The London Resort Development Consent Order

BC080001

Environmental Statement
Volume 2: Appendices

Appendix 19.3 – Section 42 consultation

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Planning Act 2008
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
Regulation 5(2)(a)
The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
Regulation 12(1)

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Table 19.3.1 PEIR Consultation comments and responses

Local Authority	Comment(s)	BH response
Kent County Council	Chapter 19 of the PEIR acknowledges that the London Resort proposals have the potential to generate a significant quantity of waste during its construction and operation which could place significant demands on the existing infrastructure. The PEIR also acknowledges that there is growing pressure to reduce material consumption and maximise opportunities to reuse and recycle waste. There has been initial engagement with the County Council on this matter and it is noted that for the construction period a Site Waste Management Plan is proposed that would include material management and waste segregation on site. Similarly, an Operational Waste Management Plan is proposed for when the resort is built. Both plans will need to set out an approach that is in accordance with the Kent Waste & Minerals Local Plan 2013-30 (as amended by the Early Plan Review 2020). Concerns have previously been raised regarding the disposal or treatment of deposits left from previous use of the peninsula by the cement industry and dredged materials from the river Thames. Further discussions would be welcome on these matters and engagement in relation to the proposed waste management plans.	An Outline Operational Waste Management Plan (OOWMS) and Outline Construction Waste Management Plan (OCWMP) (Appendices 19.1 and 19.2) have been produced as supporting documents for the Environmental Assessment. The strategies include detail of the waste strategy in accordance with local policies. These strategies were reviewed during consultation with Kent County Council (KCC) on the 22nd October 2020 with no issues arising.
Dartford Borough Council	The Council defers to KCC as waste authority with regard to the detail of this assessment. However, the Council would expect the mitigation proposed to seek to minimise waste generated, maximise recycling and seek to minimise impacts with regards to the removal of waste from the site. The number of vehicle movements should also be minimised. If, as is likely, a commercial waste company undertakes the waste collection operations, there would need to be assessment provided of the origin/destination of the waste vehicles to	Waste minimisation and recycling measures are detailed in the OOWMS and OCWMP (Appendices 19.1 and 19.2). The overall operational strategy covering any waste transfer and movement within the site is included within the OOWMS Vehicle movements will be minimised if these measures are enforced. Transport effects are assessed in the ES Chapter 9: *Land Transport.*

	feed into the traffic modelling. Waste disposal is a KCC matter, but it may have land use effects on the area if there are additional requirements for waste sorting/recycling/ incineration or other disposal facilities such as anaerobic digestion. The Works set out in the DCO include provision for waste transfer facilities. More details of the location of this should be provided, as the works plans provide a number of alternative location. Together with details as to whether such a facility would be dedicated to the Resort only or accessible to other waste companies.	
Gravesham Borough Council	The Borough Council is not the waste authority (which is Kent CC) though it does collect both domestic and trade waste. The Resort has potentially significant implications during construction, with contaminated waste being a particular risk. Waste movement will have implications for the local highway network, especially before the direct link to the A2 is available in some form. The amount of waste when operational is a significant increase in the overall amount. For both construction and operation detailed plans will be needed of where waste is arising and where it is being disposed of (recycling/landfill/etc. as appropriate) and how it gets there.	Transport effects of service vehicles have been assessed in the ES Chapter 9: *Land Transport.* An OOWMS and OCWMP (Appendices 19.1 and 19.2) have been produced for the construction and operational stages. Certain details, such as reasonability and disposal options after waste collection, will be decided at a later stage when a waste contractor has been appointed.
CEMEX	"We understand that the Developer is seeking to use the River Thames as much as possible (over 75%). • Specifically, the Development will use local supplies of cement and aggregates • Land will be available for stock storage • Hotels will be of modular construction CEMEX believes that the DCO application should provide for planning conditions that: • A minimum 75% of construction materials must be delivered by river or sourced from the immediate area around the Development.	No response required – the response has been taken into consideration, and specifics of collection detail including river transport will be confirmed in later design stages.

