

# Riverside Energy Park

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## Preliminary Environmental Information Report

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CHAPTER:

# 02

PLANNING INSPECTORATE REFERENCE NUMBER:  
**EN010093**

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**REGULATORY AND  
POLICY BACKGROUND**

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Planning Act 2008 | Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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## 2 Regulatory and Policy Background

### 2.1 Introduction

2.1.1 This chapter provides an overview of the regulatory and policy framework relevant to the Riverside Energy Park (REP) Development Consent Order (DCO) and includes policies at national, regional and local level.

2.1.2 The Planning Act 2008 (PA 2008) requires that DCO applications must be determined in accordance with the relevant National Policy Statements (NPSs) – subject to limited exceptions. In deciding applications, the Secretary of State is also required to have regard to any other matters which the Secretary of State thinks are both important and relevant to the decision. Paragraph 4.1.5 of the Overarching National Policy Statement for Energy (EN-1) (2011) ('NPS EN-1') clarifies that Development Plan Documents or other documents in Local Development Frameworks may be both important and relevant considerations to the Secretary of State's decision-making.

2.1.3 The table below sets out the legislation and policy documents relevant to the consideration of the REP DCO.

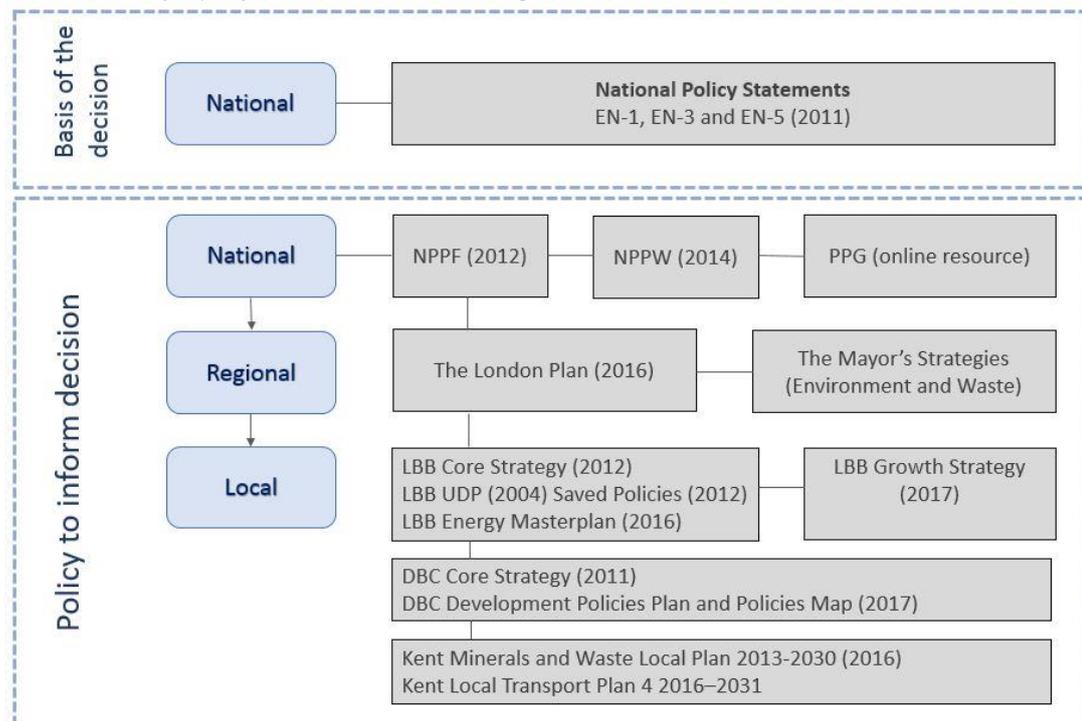
Table 2.1 Legislation and policies relevant to the Proposed Development

