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NORTH LONDON WASTE AUTHORITY

# NORTH LONDON HEAT AND POWER PROJECT

EN010071

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## APPLICANT'S COMMENTS ON WRITTEN REPRESENTATIONS

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

AD07 . 05

April 2016

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# 1 Introduction

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## 1.1. Purpose of this document

- 1.1.1. This document relates to the application made by North London Waste Authority (the Applicant) known as the North London Heat and Power Project (the Project) (reference EN010071), which seeks development consent pursuant to Section 37 of the Planning Act 2008 (as amended) for a replacement Energy Recovery Facility (ERF) at the Edmonton EcoPark, London N18 3AG, with associated development.
- 1.1.2. This document provides the Applicant's responses to the Written Representations made in respect of the Application, which were submitted to the Secretary of State on or before 23 March 2016. In accordance with the timetable issued by the Examining Authority (ExA), these comments are being provided to the ExA on 27 April 2016. References in this document to the "revised draft DCO" are references to the revised draft DCO (AD03.01/REP3-018) submitted by the Applicant to the ExA on 6 April 2016 in relation to Deadline 3 of the Examination timetable.
- 1.1.3. The tables below do not capture all paragraphs of each written representation as some paragraphs are simply statements of fact or the Applicant does not consider that they require a response. In some instances paragraphs have been summarised for brevity; however, the full text of these paragraphs has been considered in the Applicant's response.

## 2 Applicant's comments on Written Representations

### 2.1. Transport for London (REP2-001)

Paragraph no.	Paragraph text	Applicant response
3	<p>TfL is the freehold owner of some land within the Site that is included in the revised draft DCO. TfL objects to this land being compulsorily purchased. The land in question is outside TfL's current highway boundary and adjacent local authority highway. TfL's need for this land to fulfil its duty as a transport and highway authority in the future is unknown, and TfL has a wider interest in how construction may on the highway network.</p>	<p>Transport for London (TfL) is the freehold owner of plots 24, 26, 27, 28, 29 and 31. To clarify, it is not the Applicant's intention to compulsorily acquire TfL's freehold title to plots 24, 26, 27, 28, 29 and 31.</p> <p>Plots 24, 26 and 27 form part of the land to the east of the River Lee Navigation and the Applicant proposes to carry out and maintain landscaping works over these plots. As explained on page 91 of the Statement of Reasons (AD04.01/APP-012), the Applicant is applying for powers to carry out and maintain landscaping on this part of the Application Site in order to: (i) manage the visual impact of the proposals; (ii) enhance biological diversity and visual amenity on Lee Valley Regional Park (LVRP); and (iii) as part of the maintenance of the open space within LVRP, to ensure there is no degradation of green space as a result of the proposals. It should also be added that during pre-consultation stages Lee Valley Regional Park Authority (LVRPA) requested the Applicant to landscape this area of the Application Site. Table 4 of the Statement of Reasons (AD04.01/APP-012, pages 70 and 71) explains that plots 24, 26 and 27 are intended to be subject to the power to compulsorily extinguish rights in order to preserve the landscaping works that are to be carried out and maintained. For example, TfL may wish to carry out works on these plots at a time when the Applicant is carrying out the landscaping works. TfL may also wish to carry out works that would have a negative impact on the Applicant's landscaping works, once completed.</p>

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		<p>Plots 28 and 29 form part of the pavement on either side of the junction between Lee Park Way and Advent Way. TfL's rights over plots 28 and 29 are intended to only be temporarily interfered with whilst works are carried out to and around that section of Lee Park Way.</p> <p>Plot 31 forms part of Advent Way. Plot 31 is required to form part of the Application Site in order to facilitate the works proposed to the existing southern entrance to the Edmonton EcoPark and works proposed over the Enfield Ditch. Plot 31 may need to be temporarily stopped up, either partially or entirely, in order to allow the Applicant to place construction equipment (such a cranes) connected with the proposed works to the existing southern entrance to the Edmonton EcoPark and connected to the proposed works over the Enfield Ditch.</p> <p>It is clear from the above that it will not be possible to exclude plots 24, 26, 27, 28, 29 and 31 from the Order Land as these form important parts of and cover a significant part of the Application Site. The Applicant is currently in discussions with TfL and it is hoped a private agreement can be reached to address TfL's concerns. If a private agreement is not reached, the Applicant would need the ability to extinguish or temporarily suspend any rights belonging to TfL (as the case may be) that would conflict with the Applicant's powers under the DCO to carry out the relevant parts of the authorised development.</p>
4	TfL's view is that agreement about the use of TfL owned land will allow both TfL and the Applicant to plan for London's future waste and transport needs more easily.	The Applicant is currently in discussions with TfL about how the authorised development would affect its interests and rights and it is hoped a private agreement can be reached to address TfL's concerns. If a private agreement is not reached, the Applicant would need the ability to extinguish or temporarily suspend any rights belonging to TfL (as the case may be) that would conflict with the

Paragraph no.	Paragraph text	Applicant response
		Applicant's powers under the DCO to carry out the relevant parts of the authorised development.
5	TfL would like to work with the Applicant to exclude TfL land from the order limits within the DCO and instead to agree to transfer the land or rights required, or make the land available temporarily for construction by agreement in accordance with TfL's and the Applicant's requirements.	As explained above, it will not be possible to exclude TfL land from the Order limits. The Applicant does not require title to TfL land, only the ability to carry out and (where relevant) maintain the authorised development. The Applicant is currently in discussions with TfL about how the authorised development would affect its interests and rights and it is hoped a private agreement can be reached to address TfL's concerns. If a private agreement is not reached, the Applicant would need an ability to extinguish or temporarily suspend any rights belonging to TfL (as the case may be) that would conflict with the Applicant's powers under the DCO to carry out the relevant parts of the authorised development.
7	TfL is responsible for the operation of all traffic signals in London, including signals over which the Applicant seeks powers.	The Applicant is not proposing to make changes to any existing traffic signals. Land within the Application Site which contains traffic signals has been included to ensure that any necessary junction works can be undertaken. Appropriate consultation with TfL would be undertaken via the relevant planning authority pursuant to Article 37(6) of the revised draft DCO (AD03.01/REP3-018REP3-018) on any proposed junction works and traffic management measures.
8	TfL has various interests in the Site as indicated above. TfL has not been invited to be party to a s106 obligation. TfL therefore seeks to secure commitments from the Applicant which will address its concerns. These commitments could be secured within the DCO, through the s.106 obligation or by separate legal agreement between TfL and the Applicant. TfL would expect as strategic highway and transport authority for London to be consulted by the local planning and highway authorities in relation to discharge of requirements, especially those referred to in this advice note, and will seek assurances from those bodies that this will be the case.	Commitments which address TfL's concerns (surrounding minimising the impact on the local transport network) are secured through Requirement 12 of the revised DCO (AD03.01/REP3-018REP3-018), Code of Construction Practice (CoCP) (AD05.12/APP-032) and the Section 106 Agreement (AD03.03/APP-011). These include the preparation of Travel Plans (for construction employees and operational employees), and the preparation of a Construction Logistics Plan (CLP) and a Servicing Management Plan. The Applicant is also in discussions with TfL to reach a private agreement that should also address any remaining concerns that TfL may have, where appropriate.

Paragraph no.	Paragraph text	Applicant response
		<p>With regard to TfL's representation about consultation, Article 37(6) of the revised draft DCO (AD03.01/REP3-018) requires the relevant planning authority to consult with all other relevant and appropriate statutory consultees.</p> <p>The Section 106 Agreement would bind LondonWaste Limited's land, which comprises the bulk of the Application Site. No land owned by TfL would be bound by the Section 106 Agreement, and so it is not appropriate for TfL to be party to that agreement.</p>
11	<p>The Transport Assessment (TA) report produced by the Applicant as part of the submission should be in line with TfL's 'Transport Assessment Best Practice Guidance'. TfL has reviewed the Transport Assessment and confirms the submission is generally in accordance with TfL specific advice and guidance. The Applicant should therefore be required to comply with the TA's findings in preparing documents to discharge requirements in the DCO or obligations in a s106 obligation, subject to using the most appropriate data at the time.</p>	<p>The Applicant would comply with the findings of the Transport Assessment (TA) (AD05.11/APP-030) in preparing documents to discharge requirements of the DCO (AD03.01/REP3-018) or obligations of the Section 106 Agreement (AD03.03/APP-011), subject to using the most appropriate data at that time, notwithstanding the potential for currently unforeseen significant changes to the baseline and future baseline. This will be secured by Requirement 6 of the DCO.</p>
13	<p>TfL is concerned however that the Proposed Development will have a detrimental impact on TLRN and local bus services if the access arrangements are not implemented in accordance with the TA assumptions as summarised above. TfL requests that its strategic transport interests are safeguarded by a requirement within the DCO or through the s106 obligation, and we are both kept informed and consulted when new information or documents are prepared.</p>	<p>The Applicant would implement the details of the management of accesses in accordance with:-</p> <ul style="list-style-type: none"> <li>a. the assumptions set out in Sections 4.2 and 4.3 of the TA (AD05.11/APP-030) taking account of any changes to the highway network outside of the control of the Project at that time; and</li> <li>b. the details approved pursuant to Requirement 12,</li> </ul> <p>subject to using the most appropriate data at that time which would account for any significant changes to the baseline and/or future baseline.</p>

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		With regard to TfL's representation about consultation, Article 37(6) of the revised draft DCO (AD03.01/REP3-018) requires the relevant planning authority to consult with all other relevant and appropriate statutory consultees.
14 & 15	<p>The design of the junctions, cycle routes and other transport aspects of the scheme have been undertaken in accordance with the following relevant guidance:</p> <ul style="list-style-type: none"> <li>a. Design Manual for Roads and Bridges (HE, 2015);</li> <li>b. London Cycle Design Standards (TfL, 2014);</li> <li>c. Manual for Streets (DfT, 2007); and</li> <li>d. Traffic Advisory Leaflets (DfT, various).</li> </ul> <p>TfL would expect the Applicant to apply this guidance to the detailed design of the access and on site routes. TfL would want oversight of this process via consultation on discharge of requirements or through s106 obligations.</p>	The Applicant will apply this guidance (or any guidance that has superseded that at that time) to the detailed design of accesses, on-site routes, junctions and other transport aspects. This will be secured through Requirements 4 and 12 of the DCO. TfL would be consulted by the relevant planning authority on the relevant elements of the detailed design that would have strategic considerations and on documents on which it would have an interest. This has been provided for through the insertion of Article 37(6) in the revised draft DCO (AD03.01/REP3-018).
17	Walking, cycling and public transport access requirements may change in relation to other proposals in this area. TfL would seek options to improve access to the Site and encourage mode shift where practicable for the operational and construction phases. This adaptability could be allowed through s106 obligations including specific controls to safeguard existing cycling and walking links and enable future routes to be developed over the next 10 years.	The Applicant is committed to the promotion of walking, cycling and public transport and this is a key theme of the Framework Construction Travel Plan (Appendix J of the TA (AD05.11/APP-031)) and Framework Operational Travel Plan (Appendix K of the TA (AD05.11/APP-031)). Specific financial contributions to walking (including pedestrian routes to public transport) and cycling are provided for in the current draft of the Section 106 Agreement (AD03.03/APP-011). Please note that the draft Section 106 Agreement submitted as part of the Application is currently being negotiated by the Applicant - on behalf of itself and LondonWaste Limited – with the London Borough of Enfield (LB Enfield) and may be amended to reflect these issues.
18	TfL would expect a Delivery and Servicing Plan to be prepared for the Proposed Development. The Service Management Plan included in the s106 obligation would achieve that same purpose.	As acknowledged by TfL a Servicing Management Plan (SMP) would be prepared to manage all ancillary servicing of the site and provision for this is included in the current draft of the Section 106

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	This would need to be updated over time and in relation to phasing. TfL understands that the Applicant's ability to influence collection authorities is limited but TfL would nevertheless expect the Applicant to take reasonable endeavours to influence collection authorities accessing the site alongside other vehicle movements to minimise environmental and transport impact. This could be secured in the s106 obligation or by way of a requirement in the DCO. TfL expect to be consulted on the discharge of this requirement.	Agreement (AD03.03/APP-011). TfL will be consulted by LBE, as appropriate, on the content and reviews of the SMP. Reviews of the SMP will be undertaken in accordance with the mechanism set out in the Section 106 Agreement updates undertaken as required to reflect any significant changes to how the Application Site would be serviced.
23	The Applicant and TfL accept that water freight is unfeasible for the Proposed Development based on the current knowledge and the existing infrastructure on the River Lee Navigation. The Applicant and TfL agree that water freight access is not ruled out for this site in the longer term as it is influenced by factors outside of the control of either TfL or the Applicant. The Applicant and TfL will work together to promote water freight to the Application Site in the longer term and it is accepted that this would be outside of the scope of the DCO.	TfL's position with respect to water freight is noted and the Applicant agrees that any work to promote the movement of freight by water in the long term would be undertaken outside of the scope of the DCO.
25	...the provision and management of this parking [set out in para 24] needs to be secured by a s106 obligation or as a requirement of the DCO.	The provision of parking (in terms of detailed design) would be secured through Requirement 4 of the revised draft of the DCO (AD03.01/REP3-018) and management of parking would be secured through the the operational travel plan, which would be secured through the Section 106 Agreement (AD03.03/APP-011).
26	There are a number of implementation matters which are currently being discussed between the Applicant and TfL. a. the Delivery and Servicing Plan (DSP) that will be prepared for the site prior to implementation, an outline of which is included in the TA (Section 8); and b. the proposed approach to traffic management measures during construction of the Project, included in paragraph 11.3.3 of the CoCP, which sets out a range of traffic management measures for	The traffic management measures included in the CoCP (AD05.12/APP-032) would be developed in the future, where required, to respond to conditions at that time. This should be considered in conjunction with Requirement 12 of the DCO. The Applicant would ensure that any TfL monitoring can be undertaken in the most efficient manner.  The measures included in the CoCP (AD05.12/APP-032),

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	<p>implementation, where required, during construction, which TfL suggests may need further development prior to implementation to allow TfL to measure and monitor compliance appropriately.</p> <p>The CoCP should seek to minimise peak hour traffic movements as far as practicable, encourage best practice for driver behaviour, management of lorry movements and lorry routing, and encourage car sharing, walking, cycling and public transport use for construction workers. These will be undertaken through the CoCP, Construction Workers Travel Plan (CWTP) and Construction Logistics Plan (CLP).</p>	<p>Construction Workers Travel Plan (CWTP) and Construction Logistics Plan (CLP) would address any impacts on the highway network at all times of the day, including the peak hours. The use of public transport, walking and cycling would be promoted through the Framework Construction Travel Plan (Appendix J of the TA (AD05.11/APP-031)).</p>
27	<p>The DSP, CWTP and CLP will be prepared in accordance with TfL guidance and TfL will be consulted on drafts of both documents. It has been agreed with the Applicant that any reasonable suggestions that TfL may have on the drafts will be incorporated.</p>	<p>The Applicant would incorporate any reasonable suggestions into the Servicing Management Plan, Framework Construction Travel Plan (Appendix J of the TA (AD05.11/APP-031)) and CLP. The CLP would be secured through the CoCP and Requirement 16 of the DCO.</p>
28	<p>The DSP, CWTP and CLP will be submitted and agreed with LB Enfield and a monitoring programme will be agreed. TfL accept this position and expects to be consulted on them.</p>	<p>Article 37(6) of the revised draft DCO (AD03.01/REP3-018) requires the relevant planning authority to consult with all other relevant and appropriate statutory consultees.</p>
30	<p>TfL can confirm that the impact on bus services is negligible. However, during construction phases it may be necessary to change local services to i) support sustainable travel; ii) minimise disruption to existing bus services and iii) enable all workers and visitors access to site. TfL provides bus services by contract with bus operating companies. If the Applicant requests specific changes at this stage or in the future those arrangements would need to be agreed with TfL as would permits to run specific services to site. Any such agreed changes should be at no additional cost to TfL or bus operators.</p>	<p>The Applicant accepts that any changes to the bus services requested by the Applicant to support the Project would be funded by the Applicant. However, it is not currently envisaged that any such changes would be required. Provision is made for a CWTP which will include relevant measures to manage the impact on bus services. The CWTP is included in the current draft of the Section 106 Agreement (AD03.03/APP011).</p>
31	<p>TfL is concerned about construction impacts. These have been</p>	<p>TfL's concern about construction impacts is noted. The Applicant</p>

Paragraph no.	Paragraph text	Applicant response
	assessed in the TA and mitigation proposed including provision of CLP and other measures.	agrees that the potential construction impacts have been assessed and appropriate mitigation proposed.
34	TfL's oversight of this process [the CoCP] relies on TfL being consulted on specific stages of the project by the contractor or the Applicant and the contractor and/or the Applicant being willing and able to follow TfL's advice. TfL recommends this is set in out in the s106 obligation and protocols agreed with TfL. TfL would accept that the formal discharge of conditions would be by the local planning authority after consulting TfL.	Compliance with the CoCP (AD05.12/APP-032) is a requirement of the DCO (please see Requirement 16(1) of the revised draft DCO (AD03.01/REP3-018)). Many of the measures set out in the CoCP (AD05.12/APP-032) would require approval from the local highway and/or planning authority (i.e. LB Enfield and TfL) as set out in Section 11 of the CoCP.
35	TfL recommends the draft DCO is amended to reflect TfL strategic interest as follows:	See comments against specific points below:
	<p>Bullet point 1:</p> <p>Definition of Code of Construction Practice in article 2 (or requirement 16) should include specific requirements to minimise peak highway travel by heavy goods vehicles on Advent Way and other access roads; reduce risk of vehicles stopping on adjacent highways while waiting access to the site and encourage driver best practice.</p>	The ExA requested that the definition of "Code of Construction Practice" (CoCP) in Article 2 be amended so that it does not refer to what the CoCP (AD05.12/APP-032) will cover. Please see Item 2 of the Agenda for the DCO Hearing held on 18 March 2016. The Applicant has amended the definition of "code of construction practice" in the revised draft DCO (AD03.01/REP3-018) to comply with the ExA's request. TfL's request is not in line with the ExA's requested amendment to the revised draft DCO (AD03.01/REP3-018). The specific requirements being requested by TfL are already covered in the CoCP (AD05.12/APP-032).
	<p>Bullet point 2:</p> <p>The Applicant should understand the Network Management Duty and ensure any works to the highway or their maintenance should be managed in accordance with best practice. Schedule 2, paragraph 12 refers to consulting TfL on access; TfL considers that this will be sufficient provided the Applicant understands this duty.</p>	The Applicant understands the Network Management Duty and would ensure that any appointed Contractor also understands this. This is in accordance with the CoCP (AD05.12/APP-032) which requires TfL to be consulted on any aspect of the scheme that affects the highway for which it is responsible. Requirement 12 in the revised draft DCO (AD03.01/REP3-018) has been amended to delete the express reference to consultation with TfL. This is in line with the ExA's request made during the hearing on the draft DCO on 18 March 2016. Instead, Article 37(6) has been inserted into the