	Use of the local road network during the construction period should be outside operational hours for CEMEX and other businesses (excepting local construction businesses supplying the Development)."	
Environment Agency	No detail has been provided regarding how works can be implemented within the constraints of the historic and permitted landfills. This must be agreed in principle prior to DCO application, as how the changes required on permitted sites will affect environmental controls and monitoring is critical.	The ES Chapter 18: *Soils, Hydrogeology and Ground Conditions* assesses the contaminated waste derived from the existing landfill areas and estimated volumes of these materials. A breakdown of excavation waste has been outlined within the ES Chapter 19: *Waste and Materials* chapter including assumptions of the hazardous waste portion.
High Speed 1	Unless impractical, hazardous or flammable materials should be stored at least 200m from HS1. Where this is not achievable a materials management plan will be required. This comment remains to be addressed.	All waste streams will be stored at the transfer station at Bell Wharf, which is approximately 600m away from HS1. Storage for other materials which may be hazardous, or flammable will be outlined in materials management plan at later design stages.

Table 19.3.2 PEIR consultation comments from Ebbsfleet Development Corporation comments, actions and responses

Stakeholder	Comment(s)	Action Required	BH Response
Ebbsfleet Development Corporation	This paragraph states that the "chapter focuses on operational as well as excavation, demolition and construction waste from the Proposed Development" and that "the materials management assessment focuses on the construction stage". This indicates that there is a separate materials management assessment outside the scope of the chapter. This also implies that material consumption during operation is not within the scope of the assessment, but it is not clear.	Clarify whether material consumption during operation is within the scope of the assessment. If it is proposed to be scoped out, justification must be provided and/or consultation with the Inspectorate to agree this.	Operational water demands will be assessed within the ES Chapter 17: *Water and Flood Risk*. An assessment with estimations of natural materials such as compost required for landscaping during operation will be carried out at the detailed design stage. Other operational material demands will not be covered in the ES Chapter 19: *Waste and Materials*, and at this stage in design, due to the focus on construction materials assessment in the IEMA guidance. Additionally, material demands during

	The Scoping Opinion (ID 4.12.1) states that the Inspectorate does not agree to scope out materials consumed during operation.		construction phases are expected to be the most significant compared to other lifecycle stages of the development. The Environmental Statement has been clarified further on the points above.
Ebbsfleet Development Corporation	The Secretary of State requested that that the assessment accounts for materials to be removed from the site and to identify where potential traffic movements would be routed. The applicant responds in this chapter that this will be addressed in the ES and SWMP. There is no mention of how traffic movements associated with waste will be handled in the assessment	Add to methodology a brief section describing how transport movement associated with waste during the construction phase will be assessed and provide a preliminary assessment on that basis.	Traffic movements from waste and material management for the Proposed Development will be assessed in the ES Chapter 9: *Land Transport*.
Ebbsfleet Development Corporation	The SoS requested that the ES should describe the method used to calculate the likely cut and fill balance of material. The PEIR states that "Excavation waste will be estimated following the cut and fill design." but provides no method. The applicant responds in this chapter that this will be addressed in the ES and SWMP.	Add method to methodology section describing how excavation waste will be estimated.	The methodology of the calculation of the cut and fill balance will be included in the ES Chapter 18: *Soils, Hydrogeology and Ground Conditions*.
Ebbsfleet Development Corporation	The PEIR states that the study area "includes three different areas of Kent, Essex and Thurrock." Study areas are likely to vary according to the aspect of the assessment. The study area of the materials assessment is not clearly defined and usually differs significantly to the waste assessment.	Clearly define the Study Areas of each aspect of the assessment: • CD&E waste • Construction materials • Operational and decommissioning waste • Operational materials (if included within the assessment – see comment for paragraph 19.3) These areas should be clearly	Noted. This has been included within the ES Chapter 19: *Waste and Materials* in the 'baseline conditions' section.

		defined within the ES and illustrated on a figure/plan.	
Ebbsfleet Development Corporation	The PEIR states that "assessment considers waste generated within the Project Site and the effects that it may have on waste management infrastructure at local and regional levels." It is not clear how effects will be measured at both the local and regional levels. Considering the effects of waste on local waste management infrastructure will produce a very different level of effect compared to effects on regional infrastructure.	Clarify how waste effects will be considered at both a local and regional level including how the potentially different effect significance levels will be consolidated	The effects have been assessed on the study levels defined and stated in the ES Chapter 19: *Waste and Materials* in the 'baseline conditions' section.
Ebbsfleet Development Corporation	It is acceptable to include details on excavation materials within the soils, hydrogeology and ground conditions chapter. However, an estimation of the excavated materials should be included within this chapter and the SMWP.	An estimation of excavated materials (total arising and potential quantities to be reused onsite) should be included within the ES and the SWMP. Also, state where that information will be extrapolated from (e.g. cut and fill balance report)	This information has been included in ES Chapter 19: *Waste and Materials* in the 'Assessment of Likely Significant Effects' section, as well as in the OCWMP.
Ebbsfleet Development Corporation	The criteria for determining waste receptor sensitivity is defined by a percentage reduction but no indication what this relates to. The receptors are also not defined for waste. No reference to impact on human health.	Clarify that the criteria relate to a percentage reduction in 'void landfill capacity' in accordance with the IEMA guidance. Note that the IEMA guidance considers waste management infrastructure to be beneficiaries of waste and not appropriate receptors.	ES Chapter 19: *Waste and Materials* includes the definition of receptor sensitivity as provided by IEMA guidance for the preparation of waste and material chapters.

