



## LONDON BOROUGH OF BARKING & DAGENHAM PLANNING COMMITTEE

22<sup>nd</sup> March 2021

### Application for Full Planning Permission

<b>Case Officer:</b>	Nasser Farooq	<b>Valid Date:</b>	28/05/2020
<b>Applicant:</b>	London Borough of Barking and Dagenham	<b>Expiry Date:</b>	17/08/2020
<b>Application Number:</b>	20/01094/FULL	<b>Ward:</b>	River Ward
<b>Address:</b>	Barking Power Station Chequers Lane, Dagenham, Barking and Dagenham, RM9 6PF		

The purpose of this report is to set out the Officer recommendations to Planning Committee regarding an application for a full planning application relating to the proposal below at Barking Power Station Chequers Lane, Dagenham, RM9 6PF

#### Proposal:

Below and above ground works associated with decommissioning the former Barking Reach Power Station Site including below ground demolition; remediation of the site; decommissioning and demolition of the cooling water system comprising intake and outfall tunnels, associated pump station and outfall structure(s); decommissioning and demolition works associated with gas, fuel distillate and utility infrastructure.

#### Officer Recommendations:

Planning Committee is asked to resolve to:

1. agree the reasons for approval as set out in this report; and
2. delegate authority to the London Borough of Barking & Dagenham's Director of Inclusive Growth in consultation with LBBD Legal Services to grant planning permission subject to the Conditions listed at Appendix 5.

## Conditions Summary:

### General

1. Statutory Time Limit
2. Approved Plans

### Information required prior to demolition works

3. Dust Management Plan

### Prior to commencement of development

4. Construction Environmental Management Plan (CEMP)
5. Construction Resource Management Plan
6. Construction Logistics Plan
7. Invasive Non-Native Species Management Plan (INNS)
8. Archaeology
9. Contamination
10. Water Quality Monitoring Plan
11. Method Statement for protection of Jetty 4.
12. Water Tunnel Decommissioning Methodology.

### Compliance conditions

13. Construction Working Hours
14. Site specific non-road mobile vehicles (NRMM)
15. Explosive Ordnance Threat Assessment
16. Asbestos and Contamination Removal
17. Transport's for London Code of Practice for quieter deliveries

## OFFICER REPORT

### Background Information:

The City of London Corporation (the Applicant), through statute established in the Victorian era, has the responsibility to provide and operate wholesale markets at Smithfield (meat and poultry), New Spitalfields (fruit, vegetables and flowers) and Billingsgate (fish). These world-renowned markets are safeguarded by law to serve London and the country with fresh produce.

The Applicant has advised they have carried out a series of strategic studies to question and address issues affecting the trading environment of the existing wholesale markets. The studies identified that the current facilities and trading environments at the three markets are outdated and unsustainable. The condition and quality of the buildings are below what is expected of a modern wholesale food market. The Applicant has further advised that even with significant investment, the markets would still be operating in old buildings, some listed that would be difficult to refurbish to sustainable standards.

The Applicant has advised the Court of Common Council ('CoCC'), the applicants Decision making body approved the creation of a Markets Consolidation Programme ('MCP') in March 2018 authorising the programme to search for a site for a new consolidated wholesale market and to release the Existing Sites for alternative development.

The relocation of the existing markets requires a Private Act to be passed by Parliament. Private Bills are deposited in Parliament on or before 27 November each year and are scrutinised by the Examiners of Petitions for Private Bills before being formally presented before Parliament in the following January.

The Applicant has advised that the search for a suitable location to consolidate the existing markets was undertaken in 2018, and the following four sites were considered:

- Silvertown (London Borough of Newham)
- Fairlop (London Borough of Redbridge)
- Thames Enterprise Park (Thurrock)
- Dagenham Dock (London Borough of Barking and Dagenham)

A feasibility assessment was also undertaken on expanding New Spitalfields Market in Leyton (London Borough of Waltham Forest) to accommodate the other two wholesale markets.

Following a review of all the sites, the Applicant made the choice to proceed with development at the application site at Dagenham Dock. This was acquired by the City of London Corporation in December 2018.

To facilitate the re-development of the site, this application covers demolition, decommissioning and remediation works necessary to effectively prepare the site. Those are referred to as 'preparatory works' thereafter for ease of reference.

The cooling pipes run under the river Thames and into the boundary of the London Borough of Bexley. Therefore, an identical application has been submitted to the London Borough of Bexley. However, both boroughs are only able to determine applications within their borough boundary.

This application is supported by an Environmental Statement, prepared by AECOM, which covers both enabling works proposed under this Full Planning Application and the construction of the new market proposed under an Outline Planning Application (ref:20/01097/OUTALL). Both

planning applications have been consulted upon with comments received included at Appendix 3, noting that most relate to the Outline Planning Application.

#### **Planning Constraints:**

The site is within:

- The London Riverside Opportunity Area (LROA).
- The London Sustainable Industries Park (LSIP).
- A Strategic Industrial Location (SIL).
- Flood Zone 3.
- Barking and Dagenham's Joint Waste Development Plan (JWDPD).
- The site, as with the whole Borough, is within Air Quality Management Area.
- The site is within the London City Airport Safeguarding Zone.
- The site lies within an Archaeological Priority Area.

The site is adjacent to Dagenham Breach Site of Importance for Nature Conservation (SINC) and is near to the River Thames.

The water cooling pipes to be filled run under the site all the way to the river Thames, passing close (circa 380m) to the south to the Grade II listed Jetty Number 4 And Approach, formerly at Samuel Williams and Company, Dagenham Dock listing number: 1391706

Neighbouring heritage assets include:

- 1.8km on the southern side of the River Thames within the London Borough of Bexley are the following listed buildings:
  - Grade I Listed Crossness Pumping Station listing number: 1064241
  - Grade II Listed Workshop Range to south west of main Engine House Crossness Pumping Station listing number: 1250557
  - Grade II Listed Workshop Range to south east of main Engine House Crossness Pumping Station listing number: 1064216

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

The Site is located in the south of London Borough of Barking and Dagenham ('LBBD') and the the cooling pipes run under the river Thames and into the boundary of the London Borough of Bexley. The site covers an area of approximately 16.7 hectares (ha), located between the A13 and the River Thames, within the LBBD. The Site is situated within an industrial area of Dagenham, dominated by warehouses and refining plants, and is bordered by Breach Lane to the north, Dagenham Breach (a lake and associated grassland/scrub) and an access road to a refinery on the east, Hanson UK and other refineries to the south, and Chequers Lane and industrial warehouses to the west.

On 20th April 2015, prior approval for demolition was granted by LBBD for an 'Application for prior notification of proposed demolition of Barking Power Station at Barking Power Station, Chequers Lane, Dagenham, Essex RM9 6PF' (Application Ref. 15/00314/PRIOR4).

The River Thames to the south is a Site of Importance to Nature Conservation (SINC). The area to the west of the Site comprises the 'Key Regeneration Area outside of Barking Town Centre'. To the north of the Site lies the East London Transit Route (ELT).

The application site is surrounded by a number of important employment related uses. On the south and south eastern perimeter of the site lie Hanson UK – which specialise in the transport

and sale of aggregates, asphalt, concrete and packed products, which come in from the River Thames via the Jetty to the south of the site. Further east is Ford which specialise in the motor industry.

To the west of the site lies, Hovis Ltd which operate the main south east regional distribution of bread and similar products.

Other industries in the vicinity include waste related uses and skip companies.

All these companies and the application site, (with the exception of Fords) rely on the Goresbrook Interchange as the vehicular access point to the public highway.

To the north of the site is the Dagenham Dock C2C station, which provides rails services to London and the coast in Essex.

Further west lies the Barking Riverside development. The site is currently under construction for around 10,800 new homes and associated, complementary uses. The Barking Riverside Overground station is currently under construction within the development.

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# Planning Assessment:

## 1. Principle of the Development:

- 1.1. The site is located in the London Riverside Opportunity Area falls within a designated Strategic Industrial Location in Barking and Dagenham's Policies map. It also falls within the general area of the London Sustainable Industries Park (LSIP), which is identified in Barking and Dagenham's Joint Waste Development Plan (JWDPD) as an area that will deliver waste facilities between 2010-2021.