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		revised draft DCO requiring the relevant planning authority to consult all relevant and appropriate statutory consultees.
	<p>Bullet point 3:</p> <p>Schedule 2, paragraph 16: refers to consulting TfL on the draft Code of Construction Practice. TfL would want to ensure that TfL requirements are embedded into this document and welcomes the commitment to consult TfL. TfL suggests prior to construction commencing a highway/transport authority stakeholder liaison group is set up.</p>	Requirement 16 of the revised draft DCO (AD03.01/REP3-018) has not and does not state that consultation with TfL is required. As mentioned above, Article 37(6) has been inserted into the revised draft DCO requiring the relevant planning authority to consult all relevant and appropriate statutory consultees and this would include TfL if what is being proposed would affect TfL as a statutory consultee. This obligation would be relevant should the CoCP (AD05.12/APP-032) need to be updated. The Applicant would also give consideration to the setting up of a highway/transport authority stakeholder liaison group prior to the commencement of construction of the Project.
	<p>Bullet point 4:</p> <p>Schedule 2, paragraph 8: TfL would like to be consulted on this provision so that it can understand how the development is being implemented, or be assured that it will be consulted by Enfield Council.</p>	Requirement 8 in the original submitted draft of the DCO (AD03.01/APP-009) is now Requirement 3 in the revised draft DCO (AD03.01/REP3-018). This requirement relates to stages of construction of the authorised development. If what is being proposed would affect TfL as a statutory consultee, the relevant planning authority would be obliged to consult TfL pursuant to Article 37(6) of the revised draft DCO.
	<p>Bullet point 5:</p> <p>Schedule 2, paragraph 10: provision of landscaping and maintenance of landscaping. TfL would like to be consulted on this aspect, or be assured that it will be consulted by Enfield Council. TfL would like to consider the detail as it may impact directly or indirectly on the A406. This could be that positive aspects are encouraged e.g. wayfinding, pedestrian, cycle access (where we encourage best practice), reduce air pollution, or it could relate to or negative aspects e.g. driver distraction, inappropriate lighting, visibility, maintenance liabilities (which TfL</p>	If what is proposed would affect TfL as a statutory consultee, the relevant planning authority would be obliged to consult TfL pursuant to Article 37(6) of the revised draft DCO (AD03.01/REP3-018). In addition, it is anticipated that the private agreement currently being negotiated with TfL will deal with TfL's specific concerns relating to landscaping.

Paragraph no.	Paragraph text	Applicant response
	want to discourage)	
	<p>Bullet point 6:</p> <p>Schedule 2, paragraphs 10 and 11: any trees planted within land currently controlled by TfL or near land controlled by TfL that may impact on the operation of the highway or on TfL's ability to manage the land should be presented to TfL and agreed. TfL provides guidance on this aspect in our Streets Toolkit'.</p>	<p>If what is proposed would affect TfL as a statutory consultee, the relevant planning authority would be obliged to consult TfL pursuant to Article 37(6) of the revised draft DCO (AD03.01/REP3-018).</p>
	<p>Bullet point 7:</p> <p>Schedule 2, paragraph 13: TfL would like to be consulted on the written details of this provision, or be assured that it will be consulted by Enfield Council. This is to ensure that the discharge of this provision does not impact on the operation of the local road network or the A406.</p>	<p>Where TfL is a relevant or appropriate statutory consultee, the relevant planning authority would be obliged to consult TfL pursuant to Article 37(6) of the revised draft DCO (AD03.01/REP3-018).</p>
	<p>Bullet point 8:</p> <p>Schedule 2, paragraphs 20 and 21: TfL would like to be consulted on this provision, or be assured that it will be consulted by Enfield Council.</p>	<p>Where TfL is a relevant or appropriate statutory consultee, the relevant planning authority would be obliged to consult TfL pursuant to Article 37(6) of the revised draft DCO (AD03.01/REP3-018).</p>
	<p>Bullet point 9:</p> <p>TfL would recommend that prior to submission of specific documents relevant to TfL that the Applicant consults TfL or the local planning authority consults TfL appropriately as recommended throughout this report.</p>	<p>Where TfL is a relevant or appropriate statutory consultee, the relevant planning authority would be obliged to consult TfL pursuant to Article 37(6) of the revised draft DCO (AD03.01/REP3-018).</p>
36	TfL has not been invited to be a party to the section 106 obligation.	<p>The Section 106 Agreement (AD03.03/APP-011) would bind LondonWaste Limited's land, which comprises the bulk of the Application Site. No land owned by TfL would be bound by the Section 106 Agreement, and so it is not appropriate for TfL to be</p>

Paragraph no.	Paragraph text	Applicant response
		party to that agreement.
37	TfL's principal concern would be that during operation or construction, traffic generated by the development, traffic management or overspill parking by employee cars or delivery vehicles causes knock-on impacts onto the A406 North Circular Road or on local bus routes.	The TA (AD05.11/APP-030) concludes that the impact on the A406 from operation or construction of the Project would be negligible and further that there would be a negligible impact on the operation of bus routes.
38	TfL accepts this risk is greatest during the construction phase. If the Construction Logistics Plan is prepared and TfL is consulted upon it and it fairly reflects our requirements as requested in this note (and is then adhered to) then TfL will be satisfied that the impact of the Proposed Development has been mitigated.	The CLP would be prepared in accordance with all reasonable TfL requirements and TfL would be consulted appropriately on the CLP through the CoCP (05.12/APP-032).
39	TfL would like to be consulted on matters related to the operation of the A406, local bus services, construction and promotion of travel by bus, cycle and foot.	Should there be any impacts on matters as identified in paragraph 39, TfL would be consulted by LB Enfield pursuant to Article 37(6) where TfL is a relevant statutory consultee.

## 2.2. Greater London Authority (REP2-008)

The representations with respect to transport contained within the Greater London Authority (GLA) Written Representation are the same as those provided separately by TfL, the response to the Written Representations are the same and no further detail has been provided.

Paragraph no.	Paragraph text	Applicant response
11	<p>Retention of waste use</p> <p>In reviewing the waste processes in the submission and based on discussions between NLWA and the GLA Waste Management, GLA officers would like to clarify that incinerator bottom ash, produced as a residue from the EfW incineration process is not considered to contribute towards local recycling rates, and consequently does not count towards meeting apportionment. Waste going for energy recovery in London does count towards apportionment. Criteria for what activities count towards apportionment are set out in Policy 5.17 para 5.79.</p>	<p>The Applicant agrees that all waste sent to energy recovery in London counts towards the meeting of waste apportionment. The Applicant also agrees that incinerator bottom ash produced as a residue from the EfW incineration process is not considered to contribute towards local recycling rates. However, the Applicant considers that the quantity of incinerator bottom ash should not be deducted from the quantity of waste sent to energy recovery to derive apportionment; although this material does not count towards recycling rates, it is used as a replacement for virgin construction materials.</p>
15	<p>Retention of waste use</p> <p>The applicant needs to demonstrate how they will support NLWA waste collection authorities collectively meet their 50 per cent recycling target by 2020 through front end kerbside recycling in addition to the proposed pre-treatment processes onsite.</p>	<p>The Applicant actively encourages and promotes waste minimisation and prevention measures across north London through its in-house waste prevention team as an ongoing activity (see - paragraph 2.4.19 to 2.4.25 and Appendix A of the Need Assessment (AD05.04/APP-020)).</p> <p>In addition, the Resource Recovery Facility (RRF) would incorporate a Recycling and Fuel Preparation Facility (RFPF) as well as a Reuse and Recycling Centre (RRC). The RFPF would enable the Applicant to identify and separate out materials for recycling at a bulk level, while the RRC would promote the separation of recyclable materials by householders level and small businesses.</p>
28/ 29	<p>Energy</p> <p>The Need Assessment (AD05.04/APP-020), October 2015, states in section 2.2 the approach taken to calculate the carbon intensity floor (CIF). Having reviewed this, the calculation is</p>	<p>The request is noted and our response is:</p> <p>a. The minimum carbon intensity floor of 400gCO<sub>2</sub>/kWh (paragraph 2.2.7 of the Need Assessment (AD05.04/APP-020)) was identified</p>

Paragraph no.	Paragraph text	Applicant response
	<p>based on known heat demand derived from the LVHN project meeting the minimum CIF requirement, and not the based on the actual energy output of the facility. However, there are expectations of the steam turbine capacity to be maximized and consistent with the economic production of heat that would allow achievement of the CIF.</p> <p>The CIF can be met on the optimisation of the turbine and not the demand of the LVHN. The applicant is asked to supply a CIF assessment based on the design specification and output capacity.</p>	<p>as achievable with a minimum heat offtake capacity of 12MWth. This was intended to set the context and does not represent the final design level of heat offtake from the turbines, but indicates that there appears to be sufficient prospective heat demand to meet the minimum CIF.</p> <p>b. The Mayor's Green House Gas Calculator was also used to show that the expected heat demand of 34MWth would result in a lower CIF of 300gCO<sub>2</sub>/kWh.</p> <p>c. The actual CIF of the completed facility will be calculated on the basis of the actual level of annual heat supplied from the proposed ERF steam turbines. An updated estimate of the CIF based on the turbine design specification cannot be provided, as the specification is not yet developed. The specification will be subject to an optimization process and will be finalized in liaison with the GLA as agreed in the Statement of Common Ground (SOCG), Paragraph 3.3.4 (AD03.04_GLA/REP3-012).</p> <p>d. The SoCG also supports the commitment to meet the minimum CIF of 400gCO<sub>2</sub>/kWh and acknowledges the anticipated design point for the proposed ERF that would offer the potential to achieve a CIF of circa 300gCO<sub>2</sub>/kWh (paragraph 3.3.5).</p> <p>e. In view of the above, we propose no further action is required; although the Applicant is willing to meet with GLA officers to provide further explanation.</p>
38/ 39	<p>The policy basis to secure these measures though the SoCG are to ensure compliance with London Plan paragraph 5.85B – Examples of 'demonstrable steps' as outlined in Policy 5.17 B e would be:</p> <ul style="list-style-type: none"> <li>• <i>"a commitment (via a Section 106 obligation) to deliver the necessary means for infrastructure to meet the min CO2 standard, for example investment in the development of a heat distribution network to the site boundary, or technology</i></li> </ul>	<p>The GLA's advice is noted and will be taken up where appropriate.</p>

Paragraph no.	Paragraph text	Applicant response
	<p><i>modifications that improve plant efficiency;</i></p> <ul style="list-style-type: none"> <li>• <i>An agreed timeframe (via a S106) as to when proposed measures will be delivered;</i></li> <li>• <i>The establishment of a working group to progress the agreed steps and monitor and report performance to the consenting authority.”</i></li> </ul> <p>To assist in the delivery of ‘demonstrable steps’ the GLA can help to advise on the heat demand opportunities for waste to energy projects, particularly where these are linked to GLA supported Energy Master Plans.</p>	
40	<p>The S106 is with Enfield Council, however the specification of equipment which would be the driver of the heat network is as explained above and therefore the GLA consider this matter crucial as part of its agreement with the NLWA and is drafting wording in the SoCG to that effect.</p>	<p>Since submission of the written representations the GLA and the Applicant have submitted a SoCG (AD03.04/REP3-012) to the ExA. In respect of heat the SoGC states that the heat supply to be made available shall be provided from a steam turbine and that a condensing extraction turbine would be suitable. The Applicant agrees that a steam turbine specified with controlled extraction would cost more and have a higher heat capacity when compared with the same steam turbine specified with uncontrolled bleeds. The Applicant also agrees that the proposed ERF would incorporate a steam turbine which is designed to enable heat off-take from the commencement of operations. This feature shall not be retrofitted at a later date. The decision on whether to specify controlled extraction points or uncontrolled bleeds would be deferred until a point where it is required for procurement. In reaching this decision, the Applicant would continue to liaise with the GLA regarding the two heat off-take options, their soft-market testing and the final specification of the steam turbine for optimal heat supply. The Applicant and the GLA agree with this approach.</p>
44/ 54	<p>The applicant should be required to refer to guidance relating to non-road mobile machinery (NRMM) contained within the Control of Dust and Emissions During Construction and</p>	<p>The dust assessment contained in Section 2 of the Environmental Statement (ES) Volume 2 (AD06.02/APP-039) has been undertaken in accordance with the methodology set out in the Control of Dust and</p>

Paragraph no.	Paragraph text	Applicant response
	<p>Demolition SPG. Air quality/other environmental impacts The applicant should be required to apply the guidance set out in the Control of Dust and Emissions During Construction and Demolition SPG. This will meet the requirements of policy 7.14 of the London Plan. This should be set out in the DCO.</p>	<p>Emissions During Construction and Demolition SPG.</p> <p>Section 5.2 of the Code of Construction Practice (AD05.12/APP-032) commits to using non-road mobile machinery (NRMM) listed on the Energy Saving Trust's NRMM Register where reasonably available. This is considered appropriate to comply with the GLA Control of Dust and Emissions During Construction and Demolition SPG for the outer London location of the site. The site sits outside of the Central Activity Zone where tighter controls apply.</p>

### 2.3. London Borough of Enfield (REP2-012)

Paragraph no.	Paragraph text	Applicant response
4.4	<p>The local planning authority also assumes that waste derived from the need to meet the latest additional housing targets within the catchment area has also been factored in.</p>	<p>The Applicant can confirm that the latest (at the time of submission of the Application) targets were used to derive waste demand. This is set out in section 3 of Appendix B of the Need Assessment (AD05.04/APP-020).</p> <p>Household waste arisings forecast detailed in the Need Assessment show similar results when compared with modelled data published as part of the Further Alterations to the London Plan (2015) (FALP). The modelling underpinning the Need Assessment forecasts around 774,000 tonnes per annum (tpa) of household waste by 2036 while the model produced as part of the FALP forecasts around 832,000 tpa of household waste in the same year (a difference of around 57,000 tpa). Therefore, the residual waste forecast detailed in the Need Assessment represents a robust picture of potential future household arisings in north London.</p>
4.9	<p>Principle/ need</p> <p>The further addition of photovoltaic panels to the main roof of the process hall to the ERF and the RRF are welcomed by the Local Planning Authority and would be consistent with the requirements of Policies DMD53 and DMD55 of the Development Management Document which requires that all major development will be required to use all available roof space and vertical surfaces for the installation of low zero carbon technologies, green roofs, and living walls subject to technical and economic feasibility and other relevant planning considerations.</p> <p>It is unclear as to whether the panels will be delivered as part of the wider development with the Design Code Principles seeking to safeguard areas rather than deliver the installation. The omission of</p>	<p>The Applicant notes LB Enfield's support for the installation of photovoltaic solar panels (PV panels) and notes the local policy framework referenced in the response. This policy framework together with Part L of The Building Regulation (2013) (as amended) and the GLA's guidance on building energy assessments was taken into consideration in preparing the Building Energy Assessment submitted with the Application (Appendix D of the Sustainability Statement) (AD05.13/APP-033).</p> <p>The Assessment submitted with the Application identifies that the measures proposed for Stage 2 of the Project would achieve a 49 per cent reduction in regulated carbon emissions from the baseline, in accordance with the FALP (which requires 35 per cent</p>

Paragraph no.	Paragraph text	Applicant response
	<p>further detail as part of the requirements in the draft DCO is also of concern particularly where the inclusion of provision was borne out of Phase 2 Consultation Responses. It is noted that the applicant has sought to caveat such provision with an assessment of cost benefit analysis, however, there is no trigger to compel for such an analysis nor is there a mechanism within the requirements to allow the Local Planning Authority to consider the merits of installation including those related to the visual appearance of the panels. The Local Planning Authority would therefore request that Requirement 3 be amended to incorporate the installation of photovoltaic (or heat generating) panels.</p>	<p>below Part L 2013). As the Project exceeds the policy requirement, Stage 3 of the Project would deliver additional benefits, but these are not expressly required to comply with the policy framework (as this would have already been met and exceeded).</p> <p>For Stage 3 of the Project the Assessment estimates that 2,200m<sup>2</sup> of PV panels erected on the roof of the proposed ERF or RRF would completely offset any remaining regulated carbon emissions after Stage 2 of the Project, resulting in site buildings achieving zero carbon on regulated emissions. Figure 8.1 of Appendix D of the Assessment indicates the areas potentially available for PV panels as part of the proposed ERF and RRF roof areas, which amount to up to 8,800m<sup>2</sup>. PV panels would be subject to a feasibility and cost benefit analysis that would be reviewed at detailed design stage.</p> <p>Given Stage 3 of the Project is not required to meet policy requirements, the Applicant as a public body has identified that these would only be delivered if they were positively assessed as a part of a cost benefit analysis. Given the Policy requirement has been met through other measure, if the Applicant identifies that there is not a positive outcome it should not be compelled to install PV panels. This decision should be the Applicant's own and not that of a third party.</p> <p>In respect of visual appearance, DCP10 and DCP24 of the Design Code Principles (AD02.02/APP-008) promote use of part of the roofs of both the proposed ERF and the RRF for the potential installation of PV panels. This is in response to input received during consultation for the Project, where some respondents suggested that renewable energy generation should be</p>