Type	Policy/Legislation
<b>Legislation</b>	a) European Directives: <ul style="list-style-type: none"> <li>– EIA Directive (85/337/EEC) (as amended)</li> <li>– Habitats Directive (92/43/EEC)</li> <li>– Landfill Directive (1999/31/EC)</li> <li>– Waste Framework Directive (2008/98/EC)</li> <li>– Energy Efficiency Directive (2012/27/EU)</li> <li>– Air Quality Directive (2008/50/EC)</li> <li>– Industrial Emissions Directive (2017/75/EU)</li> </ul> b) The PA 2008 (as amended) c) The Infrastructure EIA Regulations 2017
<b>National planning policy and strategies</b>	a) Overarching National Policy Statement for Energy (EN-1) (2011) ('NPS EN-1') b) National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011) ('NPS EN-3') c) National Policy Statement for Electricity Networks Infrastructure (EN-5) (2011) ('NPS EN-5') d) National Planning Policy Framework ('NPPF') (2012) e) National Planning Policy for Waste ('NPPW') (2014) f) Planning Practice Guidance ('PPG') (online resource) g) Draft National Planning Policy Framework (2018)
<b>London Policy</b>	a) The London Plan (2016)

Type	Policy/Legislation
	<ul style="list-style-type: none"> <li>b) London’s Wasted Resource: The Mayor’s Municipal Waste Management Strategy (2011)</li> <li>c) Managing risks and increasing resilience: The Mayor’s Climate Change Adaptation Strategy (2011)</li> <li>d) Delivering London’s Energy Future: The Mayor’s Climate Change Mitigation and Energy Strategy (2011)</li> <li>e) Making Business Sense of Waste: The Mayor’s Business Waste Strategy for London (2011)</li> <li>f) Thamesmead and Abbey Wood Supplementary Planning Document (2009)</li> <li>g) London Riverside Opportunity Area Planning Framework (2015)</li> <li>h) Draft London Plan (2017)</li> <li>i) Draft London Environment Strategy (2017)</li> </ul>
<b>Local Policy</b>	<ul style="list-style-type: none"> <li>a) Bexley Core Strategy (2012)</li> <li>b) Bexley Unitary Development Plan (‘UDP’) (2004) Saved Policies (2012)</li> <li>c) Bexley Energy Masterplan (2016)</li> <li>d) Dartford Borough Council Core Strategy (2011)</li> <li>e) Dartford Borough Council Development Policies Plan and Policies Map (2017)</li> <li>f) Kent Minerals and Waste Local Plan 2013-2030 (2016)</li> <li>g) Kent Local Transport Plan 4 (2016–2031)</li> <li>h) Draft Bexley Local Plan</li> <li>i) Bexley Growth Strategy</li> <li>j) Dartford Borough Council Draft Local Plan</li> </ul>

2.1.4 The NPSs listed in **Table 2.1** will form the primary basis for the decision on the REP DCO. However, other policy documents which are considered relevant and important to the REP DCO will also inform the decision. **Plate 2.1** sets out a hierarchy of relevant policy documents.

Plate 2:1 Hierarchy of policy documents for decision making



2.1.5 The following sections provide an overview of the relevant NPSs and policies contained in other national, regional and local policy documents. **Appendix A.4** provides further details of policies from adopted and emerging policy documents which may be considered relevant to the REP DCO.

## 2.2 National Planning Policy

2.2.1 The NPSs are the primary policy documents used in decision making for DCO applications. The NPSs relevant to the REP DCO are NPS EN-1, EN-3 and EN-5.

### Overarching National Policy Statement for Energy (EN-1) (2011)

2.2.2 NPS EN-1 sets out the Government's policy for the delivery of major energy infrastructure in England and Wales. It recognises that there is a requirement to provide new energy infrastructure to meet the need for 59 GW of new electricity capacity across the UK by 2025.

2.2.3 Part 4 of NPS EN-1 outlines the general assessment principles which should be taken into consideration for energy Nationally Significant Infrastructure Projects (NSIPs) and those of relevance to the Proposed Development are summarised in **Table 2.2**.

2.2.4 Part 5 of NPS EN-1 outlines the generic impacts which arise from the development of any energy infrastructure covered by NPSs or are relevant to all types of energy infrastructure. NPS EN-1 sets out the scope of the applicant's assessment and proposed means of mitigation for each generic impact. The technology-specific NPSs provide further detail on the way in which these impacts should be considered in the context of applications for the specific technology in question. The relevant generic impacts from NPS EN-1 are addressed in **Chapters 6- 14** of this Preliminary Environmental Information Report (PEIR).

