

Variation of consent dated 13 March 2015¹

Variation of consent dated 17 December 2021²

DEPARTMENT FOR BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

VARIATION OF CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989

CONSTRUCTION AND OPERATION OF A GENERATING STATION AT NORMAN
ROAD, BELVEDERE, BEXLEY, KENT

The Secretary of State in exercise of the powers conferred on him by section 36C of the Electricity Act 1989 hereby varies the consent granted for the energy from waste generating station at Norman Road, Belvedere in the London Borough of Bexley and the County of Kent in accordance with the variations shown in the italic text in the Annex.



17 December 2021

Gareth Leigh
Head of Energy Infrastructure Planning
Department for Business, Energy and
Industrial Strategy

Annex – Variation of Section 36 Consent

DEPARTMENT OF TRADE AND INDUSTRY FOR BUSINESS, ENERGY AND
INDUSTRIAL STRATEGY²
ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING ACT 1990
CONSTRUCTION AND OPERATION OF A GENERATING STATION AT
NORMAN ROAD, BELVEDERE, BEXLEY, KENT

1. Pursuant to section 36 of the Electricity Act 1989 the Secretary of State for ~~Trade and Industry~~ *Business, Energy and Industrial Strategy*² (the Secretary of State) hereby consents to the construction by Riverside Resource Recovery Limited (the Company), on the area of land outlined red on drawing no. D1.2 of an energy from waste generating station at Norman Road, Belvedere, Bexley in the County of Kent, and to the operation of that generating station.
2. Subject to paragraph 3(1), the development shall be of up to ~~72MW~~ 80.5MW capacity and comprise:
 - (a) one or more steam turbines and heat recovery boilers;
 - (b) air cooled condensers;
 - (c) pier, jetty and approach arm including bridge over flood defence walls and riverside footpath and works to raise the level of footpath 3;
 - (d) ancillary plant and equipment and buildings to accommodate the development, including provision for continuous environmental monitoring;
 - (e) not more than three waste processing streams consisting of a reciprocating grate incinerator and associated air pollution control system in each stream. ~~The design capacity not to exceed 670,000 tonnes per year of mixed municipal waste, including a proportion of waste from commercial and industrial premises, based on an overall average calorific value of 10.2MJ/kg and 7800 hours operation. The annual average capacity of 585,000 tonnes specified in the application for project consent and the accompanying Environmental Statement is based on an average calorific value of waste of 11MJ/kg and the average throughput over the life of the plant. With all three streams in operation the hourly tonnage of waste burned would vary between 66-96 tonnes, dependent of the calorific value of the waste¹;~~
 - (f) ~~associated open storage areas for ash container storage,² landscaping, car parking and habitat creation with any related fencing or boundary treatments;~~
 - (g) accesses to the site from Norman Road together with the improvement/upgrading of Norman Road, provision of footpath and cycleways and footpath linkages; and
 - (h) the demolition of existing buildings and structures on the site, including any remnants of the former Borax Wharf.
3. This consent is granted subject to the following conditions:
 - (1) Except where otherwise required by virtue of the ~~a~~¹ planning permission *deemed to have been granted by the Secretary of State or granted by the deemed to be granted by paragraph 4, London Borough of Bexley,*¹ the development shall be ~~constructed and~~¹ operated in accordance with the details contained in the Company's application of 29 September 1999, as varied by ~~– the Company's letter of 28 June 2002 and shown on drawing nos. D10.2; D2.4A; D2.5-10; D2.11A-12A; D10.1A; D10.2B-3B; D10.4A and PA117 Rev A.~~¹

(i) the Company's letter of 28 June 2002 and drawing nos. D1.2; D2.4A; D2.5-10; D2.11A-12A; D10.1A; D10.2B-3B; D10.4A and PA117 Rev A;¹