Paragraph no.	Paragraph text	Applicant response
		<p>incorporated into the Project (see Consultation Report (AD05.01/APP-016), paragraphs 6.4.6 and 8.2.3 (c). DCP8 (for the proposed ERF) also promotes a consistent horizontal roof line for each functional component, it states "...the facades of the ERF upper volumes should extend above the roof line to screen plant equipment, services penetrations, guard rails, PV panels or other objects". The limits of deviation make provision for this approach. Similarly DCP21 (for the RRF) promotes a consistent horizontal roof line. Therefore, in the event that PV panels were installed they would not be visible and the LPA should not need to consider the visual merits and Requirement 3 (which is now Requirement 4 in the revised draft DCO (AD03.01/REP3-018)) will therefore not be altered.</p>
5.1	<p>Meridian Water It is critical that the proposals for the ERF facility and the EcoPark site successfully integrate with the wider regeneration being envisaged by the Council for this part of the Borough. Meridian Water is the main component of this regeneration strategy and lies to the south of the site. The vision which is set out in the adopted Meridian Water Master Plan and emerging Central Leaside Area Action Plan is to create a new mixed sustainable community providing 3000 jobs and in excess of 5000 homes. Meridian Water is also now a designated Housing Zone. The local planning authority does not consider the ERF proposals to be incompatible but is of the opinion that the nature and sensitivity of Meridian Water needs to be taken into account and underpins the comments of the local planning authority regarding the need for this development to be of the highest quality in terms of design and emissions that sensitively take the receptors including the new community of Meridian Water into account.</p>	<p>The Applicant confirms that its Application has taken the future Meridian Water proposals into consideration, including as a part of the cumulative assessment presented in the ES (AD06.02/APP-039 to APP-053).</p>
5.2	Land along the eastern boundary of the EcoPark is designated as	The Applicant agrees with LB Enfield that the Camden Plant Ltd

Paragraph no.	Paragraph text	Applicant response
	<p>Green Belt, forms part of the Lee Valley Regional Park, and is bordered by the River Lee Navigation. The location is therefore very sensitive to inappropriate development. The Camden Aggregates site (south of the William Girling reservoir) currently shields some views into the EcoPark site. This land will revert back to open space as part of the Lee Valley Regional Park in accordance with proposals in the Central Leaside Proposed Submission (CLAAP). The removal of the aggregates will increase the views and visibility of parts of the EcoPark site. The CLAAP proposals will improve the quality of, access into and use of the Lee Valley Regional Park for existing and new residents. The quality of open space is particularly significant given the deficiencies in access to open space that exist in this area of the borough. Therefore it is important that any proposed development mitigates any potential harm to the amenity of this improved open space.</p>	<p>site will revert back to open space. Accordingly in assessing the impact of the Project the Applicant has taken a 'worst case' approach by (i) assuming that the material storage mounds associated with Camden Plant Ltd's use of this site are removed for the purposes of assessing landscape and visual impact (such that the proposed scheme is more visible); and (ii) for transport the trips associated with the use are included in the baseline flows and therefore have been assessed.</p>
5.3	<p>It is noted that the temporary lay down area is proposed on land which is identified as reconfigured open space and potential compensatory flood storage associated with the Meridian Water development. Due to the construction programme, that part of this identified land would not be available for a considerable number of years, during which time the Meridian Water development and flood storage linked to this will start to be implemented. Whilst it is acknowledged that the substantive risk associated with the loss of the temporary laydown area to the flood mitigation strategy associated with the Meridian water development is relatively low, there are implications for the regeneration area where the impact of the loss would have to be accommodated elsewhere. If not properly co-ordinated and managed, the changes could result in significant disruption and increased costs which would undermine the delivery of this strategic regeneration area. It is also noted that the risk is further increased where it is possible that the Tottenham Marshes site – identified as a potential compensatory location – is potentially</p>	<p>The Applicant acknowledges throughout the Application that the area identified for the Temporary Laydown Area has been identified by LB Enfield in its plans for Meridian Water. The area identified is larger than the area proposed for temporary use by the Application and includes land up to the reservoir. Given that Meridian Water is a very large scale project (circa 8,000 homes) on a site that has a number of issues including contamination, to date LB Enfield has not been able to provide detail on when the Temporary Laydown Area would be required to mitigate the effects of that development.</p> <p>However, it is noted that as a larger area of land has been identified for flood mitigation works, as indicated in LB Enfield's response it should be possible to coordinate the schemes so that both can be delivered. Therefore, the Applicant does not accept the suggestion that the use of the Temporary Laydown Area would result in significant disruption and increased cost.</p>

Paragraph no.	Paragraph text	Applicant response
	contaminated.	
5.4	<p>In this regard, the Local Planning Authority would seek to retain control over the reinstatement of the land to ensure that when the lay down area is no longer required, any reinstatement scheme must have regard to the plans for flood storage/open space being progressed at that point in time. The LPA therefore request that an additional requirement be inserted to cover land reinstatement of the temporary laydown area in accordance with the wording in the Local Impact Report.</p>	<p>Regarding reinstatement proposals LB Enfield has confirmed (in discussion) that it wishes to benefit from any Sustainable Drainage Systems (SuDS) measures installed as a part of the Temporary Laydown Area and for these to be retained as part of the permanent reinstatement. In discussions, LB Enfield has advised that it is not seeking the Project to contribute to delivery of the Meridian Water proposals (i.e. not to “have regard to the plans for flood storage/open space being progressed at that point in time”) or additional works to achieve this, but to consider what efficiencies can be achieved. In principle the Applicant would be content to leave in situ any SuDS measures from the Temporary Laydown Area; however, the ExA has seen the written representations from Thames Water (refer to Section 2.9) as the owner of the majority of the land that would form the Temporary Laydown Area (the Temporary Laydown Area is defined in the revised draft DCO (AD03.01/REP3-018) as covering plots 16 (owned by Thames Water), 17 (owned by the Canal and River Trust (CRT)), 18 (owned by Thames Water), 19 (owned by Thames Water), 20 (unregistered) and 21 (owned by LVRPA)) and its requirements for reinstatement and its position on the Meridian Water proposals. Thames Water, CRT and LVRPA have set out their positions on reinstatement from discussions with the Applicant, and in developing the Project the Applicant has and would respect those positions. Article 27(5) of the revised draft DCO also requires the undertaker to restore the Temporary Laydown Area to the reasonable satisfaction of the owner and the Applicant intends to amend this article further in the next revision of the draft DCO so that the restoration is to a standard that is no worse than that land’s current condition. As such the Applicant does not believe that it is appropriate for LB Enfield to have control over the restoration of the Temporary Laydown Area and the</p>

Paragraph no.	Paragraph text	Applicant response
		Applicant therefore does not agree to the inclusion of the suggested wording of the new Requirement.
7.2	<p>Decommissioned incinerator site</p> <p>Having reviewed the Design Code, it is not considered that the document sufficiently addresses our concerns with exclusively hard surface options. While the LPA would acknowledge the need to ensure a landscape solution that does not compromise the use of the site for future waste management facilities or indeed the necessity to maintain efficient operations, this factor would not preclude a landscaping strategy that would serve to break up the sheer expanse of hardsurfacing that would be considered to be a harmful addition to the site. Options to include grass verges, grasscrete and material variations would serve to ensure that the area is softened in appearance whilst maintaining operational efficiency, avoiding more costly formal landscaping and planting, and improving wayfinding. The LPA would request that the Design Code Principles be amended to reflect these concerns.</p>	<p>As set out in the response to the First Written Questions (FWQ) (1.13) it is envisaged following demolition and prior to redevelopment the EfW facility, the site would be a central cleared space, with appropriate hard landscaping to ensure that it is not unsightly, while maintaining the potential for future waste management use.</p> <p>Building on that point and following discussions with LB Enfield, the proposed hard landscaping would comprise a permeable surface (See DCP44 materials palette in the Design Code Principles (AD02.02/APP-008)), and as indicated on the Indicative Application Site Proposed Masterplan (E_0002) this area would be partially shielded by rows of trees alongside the new access road from Lee Park Way and surrounding the area of car parking to the south.</p> <p>The Applicant maintains the Edmonton EcoPark is an established waste management facility that is also Strategic Industrial Land (FALP). Proposals for landscaping should be in keeping with the core use of the site and their temporary nature.</p>
8.5	<p>Height/massing – Limits of Deviation</p> <p>At present the LPA do not consider that the Design Code Principles are sufficiently robust to secure materials with high visual quality and appropriate architectural detailing. This is a critical concern given the scale of development and whilst the emphasis in the Design Code Principles for durable, low maintenance materials commensurate with operational requirements is noted, it is not considered that this should be the single determining factor particularly as materials alter across the vertical plane and would</p>	<p>To date LB Enfield have not specified what constitutes 'high visual quality and appropriate architectural detailing' and the reference to flagship design is a point that has not been previously identified. The Applicant is concerned that LB Enfield is seeking use of materials that are potentially not appropriate for the Edmonton EcoPark or its setting.</p> <p>Section 2.3 of the Design Code Principles (AD02.02/APP-008) sets out the approach to materials. This clearly identifies that the</p>

Paragraph no.	Paragraph text	Applicant response
	be less prone to damage or subject to operational requirements.	
8.6	<p>Height/massing – Limits of Deviation</p> <p>The Local Planning Authority would seek high quality finishing materials and exemplary flagship design to accord with Strategic Objective 2 of the Core Strategy, the CLAAP, and the Development Management Document and the Design Code should be amended to reflect this aspiration.</p>	<p>intent is to deliver buildings that are coherent with the industrial character of the area, that meet performance standards, express the identity of the Edmonton EcoPark and retain the visual integrity of the composition. It is agreed that the General Guidelines identify durable, high performing characteristics, but this is considered to be a strong design response which recognizes the function of the site and would deliver a building that maintains its visual integrity as a consequence.</p>
8.7/ 8.8	<p>Height/massing – Limits of Deviation</p> <p>Notwithstanding this broad support – and consistent with pre-application responses – the Council considers the introduction of the viewing platform at the south eastern corner of the ERF building, would constitute an incongruous and overly dominant feature that would add to the significant presence of this development when viewed for the east along the River Lee corridor and to a defined degree stand in opposition to a design ethic that has sought to minimise the impact of the built form to the east of the site.</p> <p>No particular need for this facility is provided and although encouraging access to the facility as part of a wider community education program is supported, this feature is not seen as key to this to outweigh the concern regarding the impact on the appearance of the building and its relationship to the wider area especially given the provision of EcoPark House which would also serve as a visitor centre. The LPA acknowledge that the tabled internal configuration of the tipping hall restrict possible locations for the platform and associated lift core, however, the harm resultant from the installation in terms of its dominance and impact to the surrounding green belt is not outweighed by any perceived benefits of the installation.</p>	<p>A structure is needed in this location to house the lift core required to provide level access to the offices and control room by staff, and the roof area by visitors. The lift is an essential part of the development. The Applicant is also committed to promoting education and understanding of waste management (and energy generation) and believes the provision of the viewing platform would be a useful resource for visitors.</p> <p>In terms of scale the proposed structure would be up to 6m above the height of the tipping hall (which would be up to 31.5m (44m AOD)) and would be 17m by 13m, and as shown on the photomontages and illustrations would not be a dominant feature.</p>
8.10	Height / Massing – Limits of Deviation	The Applicant wishes to clarify that the proposed EcoPark House

Paragraph no.	Paragraph text	Applicant response
	<p>It is noted that EcoPark House has been reduced in height from 3-storeys to 2-storeys consistent with the concerns expressed by the LPA at pre-application stage. The elevational treatment of this building is critical given its public facing nature is a new 3 storey high building situated on the bank of the River Lee Navigation providing a visitors centre, education facilities, offices for the NLWA and a replacement, a base for the Edmonton Sea Cadets. The site selection process is noted and whilst there is an acceptance of the rational for the location selected, it is considered the height the building is overly dominant to the setting of the River Lee Navigation. A two storey building would be supported.</p>	<p>is two storeys, not three as indicated in this representation.</p>
8.11	<p>Height/massing – Limits of Deviation However, with reference to the draft DCO, the LPA would express significant concern over the Limits of Deviation feature and further operationalised in Schedule 2, Requirement 4. ... When read in conjunction with the plans, the LPA would make the following observations:</p>	

Paragraph no.	Paragraph text	Applicant response
8.11(1)	<p>1. Work No.1b refers solely to height parameters, but is tabled to cover works comprising:</p> <ol style="list-style-type: none"> <li>A wastewater treatment facility;</li> <li>A water pre-treatment plant;</li> <li>External stores and workshops;</li> <li>A fuelling area and fuel storage, vehicle wash, transport offices and staff facilities, toilets, natural gas intake and management compound, and fire control water tank(s); and</li> <li>Electrical substation</li> </ol> <p>The plan cited serves only to show the development area for the ERF and associated works. Given the potentially substantial nature of these supporting structures, the absence of clearly defined parameters may serve to undermine and increase the impact of development on the sensitivities of the surrounding area including green belt land and further serve to undermine relevant mitigation strategies including landscaping. Whilst it is acknowledged that the detailed design of the ERF and associated structures is yet to be finalised, control must be exercised to restrict or set parameters for the these structures with the potential for a requirement to submit details of these works to the LPA. Unfettered development would be considered as harmful particularly where the only stated parameter is a height of 18m which in itself would be considered as significantly prominent. Furthermore, the Limit of deviation would appear to allow a further variance in height of up to 30.5m allowing an increase in height of these unquantified structures by a further 50%. The LPA object to this. Clarification and revision is required and may have implications for the Environmental Impact Assessment. Additional parameters are needed and in the event of the specification of these ancillary buildings not being known, the LPA would ask the Inspector to consider a further requirement to submit details of structures covered by Works 1b.</p>	<p>The maximum height of any structure within Works 1b would be 30.5m AOD, so up to 18m above the proposed ground level in this area. Consent is not being sought for a 50% increase in the height of proposed Works 1b development.</p> <p>The ES (AD06.02) has considered a scenario where all structures in this Works area are as shown in the indicative layout for Works 1b in drawing (D_0001) with reasonable assumptions for the height of these works. This is in accordance with the Design Code Principles (AD) which require that all buildings (including ancillary buildings as described by Works 1b) are of an appropriate scale and design. For example the general design code principles state:</p> <ul style="list-style-type: none"> <li>• “the scale and massing of buildings and structures should be appropriate to their function and location;</li> <li>• the height of all buildings and structures should be kept to and minimum and careful consideration should be given to roof lines and forms in order to reduce the visual impact of the Project on the skyline; and</li> <li>• the proposed buildings and structures should be appropriate to their function”.</li> </ul> <p>DCP29 also requires that where possible, external structures, buildings or plant should be arranged in an ordered and consolidated way.</p> <p>These Principles will inform the final development of Works 1b.</p> <p>The ES concludes that there would be no significant operational effects on visual receptors.</p> <p>At this stage, flexibility is required so that the precise layout of</p>

Paragraph no.	Paragraph text	Applicant response
		<p>plant, equipment and structures in this area can be optimised and delivered. The Applicant wishes to note that it will only deliver plant, structures and equipment to meet operational needs and that any constraint on this, at this stage, may fetter the efficient operation of the site.</p> <p>Further detail on the likely layout of this area is shown on Drawing D_0001, with anticipated works shown (and numbered).</p> <p>Given the effects of the works within the submitted parameters and informed by the Design Principles have been assessed, the Applicant queries the need for LB Enfield to require details of plant and equipment. Part of the purpose of a DCO is to speed up the process of delivering Nationally Significant Infrastructure Projects (NSIP) and requirements should only be included where necessary</p>
8.11(2)	<p>Height/massing – Limits of Deviation Works No.2 refers to works associated with the development of the RRF. The cited plan indicates reference to Drawing C_0004 Rev 00 only. Whilst this is correct insofar as it refers to the site allocated for the RRF, the actual parameters are featured on C_0005 Rev 00. The height as considered by the LPA at Phase 2 consultation for the RRF was 16.8m and was considered broadly acceptable. The limits of deviation would sate the height of the RRF at 20m. In addition the limits of deviation when cross-referenced with the plans would appear to allow a further variance in height of up to 30.5m allowing an increase in height of this structure by a further 50%. Again, the overall height of the structure if taken to this limit would be significantly prominent and actively dominate EcoPark House</p>	<p>Please refer to Appendix 1.10 of the Applicant's Responses to the ExA's First Written Questions (AD07.02/REP3-016) submitted at Deadline 3 which confirms the limits of deviation.</p>

Paragraph no.	Paragraph text	Applicant response
	<p>and the more sensitive views into the site from the public realm lining the towpath and navigation. Further, this may have implications for the Environmental Impact Assessment and the LPA would generally object to a structure of this scale. In addition, it will be important to ensure this building is designed to integrate with the community asset to provide a welcoming and attractive public space with the potential for public disposal relocated to segregate potential conflicting uses and should form part of the Design Code Principles in terms of the public face of the park</p>	
8.11(3)	<p>Height/massing – Limits of Deviation</p> <p>Works No.3 relates to EcoPark House. During Phase 2 consultation concern was expressed in relation to its overall height given its public facing nature and its relationship to the mores sensitive River Lee Navigation. In accordance with the Design Code Principles, it would appear that the height of the development has been reduced to 2-storeys, which is welcomed by the LPA. However, when cross-referenced to the appropriate plan two things are clear:</p> <p>a. The cited plan Drawing C_0005 Rev 00 is incorrect and should be changed to C_0007 Rev 00; and</p> <p>b. The limits of deviation would appear to allow an increase in height from 14m to 24.6m. Notwithstanding the fact that 14m for a 2-storey building could be considered as excessive, 24.6m is well beyond even this figure and again would call into question the validity of the Environmental Impact Assessment. The LPA would not support this size of development within this sensitive location.</p>	<p>Please refer to Appendix 1.10 of the Applicant's Responses to the ExA's First Written Questions (AD07.02/REP3-016) submitted at Deadline 3 which confirms the limits of deviation.</p>
8.13	<p>Design/Materials</p> <p>The local planning authority welcomes a consistent approach to materials across the site. However, it would emphasise the need for quality as the detail will be important given the scale of the</p>	<p>Please refer to the Applicant's responses to paragraphs 8.5/8.6 above.</p>