### Loss of Power Station

- 1.2. The site as a power station was constructed between 1992 and 1995 and was capable of generating 1000 MW of electricity. Due to poor economic conditions, it ceased operating in 2014/2015 and decommissioning began in 2018.
- 1.3. On 1st April 2019, the Hazardous Substances Consent was revoked at the request of the operator of the Power Station (ref:18/01804/HAZ).
- 1.4. Furthermore, prior approval for the majority of the Power Station buildings was granted in 2015 (ref:15/00314/PRIOR4) and again in 2020 (ref:20/00129/PRIOR4)
- 1.5. The London Riverside Opportunity Area Planning Framework (LROAPF) provides further detail on the re-development of this site. It states that the power station is no longer required for energy production and that site could *"re-balance SIL release elsewhere and provide relocation space for existing industries in the area"*.
- 1.6. In relation to the borough's development plan, the power station buildings and their use are not protected by planning policy. Therefore, taking all of the above into account officers are satisfied that the loss off the power station is considered acceptable, bearing in mind the demolition of the power station was granted under the above prior approval (ref.20/0019/PRIOR4)
- 1.7. Therefore, consequentially the loss of decommissioning and demolition of the remaining structures relating to the now redundant use are also considered acceptable in principle.

## 2. Heritage/Archaeology Impact:

- 2.1. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 2.2. Policy HC1 of the London Plan, Policies BP2 and CP2 of the Local Plan, Policy DM14 of the Draft Local Plan seek to conserve heritage assets and avoid harm.

### Heritage

- 2.3. In relation to heritage, the nearest heritage asset is the Grade II listed Jetty Number 4 And

Approach, formerly at Samuel Williams and Company. This is located approximately 350m to the south of the application site. The decommissioning works include the demolition of the cooling water system comprising intake and outfall tunnels which run underneath the listed Jetty. In order to ensure the Jetty is suitably protected during the works a condition is recommended requiring a method statement for the works. Subject to the imposition of the condition, it is considered the proposed development will preserve the boroughs heritage assets.

Archaeology

- 2.4. Development plan policies require measures to identify record, protect, and where appropriate protect the site’s archaeology. It is noted that the application site lies within an Archaeological Priority Area and as such has been referred to the Greater London Archaeological Advisory Service (GLAAS) for comment.
- 2.5. GLAAS have recommended a condition requiring further investigation. This is considered necessary and is recommended on this application.
- 2.6. Overall, subject to conditions, the proposal would take suitable measures to ensure that any archaeological remains of significance would be adequately monitoring and protected, where deemed necessary.

<b>3. Sustainable Transport</b>			
<i>Net gain/loss in car parking spaces</i>	n/a	<i>PTAL Rating</i>	1b and 2
<i>Proposed number of cycle parking spaces:</i>	n/a	<i>Closest Rail Station / Walking Distance</i>	Dagenham Dock C2C station around 200m from the northern boundary of the site
<i>Restricted Parking Zone:</i>	N/A	<i>Parking stress survey submitted?</i>	N/A

- 3.1. The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development will not give rise to the creation conflicts between vehicular traffic and pedestrians.
- 3.2. Paragraph 103 of the NPPF states significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The NPPF at Paragraph 109 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 3.3. Policy T7 and SI15 of the London Plan seek to encourage development proposals to facilitate sustainable freight movement by rail, waterways and road. Furthermore, policy T7 supports the provision of hydrogen refuelling stations and rapid electric vehicle charging points at



logistics and industrial locations. Lastly, the policy also seeks to ensure development proposals facilitate safe, clean, and efficient deliveries and servicing, with a requirement on developments to provide Construction Logistics Plans and Delivery and Servicing Plans required.

#### Preparatory works

- 3.4. The application is accompanied with an outline Construction Environmental Management Plan. It is advised this will be updated by the appointed Principal Contractor(s) prior to the commencement of any site preparatory works covered under this application.
- 3.5. It is also considered necessary to recommend a condition requiring a detailed document outlining method of mitigation for potential impacts to the highway and surrounding environment within a Construction Logistic Plan. Adherence to such condition will ensure there will be no unacceptable impacts upon the safe and efficient operation of the surrounding highways or quality of the public realm and neighbouring amenity during the development phase.
- 3.6. A further condition is recommended to control the hours of development. However, having regard to the sites location away from residential uses, the hours of development will be extended to allow flexibility.
- 3.7. Overall, it is considered subject to the above conditions, the preparatory works will not have an unacceptable impact on the local highway network and neighbouring amenity.

## **4. Agents of Change**

- 4.1. The NPPF at Paragraph 182 seeks to ensure new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
- 4.2. This is carried through policies E7 and D13 of the London Plan and policy DMD 1 of the new Local Plan (reg 19 version). London Plan Policy D13 requires applicants to take account of the Agent of Change principles and consider and mitigate for existing noise and other nuisance generating uses in a sensitive manner in new development. London Plan Policy D14 provide further detail on managing noise, such as separating noise sensitive uses from major noise sources and incorporating good acoustic design principles.
- 4.3. Hanson UK use the Jetty and therefore the proposed works could have a disrupting impact on Hanson UK's operations. However, it is also noted that permission is required from Hanson UK to undergo works and therefore officers are satisfied the proposed works will not have an unduly detrimental impact on surrounding uses.
- 4.4. At the time of submission, it remains unclear whether the decommissioning of the water tunnels will require temporary access shafts to fill the intake and outfall tunnels. This application includes all potentially necessary works such as these temporary shafts taking place within the site application boundary however outside the Applicant's ownership. As for the above, it is noted that permission is required from relevant owners to undergo works and therefore officers are satisfied the proposed works will not have an unduly detrimental impact on surrounding uses.
- 4.5. A condition has been added to the permission to ensure details of the decommissioning methodology is provided when a contractor is appointed.

## 5. Air Quality:

- 5.1. Paragraph 170 of the NPPF states that: *“Planning policies and decisions should contribute to and enhance the natural and local environment by: ... e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality ...”*
- 5.2. Good Growth Objective 3 of the London Plan seeks to inter alia improve London’s air quality, reduce public exposure to poor air quality and minimise inequalities in levels of exposure to air pollution. Policy D3(9) seeks to ensure design helps prevent or mitigate the impacts of noise and poor air quality.
- 5.3. The 2014 update to the Mayor of London’s Sustainable Design and Construction – SPG guides developers and local authorities on what measures can be included in their designs and operations to achieve sustainable development and the objectives set out in the London Plan. Section 4.3 of the SPG concerns air quality, and sets out the Mayor’s Priorities: · “Developers are to design their scheme so that they are at least ‘air quality neutral’; · Developments should be designed to minimise the generation of air pollution; · Developments should be designed to minimise and mitigate against increased exposure to poor air quality;
- 5.4. Developers and contractors should follow the guidance set out in the Control of Dust and Emissions during Construction and Demolition SPG when constructing their development. The Control of Dust and Emissions During Construction and Demolition SPG guides councils, developers, and consultants on the implementation of relevant policies contained in the London Plan and the Mayor’s Air Quality Strategy to reduce emissions of dust and nitrogen oxides (NOx) from demolition and construction activities in London.
- 5.5. On 29<sup>th</sup> January 2020, LBBD declared a Climate Emergency in recognition that Barking and Dagenham needs to reduce greenhouse gas and carbon emissions and help meet national targets for the UK to attain net zero carbon by 2050.
- 5.6. On 15<sup>th</sup> February 2021, LBBD adopted its Air Quality Action Plan (AQAP) outlining the action to be taken to improve Air Quality between 2020-2025. Around 8 of the 43 action points within the plan relate directly to planning and in particular the application site.
- 5.7. Within the Environmental Statement, chapter 15 deals with Air Quality, in line with the methodology outlined within the scoping report.
- 5.8. Temple employed on behalf of the Local planning authority have carried out a review of the ES and requested further information.
- 5.9. Lastly, Air Quality is a significant concern of Hovis, located opposite to the application site. Within their representations dated 15<sup>th</sup> June 2020, they have submitted a report prepared by Stantec which is effectively a third-party review of the Dust and Air Quality impacts arising from the demolition and construction of the development. They have suggested matters to be secured under conditions and the officers agree the following conditions, pursuant to this application, should be included:
  - compliance with the use of site-specific non-road mobile vehicles to minimise emissions;
  - submission of a Dust Management Plan; and

- submission of an updated Construction Environmental Management Plan.

5.10. Subject to the imposition of the above conditions, officers are satisfied the proposed development will not have an unacceptable impact.

5.11. As such, the proposal is considered to comply with the above-mentioned policies and guidance, as well as the borough's Air Quality Management Plan.

## **6. Impact upon amenity**

6.1. NPPF Objective 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of noise pollution.

6.2. Policy D1 of the London Plan states that development design should deliver appropriate outlook, privacy and amenity. Policy D14 of the London Plan seeks to reduce, manage, and mitigate noise to improve health and quality of life.

