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Your Ref  
EN010093  
Our Ref  
JNG/ADW/173461.0001  
Date  
9 August 2019

**By Email**

Dear Sir

**Objection to the Riverside Energy Park DCO Application (Application Reference: EN010093)**

We are instructed by Countryside Properties (UK) Limited and L&Q New Homes Limited (**our clients**) on behalf of the Beam Park Partnership. Our clients are in the process of developing a 72-acre mixed use scheme comprising of 3,000 residential homes, two schools, a railway station, extensive parkland, medical centre and retail and recreational facilities. The site is located in the London Boroughs of Barking and Dagenham and Havering in the London Riverside Opportunity Area designated in the London Plan. The development was granted consent in February 2019, after receiving approval from London's Deputy Mayor for Planning, Regeneration and Skills, and construction commenced in March 2019.

Our clients strongly object to the application for development consent made by Cory Environmental Holdings Limited (**the Applicant**) for the construction and operation of the Riverside Energy Park and the associated electrical connection (application reference EN010093) (**the Project**).

Our clients have not previously made a representation during the examination of the Project by the Examining Authority as they were only made aware of the Project when it was brought to their attention on 26 July 2019 when a local news article was shared. Our clients' land is outside the consultation zone identified by the Applicant (Appendix A.3 of the consultation report); there were no consultation events or document deposit locations to the north of the River Thames.

Our clients endorse the views of the Greater London Authority (**GLA**) submitted to the Examining Authority in relation to overstatement of the need case of the Project and understatement of the adverse impacts of the Projects including air quality. The Mayor is clear that London does not require any further energy from waste capacity and the expansion of such facilities in London will impact upon achieving his recycling and reduction targets, as well as have detrimental impacts on Londoners in terms of air quality.

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Our clients are concerned that the Applicant has not dealt, in any meaningful way, with the GLA's key submission that the adverse effects of the Project have been under reported and its potential benefits overstated.

Air quality impacts are of a particular concern to our clients. The Project will have impacts on the Havering AQMA, within which our client's development is situated. The ES (Table C.2.2.9 of Appendix C.2) shows that emissions from the Project would make exceedances of AQMA limits for NO<sub>2</sub> worse in Rainham town centre and potentially delay compliance with AQMA limits in Havering; it is thus questionable whether it would be lawful to grant permission for the project (see the last sentence of paragraph 5.2.10 of EN-1: '*In the event that a project will lead to non-compliance with a statutory limit the IPC should refuse consent*'). The extent of the modelled impacts on air quality means that many local residents would be affected by emissions from the plant.

Our clients support the view of the GLA that the Project is not consistent with the NPS and has failed to consider the adjacent Opportunity Areas where our clients' development is located. The ES fails to address potential impacts at new high buildings in these areas, and specifically with regard to the short-term (1 hour mean) criteria, which can be substantially higher at elevated receptors where the emissions are released from a tall stack. It is therefore potentially in conflict with draft London Plan Policy SD1.

Our clients would draw particular attention to paragraph 2.93 of the GLA's deadline 4 representation ([REP4-024](#)) which states:

*"The evidence presented by the Applicant shows, unambiguously, that the impact is greater at higher floors of the buildings (at receptor R19, six times greater between the 4th and 6th floors), but the Applicant then asserts that the numbers are still too small to be significant. However, **proposed tall elements of the London Riverside Opportunity Area are significantly closer to the emission point, so the quantum of impact could be much greater. Full delivery of the Opportunity Areas set out in the current and draft London Plans are a critical element in the strategic approach to achieving necessary housing targets.** The Applicant has not provided sufficient information to show that increased pollution resulting from the REP will not act as a constraint on the delivery of the tall buildings needed to achieve the required density for the London Riverside Opportunity area. Without this information it is not possible to be sure that the Opportunity Area could be delivered in the proposed form."*

Our client's development is one such "*proposed tall element of the London Riverside Opportunity Area*". With 3,000 homes planned (50% of which will be affordable), two primary schools and a nursery, the development is aimed primarily at young families and as such our client is extremely concerned about the negative impact of air quality on future residents and their children.

This concern is compounded by evidence submitted to the Examining Authority by the GLA at paragraphs 5.6-5.11 of its deadline 4 submission ([REP4-024](#)), namely that the Applicant is overstating the case that there are no health impact outcomes by relying on outdated research and failing to consider the outcomes of the most recent relevant paper on the topic.

Our client is also concerned about the adverse visual impacts of the Project on their development site. It is noted that the visual impact of the Project on the London Riverside Opportunity Area has not been assessed. The ES only includes two viewpoints north of the River Thames (VP10 and VP11) and neither

of these are from directly opposite the site of the Project where the London Riverside Opportunity Area is situated. If constructed, the Project will exceed the height of the existing RRRF building. Views from the higher storeys of our clients' proposed residential flats are a key factor in the attraction to, and enjoyment of, the homes.

Our clients are considering whether the Project will have a negative impact on their development's market value and may submit further evidence on this point.

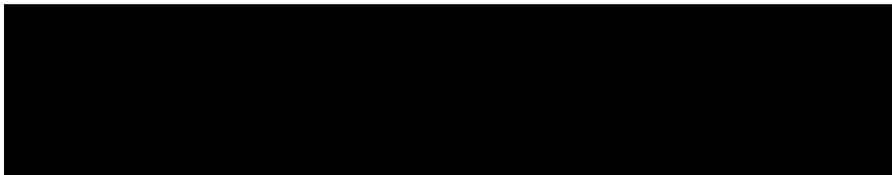
Whether or not it has an impact on market value, the impact of a proposed project upon the use of and activities upon neighbouring land can be a material consideration in considering a planning application, and by extension, an important and relevant matter in relation to a decision on an application for a Development Consent Order (e.g. [Newport County Borough Council v Secretary of State for Wales \[1998\] JPL 377](#)). Our clients request that the Examining Authority give substantial weight to the impact of this project on their proposals as an adverse impact of the Project.

Our clients' proposals are but one example of the changing nature of the area from primarily industrial to residential and related development. Several significant residential developments (circa 8000 new homes) are being delivered within the London Riverside Opportunity Area by a number of organisations. The parties listed below have stated their support of this representation.

- GLA Land and Property
- L&Q
- Clarion
- Notting Hill Genesis
- Rainham and Beam Park Regeneration LLP
- Dagenham Dock Ltd

As such it is crucial that the success of these developments and the future opportunities they would bring to the area are not jeopardised by the adverse impacts of the Project.

Yours faithfully



**BDB Pitmans LLP**