Table 2.2 NPS EN-1 Assessment Principles

Topic	NPS EN-1 Ref	Policy
Environmental Statement (ES)	4.2.1 - 4.2.11	<p>Applicants are required to submit an ES describing the aspects of the environment likely to be significantly affected by the proposed development and how any likely significant adverse effects would be avoided or mitigated.</p> <p>The ES should set out the environmental, social and economic impacts at all stages of development.</p> <p>The decision maker should consider how the interrelationship and accumulation of different effects might affect the environment, economy or community as a whole, even though certain effects may be considered acceptable on an individual basis.</p>
Habitats and Species Regulations	4.3.1	<p>The decision maker must consider whether the project may have a significant effect on a European site or a site protected to the same extent by policy under the Habitats and Species Regulations either alone or in combination with other plans or projects.</p> <p>The applicant is required to consult with Natural England and provide the decision maker with any information considered necessary for Appropriate Assessment which may include information on proposed mitigation measures to minimise or avoid likely effects.</p>
Alternatives	4.4.1 - 4.4.3	<p>NPS EN-1 does not contain any general requirement to consider alternatives or establish whether the proposed project represents the best option. However, EN-1 states that where there is a policy or legal requirement to consider alternatives the applicant should describe the main alternatives they have considered in compliance with these requirements. The NPS notes that these requirements include:</p> <ul style="list-style-type: none"> <li>– the ES must contain information on the main alternatives considered by the applicant and set out the main reasons for the applicant’s choice, considering the environmental, social and economic effects and, where relevant, technical and commercial feasibility.</li> </ul> <p>Subject to any relevant legal requirements, the NPS states that the decision maker should be guided by the following principles when deciding what weight should be given to alternatives:</p> <ul style="list-style-type: none"> <li>– the consideration of alternatives in order to comply with policy requirements should be carried out in a proportionate manner;</li> <li>– whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security and climate change benefits) in the same timescale; and</li> </ul>

Topic	NPS EN-1 Ref	Policy
		<ul style="list-style-type: none"> <li>– alternative proposals can be excluded on the grounds that they are not important and relevant to the decision where the necessary development could not proceed (for example because they are not commercially viable or physically suitable) or where the alternative proposal would not be in accordance with the policies set out in the relevant NPS.</li> </ul>
Criteria for “good design” for energy infrastructure	4.5.1 - 4.5.6	Good design covers aesthetics, functionality, durability, sensitive use of materials and appropriate siting in relation to existing landscape character. Applicants are required to justify their proposed design and demonstrate a sustainable structure and efficient use of resources. Applicants are also encouraged to seek independent professional advice. Decisions will consider the extent to which the application fulfils the ultimate purpose of the infrastructure taking account of relevant operational, safety and security requirements.
Consideration of Combined Heat and Power (CHP)	4.6.1 – 4.6.12	Thermal generating station applications are required to include CHP or at least consider the use of CHP and applicants should consult with stakeholders in this respect including: potential heat customers, Homes England, Local Enterprise Partnerships and Local Authorities.
Climate change adaptation	4.8.1 - 4.8.13	<p>The decision maker must consider the UK Climate Projections available at the time that the applicant’s ES was prepared to ensure appropriate mitigation is proposed. The emissions scenario from the Independent Committee on Climate Change should be used at the minimum.</p> <p>Adaptation measures should use the most up to date Climate Change Risk Assessment and consultation should be undertaken with the Environment Agency (EA).</p>
Grid connection	4.9.1 – 4.9.4	The Secretary of State will need to be satisfied that there is no reason why a grid connection cannot be secured from National Grid or the relevant Distribution Network Operator although the connection does not have to be secured at the time that the application is submitted.
Pollution control and other environmental regulatory regimes	4.10.1 – 4.10.8	The Secretary of State will consider if the proposed development constitutes an acceptable use of land. The applicant is required to demonstrate that all environmental permitting requirements can be met as necessary. Applicants must prove that the relevant pollution control authority will be satisfied, adequate pollution controls will be provided and that the cumulative effects associated with the proposed development are acceptable, particularly in relation to statutory environmental quality limits.

