

# Riverside Resource Recovery Facility

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## Realignment of Ditch 9

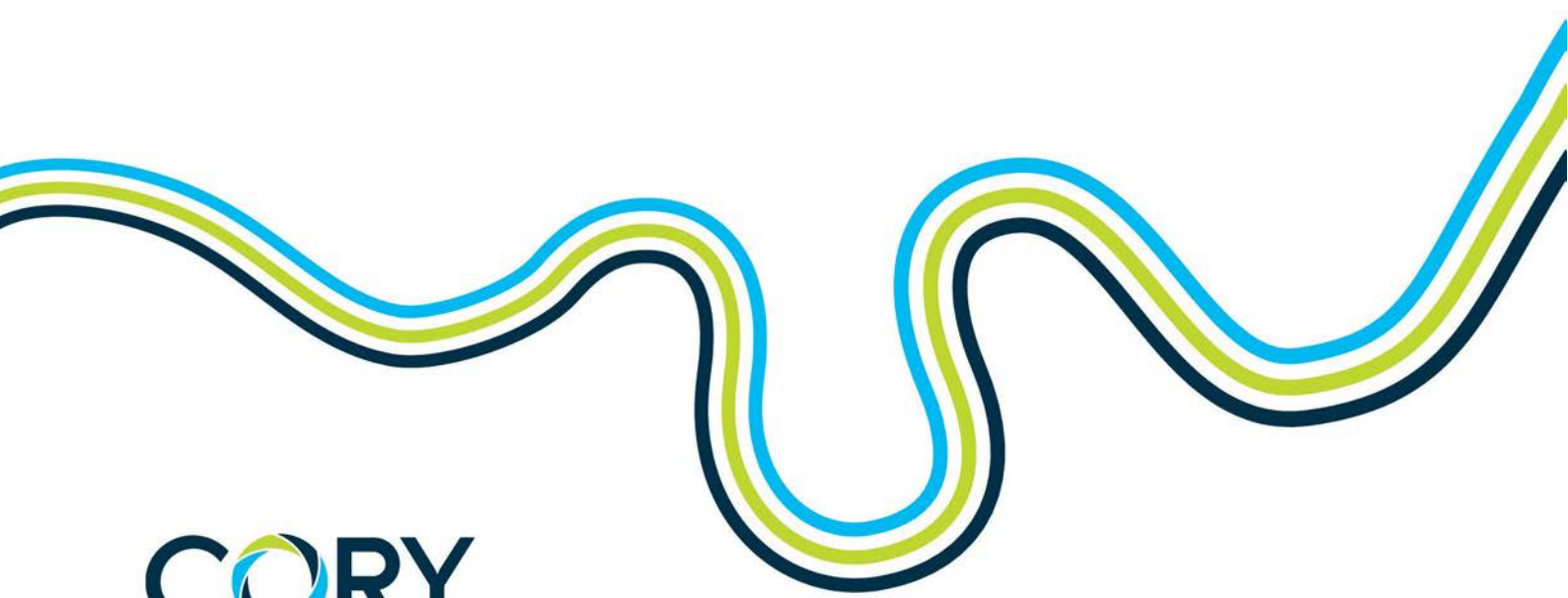
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### Planning Statement

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November 2021 | Revision 1

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## 1. Introduction

### 1.1 The Application

- 1.1.1 This planning statement has been prepared as part of a full planning application for the realignment of a section (of no more than 50m in length) of Ditch 9/Ford Ditch on land to the south of Riverside Resource Recovery Facility, Norman Road, Belvedere.
- 1.1.2 Together with the statutory application forms and drawings referenced below these documents form the submission planning application for the proposed development:
- Figure 1 – Site Location;
  - Figure 2 – Application Area;
  - Drawing number S3259-8310-0023DW Ditch Nine Existing Plan View R1.0;
  - Drawing number S3259-8310-0024DW Realignment of Ditch Nine R1.0; and
  - Drawing number S3259-8310-0027DW Profile of Realigned Ditch Nine R1.0.
- 1.1.3 This planning statement has been prepared to address all relevant planning matters and is set out in the following order:
- Section 1 – Introduction, presenting the planning application and the applicant
  - Section 2 – Development Site, describing the application site within its wider context
  - Section 3 – Project Description, describing the project and its planning context
  - Section 4 – Policy Consideration, addressing policy relevant to the proposed development including reference to the technical assessments that have been undertaken
  - Section 5 – Conclusions
  - Annex A – Northern Marshes Water Vole Report, Keystone, September 2021, Jan 2021 and September 2020
  - Annex B – REP DCO ES figures 11.7 a and b
  - Annex C – London Belvedere Data Centre Biodiversity Management Plan
- 1.1.4 The description of development refers both to Ditch 9 and Ford Ditch as the relevant ditch has been subject to both names in previous consents. Within this report, reference will only be made using the name Ditch 9.
- 1.1.5 Due to the seasonality of undertaking the proposed displacement of water vole, it is hoped that this application can be determined within the standard determination period (8 weeks) for non-EIA development.

### 1.2 The Applicant

- 1.2.1 Riverside Resource Recovery Limited (RRRL) is the Applicant and forms part of the Cory Group (trading as 'Cory'). Cory has provided essential services and infrastructure to the people of London, and operating barges along the River Thames, since the late 1800s. Today, the Company provides a wide range of resource management services to a number of different

clients, including waste transfer, sorting for recycling, and energy recovery, and still uses barges to transport waste and ash.

- 1.2.2 Throughout 2021, Cory has sought to optimise the use of its Riverside campus, working to: discharge the requirements of the Development Consent Order for Riverside Energy Park; developing a battery energy storage system<sup>1</sup> to work with Riverside Resource Recovery Facility; and seeking consent for a private wire connection<sup>2</sup> between Riverside Resource Recovery Facility to the consented Data Centre on Norman Road. Cory has also been working with partners Vattenfall to develop a district heat network from Riverside Resource Recovery Facility.
- 1.2.3 More details about Cory are available at the company website: [www.corygroup.co.uk](http://www.corygroup.co.uk).

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<sup>1</sup> Application reference 20/03208/FUL, approved 24 August 2021

<sup>2</sup> Application reference 20/03209/FUL, approved 1 September 2021

## 2. Development Site

### 2.1 Planning History

2.1.1 The land within Cory's control at Riverside (the Riverside campus) benefits from a number of planning permissions and ongoing projects. Ensuring efficient operations into the future is a key challenge for the applicant and features in several of the proposed developments.

