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Your Ref:

Our Ref: EN010071

Date: 27 January 2016

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Dear Sir/Madam

**Planning Act 2008 (as amended) – Section 88 and the Infrastructure  
Planning (Examination Procedure) Rules 2010 (as amended) – Rule 6**

**Application by North London Waste Authority for an Order Granting  
Development Consent for the North London Heat and Power Project**

**Notice of Preliminary Meeting and availability of relevant representations**

I write to you following my appointment by the Secretary of State as the Examining Authority (ExA) for this application for a Development Consent Order (DCO).

This letter is an invitation to the Preliminary Meeting to discuss the examination procedure and contains a number of supporting annexes. I would like to thank those of you who submitted relevant representations. These representations have assisted me when preparing my proposals for how to examine this application.

**Date of meeting:** Wednesday, 24 February 2016

**Seating available from:** 9.30am

**Meeting begins:** 10.00am

**Venue:** The Artzone,  
1<sup>st</sup> Floor, 54-56 The Market Square  
Edmonton Green Shopping Centre  
Fore Street  
London, N9 0TZ

**Access:** The ArtZone is located within Edmonton Green Shopping Centre opposite Edmonton Green Train Station. Once inside the Shopping Centre, head to the Market Square, take the lift or stairs to the 1<sup>st</sup> floor,

then along the balcony to The Artzone.  
For more information:  
<http://www.artzone-facilities.org.uk/location/4578855940>

The purpose of the Preliminary Meeting is to enable views to be put to me about the way in which the application is to be examined. It is important to appreciate that this meeting deals only with procedure, and not the merits of the application. The merits of the application will only be considered once the examination starts after the Preliminary Meeting has closed. Further information is given in Advice Note 8.4, which is available on the National Infrastructure Planning website at:

<http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

I wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, I strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

The agenda for the meeting is in **Annex A**. This has been set following my initial assessment of the principal issues arising from the application and this is set out in **Annex B**. I wish to hear at the meeting from the applicant, interested parties, statutory parties and local authorities where they consider any changes may be needed to the proposals for examining the application set out in **Annex C**. I also have requests for Statements of Common Ground between several parties and these are set out in **Annex D**.

### **Attending the Preliminary Meeting**

If you wish to attend the Preliminary Meeting please write, email or telephone the Planning Inspectorate, using the address and contact details set out at the front of this letter marking correspondence for the attention of Stephanie Newman, Case Manager. We need to receive your confirmation **by noon, Wednesday, 17 February 2016**.

It will help the management of the meeting and benefit everyone if you also:

- tell us whether you wish to speak at the meeting and on which agenda items, listing points you wish to make; and
- notify us of any special needs you may have (eg disabled access, hearing loop, etc).

If you wish to make any submissions on matters not set out in the agenda, please write to Stephanie Newman, Case Manager, setting out the submissions that you wish to make **by noon, Wednesday, 17 February 2016**. I will attempt to accommodate reasonable requests and will alter the agenda on opening the Preliminary Meeting if I consider this will assist the discussion of the procedure for the examination.

I will cover the main features of the examination process at the Preliminary Meeting which provides you with an opportunity to have your say about procedural issues, particularly the proposed timetable, before these decisions are finalised. If you intend to play an active part in the examination or you have questions about procedure it is useful therefore to attend the meeting. However, please note that you are not

required to attend the Preliminary Meeting in order to participate in the examination. If you are an interested party you will still be able to make written representations and participate in any open floor and issue specific hearings that are arranged. Should you no longer wish to be an interested party and do not wish to be involved in the examination process, you can notify us of this in writing.

## **After the Preliminary Meeting**

Shortly after the end of the Preliminary Meeting you will be sent a letter setting out matters such as the timetable for the examination and my first set of written questions. An audio recording and a note of the meeting will also be published on our website as soon as practicable after the meeting.

Interested parties have the right to request an open floor hearing and those persons affected by any request for compulsory acquisition or temporary possession of their land or rights may request a compulsory acquisition hearing. Any other issue specific hearings are at the discretion of myself as the ExA and will be arranged if I feel that consideration of oral representations would ensure an issue is adequately considered. My examination will comprise principally consideration of written representations about the proposal and any oral representations made at the hearings, in addition to the project documents, policy and legal positions, site inspections and any other matters I consider to be relevant and important.

All relevant and important matters will be taken into account when I make a recommendation to the Secretary of State for Energy and Climate Change, who will take the final decision in this case.

## **Your status in the examination**

This letter has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of PA 2008.

If you have made a relevant representation, have a legal interest in the land affected by the proposal or are a relevant local authority, you have a formal status as an interested party in the examination.