Ebbsfleet Development Corporation	It is acknowledged that only steel and concrete are covered in the materials baseline in the PEIR due to limited availability of information.	It should be ensured that aggregates, asphalt and brick are included in the ES as a minimum.	An updated list of materials used for the baseline assessment have been included in the ES Chapter 19: *Waste and Materials* in the baseline section. This list includes national data on steel, aggregates, asphalt, concrete and timber based on availability of information and expected materials for the Proposed Development.
Ebbsfleet Development Corporation	Current aggregate reserves available in Kent and details of minerals safeguarding areas within the study area should be included	Please include details of current aggregate reserves in Kent and details of minerals safeguarding areas	Material baseline has been assessed using national data only, following IEMA guidance. This data on stocks and demand provides the most up-to-date assessment for the ES. Details of the sources used have been outlined in the baseline section of the ES Chapter 19: *Waste and Materials*.
Ebbsfleet Development Corporation	Statista is referenced as a data source of baseline information for materials.	Only primary and reliable data sources should be referenced. It is recommended that the following data sources are interrogated to inform the materials baseline: • The Mineral Products Industry at a Glance (2018 Edition) • The World Steel: 2018 Statistical Yearbook • UK Government: Building materials and components: monthly statistics	Noted, this has been updated in the baseline sections of the ES Chapter 19: *Waste and Materials.*
Ebbsfleet Development Corporation	The remaining landfill capacity should be presented by landfill type.	Include a breakdown by landfill type	Landfill baseline information has been taken from Waste Data Interrogator (2018) information. A breakdown has been provided for inert, non-hazardous and hazardous landfill types in the baseline section of the ES Chapter 19: *Waste and Materials*.

Ebbsfleet Development Corporation	Topsoil is not considered to be inert and metals are not considered to be non-inert.	Amend wording to reflect that sub-soils are considered an inert waste type, but topsoils are not. Amend wording to reflect that metal in an inert waste type (not including WEEE)	Noted, this section has been removed due to updates not requiring this information.
Ebbsfleet Development Corporation	The PEIR states that "the development will generate significant volumes of C&D waste" when no assessment has been carried out yet. The PEIR states that "the estimation will be based on industry standards, based on the development of new proposed gross floor areas." The PEIR states that "the likely significance of effects from construction and demolition waste would potentially be moderate adverse" but no detail is provided on how the significance of effect was arrived at using magnitude of impact and sensitivity of receptors as per the methodology.	See previous comment paragraph 19.5 on industry standards used to calculate waste volumes. Ensure that where effect significance is reported in the ES, the magnitude and sensitivity is also presented. It is also recommended that the significance of effects are reported separately for inert and hazardous waste. It is noted that the estimated figures for C&D waste given in this chapter are subject to change. It is also noted that no excavation waste quantities are given yet, although this paragraph states that the likely effects of excavation material are expected to be more significant than C&D waste. These numbers are needed if an informed view on the likely significant environmental effects is to be reached. When assessing the effect of the	Noted, these steps have been included in the Baseline and Assessment of Likely Significant Effects sections throughout the ES Chapter 19: *Waste and Materials*.

		waste generated by the development it may be necessary to convert from weight to volume in order to consider the reduction in void landfill capacity. Ensure that appropriate conversion factors are used and referenced in the ES.	
Ebbsfleet Development Corporation	This paragraph states that a SWMP will be prepared as part of the ES	It is recommended to refer to 'Outline SWMP' as there will not be enough information to fully complete a SWMP at the time of writing the ES. Also, the Outline SWMP should cover excavated materials as well as construction and demolition materials.	Noted, this has been updated throughout the ES Chapter 19: *Waste and Materials* when referring to this appendix document.