6.3. Policy BP8 of the Borough Wide DPD seeks to protect residential amenity, by ensuring new developments do not expose existing and proposed occupiers to unacceptable levels of pollution that may arise. This includes noise, smoke, fumes, refuse, comings and goings and/or lighting during construction and occupation. This is supported by Policies DM11, DM16 and DM25 of the Draft Local Plan.

6.4. The proposed development is an appropriate use with a SIL that is far from any residential property. As such, officers are satisfied the development is not envisaged to have a detrimental impact on the amenity of any residential property.

6.5. However, the proposal is within an industrial area and is of a scale that could affect the wider area. This is discussed further in the Agents of Change section of this report.

6.6. A number of conditions are recommended to ensure an acceptable impact within the vicinity these include:

- A condition restricting Construction Working Hours
- A condition limiting Noise from Non-Residential Uses and Plant and Structure Borne Noise Emissions

6.7. Subject to the imposition of these conditions officers are satisfied the proposed development conforms to the above-mentioned policies.

## **7. Biodiversity, Terrestrial and Marine Ecology**

7.1. Policy G6 of the London Plan require new developments to make a positive contribution to the protection, enhancement, creation and management of biodiversity wherever possible. Policies CR2 and BR3 of the Local Plan echo the London Plan in its strategic approach to protect and enhance biodiversity and to provide a net gain in the quality and quantity of the Borough's natural environment. This approach is also set out in Policy SP5 of the Draft Local Plan.

- 7.2. Parts of the preparatory works are within the River Thames, which is designated as a Tidal Tributaries Site of Metropolitan Importance for Nature Conservation (SMINC), a non-statutory site designated on the basis of its nature conservation interest.
- 7.3. The application site is also located approximately 15m to the west of the Dagenham Breach and lower Beam River in Dagenham Site of Importance for Nature Conservation (SINC) Borough Grade I.
- 7.4. A range of measures have been incorporated as part of the EIA Project to avoid or reduce potential impacts. Those relevant to this application include the following:
- Implementation of a CEMP that will include standard construction controls (e.g. minimising construction lighting; dust suppression; clearing vegetation outside of the nesting bird season);
  - Habitat creation, including potential biodiverse roofs, and soft landscaping aimed at enhancing connectivity with areas of habitat in the local wider area (e.g. Dagenham Breach) – to be captured under the Outline Planning Application permission;
  - Biosecurity Risk Assessment to minimise the import and spreading of invasive species.
- 7.5. Discussions have also taken place between the Applicant and the Marine Management Organisation which was established by the Marine and Coastal Access Act 2009 (the “2009 Act”) to make a contribution to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas. The Marine Management Organisation will be consulted on subsequent material submitted for the discharge of conditions attached to this application.
- 7.6. Overall, the above matters are considered acceptable and officers are satisfied that, subject to conditions listed above, the overall impacts on Biodiversity and Ecology will be suitably managed.

## **8. Environmental Impact Assessment**

### Environmental Impact Assessment EIA Regulations

- 8.1. The Proposed Development is considered an ‘EIA development’ as it falls within the description and thresholds in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations.
- 8.2. Regulation 3 of the EIA Regulations prohibits granting planning permission unless prior to doing so, the relevant planning authority has first taken the ‘environmental information’ into consideration and stated in their decision that they have done so.
- 8.3. The ‘environmental information’ comprises the Applicant’s Environmental Statement, including any further information and any other information, and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

### EIA Scoping

- 8.4. An EIA Scoping Report was submitted on 9<sup>th</sup> October 2019, and a further addendum was submitted in December 2019 to seek a formal Scoping Opinion.

- 8.5. The EIA Scoping Report included a description of the proposed development and was accompanied by a location plan of the site and a list of the cumulative schemes to be assessed within the ES.
- 8.6. The EIA Scoping Report was reviewed on behalf of the Council by independent EIA consultants, Temple, and a formal EIA Scoping Opinion was issued on 13<sup>th</sup> March 2020 and the ES was informed by this document.

#### Environmental Information

- 8.7. An Environmental Statement (ES) was submitted by the Applicant covering the EIA Project, including the works covered by this application and the Outline Planning Permission (ref: 20/01907/OUTALL). The ES assessed the effects on the following environmental receptors (in the order they appear in the ES):
- Remediation, Decommissioning, Demolition and Construction;
  - Terrestrial Ecology
  - Marine Ecology
  - Flood Risk and Drainage
  - Surface Water Environment
  - Ground Conditions and Hydrogeology
  - Townscape and Visual
  - Archaeology
  - Traffic and Transport
  - Noise and Vibration
  - Air Quality
  - Socio-Economics
  - Climate Change
  - Wind Microclimate
- 8.8. To ensure the reliability of the ES, the Council appointed independent EIA consultants, Temple, to review the ES and to confirm whether it satisfied the requirements of the EIA Regulations. Where appropriate reference was made to other relevant documents submitted with the planning application.
- 8.9. Temple's initial review identified a number of clarifications and potential requests for 'further information' under Regulation 25 of the EIA Regulations. The Applicant was issued with a copy of Temple's Interim Review Report ("IRR") on 21<sup>st</sup> July 2020. The Applicant responded to the IRR, including through the submission of revised chapter of the ES (with results of additional ecological surveys), and a Final Review Report ("FRR") was prepared and issued to the Applicant on 20<sup>th</sup> August 2020. Lastly, the Applicant provided a response to the FRR on 3<sup>rd</sup> September 2020.
- 8.10. In addition to this, SLR Consulting, on behalf of Hanson UK, have provided responses to the Outline Planning Application on three occasions (7<sup>th</sup> July and 2<sup>nd</sup> October 2020, and 10<sup>th</sup> February 2021). Most of the comments relate to the Outline Planning Application however the officers have noted Hanson UK's concerns over the impact of the decommissioning on Jetty 4.
- 8.11. Lastly, Hovis, with support from Stantec, also submitted responses on three occasions (30<sup>th</sup> July and 30<sup>th</sup> September 2020, and 26 February 2021). Most of the comments relate to the

Outline Planning Application however the officers have noted Hovis' concerns over the following:

- Demolition management
- Air quality and dust monitoring
- Construction Waste processing
- Vehicle monitoring

8.12. Officers have considered the reviews and reports and are satisfied the ES has been appropriately reviewed in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regulations).

8.13. The 'Environmental Information' has been examined by the Council and has been taken into consideration by officers to reach a reasoned conclusion of the significant effects of the Proposed development, which forms the basis of the assessment presented in this report.

8.14. Appropriate mitigation / monitoring measures, as proposed by the mitigation register included at Chapter 19 of the ES, will be secured through planning conditions within this application, whilst the wider impacts are considered alongside the concurrent outline planning application (ref:20/01097/OUTALL).

## **9. Land contamination**

9.1. Policy SD1 of the London Plan and Policies BR1 and BR5 of the Borough Wide Development Plan seek to mitigate any contamination risk arising from developments.

9.2. Subject to a condition requiring further investigation and the submission of verification report for remediation measures, the officers are satisfied that the proposed land will be appropriately remediated for the proposed development in accordance with the above-mentioned policies.

## **10. Health and Safety**

10.1. The site is adjacent to Stolthaven Dagenham which is an ISO 9001 accredited bulk liquid storage terminal located on the River Thames. It stores a range of chemical, fuel and oil products. Stolthaven is designated by the Control of Major Accident Hazards (COMAH) as an upper tier facility for chemical installations and distribution and fuel storage / distribution.

10.2. The application, including the redevelopment of the site covered under the Outline Planning Application (ref:20/01097/OUTALL) has been referred to the HSE which is a statutory consultee using the HSE's Planning Advice Web App. The result confirms the HSE do not advise against the proposed development. The applicant has advised HSE have advised the applicant separately to be notified when the decommissioning works take place.

## **11. Conclusion**

11.1. The proposed development is considered acceptable in land use terms and will accord with the London Plan and emerging local plan.

- 11.2. Officers have considered the reviews and reports and are satisfied the ES has been appropriately reviewed in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regulations
- 11.3. The preparatory works are considered acceptable in principle and, subject to appropriate conditions controlling and managing the works any impacts on the surrounding environment, are considered to be suitably mitigated against.
- 11.4. As a whole, the proposed development is considered to accord with the Development Plan. It is on this basis that the grant of outline planning permission is recommended.