#### **Riverside Resource Recovery Facility (RRRF)**

2.1.2 Consent for Riverside Resource Recovery Facility (RRRF) was granted by the Secretary of State for the Department of Trade and Industry on 15 June 2006, under section 36 of the Electricity Act 1989. This original consent (reference: GDBC/003/00001C-06, LBB reference: 99/02388/CIRC) granted the construction and operation of an energy facility generating 72Mw of electricity from 670,000 tonnes of waste per year.

2.1.3 On 13 March 2015, the Secretary of State for the Department of Energy and Climate Change approved two variations to the original consent (LBB reference: 99/02388/CIRC24):

- an increase in the annual waste throughput from 670,000 to 785,000 tonnes per annum; and
- the transfer of waste by river from the Port of Tilbury in addition to the riparian waste transfer stations in Greater London.

2.1.4 On 4 October 2017, London Borough Bexley approved application reference 16/02167/FUL to amend condition 27 of 99/02388/CIRC24, allowing up to 195,000 tonnes of waste to be delivered by road and for the continued operation of the facility without compliance with conditions 10 and 30 (to allow the delivery of waste by river and road on a 24/7 basis).

2.1.5 Consequently, decision reference 16/02167/FUL (the 2017 Consent) is the extant permission under which RRRF is operated.

2.1.6 In April 2021, an application was submitted to the Department for Business, Energy and Industrial Strategy ('BEIS') under section 36C of the Electricity Act 1989 to:

- amend the power generation description of RRRF to change the energy generation limit from 'up to 72MW' to 'up to 80.5MW';
- request that the Secretary of State then gives a direction under section 90(2) of the Town and Country Planning Act 1990 ('TCPA 1990') varying the conditions attached to the 2017 Consent, to increase the maximum waste throughput from 785,000 tonnes per annum ('tpa') to 850,000 tpa; and
- amend the s.36 Variation and to incorporate into the new deemed planning permission the amendments authorised by the Secretary of State in the REP DCO regarding the ash storage area for RRRF and use of the jetty by both RRRF and REP

2.1.7 A decision on this application is awaited.

2.1.8 Condition 31 of the 2017 Consent requires (in short) the potential for opportunities to use the waste heat from the facility to be reviewed, and that where viable opportunities are identified a scheme for the necessary plant and pipework should be submitted. An application was made in July 2021 (reference 16/02167/FUL02) to address the first part of this condition,

through submission of document titled Combined Heat and Power Feasibility Review. This application is still with LBB for determination. A subsequent application is being made to provide a scheme for the necessary plant and pipework to the boundary of the site. Cory is pleased to be progressing with a scheme to provide heat to a local district heat (DN) network.

## **Riverside Battery Energy Storage System (BESS)**

- 2.1.9 On 24 August 2021, planning permission was granted for the installation, operation and maintenance of a battery energy storage system located to the east of RRRF (reference 20/03208/FUL).
- 2.1.10 The BESS is required primarily to ensure that RRRF has consistent and reliable electric supply. RRRF has experienced occasional power outs from the grid in recent years that will be appropriately resolved through having on-site storage and providing added resilience.
- 2.1.11 Secondly, the BESS enables electricity generated at RRRF to be held on-site until it is required by the National Grid, responding to either peaks in demand or to supplement supply during periods when other renewable/low carbon sources are not available.

## **Riverside Private Wire**

- 2.1.12 On 01 September 2021, planning permission was granted for the installation, operation and maintenance of private wire connection and associated electrical infrastructure on land at, and immediately adjoining RRRF (20/03209/FUL).
- 2.1.13 The connection infrastructure is required to convert the electricity recovered at RRRF from 132kV to a charge that is suitable for distribution to the site permitted for the London Belvedere Data Centre.

## **London Belvedere Data Centre**

- 2.1.14 On 11 July 2016, outline planning permission was granted for the construction of a data centre (Use Class B8), sub-stations, formation of new access, car parking and landscaping (reference 15/02926/OUTM) on Land Part Of Borax Works, Norman Road. This site is located south of RRRF.
- 2.1.15 Reserved matters are currently being discharged.

## **Riverside Energy Park (REP)**

- 2.1.16 On 9 April 2020, the Secretary of State for Business, Energy and Industrial Strategy granted a Development Consent Order, under the Planning Act 2008, for Riverside Energy Park (REP). The Riverside Energy Park Generating Station Order approves the development of:
- an energy recovery facility;
  - an anaerobic digestion facility;
  - enabling infrastructure for CHP;
  - solar photovoltaic panels;
  - a battery storage facility;
  - associated development; and
  - an electrical connection to an existing substation in Dartford Borough Council.
- 2.1.17 REP is located on land adjacent (to the west) to RRRF.

2.1.18 Throughout 2021, Cory has been seeking to discharge the pre-commencement requirements such that construction for REP can commence.

## **2.2 Site Description**

2.2.1 RRRF is located at the northern end of Norman Road, Belvedere, on the south bank of the River Thames. This is shown on Figure 1, Site Location Plan.

2.2.2 To the north of RRRF lies the River Thames; into which the purpose built Middleton Jetty extends. To the east lies the industrial and distribution uses in Isis Reach and the Belvedere Industrial Area. To the south and west is open land, including the Crossness Nature Reserve (approximately 300m to the south west of RRRF). The closest residential properties are situated in apartment blocks on Clydesdale Way, nearly 850m to the south. The Travelodge Belvedere and a public house forms part of that development.

2.2.3 Further to the west is the Crossness Sewage Treatment Works and Thames Water sewage sludge incinerator.

2.2.4 Vehicular and pedestrian access to RRRF is gained via Norman Road, a public highway that leads north from a roundabout junction with the A2016 (Eastern Way).

2.2.5 The main operational area of RRRF occupies a site area of approximately 6.5 hectares set in a broadly rectangular shape. The energy recovery facility is located to the east of the site, with ancillary equipment, service roads and parking situated on the western side. Further west is the site of the recently consented Riverside Energy Park.

2.2.6 The River Thames Path runs along the northern boundary of RRRF, with another footpath running along the eastern perimeter, joining up with Norman Road (at a point approximately 55m south of the energy from waste facility). Other footpaths run to the west and south of the site, including cutting across the Crossness Nature Reserve.

## **2.3 The Application Site**

2.3.1 The application site is located on the southern boundary of the 2017 Consent, as shown on Figure 2, Application Area. Comprising Ditch 9 as it runs east-west along the southern boundary of RRRF and adjoining land, the application area measures 576 m<sup>2</sup>.

