a height of approximately 42 metres above ground level, with the chimney heights reaching 85 metres above ground level. As a result of its height and significant massing, the building would be visible in views across the MOL and because of its exposed location, views in the round would be possible, although as noted, access into much of this area is limited. The existing landscape, which includes trees and the row of electricity pylons, do break the otherwise flat panorama but the proposed building would draw the eye. In this case, the applicant has stated that very special circumstances would be appropriate for the building’s use, and that the proposed landscaping and other mitigation, along with the development’s appearance and other design features, are sufficient.

76 It is acknowledged that the current site condition is poor and does not positively contribute to views. Within the views submitted by the assessment provided by the applicant, the skyline within existing views is punctuated by projecting and bulky features such as the Ikea towers, and the pylons located close to the proposed buildings. However, the quality of the MOL in this location is subject to change over time, until the ultimate layout is completed in 2026. As such, there is likely to be changing views as each stage of the landscape renewal is undertaken and further access is gained into the park and land surrounding the site.

77 The applicant has undertaken a views assessment, including from elevated positions in South London. At this stage, it is noted that the impact of the development is significant however, there are several mitigating features resulting from its design and location. As well as the existing negative landscape features referred to above, the development has been designed to be as compact as possible. The massing and the appearance of the scheme has been refined during the pre-application process to ensure that it has the least impact of all the options considered by GLA officers over the past year. The result of these considerations, is that whilst the design has an impact on the character and openness of views across and towards the MOL, limiting that openness, the design has been developed to ensure the visible building sits within its context. It is understood that more detailed appraisal of the verified views is being undertaken by the Council and further discussion would be welcomed as the scheme moves forward to consider these findings.

**Urban design**

78 Good design is central to all objectives of the London Plan (2011) and is specifically promoted by the policies contained within chapter seven which address both general design principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage and World
Heritage Sites, views, the public realm and the Blue Ribbon Network. New development is also required to have regard to its context, and make a positive contribution to local character within its neighbourhood (policy 7.4).

79 As noted within the discussion on views above, the current visual character of the site is poor, as a result the current landfill use, and the existing high-tension electricity pylons, views of which are accentuated by the relatively flat landscape. As noted to date during pre-application discussions, the openness and topography of the landscape would allow the site to be viewed from 360-degrees, and as such, any development of this scale would be clearly visible. On the basis that it would not be possible to avoid these visual impacts, the question of whether to make it a feature through its design, or attempt to mitigate its impact must be considered. While the latter option would be preferable in light of the principles mentioned at the start of this section, there is a danger that such measures would appear contrived. The pre-application options demonstrated that whilst making a feature of the scheme could appear attractive, they did add to the overall massing of the scheme, increasing its impact. Consequently, the approach of incorporating mitigation measures is supported, such as the introduction of low-impact (or natural-looking) non-reflective materials, and improved landscaping around the site.

80 The operational design and safety considerations of the facility are drivers of the design, but nonetheless the design would provide a relatively compact site area. The aspiration for a simple, robust yet refined architectural expression is supported. The proposed materials would predominantly be steel and zinc, glass, and mesh cladding. This will require careful detailing as at present the rendered images do not give a true sense of the architectural detailing. Given the potential impact, the colour choice will greatly affect the way the building is perceived and as such materials should be reviewed on site to give an accurate assessment. This extends to the glazed band, which will require further consideration in order to achieve the aspirations for transparency set out in applicant’s documents. On this basis, further discussion between GLA officers, the Council and the architect should take place before the application is reported back at Stage 2 to agree on the palette of materials, that would then subsequently need to be secured by way of condition.

81 The proposed landscaping is interesting, and the incorporation of a visitor centre into the grounds – creating a link between the MOL and the facility – is supported. Treatment of routes, entrances and signage are key elements in creating legibility and a sense of place and should be carefully developed. Ensuring appropriate, robust, high quality materials that make a positive contribution and do not detract from the MOL and future Country Park will be expected. The same standard of architectural detailing should extend to the approval of materials and detailing of the visitor centre. Further discussion as to how the scheme helps implement the All Green Grid SPG should also be forthcoming.