Paragraph no.	Paragraph text	Applicant response
	<p>buildings. While it agrees that horizontal division of the ERF building with darker colouring defining the lower level with lighter material used for the upper sections, is the correct approach and is also supportive of the two layered approach to the façade, at present the LPA do not consider that the Design Code Principles are sufficiently robust to secure materials with high visual quality and appropriate architectural detailing. This is a critical concern given the scale of development and whilst the emphasis in the Design Code Principles for durable, low maintenance materials commensurate with operational requirements is noted, it is not considered that this should be the single determining factor particularly as materials alter across the vertical plane and would be less prone to damage or subject to operational requirements.</p>	
8.19	<p><b>Landscape Strategy</b> The Design Code Principles identify discreet locations for enhancement with relevant planting schedules and types of landscaping deemed appropriate to the locality. It is unclear as to how these measures appropriately align with Enfield's Biodiversity Action Plan, the Development Management Document or indeed as sought to maximise and synergise the sustainable urban drainage measures across the site. Building on comments made in the previous section, additional landscaping measures are required on the former EfW site to break up the sheer expanse of the hard surface.</p>	<p>A number of enhancements have been incorporated into the landscape strategy which support the Enfield Biodiversity Action Plan. These include the retention of mature trees (Objective 7), the inclusion of native species (Objective 9), the provision of nest boxes for birds and bats (Objective 9), retaining and enhancing links with adjacent habitats (Objective 14), the provision of green and brown roofs (Objective 15) and the removal of invasive species (Objective 24).</p> <p>Furthermore, the following elements of the landscape strategy align with the Development Management Document: the provision of ecological enhancements using native species (policies DMD 79 and DMD 81), inclusion of green roofs (policy DMD 55) and the retention and planting of trees (policy DMD 80).</p> <p>The inclusion of green and brown roofs would slow down surface water runoff, thereby providing an ecological enhancement in conjunction with SuDS principles.</p>

Paragraph no.	Paragraph text	Applicant response
		Following demolition, the site of the existing EfW facility would be surfaced with a mix of gravel and hardcore to provide a temporary permeable surface that would allow ruderal growth until future development of that area.
8.20	<p><b>Landscape Strategy</b> The local planning authority welcomes the use of green and brown roofs as part of the building's design which will have ecological, drainage and visual benefits. However, while Green and Brown Roofs are mentioned, it is unclear as to the type deemed most appropriate to the site to maximise biodiversity benefits and attenuate surface water – again to synergise with the sustainable drainage strategy – and a clearer commitment both to installation and type will be required.</p>	Rather than restricting the use to either a green or brown roof, it is considered more beneficial to include both green and brown roofs in order to maximise biodiversity. Brown and or green roofs covering approx. 7,845m <sup>2</sup> are proposed on the proposed ERF and EcoPark House. Details of the roof treatment would be provided under Requirement 4 of the revised draft DCO (AD03.01/REP3-018).
8.21	<p><b>Landscape Strategy</b> The LPA does express concern around the treatment and restoration of the temporary laydown area. The laydown area again is a large expanse of hardsurfacing which would need to ensure that measure to soften its impact and break up the degree of hardsurfacing should be explored. In addition, in accordance with the DMD and commensurate with the sensitivities, status and aspirations for the site, the Local Planning Authority would require enhancement of the area to align with these requirements, with an enhanced landscaping and SuDS strategy that should form part of the requirements and feature as part of the environmental commitments and mitigation schedule.</p>	<p>The Temporary Laydown Area would be heavily used during construction, meaning that it would not be appropriate to implement temporary landscaping during this time.</p> <p>During the construction phases a SuDS strategy is proposed for the Temporary Laydown Area to attenuate surface water flows associated with the introduction of hard surfaces. This may include swales, filter strips and retention tanks or below ground tanks. Following completion of construction, the Temporary Laydown Area would be restored in accordance with the Design Code Principles (AD02.02/APP-008).</p>
8.23	<p><b>Landscape Strategy</b> The local planning authority would be activity seeking the introduction of a SuDs scheme to deal with surface water drainage as part of the landscape strategy.</p>	The SuDS strategy is included within Appendix C of the Flood Risk Assessment (AD 05.14/APP-034). It includes the re-use of as much water as possible through on-site rain water harvesting, the use of oil interceptors, three separate attenuation tanks, flood storage compensation, improving the existing drainage system by separating surface water drainage from foul and waste water, and

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		the inclusion of green and brown roofs that would slow down surface water runoff. Following demolition, the site of the existing EfW facility would be surfaced with gravel and hardcore to provide a permeable surface pending future development of that area. Lined permeable paving is also to be included in appropriate areas. No infiltration based SuDS system is proposed on land affected by contamination; this is in accordance with Environment Agency (EA) requirements.
8.24	<p>Landscape Strategy</p> <p>The opening up of Lee Park Way and increased activity resulting will pose particular challenges if the impact of the development is not to impose on the character and appearance of the Green Belt, SMINC and LVRP.</p>	The pedestrian and cycling environment would be improved in this area with the addition of segregated pedestrian and cycle paths, improved lighting and CCTV, and new and upgraded bridges that would improve the quality and sense of security of the footways and crossings. The landscape proposals include the retention of existing trees where possible, using fill material to re-profile the ground to provide screening and reducing the impact of the proposed buildings. Dense planting consisting of native trees, meadow and wetland mixes would further screen the buildings and soften and enhance the site boundary in order to create an attractive and appropriate landscape setting for Green Belt, SMINC and LVRP. The potential visual impact of the proposed buildings has been further reduced by careful massing and selection from the palette of materials for the buildings and stack.
8.26	<p>Sustainable design and construction</p> <p>The low carbon energy benefits of the development are clearly supported as is the decision to achieve a BREEAM rating of 'Very Good'. However, as was expressed at the issue specific hearing, the LPA would express concern that requirement 9 does not include any requirement to achieve certification of the scheme under this Environment Assessment Method. The Local Planning Authority would request that this is reflected in requirement 9 and formal certification be secured.</p>	<p>There would be separate certificates for the proposed ERF, the RRF and EcoPark House.</p> <p>The initial (design stage) certificate is normally based on the detailed design documents. There is no defined timescale for the issue of certificates following submission of the information to Building Research Establishment (BRE), although it is acknowledged that this is often around six weeks and can be extended to address comments raised. The approach to consult</p>

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		<p>with BRE in line with its requirements is proposed to allow the Project to be tested, but without the constraint of an undefined certification period.</p> <p>The final (post-construction stage) assessment is based on information from construction. Therefore a pre-commencement requirement is not appropriate as it is not possible to secure the certificate until construction is complete. The proposed approach allows review of the options to achieve the BREEAM rating of very good, for review by the LB Enfield.</p> <p>The approach as set out allows for the consultation with BRE, and submission of the details to LB Enfield. Given this is a prior to commencement requirement this was considered to be appropriate.</p>
9.5	<p>Noise/Vibration</p> <p>The construction noise will be controlled through a Section 61 Agreement between LB Enfield and the constructor; the assessment makes a preliminary assessment that the noise from construction will not be significant. Considering the distance between the site and the nearest receptor, this is likely to be the case. Operational noise will be subject to the terms of the environmental permit needed to operate the site and this will be decided by the Environment Agency, although we have previously stated our preferred criteria for operational noise. Traffic noise due to the development will not have an impact upon residential properties considering the location and distance.</p>	<p>LB Enfield's preferred criteria for operational noise is set out in their earlier response to the consultation on the Preliminary Environmental Information Report (PEIR), namely:</p> <p>8.1.1 <i>LBE has advised that it requires plant noise emissions to be limited to 10dB below the lowest background noise level</i></p> <p>However, it is proposed to limit operational noise such that the rating level is no greater than the background sound level. On the face of it, this might represent a significant difference.</p> <p>The main reason for this apparent difference is that there has been a significant revision to the relevant British Standard 4142 for the rating and assessment of industrial and commercial noise.</p> <p>LB Enfield's preferred criterion is based upon the 1997 version of British Standard 4142, which stated that a difference between the</p>

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		rating level and background noise level of -10dB would indicate a low probability of complaints. The 2014 version of the British Standard advises that the impact would be low if the rating level is equal to the background sound level, depending on the context. So, when comparing on a like for like basis it could be argued that the outcome is the same, namely that the level of impact is low.
9.6	<p>Contamination</p> <p>The LPA share the concern of the Environment Agency in relation to unfettered limits of deviation to excavate which may give rise to the contamination of ground water sources. Parameters need to be imposed to restrict excavation to a reasonable level as agreed by the EA. In addition, the LPA would express concern that requirement 14 does not include relevant clauses for the verification and ongoing monitoring of remediation works. The LPA request that such measurements be included within the requirement.</p>	<p>Wording relating to amendments to Article 4 (Limits of deviation) and Requirement 14 (Contamination and groundwater) in the revised draft DCO (AD03.01/REP3-018) is currently being discussed with the EA and any agreed wording will be included in the SoCG with the EA.</p> <p>The Application does not provide for specific downwards limits of deviation (other than the bunkers, set out in Works Plan C_0003) as the precise depth of the works cannot be determined until any necessary further ground investigations have been carried out to inform the Piling Risk Assessments and Piling Method Statements as part of the development of detailed designs. The limits will in effect be secured through Requirement 14, (with the wording set out in the next draft DCO) as the lowest works will be the piling, and these will be covered by this Requirement.</p>
10.5	<p>The TA includes traffic flow data which establishes the existing baseline conditions on the roads surrounding the development site. The traffic flow data was recorded through surveys undertaken in locations agreed with TfL and with LBE and the surveys are considered to reflect best practice according to DfT guidance. The surveys were undertaken in nine locations during May 2013.</p> <ul style="list-style-type: none"> <li>• A406 North Circular Road with Advent Way, Argon Road and</li> <li>• Walthamstow Avenue (Cooks Ferry Roundabout);</li> <li>• A406 North Circular Road with Montagu Road;</li> <li>• A1055 Meridian Way with Conduit Way;</li> </ul>	<p>Additional survey data was collected at the junction of A1055 Meridian Way with Ardra Road in October 2014 to inform the TA (AD05.11/APP-030). The October 2014 surveys were undertaken over 24-hours.</p>

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	<ul style="list-style-type: none"> <li>• A1009 Hall Lane with Walthamstow Avenue;</li> <li>• A406 North Circular Road with A1010 Fore Street;</li> <li>• A406 North Circular Road with A10 Great Cambridge Road;</li> <li>• Montagu Road with Conduit Lane;</li> <li>• Advent Way with Eley Road; and</li> <li>• Eley Road with Nobel Road.</li> </ul>	
10.21	<p>However, it is noted that the TA does not specifically breakdown the different trip numbers and provide a summary in the TA, which makes it confusing to see exactly which trips are increasing and which are falling. T&amp;T therefore request a revision to the TA to provide a clearer explanation to accompany Table 5.5.</p>	<p>Table 5.11 of the TA (AD05.11/APP-030) provides a summary of the proposed operational trips for the existing Edmonton EcoPark and the proposed completed and operational Project (i.e. Stage 4) by vehicle type (HGV, LGV and car) and by hour of the day. This was provided in response to the Phase Two Consultation Response from LB Enfield and enables a clear comparison of the changes in the types and numbers of vehicles to be made. The text in paragraphs 5.3.16 and 5.3.19 of the TA (AD05.11/APP-030) also provides additional information to describe which trips are increasing or decreasing, and why.</p>
10.23	<p>The use of the growth factors is acceptable but they do mean that the proportion of the increase in trips (from the site, not including the growth factors) compared to the original baseline would be lower, and the first baseline increase is from 2024 which is after work is meant to start. This does mean though that they do add in a safety factor to the predictions as the impact without the growth factor would not be as high.</p>	<p>A similar comment was provided by LB Enfield as part of its Phase Two Consultation response. In response to this, the TA (AD05.11/APP-030) provided a commentary (throughout Section 6 of the TA) on the implications the additional trips generated by the Project on baseline capacity of the Cooks Ferry Roundabout and junction of Ardra Road with A1055 Meridian Way. This was undertaken to understand how the junctions would operate if no growth or changes in traffic due to the cumulative schemes occurred. The conclusion of this additional element of the assessment was that the additional trips generated by the Project would not affect capacity at either junction. While a level of growth for any particular year between the baseline and the 2024 scenario (i.e. the assumed year of assessment for Stage 1d of the Project) has not been assessed, the conclusion of any such assessment would also find that the capacity changes as a result</p>

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		of the Project would not be significant.
10.30	The methodology and the baseline figures for the existing traffic conditions are considered reliable. The traffic generation predictions follow the agreed methodology as agreed in the planning brief, but the TA does not provide a detailed enough on analysis on Table 5.5 to explain the reduction in certain trips. Additional work to the TA is needed for this section, although it is noted the data is in the appendix but just not included in the main body of the document. This information has now been provided in the breakdown following the table and is considered acceptable.	This information has been provided in Table 5.11 and paragraphs 5.3.16 and 5.3.19 of the TA (AD05.11/APP-030), as detailed in the response to paragraph 10.21 (above).
10.31	The impact on the junctions shows that some will be operating over capacity and that the assessment includes growth factors to take into account background growth over the next 13 years. Therefore the junctions are expected to approach capacity regardless of the development taking place; if traffic does not grow as expected then the majority of the junctions and links will operate in capacity. Further analysis or summary would be welcomed on the junction operations before the TEMPRO factors were applied i.e. pre 2024.	As detailed in the response to paragraph 10.23 (above), the TA (AD05.11/APP-030) includes an analysis of the traffic flows generated by the Project against the baseline traffic flows, before any growth factors were applied.
10.32	A Section 106 will need to be secured for the development and should include but not be limited to a Construction Management Plan. The TA does account for construction traffic in the assessment of each phase however the actual CMP will need to go into more detail about how access and service arrangements will be provided (potentially from the north of the site) as well as how sustainable measures e.g. shuttle bus will be provided. This is still under negotiation however Hot have been submitted by T&T, along with estimated contributions sums.	<p>The requirement for a Construction Logistics (or Management) Plan would be secured through the CoCP (AD05.12/APP-032) and therefore through the DCO (Requirement 16 of the revised draft DCO (AD03.03/REP3-018) requires the undertaker to undertake the authorised development in accordance with the CoCP.).</p> <p>The Applicant has discussed the likely Section 106 contributions with respect to transport with LB Enfield. The Section 106 Agreement (AD03.03/APP-011) would secure financial contributions for the following:</p> <ul style="list-style-type: none"> <li>a. walking improvements in the area;</li> <li>b. cycling improvements in the area;</li> </ul>

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		<p>c. a safety audit of the Cooks Ferry Roundabout and towards any required mitigation arising from the audit; and</p> <p>d. towards Travel Plan monitoring costs.</p>
11.4	Overall therefore, the local planning authority accepts that the use of the existing wharf and the transportation of material using the Lee Navigation is not a practical option in this instance.	LB Enfield's position with respect to water freight is noted and the Applicant agrees that any work to promote the movement of freight by water in the long term would be undertaken outside of the scope of the DCO.
11.10	<p>Water resource and flood risk: At the time of writing discussions in relation to Flood Risk and a Sustainable Drainage Strategy were ongoing. However, in consultation with the Council's SuDS Team comments on the report Ref: 35180-33 September 2015 are as follows:</p> <p>The concept proposed does not maximise above ground features (such as permeable paving, swales, rain gardens), which would significantly improve the water quality discharged into the Enfield Ditch. There is scope to minimise the size of the underground storage tanks (and possibly the amount of oil interceptors) in maximising these features. We agreed that a liner can be used for above ground features to prevent infiltration to the aquifer and contamination</p>	<p>As set out in the Preliminary Drainage Strategy (AD05.14/APP-034 Appendix C), in accordance with best practice, a SuDS treatment/ management train approach would be adopted to ensure that the necessary water quality treatment is provided before surface water run-off is discharged to Enfield Ditch. This would be finalised as part of the detailed design.</p> <p>The Preliminary Drainage Strategy sets out a number of above ground SuDS features, such as green and brown roofs, rainwater harvesting, permeable paving, and filter trenches, all of which are considered to be highly sustainable SuDS techniques. Underground tanks are only required to provide the large storage volumes required to attenuate run-off to the greenfield rates requested. The use of underground storage tanks would be minimised as far is practicable within the operational constraints of the site.</p> <p>Whilst additional above ground features, such as a pond, would be capable of providing additional ecological and amenity benefits,</p>

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		<p>there is insufficient space on-site to provide such features and these are not required to meet the water quantity and quality requirements for drainage. Therefore the approach proposed, which would provide significant betterment compared to the existing situation in terms of both water quality and water quantity, is considered to be a suitable approach for the site.</p> <p>The details of this would be determined at the detailed design stage.</p>
	<p>We discussed that the triangular area of land on the east side of the site could potentially be re-landscaped as a wetland feature and detention basin to serve a drainage purpose. What are the reasons for this option not being explored?</p>	<p>The site is designated for intensive use (as a waste site) and so there is limited space at the surface for SuDS features. Also, some space that is left landscaped in the proposed design, for example the triangular parcel of land immediately to the east of the existing EfW facility, may be required as a construction laydown area to enable the EfW facility land parcel to be remediated and redeveloped in future, so cannot be designated for SuDS use at the present time. It should be noted that the SuDS strategy does include green and brown roofs, filter trenches, permeable paving and rainwater harvesting, amongst other features.</p>
	<p>Discharge onto permeable paving can manage silt on the surface before discharge into tanks, and is favourable in terms of maintenance regimes. To confirm, the proposed permeable paving is shown to be located above tanks 2 and 3? Will the water that drains into tanks 2 and 3 be draining through the permeable paving first? Are there other areas where permeable paving can be used that have not been identified in the report?</p>	<p>Excessive silt can reduce the ability of permeable paving to function as designed. Directing sediment laden run-off to permeable paving would require excessive maintenance to ensure that the paving continued to function as intended and not cause localised flooding.</p> <p>These details of the drainage strategy would be determined at the detailed design stage, but it is not envisaged that run-off from other operational areas of the site would be directed to drain through the permeable paving in the car parks.</p> <p>During detailed design the use of additional above ground features</p>