(ii) the Company's variation application of 25 September 2014;¹

(iii) the Company's variation application of 25 August 2016; and²

(iv) the Company's variation application of 15 April 2021^{2,1}

~~(2) — The commencement of the development shall not be later than five years from the date of this consent, or such longer period as the Secretary of State may hereafter direct in writing.~~¹

DIRECTION UNDER SECTION 90(2) OF THE TOWN AND COUNTRY PLANNING ACT
1990 TO DEEM PLANNING PERMISSION TO BE GRANTED

CONSTRUCTION AND OPERATION OF A GENERATING STATION AT NORMAN
ROAD, BELVEDERE, BEXLEY, KENT

The Secretary of State in exercise of the powers conferred on him by section 90(2) of the Town and Country Planning Act 1990 hereby directs that planning permission for the development be deemed to be granted subject to the following conditions:

CONDITIONS AND REASONS

1. Except where otherwise required by virtue of a planning permission deemed to have been granted by the Secretary of State or granted by the London Borough of Bexley, the development shall be operated in accordance with the details contained in the Company's application of 29 September 1999, as varied by
 - i. the Company's letter of 28 June 2002 and drawing nos. D1.2; D2.4A; D2.5-10; D2.11A-12A; D10.1A; D10.2B-3B; D10.4A and PA117 Rev A;
 - ii. the Company's variation application of 25 September 2014;
 - iii. the Company's variation application of 25 August 2016; and
 - iv. the Company's variation application of 15 April 2021.

Reason: To prevent any unacceptable deviation from the approved plans.

2. In these conditions, unless the context otherwise requires

"BS 4142" means the British Standard 4142: 2014 method for rating and assessing industrial and commercial sound or any nationally recognised successor document;

"bank holiday" means a day that is or is to be observed as a Bank Holiday or a holiday under the Banking and Financial Dealings Act 1971;

"bulk materials" means dry, loose aggregates, cement and soil;

"CHPQA Standard issue 3" means the CHPQA Standard document issued in January 2009 which sets out definitions, criteria and methodologies for the operation of the UK's CHP Quality Assurance (CHPQA) programme;

"the Company" means Riverside Resource Recovery Limited and its assigns, transferees and successors;

"the Council" means the London Borough of Bexley and its successors;

"the development" means the project as described in paragraph 2 of the consent granted by the Secretary of State under section 36 of the Electricity Act on 15 June 2006, as varied on 13 March 2015;

"emergency" means circumstances in which there is a reasonable cause for apprehending imminent injury to persons, serious damage to property or a danger of serious pollution to the environment of the locality;

"Environment Agency" means the currently constituted body or any successor competent authority;

"heavy commercial vehicle" has the meaning given by section 138 of the Road Traffic Regulation Act 1984;

"jetty outage" means circumstances caused by factors beyond the Company's control in which waste has not been or could not be received at the jetty or ash containers have not been or could not be despatched from the jetty for a period in excess of 4 consecutive days;

"operation of the development" begins from the date on which the plant commences to receive waste, excluding any period of commissioning and trials. Operational and operated shall be construed accordingly;

"plant" means the energy from waste generating station forming part of the consented development;

"the site" means the area of land outlined in red on drawing no. D1.2; and

"steam purging" means any planned release of steam likely to cause noise and be perceptible at residential properties or other land uses in the locality.

Reason: To clarify the meaning of terms used in later conditions.

3. The terms of this permission and any schemes, details or consents approved or associated therewith shall be prominently displayed and maintained at the site office and shall be made known to any person or persons given responsibility for the management or control of operations at or from the site.

Reason: To ensure general knowledge of the restrictions on the permission.

4. The total tonnage of waste received at the site shall not exceed 850,000 tonnes in any calendar year.

Reason: To ensure the development is operated generally in accordance with the environmental impact assessed in the supporting documents.

5. The plant shall process only waste transported to it from a riparian waste transfer station in Greater London and the Port of Tilbury, other than the waste specified in condition 26 below.

Reason: To maximise the use of the river for transport of waste to the site.