Inclusive design

82 London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion, and requires design and access statements submitted with planning applications to explain how the principles of inclusive design, including the specific needs of disabled people, have been integrated into the proposed development and how inclusion will be managed and maintained. Further guidance to this policy is provided in the Mayor’s Supplementary Planning Guidance ‘Accessible London: achieving an inclusive environment.’

83 The applicant has submitted an access statement that sets out its commitments in terms of routes and entrances, with disabled parking facilities close to the primary entrance to the office and main facility, away from the lorry circulation routes. All buildings would have level access approaches and lift facilities and ambulant disabled staircases would also be provided to the
office/education centre, together with disabled WC, amenity provision and access to all parts of the building. These design features are welcomed and ensure compliance with best practice guidance, subject to being secured by way of condition.

Climate change adaptation

84 Policies 5.10 to 5.15 of the London Plan set out policies that seek to minimise overheating and contribute to heat island effects; minimise solar gain in summer; contribute to flood risk reduction, including applying sustainable drainage; minimising water use; and protect and enhance green infrastructure. Specific policies cover overheating, living roofs and walls and water and require the inclusion of sustainability measures within developments. Policy 5.10 makes specific mention of increasing the amount of urban greening in CAZ. Further guidance on these policies is given in the Mayor’s SPG Sustainable Design and Construction.

85 In addition to the energy strategy, and the provision of 100% of its power from renewable energy, the applicant has proposed a number of sustainability measures. These include re-use of process water and rain water harvesting for ash quenching and wash down, recycling of steam driving the turbine in order to minimise water use, together with water efficient sanitary ware and water meters. The applicant has committed to achieving BREEAM ‘Excellent’, which is welcomed and should be secured by of condition, in addition to other sustainability measures. Incorporation of sustainable urban drainage, with a feed into adjacent grasslands is welcomed. Whilst it was noted at pre-application stage that green roofs were proposed on the main building, it is now only proposed to include a biodiversity roof to the visitor centre. Clarification as to why it has not been possible to incorporate further green or brown roofs to the main building to assist in aiding cooling and enhancing biodiversity should be confirmed. Whilst this is a low/zero carbon development, best practice should be demonstrated in relation to climate change adaptation, particularly given the Green Grid policies, which are relevant to this site.

Air quality

86 Policy 7.14 of the London Plan seeks to improve air quality and ensure that development proposals make provision to address local problems of pollution and not lead to further deterioration of air quality, particularly in air quality management areas (AQMA).

87 PPS10 Paragraph 30 and PPS23 Paragraph 10 both make it clear that the control of pollution is essentially an Environment Agency permitting matter. However, PPS10 Paragraph 30 adds “planning operates in the public interest to ensure that the location of proposed development is acceptable and health can be material in such decisions.”

88 The Health Protection Agency has produced national guidance on air quality and human health in respect of municipal waste facilities stating that “while it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable”.

89 In terms of local impact, noting the location of the site within an AQMA, the applicant acknowledges that the proposal would have potential implications for local air quality impact from vehicle movements associated with the delivery of waste and the removal of ash, and from the flue gases emitted through the chimney stacks. The largest source of emissions to atmosphere will be the latter, whereby gases will leave the chimney in a plume that subsequently disperses in the atmosphere and dilutes the concentrations of the pollutants it contains.
The applicant’s air quality assessment confirms that emissions to atmosphere through the two chimney stacks will result in some additional concentrations and deposition of a number of pollutants but that assuming each pollutant is emitted at a rate and concentration in the flue gases that is at the legal limit permitted by the Waste Incineration Directive, these will be negligible. At this stage, in the absence of a review of the technical data provided in the application documents, it is not possible to confirm compliance with London Plan policy 7.14. Further discussion as these assessment come forward would be expected, and appropriate conditions imposed to mitigate any adverse impact.