Interested parties will receive notifications from the Planning Inspectorate about the examination throughout the process and may make written and oral submissions regarding the proposal.

If you are a prescribed consultee (i.e. body specified in the relevant regulations supporting PA 2008) but have not made a relevant representation (reference number beginning with NLHP-SP) you will not automatically be an interested party. However, following the Preliminary Meeting, you will have a further opportunity to notify the Planning Inspectorate that you wish to be treated as an interested party.

If you are not an interested party or a prescribed consultee (i.e. body specified in the relevant regulations supporting PA 2008), you have received this letter because I wish to invite you to the Preliminary Meeting as an 'Other person' because it appeared to me that the examination could be informed by your participation. 'Other persons' have a reference number beginning with NLHP-OP.

If you are not sure whether you are an interested party, please contact the Case Manager using the details at the top of this letter. Information regarding the formal status of interested parties and how you can get involved in the process is set out in the Planning Inspectorate Advice Note 8 on the National Infrastructure Planning website:

<http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

### **Award of costs**

I also draw your attention to the possibility of the award of costs against interested parties who behave unreasonably. You should be aware of the relevant cost guidance that applies to National Infrastructure projects. The "Awards of costs; examinations of applications for development consent orders" is available on the National Infrastructure website:

<http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

### **Management of Information**

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this Project (if accepted formally by myself as the ExA) and any record of advice which has been provided is recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information has been protected in accordance with the Planning Inspectorate's Information Charter.

I look forward to working with all parties in the examination of this application.

Yours faithfully

*Paul Hudson*

**Paul Hudson**  
**Examining Authority**

### **Annexes**

- A** Agenda for the Preliminary Meeting
- B** Initial assessment of principal issues
- C** Draft timetable for examination of the application
- D** Procedural decisions made by the Examining Authority
- E** Availability of relevant representations and application documents

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

## Agenda for the Preliminary Meeting

Date: Wednesday, 24 February 2016

Meeting Start Time: 10.00am (Venue open from 9.30am)

Venue: The Artzone  
1<sup>st</sup> floor, 54-56 The Market Square  
Edmonton Green Shopping Centre  
Fore Street  
London, N9 0TZ

9.30am	Registration opens
10.00am	Welcome and Introductions
10.10am	Examining Authority's remarks about the examination process
10.30am	Initial assessment of principal issues – see Annex B
10.40am	Draft timetable for the examination – see Annex C
11.30am	Break
11.45am	Statements of Common Ground – see Annex D
12.00 noon	Availability of relevant representations and application documents – see Annex E
12.10pm	Any other business
12.30pm	Close of the Preliminary Meeting

**Please note:** The timings above are only indicative; please register and be available from the start and throughout the meeting. If the discussion takes less time than anticipated, the ExA will conclude the meeting as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time, the meeting may run for longer and the order of items may change.

## **Initial assessment of principal issues**

This is the initial assessment of the principal issues arising from consideration by myself as the Examining Authority of the application documents and relevant representations received.

It is not a comprehensive or exclusive list of all relevant matters.

### **Combined Heat and Power**

- Compliance with the National Policy Statements and the London Plan policies

### **Need**

- Compliance with the waste hierarchy
- Consistency with the emerging North London Waste Plan

### **Traffic and transport**

- Construction impacts on neighbouring Eley industrial estate
- Implications of proposed compulsory acquisition of Deephams Farm Road and Ardra Road for users currently using this access

### **Green Belt**

- Justification for temporary use of a Green Belt site for construction purposes, and impacts on the Lee Valley Regional Park

### **Water resources**

- Groundwater protection and possible contamination of the chalk aquifer
- Flood risk and mitigation

### **Visual impact**

- Visual impacts during construction

### **Compulsory acquisition**

- Justification for new public access road to the eastern side of the proposed development site
- Justification for loss of open space and arguments for exemption

### **Draft Development Consent Order**

- Adequacy of the draft DCO, including protection of statutory undertaker assets and interests, heritage assets and archaeological interests
- Adequacy of the Code of Construction Practice to provide sufficient protection for ecological etc interests, recreational use and general amenity

### Draft timetable for examination of the application

The Examining Authority (ExA) is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.