2.3.2 Ditch 9 measures some 50 metres in length and approximately 1 metre in width (although this varies along the course of the ditch). It is enclosed at the western end with typically steep and densely vegetated banksides (dominated by False Oat-grass, with frequent Common Vetch, Field Bindweed, Broad-leaved Dock, Creeping Soft-grass and occasional Dog-rose, Teasel and Marsh Thistle). Within the banks, Ditch 9 is well vegetated with Common Reed.

2.3.3 There is scrub between Ditches 6 and 9 that has some value to nesting birds. Otherwise, amenity grassland surrounds Ditch 9, with the existing access road and hardstanding to the north and east, and Ditch 6 and the Crossness Nature Reserve to the south.

2.3.4 Figure 3 presents a photograph of Ditch 9 looking west from Norman Road.



Figure 3 Photograph of Ditch 9, looking west



- 2.3.5 Ditch 9 was created in its current position as part of construction of RRRF. Its creation, management and monitoring was approved under conditions 31, 33 and 36 of the RRRF original consent (reference: GDBC/003/00001C-06, LBB reference: 99/02388/CIRC) which required for a period of five years ongoing management and monitoring.
- 2.3.6 As reported (page 1) in the Northern Marshes Water Vole Report 2021 (Annex A) monitoring of water vole in the relevant ditches has been undertaken for nine years following the first survey of the newly created ditch in 2013.
- 2.3.7 Annex A contains the two water vole surveys Ditch 9, undertaken in September 2020 and September 2021. Annex B contains Figures 11.7a and b from the REP DCO Environmental Statement, which shows the results of water vole surveys undertaken in 2018. These surveys indicate that Ditch 9 was not previously a favoured habitat for water vole, with evidence of their presence within the ditch only in the most recent surveys (2021).
- 2.3.8 Ditch 9 comprises part of a wider network of habitats which either support water vole or provide connectivity at a wider level for local colonies including animals in the Crossness Nature Reserve.
- 2.3.9 The approved schemes were implemented a decade ago and this application provides an opportunity to refresh their ongoing management and monitoring and to extend this across ditches within the Riverside campus, maintaining and improving habitats on site for water vole, and delivering conservation gains.



## 3. Project Description

### 3.1 Proposed Development

#### The built form

- 3.1.1 The proposed development is the realignment of a section (of no more than 50m in length) of Ditch 9/Ford Ditch on land to the south of Riverside Resource Recovery Facility, Norman Road, Belvedere. The site layout is shown on drawing number S3259-8310-0024DW Realignment of Ditch Nine R1.0.
- 3.1.2 The built form is limited to the creation of a new ditch to run on the same east-west alignment, a few metres to the south of the existing ditch line. It will reconnect with the north-south alignment of Ditch 9 at the top of Norman Road. The material dug out in the creation of the new Ditch 9 alignment will be used to fill in the existing ditch. Any excavated material that is identified as unsuitable for backfill, e.g. containing peat or organics, will be removed from site and disposed of in accordance with good industry practice.
- 3.1.3 Key materials, principally reed rhizomes, from within the existing Ditch 9 will have been previously extracted to enable their use in the new ditch. These materials will be carefully, and appropriately, stored on site to optimise their success in the new ditch.
- 3.1.4 Approximately 35m of new ditch is to be created replacing the c.35m of exiting Ditch 9 to be backfilled. The overall length of Ditch 9 will remain the same, at c.100m, following the realignment.
- 3.1.5 The realigned Ditch 9 will be profiled to reflect the dimensions of the existing ditch, so providing equivalent habitat area and water storage volume. Topographical survey (Reference 21110-100, May 2021) indicates typical ditch depths of 1m to 1.4m, with side slopes of c.33 degrees, or 1.5:1. The existing ditch profile has been used as the basis for the new ditch profile, with slope stability and habitat optimisation priorities incorporated as advised by MHE Consulting.
- 3.1.6 Drawing number S3259-8310-0027DW Profile of Realigned Ditch Nine R1.0 presents the details for the new ditch.
- 3.1.7 These works shall have been preceded by a water vole displacement exercise carried out under Class Licence CL31 held by MHE Consulting. All activities will be overseen by an Ecological Clerk of Works (likely to be MHE Consulting) and follow the programme set out in Table 1.
- 3.1.8 It is intended that the water voles will be displaced into immediately adjacent habitats, notably Ditch 6, located at the northern boundary of the Crossness Nature Reserve (see Figure 2, Application Area). A minimum 2m buffer zone will be maintained from the top of the northern bank of Ditch 6 to the top of new Ditch 9 at all times to ensure burrow habitat associated with Ditch 6 remains undamaged.

#### Access and Construction

- 3.1.9 Vehicular access is gained to the site using the existing route along Norman Road. There is space at the northern end of the public highway and within RRRF for all construction vehicles and personnel.

- 3.1.10 Construction of the new ditch and restoration of the old would be completed within a period of four months. It will require just one digger on site, with one driver and up to 5 other personnel to undertake other works such as vegetation clearance, dewatering, planting etc. An Ecological Clerk of Works will be present throughout to oversee the works. All workers would travel to site in either private car or van.
- 3.1.11 Operationally, the realigned ditch would require very little physical intervention; typically annual maintenance and monitoring quarterly. This would be undertaken by one or two workers, travelling in private car or van.
- 3.1.12 Consequently, the proposed development generates a negligible number of vehicle movements with no need for additional new parking provision; there is sufficient space available on-site.

## 3.2 Mitigation Hierarchy

### Avoidance

- 3.2.1 A complex patchwork of utilities and sub-terranean support structures placed underground at Riverside. The review of the utilities location (described in detail at section 3.3) has been undertaken to enable future known projects to go ahead (principally the DH network) but also to future proof the site. The relocation of the utilities needs to be useful in the long term to avoid such works being necessary to undertake again.
- 3.2.2 To this end, a number of different locations for the utilities have been considered and the review sought, in accordance with the ecology mitigation hierarchy, to avoid any impact to Ditch 9. However, it has become clear that the options for relocating the utilities are limited to running in an east-west alignment along the southern edge of the Riverside site, within the area occupied by Ditch 9, with Ditch 6 to the south (withing the Crossness Nature Reserve).