In terms of technical feedback at this stage, it is noted that the due to the high levels of hydrogen fluoride and hydrogen chloride which have been monitored near the site, further monitoring must be carried out for these pollutants and findings must be reported back to air quality officers and the two affected boroughs and GLA officers. Details in relation to stack height modelling evidence and a graphic demonstrating the plume grounding impacts, which includes the sensitive receptor locations, should be provided. In addition, impact assessment result methodology, cumulative impact results (for all pollutants), and ADMS road results. The impact of non-road mobile machinery should be considered and mitigated against. As part of further review and discussion about the technical data, this information would be expected to come forward and reported back to GLA officers. It is noted that the GLA will soon be publishing biomass emissions standards as part of the Sustainable Design and Construction SPG, and further discussion to ensure compliance with this document would be expected. There will also be a construction and demolition SPG that the scheme will need to comply with.

**Transport**

**Car Parking and Vehicular Access**

The scheme proposes 58 car parking spaces for all of the uses on the site, broken down into the following: 30 spaces for visitors to the education centre, 21 spaces for staff, one space for the warden of the wildlife area and six spaces for the permit holders to the restricted areas of the park. This provision and allocation is acceptable.

Three of the 58 car parking spaces are proposed to be designed for mobility impaired users. Whilst it is acknowledged there are no minimum blue badge standards set out in the London Plan for this type of land use, it is recommended that 10% of the overall number of spaces for mobility impaired users be provided - the equivalent of five spaces. Twelve of the 58 car parking spaces are proposed to be equipped with electric vehicle charging points, which is welcomed.

Vehicular access into the development is proposed from Beddington Lane, via a new access point when the site has completed its transition to the proposed operations, which is accepted by TfL. Provision for the safe use and parking for bicycles should be maintained within this arrangement.

**Impact on the Highway**

It is noted that the signalised junctions at Croydon Road with Beddington Lane and Croydon Road with Hillier’s Lane operate at over 80% capacity currently and experience a reduction in capacity through the three future scenarios. TfL notes that the analysis shows that the increase in background traffic is the main factor in causing these signalised junctions to become more saturated. The side roads are more impacted upon than the main roads, but the delay to traffic on these roads, including bus services, will have an adverse impact on journey times.
It is acknowledged that these junctions become more saturated due to background traffic growth rather than the trips generated by this development, but it is important to highlight the issue at this point in time and consider mitigation to reduce the number of trips as much as possible in order to reduce queues and delay, to conform with London Plan policy 6.3. This will enable the development to function efficiently whilst maintaining reliability for journeys along the TLRN and SRN.

Impact on Bus Services, Rail and Tram

It is accepted that the likely impact on these services as a result of the proposals will be negligible and therefore considered acceptable without the need to seek mitigation.

Cycling

Sixteen cycle spaces are proposed for the development; eight for staff and eight for visitors, which is accepted by TfL as compliant with the London Plan standards. TfL welcomes the provision of showers and lockers for staff, and the offer of financial assistance or participation in the Government’s ‘Bike to Work’ scheme for staff.

Pedestrian Access

Pedestrians will gain access to the site via a proposed separate pedestrian/cycle gate alongside the main vehicular gates, which is accepted by TfL.

Any improvements to pedestrian facilities should be included within the transport assessment and secured through the section 106 and section 278 agreements.

Travel Plan

Given its scale and nature, the submission of a full travel plan for the proposed development is not considered compulsory, but travel plan initiatives as set out in chapter 8 of the transport assessment are welcomed.

Freight and Servicing

The proposed construction vehicle routings that are proposed are welcomed. It is essential that these routes are agreed with the applicant’s contractors and sub-contractors and set out in the construction logistics plan (CLP). The CLP should be submitted and approved by the Council via a planning condition, which should seek to minimise impact on the highway network during the course of construction.

TfL welcomes the proposed submission of a delivery and servicing plan, as referred to in the London Freight Plan, which identifies efficiency and sustainability measures to be undertaken once developments are operational. This plan should be submitted to and approved by the Council in consultation with TfL prior to occupation and secured via a planning condition.