6. No more than 115,000 tonnes of waste arising from outside Greater London shall be delivered to the plant from the Port of Tilbury in any calendar year.

Reason: To maximise the processing of waste produced within the Greater London area.

7. Except during periods of jetty outage or emergency the jetty and pier shall remain available at all times for tugs and barges transporting waste, residual materials following incineration, and consumables necessary for the operation of the development and for no other purpose (except for the development authorised by the Riverside Energy Park Order 2020 (SI No. 419)) unless with the prior written consent of the Council.

Reason: To ensure that use of the river is enabled at all times.

8. Bottom ash and co-mingled metals shall be taken from the site only via the jetty and the River Thames except in an emergency, following a jetty outage or with the prior written consent of the Council.

Reason: To ensure use of the river for transport of these potentially hazardous materials.

9. Containers used for river conveyance of waste, ash or co-mingled metals to and from the site shall be no larger than the ISO 20 foot specification.

Reason: To ensure the jetty is capable of handling containers.

10. All heavy commercial vehicles carrying bulk materials or waste into and out of the site during the operational and decommissioning phases of development shall be covered unless the load is otherwise enclosed, except when required to inspect incoming loads of waste.

Reason: In the interests of public safety.

11. Noise arising from the operation of the development, measured at any point adjacent to the site on footpaths 3 and 4, shall not (except in emergencies or during routine testing of emergency equipment for which written notification has been given to the Council not less than 48 hours in advance) exceed the following levels: 64 dB LAeq 1 hour between 7 a.m. - 7 p.m. Mondays-Fridays (excluding Bank Holidays) and 7 a.m. - 2 p.m. on Saturdays and 64 dB LAeq 5 minutes at all other times.

Reason: To protect those using the adjoining public footpaths.

12. Noise arising from the operation of the development shall not cause any exceedance (as measured within any accommodation used as offices existing at the date of this permission adjacent to the site) of a noise level of 50 dB LAeq 1 hour, except in an emergency or during routine testing of emergency equipment for which prior written notice has been given to the Council and the affected occupiers at least 48 hours in advance.

Reason: To protect the environment of those persons on and in the vicinity of the site.

13. Except in case of an emergency, or with the prior written consent of the Council the Rating Level of the noise emitted from the operation of the development shall not exceed the noise levels listed below, which are numerically equivalent to the background noise levels measured in 2003. The measurements shall be in accordance with BS4142.

Location (to be measured at or adjacent to the address below)	Daytim (0700-2300)Hours LAeq 1 hour dB	Any other time LAeq 5 minutes dB
No. 27 Cherbury Close	43	40
No. 1 St. Brides Close	43	41
No. 68 North Road	47	44
No. 1 St. Thomas Road	50	46

The noise limits specified in the above table are free-field measurements.

Reason: To protect the environment of those living in the properties listed and other adjoining properties.

14. The development must be operated in accordance with a written scheme approved by the Council for the monitoring of noise. The scheme shall specify the locations from which noise will be monitored and the method of noise measurement (which shall be in accordance with BS 4142, an equivalent successor standard or other agreed noise measurement methodology appropriate to the circumstances). The scheme shall be implemented to establish baseline noise conditions. Throughout the lifetime of the development the

monitoring programme shall be reviewed following any change in plant, equipment or working practices likely to affect the baseline noise conditions and any such change shall be notified in writing to the Council; or following a written request by the Council in relation to a noise related complaint. Such review shall be submitted to the Council for its written approval within 4 weeks of the notification or request. At the measurement locations noise levels shall not exceed those specified in conditions 11-13 except in an emergency.

Reason: In the interests of public safety.

15. In any incidence where the noise levels specified in conditions 11-13 above are exceeded because of an emergency the Company shall notify, within 2 working days, the Council in writing of the nature of the emergency, the reasons for exceedance of the noise limit and its expected duration. If the period of exceedance is expected to last for more than 24 hours then the Company shall inform any consultative body established as a result of the development, the Council and adjoining occupiers or land users. Notification of the exceedance, the reasons for it and its expected duration shall also be posted on the company's internet web site and on a suitable site notice board (clearly visible from Footpaths 3, 4 or Norman Road).