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	<p>To confirm, will the limited discharge rate into Enfield Ditch be Greenfield- 168 L/s?</p> <p>We agree that the temporary lay down areas should utilise above ground SuDS (and infiltration if possible), with scope for not using below ground features. This requires a preliminary drainage strategy. If swales, rain gardens and ponds are used in these areas (without below ground features) we would prefer if the current land is not reinstated once the area is no longer needed as a temporary lay down. We are happy to engage in further conversations on this.</p>	<p>would be examined, depending on the available area.</p> <p>The limited discharge rate into Enfield ditch is 170l/s, as stated in Section 5.2.1. of the Preliminary Drainage Strategy (Appendix C of the Flood Risk Assessment (AD05.14/APP-034)). This value is based on a greenfield rate of 12.8l/s/ha for the AEP 1 per cent. The limited discharge rate was amended from earlier drafts to take into account the runoff that contributes from Deephams Farm Road. Please note that Table 3.1. of the same document is incorrect (it was not updated from the draft value of 168l/s) and the value stated for the Greenfield runoff rate Q100 rural should be 170l/s. However, all the assessment findings within the Application remain valid.</p> <p>A preliminary drainage strategy for the Temporary Laydown Area is discussed in Section 5.3 of the Preliminary Drainage Strategy (Appendix C of the Flood Risk Assessment (AD05.14/APP-034)). The Applicant acknowledges the need to engage further with LB Enfield during detailed design.</p> <p>The Applicant's comments on the reinstatement of the Temporary Laydown Area are set out in the response to paragraph 8.21 (above).</p>
11.11	<p>Water resource and flood risk</p> <p>It is noted that a further iteration of Appendix C has been submitted, however, this iteration pre-dates recent discussions and note that they have not produced an updated strategy addressing our comments below. Building on comments made in relation to the temporary laydown area, the LPA would not seek simple reinstatement with a grassed area, but would require enhancement of the area with SuDS features and landscaping. The LPA believe that the integration of SuDS at the earliest stage would assist in water attenuation for the laydown area as proposed and then be</p>	<p>The Preliminary Drainage Strategy (AD05.14/APP-034 Appendix C) submitted with the DCO remains the most recent version. The version submitted in draft to LB Enfield in October 2014 was slightly amended for the DCO submission to account for run-off from Deephams Farm Road.</p> <p>Reinstatement of the Temporary Laydown Area is addressed in the Applicant's response to 11.10 above.</p>

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	retained for the benefit of the area as a whole.	
12.1	<p>Lee Valley Heat Network</p> <p>One of the strategic priorities for the Edmonton EcoPark site is to provide the key heat source for the Lee Valley Heat Network and supply low carbon heat to local homes and business. Local Plan policy (DMD52) requires major developments which provide heat and/ or energy to contribute to the supply of decentralised energy networks. The Council's evidence base confirms that it is feasible to and viable for existing and future waste development on the Edmonton Eco Park Site to provide heat to a decentralised energy network. Given this context, the Development Consent Order proposals must explicitly address this policy requirement by including a firm commitment to providing a heat supply to the Lee Valley Heat Network and making adequate provision for associated infrastructure within the site. The Edmonton Eco Park SPD and Central Leaside Proposed Submission AAP (CLAAP) provide more specific requirements in this regard.</p>	<p>In accordance with the policy framework, the Applicant is negotiating commitments to provide heat supply to the Lee Valley Heat Network (LVHN) as part of negotiations on the draft Section 106 Agreement (AD03.03/APP-011). The Applicant has carried out extensive negotiations already, with a view to entering into an agreement for heat supply to LVHN both from the existing EfW and from the proposed ERF.</p>
12.2	<p>While it is noted that the draft DCO contains a requirement for the provision of a CHP, the exact wording of the requirement is not agreed at this stage and dialogue is ongoing. In particular the LPA object to the caveat of 'commercial arrangement' and a reference to 'economic viability'. Commercial arrangements are beyond the scope of the DCO and should not be featured as part of the requirement.</p> <p>Further economic viability is not defined nor is it stated who would verify the viability of connection. The processes involved in ERF inevitably provide waste heat and as such the provision of such heat is guaranteed and whilst the heat output and associated infrastructure for the CHP needs to be secured via the DCO and s106, the detailed contractual arrangements between the commercial operator and the NLWA is not relevant to the DCO nor</p>	<p>Revisions have been made to the wording of Requirement 18 in the revised draft DCO. The changes remove references to commercial arrangement and economic viability.</p>

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	is relevant to any subsequent s106. Any reference to such contractual arrangements should be removed.	
Appendix 1	Definitions “authorised development” Definition too wide – if an item does not constitute development, then the process under section 35 – 35A must be followed for a direction from the SoS. Not aware that the process has been followed here. If, alternatively, “not” has been included in error then please remove.	The procedures contained within sections 35 and 35A are irrelevant for these purposes as the word “not” has (at the ExA’s request during the hearing on the draft DCO on 18 March 2016) been deleted from the definition of “authorised development”. The last limb of the definition of “authorised development” now states: “any other works authorised by the Order that are development within the meaning of section 32 of the Planning Act 2008 (as amended)
Appendix 1	Definitions “carriageway” Should reference Section 329 of the 1980 Act.	The Applicant agrees to amend the definition to refer to section 329 of the Highways Act 1980 in the next draft of the DCO.
Appendix 1	Definitions “code of construction practice” The LPA support the inclusion of this definition consistent with the comments of TfL at the issue specific hearing.	The definition of “Code of Construction Practice” has been amended in the revised draft DCO (AD03.01/REP3-018) to reflect the ExA’s comments made during the hearing on the draft DCO on 18 March 2016. TfL and LB Enfield commented that this definition not be amended in the manner suggested by the ExA. The Applicant disagrees with LB Enfield and TfL on this point and the explanation for this is in row 8 on page 3 of the Table of amendments to the draft DCO dated 6 April 2016 (AD03.01/REP3-018).
Appendix 1	Definitions “commissioning” The LPA would agree with the comments by the Examining Authority. The definition of commissioning must be clearly defined and should not be based on a reliability test – however this test may be defined.	The definition of “commissioning” has been deleted from the revised draft DCO (AD03.01/REP3-018) .
Appendix 1	Definitions “commence” Definition too wide. The LPA contend that the definition should not include “site clearance” given the scale of clearance required. Any definition must be consistent and used within the draft s106	The reference to “site clearance” has been deleted from the definition of “commence” in the revised draft DCO (AD03.01/REP3-018). The definition of “commence” in the DCO does not have to be consistent with and used within the draft

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		Section 106 Agreement (AD03.03/APP-011) because each definition needs to be specific to what each respective document relates to. The Section 106 Agreement only binds land owned by LondonWaste Limited (on which only part of the authorised development would take place) whereas the DCO covers the whole Application Site.
Appendix 1	Definitions “design code principles” Words after “which” not required.	These words have been deleted in the revised draft DCO (AD03.01/REP3-018) in line with the ExA’s request during the hearing on the draft DCO on 18 March 2016.
Appendix 1	Definitions “environmental commitments and mitigation schedule” Words after “which” not required.	These words have been deleted in the revised draft DCO (AD03.01/REP3-018) in line with the ExA’s request during the hearing on the draft DCO on 18 March 2016.
Appendix 1	Definition “maintain” Definition too wide. Anything but very minor adjustment, alteration, removal, clearance and refurbishment is inappropriate. Reconstruction, decommissioning, demolition, replacement and improvement are far too wide and should be removed. Note that the Hinkley C DCO refers only to “maintain”.	<p>Section 31 of the Planning Act 2008 makes it clear that ‘development consent’ is required for development to the extent that the development “is <u>or forms part of</u> a nationally significant infrastructure project” (emphasis added). Thus it is vital that a Development Consent Order allows an infrastructure provider not only to construct the development, but to ‘maintain’ it where that maintenance (e.g. reconstructing a fire damaged building) could itself amount to development requiring development consent. The consequence of drafting the definition of ‘maintain’ too narrowly could be to require a new Development Consent Order when, over the lifetime of the Project, maintenance amounting to ‘development’ is required. The necessary control on the extent of any maintenance is provided by the caveat that the maintenance should not “vary the authorised development as described in Schedule 1”.</p> <p>Please see the amended definition of “maintain” in the revised draft DCO (AD03.01/REP3-018). The Applicant disagrees with the further restriction of this definition to “very minor” adjustments etc.</p>

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		<p>What is included in the definition cannot vary the authorised development and the effects of variations must have been assessed in the ES (AD06.02/APP-039 to APP-053). There are other DCOs that have a definition of "maintain" similar to that in the revised draft DCO. These other DCOs relate to the following approved energy schemes: Brechfa Forest West Wind Farm, Burbo Bank Extension Offshore Wind Farm, Clocaenog Forest Wind Farm, Dogger Bank Creyke Beck, Dogger Bank Teesside, East Anglia ONE Offshore Windfarm, Ferrybridge Multifuel 2 (FM2) Power Station, Galloper Offshore Wind Farm, Hinkley Point C Connection, Hirwaun Power Station, Hornsea Offshore Wind Farm (Zone 4) - Project One, Internal Power Generation Enhancement for Port Talbot Steelworks, Knottingley Power Project, North Killingholme Power Project, North London (Electricity Line) Reinforcement, Port Blyth New Biomass Plant, Preesall Saltfield Underground Gas Storage, Progress Power Station, Rampion Offshore Wind Farm, Rookery South Energy from Waste Generating Station, Tidal Lagoon Swansea Bay and Triton Knoll Offshore Wind Farm.</p>
Appendix 1	<p>Definition "order land" Should this not refer to 'book of plans' not 'book of references'. Is the definition of 'Order Land' and 'Order Limits' appropriately linked to the wide ranging powers conferred under subsequent articles?</p>	<p>The definition of "Order land" already refers to the land plans and the Book of Reference (AD04.03). The Applicant therefore cannot see why the definition also needs to refer to the rest of the Book of Plans – the land plans adequately cover the extent of the Order land. The Applicant does however intend to amend the next draft of the DCO so that the definition of the Order land also refers to drawing C_0018 (referred to in Article 28(1)(b) of the revised draft DCO (AD03.01/REP3-018)). The Applicant's response to question 10.15 of the ExA's First Written Questions explains why and in summary states that this land was considered necessary after the Applicant had confirmed the red line boundary of the Application Site to PINS in meeting pre-application requests by PINS.</p>

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		The Applicant is of the opinion that the definitions of “Order land” and “Order limits” are adequate. Without any further elaboration on this representation by LB Enfield, it is difficult to comment.
Appendix 1	Definition “relevant planning authority” Definition can end after Enfield	These words have been deleted in the revised draft DCO (AD03.01/REP3-018) in line with the ExA’s request during the hearing on the draft DCO on 18 March 2016.
Appendix 1	Definition “stage” Should not include “enabling works”. “Enabling works” are only referred to in the schedule 2 definition, and here, and so effectively this is a carve out from approval by the LBE. Not clear why such enabling works as are required cannot form a defined “stage” in and of themselves.	The term “enabling works” is defined in Article 2 of the revised draft DCO (AD03.01/REP3-018) and used in the definition of “commence” in Article 2 of the revised draft DCO. The term “commence” means the beginning of any material operation forming part of the authorised development, but expressly excludes operations consisting of, amongst other things, “enabling works”. The definition of “stage” in Article 2 of the revised draft DCO expressly excludes “enabling works”. The effect of these definitions is such that where in paragraph 3 of Schedule 2 (Requirements) of the revised draft DCO, it is provided that the authorised development may not commence until a scheme setting out the stages of construction has been submitted to and approved by the relevant planning authority, that requirement does not prevent the Applicant from starting the ‘enabling works’ before approval of the construction stages scheme. It is completely normal for ‘enabling works’ (i.e. site preparation and ground testing etc) to precede construction works and there is no proper reason for this to be held up whilst the relevant planning authority considers and approved the ‘stages’ of construction of the authorised development.
Appendix 1	Definition “undertaker” Need only to name undertaker, other text not necessary – article 8 and section 156(1) achieves the same thing	The wording of the definition of “undertaker” is necessary to catch successor bodies to the Applicant (as it is a public authority) and those to which the benefit of the Order is transferred. Section 156(1) Planning Act 2008 (PA 2008) and Article 8 of the revised draft DCO (AD03.01/REP3-018) do not achieve the same thing.

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		Section 156(1) Planning Act 2008 (as amended) provides that the Order would benefit all those who have an interest in the Order land. Article 8 of the revised draft DCO allows the undertaker to transfer the benefit of the Order. The Applicant does not have an interest in the Order land.
Appendix 1	Article 4(2)(b) Normal position is to specify depth in metres below the seabed. Issues relating to ground water contamination must be addressed. Upward limits of deviation are not agreed as per paragraph 8.11 of LBE written representations.	<p>The representation relating to depth in metres below the seabed appears to relate to the way in which the figures in Requirement 5 of the revised draft DCO (AD03.01/REP3-018) have been calculated, rather than the drafting of Article 4 (2)(b). The heading of the final column of the tables in Requirement 5 of the revised draft DCO has been changed so that it now refers to "Height (m AOD)" which should address this representation.</p> <p>The Applicant is currently negotiating amendments to the wording of Requirement 14 (Contaminated land and groundwater) with the EA as part of the finalisation of a SOCG with the EA (AD03.04_EA).</p>
Appendix 1	Article 5 Article 5(1) is a general provision. Why is there then a need to specify within article 5(2). If specification is necessary need to define "apparatus" – possibly could use definition in article 10(4). Why are the items in article 5(3) excluded?	Article 5(2) of the revised draft DCO (AD03.01/REP3-018) has been included for greater clarity on the extent of the powers being applied for. As explained in the Explanatory Memorandum (AD03.02/APP-010), due to the scope of the authorised development and the definition of "maintain", Article 5(2) of the revised draft DCO includes specific powers because these parts of the Order land are outside the Edmonton EcoPark and the undertaker requires a power to maintain them for the lifetime of the authorised development. This provides for greater clarity of the undertaker's powers under the Order and reflects the particular circumstances of the authorised development. A similar approach was followed in the North Killingholme (Generating Station) Order 2014 (SI 2014/2434). These additions are permitted under section 120(5)(c) Planning Act 2008 (as amended) because they are

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		<p>necessary and expedient to give full effect to the power to maintain the authorised development under Article 5 of the revised draft DCO.</p> <p>A definition of “apparatus” has been added to the revised draft DCO.</p> <p>Article 5(3) has been deleted from the revised draft DCO.</p>
Appendix 1	<p>Article 6(1) Article 8 would cover the circumstance of a contractor operating the plant, so wording associated with that is not needed here (bar the exclusion in article 8(4) which the LBE are proposing is removed). Definitions are required here – potential to use the already defined term “authorised development”.</p>	<p>The Applicant disagrees. It would not be necessary to transfer the benefit of the Order to a contractor in order to carry out the authorised development. There is no wording associated with transferring the benefit of the Order to a contractor in Article 8 of the revised draft DCO (AD03.01/REP3-018).</p> <p>Please see the Explanatory Memorandum (AD03.02/APP-010) as to why Article 8(4) has been inserted into the revised drafted DCO and the amendments made to Article 8(4) in the revised draft DCO to address the ExA’s comments during the hearing on the draft DCO on 18 March 2016.</p> <p>Clarification is also required of LB Enfield’s representation: “Definitions are required here – potential to use the already defined term “authorised development”.</p>
Appendix 1	<p>Article 8(4) This exclusion is entirely inappropriate. A wholly owned company ought to be subject to the same requirements of approval in order that the SoS can verify that the entity is an appropriate one to operate the facility.</p>	<p>For an explanation as to why no additional controls are required, please see: (i) paragraph 5.9 of the Explanatory Memorandum (AD03.02/APP-010)) as to why Article 8(4) of the revised draft DCO (AD03.01/REP3-018) has been inserted; (ii) the amendments made to Article 8(4) in the revised draft DCO to address the ExA’s comments during the hearing on the draft DCO on 18 March 2016; and (iii) row 39 on page 10 of the Table of amendments to the draft DCO (AD07.03/REP3-017).</p>