## Appendix 1. Development Plan Context

<b>Development Plan Context:</b>	
The Council has carefully considered the relevant provisions of the Council’s adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:	
<i>National Planning Policy Framework (NPPF) (MHCLG, Feb 2019)</i>	
<i>London Plan</i>	<ul style="list-style-type: none"> <li>Policy GG1 - Building Strong and Inclusive Communities</li> <li>Policy GG2 - Making the Best Use of Land</li> <li>Policy GG3 - Creating a Healthy City</li> <li>Policy D14 - Noise</li> <li>Policy G5 - Urban Greening</li> <li>Policy G6 - Biodiversity and Access to Nature</li> <li>Policy SI1 - Improving Air Quality</li> <li>Policy SI12 - Flood Risk Management</li> <li>Policy SI13 - Sustainable Drainage</li> <li>Policy SD1 – Opportunity Areas</li> <li>Policy T1 - Strategic Approach to Transport</li> <li>Policy T2 - Healthy Streets</li> <li>Policy T3 - Transport Capacity, Connectivity and Safeguarding</li> </ul>
<i>Local Development Framework (LDF) Core Strategy (July 2010)</i>	<ul style="list-style-type: none"> <li>Policy CM1 – General Principles for Development</li> <li>Policy CM2 – Managing Housing Growth</li> <li>Policy CM5 – Town Centre Hierarchy</li> <li>Policy CR1 – Climate Change and Environmental Management</li> <li>Policy CP2 – Protecting and Promoting Our Historic Environment</li> <li>Policy CP3 – High Quality Built Environment</li> </ul>
<i>Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)</i>	<ul style="list-style-type: none"> <li>Policy BR1 – Environmental Building Standards</li> <li>Policy BR2 – Energy and On-Site Renewables</li> <li>Policy BR3 – Greening the Urban Environment</li> <li>Policy BR4 – Water Resource Management</li> <li>Policy BR5 – Contaminated Land</li> <li>Policy BR10 – Sustainable Transport</li> <li>Policy BR11 – Walking and Cycling</li> <li>Policy BR13 – Noise Mitigation</li> <li>Policy BR14 – Air Quality</li> <li>Policy BR15 – Sustainable Waste Management</li> <li>Policy BP2 – Conservation Areas and Listed Buildings</li> <li>Policy BP3 – Archaeology</li> <li>Policy BP8 – Protecting Residential Amenity</li> </ul>
<i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19 Version) is at an “advanced” stage of preparation. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and limited weight will be given to the emerging document in decision-making, unless other material considerations indicate that it would not be reasonable to do so.</i>	
<i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19, December 2020)</i>	<ul style="list-style-type: none"> <li>Policy SP5 - Enhancing our Natural Environment</li> <li>Policy SP6 - Securing a Sustainable and Clean Borough</li> <li>Policy DM14 - Conserving and Enhancing Heritage Assets and Archaeology</li> <li>Policy DM19 - Urban Greening</li> <li>Policy DM20 - Nature Conservation and Biodiversity</li> <li>Policy DM24 - Energy, Heat and Carbon Emissions</li> <li>Policy DM26 - Improving Air Quality</li> <li>Policy CM27 – Land Contamination</li> <li>Policy DM28 - Managing Flood Risk, including Surface Water Management</li> <li>Policy DM33 - Deliveries, Servicing and Construction</li> <li>Policy DM36 - Development Contributions</li> </ul>



<i>Supplementary Planning Documents / Other</i>	<p>Shaping Neighbourhoods: Character and Context Supplementary Planning Guidance (GLA, June 2014)</p> <p>Accessible London – Achieving an Inclusive Environment Supplementary Planning Guidance (GLA, October 2014)</p> <p>Sustainable Design and Construction Supplementary Planning Guidance (GLA, April 2014)</p> <p>Planning Advice Note - Waste and Recycling Provisions in New and Refurbished Residential Developments (10 February 2013)</p> <p>London Riverside Opportunity Area Planning Framework (OAPF) (2015)</p>
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**Additional Reference:**

*Human Rights Act*

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

*Equalities*

In determining this planning application, Be First on behalf of the London Borough of Barking & Dagenham has had regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010 (as amended).

For the purposes of this application there are no adverse equalities issues.

*Local Government (Access to Information) Act 1985*

Background papers used in preparing this report:

- Planning Application
- Statutory Register of Planning Decisions
- Correspondence with Adjoining Occupiers
- Correspondence with Statutory Bodies
- Correspondence with other Council Departments
- National Planning Policy Framework
- London Plan
- Local Plan

## Appendix 2. Relevant Planning History

<i>Application Number:</i>	<i>15/00314/PRIOR4</i>	<i>Status:</i>	<i>Prior Approval Granted 20/04/2015</i>
<i>Description:</i>	<i>Application for prior notification of proposed demolition of Barking Power Station.</i>		
<i>Application Number:</i>	<i>19/01501/SCREEN</i>	<i>Status:</i>	<i>EIA Development</i>
<i>Description:</i>	<i>Screening Opinion: Proposed demolition of Barking Power Station consisting of the demolition of all buildings (excluding the cooling water shaft headhouse and structures associated with the cooling water intake/outtake tunnels, and the gas pipeline infrastructure) and redundant plant associated with the decommissioned Barking Reach Power Station to ground (slab) level.</i>		
<i>Application Number:</i>	<i>19/01331/PRIOR4</i>	<i>Status:</i>	<i>Prior Approval Granted 06/09/2019</i>
<i>Description</i>	<i>Application for prior notification of proposed demolition of: Pylons 1-9 from Barking Reach Power Station to Renwick Road Substation.</i>		
<i>Application Number:</i>	<i>20/00129/PRIOR4</i>	<i>Status:</i>	<i>Prior Approval Granted 25/02/2020</i>
<i>Description:</i>	<i>Application for prior notification of proposed demolition of Barking Reach Power Station including all structures (excluding the,cooling water shaft head house and certain structures associated with the cooling water intake/outtake tunnels, and the gas pipeline infrastructure) and redundant plant associated with the decommissioned Barking Reach Power Station to the top of the lowest man-made slab level. Proposal includes the below ground marginal work regarding the culverts.</i>		
<i>Application Number:</i>	<i>19/01610/SCOPE</i>	<i>Status:</i>	<i>Scoping Opinion issues 01/03/2020</i>
<i>Description:</i>	<i>Outline application (with all matters reserved except access) for site remediation/demolition/enabling works, and development of a consolidated wholesale market and ancillary uses with associated services floorspace, car parking and landscaping.</i>		
<i>Application Number:</i>	<i>18/01804/HAZ</i>	<i>Status:</i>	<i>Revoked 01/04/2019</i>
<i>Description</i>	<i>Revocation of the Hazardous substances consent</i>		
<i>Application Number:</i>	<i>20/01097/OUTALL</i>	<i>Status:</i>	<i>Pending consideration</i>
<i>Description</i>	<i>Outline application (with all matters reserved) for demolition of remaining existing buildings/structures and development of a consolidated wholesale market (including market spaces, logistics, distribution, food preparation areas, storage and ancillary uses) with associated circulation and service floorspace, car parking and landscaping. [This application is accompanied by an Environmental Statement]</i>		
<i>Application Number:</i>	<i>20/01293/FULEA</i>	<i>Status:</i>	<i>Pending consideration</i>
<i>Description</i>	<i>Application within the London Borough of Bexley: Outline application (with all matters reserved) for demolition of remaining existing buildings/structures and development of a consolidated wholesale market (including market spaces, logistics, distribution, food preparation areas, storage and ancillary uses) with associated circulation and service floorspace, car parking and landscaping. [This application is accompanied by an Environmental Statement]</i>		

### **Appendix 3. Consultation Responses**

For the purposes of this section any comments received on 20/01097/OUTALL have also been considered in relation to this application due to both applications facilitating the relocation of the wholesale markets, which results in an overlap in some of the comments received.