Topic	NPS EN-1 Ref	Policy
Safety	4.11.1- 4.11.4	The Health and Safety Executive (HSE) should be consulted on all safety related matters. Energy infrastructure projects may be required to meet the Control of Major Accident Hazards (COMAH) Regulations 1999 and in such instances the applicant should consult with the competent authority.
Hazardous Substances	4.12.1 – 4.12.3	Hazardous Substances Consent should be sought by all applications proposing to hold hazardous substances above the relevant thresholds. Pre-application consultation with the HSE should be undertaken.
Health	4.13.1 – 4.13.5	The ES should assess and identify any impacts on human health and propose mitigation measure as necessary. Elements of energy infrastructure which may negatively affect human health are unlikely to be used as a reason for refusal under the PA 2008 since they are generally subject to separate regulation.
Common law nuisance and statutory nuisance	4.14.1- 4.14.3	Applicants must demonstrate that they have considered potential sources of nuisance under Section 79(1) of the Environmental Protection Act and must propose appropriate mitigation at submission stage to demonstrate that appropriate requirements can be included in a DCO.
Security considerations	4.15.1 – 4.15.5	National security considerations may be required where a proposed development involves potentially critical infrastructure. The Centre for the Protection of National Infrastructure are responsible for confirming to the Secretary of State that security issues have been adequately assessed.

### National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011)

- 2.2.5 NPS EN-3 is relevant to the REP DCO since it applies to nationally significant energy from biomass/waste infrastructure in England and Wales with at least 50 MW electrical generating capacity.
- 2.2.6 Part 2 of NPS EN-3 outlines the assessment principles which should be taken into consideration for Energy from Waste (EfW) generating stations in addition to general assessment principles set out in Part 4 of EN-1. Those relevant to the Proposed Development are summarised in **Table 2.3**.

Table 2.3 NPS EN-3 Assessment Principles

Topic	NPS EN-3 Ref	Policy
Air quality and emissions	2.5.37 - 2.5.45	The EIA should include an assessment of air emissions resulting from the proposed development and demonstrate

Topic	NPS EN-3 Ref	Policy
		compliance with the Waste Incineration Directive (WIncD <sup>1</sup> ) and Large Combustion Plant Directive (Section 5.2 of EN-1). Pollutants of concern include NO <sub>x</sub> , SO <sub>x</sub> , particulates, CO <sub>2</sub> , heavy metals, dioxins and furans. The decision maker should not regard the proposal as having an adverse impact on health if the requirements of WIncD are met and local air quality standards are not exceeded.
Landscape and visual	2.5.46 - 2.5.52	A landscape and visual impact assessment should be undertaken in accordance with Section 5.9 of EN-1. The decision maker should be mindful that a waste generating station will need to generally be at least 25 m high to accommodate the required components (fuel reception, storage facilities, combustion chamber and abatement units). Generating stations are expected to provide sufficient landscaping to be visually screened at low level from surrounding external viewpoints.
Noise and vibration	2.5.53 - 2.5.58	The impacts of noise and vibration on amenity should be assessed in accordance with Section 5.11 in EN-1. The assessment should demonstrate that noise impacts can be adequately mitigated through requirements attached to the consent. Development consent should not be granted unless the decision maker is confident that the proposals meet the aims set out in paragraph 5.11.9 in EN-1.
Odour, insect and vermin infestation	2.5.59 - 2.5.63	The applicant should assess the potential for insect infestation and odour emissions in accordance with EN-1 Section 5.6. In EfW generating stations the reception, storage and handling of waste should be carried out within defined areas for example bunkers or silos, and within enclosed buildings.
Waste management	2.5.64 - 2.5.70	An assessment should examine the conformity of the scheme with the waste hierarchy and the effect of the scheme on the relevant waste plan or plans and the extent to which the generating station contributes to the recovery targets in relevant strategies and plans. The decision maker should be satisfied that the proposed waste generating station is in accordance with the waste hierarchy and will not compromise the achievement of local or national waste management targets.
Residue management	2.5.71 - 2.5.83	The ES should include details of the production and disposal of residues and consider the capacity of existing waste management sites for dealing with residues over the planned life of the power station. The decision maker should be satisfied that management plans for residue disposal minimise the amount that cannot be used for commercial purposes.

<sup>1</sup> The Waste Incineration Directive (2000/76/EC) and Large Combustion Plant Directive (2001/80/EC) have been replaced by the Industrial Emissions Directive (2017/75/EU)

Topic	NPS EN-3 Ref	Policy
Water quality and resources	2.5.84 - 2.5.87	The applicant should assess the potential effects on water quality or resources in accordance with EN-1 Section 5.15 and seek to demonstrate that appropriate measures will be put in place to avoid or minimise adverse impacts of abstraction and discharge of cooling water. The decision maker should be satisfied that the applicant has demonstrated measures to minimise adverse impacts on water quality and resources as described above and in EN-1.