Reason: In the interests of public safety and to reduce the incidence of such episodes.

16. Except in an emergency, the Company shall give at least 2 working day's' written notice to the Council of any proposed operation of emergency pressure valves or similar equipment. In any incidence where steam purging is to take place, the Company shall give 2 working day's prior written notice to local residents and businesses by informing any consultative body established as a result of the development, the Council and adjoining occupiers or land users. Notification of the incidence, the reasons for it and its expected duration shall also be posted on the Company's internet web site and on a suitable site notice board (clearly visible from Footpaths 3, 4 or Norman Road).

Reason: In the interests of public safety and to alert local residents and businesses to any such noisy events.

17. So far as reasonably practicable, steam purging shall only take place between the hours of 9 a.m. to 5 p.m. Mondays-Saturdays and not on any Sunday or Bank holiday.

Reason: To restrict these potentially noisy events so as to minimise impact on local residents.

18. The development must be maintained in accordance with acoustic design measures agreed by the Council and with the manufacturer's specifications except to the extent that the Council its written consent to any variation to the agreed measures. The acoustic design measures must be consistent with conditions 11-13 above.

Reason: To minimise any noise impact from operation of the plant..

19. The written scheme agreed with the Council setting out surface water source measures shall be implemented, except to the extent that any variation has been approved in writing by the Council, and thereafter retained for the duration of the development.

Reason: In the interests of public safety.

20. No surface water shall be discharged to ground where the soil or substrata is found to be contaminated.

Reason: In the interests of public safety and in order to prevent pollution of the ground, water courses or underground water supplies.

21. The development must be operated in accordance with a scheme of lighting approved in writing by the Council except to the extent that the Council gives its prior written consent to any variation.

Reason: To safeguard the amenities of local residents and businesses and to minimise any ecological impact from such lighting.

22. The written scheme agreed with the Council, in consultation with the Environment Agency or another competent authority, for an ecological protection and management plan to cover management of all habitats, water bodies and associated wetlands during the operation of the development shall be implemented unless the Council gives its prior written consent to any variation.

Reason: To protect the biodiversity on and in the vicinity of the site.

23. Bottom ash shall only be stored in the bunkers to the development hereby approved.

Reason: To minimise the visual impact of the development.

24. There shall be no storage of materials or equipment on roadways or landscaped areas unless written consent thereto is given by the Council.

Reason: To prevent obstruction of any roads and to protect the landscaping from any such intrusion.

25. The development shall be operated in accordance with a travel plan approved in writing by the Council, such travel plan to include positive scheduling to encourage heavy commercial vehicles carrying materials to or from the site to avoid peak hours and measures to reduce car traffic by encouraging staff and visitors to travel to or from the site by other means.

Reason: To minimise the number of HGVs travelling to and from the site.

26. Except in the case of jetty outage:-

- (1) not more than 195,000 tonnes of waste shall be delivered to the development by road in any calendar year; and
- (2) no more than 85,000 tonnes of the waste transported to the development by road in any calendar year shall be transported from outside Greater London.

Reason: To limit the amount of traffic using the highway network in the vicinity of the site.

27. In the case of jetty outage, the number of heavy commercial vehicles carrying waste in peak hours along Norman Road shall be restricted as follows: between 0730-0900 hours a maximum of 30 heavy commercial vehicle movements two-ways; between 1630-1800 hours a maximum of 30 heavy commercial vehicle movements two-ways and subject to there being a maximum of 300 heavy commercial vehicle movements two-ways between 0000 hours and 2400 hours on any day.

Reason: To restrict the number of HGVs visiting the site during peak hours on the highway network.