### Minimisation

- 3.2.3 Consequently, the options in terms of Ditch 9 are:
- remove the ditch completely;
  - remove a section of the ditch, place the utilities underground at depth, and reinstate the ditch; or
  - realign the ditch.
- 3.2.4 Complete removal of Ditch 9 is not a preferred outcome. Although unlikely to be signification on local conservation status, the affected length would result in the net loss of habitat equivalent to one animal territory.
- 3.2.5 Removing a section of the ditch has been considered in some detail as it appears, on first sight in engineering terms, to be a preferred solution. However, it has become apparent that this would not be a favourable outcome for either the site or the water vole.
- 3.2.6 In this scenario, the route of the utilities would lie between the two ditches (6 and 9) and the services would need to be laid at least 2m underground (in order to reinstate Ditch 9 over the utilities). To stop the sides of the trench caving in, sheet piling and/or a very wide profile at the top of the extraction line would be required, both of which would have an adverse impact. To avoid Ditch 6 and a buffer zone, the utilities route would have to be laid as close to Ditch 9

as possible, and much of the bank is likely to be affected. Using this option would also require an ongoing disturbance to Ditch 9 habitats for the duration of relaying the utilities (a period of c. two months). In the long term there would be a service trench between the two ditches, possibly constraining water vole movement.

- 3.2.7 The third option is to realign the northern section of Ditch 9 (as it runs east-west) by a few metres south of its current position. In this scenario, the water vole would first be displaced locally; primarily into Ditch 6. Ditch 6 is suitable to receive water vole, can be protected as such throughout the works and can be maintained as such beyond works completion.
- 3.2.8 The appropriateness of using parallel ditch has been confirmed with Natural England<sup>3</sup>. Under this scenario the creation of Ditch 9 habitat can be completed promptly in the spring to enable habitat re-establishment unaffected by any ongoing services to the north.
- 3.2.9 A minimum 2m buffer zone from the northern bank top of Ditch 6 to the bank top of new Ditch 9 would be maintained throughout the works, with machine access for displacement works proceeding along the northern bank of Ditch 9 only. Upon completion of mitigation, the realigned Ditch 9 will then be dug under close Ecological Clerk of Works supervision, without harm to Ditch 6 or associated burrows. The new Ditch 9 would be created using material (reed rhizomes) from the existing Ditch 9 to establish new marginal habitats. The old Ditch 9 will be infilled with appropriate spoil from the new ditch excavation and the surrounding amenity grassland and scrub habitats will be restored forthwith.
- 3.2.10 Table 1 presents the intended programme of works. This may change slightly on site if advised by the Ecological Clerk of Works.
- 3.2.11 Placing the utilities trench north of the new Ditch 9 should minimise future impacts due to service maintenance or upgrades. The realigned Ditch 9 also gives the water vole more distance between their habitat and the kerb edge and hard standing of the RRRF access road.
- 3.2.12 These works have been carefully designed, with advice from a suitably qualified ecologist with appropriate expertise for water vole, to minimise the extent of impacts that cannot be avoided.
- 3.2.13 They will be followed by a programme of long term management and monitoring to enhance the local habitat for water vole. This will be agreed in principle by Cory prior to the displacement works commencing and will be commissioned by Summer 2022 and is described further from paragraph 3.2.14.

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<sup>3</sup> Pers.Comm. Helen Booth, MHE Consulting, 14.11.2021

**Table 1 Programme of works**

<b>Activity</b>	<b>Date</b>
Vegetation removal (displacement) along northern section of Ditch 9	Likely 2-4 days work commencing from 15 <sup>th</sup> February 2022.
Damming and dewatering northern section of Ditch 9 (i.e. as it runs east-west from the top of Norman Road)	Maintained for minimum of one week period as soon as vegetation removal has commenced (dewatering may expose further vegetation to be removed).
Monitoring for water vole field signs	5-10 days following vegetation clearance.
Destructive searches including removal of reed rhizome	Typically commence with 10 days of vegetation clearance.
Storage of rhizome	To be placed in suitable local location as soon as possible. Storage to ensure rhizome remains damp/viable.
Smoothing/scraping of banks within old Ditch 9	Completed immediately upon completion of destructive searches.
Localised further vegetation removal along southern bank of Ditch 9 and temporary fence erection to maintain 2m buffer from bank top of Ditch 6 to bank top of Ditch 9	Upon completion of smoothing/scraping
Full excavation of new Ditch 9, with rhizomes placed and water in situ	To be undertaken as soon as possible, by mid-April so risk of disturbance to adjacent Ditch 6 and remainder of Ditch 9 avoided. Rhizomes placed no later than mid-May to ensure viability.
Backfilling of old Ditch 9	To be undertaken as soon as possible, using spoil from new Ditch 9, so no 'open ditch' (old Ditch 9) present for longer than needed.
Utilities trench to be created and services installed with old Ditch 9 repaired and seeded with wildflower meadow mix	To be undertaken as soon as possible so that site is restored.



## Restoration and conservation enhancement

- 3.2.14 Following these works, Cory is committed to ensuring both: that the realigned Ditch 9 is restored to its current state; and that conservation enhancement is achieved for the local water vole population. Advice from the ecologist undertaking the water vole mitigation is that managing and maintaining habitats as suitable for water vole will help secure the long-term viability of the local meta-population, and should be seen as a priority in terms of providing a meaningful conservation gain locally.
- 3.2.15 This is to be achieved through a long term (15 years) management plan for Ditch 9 but also Ditches 4, 5 and 8 that lie within the Riverside campus and within Cory's control. Although less favourable as permanent habitats for water vole, Ditches 4, 5 and 8 provide important connectivity across the area. Careful consideration of ditch management during the future development may enable further benefits (e.g. bank raising where freeboard is currently very low) to be delivered.
- 3.2.16 The aim of the management plan will be to ensure suitable habitats are maintained for occupation by water vole (Ditch 9) and maintaining wider connectivity/improving suitability (Ditches 4, 5 and 8) to ensure local conservation status does not decline (e.g. through habitat succession, scrub encroachment, lowering of water levels etc). Ditches 8 and 9 have been surveyed and subject to some management, under the conditions of the original consent for RRRF. These only required five years of ongoing management, which has passed and which Cory has extended voluntarily. Ditches 4 and 5 are not addressed within the RRRF conditions.
- 3.2.17 The Data Centre Biodiversity Management Plan<sup>4</sup> (Annex C) does provide for on-going management of the ditches around the development site (over a 15 year period). However, the Plan is focussed on invertebrates and does not provide much substantial detail for water vole. It is also not certain when the Data Centre will be built, whereas the relocation of the utilities is intended to be undertaken at the earliest opportunity.
- 3.2.18 This development therefore provides an opportunity to deliver a refreshed management and monitoring plan of all the ditches within the Riverside campus, with certainty of its delivery. This approach will help to maintain a healthy water vole population within the area and maintaining and improving habitats on site for water vole, ultimately seeking to deliver conservation gain.