Item	Matters	Due Dates
1	Preliminary Meeting	<b>Wednesday 24 February 2016</b>
2	Issue by the ExA of: <ul style="list-style-type: none"> <li>• Examination timetable</li> <li>• ExA's first written questions</li> </ul>	<b>Wednesday 2 March 2016</b>
3	<p><b>Deadline 1</b></p> <p>Deadline for receipt by the ExA of</p> <ul style="list-style-type: none"> <li>• Summaries of all relevant representations (RR) submitted by 23 December 2015 exceeding 1500 words</li> <li>• Comments on RRs</li> <li>• Notification by statutory parties of wish to be considered as an interested party</li> <li>• Notification by persons within certain categories of interests on the land of wish to become an interested party</li> <li>• Notification by interested parties of wish to make oral representations at the issue specific hearing on the draft Development Consent Order (DCO) to be held on 18 March 2016</li> <li>• Notification by affected persons of wish to speak at a compulsory acquisition hearing</li> <li>• Notification by interested parties of wish to speak at an open floor hearing</li> <li>• Submissions from interested parties recommending locations or items for the itinerary for the accompanied site inspection on</li> </ul>	<b>Wednesday 11.59pm 9 March 2016</b>

	<p>17 March 2016</p> <ul style="list-style-type: none"> <li>Any further information requested by the ExA for this deadline</li> </ul>	
4	Accompanied site inspection	<b>Thursday 17 March 2016</b>
5	<p>Issue specific hearing dealing with matters relating to the draft DCO</p> <p><i>Agendas for each hearing will be published on the project page of our website seven calendar days before the hearing is due to take place but will not otherwise be published or circulated. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.</i></p>	<b>Friday 18 March 2016</b>
6	<p><b>Deadline 2</b></p> <ul style="list-style-type: none"> <li>Written representations (WRs) by all interested parties</li> </ul> <p><i>All parties should submit their full written case and supporting evidence at this stage, as any representations to be heard at a hearing should be based on RR or WR.</i></p> <ul style="list-style-type: none"> <li>Summaries of all WRs exceeding 1500 words</li> </ul>	<b>11.59pm Wednesday 23 March 2016</b>
7	<p><b>Deadline 3</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>Written summaries of oral submissions put at the issue specific hearing dealing with matters relating to the draft DCO held on 18 March 2016</li> <li>Responses to the ExA's first written questions</li> <li>Local Impact Reports (LIR) from local authorities</li> <li>Statements of Common Ground (SoCG) requested by the ExA</li> <li>Updated draft DCO from the applicant</li> <li>Any further information requested by the ExA for this deadline</li> </ul>	<b>11.59pm Wednesday 6 April 2016</b>
8	<b>Deadline 4</b>	<b>11.59pm</b>

	<p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on WRs and any responses to comments on RRs</li> <li>• Comments on LIR</li> <li>• Comments on responses to the ExA's first written questions</li> <li>• Any further information requested by the ExA for this deadline</li> </ul>	<p><b>Wednesday 27 April 2016</b></p>
9	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> <li>• Second written questions</li> </ul> <p><i>A banner on the North London Heat and Power Project webpage will be updated on this day to detail the documents containing the list of questions.</i></p>	<p><b>Wednesday 11 May 2016</b></p>
10	<p><b>Deadline 5</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Responses to the ExA's second written questions</li> <li>• Any further information requested from the ExA for this deadline</li> </ul>	<p><b>11.59pm Sunday 5 June 2016</b></p>
11	<p><b>Deadline 6</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Comments on responses to the ExA's second written questions</li> <li>• Any further information requested by the ExA for this deadline</li> </ul>	<p><b>11.59pm Sunday 19 June 2016</b></p>

12	<p>Dates reserved for:</p> <ul style="list-style-type: none"> <li>• Second <b>issue specific hearing</b> dealing with matters relating to the draft DCO</li> <li>• Any <b>issue specific hearing(s)</b> on other matters that may be required</li> <li>• Any <b>open floor hearing(s)</b> (if required, from any requests received by Deadline 1)</li> <li>• Any <b>compulsory acquisition hearing(s)</b> that may be requested or required</li> <li>• A second accompanied site inspection (if required)</li> </ul> <p><i>Agendas for each hearing will be published on the project page of our website seven calendar days before the hearing is due to take place but will not otherwise be published or circulated. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.</i></p>	<b>Period between 27 June and 8 July 2016</b>
13	<p><b>Deadline 7</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Written summaries of oral submissions put at any hearings held between 27 June and 8 July</li> <li>• Any further information requested by the ExA for this deadline</li> </ul>	<b>11.59pm Monday 18 July 2016</b>
14	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> <li>• Report on Implications for European Sites (RIES) if required</li> </ul> <p><i>A banner on the North London Heat and Power Project webpage will be updated on this day to detail the documents published.</i></p>	<b>Tuesday 26 July 2016</b>
15	<p>Dates reserved for:</p> <ul style="list-style-type: none"> <li>• Any further hearings including third issue specific hearing dealing with matters relating to the draft DCO (if required)</li> </ul>	<b>Wednesday and Thursday 17 and 18 August 2016</b>
16	<b>Deadline 8</b>	<b>11.59pm Monday</b>