The following consultations have been undertaken:

- LBBB Community Solutions
- LBBB Policy and Participation
- LBBB Employment and Skills
- LBBB District Heating / Energy
- LBBB CCTV, Community Safety and Public Protection
- LBBB Environmental Health
- LBBB Emergency Planning
- LBBB Refuse Services
- LBBB Car Club / Travel plan / CPZ / Parking
- LBBB Access Officer
- LBBB Environmental Health
- LBBB Lead Local Flood Authority
- LB Newham
- LB Bexley
- LB Havering
- Thurrock County Council
- Designing Out Crime
- Essex and Suffolk Water Company
- National Grid
- UK Power Networks
- London Fire Brigade
- Thames Water
- London Underground Infrastructure
- Greater London Authority
- Historic England Archaeology
- Port of London
- Historic England Buildings
- Transport for London
- London City Airport
- Natural England
- Environment Agency
- Be First Regeneration
- Highways England
- Be First Transport Development Management

<b>Summary of Consultation responses:</b>		
<b>Consultee and date received.</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>
<b>Environmental Health</b>	<p>Responded on 18th June 2020 advising any planning permission should be subject to conditions relating to:</p> <ol style="list-style-type: none"> <li>1. Contaminated Land</li> <li>2. Construction Management and Site Waste Management Plan</li> <li>3. Acoustic Protection</li> <li>4. Noise from Non-Residential Uses and Plant and Structure Borne Noise Emissions</li> <li>5. Details of Any Commercial Kitchen Extract Ventilation System</li> <li>6. Piling, Deep Foundations and Boreholes</li> <li>7. Hours of Use of Non-Residential Uses and Delivery/Collection Hours</li> <li>8. Air Quality and Air Quality Neutral Assessment</li> <li>9. Emissions from Non-road mobile machinery (NRMM)</li> <li>10. Light</li> </ol>	<p>The comments mainly relate to the outline planning permission. However, where necessary conditions have been recommended to this application also.</p>
<b>Environment Agency</b>	<p>Environmental Agency responded on 15<sup>th</sup> July confirming they have no objections to the application on flood risk grounds. The site is located within Flood Zone 3 and is protected to a very high standard by the Thames tidal flood defences up to a 1 in 1000 (0.1%) chance in any year flood event. EA latest flood modelling shows the site would be at risk if there was to be a breach in the defences or they were to be overtopped.</p> <p>They have recommended 7 conditions should planning permission be granted.</p>	<p>The requested conditions have been imposed.</p>
<b>London Underground Infrastructure</b>	<p>Response received on 11/06/2020 advising London Underground Infrastructure Protection has no comment to make on this planning application</p>	<p>Noted</p>
<b>Historic England (Archaeology)</b>	<p>Response received on 26th June 2020 advising no objection subject to an Archaeological condition.</p>	<p>Requested condition imposed.</p>
<b>Designing Out Crime Officer 03/06/2020</b>	<p>03/06/2020 In order to promote a continuous level of security for a project, the security of the construction phase should be considered. Crime on building sites and construction sites often contribute to spikes in crime figures for the local area and place a burden on local blue light resources and the local community.</p>	<p>The comments mainly relate to the outline planning permission.</p>

	08/09/2020 However recent consultations appear to have failed to engage with police at this pivotal stage and the lack of data focusing on security for the proposed site leave the police no other option other than not to support this application.	
<b>Historic England (Building)</b>	Response received on 3 <sup>RD</sup> June 2020, On the basis of the information available to date, we do not wish to offer any comments.	Noted.
<b>Natural England</b>	Response received on 15th June 2020 raising no objection.	Noted.
<b>London City Airport</b>	Response received on 22nd June 2020 advising no objection subject to a bird striking condition.	The comments mainly relate to the outline planning permission.
<b>LBBD Access officer</b>	Response received on 23rd June providing comments on accessible parking and changing places facilities.	The comments mainly relate to the outline planning permission.
<b>LBBD Waste</b>	Response received on 20 <sup>th</sup> July advising of general requirements for commercial waste.	The comments mainly relate to the outline planning permission. However, where necessary conditions have been recommended to this application also.
<b>London Fire Brigade</b>	Response received on 1st July advising no fire hydrants are required and emergency fire vehicle access guidance provided.	Noted.
<b>Port of London Authority</b>	Response received on 3rd July 2020 confirming the PLA is supportive of the overall scheme particularly with regard to the potential for the site to make use of the River Thames for the onward transportation of goods, specifically into Central London. The submitted Transport Statement (TS) includes a section on River Freight, stating that the City of London is investigating the opportunity for river freight into the site including the potential acquisition of a river jetty and adjacent land at the southern end of Hindmans Way to support river freight operations. The TS further states that establishment of suitable and viable alternative river operations will take time to establish and will unlikely to be fully in place upon the proposed occupation of the markets by 2025.	The comments mainly relate to the outline planning permission. However, where necessary conditions have been recommended to this application also.

	<p>The PLA considers that an appropriately worded condition must be added to ensure the potential for river freight is fully investigated and set out. The PLA must be able to review and comment on the addendum to the TS when this has been completed.</p> <p>It is noted that a detailed Construction Logistics Plan (CLP) will be produced by the applicant once a contractor has been appointed. It is essential that within the CLP there is full consideration of the use of the River Thames a part of the construction phase of the development through the supply chain. Further comments received on 25<sup>th</sup> September 2020 acknowledging the further information provided and the emphasis on the above conditions.</p>	
<p><b>Transport for London</b></p>	<p>Transport for London have been involved throughout the course of the pre-application and also during the application. The final comments received were on 19<sup>th</sup> February 2021.</p> <p>The response can be summarised as:</p> <ul style="list-style-type: none"> <li>-A13 is already an heavily congested network</li> <li>- in this context the impact is inevitably disproportionately higher, the scheme adds 14% to the baseline traffic on the westbound on-slip at the Goresbrook Interchange in the period beginning 0600 (9% at 0700 and 3% at 0800).</li> <li>-The works proposed by the applicant at Goresbrook Interchange are necessary for reasonable levels of access to the market, providing capacity at that junction to accommodate its own traffic. They do not appear to provide any elements of mitigation as is required by Policy T4(E).</li> <li>- While the replacement flyover is funded by the A13 management contract, there is as yet limited funding for the other schemes and therefore no certainty over their delivery. In any case, these proposed schemes would not fully mitigate the impact of this scheme.</li> <li>-We are concerned about this impact, particularly in light of the need to address the significant cumulative transport impacts of this and other projected development within the emerging Local Plan and as envisaged at a strategic level in the new London Plan. We believe that these issues should be considered strategically with TfL and neighbouring boroughs on a sub-regional basis.</li> </ul>	<p>The comments mainly relate to the outline planning permission. However, where necessary conditions have been recommended to this application also.</p>

	<p>-First, a contribution should be secured toward schemes on the A13 to better manage traffic, particularly to safeguard road safety at times of increased congestion, and to safeguard bus journey time on the approaches to Goresbrook Interchange and on the section of A13 on which they run.</p> <p>-Second, limits on traffic entering and departing the site during key time periods.</p> <ul style="list-style-type: none"> <li>- TfL have recommended a number of conditions.</li> <li>- A financial contribution towards buses (£2.95m)</li> <li>- A financial contribution towards Hydrogen fuelling stations.</li> <li>- It is essential that any on-carriageway cycle lanes are segregated appropriately from other vehicle traffic. The most appropriate form of segregation is likely to be the use of “orca and wand” units, which carry a retro-reflective “wand” which will show up in the same way as a traffic cone, and the “orca” will provide tactile and audible feedback to any driver who goes over them.</li> <li>-To reduce the consequential impacts of vehicle movement on emissions and air quality, it is expected that the requirements of the London Plan in terms of electric vehicle charging will be met. Policy T6(G) requires that all operational parking includes electric vehicle charging provision including rapid charging. Since customer parking is in part justified on the basis that it is operational, we will expect charging facilities to be installed.</li> <li>- Highway works appear reasonable</li> <li>-We remain concerned that their arrival at the site and connections within it may be compromised by the heavy emphasis on vehicle movement. This matter should be addressed specifically at Reserved Matters stage.</li> <li>-TfL have also requested attendance on the Steering group and provided a list of items they wish to be covered within the group.</li> </ul>	
<b>Network Rail</b>	Response received on 06 <sup>th</sup> October 2020 advising of informatives should planning permission be granted.	The informatives have been passed to the applicant.
<b>LBBD Drainage</b>	Response received on 3rd July 2020 confirming the officer is satisfied with the proposals and that the precise details will come forward at reserve matters stage.	The necessary conditions have been imposed.

<p><b>Thames Water</b></p>	<p>Response received on 16th June 2020 advising Waste Thanes Water do not have any objection to the above planning application, based on the information provided.</p>	<p>Noted.</p>
<p><b>Transport Development Management</b></p>	<p>Ongoing discussions and comments provided on several occasions. Final comments received on 10/02/2021.</p> <p>The comments can be summarised as:</p> <ul style="list-style-type: none"> <li>- In support of an Outline Planning Application (OPA) 20/01097/OUTALL for the relocation of the City Markets an extensive, Transport Assessment (TA) with multiple traffic surveys completed during the busy periods before the Coronavirus outbreak was submitted in May 2020 and the subsequent TA Addendum (TAA) submitted in August 2020. At the request of the LPA a Consolidated Transport Assessment (CTA) has been prepared in addition to these documents. This CTA incorporates additional elements and comprises microsimulation traffic modelling VISSIM, more data analysis, interview surveys, the feedback from the consultation undertaken and results of the London Riverside Opportunity Area (LROA) Study outcomes, into a single document. The conclusions of the previous documents have been incorporated into this document and therefore CTA only needs to be considered at this stage for the purposes of the OPA.</li> </ul> <p>To reduce traffic impacts short term and long-term mitigation measures are proposed. Short term measures consist of both on-site and off-site measures to be implemented from opening of the wholesale markets in 2025/2026. The long-term measures will be implemented off-site with a wider strategic outlook to increase the use of alternative modes and capacity for the delivery of goods by rail and river freight.</p> <p>It is shown in the CTA table 6.12 with on-site mitigation measures its predicted the total number of vehicle trips reduces by 1,817 vehicles to 8,950 vehicles per day.</p> <ul style="list-style-type: none"> <li>-Microsimulation modelling (VISSIM) has also been undertaken to analyse current capacity that includes the local highway network and the Goresbrook Interchange as a complete network. The VISSIM model covers the AM peak periods 06:00-07:00, 07:00-08:00 and 08:00-09:00. The 2020 baseline results show a significantly greater journey time for the A13 in the westbound direction compared to the eastbound direction, which is free flowing, in all time periods</li> </ul>	<p>The comments mainly relate to the outline planning permission. However, where necessary conditions have been recommended to this application also.</p>



assessed. Congestion on the A13 westbound carriageway is such that drivers try to bypass it by leaving and re-joining the A13 via the westbound off and on-slips.