## 3.3 Utilities Relocation

- 3.3.1 Cory has reviewed utility provision across the Riverside site and identified that a number of services need to be relocated. This review has been undertaken in response to both a request from the Environment Agency (EA) to improve energy supply to the Great Breach pumping station and its own projects located within the wider campus.
- 3.3.2 Not least of its own projects is the first phase of a DH network with the heat sourced from RRRF. To deliver one of the largest DH networks in the UK, Cory is partnering with a leading specialist district heating and low carbon energy company Vattenfall.
- 3.3.3 The project will be part-funded by a £12.1 million award through the Government's Heat Network Investment Project to fund commercialisation and construction of the proposed DH

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<sup>4</sup> February 2020, approved under application reference 15/02926/OUTM04

network. The funding comprises a £1.6 million commercialisation grant with the remainder of the support in the form of loans for construction.

- 3.3.4 The commencement of this work has prompted site wide consideration to identify the optimal route for the DH pipework to take. Whilst this is still under consideration the review has identified a need to rationalise the existing utilities spread across the site, particularly at the access point at the north of Norman Road. The relocation of the existing utilities will reduce restrictions on DH pipework locations and enable any upgrades to be installed, future proofing the site.
- 3.3.5 Located within the RRRF operational site is a small 11 kV substation (controlled by UKPN) that supplies electricity to the EA's Great Breach pumphouse (situated approximately 200m to the west of the EA substation and outside of the Riverside campus) via a low voltage cable which runs through the Riverside site on an east-west alignment. The substation also supplies low voltage power to local street lighting to the south including, Norman Road.
- 3.3.6 The Great Breach pumping station plays an important role in maintaining the flood protection of the local area and Thames Estuary. The EA has an extensive programme of works to upgrade the pumping station, including improving and upgrading the pumps. As part of that programme, the EA and UKPN have been in discussion with Cory about upgrading the power supply from the existing substation that is located within the Riverside site.
- 3.3.7 As a consequence, Cory has made an application to UKPN to build a new replacement 11 kV substation within the Riverside campus, on land to the south of the existing low voltage substation, and run new low voltage cables westwards along a revised alignment to meet the existing connection point at the western boundary of the Riverside site. This avoids any disruption to the Crossness Nature Reserve (owned by Thames Water). Once the UKPN works are completed, the low voltage supply to the EA will be reinstated and the old substation and cable connection will be removed.
- 3.3.8 Power generated by RRRF is exported to the grid via a major dedicated 132 kv substation, which is wholly separate to the small low voltage substation supplying the EA. However, to minimise disruption and for safety reasons, Cory has requested that UKPN undertake the upgraded low voltage works during a planned UKPN electrical outage at RRRF (scheduled for April 2022).
- 3.3.9 As identified in section 2.1, outline planning consent has been gained for the London Belvedere Data Centre and full planning permission has been gained for an electrical connection between that site and RRRF. The Private Wire consent (reference 20/03209/FUL) allows the underground connection to be made ahead of built development above ground. Cory wishes to implement this element of that consent.
- 3.3.10 The services to be installed/upgraded or diverted would all be located along the southern boundary of the Riverside campus and comprise:
- Relocation of UKPN substation which supplies the Great Breach pumping station – to include all associated HV and LV cables, drawpits and ducts that interface with the current UKPN installation.
  - Relocation of existing RRRF 132 kV supply (if required).
  - Installation of a new water main – approximately 60m of pipe between the termination point along Norman Road, into the Riverside site, including a valve manifold.

- Diversion and upgrading of existing telecoms fibre – comprising construction of the fibre duct diversion and installation of new duct and fibre from Norman Road through to relocation of the BT junction box supplying RRRF; cabling shall run through micro ducting.
- Installation of approximately 60m of trefoil ducts for future use (leading to Data Centre).
- A short culvert (or equivalent structure) under the diverted services to facilitate the installation of heat pipes at a later date.

- 3.3.11 The utilities to be moved are located either within the operational area of RRRF or the public highway. The relocation works will be undertaken either: by, or on behalf of, the relevant statutory undertakers (principally UKPN) using permitted development rights<sup>5</sup>; or through implementing extant planning permission (as identified above); and with local highway authority approval as required<sup>6</sup>.
- 3.3.12 They are also located within the Order Limits of REP, but are discrete from that development and would occur whether or not construction commences. Notwithstanding this, the proposed displacement, replacement and ongoing maintenance and monitoring is set out in the BLMS<sup>7</sup> submitted for REP, to ensure a cohesive package of ecological works across the Riverside campus.
- 3.3.13 Consequently, it is the (albeit limited) engineering works required to create a new Ditch 9 and fill in the existing Ditch 9 that constitute the operational development for which planning permission is now sought.

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<sup>5</sup> As set out in Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

<sup>6</sup> Section 50 of the New Roads and Street Works Act 1991

<sup>7</sup> Biodiversity and Landscape Mitigation Scheme, Requirement 5 of the REP DCO, submitted 18 November 2021

## 4. Policy Consideration

### 4.1 Introduction

4.1.1 Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for this project is:

- Bexley Core Strategy, adopted February 2012 (the Core Strategy);
- Saved Policies, as at 2012, of the Bexley Unitary Development Plan, adopted 2004 (the Bexley UDP); and
- The London Plan, adopted December 2020 (the London Plan).

4.1.2 In addition the National Planning Policy Framework (published July 2021, NPPF) the Draft Local Plan<sup>8</sup> is considered to be a material consideration and consequently also addressed.

4.1.3 The project is not EIA development but relevant environmental and amenity matters have been considered to an appropriate level of detail. Consequently, this section is focussed by topic rather than policy document.

#### EIA and HRA pre-screening

4.1.4 This pre-screening concludes that neither EIA nor HRA are required of the proposed development. The rationale is set out below.

#### Environmental Impact Assessment (EIA)

4.1.5 The need to undertake an environmental impact assessment is governed by EU Directive 2011/92/EU, currently transposed into UK law by the EIA Regulations 2017<sup>9</sup>. An application should be considered as an 'EIA development' only if the particular type of development and its specific impacts are likely in that particular location to result in significant effects on the environment.