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Appendix 1	Article 9(b)(ii) This sub clause is not needed if the requirements set out in 9(b)(i) are complied with.	The Applicant disagrees. The requirements in Article 9(b)(i) of the revised drafted DCO relates to a different situation than under the situation caught by Article 9(b)(ii) (i.e. Article 9(b)(ii) relates to a situation that cannot be reasonably avoided). Furthermore, Article 9(b)(ii) is Model Provision wording and there is no reason to delete such wording.
Appendix 1	Article 10(1)(e) & (f) Support deletion of (e) and (f)	These sub-paragraphs have been deleted in the revised draft DCO (AD03.01/REP3-018).
Appendix 1	Article 12(5) Insert 'highway'. Any public right of ways will need to be replaced and there is insufficient detail to confirm replacement rights of way are acceptable. Objections to all plots / items in this section relating to Schedule 6.	The insertion of the word "highway" is unnecessary as the plot numbers covered by Article 12(5) of the revised draft DCO (AD03.01/REP3-018) are not highway. In terms of the detail of replacement rights of way, please see the revised draft DCO schedules 6-8 explanatory diagrams (Appendix 1.14 of the Applicant's Responses to the ExA's First Written Questions (AD07.02/REP3-016) submitted on 6 April 2016 to meet Deadline 3.
Appendix 1	Article 13 and (6) Removal of the highway status may not be the most appropriate course of action therefore objections to the legal process. (6) This is not standard drafting and should be removed.	The Applicant is not proposing to remove highway status. Article 13(6) of the revised draft DCO (AD03.01/REP3-018) is required to avoid delay to the delivery of the authorised development. The timescales provided mirror those for approval under Schedule 3.
Appendix 1	Article 18(4)(b) Remove "shall not be unreasonably withheld or delayed".	This is not agreed. This wording is crucial to ensure the timely delivery of the authorised development, which is a NSIP.
Appendix 1	Article 19 For certainty, this article should refer explicitly to schedule 10. Also unclear why it is subject to articles 23 and 27	The Model Provision wording for the power to compulsorily acquire land provides that the undertaker may acquire compulsorily so much of the Order land as is required for the authorised development, or to facilitate, or is incidental, to it. The Model Provisions limit the power to compulsorily acquire land by making it subject to the power to temporarily use land (i.e. the undertaker cannot compulsorily acquire land that it has a power to only temporarily use). There is no cross reference in the Model

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		<p>Provisions to a schedule setting out which interests are subject to the power to compulsorily acquire land.</p> <p>Other development consent orders, such as The Knottingley Power Plant Order 2015 and The Progress Power (Gas Fired Power Station) Order 2015, go a step further than the Model Provisions. They make the power to compulsorily acquire land also subject to the power to compulsorily acquire rights. Like the Model Provisions, other DCOs like Knottingley and Progress Power do not cross refer to a schedule setting out which interests are subject to the power to compulsorily acquire land. This is because, by making it 'subject to' the powers relating to rights and temporary possession, the power to compulsorily acquire does not apply to: (i) land over which only rights can be compulsorily acquired; and (ii) land that can only be temporarily used. A schedule setting out which land is subject to the power to compulsorily acquire land would only be necessary where the power to compulsorily acquire land is not stated to be subject to powers to compulsorily acquire rights and powers to allow temporary use. This is because without a schedule, the undertaker could potentially compulsorily acquire the freehold of any part of the Order land.</p> <p>Looking at the Model Provisions and previous DCOs, there therefore appear to be two approaches:</p> <ol style="list-style-type: none"> <li>a. Approach 1 – limit the power to compulsorily acquire the Order land by making it subject to powers to compulsorily acquire rights and the power to temporarily use land. No cross reference to a schedule is necessary here; or</li> <li>b. Approach 2 – limit the power to compulsorily acquire the Order land by cross referring to a schedule setting out which</li> </ol>

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		<p>interests are subject to this power.</p> <p>The Applicant followed Approach 1 in the wording of Article 19 in the submission version of the draft DCO.</p> <p>The ExA however queried during the hearing on the draft DCO on 18 March whether the Applicant could: (i) delete the cross references to articles 23 and 27; and (ii) amend the wording of Article 19 to cross refer to Schedule 10, (effectively following Approach 2). The Applicant agreed to follow the ExA's suggestions and amended the wording of Article 19 in the revised draft DCO. On further consideration, however, the Applicant would like to revert back to following Approach 1 because by setting out specific interests in Schedule 10, there may be interests that would not be caught by Article 19 because they may not have been revealed by the Applicant's due diligence or because they are only created after the Applicant's due diligence. The risk in following Approach 2 is that the Applicant could potentially be held to ransom by undiscovered or indeed new interests, which would affect the deliverability of the Project. In light of this, the Applicant intends to amend the wording of Article 19 back to its original drafting and delete Schedule 10 of the revised draft Order in the next draft of the DCO.</p>
Appendix 1	<p>Article 20</p> <p>The time scale should be the normal 5 years. There is no reason that we can see why it should be extended to 7 years.</p>	<p>This is not agreed. Please see the reasons provided in paragraph 5.21 of the Explanatory Memorandum (AD03.02/APP-010).</p>
Appendix 1	<p>Article 21</p> <p>Wording relating to successor not required given the provisions in article 8.</p>	<p>The reference to 'successor' in Article 21 of the revised draft DCO (AD03.01/REP3-018) is required, despite the provisions of Article 8. It is important that there is clarity on the face of the Order that the power to override easements and other rights in Article 21, and the consequent right to claim compensation, does extend to the</p>

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		authorised "activities" of the undertaker or its successor under Article 8. This may be important for any potential successor, but equally for those that may need to claim compensation. There is, therefore, no merit in removing this reference to successors.
Appendix 1	Article 22 Not needed due to provisions of section 152 and 158 of the Act.	As explained in paragraph 5.22 of the Explanatory Memorandum (AD03.02/APP-010), Article 22 of the revised draft DCO (AD03.01/REP3-018) has been inserted to provide clarity and to explain that, by virtue of section 158 Planning Act 2008 (as amended), in carrying out or using the authorised development and doing anything else authorised by the Order the undertaker may interfere with any easement, liberty, privilege, right or advantage annexed to land or affecting other land, including any natural right to support, or breach any restriction as to user of land arising by virtue of contract. It also provides that by virtue of section 152 Planning Act 2008 (as amended), compensation may be payable under section 10 of the Compulsory Purchase Act 1965 for any such interference or breach. Article 22 of the revised draft DCO reflects Article 25 of the Hinckley Point C (Nuclear Generating Station) Order 2013 and the relevant article in The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014.
Appendix 1	Article 23 Not clear how this ties in with article 21(1)(b) and schedule 12.	Articles 23 and 21 of the revised draft DCO (AD03.01/REP3-018) are dealing with entirely different matters. Article 23 gives the undertaker power to acquire existing rights or create new rights in land within the Order land. Article 21, by contrast, gives the undertaker power to override rights that exist over land. A simple example may illustrate the point. Assume two adjoining plots of land (Plot A and Plot B). Plot A has a right of way over Plot B. An undertaker acquiring Plot A, including any rights in Plot A, could use Article 23 to acquire from Plot A its right to pass over Plot B. By contrast, an undertaker acquiring Plot B takes subject to Plot

Paragraph no.	Paragraph text	Applicant response
		<p>A's right of way, unless it has power to override that right under Article 21.</p> <p>Thus the compulsory acquisition of rights that exist <u>in</u> land is different from the power override (i.e. extinguish or suspend) rights that exist <u>over</u> land.</p>
Appendix 1	<p>Article 24 Is this needed in light of articles 19 and 21? Not clear how this ties in with article 21(1)(b) and schedule 12.</p>	<p>Article 24 has been deleted in the revised draft DCO (AD03.01/REP3-018).</p>
Appendix 1	<p>Article 24(5) Missing some words at the end – suggest include “applies”.</p>	<p>The former Article 24 has been deleted in the revised draft DCO (AD03.01/REP3-018).</p>
Appendix 1	<p>Article 27 Relationship with article 20(2) unclear The end of sub-paragraph (4) and (5) are duplicated. The requirement for restoration in sub-paragraph (4) should also be subject to the consent of LBE. Sub-paragraph (3) – two years are not justified.</p>	<p>Please see the revisions made to Article 27 in the revised draft DCO (AD03.01/REP3-018) and the explanations provided in row 70 (page 20) of the Table of amendments to the draft DCO, submitted on 6 April 2016 in relation to Deadline 3 of the Examination timetable. The Applicant does not think it is necessary for the requirement for restoration in Article 27(5) to be subject to the consent of LB Enfield. This is because it is the intention of the Applicant to restore the Temporary Laydown Area to a condition that is no worse than it is currently to the reasonable satisfaction of the owners. The Applicant will reflect the intention “to restore the Temporary Laydown Area to a condition that is no worse than it is currently “ as an amendment to Article 27(5) in the next draft of the DCO. Furthermore, the Applicant is granted power to temporarily use land and it is wholly appropriate that it should be ‘restored’ to its former state to the satisfaction on the landowner. There is no reason why the relevant planning authority should be granted power to grant or withhold consent for such restoration. This provision is based on a Model Provision and exists in nearly all DCOs in the form proposed.</p>

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Appendix 1	<p>Article 28 Sub-paragraph (3) should require 28 days notice (as referenced in sub-paragraph 13)</p>	<p>The wording in Article 28(13) has been moved in the revised draft DCO (AD03.01/REP3-018) so that it now sits at the end of Article 28(3) (please see row 73 on page 21 of the Table of amendments to the draft DCO (AD07.03/REP3-017) for an explanation). The Applicant notes however that this wording would sit better at the end of Article 28(2) and will make this amendment in the next draft of the DCO.</p> <p>With regard to the number of days' notice, this has been amended in Article 28(3) of the revised draft DCO so that it refers to 14 days. This amendment was made to align the number of days with the opening words of what used to be Article 28(3) and is now Article 28(2), which referred to 14 days (and not 28 days, which was a typo in what used to be Article 28(13)).</p>
Appendix 1	<p>Article 32(3) This article should be removed.</p>	<p>It has been removed in the revised draft DCO (AD03.01/REP3-018).</p>
Appendix 1	<p>Article 37 The decommissioning of the energy from waste facility should be carried out under requirement 20, and the decommissioning of the proposed electricity and heat generating station in accordance with requirement 21, but it is not clear why this article is required.</p>	<p>This article has been removed in the revised draft DCO (AD03.01/REP3-018).</p>
Appendix 1	<p>Article 38 This article is unnecessary. Instead the provisions of sections 78 and 79 of the TCPA 1990 should be imported. If the article and schedule 3 are to be accepted, sub-paragraph (3) is not appropriate. Deemed consent is not utilised anywhere within the statutory regime and is not required in this instance.</p>	<p>The Applicant disagrees. All relevant mechanisms should be contained in the DCO given that the intention of a DCO is for it to act as a 'one stop shop' for all necessary consents. DCO requirements have a different legal status to conditions in a planning permission and the DCO should (as with all DCOs) set out the mechanism for discharging requirements. The DCO legal regime is also separate from the Town and Country Planning regime.</p> <p>Article 37(3) of the revised draft DCO (AD03.01/REP3-018) fits in</p>

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		with the mechanism for discharging requirements and the concept of deemed consent has been accepted in other DCOs confirmed by the Secretary of State in the past. Provision for deemed consent is crucial in order to avoid delays or non-determination and to secure the timely delivery of the proposals. Article 37(3) of the revised drafted DCO mirrors the wording in the Hirwaun Generating Station Order 2015 (SI 2015/1574) by stating that where there has been no notification by the discharging authority of its decision, such non-determination will be treated as a deemed acceptance.
Appendix 1	Schedule 1 Article 3 The judgement of whether a change is material must be with the Local Planning Authority and should feature as a requirement	This is not agreed. Please see the explanation provided in the Table of amendments to the draft DCO (AD03.01/REP3-018), submitted on 6 April 2016 in relation to Deadline 3 of the Examination timetable.
Appendix 1	Schedule 2 Definition "enabling works" Definition is too wide. Should not include demolition. In any event, the definition is used only in the definition of "stage" and effectively therefore operates as a carve out for a vague list of matters which ought properly to form a stage in themselves.	The term "enabling works" is defined in Article 2 of the revised draft DCO (AD03.01/REP3-018) and used in definition of "commence" in Article 2. The term "commence" means the beginning of any material operation forming part of the authorised development, but expressly excludes operations consisting of, amongst other things, "enabling works". The definition of "stage" in Article 2 expressly excludes "enabling works". The effect of these definitions is such that where in paragraph 3 of Schedule 2 (Requirements), it is provided that the authorised development may not commence until a scheme setting out the stages of construction has been submitted to and approved by the relevant planning authority, that requirement does not prevent the Applicant from starting the 'enabling works' before approval of the construction stages scheme. It is completely normal for 'enabling works' (i.e. site preparation and ground testing etc) to precede construction works and there is no proper reason for this to be held up whilst the relevant planning authority considers and

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		approved the 'stages' of construction of the authorised development
Appendix 1	Schedule 2 Article 3 Requirement 3 be amended to incorporate the installation of photovoltaic (or heat generating) panels as per paragraph 4.9 of written representations.	This is not agreed. This amendment is not necessary as there is no policy requirement to incorporate the installation of photovoltaic (or heat generating) panels. Therefore, these works would be subject to a value for money assessment by the Applicant at detailed design stage.
Appendix 1	Schedule 2 Article 3(3) Wording "unless otherwise approved by the relevant planning authority" not required	This is not agreed for the reasons provided in row 90 (page 31) of the Table of amendments to the draft DCO (AD07.03/REP3-017).
Appendix 1	Schedule 2 Article 4 Limits of deviation are too wide. See comments in relation to article 4(2)(b) above. Lists of works in column 1 do not tally with listed works in schedule 1 Further comments as per paragraph 8.11 of written representations	Please see the Applicant's response to LB Enfield's representation on Article 4(2)(b). The list of works in column 1 have been amended in the revised draft DCO (AD03.01/REP3-018) .
Appendix 1	Schedule 2 Article 6 There should be a limit on the tonnage of waste to be managed/treated at the authorised development.	This comment was made by the ExA during the hearing on the draft DCO on 18 March 2016 and has been addressed in the drafting of Requirement 7 of the revised draft DCO (AD03.01/REP3-018).
Appendix 1	Schedule 2 Article 9 Confirmation of certification against BREEAM required. Relevant BREEAM Version year / number required.	Please see the explanation in row 96 on page 34 of the Table of amendments to the draft DCO (AD07.03/REP3-017), submitted on 6 April 2016 in relation to Deadline 3 of the Examination timetable.
Appendix 1	Schedule 2 Article 10 Sub-paragraphs (e) and (f) are properly design issues and should	Please see the amendments to Requirement 10 in the revised draft DCO (AD03.01/REP3-018) and the explanation provided in the Table of amendments to the draft DCO (AD07.03/REP3-017),

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	<p>be included in schedule 2, article 3. Wording “unless otherwise approved by the relevant planning authority” not required Cross-reference to environmental commitments and mitigation schedule and Design Code Principles required as per written representations required</p>	<p>submitted on 6 April 2016 in relation to Deadline 3 of the Examination timetable.</p>
Appendix 1	<p>Schedule 2 Article 11 Remove “reasonable”. Goes without saying that the opinion will be reasonably held.</p>	<p>Not agreed. The Applicant requires this comfort to ensure the deliverability of the development.</p>
Appendix 1	<p>Schedule 2 Article 12 “Access management scheme” requires definition.</p>	<p>Reference to this has been deleted in the revised draft DCO (AD03.01/REP3-018).</p>
Appendix 1	<p>Schedule 2 Article 13 In sub-paragraph (2) to drainage scheme must be constricted before the commissioning of the electricity and heat generating scheme.</p>	<p>This will not be possible. The construction of the drainage scheme would be a gradual process as each stage of the proposed scheme is implemented and some minor drainage works may be required to be installed during the commissioning of the electricity and heat generating scheme.</p>
Appendix 1	<p>Schedule 2 Article 14 The LPA would express concern that requirement 14 does not include relevant clauses for the verification and ongoing monitoring of remediation works. The LPA request that such measurements be included within the requirement.</p>	<p>Requirement 14 of the revised draft DCO (AD03.01/REP3-018) will be amended to reflect these points. The proposed amendments to Requirement 14 will be contained in the SOCG with the EA.</p>
Appendix 1	<p>Schedule 2 Article 15 Should be amended to “Commissioning of the electricity and heat generating...” Cross-reference to environmental commitments and mitigation schedule and Design Code Principles required as per written</p>	<p>The amendment to refer to commissioning is not agreed. This is because the intention of Requirement 15 of the revised drafted DCO (AD03.01/REP3-018) is to control the commencement of the full operation of the electricity and heat generating station (i.e. full operation cannot start until the details have been approved). In addition, during commissioning any further landscaping measures</p>

Paragraph no.	Paragraph text	Applicant response
	representations required	which may be required will become apparent, and will therefore inform what will be submitted under Requirement 15(1) of the revised drafted DCO (AD03.01/REP3-018) and therefore commissioning will be too early to submit written details. A cross reference to the Design Code Principles (AD02.02/APP-008) and an Environment Commitments and Mitigation Schedule (ECMS) is not necessary. The detailed designs approved pursuant to what is now Requirement 4 of the revised draft DCO (AD03.01/REP3-018) (it used to be Requirement 3 must be in accordance with the Design Code Principles. Requirement 6 of the revised draft DCO (it used to be Requirement 5) also requires the authorised development to be implemented in accordance with the ECMS.
Appendix 1	Schedule 2 Article 16 The LPA would express concern that requirement 16 does not include relevant clauses for a mechanism to amend and review the CoCP. The LPA request that such measurements be included within the requirement to be agreed with LBE in consultation with TfL.	Please see the amendments to Requirement 16 in the revised draft DCO (AD03.01/REP3-018) and the explanations provided in the Table of amendments to the draft DCO (AD07.03/REP3-017), submitted on 6 April 2016 in relation to Deadline 3 of the Examination timetable.
Appendix 1	Schedule 2 Article 17 Should be amended to “Commissioning of the electricity and heat generating...”	This amendment is not agreed. Commissioning would involve the performance testing of specified equipment. Such tests would inform any additional measures which may need to be implement, forming part of the details required to be submitted for approval pursuant to requirement 17(1), and therefore commissioning would be too early to submit written details.
Appendix 1	Schedule 2 Article 19 Should end after “its later connection to such systems”. Whether or not a commercial arrangement is available should not impact on whether the development has the ability to operate as described.	Please see the amendments to Requirement 19 in the revised draft DCO (AD03.01/REP3-018) and the explanations provided in the Table of amendments to the draft DCO, submitted on 6 April 2016 in relation to Deadline 3 of the Examination timetable.