- The CTA in relation to the wider strategic A13 highway network, incorporate the Package 1 measures recommended in the LROA study which identifies improvements to the Goresbrook Interchange in the detailed modelling assessment and reflects the forecasted impact related to the development specifically. The Applicant proposes to bring forward the LROA Goresbrook Interchange Package 1 measures to be implemented by 2025 to accommodate background traffic growth and the predicted traffic to and from the Proposed Development site.
- The baseline 2020 highway modelling results and subsequent 2025 and 2031 base scenarios, indicate that, conditions on the A13 must be improved to relieve the congestion on the strategic network.
- It is intended that there will be multiple points for vehicles to access via Chequers Lane, with separate access for HGVs, LGVs / vans, car, cyclists, and pedestrians. The ground floor illustrative plans show the north access is proposed for HGV access only while the remaining three accesses can be used for car, van, bicycle, and pedestrians.
- The applicant has reflected our earlier comments about the reduction from the proposal in the previous TA of 3060 parking spaces based on the three existing markets to this final proposed total of 2,112 vehicle parking spaces. - The commitment by the applicant to implement significant measures both in the short- and long-term and their objective approach to continue to reduce vehicle trips, and associated parking overtime the parking level is considered appropriate.
- 20% should be ECVP and remaining passive, and 10% blue badge
- This cycle parking provision will be in line with The Published London Plan (2020) cycle parking standards for B8 and D1 land providing a total of 126 long-stay and 82 short-stay cycle parking spaces across the uses.
- the comment outlines the mitigation measures agreed with the applicant

The proposal achieves the principal transport policy objectives and consequently it is our view policy compliant. The assumptions made in the assessment are considered robust and the

	<p>findings regarding the additional trips associated with the proposed consolidated markets have been subject to testing and modelling to show these can be accommodated on the network. It is believed the proposed measures address the traffic related impacts arising from the proposed development and that the transport networks supporting the development will continue to operate satisfactorily following the developments full occupation. Therefore, subject to the proposed mitigation measures being secured and based on the information that has been provided it seems that there are no apparent adverse highway implications to suggest the development will give rise to significant numbers of new trips or any substantial safety reasons that this should not be approved because of issues relating to the transport and highway network.</p>	
<p><b>Urban Design Officer</b> <b>29/07/2020</b></p>	<p>The Design and Access Statement is comprehensive, the scale, nature and parameters are acceptable and the basic design principles are sound. The future reserve matters are where the proposed detailed design principles/moves will require Urban Design input.</p>	<p>The comments mainly relate to the outline planning permission.</p>
<p><b>Highways England</b></p>	<p>On 6th August 2020 a holding response was issued, followed by detailed on comment on 2nd September. Further responses were received on 30th September and 29th October raising a number of concerns on the A13 Junction with the M25.</p> <p>Following the CTA a final response was received on 21st February 2021 advising Highways England offer no objection On the basis that, with robust travel plan measures implemented, we are satisfied that the proposal will not materially affect the safety, reliability and/or operation of the Strategic Road Network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 &amp; 10, and MHCLG NPPF2019, particularly paragraphs 108 and 109) on the Strategic Road Network, particularly M25 Junction 30</p>	<p>The comments mainly relate to the outline planning permission.</p>

## Public Consultation

For the purposes of this section any comments received on 20/01097/OUTALL have also been considered in relation to this application due to both applications facilitating the relocation of the wholesale markets, which results in an overlap in some of the comments received.

Neighbour Notification:	
Site Notices Erected:	11 <sup>th</sup> June 2020
Date of Press Advertisements:	11 <sup>th</sup> June 2020, 9 <sup>th</sup> September 2020, 20 <sup>th</sup> January 2021
Number of neighbouring properties consulted:	267 letters sent on three separate dates
Number of responses:	7 Representations and one clarification. <ul style="list-style-type: none"><li>• Hovis Limited in <b>objection</b> to the application</li><li>• Hansons Aggregates in <b>objection</b> to the application</li><li>• Dr Loannis Anagnostopoulos in <b>objection</b> to the application.</li><li>• Ford Motor Company Ltd in <b>support</b> of the application</li><li>• Lagmar in <b>support</b> of the application</li><li>• Barking Riverside Ltd <b>neutral</b> to the application</li><li>• DHL Ltd in <b>objection</b> to the application</li><li>• Along with clarification from a local business.</li></ul>

2.1. The representations are discussed in more detail below.

### Hovis

2.2. On 15/06/2020 a holding response was received raising the following initial concerns:

- Impact on local traffic highway
- Impact on Chequers Lane
- Impacts on Dust levels during construction.

2.3. This was followed by detailed comments received on 30/07/2020. The detailed comments can be summarised as follows.

- Hovis have a head count of around 350 staff at the site, the majority of which drive to the site.
- They undertake circa 150 HGV deliveries with the peak time of midnight to 4am which coincides with a busy period of the existing markets.
- All of Hovis products are transported by road
- The site has the sole access point from the Goresbrook Interchange
- The site supplies all of London and the South East with products
- The nature of these products, and need to supply in the morning means there delivery times cannot be altered.
- There is a concern Chequers Lane is in an inadequate condition to deal with the proposed development.

- The way Hovis products are packaged dust can contaminate them and render them unusable.
- 2.4. The representation is accompanied by detailed third party reviews of the application undertaken by Stantec:
1. Dust and Air Quality Impact Review, Stantec
  2. Chequers Lane and Proposed Site Access Review
  3. Construction and Operational Vehicle Impact Review
- 2.5. The letter summarises the position as Hovis requesting:
1. The following are secured by planning conditions/s106:
    - Detailed Construction Environmental Management Plan
    - Ultra-Site Considerate Constructors standards
    - Hours of construction work
    - Dust Management Plan and monitoring
    - Commitment to improve and adopt Chequers Lane.
  2. The following alterations are made:
    - Access Parameter Plan
    - Construction waste storage locations
    - CEMP construction access zones.
  3. The following further information is provided:
    - Air Quality ES Chapter Addendum
    - Transport Assessment Addendum, including proposed mitigation through infrastructure investment.
- 2.6. On 30<sup>th</sup> September 2020 a further response was received raising the following matters. It also advised that Hovis was in discussion with the applicant.
- Hovis are concerned that the planning application significantly under-estimates the number of traffic movements generated by the proposed development
  - Hovis are concerned that the planning application does not put forward at least one appropriate design solution for Chequers Lane.
  - Hovis are concerned that the current condition of Chequers Lane is not adequate to support the proposals and that the unadopted status of the road could frustrate the delivery of the scheme.
- 2.7. On 22<sup>nd</sup> February 2021, Be First officers met with Hovis on site, where the concerns especially relating to the Chequers Lane junction with Choats Road was discussed. The main concern from Hovis is the proximity of the site's access to the junction and therefore the consequential impact if the junction works do not fully account for Hovis deliveries.
- 2.8. DHL are also based at the Hovis site, they provided a response on 10<sup>th</sup> August 2020 raising the following three issues:
- Impact on local traffic highway
  - Impact on Chequers Lane

- Impacts on Dust levels during construction

### **Dr Loannis Anagnostopoulos**

2.9. I object as this will generate tons of rubbish, more pollution from vehicles coming and going and will attract more rodents to an area that already has huge problems.

### **Lagmar (Barking) Ltd**

2.10. Lagmar (Barking) Ltd responded in support of the application on 10th February 2021 advising they own the Vicarage Fields shopping centre within Barking Town Centre.

