

LBBD Reference: 20/00331/CTY

Mr Lee Searles
The Byre, Totworth Estate,
Woodend ,
Wotton-under-edge,
Cromhall,
GL12 8AA,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number:	20/00331/CTY
Address:	Connect Waste Ltd, 75 - 77 Chequers Lane, Dagenham, Barking And Dagenham, RM9 6QJ
Development Description:	Development of an energy generation facility and associated infrastructure based on the processing of non-hazardous fuels at 75-77 Chequers Lane, Dagenham.

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent:	Mr Lee Searles The Byre, Totworth Estate, Woodend, Wotton-under-edge, Cromhall, GL12 8AA,	Applicant:	Mr Neil Richardson 22 West Green Road, London, London, N15 5NN,
---------------	--	-------------------	---

PART 1 - PARTICULARS OF THE APPLICATION

Application Number:	20/00331/CTY
Application Type:	County Matters
Development Description:	Development of an energy generation facility and associated infrastructure based on the processing of non-hazardous fuels at 75-77 Chequers Lane, Dagenham.
Site Address:	Connect Waste Ltd, 75 - 77 Chequers Lane, Dagenham, Barking And Dagenham, RM9 6QJ
Date Received:	06 March 2020
Date Validated:	12 March 2020

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The principle of developing an energy from waste plant, is not supported in strategic planning terms as the facility is not of an appropriate nature or type and is contrary to London Plan Policy Policy S18. This results in a proposal which is contrary to the London Plan's Circular Economy Objectives to improve resource efficiency and encourage waste minimisation and the London Plans aim to achieve reuse and recycling rates of over 65% for municipal waste by 2030.
2. Insufficient Information has been submitted to demonstrate the proposed development is Air Quality Neutral. The potential further deterioration of Air Quality is harmful to local residents in a borough which has declared a climate emergency and adopted an Air Quality Action Plan. As such, the proposal fails to demonstrate compliance with paragraph 170 of the NPPF, D3 and S1 of the London Plan and draft policy DM26 of the emerging Local Plan.
3. In the absence of a s106 agreement, the proposed development fails to mitigate its impacts. Therefore the proposed development is contrary to policy CC3 of the adopted Core Strategy, DF1 of the London Plan (2021) and policy DMM1 of the Draft New Local Plan (regulation 19 version 2020)

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would

materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 16/07/2021

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance

London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.