Paragraph no.	Paragraph text	Applicant response
	<p>This is particularly so where an agreement may not be reached before the issue of a DCO. Also insufficiently precise as to location and provision of pipes.</p>	
Appendix 1	<p>Schedule 3 Not required. See comments at article 38 above. In particular the fees cited are unacceptable and are not consistent with government direction for determination of fees.</p>	<p>The mechanism in Schedule 3 of the revised draft DCO (AD03.01/REP3-018) is critical to the smooth and timely discharge of requirements and obtaining other approvals required by the DCO. Many other DCOs have similar provisions to Schedule 3. See the Applicant's response in relation to Article 37 of the revised draft DCO (AD03.01/REP3-018) above. The fees in Schedule 3 mirror the fees set out in The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as they were at the time of submission of the Application.</p>
Appendix 1	<p>Schedule 5 Concerns over repositioning of the cycle ways and footways (plots 14, 15, 21, 22, 32) - Work to Advent way access acceptable (plot 31) - Works to Ardra Road acceptable (plot 34) - Works to Lee Park Way acceptable (plot 28 and 29) - Work to Deephams Farm Road not referenced with a plot. Objection.</p>	<p>The cycle ways and footways (in plots 14, 15, 21, 22 and 32) would be subject to detailed design and would be agreed with LB Enfield (and others as required) that would be submitted under Requirement 12. All cycleways and footways would be designed in accordance with the relevant standards (e.g. London Cycle Design Standards and Manual for Streets).</p> <p>The works to Deephams Farm Road would occur within Plot 6.</p>
Appendix 1	<p>Schedule 6 Any public right of ways will need to be replaced and there is insufficient detail to confirm replacement rights of way are acceptable. Objections to all plots / items in this section.</p>	<p>Further detail has been provided in the revised draft DCO (AD03.01/REP3-018) schedules 6-8 explanatory diagrams submitted (Appendix 1.14 of the Applicant's Responses to the ExA's First Written Questions (AD07.02/REP3-016) on 6 April 2016. Clarification is required on what LB Enfield means by "Any public right of ways will need to be replaced". Without any further detail as to why LB Enfield objects, the Applicant is not in a position to respond to this representation.</p>
Appendix 1	Schedule 7	Further detail has been provided in the DCO schedules 6-8

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	As with Schedule 6 insufficient info on the replacement public rights of way. Objections to all plots / items in this section.	explanatory diagrams (Appendix 1.14 of the Applicant's Responses to the ExA's First Written Questions (AD07.02/REP3-016) submitted on 6 April 2016. Without any further detail as to why LB Enfield objects, the Applicant is not in a position to respond to this representation.
Appendix 1	Schedule 8 Stopping up cannot be supported. Removal of the highway status may not be the most appropriate course of action therefore objections to the legal process.	The Applicant is not proposing to remove highway status or to permanently stop up any streets. The revised draft DCO (AD03.01/REP3-018) also contains reasonable provisions relating to the provision of alternative rights of way during any proposed temporary stopping up.

## 2.4. Canal and River Trust (REP2-010)

Paragraph no.	Paragraph text	Applicant response
2.1	<p>Representations upon Protective Provisions</p> <p>Through external solicitors the Trust has already requested the ExA to include protective provisions within the Order in terms previously imposed in a Development Consent Order for a power generating facility adjoining an inland waterway. That Order is The Knottingley Power Plant Order 2015 (SI 2015 No.680), and a copy of its protective provisions is attached to these Written Representations as Appendix 1. Clearly those protective provisions would have to be amended to reflect the differing locations for each project, and the Trust is seeking to agree the actual wording in on-going discussions with the Applicant.</p>	<p>The Applicant has based the protective provisions benefitting CRT in the revised draft DCO (AD03.01/REP3-018) on protective provisions for CRT on other DCOs made by the Secretary of State (including Knottingley). The current draft protective provisions are therefore very similar to those contained in the Knottingley DCO. The Applicant therefore does not see the need for a wholesale replacement of the draft protective provisions; what the Applicant would find helpful, however, is for CRT to provide details of the specific drafting amendments that it would like to see in the draft protective provisions.</p>
2.3	<p>The Trust's Third Party Works Engineer has already contacted the Applicant and supplied the Applicant with the current edition of the "Code of Practice for Works Affecting the Canal &amp; River Trust". The Applicant will now be fully aware of the Trust's procedures and it is the hope of the Trust that the acceptance of the proposed protective measures, by the Applicant, will be forthcoming, in a SoCG,. Should that not be the case, however, the Trust would wish to again raise the issue of such protective measures at an appropriate later stage of the Examination.</p>	<p>The Applicant has received a copy of the Code of Practice for Works Affecting the Canal &amp; River Trust, and will take it into account when discussing any necessary drafting amendments to the draft protective provisions with CRT in its on-going discussions.</p>
3.2	<p>Representations upon landscaping to the towpath and waterside</p> <p>As landscaping has a significant and direct impact upon the natural environment of inland waterways, the Trust would wish not only to be consulted upon landscaping (where affecting the Navigation) but also to have the final approval of that landscaping.</p>	<p>Where CRT is a relevant or appropriate statutory consultee, the relevant planning authority would be obliged to consult CRT pursuant to Article 37(6) of the revised draft DCO (AD03.01/REP3-018). In light of this, the Applicant does not agree to an amendment of Requirement 10 so that CRT has final approval.</p>
3.3	<p>In relation to "soft landscaping", the Trust accepts only locally native plant species to be planted in proximity to its inland waterways and seeks to ensure that any trees/shrubs proposed to</p>	<p>Where CRT is a relevant or appropriate statutory consultee, the relevant planning authority would be obliged to consult CRT pursuant to Article 37(6) of the revised draft DCO. These issues are</p>

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	be planted near the canal wall will not negatively impact on the structural integrity of that wall. As mentioned in paragraph 2.3 above, the Trust is willing to work with the Applicant in the preparing of a SoCG, and sees no reason why agreement upon landscaping cannot be included within that Statement.	also being covered as part of the Applicant's private agreement discussions with CRT. In light of this, the Applicant does not agree to an amendment of Requirement 10 so that CRT has final approval.
3.4	<p>Upon that basis the Trust would respectfully request that the first sentence wording of sub-paragraph 10(1) be changed to:            "No development within any stage shall commence until a landscaping scheme for that stage has been submitted to and approved by the relevant planning authority, and no development within any stage which adjoins, or lies within 20 metres from the eastern towpath of, the River Lee Navigation, or is within the temporary laydown area, shall commence until a landscaping scheme for that stage has been submitted to and approved by the Canal &amp; River Trust."</p> <p>This would also require a change to paragraph 10(2), making clear that the approval of the Trust would be required for any variation of any scheme approved by the Trust.</p>	<p>These amendments to Requirement 10 are not agreed by the Applicant. The amendments are not necessary. The wording of Requirement 10(1) states that "no development within any stage shall commence" which in itself will already catch development adjoining land 20m from the eastern towpath. Furthermore, where CRT is a relevant or appropriate statutory consultee, the relevant planning authority would be obliged to consult CRT pursuant to Article 37(6) of the revised draft DCO (AD03.01/REP3-018). In light of this, the Applicant does not agree to an amendment of Requirement 10(1) and 10(2) so that CRT has final approval.</p>
3.5	<p>In relation to "hard landscaping" the Trust would respectfully request that the Order include provision for enhanced step free pedestrian and cycle access from the road bridge to the towpath, in both north and south directions. This should recognise the importance of the towpath for access to employment in this area, and that the towpath may be designated a future 'Quietway' under the Mayor's cycling vision. The Trust would also respectfully request the Order include provision of legible London signage at the towpath entrance, to integrate with existing way-finding along the Navigation. Both of those aspects to be provided at an early stage of development.</p>	<p>With a difference of 4.9 metres in height between the bridge and the towpath, Part M of the Building Regulations 2010 (Access to and use of buildings) recommends a ramp gradient of around 1:15. This means the creation of step-free access from the Lee Park Way bridge to the towpath would require a ramp with a length in excess of 75 metres. In addition, along the length of the ramp, landings would be required around every 5 metres to enable users to stop and rest.</p> <p>Due to the areas immediately to the north and south of the bridge being constrained, it is not possible to create step free access to either side of the bridge. Instead, access would continue to be as per current proposals i.e. along the existing footpath adjacent to</p>

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		<p>Advent Way which joins the towpath just north of the Advent Way bridge over the River Lee Navigation. In light of this, no amendment to the revised draft DCO (AD03.01/REP3-018) is agreed in relation to this comment.</p> <p>Section 2.5 of the Design Code Principles (AD02.02/APP-008), addresses signage and Requirement 4 of the revised draft DCO requires submission of details to the LPA for approval of wayfinding signage outside the operational site.</p>
4.1	<p>The Navigation suffers, quite significantly, from the dispersal of wind-blow and other waste from the existing energy recovery facility, and the Trust fears that this will continue, and may increase significantly if vehicles carrying waste are to cross the Navigation via the canal bridge.</p>	<p>Windblown litter would be managed through the extension of the current arrangements for managing litter picking on and around the Edmonton EcoPark. Agreement in principle has been reached with the LVRPA, to extend the managed area for litter, graffiti, and flytipping to include the areas on either sided of the River Lee Navigation under a management agreement. This area is able to be extended to include the section of the towpath opposite the Edmonton EcoPark.</p> <p>Within Section 6 of the ES (AD06.02/APP-039 to APP-053), references to Environmental Wind relate to the creation of wind tunnels resulting from the massing of the proposed facilities (and surroundings) on Edmonton EcoPark, and their relative wind exposure. This assessment relates to levels of 'comfort' and 'distress' (or safety) for onsite personnel and does not relate to windblown litter.</p>
4.2	<p>Representations in relation to site management Litter The Applicant's Environmental Statement ("ES") appears to deals with "Environmental Wind" mainly in relation to impact of wind upon pedestrians and housing, and the Trust has not identified any provision in the Application (or in the draft DCO) relating to</p>	<p>Existing site management procedures with regard to litter control would continue to be followed. Currently, litter picking at the Edmonton EcoPark is undertaken on a daily basis. In order to supplement the road sweeping, staff hand pick any litter that has accumulated on site. In addition, staff litter pick the area surrounding their specific areas of operation.</p>

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	this concern of the Trust. Additionally, there do not appear to be any provisions in this regard within the Applicant's "Environmental Commitments and Mitigation Schedule".	In addition, as needed spot clearing is undertaken during periods of high winds when litter can blow around on-site or onto adjacent areas – e.g. A406 North Circular Road.
4.3	The Trust considers that specific requirements of operational site management should be imposed in the Order, both to limit the events of wind-blown litter from the Facility affecting the Navigation, and to impose obligations upon the operator of the Facility to implement, and maintain, remedial arrangements relating to the Navigation.	The Applicant proposes to enter into a management agreement relating to the management of wind blow litter and to implement and maintain remedial arrangements on plots 17, 14, 21, 29, 22, 23, 28, 24, 25, 27 and 26.
4.4	Lighting The Navigation is acknowledged, by the Lee Valley Regional Park Authority (ES Vol.2, paragraph 5.2.8 a.), to provide connectivity between areas of significant ecological importance, and the ES (Vol. 2, paragraph. 5.6.5) commits the Applicant to ensuring that site lighting would reduce light spill over the Navigation as far as practicable, and to ensuring site lighting is designed to reduce disturbance to foraging and commuting bats over the River Lee Navigation. ES Vol. 2, paragraph 5.7.12 states that the dark corridor along the Navigation would be maintained.	The Applicant confirms that site lighting design would avoid light spill over the River Lee Navigation with a dark corridor maintained along the River Lee Navigation. This commitment is provided in the Design Code Principles (AD02.02/APP-008) in section 2.6 (general guidelines, landscape) and section 2.7 (general guidelines, lighting). Delivery of these measures is through the DCO Requirements 4, 6 and 16 which require the details of external operational lighting to be in accordance with the Design Code Principles, and also require the undertaker to carrying out the lighting measures set out in the ECMS (AD06.03/APP-054) and CoCP (AD05.12/APP-032).
4.5	Lighting The Trust would request that these lighting assurances be rendered binding by a planning condition, requiring that lighting is designed, and maintained, as the ES provides, and that the approval of the Trust is required to any lighting scheme, or change in lighting scheme which might impact upon the Navigation.	The commitments set out in the Design Code Principles (AD02.02/APP-008) regarding lighting are included in the ECMS (AD06.03/APP-054), adherence to which forms Requirement 6 of the revised draft DCO (AD03.01/REP3-018). Where CRT is a relevant or appropriate statutory consultee, it would (by virtue of Article 37(6) of the revised draft DCO) be consulted by LB Enfield on the detailed design of the lighting scheme submitted pursuant to Requirement 4 (Detailed design) in the revised draft DCO.
5.4	Representations on the movement of waste by water A study was recently commissioned by the London Borough of	As stated in Section 7.3 of the TA (AD05.11/APP-030)), the overall number of daily trips to move bottom ash output, which is currently

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	<p>Enfield into options for waste transfer, in which the use of the Navigation was considered against road and rail. Currently the economic argument appears to favour the continuing use of road transport, when taking into account the capital cost of handling equipment, but the Trust is of the opinion that the public benefit of freight being carried on barges on the Navigation, rather than by heavy goods vehicles through north east London's congested roads, is considerable.</p>	<p>the only type of waste/output that could be moved by water, is modest and would be expected to be in the range of between 30 to 48 one-way journeys per day, depending on the waste throughput/output. This would not represent a significant reduction to the number of vehicle trips travelling to and from the Application Site.</p>
5.5	<p>The Trust acknowledges that the NLWA has control over only a small strip of waterside land, which currently is, and through the DCO is proposed to be, occupied by the Sea Cadets facilities, and the Lee Valley Regional Park Authority own adjacent waterside land. The Facility's proximity to the Navigation, however, presents an opportunity to establish a wharf facility, at the water's edge, to allow for the transfer of waste to and from the site. The Trust would ask that the provision of such a wharf be included as part of the authorised development under the DCO, and that the provision of such wharf, as part of the "Works" affecting the Navigation, be a condition of the DCO.</p>	<p>The requested provision of a new wharf area on this part of the Application Site is not agreed. As stated in Section 7.8 of the TA (AD05.11/APP-030), the wharf area is the site of the proposed EcoPark House which would serve as the Edmonton EcoPark reception, and location for some administration staff; accommodate the Edmonton Sea Cadets and serve as a visitor, community and education centre for visiting groups such as schools. Construction would be carried out in a staged manner to ensure that essential operations associated with the on-going waste management activities remain functioning throughout. EcoPark House would be built during the initial construction stage alongside the RRF.</p> <p>The construction of EcoPark House is required during the initial construction stage for a number of practical reasons including to re-house the Sea Cadets and to accommodate new IT server systems. In addition, the RRF would also house a publicly accessible RRC which would become open to the public once the RRF (and EcoPark House) is complete. The mixing of light vehicles and heavy vehicles around the wharf area would introduce significant safety concerns in particular to public users of the RRC.</p>
5.6 & 5.7	<p>The Trust understands that the movement of waste, by water, is not currently considered by the Applicant to be an economically viable alternative. Whilst this may currently be the case, however,</p>	<p>The Applicant, TfL and LB Enfield accept that water freight is unfeasible for the Project based on the current knowledge and the existing infrastructure on the River Lee Navigation. The Applicant</p>

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	<p>future viability should be considered in such a major project as the Facility. Other projects, such as Crossrail, are considering transporting spoil and material to the Thames via the Navigation, and investment in a wharf facility, by the Applicant, will "future-proof" the development for the transport of waste by water.</p> <p>Policy 7.26 of the London Plan seeks to increase the use of the Blue Ribbon Network in London to transport freight, and it is also encouraged by the National Planning Policy Framework, and over recent years the Trust, jointly with the Port of London Authority, and transport for London has been supporting the Mayor in reviewing, safeguarding and promoting the use of wharves along the whole of the Blue Ribbon Network.</p>	<p>and TfL agree that water freight access is not ruled out for this site in the longer term, but note that it is influenced by factors outside of the control of either TfL or the Applicant. The Applicant, TfL and others would work together to promote water freight to the Application Site in the longer term. However, it is accepted that this would be outside of the scope of the DCO.</p>
5.8	<p>In addition to transporting material, such as ash, from the site, the provision of a wharf offers an opportunity for the transfer of waste directly to the site via barges, whilst the provision of such a wharf is more likely to encourage other waste producers in the surrounding area to move their waste to the Facility by water. One immediate effect would be facilitating the disposal of river weed, by the Trust, which the Trust collects in significant amounts throughout the year, but particularly in the summer months when the weed is in bloom.</p>	<p>The Applicant accepts that the provision of a wharf and the movement of waste by water could encourage more development along the canal and increase the potential for movement of more waste by water. However, as stated in the response to paragraph 5.5, this part of the Application Site is required for EcoPark House which is required to be constructed to support the Project, including the continued operation of the existing EfW facility during construction.</p>
6.1	<p>Representations upon the intended discharges into the Navigation and water usage Surface Water Discharge and Flood Risk Assessment Vol. 2 paragraph 11.6.23 of the ES, states that surface water "run-off from the Temporary Laydown Area would be to the River Lee Navigation or River Lee (New Cut)". The report acknowledges that Canal &amp; River Trust consent would be required for any discharge to the Navigation. Whilst the Trust would not be unwilling to accept such discharges if the Navigation would not be adversely affected by them, the Trust would need to review, most carefully, the</p>	<p>In line with Vol.2 of the ES (AD06.02/APP-039), the Applicant acknowledges that a future licence would be required for the discharge of surface water from the Temporary Laydown Area to the River Lee Navigation and that appropriate measures would need to be put into place to prevent pollution from entering the River Lee Navigation. Such a licence is expected to include details on the nature and volume of discharges, and arrangements for the prevention and management of pollution.</p> <p>During the operational stage of the Project, potentially contaminated</p>