2.11. Lagmar advised they fully support the principle of the proposal and the investment and new jobs that it will generate and that it could act as a positive catalyst in the Borough for the growth of food-related business in the area, which forms a key strand of the BTC Regeneration Strategy.

2.12. They have requested a number of conditions to ensure ancillary uses remain ancillary to the markets in order to ensure they do not become of a scale that affects the town centre.

### **Ford Motor Company Ltd**

2.13. Ford Motor Company Ltd submitted a response on 25<sup>th</sup> September 2020 confirming their support for the planning application, as it continues the ongoing redevelopment of Dagenham supporting the needs of the local community.

2.14. Further to this Ford advise it re-enforces Dagenham as a major multi-modal (Road/Rail/River) logistics hub, forming a significant gateway into London for industry and businesses along the Thames Estuary.

### **Hanson**

2.15. On 07<sup>th</sup> July 2020, SLR Consulting Ltd objected to both planning applications. The main issues from the letter can be summarised as:

- Hanson have been operating from the site for almost 40 years, with night-time deliveries between 11pm and 7am.
- Hanson use the site for the sale and transport of aggregates with deliveries taking place from the River Thames and sales and deliveries made using the surrounding highway.
- Hanson object on the basis of the highway improvements not being known and therefore question whether the application has been submitted prematurely and therefore should be held in abeyance or withdrawn.
- Food markets are potentially sensitive receptors to dust and therefore there could be an 'agents of change' issue arising with concerns over dust modelling.
- Further information should be provided on Air Quality Neutral
- Noise chapter within the ES should also be updated.
- In relation to 20/01094/FULL decommissioning of the inlet shaft will require works to take place to Jetty 4 and no formal agreement is in place for this with Hanson
- BearingPoint Study into Freight should be submitted.
- Hanson request to be involved in post-planning to ensure works do not impact on Jetty.

2.16. On 2<sup>nd</sup> October, a further response from SLR Consulting Ltd on behalf of Hanson's was received. The main points from the letter can be summarised as:

- Pleased to see further information.
- Concerns remain.

- The Air Quality Assessment is not considered sufficiently robust to inform determination of the planning application.
- The application is considered premature.
- All mitigation should be brought forward in advance of the development.

2.17. A third response from SLR Consulting on behalf of Hanson's was received on 10<sup>th</sup> February 2021.

- The comments raised in the previous letters remain and are not superseded by this letter.
- The Consolidated Transport Assessment fails to consider seasonal fluctuations.
- If the traffic generation does not accord with the CTA/ Travel Plan then robust and appropriate alternative measures should be identified and secured through the s106 agreement

### **Barking Riverside Limited (BRL) 22/09/2020**

2.18. BRL submitted a consultation response to the application summarised as:

- The application has come ahead of the conclusion of that work and indeed, the Local Plan, any adoption of the London Plan and any review of the OAPF.
- We would suggest that a key issue in the consideration of the application is how the development will impact upon the A13 and the local network, the identification, delivery and funding of any interventions that are necessary
- The study area of the Transport Assessment and Addendum for the London Markets application is small and clearly there would be wider impacts which have not been picked up in the submission documents, but which we would hope are included in the Jacobs study. There is therefore a need to identify the impacts of the Markets application on the wider area so that proportionate contributions towards improvements can be identified and secured.
- The Transport Assessment and Addendum identify that background traffic and the Market in combination will result in congestion on the highway network. This highlights the importance of developing a joint solution to resolving traffic issues now, and to avoid BRL having to provide further mitigation to meet any additional capacity when bringing forward subsequent land parcels, after the Market application has been approved.
- In addition to the above, the City Markets proposal gives rise to wider opportunities to support and contribute to the ongoing regeneration of London Riverside.
- BRL look forward to working with the Council, TfL and other stakeholders in continuing to deliver the beneficial regeneration of London Riverside.

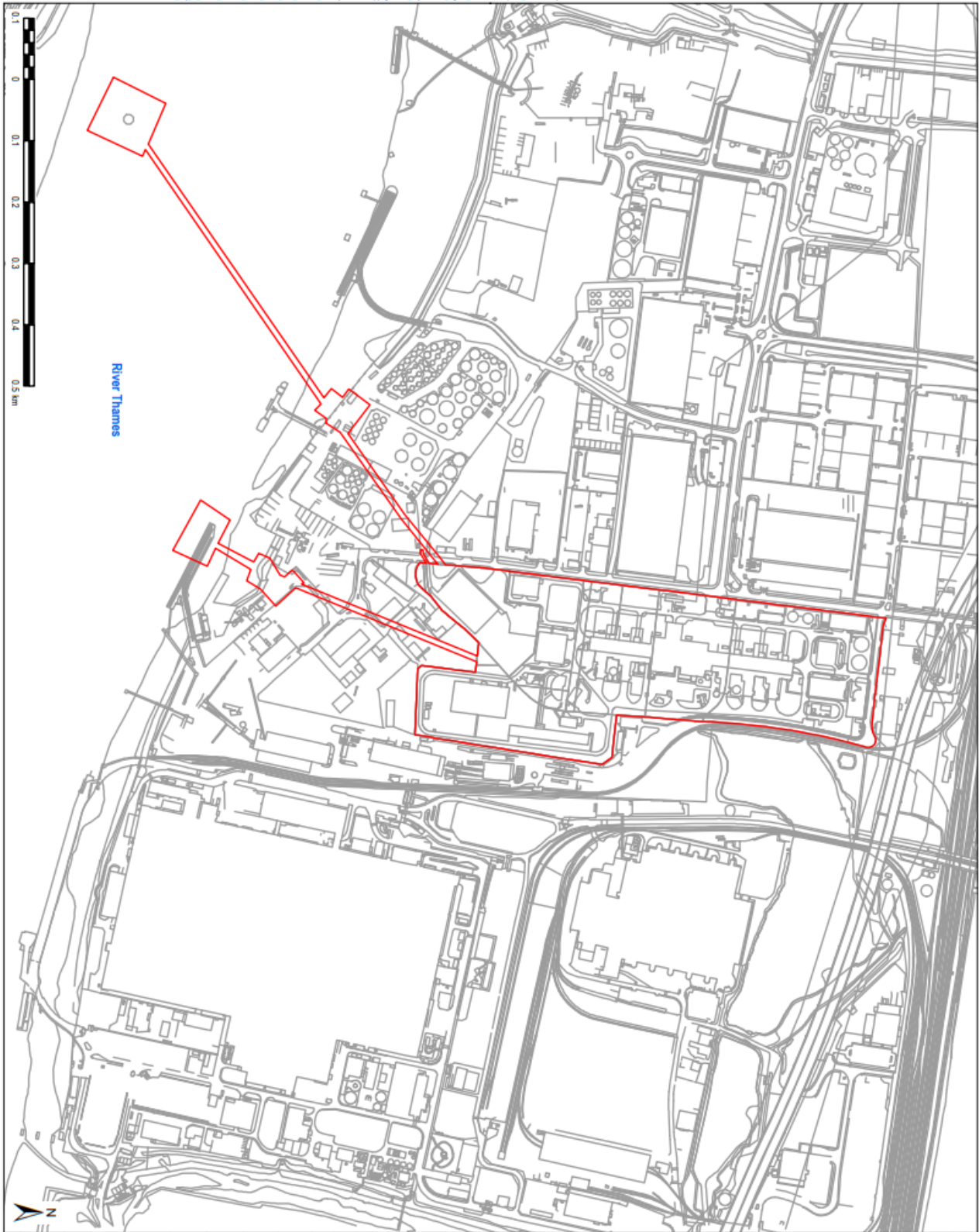
### **Monolith UK Ltd**

2.19. Monolith UK Ltd based opposite the application site emailed on 8th February requested further details of the application. A link to the website was provided and no further comments on the application have been received.

<b>Officer Summary:</b>
The material planning considerations are addressed within the planning assessment, with the majority of comments relating to the outline planning application.