### National Policy Statement for Renewable Energy Infrastructure (EN-5) (2011)

- 2.2.7 NPS EN-5 is relevant to the REP DCO since it applies to electricity networks in England with a voltage of 132 kilovolt (kV) or higher which are carried on towers/poles or buried underground, as well as associated infrastructure including substations and converter stations.
- 2.2.8 Part 2 of NPS EN-5 outlines the assessment principles which should be taken into consideration for electricity network infrastructure proposals in addition to general assessment principles set out in Part 4 of EN-1. Those relevant to the Proposed Development are summarised in **Table 2.4**.

Table 2.4 NPS EN-5 Assessment Principles

Topic	NPS EN-5 Ref	Policy
Climate Change	2.4.1 - 2.4.2	The ES should assess the resilience of the project to climate change and the potential effects of flooding (particularly for substations that are vital for the electricity network;) wind and storms on overhead lines; higher average temperatures leading to increased transmission losses; and earth movement or subsidence caused by flooding or drought.
Landscape and Visual	2.8.1 - 2.8.11	The ES should consider generic landscape impacts (EN-1 Section 5.9) and should also provide details of how consideration has been given to undergrounding or sub-sea cables as a way of mitigating impacts and, where these have not been adopted on grounds of costs the ES, should explain how the costs of mitigation have been calculated.
Noise and Vibration	2.9.1 - 2.9.13	The ES should consider generic noise impacts (EN-1 Section 5.11) that may also arise from substation equipment.
Electric and Magnetic Fields (EMFs):	2.10.1 - 2.10.16	Overground cables produce EMFs which can have direct and indirect effects on human health. Undergrounding cables eliminates the electric field however they produce magnetic fields which are highest directly above the cable. The ES should provide evidence of compliance with the Government's voluntary code of practice 'Power Lines:

Topic	NPS EN-5 Ref	Policy
		<p>Demonstrating compliance with EMF public exposure guidelines' and the International Commission on Non-Ionizing Radiation Protection ('ICNIRP') (1998).</p> <p>EN-5 states that the Applicant should design the height, position, insulation and protection measures to ensure compliance with the Electricity Safety, Quality and Continuity Regulations 2002. However, EN-5 is clear that no further mitigation is necessary where proposals comply with the current public exposure guidelines and policy on phasing.</p>

2.2.9 Although the NPSs are the primary policy documents used in decision making for DCO applications, the Secretary of State may also have regard to other national, regional and local planning policies if these are considered important and relevant. An overview of the relevant national, regional and local planning context is provided in the paragraphs below.

### National Planning Policy Framework

2.2.10 National policy documents which are considered to be relevant to this DCO application include the following:

- NPPF: published in March 2012 the NPPF sets out the Government's strategic planning policies for England and is likely to be a relevant matter in the determination of this application. The NPPF does not contain specific policies for waste management but states that decisions on waste applications should have regard to the NPPF and emphasises the importance of NPSs in the determination of NSIPs. A summary of NPPF policies which are relevant to this application is provided at **Appendix A.4**;
- Draft NPPF: The Ministry of Housing, Communities and Local Government ('MHCLG') published a draft revised version of the NPPF for consultation between 5 March and 10 May 2018. The revisions aim to implement planning reforms proposed in the Housing White Paper, the 'Planning for the right homes in the right places' consultation and the 2017 Budget announcements;
- PPG: first published as an online resource in March 2014 the PPG provides detailed guidance on implementing the NPPF policies which is updated on a regular basis. Relevant sections of the PPG are identified at **Appendix A.4**; and
- NPPW: published in October 2014 the NPPW sets out the Government's ambition to develop a more sustainable and efficient approach to resource use and management. Relevant sections of the NPPW are identified at **Appendix A.4**.