4.1.6 The EIA Regulations 2017 categorise a range of developments as either 'Schedule 1' where EIA will always be required, and 'Schedule 2' where EIA may be required if the development '*is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.*' The proposed development is not identified within either Schedule 1 or Schedule 2 of the EIA Regulations 2017.

4.1.7 Category 10(h) of Schedule 2 refers to '*inland-waterway construction not included in Schedule 1, canalisation and flood-relief works*', which provides the closest comparable development type. Reference to the applicable thresholds and criteria advise that a site area exceeding 1ha would be necessary to prompt EIA.

4.1.8 Category 13 of Schedule 2 refers to changes or extensions to a project that was subject to EIA, with the threshold defined as '*the development as changed or extended may have significant adverse effects on the environment*'.

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<sup>8</sup> Bexley Draft Local Plan, published for Regulation 19 consultation from May to July 2021.

<sup>9</sup> Town and Country Planning (Environmental Impact Assessment) Regulations 2017



- 4.1.9 The application site area is just over 0.5 including access to the public highway. The proposed development is small scale, using land within the operational footprint of RRRF and with no significant adverse effects on the environment.

## Habitats Regulations Assessment

- 4.1.10 Under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), an HRA is required for all plans and projects which may have likely significant effects on European sites of nature conservation importance and are not directly connected with or necessary to the management of the European site.
- 4.1.11 The Habitats Regulations set out a consenting procedure requiring all competent authorities to carry out an appropriate assessment of a plan or project if it is likely to have a significant effect on an European site of nature conservation importance or a Ramsar site. This is often known as a Habitats Regulations Assessment (HRA).
- 4.1.12 Deciding if an aspect of a plan or project is likely to have a significant effect acts as a screening stage in an HRA. It removes from the rest of the HRA process aspects of a plan or project which clearly have no ecological connectivity to a site's qualifying interests, or those where it is very obvious that whilst connected, the conservation objectives for a site's qualifying interests will not be undermined.
- 4.1.13 Bexley contains no European sites of nature conservation importance. The closest relevant site is Epping Forest, located more than 10km from the application site. There is negligible potential for the proposed development to have any effect on the qualifying interests of Epping Forest, or any other relevant site which would be located more distant from the application site.

## 4.2 Principle of development

- 4.2.1 The principle of the development is the realignment of a ditch located within the Riverside campus. The proposed development is demonstrated to be the solution that offers the minimal impact on the ditch and its associated water vole population. The realignment of Ditch 9 is located within the footprint of an operational facility and will enable the site to operate more efficiently in the future.
- 4.2.2 The principle of the development is focused upon first, within this section. The proposed development has the potential for some potential consequent effects, with each considered and addressed in turn in the following sections:
- section 4.3: Biodiversity, with a particular focus on the presence of water vole; and
  - section 4.5: Development management, to address any other relevant effects such as noise, visual effect, economic growth and optimal use of the site.

### Key policy

- 4.2.3 Relevant development plan policy references:
- Core Strategy: CS01; and CS03.
  - Bexley UDP: ENV45; E1; and E3.
  - London Plan: GG2; GG6; SD1; D2; E4; E5; SI3; SI6; and SI8.

#### 4.2.4 Relevant material consideration document references:

- NPPF paragraphs: 8; and 130.
- Draft Local Plan: SP1; SP3; DP8.

#### **How policy is met**

- 4.2.5 The purpose of the proposed development is simply to realign Ditch 9; there is little policy relevant to the principle of the development. However, that ditch is located within the operational footprint of RRRF. RRRF is an energy from waste facility that currently exports electricity and from which Cory has recently submitted an application for the first phase of a district heating network. RRRF is developed on a site allocated for that purpose and the ditch realignment is proposed to enable important utilities to be relocated such that the site can continue to operate efficiently now, and in the future.
- 4.2.6 Key policy of the Core Strategy and London Plan, including policy CS03 recognises the growth and development opportunities within Belvedere to provide improved infrastructure, including a decentralised heat and power network. It is notable that Belvedere Riverside remains an allocated Opportunity Area in the London Plan and Draft Local Plan. NPPF paragraph 130 requires that planning decisions should ensure that development function well, not just for the short term but over the lifetime of the development.
- 4.2.7 The proposed development will provide greater opportunity to take a district heating network out of the site and enable optimised operations across the Riverside campus, including upgraded digital technology.
- 4.2.8 Referring to the tests at paragraph 8 of the NPPF, the proposed development delivers sustainability objectives:
- economic objectives – by enabling delivery of supporting infrastructure necessary to ensure the ongoing efficiency of the site;
  - social objectives – through delivering good design that reflects future needs without adverse effect; and
  - environmental objectives - through seeking the minimal impact through the development and enhancing the natural environment across the Riverside campus.
- 4.2.9 Policy pertaining to the principle of the development is met.

### **4.3 Biodiversity**

#### **Introduction**

- 4.3.1 The application site is located within the footprint of the operational RRRF; this small area of amenity grassland is of little ecological value and is not considered further.
- 4.3.2 The exception to this conclusion is in relation to water vole. Recent surveys (Keystone, September 2021) found signs indicating that animals are present within the ditch network. Consequently, this section of the planning statement considers the potential effect of the proposed development on the water vole.
- 4.3.3 As indicated at section 2.3, Ditch 9 was created when RRRF was constructed and has been subject to monitoring over the past decade. Water vole presence has only been indicated in

the most recent survey, however it is recognised as habitat important to the long term vitality of the water vole population living within the Crossness Nature Reserve and surrounding area.

- 4.3.4 Section 3.2 presents the mitigation hierarchy that has been followed, demonstrating that where harm is unavoidable the resultant impacts have been minimised and a scheme of restoration is proposed to deliver biodiversity net gain.

## **Key Policy**

- 4.3.5 Relevant development plan policy references:

- Core Strategy: CS18.
- Bexley UDP: ENV35
- London Plan: G6D.

- 4.3.6 Relevant material consideration document references:

- NPPF paragraphs: 174; and 180.
- Draft Local Plan: SP9; and DP20.

