



Application by North London Waste Authority

North London Heat and Power Project

The Examining Authority's first written questions and requests for information

Issued on Wednesday 2 March 2016

The following table sets out the Examining Authority's (ExA) first written questions and requests for information.

Column 2 of the table indicates **to whom questions are directed**. In no way does this preclude an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a **unique reference number** which combines a section number and a question number.

When you are answering a question, please start your answer by quoting the unique reference number.

If you are answering a limited number of questions, responses in a letter format will suffice. If you are answering several questions, it will assist the ExA if you use a table based on that used below. An editable version of this table, in Microsoft Word, is available on request from case team by emailing:

nlhpp@pins.gsi.gov.uk

Question to:		Question:
1.	The Application	
1.1	Applicant	Please set out the current position in establishing the Lee Valley Heat Network Ltd (paragraph 2.2.8 of the Combined Heat and Power Development Strategy (APP-022)) and enabling the existing Energy from Waste (EfW) plant to supply heat by the end of 2017 (paragraph 5.3.3).
1.2	Applicant	Paragraph 3.3.34 of the Environmental Statement (ES) Vol. 1 (APP-039) states that some upgrade works required to the electricity grid connection would be pursued separately by UK Power Networks (UKPN) under their statutory powers and therefore are not included in the application or assessed in the ES. Please confirm that the nature and extent of such upgrade works do not alter the conclusions about cumulative effects in the ES Vol. 2 (APP-041).
1.3	Applicant	Please provide confirmation that UKPN agree with the position set out in paragraph 3.2.2 of the Grid Connection Statement (APP-039).
1.4	Applicant	In view of the representation from Public Health England (RR-020) please set out an assessment of the potential effects of the proposed development on electromagnetic fields.
1.5	Applicant	Please provide further information on the likely size, number and characteristics of the proposed installation of photovoltaic panels at roof level on the Energy Recovery Facility (ERF) and Resource Recovery Facility (RRF) and evidence that their potential environmental effects (e.g. in respect of solar glare) have been assessed.

Question to:		Question:
1.6	Applicant	What is the precise upper level of energy output from the ERF (paragraph 5.39.4 of the Explanatory Memorandum (EM) (APP-039))?
1.7	Applicant	Paragraph 3.3.13 of the ES Vol. 1 (APP-039) explains that waste deliveries to the site would average 13,500 tonnes per week, but that this could vary by as much as 12% above and 14% below the mean. Please explain how this relates to the maximum capacity of the facility to handle 700,000 tonnes of residual waste per annum (paragraph 3.3.8).
1.8	Applicant	Why is construction of the proposed development not intended to commence until 2019/ 20 or even later if the DCO is approved (paragraph 2.4.2 of the Planning Statement (APP-018))?
1.9	Applicant	Under what circumstances is waste incineration intended within the ERF without electricity generation?
1.10	Applicant	Please provide a detailed version of the illustrative master plan E_0002 showing the location and boundaries of the Works No 1(a), 1(b), 2, 3 and 4 in schedule 1 of the draft DCO (APP-009).
1.11	Applicant	Please provide a version of the illustrative master plan E_0002 together with suitable cross sections showing the indicative layout and uses intended to take place on the Temporary Laydown Area, Work No 5 in schedule 1 of the draft DCO (APP-009).
1.12	Applicant	What controls are intended to apply to the Temporary Laydown Area given that paragraph 2.1(c) of the Design Code Principles (APP-008) states these do not

Question to:		Question:
		apply to temporary buildings?
1.13	Applicant	What is the intended future use of the EfW site when the existing plant is demolished, as it is stated as being "available for future waste related development" (paragraph 3.3.1 of the ES Vol. 1 (APP-039))?
1.14	Applicant	Please provide a plan showing precisely the location and position of public rights of way suspensions, extinguishments and stopping up set out in schedules 6, 7 and 8 of the draft DCO (APP-009).
2.	Need	
2.1	Applicant	Please demonstrate how the proposed development would be consistent with the principles of the waste hierarchy in encouraging higher rates of recycling, and that the proposed capacity of the new plant would not have the effect of reducing current levels of recycling (paragraph 3.3.5 and section 2.4 of the Need Assessment (APP-020)).
2.2	Applicant	The North London Waste Plan is at an early stage of preparation, but please provide a note setting out the present position and how the proposed development is consistent with or conflicts with the plan as it currently exists.
2.3	Applicant	Does London Waste Limited (LWL) have contracts for waste management in addition to those with the applicant which expire in 2025 (paragraph 1.2.3 of the Planning Statement (APP-018))?
3.	Development Context	

Question to:		Question:
3.1	Applicant	Paragraph 5.3.27 of the ES Vol. 1 (APP-039) states that the list of developments included in the cumulative assessment does not include those for which a planning application is expected but not yet submitted. Please confirm whether any additional development schemes should now be included, and whether any updates are required to the cumulative development schedule (ES Vol. 1 Appendix 5.2 (APP-040)), for example concerning the North London (Electricity Line) Reinforcement DCO.
3.2	Applicant	Paragraph 5.13.1 of the ES Vol. 2 (APP-041) explains that the Meridian Water regeneration project would be under construction concurrently with the project, and that no significant adverse cumulative effects would result from the construction of the two projects. Please set out the current position concerning implementation of the proposed Meridian Water development and how the potential cumulative effects with the Meridian scheme are intended to be minimised.
3.3	Applicant	What is the position concerning the reinstatement of the Camden Plant Ltd site referred to in paragraph 2.2.8 of the ES Vol. 1 (APP-039)?
3.4	Applicant	What is the operational relationship, if any, between the existing Metals Recovery Facility to the north of the application site and the proposed development?
4.	Green Belt	
4.1	Applicant	The application proposes the use of land to the west of the Lee Navigation as a Temporary Laydown Area for construction purposes, which will continue for approximately five years. Please explain the very special circumstances which

Question to:		Question:
		exist to outweigh inappropriate development on this site which is formally within the Metropolitan Green Belt (paragraph 6.10.9 of the Planning Statement (APP-018)).
4.2	Applicant	Please set out a detailed consideration of what alternatives have been considered to the site proposed for the Temporary Laydown Area (paragraph 4.8.3 of the Alternatives Assessment Report (APP-019)).
4.3	Lee Valley Regional Park Authority	Please provide the Authority's views about the impact of the proposed Temporary Laydown Area construction site on the operation of this part of the regional park, and the extent to which the proposal is acceptable to the Authority.
5.	Environmental Issues	
5.1	Interested Parties	The No Significant Effects Report (NSER) (APP-037) concludes that the project is not likely to have significant effects on the Lee Valley Special Protection Area and Ramsar site and the Epping Forest Special Area of Conservation (either alone or in combination with other projects) and Natural England have indicated that they are satisfied with this conclusion. Do any other parties have any comments on the conclusions of the NSER?
5.2	Applicant	Why is the mechanism for updating the Code of Construction Practice (CoCP) (APP-032) referred to in paragraph 1.3.1 not secured by a requirement in schedule 2 of the draft DCO (APP-009)?
5.3	Environment Agency (EA) , Natural England (NE), Historic England	Please confirm whether the proposals for consultation prior to and during construction and the measures proposed for environmental mitigation in the

Question to:		Question:
	(HE), Transport for London (TfL), Canal and River Trust and London Borough of Enfield (LBE)	draft CoCP (APP-032) are satisfactory, and whether these are adequately secured through requirement 16 in schedule 2 of the draft DCO (APP-009).
5.4	Applicant	Part of the Lee Valley Site of Metropolitan Importance for Nature Conservation (SMINC) falls within the application site. Please set out which types of the SMINC habitats would be lost and their extent (paragraph 5.7.9 of the ES Vol. 2 (APP-041)).
5.5	Applicant	Stage 2 of the construction programme (when both the existing and proposed facilities are operational at the same time in 2025) is said to represent the worst-case scenario 'for many topics' (paragraph 3.5.9 of the ES Vol. 1 (APP-039)). Does this include ecology?
5.6	Applicant	Are any European Protected Species licences anticipated to be required?
5.7	Applicant	Paragraph 5.10.1 of the ES Vol. 2 (APP-041) explains that as there are no permanent significant adverse effects, no mitigation beyond that embedded in the project design is proposed. Acknowledging the temporary duration of the anticipated effect, are there any measures which could mitigate the significant adverse effects on Linnet?
5.8	Applicant	Paragraph 3.5.10 of the ES Vol. 1 (APP-039) states that the project is expected to accord with the programme of works but recognises that it could vary slightly. A sensitivity test has therefore been undertaken to consider if the environmental effects of the project would be any different if the programme were to change by 12 months. Please explain what would be the consequences for potential risks to the environment if the project is delayed by more than 12 months and/or how

Question to:		Question:
		such risks would be managed, for example a review of the assessment if there is a further delay.
6.	Traffic and transport	
6.1	Applicant	Will the construction of the proposed development require road closures, diversions etc. which would impact on the operation of current businesses occupying the Eley industrial estate, and if so how would those impacts be minimised?
6.2	Applicant	The application proposes the compulsory acquisition of Deephams Farm Road and Ardra Road to provide a new northern access to the proposed development. Please set out what consequences this would have for those operations currently using this access, such as the Deephams Sewage Treatment Works.
6.3	Applicant	Is public access envisaged to Ardra Road/Deephams Farm Road?
6.4	Applicant	Section 10.11 of the ES Vol. 2 (APP-041) explains how a sensitivity test has been used to see if the transport effects of the project would be materially different if the programme were to change by 12 months. How is construction of the development within the assessment parameters secured in the draft DCO (APP-009)?
6.5	Applicant	Paragraph 3.3.20 of the ES Vol. 1 (APP-039) explains that incinerator bottom ash and boiler ash from the waste combustion processes would be transported to an off-site treatment area for metal recovery/processing or for suitable management by a licensed competent contractor. Where is the off-site treatment area, what are the potential vehicle trips that could be generated by these

Question to:		Question:
		processes (i.e. based on the amount of waste/residues generated) and how have these been assessed in the ES?
6.6	Applicant	The tables in section 3.5 of the ES Vol. 1 (APP-039) refer to some other activities that could also generate waste (e.g. demolition/clearance of some buildings and areas – including the existing EfW facility - and some excavation works). Please explain the type and amount of waste that could be generated during these activities, the potential off site vehicle trips and how have these been assessed in the ES.
6.7	LBE and TfL	Paragraphs 10.3.8 – 10.3.11 of the ES Vol. 2 (APP-041) describe the main assumptions used to derive the number of vehicle trips which would be generated by the development and their distribution to the local highway network. Please confirm agreement with these assumptions and the conclusions of the assessment.
6.8	LBE and TfL	Paragraph 1.7.2 of the ES Vol. 2 Appendix 10.1 (Transport Assessment Methodology (APP-048)) explains that the cumulative effects of the development have been determined by utilising trip generation figures from the relevant transport assessments or through trip generation estimates carried out for these developments specifically for this ES. Please confirm agreement with this approach and with the cumulative effects set out in section 10.12 of the ES Vol. 2 (APP-041).
6.9	LBE and TfL	Please confirm agreement with the proposed measures for mitigating/managing the potentially adverse effects on transport described in section 10.6 of the ES Vol. 2 (APP-041) through the:

Question to:		Question:
		<ul style="list-style-type: none"> • CoCP; • Operational Travel Plan; and • Delivery and Servicing Plan.
6.10	LBE and TfL	Please confirm agreement with paragraphs i.vii.iii and iv of the Transport Assessment (APP-030) that for all stages of the project the additional traffic generated by the project will not result in any significant increases on the local highway network, and there would be a negligible effect on capacity at the Cooks Ferry Roundabout and the junction of A1055 Meridian Way with Ardra Road.
6.11	LBE and TfL	Please confirm agreement with the proposed operational car parking provision set out in section 4.4 of the Transport Assessment (APP-030) which would be in excess of London Plan requirements, but a reduction of 80 spaces on the existing provision at the EcoPark site.
7.	Water Resources and Flood Risk	
7.1	Applicant and EA	Please explain how the proposed development will impact upon the risk of contamination of the chalk aquifer beneath the ERF.
7.2	Applicant	Please clarify whether all the mitigation measures identified in the Hydrogeological Risk Assessment have been incorporated into the design of the development (as recorded in section 11.6 of the ES Vol. 2 (APP-041)). If not, please clarify how the mitigation measures would be secured and delivered through the draft DCO (APP-009).
7.3	Applicant and EA	Has the Flood Risk Assessment (FRA) guidance referred to by the EA in their relevant representation (RR-011) been published, and if so does it affect the

Question to:		Question:
		findings of the applicant's FRA?
7.4	EA	Please confirm whether the conclusion that the proposed development is compliant with the Water Framework Directive Assessment (Appendix 11.3, ES Vol. 2 (APP-049)) is agreed with.
7.5	Applicant	Please clarify whether proposed changes to the ground levels of the Temporary Laydown Area, or to the existing ground levels of the main application site, would affect the assumptions used to inform the FRA.
8.	Visual Impacts	
8.1	Applicant	Please provide photomontages of the proposed development on completion i.e. with the demolition of the existing EfW, and with future baseline developments also complete, particularly the proposed Meridian Water development if possible, from the viewpoints 2, 3, 6, 7, 8, 10, 11, 14. Please also set out the assumptions made in preparing the photomontages.
8.2	Applicant	Paragraph 1.9.1 of the ES Vol. 3 (APP-052) explains that whilst significant visual effects have been identified during construction, operation and decommissioning, '...no supplementary mitigation measures (beyond the measures embedded into the design of the project) have been proposed as the scale and bulk of the project during construction, operation and decommissioning cannot be completely screened or mitigated'. However, adverse cumulative effects are predicted in relation to a number of viewpoints. What potential is there to mitigate these predicted cumulative effects?

Question to:

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9. Compulsory acquisition

9.1	Applicant	Given that the existing use of the Lee Park Way crossing of the Lee Navigation is a foot and cycleway only which is proposed to be added to and changed by a new vehicular access to the eastern side of the proposed development, please provide further justification for the argument that the special procedure required by section 132 (2) PA 2008 does not need to be followed in relation to the special category land because it will be no less advantageous than it was before to the public.
9.2	Applicant	Paragraph 5.21.4 of the EM (APP-010) states in that the reason for allowing the undertaker 7 years (article 20 of the draft DCO (APP-009)) to exercise compulsory acquisition (CA) powers rather than the normal 5 years is because, inter alia, it may not be possible or desirable. Given that the development would need to be commenced within 5 years of the Order coming into force (requirement 2 in schedule 2 of the draft DCO (APP-009)), which are the elements of the authorised development to which the need for CA powers extending to 7 years would apply?
9.3	Applicant	Please explain why the CA powers of the Order are not limited in article 7 to the applicant only i.e. North London Waste Authority rather than to all those persons who have an interest in the land under section 156 of PA 2008. It appears to be intended in paragraph 11.8 of the Statement of Reasons (SoR) (APP-012) that LWL will enjoy the potential CA powers.
9.4	Applicant	Please provide an update of the negotiations for acquisition of freehold, leasehold or temporary interests relating to each plot identified in Tables 1, 2 and 3 and the extinguishment of rights in Table 4 of the SoR (APP-012).

Question to:		Question:
10.	Draft Development Consent Order	
10.1	Applicant	Please explain how statutory undertaker assets and interests which exist in the proposed development site are adequately provided for in the draft DCO (APP-009).
10.2	Statutory undertakers	Please confirm acceptance of articles 21 to 23 of the draft DCO (APP-009).
10.3	Applicant, HE and LBE	Please confirm that the arrangements in the draft DCO (APP-009) to protect heritage assets and archaeological interests are satisfactory.
10.4	Applicant	Why are matters contained in the CoCP (APP-037), such as noise and working hours, not covered as requirements in schedule 2 of the draft DCO (APP-009)?
10.5	Applicant	Why are apparently very generous vertical limits of deviation needed, for example "to any extent downward" in article 4(2) (b)(ii) of the draft DCO (APP-009) and above ground in relation to the Works set out in paragraph 4 of schedule 2?
10.6	Applicant	What is the doubt about the resurfacing of Ardra Road, described in Work No 4 as "if required", and how does this relate to the maintenance provisions of article 5 (3)(b) of the draft DCO (APP-009), and the streetworks powers in article 10 (1)(e)?
10.7	Applicant	Please provide a justification for Works No 3 and 7 qualifying as associated development, in view of the advice in DCLG Guidance " Planning Act 2008: associated development applications for major infrastructure projects ".

Question to:		Question:
10.8	Applicant	Please explain why the proposed permission sought by Work No7 to demolish the existing EfW plant is needed.
10.9	Applicant	Please provide a justification for the bespoke appeals mechanism set out in paragraph 4 of schedule 3 of the draft DCO (APP-009), given the normal reliance on importing articles 78 and 79 of the TCPA 1990.
10.10	LBE and TfL	Please confirm that the provisions of articles 13 (6) and 38 (3) of the draft DCO (APP-009), are acceptable.
10.11	Applicant	Paragraph 3 of schedule 1 of the DCO (APP-009), refers to additional as yet unspecified works which may be necessary or expedient as associated development. What works are envisaged as needing to be authorised by the Order?
10.12	Applicant	Article 19 of the draft DCO (APP-009) is subject to articles 23 and 27. What is the reason for this?
10.13	Applicant	Please identify which hedgerows are intended to be removed within the Order land provided for by article 32 of the draft DCO (APP-009).
10.14	LBE	Please confirm that article 32 (3) of the draft DCO (APP-009) is acceptable, given that it effectively disapplies the Hedgerows Regulations 1997.
10.15	Applicant	Article 28 (1) (b) of the draft DCO (APP-009) appears to seek powers over land shown on the plan C_0018 which is outside the Order land. What is the

Question to:		Question:
		justification for this and in this particular instance why is this necessary in view of article 32 (1)?
10.16	Applicant	What is the justification for article 22 of the draft DCO (APP-009) given the existence of sections 152 and 158 PA 2008 and that references to this article appear to be missing from the SoR?
10.17	Applicant	How does requirement 20 (2) (a) of the draft DCO (APP-009), relate to requirement 22 (1)?