

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

Planning Inspectorate Ref: EN010071

Written Statement on behalf of:

Kennet Properties Limited (Kennet) registration identification number 10031943

Plots 6 and 34

Kennet reserves its position until it has seen the details of any planning conditions and planning obligations relating to the scheme which affect their land holdings.

These two plots form part of Deepham's Farm Road, a gated private road forming part of the wider estate belonging to Kennet Properties Limited in this area. Kennet Properties is a subsidiary company within the Thames Water Group.

These plots are described in the statement of reasons, together with Ardra Road as being part of the Northern Access to the site. It further states that the land is required for both a construction access and the provision of a permanent secondary access to the Ecopark, together with an emergency access.

In respect of Plot 34 the statement of reasons says that the land is required to lay pipes and services within the land.

The Guidance on the use of CPO powers in DC orders advises:

8 The applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored. The applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate.

And

11 The applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored. The applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate.

The applicant is not seeking to acquire the freehold interest in Plot 7 (Ardra Road), yet is doing so in respect of Plots 6 and 34. With regard to Plot 7 the land owner believes that the applicant should now pursue the adoption of that road, and the land owner would be willing to allow the applicant to have the conduct of the discussions with the highway authority and others with an interest in the land.

The owner objects to the acquisition of the freehold in the land when it considers that all that all that is needed is either a right of way for construction and emergency purposes to serve the development that is proposed together with an easement to lay and use pipes and services. The owner would be willing to grant a right of way or an appropriate easement

limited to the purposes sought and therefore the CPO of the freehold interests goes further than is necessary and proportionate. If the applicant considers that it requires greater rights than these then it is incumbent upon the applicant to justify why such an infringement with the land owner's rights is appropriate and necessary.

Thames Water Utilities Limited (TWUL) registration identification number 10016799

TWUL reserves its position until it has seen the details of any planning conditions and planning obligations relating to the scheme.

Plots 16, 18,19 and 20 are owned by TWUL and are stated to be required for the purposes of a temporary laydown – Works No 5. The draft DCO sets out that these works involve:

- (i) *Areas of hardstanding*
- (ii) *fencing, hoarding etc;*
- (iii) *security facilities*
- (iv) *vehicle parking*
- (v) *office and staff welfare accommodation*
- (vi) *storage, fabrication, laydown area*
- (vii) *foul and surface water storage/attenuation and pumps*
- (viii) *utility works*
- (ix) *the creation of access from Lee Park Way; and*
- (x) *restoration of the area.”*

The land in question is TWUL retained Operational Land and forms part of the land associated with the William Girling Reservoir. The site is secured for security and health and safety reasons and there is no public access.

TWUL's retained operational land can only be released for other uses should it be proven that it is not required either now or in the foreseeable future for Thames Water's operational use. However, Thames Water are currently co-operating with NLWA in this respect and TWUL's operational clearance request under the OFWAT Guidance Note (April 1996) "Disposal of Land by Appointed Companies" under the Water Act has been submitted but has not yet been granted by TWUL. As such this plot has not yet been declared surplus to operational requirements for the NLWA DCO use (which will last a number of years).

If clearance is forthcoming TWUL will require the land to be reinstated to its present condition, including the same ground levels, once it is no longer required by the applicant. However, TWUL has not been provided with a detailed restoration plan setting out an agreed methodology/specification for the return of the land to its current condition and levels.

The Planning Statement sets out at paragraph 6.10.16 that : *“The Temporary Laydown Area is a temporary feature which will be operational for the duration of the construction and demolition of the existing EfW facility only, a period of approximately five years, after which this land will be returned to its original state. When construction and demolition is complete the Draft DCO requires the Temporary Laydown Area to be reinstated to its former condition, **or other such reasonable and proportionate condition as LB Enfield may approve”***

TWUL only agree to the use of its retained operational land on the basis that it is returned to its existing condition so as not to restrict any future use. It would not be acceptable to reinstate the land in a way which could restrict future use.

In addition the DCO Drawing - D_0008 – “Drawing of Indicative Soft Landscaping Types of reinstatement of Temporary Laydown Area” proposes to reinstate the plot as “*meadow species-rich mown grass*” with areas of “**Habitat enhancement and creation including open woodland, tree planting and scrub planting**”. These areas of habitat enhancement are scattered across the site and have not been agreed with TWUL. Such scattered woodland planting across the site would constrain future uses.

TWUL has noted the representations of Enfield Council, namely that the statement of common ground between the Council and the applicant needs to cover:

“The relationship of the lay down area as a component of the flood relief strategy for the regeneration of Meridian Water and proposals for its reinstatement”

TWUL would wish to comment on this that the flood relief strategy for Meridian Water does not form any part of this application and the most that needs to be considered here is that the application does not prejudice the role that this land may have for those longer term purposes. As the flood relief is not needed for the NLWA scheme it would not be permissible for the current scheme to make any provision for the flood relief potential of the land.

TWUL has also noted the representations of Lee Valley Regional Park Authority which state that:

“Associated with this is the final landscape treatment and reinstatement of the Temporary Laydown area which forms part of the Regional Park, adjacent to the Lea Valley SMINC and Chingford Reservoirs SSSI. Whilst we understand that this awaits the outcome of discussions with other parties/landowners; given the scale of its potential impacts on the Regional Park as much information is required at the outset of the process and this should not be left to ‘Requirements’.”

Until a detailed restoration plan has been agreed TWUL objects to the inclusion of this plot within the Order.

Thames Water Utilities Limited (TWUL) registration identification number 10016799

Plot 22 is owned by TWUL and is stated to be required for the diversion of various pipes and infrastructure. The land in question is TWUL retained Operational Land and forms part of the land associated with the William Girling Reservoir. To date insufficient information has been provided to TWUL to enable it to assess whether and if so how the works can be undertaken without detriment to TWUL's operational requirements.