## **How policy is met**

- 4.3.7 Core Strategy policy CS18, London Plan policy G6D and Draft Local Plan policy SP9 seek to protect and enhance biodiversity and geological assets, seeking biodiversity net gain and require that managing the impacts on biodiversity should be addressed from the start of the development process. Bexley UDP policy ENV35 seeks to provide areas of nature conservation on development sites.
- 4.3.8 The NPPF also provides specific instruction, at paragraph 174/d, requiring decisions *'to contribute to and enhance the natural and local environment.'*
- 4.3.9 The application site comprises little habitat of ecological or biodiversity interest, with the exception of Ditch 9, at which indication of water vole use has recently been recorded. The proposed development is demonstrated to have followed the ecology mitigation hierarchy and to comprise the minimum of impacts that will be followed by restoration and biodiversity net gain.
- 4.3.10 The proposed development does require the displacement of water vole, this will be into a suitable habitat and using an approach with which Natural England is content. An appropriately qualified ecologist has advised the project to date and will continue to oversee all the works.
- 4.3.11 A programme of ongoing management of all the ditches across the Riverside campus is proposed with the intent to support a healthy and diverse water vole population across the local ditch network. This is an improved situation on the current ad hoc management and partial monitoring that Cory undertake voluntarily and will deliver biodiversity net gain.
- 4.3.12 A new SINC at the former Borax Works site was included on the Draft Local Plan submission policies map under the layer 'Proposed Change to SINC'. However, at Cabinet Meeting held on 12 October 2021 it was agreed that as a result of the evidence received during the public consultation this recommendation should be removed. Consequently, no changes are recommended to the existing SINC boundary on the site.

- 4.3.13 It is demonstrated that the site is of limited ecological value of itself and that the proposed development will have minimal impact on surrounding sites of local designation. Appropriate working methods and mitigation are proposed such that ecology policy is met.

## 4.4 Flood Risk and Water Management

- 4.4.1 The application site is substantially less than 1ha in size; however it is located in an area of flood zone 3 and consequently this section considers the potential effect of the proposed development on flood risk and water management.

### How policy is met

- 4.4.2 Development plan policy seeks to achieve sustainable development through appropriate flood risk management, informed by an appropriate flood risk assessment, and having regard to the Bexley Strategic Flood Risk Assessment and measures proposed in the TE2100 Plan.
- 4.4.3 In accordance with Core Strategy policy CS08 and London Plan policy 5.12, a flood risk assessment specific to the proposed development has been undertaken by Stantec (the Private Wire FRA) and accompanies this planning statement.
- 4.4.4 The Private Wire FRA is comprehensive having regard to: Environment Agency data; Preliminary and Strategic Flood Risk Assessments undertaken by London Borough of Bexley; the Local Flood Risk Management Strategy; and the TE2100 Plan. It considers both the Sequential and Exception Test and considers the impact of climate change.
- 4.4.5 The Private Wire FRA subsequently concludes that:
- whilst the application site is in Flood Zone 3a this classification ignores the presence of the River Thames tidal flood defences, which protect the site and surrounding area to the 1 in 1000 (0.1%) annual probability standard, allowing for climate change to year 2120;
  - the TE2100 Plan recommends increasing the crest level of flood defences throughout London to keep up with climate change and land use change so that flood risk does not increase, as such it is extremely unlikely that the flood defences would not be upgraded to future changes in flood levels as a result of climate change;
  - the risk of flooding from all other sources is concluded to be 'low' or 'very low';
  - the Sequential and Exception Tests have been applied and it is concluded that the proposed development accords with the requirements of the NPPF;
  - the proposed development will not detrimentally impact floodplain storage or flow routes and is therefore not constrained by this issue.
- 4.4.6 The Private Wire FRA concludes that '*the future users of the proposed development will be safe from flooding and there will be no detrimental impact on third parties. The proposal complies with the National Planning Policy Framework (NPPF) and local planning policy with respect to flood risk and is an appropriate development at this location.*' (paragraph 8.1.3)
- 4.4.7 The proposed development does require any drainage.
- 4.4.8 Further, there is little risk of harm to human life. The proposed development would be maintained by operatives already working on site; access would not be granted to the site in the unlikely event of a flood. In the even more unlikely event that operative(s) were on-site when a flood occurred, they would follow site relevant evacuation procedures.



4.4.9 Consequently, the proposed development is demonstrated to comply with development plan policy, neither posing a development unacceptably prone to flood risk nor increasing the risk of flood elsewhere. Surface water and flood risk policy is met.

## 4.5 Flood Risk

4.5.1 The Application Site is located in Flood Zone 3a and measures more than 1 hectare. However the proposed development comprises limited external physical change and no increase in land take. Existing drainage practice across the site will be maintained.

### Key policy

4.5.2 Relevant development plan policy references:

- Core Strategy: CS08.
- London Plan: SI12; and SI13.

4.5.3 Relevant material consideration document references:

- NPPF paragraphs: 159; and 167.
- Draft Bexley Plan: DP32; and DP33.
- TE2100 Plan.

### How policy is met

4.5.4 Development plan policy seeks to achieve sustainable development through appropriate flood risk management, informed by an appropriate flood risk assessment, and having regard to the Bexley Strategic Flood Risk Assessment and measures proposed in the TE2100 Plan.

4.5.5 There is no change to the risk of flooding or impacts from storms, and no likely significant effects are predicted. The realignment of Ditch 9 will not detrimentally impact floodplain storage or flow routes and raises no greater risk of harm to human life than RRRF as currently operating.

4.5.6 The flood zone classification ignores the presence of the River Thames tidal flood defences, which protect the site and surrounding area to the 1 in 1000 (0.1%) annual probability standard, allowing for climate change to year 2120. In addition, the TE2100 Plan recommends increasing the crest level of flood defences throughout London to keep up with climate change and land use change so that flood risk does not increase. As such, it is extremely unlikely that the flood defences would not be upgraded to future changes in flood levels as a result of climate change. Consequently, the risk of flooding from all relevant sources is concluded to be low.

4.5.7 Ditch 9 is located within the operational footprint of RRRF, an 'Essential Infrastructure' land use, which is considered appropriate within Flood Zone 3 subject to passing the Sequential and Exception Test (NPPF PPG Tables 2 and 3). The site lies within a designated growth area allocated in the development plan through the Sequential Test such that, in accordance with Paragraph 165 of the NPPF, it is not necessary to apply the Test.

4.5.8 At paragraph 160, the NPPF states:

*'For the Exception Test to be passed it should be demonstrated that:*

- a) *the development would provide wider sustainability benefits to the community that outweigh flood risk; and*
- b) *the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.'*

4.5.9 The relocation of Ditch 9 will enable the considered relocation of utilities and services that underpin the current and future operations of RRRF, necessary to upgrade that important piece of infrastructure to enable it to function effectively and optimise the use of the site.