## 2.3 Regional Planning Policy and Guidance

2.3.1 Regional policy and Mayoral strategy documents which are considered to be relevant to the REP DCO include the following:

- The London Plan (2016): provides the overall strategic plan for Greater London setting out a fully integrated economic, environmental, transport and social framework for the development up to 2036. Relevant policies of the London Plan which are material to this DCO application are identified at **Appendix A.4**. The Mayor published the Draft London Plan 2017 for consultation between December 2017 and March 2018;

- London's Wasted Resource – The Mayor's Municipal Waste Management Strategy (MMWMS) (2011): sets out policies for the management of London's municipal waste between 2011 and 2031 which recognise the Mayor's vision to develop a low carbon economy, minimising the negative environmental impacts of waste and exploiting its economic benefits;
- Managing risks and increasing resilience: The Mayor's climate change adaptation strategy (2011) sets out the Mayor's detailed approach to manage the current and future risks that climate change poses to the Capital;
- Delivering London's Energy Future: The Mayor's Climate Change Mitigation and Energy Strategy (2011) sets out the Mayor's strategic approach to secure a low carbon energy supply and limited further climate change in London;
- Making Business Sense of Waste: The Mayor's Business Waste Strategy for London (2011) sets out the Mayor's strategy for London's business waste; and
- Draft London Environment Strategy (LEnvS) (published on 11th August 2017) sets out objectives to improve the environment including specific policies and targets for air quality, climate change mitigation, energy, and waste.

2.3.2 The Application Site (consisting of the land within the Indicative Application Boundary as shown on **Figure 1.2, Appendix A.1**) is subject to the following strategic designations in the London Plan:

- Belvedere Industrial Area: the REP site and parts of the Electrical Connection route are within the Belvedere Industrial Area which is designated as a Strategic Industrial Location (SIL) and Preferred Industrial Location (PIL) (see London Plan Policy 2.17); and
- Bexley Riverside Opportunity Area (OA): the REP site and parts of the Electrical Connection route are within the proposed Bexley Riverside OA which is designated to deliver significant growth including 4,000 new homes and 7,000 new jobs (See London Plan Policy 2.13 and **Table A4.1, Appendix A.4**). Further details of growth aspirations for Bexley Riverside are outlined in the Bexley Growth Strategy (see **Appendix A.4**).

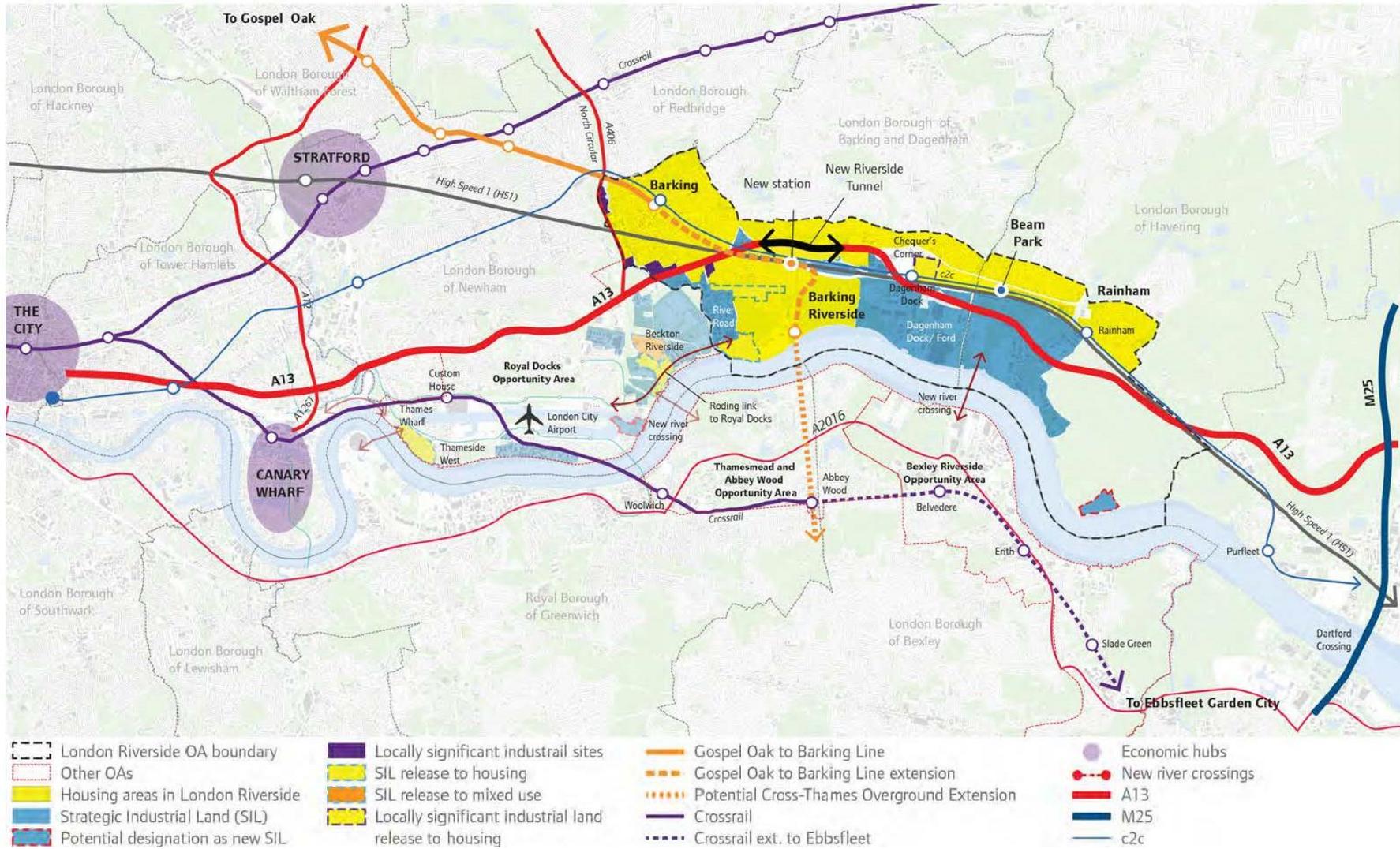
2.3.3 The Application Site is situated in a growth area which is expected to experience significant levels of development and investment in the future (including Thamesmead and Abbey Wood, Bexley Riverside (outlined above) and London Riverside). Growth aspirations for these areas are established at a strategic level in the London Plan:

- Thamesmead and Abbey Wood OA – located approximately 1.4 km to the west of the REP site the OA is designated to deliver significant growth including new homes and jobs. More detailed planning guidance is provided at the local level in the Thamesmead and Abbey Wood Supplementary Planning Document (SPD), adopted in 2009; and
- London Riverside OA - located approximately 1.4 km to the west of the REP site the OA is also designated to deliver significant growth including 26,500 new homes and 16,000 new jobs. More detailed planning guidance is provided in the London Riverside OA Planning Framework (London Riverside OAPF) adopted in 2015.

2.3.4 **Plate 2.2** identifies the REP site (outlined in red) in the context of the surrounding designated London Plan OAs.

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Plate 2.2 REP site and London Plan OAs (Source: Figure 1.7, London Riverside OAPF, 2015)



2.3.5 The Mayor published the Draft London Plan 2017 for consultation between 1 December 2017 and 2 March 2018. The Draft London Plan will be examined in Autumn 2018 and the Greater London Authority (GLA) aims to publish the final plan by Autumn 2019.

2.3.6 **Appendix A.4** contains a summary of relevant policies from adopted and emerging regional policy and Mayoral strategy documents.

## 2.4 Local Planning Policy and Guidance

2.4.1 Local planning policy and guidance documents which are considered relevant to the REP DCO include the following:

- Bexley Core Strategy (2012);
- Bexley Energy Masterplan (2016);
- Bexley Growth Strategy (2017);
- Dartford Borough Council Core Strategy (2011);
- Dartford Borough Council Development Policies Plan and Policies Map (2017);
- Kent Minerals and Waste Local Plan 2013-2030 (2016); and
- Kent Local Transport Plan 4: Delivering Growth without Gridlock 2016 – 2031.

2.4.2 The Application Site is subject to the following policy designations on the Bexley UDP Saved Policies Proposal Map:

- Primary Employment site: the REP site is designated as a Primary Employment site (Saved UDP Policy E3);
- Thames Policy Area: (Saved UDP Policies TS13 & TS14); and
- Strategic View: the Southern part of the REP site falls within a strategic view corridor (Saved UDP Policy ENV39).

2.4.3 In addition to above, the REP site directly adjoins an area of designated Metropolitan Open Land (MOL) to the south (Saved UDP Policy ENV14) and land adjoining the REP site to both the north and south is designated as an Area of Metropolitan Importance for Nature Conservation (Saved UDP Policy ENV23).

2.4.4 **Appendix A.4** contains a summary of relevant policies from adopted and emerging local policy documents.