28. Except in the case of jetty outage or with the prior written consent of the Council, the number of two-way vehicle movements (one vehicle in and one vehicle out) made by heavy commercial vehicles delivering waste to the plant shall be limited to a maximum of 90 per day.

Reason: To limit the amount of traffic using the highway network in the vicinity of the site.

29. A documentary record of the movements of all heavy commercial vehicles to and from the site shall be made and retained for inspection by nominated officers of the Council in a form (paper or electronic) to be agreed by the Council.

Reason: To enable monitoring of such HGV movements.

30. A facility shall be provided and maintained within the development to enable steam pass-outs and/or hot water pass-outs and reserve space for the provision of water pressurisation, heating and pumping systems for off-site users of process or space heating.

Reason: To facilitate future developments in such district heating schemes.

31. Within 1 year from date on which this permission was deemed granted, the Company must prepare a Combined Heat and Power (CHP) feasibility review assessing potential commercial opportunities for use of heat from the development, which must be submitted in writing to the Council for its approval. The review must provide for ongoing monitoring and full exploration of potential commercial opportunities to use heat from the development as part of a Good Quality CHP scheme (as defined in CHPQA Standard issue 3), and for the provision of subsequent reviews of such opportunities as necessary. Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of the necessary plant and pipework to the boundary of the site shall be submitted in writing to the Council for its approval. Any plant and pipework installed to the boundary of site to enable the use of heat shall be installed in accordance with the agreed details.

Reason: To facilitate future CHP opportunities.

32. On the 27th anniversary of the commencement of operation of the development or upon the permanent cessation of the operation of the development whichever is the earlier, details of a scheme of restoration and aftercare of the site shall be submitted for approval in writing by the Council. The scheme shall include any proposed future uses for the site; details of structures and buildings to be demolished or retained; details of the means of removal of materials of demolition; phasing of demolition and removal; details of restoration works and phasing thereof. The approved scheme shall be implemented following the permanent cessation of the operation of the development.

Reason: To protect the long-term future of the site and its appearance.

33. Ash and recyclables shall be handled under cover at all times.

Reason: In the interests of public amenity.

34. The lorry parking areas approved by the Council shall be surfaced, drained and kept available for use unless otherwise agreed by the Council.

Reason: To ensure adequate provision of HGV parking on site at all times.

35. Where any matter is required to be agreed or approved by the Council under any of the foregoing conditions, that matter shall in default of agreement or approval,

within a reasonable time, be determined by the Secretary of State for Energy and Climate Change.

Reason: To provide for an arbitration system in the event of future disagreement between the parties.

36. Where the words, "with the prior written consent of the Council" appear, such consent may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the Council that consent is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Reason: To ensure public scrutiny of any but the most minor of changes.

37. A Low Emission Strategy for the operations at the site and its associated road transport shall be submitted for approval in writing by the Local Planning Authority 12 months from implementation of this planning decision notice.

The Low Emission Strategy shall include, amongst other matters;

- i. An assessment of fleet emission specification (e.g. a commitment to current best practice towards Euro VI standards and the Major of London's emerging London wide Ultra Low Emission Zone). This should include all vehicles forming part of the operation and accessing the site, such as heavy goods vehicles, refuse collection vehicles, bulk transfer vehicles, forklifts, staff vehicles etc.
- ii. An assessment of procurement policy (including planned vehicle replacement and suppliers of other goods and services)
- iii. Measures such as eco-driving (driver training and technological aids to eco-driving), and policies regarding vehicle idling.
- iv. An assessment of low emission vehicle technology and infrastructure (e.g. electric vehicle dedicated parking and charging, gas refuelling station etc.)

At the end of each calendar year an implementation plan shall be submitted for approval in writing by the Local Planning Authority, which shall be fully implemented in accordance with the details and measures so approved. The Low Emission Strategy shall take into account future changing standards and available technologies and be updated accordingly in agreement with the Local Planning Authority.

Reason: In the interests of maintaining/improving local air quality. Specifically London Plan Policy 7.14 requires that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality.