
NORTH LONDON WASTE AUTHORITY

NORTH LONDON HEAT AND POWER PROJECT

EN010071

APPLICANT'S COMMENTS ON RELEVANT REPRESENTATIONS

The Planning Act 2008 The Infrastructure
Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009
Regulation 5 (2) (d)

AD07 . 01

March 2016

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1 Introduction

1.1. Purpose of this report

- 1.1.1. This document relates to the application made by North London Waste Authority known as the North London Heat and Power Project (reference EN010071), which seeks development consent pursuant to Section 37 of the Planning Act 2008 (as amended) for a replacement Energy Recovery Facility at the Edmonton EcoPark, London N18 3AG, with associated development.
- 1.1.2. This document provides the Applicant's comments on the relevant representations in respect of the application which were submitted to the Secretary of State on or before 23 December 2015. In accordance with the timetable issued by the Examining Authority, these comments are being provided to the Planning Inspectorate on or before 9 March 2016.

- 1.1.3. The comments are contained in a table below, which is structured as follows:

First Column	Indicates the number allocated by the Planning Inspectorate.
Second Column	Sets out the name of each party who has submitted a relevant representation.
Third Column	Lists the date of each relevant representation
Fourth Column	Sets out the Applicant's own summary of the relevant representation. The summary has not been prepared or reviewed by the author of the relevant representation and it is not a substitute for reading the relevant representation itself.
Fifth Column	Sets out the Applicant's comments on each relevant representation.

2 Applicant's comments on Relevant Representations

No.	Received from	Date	Summary of Relevant Representation	Applicant's Comments
1	KTI Energy Ltd	22/11/2015	<p>KTI Energy Ltd makes four points:</p> <ol style="list-style-type: none"> 1. The National Planning Policy for Waste 2014 (NPPW) requires the delivery of as much heat as possible to the community. 2. Section 38 of the Infrastructure Act 2015 indicates that the Government wishes communities to own generating assets. 3. Using SRF instead of crude waste as a fuel would produce two thirds of the emissions of the current scheme. 4. The facility is not sized to deal with all waste arisings identified in the North London Waste Plan. 	<p>The Applicant has assessed compliance with national, regional and local policy, and the assessment is set out in the Planning Statement (AD05.02).</p> <p>The Project includes the ability to take heat from the facility, as is required by National Policy Statement EN1 (4.6). The Applicant is working with Lee Valley Heat Network, and is able to work with other schemes if they come forward, for local provision of hot water/heat.</p> <p>As to point (1): para 4, bullet 4 of the National Planning Policy for Waste 2014 (NPPW) requires Waste Planning Authorities to consider the potential for the use of heat when identifying sites at the plan-making stage. As identified above, in so far as that paragraph is relevant to the determination of an application the Applicant is actively addressing the potential use of heat.</p> <p>As to point (2): Section 38 of the Infrastructure Act 2015 is not yet in force. It provides the power to the SoS to proscribe regulations to provide a community to buy a stake in a renewable generating station in or adjacent to its area. No such regulations have been made.</p> <p>As to point (3): the emissions anticipated from the proposed ERF are set out and assessed in the Environmental Statement (AD06.02) and no adverse impact is anticipated as a result of the Project. The facility design would ensure that current and anticipated emissions standards are more than met.</p> <p>As to point (4): the Applicant has assessed the need for the facility (Need Assessment, AD05.04) and has sized the facility to meet the</p>

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				<p>anticipated requirement up to 2051, taking account of appropriate recycling levels. This requirement is based on projected waste arisings collected by the London Boroughs in the North London Waste Authority area, as the waste collection authorities, and does not extend to other waste, such as would be included in the North London Waste Plan figures.</p>
2	Marine Society and Sea Cadets	23/11/2015	<p>The Marine Society and Sea Cadets are in favour of the project as they believe it will enhance the area, and because it supports the organisation's work.</p>	<p>This representation is welcomed.</p>
3	E Roberts Timber Ltd	27/11/2015	<p>Mr Roberts raises concerns over possible effects of the scheme on his business, e.g. potential road closures and general disruption.</p>	<p>Mr Roberts of E Roberts Timber Ltd contacted NLWA following receipt of the Section 56 notification and expressed his concerns about traffic disruption and potential road closures, and a concern that compulsory acquisition was proposed for his site.</p> <p>Mr Roberts's land is outside the red line boundary and no compulsory acquisition is proposed for his site in the Project.</p> <p>No alterations to the access or approaches to E Roberts Timber Ltd are proposed. Works to upgrade the existing entrance to the Edmonton EcoPark will be suitably managed in accordance with the Project's Code of Construction Practice (AD05.12) and will not impede passing traffic. The submitted Transport Assessment (AD05.11) sets out the proposed traffic movements for the project and concludes that there would be no adverse impact on Advent Way.</p>
4	David Arweny	01/12/2015	<p>Mr Arweny is opposed to the scheme. He argues that NLWA should compensate the residents of Edmonton for poor air quality, that</p>	<p>Air quality is covered in the Environmental Statement (AD06.02), and no adverse impact is anticipated as a result of the Project. The facility design would ensure that current and anticipated emissions standards are more than met.</p>

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			<p>PINS should investigate the impact of the site on residents, and that the consultation should be extended and widely advertised across the constituent boroughs.</p> <p>He further argues that the scheme is not required for heat generation due to the nuclear plant in Essex. He asserts that the site should be restored to a previous condition or used for a housing estate because it has been a hindrance to the development of the area, it is an eyesore and it does not provide benefits (e.g. employment) to the area.</p>	<p>The Consultation on the Project was advertised widely, including local advertisement in LB Enfield and advertisement across the seven Constituent Boroughs. Details can be found in the Consultation Report (Application Document AD05.01); Appendix D contains copies of local advertisements.</p> <p>The impacts of the Project have been assessed in the Environmental Statement (AD06.02) and described in the ES Non-Technical Summary (AD06.01), and mitigation of any potential Project has been incorporated into the design of the Project where possible. A table of matters which have been incorporated into the design, and where the mitigation can be found, is contained in the Environmental Commitments and Mitigation Schedule (AD06.03). LB Enfield is expected to prepare a Local Impact Report, and a Section 106 agreement with LB Enfield will cover local matters such as employment, to the extent they are not covered in the DCO itself.</p> <p>The Project includes the ability for the supply of heat from the facility, as is required by National Policy Statement EN1 (4.6) and the adopted SPD for the site made by LB Enfield in May 2013. It is unlikely that any direct heating scheme for Edmonton could or would be provided from a nuclear plant in Essex, and the Applicant is not aware of any such proposals. The Applicant is working with Lee Valley Heat Network, and would be able to work with other schemes if they come forward, for local provision of hot water/heat.</p> <p>The Edmonton EcoPark is a protected waste site, and is identified as such both in the adopted SPD for the site made by LB Enfield in May 2013 and in the emerging North London Waste Plan.</p>
5	Karen Crowder-James on behalf	16/12/2015	Ms Crowder-James states that Bestway Cash and Carry Ltd's	The entrance to Bestway Cash and Carry Ltd is situated at the western end of Ardra Road.

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	of Bestway Cash and Carry Ltd		representation will be in relation to the scheme's potential impact on Bestway Cash and Carry Ltd's business on Ardra Road.	The Code of Construction Practice (AD05.12) will ensure that there would be no adverse impacts on Ardra Road during the construction period. As such and due to the level of traffic associated with the Project anticipated to use Ardra Road at both construction and operation, the Transport Assessment (AD05.11) concludes that there would be no adverse impact on Ardra Road.
6	Greater London Authority	17/12/2015	GLA supports the scheme in principle as it would help achieve self-sufficiency in line with London Plan policy. The GLA emphasises heat off-take as an important part of the scheme and states that it will seek a commitment in this regard as part of a Statement of Common Ground.	<p>The GLA's support is welcomed. Heat off-take is covered in the draft DCO (AD03.01) including the requirement to enable steam pass-outs and/or hot water pass-outs and reserving space for the provision of water pressurisation, heating and pumping systems for users of process and space heating located outside the order limits. The provision of heat is also addressed in the draft SoCG that is being discussed with the GLA.</p> <p>Reflecting the adopted policy of LB Enfield in its SPD for the Edmonton EcoPark, the draft Section 106 Agreement with LB Enfield also covers provision of heat from the proposed ERF.</p>
7	National Grid Electricity Transmission Plc and National Grid Gas Plc	18/12/2015	National Grid wishes to protect its position with regards to apparatus and within and around the application site. It asserts that its rights to inspect and maintain its apparatus must not be restricted, and that protective provisions for its land and apparatus will be required as part of the DCO. National Grid will continue discussions with NLWA in this	The Applicant notes that National Grid wishes to protect its apparatus within and around the application site and will continue to work to agree protective provisions.

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			respect.	
8	Natural England	20/12/2015	Natural England states that it has come to an agreement with NLWA on the various areas for which they are the statutory consultee. Natural England has no outstanding issues or concerns about the scheme and is unlikely to attend any hearings.	The Applicant welcomes Natural England's comments.
9	Biffa Waste Services Ltd	22/12/2015	Biffa Waste Services Ltd objects to the scheme because it is concerned about the traffic assessment and the potential impact of congestion on Ardra Road, which is the access point for their MRF. Whilst Biffa objects on this basis, it supports the principle of the development. Biffa argues that the cumulative impact of the scheme on neighbouring land uses has not been fully considered. Biffa cites Policy 1 in the draft North London Waste Plan (July 2015) to highlight that its site is protected, and suggests that the scheme may clash with Core Policy 22 of the Core Strategy.	<p>The Applicant notes that Biffa did not respond to the pre-application consultation, either at Phase One or Phase Two. Furthermore, no other party raised concerns about congestion on Ardra Road. Concerns were raised about the junction of Ardra Road and Meridian Way, and about traffic generally, which are considered at Sections 6.9.31 and 6.9.32 of the Consultation Report (AD05.01). The Code of Construction Practice (AD05.12) will ensure that there would be no adverse impacts on Ardra Road during the construction period. As such and due to the level of traffic associated with the Project anticipated to use Ardra Road, as stated in the responses to consultation, the Transport Assessment concludes that there would be no adverse impact on Ardra Road.</p> <p>In determining the impact of the scheme on the junction of Ardra Road with Meridian Way, an existing baseline derived from traffic surveys (undertaken in October 2014) was used. These traffic flows include the traffic generated by the existing land uses on Ardra Road and so the traffic associated with these land uses is inherent in the assessment. Other than the upgrading of the Deephams Sewage Treatment Works, there are no other committed schemes on Ardra Road that have been considered in the cumulative assessment. Background traffic growth has been applied to all future scenarios to account for general traffic growth in the area.</p>

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				<p>The Application is compliant with Core Policy 22 Delivering Sustainable Waste Management which explicitly supports the use of the Edmonton EcoPark as a strategic waste site, as described in Section 6.2 of the Planning Statement (AD05.02). Core Policy 22 also safeguards existing waste management sites, such as that operated by Biffa, and this is separate to and unaffected by the Application.</p> <p>The Applicant and Biffa have met to discuss the relevant representation. At that meeting it was agreed that additional information on the level of traffic associated with the Project expected to use Ardra Road would be provided to Biffa and that Biffa would provide vehicle movement data associated with its own operations to assist in identifying periods, if any, during which the impacts of the Project on Ardra Road may be greater. Further discussions are proposed to review this information and an update will be provided to the ExA.</p>
10	Monika Weglarz on behalf of Transport for London (TfL)	22/12/2015	TfL is supportive of the application generally but wishes to protect its position with regards to land it owns around the application site and its transport and highways authority functions, which it states should not be adversely impacted by the construction and operation of the scheme. TfL's initial view is that the Transport Assessment (AD05.11) adequately considers these issues. TfL will continue discussions with NLWA in this respect.	TfL's comments are noted, and the Applicant welcomes the view that the Transport Assessment (AD05.11) adequately considers relevant issues. The Applicant will continue to work with TfL on the detail of the scheme as it affects TfL's land and its transport and highways authority functions.
11	The Environment	22/12/2015	The EA notes that a permit for the	The Applicant has made an application for an Environmental Permit,

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	Agency (EA)		<p>scheme is required under the Environmental Permitting (England and Wales) Regulations 2010, and that NLWA has applied for one. The EA states that a Flood Defence Consent is also required.</p> <p>The EA is "broadly content" with the Flood Risk Assessment (AD05.14) and proposed mitigation, and has no objection in principle to the proposed bridge over Enfield Ditch (with caveats). The EA welcomes plans to improve Enfield Ditch, but wishes to see a requirement to protect the riparian buffer zone.</p> <p>The EA believes the DCO should be updated to include additional requirements to protect the water environment, and states that the proposal includes the excavation of lower permeability strata that overlies the Chalk aquifer thereby increasing the vulnerability of the underlying aquifer.</p> <p>The EA argues that the timeframes for responding to consultations for the discharge of requirements are inadequate and requests a minimum of 21 days. The EA would also like</p>	<p>which was submitted in November 2015, and reached the "duly made" stage on 7 March 2016.</p> <p>The Applicant is working with the EA on a Statement of Common Ground which will include any aspects of the Project which relate to water management, both surface water and flood management, and the detailed approach to this is being addressed as part of those discussions.</p> <p>The Applicant is aware that a Flood Defence Consent is required, and will seek this at the implementation phase of the project, when sufficient detail is available for such an application. The SoCG has been updated to take account of the EA's comments, including suggested additional provisions in the draft DCO requirements to address the concerns relating to the underlying aquifer, and that version is with the EA for consideration.</p>

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			the appeal provisions relating to the discharge of requirements to be determined by arbitration.	
12	The Canal and River Trust (CRT)	22/12/2015	The CRT simply identifies a number of areas on which it will make further representations being: landscaping to the towpath and canal-side; lighting; the Flood Risk Assessment (AD05.14); movement of waste by water, surface water discharge; Edmonton Sea Cadets' facilities; use of the River Lee Navigation for cooling; boater/Canal and River Trust refuse facilities; and the Trust's third party works process. The CRT states that it will continue discussions with NLWA on potential impacts to the Trust's infrastructure.	There is no substantive matter to respond to at this stage, but the Applicant will continue discussions with the CRT.
13	Lea Valley Regional Park Authority (LVRPA)	22/12/2015	LVRPA will seek an amendment to Schedule 2 of the DCO to include a requirement ensuring provision of further details and consultation by the local planning authority on matters identified under sections 3, 5, 10, 12 and 15 of the Lee Valley Regional Park Act 1966. LVRPA states that the Design Code Principles (AD02.02) and Code of Construction Principles (AD05.12) "provide some comfort" with regard to the scheme's impact, however it notes that designs have	The Applicant is currently in discussions with the LVRPA in order to address its representations as part of a Statement of Common Ground and/or through private negotiations regarding property matters.

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			<p>yet to be finalised.</p> <p>They wish to be consulted on ecological and landscape commitments with regards to the Lea Valley SMINC and other park areas, management of landscape and habitats, provenance of species, and the access point on Lea Park Way. They emphasise the need for as much information as possible to be provided on the reinstatement of the Temporary Laydown Area at the outset of the examination process, not during "Requirements".</p> <p>They are willing to consider granting NLWA rights to use the land required via a lease.</p>	
14	John Bosworth (Ashfords Solicitors) on behalf of Kennet Properties Ltd	22/12/2015	Kennet Properties Ltd asserts that the compulsory acquisition rights NLWA is seeking for the freehold of Plot 34 are excessive, as only a right of way or an easement is necessary. Kennet Properties Ltd states that it would be willing to grant a right of way or an appropriate easement.	The Applicant notes this response, and will discuss it further with Kennet Property Ltd in the negotiations regarding property matters which are currently taking place.
15	John Bosworth (Ashfords Solicitors) on behalf of Thames	22/12/2015	TWUL notes that the land required for the scheme has not yet been declared surplus to operational requirements, and that if such	The Applicant notes the comments of TWUL and will provide further the information required (subject to subsequent detailed design, which will require the agreement of the land owner) and discuss the issues raised in the negotiations regarding property matters which are

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	Water Utilities Ltd (TWUL)		<p>clearance is forthcoming the land will need to be reinstated to its current condition once NLWA no longer needs it. TWUL argues that the reinstatement plans for the Temporary Laydown Area, as presented in drawing D_0008 of the Book of Plans (AD02.01), would constrain future uses; TWUL therefore objects to the inclusion of this land in the DCO until detailed restoration plans are provided.</p> <p>Lastly, TWUL assert that NLWA has provided insufficient information about the use of Plot 22 for it to determine whether this use would impact its operations.</p>	currently taking place.
16	London Borough of Enfield	22/12/2015	<p>LB Enfield notes that they should be able to agree a Statement of Common Ground with NLWA shortly. The matters still to be agreed are: the temporary laydown area in relation to the flood relief strategy of Meridian Water; the reinstatement of the temporary laydown area; proposals for the area currently occupied by the EfW once it is demolished; ensuring connections to Lee Valley Heat Network are included in the scheme; the section 106 agreement; measures to mitigate impacts on the</p>	<p>The Applicant notes the issues which remain outstanding, and welcomes LB Enfield's comment that it should be able to agree a Statement of Common Ground shortly.</p>

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			surrounding highway network, and to maximise use of sustainable transport modes; and the appearance of the observation platform.	
17	Sandy Kidd on behalf of the Historic England (HE) (Response from Greater London Archaeological Advisory Service (GLAAS) operating within HE).	22/12/2015	HE welcomes NLWA's assessment of impacts on archaeological interest; this was scoped out previously. HE asserts that an amendment should be made to the Environmental Statement (AD06.02) to add a requirement for measures to conserve archaeological interest at the site; HE provides suggested wording. HE criticises paragraph 3.6.3 of the Environmental Statement for not being proactive enough in the identification of archaeological materials at the application site and suggests provision for paleo-environmental sampling and analysis as well as a possible trench excavation.	. Following review of the Code of Construction Practice (AD05.12), it is recognised that provision is not made for sampling and analysis. It is therefore proposed that the CoCP (6.2.1 – new sub-bullet) be revised to included targeted geoarchaeological boreholes on selected proposed pile locations. The proposed wording will be discussed with GLAAS and an update provided to the ExA in due course. This approach would remove the need for the additional requirement suggested by GLAAS.
18	Edmonton Residents	22/12/2015	The person or group making this representation expresses its frustration at a lack of new housing in the area and asserts that the EcoPark site should be sold to a developer for this purpose instead of continuing as a waste site.	The Applicant has considered the use of this site for the Project in the Alternatives Assessment Report (AD05.03). The Edmonton EcoPark is a protected waste site and is vital to the delivery of waste management in North London. Its strategic waste use designation is defined as such both in the adopted SPD for the site adopted by LB Enfield in May 2013 and in the emerging North London Waste Plan.
19	North London Waste Plan	23/12/2015	North London Waste Plan highlights the points that will be made during	The North London Waste Plan is a draft planning policy document covering waste management policy for the north London area, which

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			Examination, which largely comprise the nature, scope and timing of the plan, NLWP's relationship with NLWA, and whether the scheme is consistent with the emerging NLWP.	<p>covers the London boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest. The planning policy is being prepared jointly by the seven local planning authorities.</p> <p>The Applicant is a stakeholder in the development of the North London Waste Plan, and will continue to liaise with the boroughs as local planning authorities in the development of the plan. The inclusion of the Edmonton EcoPark as a waste site in the plan is noted.</p>
20	Public Health England (PHE)	23/12/2015	PHE is satisfied with the methodology of the environmental assessment. PHE has no further comments on potential land contamination. PHE notes that the project will generate a large amount of electricity and assert that NLWA should demonstrate that the risks from electric and magnetic fields can be scoped out. PHE states that it has no additional comments and has chosen not to register an interest with PINS.	<p>The Applicant welcomes the comments of PHE with regard to the methodology of the environmental assessment.</p> <p>As reported in the ES Volume 1 Figures and Appendices (AD06.02), p. 13, upgrade works to the National Grid electricity connection will be undertaken by UKPN in accordance with statutory obligations and are therefore outside the remit of the DCO application and Health Impact Assessment (AD05.09). The HIA did review all potential health impacts during the scoping phase. Given that there were existing overhead power lines within the study area, no directly adjoining residential properties and that the future works would utilise underground cables, the works were judged to adequately mitigate any potential effects from EMF.</p>

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