# Appendix 4. Site Plan

File Name: lru:\aecom\corporate\UK\London\City of London\Phase 2\06\_CAD\_091916\_DSR\app\client\maping\060420\_CityofLondon\_Figure1\_LondonPlan\lru\lru\FPA\border.mxd



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**LEGEND**

- FPA Site Boundary

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**Project Name:** DAGENHAM DOCK

**Client:** CITY OF LONDON CORPORATION

**Project Title:** FPA PLANNING APPLICATION BOUNDARY

**Drawing Title:** FPA PLANNING APPLICATION BOUNDARY

**Scale:** 1:10,000

**Author:** AECOM

**Check:** 0

**Drawing Number:** FIGURE 1

## **Appendix 5. List of Planning Conditions**

### **General**

#### **1. Statutory Time Limit**

The development hereby permitted shall be commenced before the expiration of THREE YEARS from the date of this permission.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).*

#### **2. Approved Plans**

The development hereby permitted shall be completed in accordance with the following Plans and Documents, unless otherwise agreed in writing with the Local Planning Authority:

Site Location Plan AECOM

Documents:

Environmental Statement: Volume I Main Document, Volume II Technical Appendices, Non-Technical Summary AECOM

Outline Construction Environmental Management Plan AECOM

Framework Traffic Management Plan Momentum

Ground Contamination Preliminary Risk Assessment and Site Investigation Scheme Arup 19 May 2020

Dagenham Dock (BRPS and New Market) - Environmental Statement Addendum (AECOM)

Geo-environmental Baseline Report for assets outside of the main site Arup

Phase 1 Geotechnical Desk Study Report AECOM

Planning Statement Deloitte LLP

Outline Construction Resource Management Plan AECOM

Arboricultural Impact Assessment AECOM

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

### **Information required prior to demolition works**

#### **3. Dust Management Plan**

The development permitted shall not commence until the submission of an updated dust risk assessment based upon the risk assessment presented in the ES Addendum Chapter 9, dated August 2020, and prepared by AECOM, which shall be undertaken in compliance with the Greater London Authority and London Councils' "the Control of Dust and Emissions from Construction and Demolition SPG" July 2014. The risk assessment and the monitoring and mitigation plan shall be submitted to the Local Planning Authority for approval.

No demolition shall commence until an Air Quality Dust Management Plan (AQDMP) is submitted to and approved in writing by the Local Planning Authority. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers residential receptors on-site and off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London's "The Control of Dust and Emissions during Construction and Demolition", SPG, July 2014 and the identified measures recommended in the AQDRA.

*Reason: in order to reduce the environmental impact of the construction phase and the impact on the amenities of neighbouring businesses*



## **Prior to commencement of development**

### **4. Construction Environmental Management Plan (CEMP)**

The development permitted shall not until a Construction Environmental Management Plan (CEMP) for the relevant Development Zone has been submitted to and approved in writing by the Local Planning Authority.

These plans shall incorporate details of:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials;
- d) the erection and maintenance of security hoarding(s) including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;

measures to control the emission of dust, dirt and emissions to air; such measures to accord with the guidance provided in the document "The Control of Dust and Emissions during construction and demolition" SPG, July 2014,; including but not confined to, non-road mobile machinery (NRMM) requirements;

- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) the use of efficient materials;
- i) methods to minimise waste, to encourage re-use, recovery and recycling, and sourcing of materials; and
- j) a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.
- k) Demonstrating compliance where possible with Ultra – Site Considerate Constructor Standards

Demolition and associated activities are to be carried out in accordance with the recommendations contained within British Standard 5228:2009+A1:2014, "Code of practice for noise and vibration control on construction and open sites", Parts 1 and 2.

The approved CEMP shall be implemented for the entire period of the construction works at the site, to the satisfaction of the Local Planning Authority.

*Reason: The CEMP is required prior to commencement of development in order to reduce the environmental impact of the construction phase and the impact on the amenities of neighbouring businesses*

### **5. Construction Resource Management Plan**

The development permitted shall not commence until a Construction Resource Management Plan (CRMP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall set out the principles for waste management, identify measures to minimise waste by design, estimate waste quantities, set targets for waste minimisation and a framework for waste monitoring that the contractor will be required to implement on-site.

The Plan shall be implemented in accordance with the approved details and thereafter maintained throughout the works.

*Reason: To ensure effective waste management.*

### **6. Construction Logistics Plan**

The development hereby permitted shall not commence until a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be designed to minimise deliveries of materials and export of any waste materials within the times of peak traffic congestion on the local road network. The Plan shall be implemented

in accordance with the approved details and thereafter maintained throughout the duration of works.

*Reason: The Construction Logistics Plan is required prior to commencement of development in order to minimise the impact of development on the free flow of traffic on the local highway network and in the interests of highway safety*

## **7. Invasive Non-Native Species Management Plan (INNS)**

The development permitted shall not commence until an Invasive Non-Native Species Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall detail measures to be implemented in order to minimise the risk of aiding the spread of the invasive plant species that are known to be located at the Site.

The Plan shall be implemented in accordance with the approved details and thereafter maintained.

*Reason: in order to protect local ecology and ensure compliance with the ES.*

## **8. Archaeology**

The development permitted shall not commence until a Stage 1 Written Scheme of Investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by Stage 1 then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the Stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed Stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- B. Where appropriate, details of a programme for delivering related positive public benefits.
- C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the Stage 2 WSI.

*Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation followed by the subsequent recording of significant remains prior to development (including preservation of important remains), in accordance with recommendations given by the borough and in the NPPF.*

## **9. Contamination**

The development permitted shall not commence until:

- (a) an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
  - (i) a survey of the extent, scale and nature of contamination;

- (ii) an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments; and
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management (LCRM) framework' (October 2020) and;

- b) a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The approved remediation scheme must be carried out in accordance with its terms prior to commencement of the development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
- d) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met.
- e) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

*Reason: Contamination must be identified prior to commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.*

#### **10. Water Quality Monitoring Plan**

If deemed to be required based on the assessment undertaken in accordance with 9(a) The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

*Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary*

*long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework.*

#### **11. Method Statement for protection of Jetty 4.**

Prior to the commencement of any works to the Cooling Water Intake Shaft, a method statement outlining the scope of works proposed and the measures adopted to protect the Grade II listed Jetty 4 shall be submitted to and approved in writing by the local planning authority.

The development shall only be carried out in accordance with the details hereby approved.

*Reason: In order to ensure the development does not have an adverse effect on the structural stability of the Jetty which is grade II listed.*

#### **12. Water Tunnel Decommissioning Methodology.**

Prior to the commencement of the decommissioning of the water tunnels, a method statement outlining how the tunnels will be decommissioned shall be submitted and approved in writing by the local planning authority.

*Reason: In order to ensure the decommissioning of the water tunnels is carried out safely.*

### **Compliance conditions**

#### **13. Construction Working Hours**

Demolition and associated activities, other than internal works not audible outside the site boundary, are only to be carried out between the hours of 07:00 and 19:00 Monday to Friday and 07:00 and 13:00 Saturday, with no work on Sundays or public holidays without the prior written permission of the Local Planning Authority. Driven piling or ground improvement work which will generate perceptible off-site ground borne vibration is only to be carried out between the hours of 07:00 and 19:00 Monday to Friday.

*Reason: To ensure that the proposed demolition and construction work does not cause nuisance and disturbance to neighbouring occupiers and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.*

#### **14. Site specific non-road mobile vehicles (NRMM)**

During onsite construction works, all non-road transportable industrial equipment or vehicles which are fitted with an internal diesel powered compression ignition engine between 37 and 560KW and not intended for transporting goods or passengers on roads are required to be NRMM registered and comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance 'Control of Dust and Emissions from Construction and Demolition SPG' July 2014. Such vehicles must be run on ultra low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel'). "Ultra low sulphur diesel" means fuel meeting the specification within BS EN 590. Where these standards are succeeded, they should be applied no later than 1 year after succession. Exemptions to these standards may be granted for specialist equipment or for equipment with alternative emission reduction equipment or run on alternative fuels. Such exemptions shall be applied for in writing to the LPA in advance of the use of such vehicles, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Exemptions that are granted will be in writing and such vehicles must not be used until written exemption has been received by the applicant. No vehicles or plant to which the above emission standards apply shall be on site, at any time, whether in use or not, unless it complies with the above standards, without the prior written consent of the local planning authority.

*Reasons: To ensure that air quality is not adversely affected by the development and to protect the amenity of future occupants and/or neighbours.*

#### **15. Explosive Ordnance Threat Assessment**

The development permitted by this planning permission shall only be carried out in accordance with the UXO risk and mitigation measures set out in paragraph 10.5.53 of the – ES Volume I Chapter 10: Ground Conditions and Hydrogeology AECOM May 2020

Reason: to reduce risk to human health and to ensure compliance with the ES mitigation measures

#### **16. Asbestos and Contamination Removal**

The development permitted by this planning permission shall only be carried out in accordance with the mitigation measures set in table 10-11: Remediation and Decommissioning Additional Mitigation Measures of the ES Volume I Chapter 10: Ground Conditions and Hydrogeology AECOM May 2020

*Reason: to reduce risk to human health and to ensure compliance with the ES mitigation measures*

#### **17. Transport's for London Code of Practice for quieter deliveries**

The development permitted shall be carried out in accordance with the Transport's for London Code of Practice for quieter deliveries dated May 2018.

*Reason: to ensure compliance with the ES mitigation measures*