	<p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Written summaries of oral submissions put at any hearings held on 17 and 18 August</li> <li>• Applicant's final draft DCO and Explanatory Memorandum</li> <li>• Comments on the ExA's RIES (if required)</li> <li>• Any further information requested by the ExA for this deadline</li> </ul>	<p><b>22 August 2016</b></p>
<p>17</p>	<p>The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.</p>	<p><b>Wednesday 24 August 2016</b></p>

## **Procedural decisions made by the Examining Authority (ExA)**

As the ExA, I have made the following procedural decisions under Section 89(3) of the Planning Act 2008:

### **1. Statements of Common Ground (SoCG)**

In relation to some of the principal issues identified in Annex C, I would be assisted by the preparation of SoCGs between the applicant and certain interested parties. The draft timetable for the examination therefore provides a deadline for submission of SoCGs.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. The reasons for the differences and interpretation of the implications of a difference can then be expanded in the evidence. Unless otherwise stated or agreed, the SoCG should be agreed between the applicant and the other relevant interested party or parties, and submitted by the applicant.

SoCGs are requested to be prepared by:

- A. **The applicant and Natural England** to include:
  - Confirmation of no significant effects on the Lee Valley SPA and Ramsar, and the Epping Forest SAC in combination with other development projects
- B. **The applicant and the London Borough of Enfield, the Greater London Authority and Transport for London** to include:
  - Agreement to the scope, methodology and assessment of the outcomes of the Transport Assessment (APP-030 and 031, application document AD05.11)
- C. **The applicant and the Environment Agency** to include:
  - Agreement to the assessment of impacts of the proposed project on groundwater conditions and water quality
  - Assessment of the extent to which the project will give rise to flood risk and the adequacy of proposed flood protection measures
- D. **The applicant and the Lee Valley Regional Park Authority and the London Borough of Enfield** to include:

- Assessment of the visual impacts of the proposed project both during construction and when operational.

In addition, it is understood from the application documents that the applicant is intending to submit SoCGs on various topics and these are requested on or before Deadline 3.

The ExA's advice is that the SoCGs should cover the following topics where relevant:

- Methodology for environmental impact assessment including assessment of cumulative effects
- Data collection methods
- Baseline data
- Data/statistical analysis, approach to modelling and presentation of results (including forecast methodologies)
- Full expression of expert judgements and assumptions
- Identification and sensitivity of relevant features and quantification of potential impact
- Likely effects (direct and indirect) on special interest features of sites designated or notified for any nature conservation purpose
- Feasible and deliverable mitigation and method for securing such mitigation within the DCO.

## **2. Acceptance of supplementary material supplied by the applicant**

Since the application was formally accepted for examination on 11 November 2015, the Planning Inspectorate has issued advice about aspects of the application documents where other information would be helpful prior to the start of the examination. This information was submitted by the applicant on 23 December 2015 and has been formally accepted as examination documents by myself as the ExA under s89 of the Planning Act 2008. It is available on the National Infrastructure portal as set out at Annex E, and includes:

<b>Reference</b>	<b>Document name</b>
APP-055	North London Waste Authority - Letter to the Planning Inspectorate regarding Certificates and Revised Book of Reference
APP-056	North London Waste Authority - Response to S51 Advice Letter
APP-057	North London Waste Authority - AD04.03 Book of Reference Revision 2
APP-058	North London Waste Authority - AD04.04 CA Powers Roadmap Revision 2
APP-059	North London Waste Authority - Comparison Between Submitted Book of Reference and Revised Book of Reference

APP-060	North London Waste Authority - Definitive List of Category 3 Persons December 2015

### Availability of relevant representations and application documents

All application documents including relevant representations and application documents are available both separately and in the Examination Library on our website:

<http://infrastructure.planninginspectorate.gov.uk/projects/london/north-london-heat-and-power-project/>

The Examination Library will be added to as documents are received and accepted during the course of the examination.

Documents can be viewed electronically at the following locations. Please note that you may need to bring a form of ID to use the computer at these locations.

#### Electronic Deposit Locations:

Location	Opening times	Copying charges per page (A4)
Edmonton Green Library 36-44 South Mall London N9 0TN	Mon - Thurs: 9am- 7pm Fri: 9am- 5.30pm Sat: 9am- 5pm Sun: closed	10p - black and white 25p - colour
South Chingford Community Library 265 Chingford Mt Rd London E4 8LP	Mon: 10am - 6pm Tues - Thurs: 10am – 4pm Sat: 10am – 4pm Fri and Sun closed	10p - black and white 20p - colour
Coombes Croft Library High Rd White Hart Lane Greater London N17 8AG	Mon – Fri: 9am – 7pm Sat: 9am – 5pm Sun: closed	10p - black and white 50p - colour