



**Application by North London Waste Authority
North London Heat and Power Project (EN010071)**

**The Examining Authority's first written questions and requests for information
Issued on Wednesday 2 March 2016**

**Comments and Replies of Canal & River Trust
Submitted on 6 April 2016**

**Ward Hadaway, solicitors,
1A, Tower Square,
Leeds
LS1 4DL
Ref: DXH.MF.CRT001.856**

		Question to:	Comments or Reply of Canal & River Trust:
1.	The Application		
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).	
	Comments of Canal & River Trust	<p>The Trust is of the opinion that such volume of vehicle trips, coupled with the number required to remove waste residue, greatly strengthens the Trust's representations on movement of waste by water. The Trust considers that it would be right to impose conditions within the DCO, requiring the Applicant to support both European, and local, objectives of reducing road network usage, by diverting waste to the Trust's adjoining inland waterway.</p> <p>A simple mathematical calculation based upon maximum lorry weight illustrates, so far as the Trust is concerned, the number of vehicle trips 13,500 tonnes of waste \pm 13%, coupled with waste residue, is likely to generate.</p> <p>Whilst it might be that, in the short term, road network usage provides a more cost effective means for the Applicant to transfer waste, the long term and environmental benefits of reducing such usage appears evident to the Trust. To that extent, if it is not felt appropriate to require waste residue now to be transported by water, the Trust would seek, at least, a requirement for a wharf to be constructed as part of the Project, to facilitate such transporting in the future.</p>	
4.	Green Belt		
4.1	The 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	

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		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)).
	Comments of Canal & River Trust	<p>The Trust considers the Temporary Laydown Area should only be used to the extent that "laydown" cannot be accommodated within the wider waste handling site.</p> <p>The location of the Temporary Laydown Area has great prominence in its juxtaposition with the River Lee Navigation and the wider Lee Valley area and, if it is considered appropriate to permit such temporary use, the Trust considers the permission should both specify the date upon which such use must cease, and provide for appropriate mitigation measures to minimise the visual impact upon the Navigation.</p> <p>Likewise, when the use of this area is completed, the Trust would request that stringent requirements for reinstatement be imposed, to ensure the area is then made available for recreational use.</p>
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.
	Comments of Canal & River Trust	The Trust has not yet had the opportunity to fully consider the reply of the LVRPA to this question, but would support any reply which seeks to minimise the use of this area, and which leads to the enhancement of the area when any such use ceases.

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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?
	Reply of Canal & River Trust	The Trust strongly supports the recommendation for further surveys to assess the presence or likely absence of roosting bats, given the foraging and commuting activity of bats along the Navigation; the Trust considers the Navigation to be a 'bat feeding corridor'.
5.3	Canal & River Trust (amongst others)	Please confirm whether the proposals for consultation prior to and during construction and the measures proposed for environmental mitigation in the draft CoCP (APP-032) are satisfactory, and whether these are adequately secured through requirement 16 in schedule 2 of the draft DCO (APP-009).
5.3	Reply of Canal & River Trust	<p>The Trust's Third Party Works Engineer has had contact with the Applicant, and provided the Applicant with the "Code of Practice for Works Affecting the Canal & River Trust" (which is also readily available on the Trust's website)("the Code").</p> <p>The Trust is concerned that the proposed Protective Provisions remove, from the Trust, a substantial portion of the control over the Navigation which the Trust requires to ensure that adjoining internal waterway is not adversely affected by works during the Project.</p> <p>Such an example as Protective Provision 3(2), which requires the Trust to "co-</p>

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		<p><i>operate with the undertaker with a view to avoiding undue delay", and the absence of any Protective Provision restricting works to the period (September to March) when "stoppages" of the waterway would cause the least adverse effect to waterway users, illustrate this to far too great an extent.</i></p> <p>The Trust would ask that the proposed Protective Provisions be amended to, at least, provide that were there is a conflict between those measures and the Code, the latter will take precedence.</p>
6.	Traffic and Transport	
6.5 to 6.10	Applicant and LBE and TfL	Various questions as to the "trip generation" of the Project and the mitigation measures proposed to moderate the impact upon the highway network
	Comments of Canal & River Trust	The Trust restates the comments in 1.7 above, as to the alternative means of transporting which could be readily available through the Trust's internal waterway network.
8.	Visual Impact	
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.
	Comments of Canal & River Trust	The Trust welcomes the preparation of a photomontage, and would wish to see those viewpoints of the proposed development from the Navigation and the Temporary Laydown Area forming part of such montage.

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9.	Compulsory Acquisition	
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).
	Comments of Canal & River Trust	The Trust remains adamant in its objection to any compulsory acquisition of any of its interests in land, and is now engaged in discussions with the Applicant as to the making available of such rights in, or over, the Trust's land as might be required in connection with the Project.
10.	Draft Development Consent Order	
10.2	Statutory Undertakers	Please confirm acceptance of articles 21 to 23 of the draft DCO (APP-009).
	Reply of Canal & River Trust	<p>The Trust is a statutory undertaker for the purposes of the Planning Act 2008 and has already made its views known as to the compulsory acquisition of any land interests of the Trust.</p> <p>The continued integrity of the Navigation which, as "Infrastructure Trust Property", is held under a trust settlement with DEFRA, for the public benefit, and is to be preserved by the Trust, in perpetuity, for the public's use and enjoyment. Piecemeal compulsory acquisitions of interests in such a national heritage, when the Trust has expressed a willingness to co-operate in making land available for such period as is necessary, would be completely contrary to the stated aims of that trust settlement.</p>