Traffic Management Act

Should this application be granted planning permission, the developer and their representatives are reminded that this does not discharge the requirements under the Traffic Management Act 2004. Formal notifications and approval may be needed for both the permanent highway scheme and any temporary highway works required during the construction phase of the development.
**Community Infrastructure Levy**

105 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1st April 2012, and it will be paid on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail.

106 The Mayor has arranged boroughs into three charging bands. The rate for the London Borough of Sutton is £20 per square metre. The required CIL should be confirmed by the applicant and council once the components of the development or phase thereof have themselves been finalised. See the 2010 regulations:


**Local planning authority’s position**

107 Sutton Council is still considering the proposal and intends to report on the application in late 2012 early 2013.

**Legal considerations**

108 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor’s statement and comments.

**Financial considerations**

109 There are no financial considerations at this stage.

**Conclusion**

110 London Plan policies on are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Waste:** The scheme would result in a high diversion rate of residual waste from landfill and deliver a low-carbon/renewable energy source, which is welcomed in principle in accordance with London Plan policies 5.16 and 5.17, subject to further technical details and commitments being provided.

- **Metropolitan Open Land:** The proposal comprises inappropriate development on MOL, for which very special circumstances are still to be fully demonstrated in accordance with London Plan policy 7.17.
• **Biodiversity:** The scheme would result in the permanent loss of future wildlife habitat, and whilst the early delivery of the Wandle Valley Regional Park is required, further mitigation and commitments are required to fully accord with London Plan policies 2.18, 7.1, and 7.19.

• **Tall buildings and design:** The applicant has demonstrated a commitment to achieving a high standard of architecture in order to attempt to mitigate its impact upon the landscape character within the MOL, which is acceptable in principle subject to further discussion regarding views and detailed design.

• **Inclusive design:** The scheme proposes fully accessible buildings and public realm, with Blue Badge car parking secured in accordance with London Plan policy 7.2

• **Sustainable development:** The applicant has committed to a number of measures to address climate change adaptation however, further clarification is required to ensure full compliance with London Plan policies 5.10 to 5.15.

• **Air quality:** The site is within an Air Quality Management Area and the scheme would result in emissions to the environment, the impact of which still requires further assessment to ensure compliance with London Plan policy 7.14

• **Transport:** The scheme proposes appropriate access, car and cycle parking, construction and delivery arrangements, together with highway improvements and suitable mitigation measures. As such, the scheme in accordance with London Plan policies 6.1, 6.3 and 6.9.

On balance, the application does not comply with the London Plan. The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

• **Waste and energy:** Further technical information is required before the application is reported back at Stage 2 and appropriate conditions and planning obligations secured in relation to inputs capacity of the facility, gas emissions, heat extraction, and delivery of a site heat network.

• **Metropolitan Open Land:** Whilst the benefits from the scheme in terms of providing a heat network and bringing forward the delivery of the Country Park are acknowledged, there are other sites for which further discussion is required, and planning benefits that the applicant would be expected to deliver to justify very special circumstances.

• **Biodiversity:** Further discussion regarding planning obligations that would be appropriate to ensure the satisfactory delivery of biodiversity improvements to the future Wandle Valley Regional Park.

• **Tall buildings and design:** Further information and discussion regarding verified views, together with details of materials to be used in the buildings is required.

• **Sustainable development:** Further discussion on how the scheme itself would meet best practice in relation to climate change adaptation and Green Grid policies would be appropriate.

• **Air quality:** Further discussion regarding the findings of more detailed air quality analysis is appropriate, with relevant conditions imposed.
- **Transport**: In order to ensure that the proposed development complies with the transport policies in the London Plan, mitigation measures should be explored in order to ensure the signalised junctions to the north and south of the site operate efficiently during the construction period and when the site has been completely converted. Appropriate conditions should be secured in relation to construction logistics and delivery and servicing.

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