4.5.10 The first part of the Exception Test is addressed by the significant sustainability benefits provided by RRRF, which include:

- diverting waste from landfill and therefore moving it up the waste hierarchy;
- supporting the drive for waste self-sufficiency within London;
- producing renewable and low carbon electricity;
- CHP ready, with an application submitted to deliver the first phase of a district heating network responding to demand associated with regeneration within the Thameside area; and
- using sustainable transport, delivered through predominantly using existing river freight infrastructure that is run on biofuels.

4.5.11 The details provided within this Planning Statement address the second part of the Exception Test. The new location for the ditch is just metres from its current situation and will provide the same water carrying capacity; water management on site is not proposed to change. There are no '*users*' associated with Ditch 9; human safety is maintained and the proposed development will not increase flood risk elsewhere. It is demonstrated that RRRF, with the realigned Ditch 9, remains safe for its lifetime. The Exception Test has been applied and it is concluded that the proposals accord with the requirements of the NPPF.

4.5.12 It is therefore demonstrated that the proposed development satisfies policy in relation to flood risk.

## **4.6 Development Management**

4.6.1 The determination of any planning application requires consideration of the development plan as a whole and to balance a number of potentially conflicting matters.

4.6.2 The key topics relevant to the proposed development have previously been considered in some detail, this section of the planning statement addresses any other potential effects and draws a reasonable planning balance.

4.6.3 The NPPF (paragraph 38) requires local planning authorities to '*approach decisions on proposed development in a positive and creative way.*' Paragraph 81 requires that:

*'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. ...'*

- 4.6.4 Cory proposes to invest in its assets to optimise the Riverside campus, relocating and upgrading essential utilities and removing barriers to the future district heating network. These works, to be implemented under permitted development rights, will update the Riverside campus and enable the site to adapt to current and future business requirements.
- 4.6.5 To progress these works, Ditch 9 needs to be realigned in a position just a few metres south of its current location. The realignment of Ditch 9 is demonstrated to be deliverable with minimal impacts on water vole in the short term, and conservation enhancement in the long term.
- 4.6.6 Bexley UPD policy E1 sets out a number of conditions to be met, which are also reflected in policy ENV39. In response, this application has demonstrated that they are all delivered by the proposed realignment of Ditch 9:
- there are no material adverse effects on the health, safety or amenities of the occupants of local residential areas and neighbouring properties;
  - it is compatible with the character of the surrounding area (simply relocating it) and is satisfactory in terms of design, scale and layout in relation to adjoining uses and buildings;
  - it satisfies the requirements of Policy T6 with regard to effects on the local highway network and makes no change to the availability of parking, public transport or site access;
  - it is appropriately landscaped and restores the only important element of biodiversity interest bringing the opportunity for conservation enhancement with improved ditch management and monitoring across the Riverside campus;
  - it will have no effect in terms of noise, or emission to land, air or water;
  - it will have no effect in terms of crime and will maintain an attractive environment; and
  - it will have no effect in terms of accidents, disasters or pollution and presents no change to flood risk.
- 4.6.7 In terms of infrastructure, a recognised key condition for growth in the Economic Development Strategy is *'ensuring London has the digital connectivity, water, energy, waste and green infrastructure it needs to grow and support the transition to an inclusive, low carbon circular economy.'* (page 101, bullet point 3)
- 4.6.8 In light of the overview above, it is demonstrated that the proposed development complies with all relevant development plan policy.

## **4.7 Community Infrastructure Levy**

- 4.7.1 There are two Community Infrastructure Levy (CIL) arrangements that apply in Bexley: the London Borough of Bexley CIL, which helps support development in Bexley; and the Mayor of London's CIL, which helps support Crossrail.
- 4.7.2 The proposed development does not create any floorspace and consequently CIL is considered not to apply.

## 5. Conclusions

- 5.1.1 This planning statement has been prepared as part of a full planning application for the realignment of a section (of no more than 50m in length) of Ditch 9/Ford Ditch on land to the south of Riverside Resource Recovery Facility, Norman Road, Belvedere.
- 5.1.2 The principle of the development is the realignment of a ditch located within the Riverside campus. The proposed development is demonstrated to be the solution that offers the minimal impact on the ditch and its associated water vole population. The realignment of Ditch 9 is located within the footprint of an operational facility and will enable the site to operate more efficiently now and in the future and deliver conservation enhancement.
- 5.1.3 The proposed development is not subject to either EIA or HRA, but has the potential for some potential consequent effects, with each considered and addressed in turn in the following sections:
- Biodiversity, with a particular focus on the presence of water vole;
  - Flood risk, recognising that the proposed development is located in an area of flood zone 3 that benefits from flood defences; and
  - Development management, to address any other relevant effects such as noise, visual effect, economic growth and optimal use of the site.
- 5.1.4 The purpose of the proposed development is simply to realign Ditch 9; there is little policy relevant to the principle of the development. However, that ditch is located within the operational footprint of RRRF. RRRF is an energy from waste facility that currently exports electricity and from which Cory has recently submitted an application for the first phase of a district heating network. RRRF is developed on a site allocated for that purpose and the ditch realignment is proposed to enable important utilities to be relocated such that the site can continue to operate efficiently now, and in the future.
- 5.1.5 It is demonstrated that the application site is of limited ecological value of itself and that the proposed development will have minimal impact on surrounding sites of local designation. Appropriate working methods are proposed to ensure that habitat suitable for water vole will be provided and the potential for adverse impact on this species is avoided. Conservation enhancement is incorporated in the proposed development, delivering a long term, proactive management plan seeking to improve the ditch network across the Riverside campus to support a healthy and diverse water vole population.
- 5.1.6 The proposed development is demonstrated to comply with development plan policy relevant to flood risk, neither posing a development unacceptably prone to flood risk nor increasing the risk of flood elsewhere.
- 5.1.7 The proposed development is an example of how Cory proposes to invest in its assets to optimise the Riverside campus, relocating and upgrading essential utilities and removing barriers to the future district heating network. These works, to be implemented under permitted development rights, will update the Riverside campus and enable the site to adapt to current and future business requirements.
- 5.1.8 To progress these works, Ditch 9 needs to be realigned in a position just a few metres south of its current location. The realignment of Ditch 9 is demonstrated to be deliverable with

minimal impacts on water vole in the short term, and conservation enhancement in the long term.

- 5.1.9 Development plan policy is met and it is hoped that that the scheme can be readily approved, not least such that the first optimal season for water vole displacement can be met.