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	<p>prospect of soil contamination and the appropriate pollution protection measures to take for any discharge accepted (e.g. type of interceptor, monitoring and maintenance).</p>	<p>surface water from the Edmonton EcoPark would be managed through the installation and use of stormwater attenuation tanks. The water quality within the attenuation tanks would be tested prior to discharge to prevent the contamination of adjacent watercourses.</p> <p>The Applicant understands its obligations and responsibilities with regards to surface water discharge and will prepare a full consent application that addresses the point raised once it has sufficient information from detailed designs. The Applicant also considers that it is already statutorily required to obtain consent from CRT before commencing operations on the Temporary Laydown Area and that this obligation does not need to be replicated by a condition in the DCO. Article 16() of the revised draft DCO (AD03.01/REP3-018) already contains an obligation on the undertaker to not discharge any water into any watercourse except with the consent of the person to whom it belongs. Such consent may be given subject to terms and conditions as that person may reasonably impose. In this way, watercourses owned by CRT will be caught and any terms CRT wishes to impose in relation to the nature and volume of discharges are also covered.</p> <p>Arrangements for pollution protection measures are contained in Requirement 13 of the revised drafted DCO, where those measures must be approved by the relevant planning authority in consultation with the EA. The relevant planning authority would need to consult CRT on the relevant protection measures where CRT is a relevant statutory consultee, by virtue of Article 37(6) of the revised draft DCO and it is therefore not necessary for CRT to be the approving authority.</p>
6.2	<p>During the operational stage, the ES states "Surface water run-off from the main part of the Application Site would be discharged to Enfield Ditch", the waters of which reach the Navigation along</p>	<p>See response to paragraph 6.1.</p>

Paragraph no.	Paragraph text	Applicant response
	<p>Pymmes Brook. Pymmes Brook is already known to be polluted and, despite recent efforts, on the part of the Environment Agency and London Borough of Enfield, to improve Pymmes Brook, water quality issues within the Navigation have been attributed to that watercourse. The Trust would need to ensure that any operational discharge from the Facility would not impact adversely on the receiving water quality into Enfield Ditch.</p>	
6.3	<p>The Flood Risk Assessment mentions the possible requirement for temporary discharge into Salmon's Brook or Enfield Ditch. As described above, the water from these tributaries enters the Navigation where the level is controlled by the Trust's sluice at Lea Bridge. The Trust would require to be given the chance to evaluate any proposed increase to the current discharge rates.</p>	<p>See response to paragraph 6.1.</p>
6.4	<p>The Trust would respectfully request that any provision of the DCO, relating to discharges into watercourses, is subject to a condition that this is subject to the consent of the Trust to the nature and volume of such discharges, and to the arrangements for pollution protection measures being such as the Trust shall approve.</p>	<p>Article 16 of the revised draft DCO (AD03.01/REP3-018) already contains an obligation on the undertaker to not discharge any water into any watercourse except with the consent of the person to whom it belongs. Such consent may be given subject to terms and conditions as that person may reasonably impose. In this way, watercourses owned by CRT will be caught and any terms CRT wishes to impose in relation to the nature and volume of discharges are also covered.</p> <p>Arrangements for pollution protection measures are contained in Requirements 13 and 14 of the revised drafted DCO, where those measures must be approved by the relevant planning authority in consultation with the relevant sewerage and drainage authority (in relation to Requirement 13) and the EA (in relation to Requirement 14). The relevant planning authority would need to consult CRT on the relevant protection measures where CRT is a relevant statutory consultee, by virtue of Article 37(6) of the revised draft DCO and it is therefore not necessary for CRT to be the approving authority.</p>

Paragraph no.	Paragraph text	Applicant response
6.5	<p>Representations upon the intended discharges into the Navigation and water usage</p> <p>Use of the Navigation for cooling</p> <p>The Trust supports the use of river and canal water for the cooling purposes of plant. Appendix D (Page 27) of the Sustainability Statement, where the use of renewable energy is considered in the Mayor's energy hierarchy for reducing carbon emissions) the Applicant indicates that water source heat pumps from the Navigation have been considered but will not be taken forward because this would be dependent on third party consent (presumably from the Trust). For such a significant feature of this Application, and bearing in mind the close proximity of a water source, this does appear somewhat surprising.</p>	<p>The use of water from the River Lee Navigation for cooling is not part of the proposed scheme. Instead, the proposed ERF would employ an air cooling system.</p>
6.6	<p>The Trust has no record of any substantive discussions with the Applicant in this regard, and would wish to understand more about the Applicant's concerns; the Trust has many similar arrangements with third parties, who have found water cooling to be more efficient and cost effective than other methods.</p>	<p>The Applicant has met with CRT on several occasions to discuss the detail of the proposals. The dates on which the Applicant and CRT held meetings are:</p> <ul style="list-style-type: none"> <li>a. 06 March 2015;</li> <li>b. 13 May 2015;</li> <li>c. 18 Nov 2015;</li> <li>d. 02 Dec 2015; and</li> <li>e. 30 March 2016.</li> </ul> <p>This issue was raised at the 30 March 2016 meeting where it was indicated that notwithstanding the decision to implement an air cooling system for the proposed ERF, the distance from the River Lee Navigation to where cooling would be required is much greater than the distance to the Deephams Farm Sewage Treatment Works (STW) discharge point and so would form an less optimal cooling solution.</p>
6.7	<p>Representations upon the intended discharges into the Navigation</p>	<p>The CRT's support for the Sea Cadet's activities is welcomed. The</p>

Paragraph no.	Paragraph text	Applicant response
	<p>and water usage Edmonton Sea Cadets facilities The Trust wishes to support the Sea Cadet's activities in this area, which animate the water-space here, and has no objection to their continued operation, and provision of improved facilities as part of the proposals. However, the Trust would like to see more details of the proposed 'boat canopy' as described at Schedule 1. 2 (c) Works No.3 in the DCO. This refers to a boat canopy shown on Work Plan C_0006, but there appears to be no reference to such a boat canopy on this plan.</p>	<p>Works Plans show the limits of deviation where Works No. 3 can be delivered. Slightly more detail is shown on the location of the boat canopy on drawing D_0004 (Design Code Principles (AD02.02/APP-008)), which indicates a structure adjacent to the River Lee Navigation.</p> <p>The boat canopy shown on Work Plan C_0006 would be a permanent structure provided alongside EcoPark House. The canopy would replace the existing temporary boat canopy that is used by the Sea Cadets.</p> <p>Details of the boat canopy would be submitted under Requirement 4 of the revised draft DCO (AD03.01/REP3-018), as a part of the detailed design of EcoPark House. Where CRT is a relevant or appropriate statutory consultee, the relevant planning authority would need to consult CRT on these details, pursuant to Article 37(6) of the revised draft DCO.</p>
6.8	<p>Representations upon the intended discharges into the Navigation and water usage Boater/Canal &amp; River Trust refuse facilities As referred to above, under 'Movement of Waste by Water', the proposal seems to present an opportunity for the Trust to dispose of river litter and weed by barge from the riverside. This is otherwise normally taken to Bow, where it is loaded onto a lorry and transported by road to a general refuse facility. The nearest facility for boaters to dispose of refuse is at Stonebridge Lock, which lies 2.12km to the south of the location of the proposed Facility, and where there no recycling facilities (indeed, there are no recycling facilities for boaters anywhere on the Navigation).</p>	<p>Because the wharf would form part of the Operational Site, unrestricted access by boaters and canal users would not be permitted, and security arrangements would be put into place to prevent graffiti, vandalism, and unauthorised access to EcoPark House and the operational site. As part of soft and hard landscaping along the River Lee Navigation, including the towpath, it would be possible to install litter bins in appropriate locations..</p>
6.9	<p>The Application includes a new public visitor facility, which is likely to become a destination for visiting boats (in addition to the Sea</p>	<p>It is not anticipated that EcoPark House would be open to visitors other than in connection with visits to the RRC (by car) or for visitor</p>

Paragraph no.	Paragraph text	Applicant response
	Cadets) and other members of the public. The Trust would expect an increase in the need to manage boats in the area (where there are currently few destinations), and would also anticipate an increased need for refuse removal (which would put additional pressure on the Trust's resources). If refuse facilities could be incorporated into the proposal, in strategic places near to the visitor facility and the Navigation, this would help mitigate some of this impact.	tours of the Edmonton EcoPark and the proposed ERF. There is therefore no expectation of EcoPark House becoming a destination for visiting boats.
7.2	<p>Representations upon the Applicants Compulsory Acquisition Request</p> <p>The Trust objects to the inclusion of any of its interests which form part of its waterway network within any compulsory purchase powers, and is of the view that the Applicant has not discharged its obligation to seek to negotiate fully with the Trust, with regard to such interests, prior to seeking powers of compulsory acquisition.</p>	The Applicant has been sending CRT correspondence about the possible impacts of the proposals since 24 March 2015. The Applicant sent a letter to CRT on 1 June 2015 setting out in detail its proposals specifically in relation to CRT's property interests, including those in the River Lee Navigation and inviting CRT to discuss those proposals. There has been regular correspondence with both CRT and its external lawyers since March 2015 (no less than 14 exchanges). CRT has recently changed its external lawyers and copies of all correspondence have been sent to them. The Applicant is therefore unclear why CRT takes this view.
7.3	The Trust acknowledges that it has been consulted, as a prescribed consultee, in both the Phase One Consultation and Phase Two Consultation for the Application, but such consultation has been limited to the Trust's role as a statutory consultee, and has not addressed the Trust's interests as an affected landowner. The Trust also acknowledges that there has been some discussion, between the Trust and representatives of North London Waste Authority, prior to the Application (the Applicant refers, obviously incorrectly, to these having taken place in "March and May 2016" (sic)) (paragraph 7.3.33 of the Consultation Report), but even that Report indicates those to be general in nature).	Correspondence setting out in detail how the proposals would impact CRT's proprietary interests has been sent to CRT by the Applicant since March 2015. In addition, the Applicant has had no less than five meetings with CRT (the first meeting was on 6 March 2015) to discuss the impacts of the proposals on CRT property interests. The Applicant therefore disagrees with CRT's statement that the Applicant has not addressed the Trust's interests as an affected landowner.
7.4	The Trust has indicated, earlier in these representations, that it	The Applicant welcomes this assurance and will continue to work

Paragraph no.	Paragraph text	Applicant response
	does not oppose the principle of the Application, and would confirm to the ExA that (as with other applications for development consent orders - for example, the Keuper Gas Storage Project presently with the Inspectorate (see Compulsory Acquisition Documents (document 4.1 KGSP Statement of Reasons paragraph 1.11)) the Trust does not object to, and is willing to seek to reach agreement with the Applicant over, the grant of rights needed for the Facility during its operational lifetime.	towards a private agreement covering all points of relevance to the application.
7.5	The operational life of the Facility will, undoubtedly, be far shorter than the anticipated operational life of the Navigation, and the compulsory acquisition of rights in perpetuity, affecting the Navigation and in favour of the Facility, cannot be justified. By the entering into of an appropriate agreement, for a sufficient but finite period of time, the Trust would continue to comply with both its charitable objectives, of the long-term protecting, operating and managing inland waterways for public benefit, use and enjoyment, whilst promoting, also for public benefit, sustainable development within the vicinity of this inland waterway and, equally, the Applicant would have the benefit of the rights it requires for the project.	The Applicant is not proposing to compulsorily acquire rights in the River Lee Navigation. Please see the entries for plots 11 and 12 in Table 5 of the Statement of Reasons (AD04.01/APP-012).

## 2.5. Bestway Holdings Ltd (REP2-006)

Paragraph no.	Paragraph text	Applicant response
-	<p>Whilst the principle of the application is supported, Bestway are concerned about how the proposed construction works would affect the trading and delivery capabilities of their unit, particularly in relation to the proposed junction works and potential upgrading of Ardra Road.</p> <p>From reviewing the application material, it is unclear whether the construction of the proposed development will require road closures or diversions and if so, when these would be and how long they will be in place for. This lack of information and detail within the application submission is of particular concern as Bestway and other neighbouring businesses are unable to tell to what extent the works would impact on the operation of their businesses.</p>	<p>It is not currently anticipated that there would be any significant works to the junction of A1055 Meridian Way with Ardra Road. Similarly, other than works to create a give-way junction where Deephams Farm Road meets Ardra Road and associated kerbs works, no other significant highway works on Ardra Road are anticipated. However, rights over Ardra Road and the junction of A1055 Meridian Way and Ardra Road are sought through the DCO (AD03.01/REP3-018) so that should any works are required as a result of activities related to the Project or to support the Project they can be undertaken. This would include, for example, carriageway resurfacing required to avoid damage to construction vehicles as well as all other vehicles using Ardra Road. If such works are required, the works would be undertaken in short sections and at least one lane would be open at all times in the sections where works are undertaken to ensure continued access to affected businesses.</p> <p>Detailed plans of how any temporary diversion of this nature would be managed are contained within the CoCP (AD05.12/APP-032). In accordance with the CoCP, notice would be given to any resident or local business that would be affected, with the durations provided.</p>
-	<p>Furthermore, there is no specific reference within the application submission to any mitigation measures that are being considered in order to minimise any of these impacts. Whilst there is passing reference to works carried out outside normal working hours in order to minimise disruption, this is unlikely to be of assistance to Bestway, whom (as referred to above) operate longer opening hours and at weekend with their peak periods being early morning, early evening and during weekends.</p>	<p>All construction works would generally be undertaken within the core working hours (08:00 to 18:00 from Monday to Friday and 08:00 to 13:00 on Saturday), as set out in the Section 4.2 of the CoCP (AD05.12). The Contractor may require a period of up to one hour before and after the core working hours for start-up and close down activities. Certain specific construction activities will require extended working hour for reasons of engineering practicability and safety. The nature and timing of these works and associated</p>

Paragraph no.	Paragraph text	Applicant response
		<p>extended hours will be discussed with LB Enfield with approval sought through the Section 61 consent process under the Control of Pollution Act 1974.</p> <p>The majority of the vehicle movements associated with the construction of the Project, as set out in Table 5.24 of the TA (AD05.11/APP-030), would be undertaken during the core working hours. Some of the employee vehicle trips would be undertaken during the start-up and close down hour (either side of the core working hours) and some trips associated with activities that require extended working hours would be undertaken outside of the core hour. The number and routing of these vehicles would be agreed through the Section 61 process.</p> <p>The CoCP (AD05.12/APP-032) sets out a range of measures which will ensure that the impact of the Project on the local environment, including noise, vibration and air quality, and local transport network is kept to a minimum.</p>
-	<p>Bestway are also concerned that the proposed new northern access from Ardra Road, would provide severe disruption that would have significantly implications on their operation, both in terms of difficulties of deliveries to their depot and customer access, other of which would severely impact upon the operation of their business.</p>	<p>The new northern access on Ardra Road would be used to provide access to the Edmonton EcoPark for construction vehicles during Stages 1c, 1d, and 3 and for operational vehicles during Stage 2, Stage 3 and Stage 4 (the operational stage), of the Project as described in Section 4.3 of the TA (AD05.11/APP-031) and Volume 1 Section 3.5 of the ES (AD06.02-APP-041). The new northern access would be used as follows:</p> <ol style="list-style-type: none"> <li>a. Stage 1c - construction traffic associated with the northern Application Site clearance;</li> <li>b. Stage 1d – construction traffic associated with the construction of the proposed ERF;</li> <li>c. Stage 2 – some operational traffic arriving from the north along A1055 Meridian Way travelling to the proposed ERF;</li> </ol>

Paragraph no.	Paragraph text	Applicant response
		<p>d. Stage 3 – construction traffic associated with the decommissioning and demolition of the existing EfW facility and some operational traffic arriving from the north along A1055 Meridian Way travelling to the proposed ERF; and</p> <p>e. Stage 4 - some operational traffic arriving from the north along A1055 Meridian Way travelling to the proposed ERF.</p> <p>A new junction would be created at the junction of Deephams Farm Road with Ardra Road to facilitate this access with priority given to the main flow on Ardra Road (i.e. traffic using Deephams Farm Road would give-way to traffic on Ardra Road).</p> <p>This level of trip generation on Ardra Road for each stage of the Project is appropriate when considered against the baseline traffic flows on Ardra Road and would not adversely affect those operations using Ardra Road.</p> <p>Specific measures are being considered to ensure that the impact of the Project on Ardra Road is kept to a minimum. These are:</p> <ul style="list-style-type: none"> <li>a. Providing the security control point at the southern end of Deephams Farm Road rather than at the northern end;</li> <li>b. Restricting operational vehicles from using Ardra Road and the northern site access during Stage 3 of the Project to keep the additional traffic movements to a minimum; and</li> <li>c. Committing to regular monitoring of activities on Ardra Road.</li> </ul>
-	<p>Furthermore, the application material does not appear to make provision for any contingency mitigation measure should the planned programme of construction be postponed or if the phasing should need to alter.</p>	<p>A sensitivity test has been undertaken to determine the implications on the assessment of the construction programme moving forwards or backwards by 12 months. In terms of transport and all environmental topics, the conclusion of this sensitivity test was that moving the programme by this margin would not result in any material change to the findings of the assessment.</p>

Paragraph no.	Paragraph text	Applicant response
		<p>In terms of the phasing, there would be little scope for the phasing of the Project to be changed from that outlined in the application given that the existing EfW facility needs to continue operating until the proposed ERF is operational, and that the replacement (the RRF) for each of the waste processing facilities in the northern area of the site must be in place prior to their decommissioning and demolition.</p>
-	<p>In addition, it is unclear whether the proposed junction works to Ardra Road are a necessary part of the development of, conversely, whether the highway capacity would be able to cope if the proposed junction works are not provided.</p>	<p>It is not currently anticipated that there would be any significant works to the junction of A1055 Meridian Way with Ardra Road. However, rights to carry out street works over Ardra Road and the junction of A1055 Meridian Way and Ardra Road are sought through the DCO (AD03.01/REP3-018) so that should any works be required as a result of activities related to the Project or to support the Project they can be undertaken. This would include, for example, carriageway resurfacing required to avoid damage to construction vehicles as well as all other vehicles using Ardra Road. If such works are required, it is anticipated that access to Ardra Road would be maintained at all times. The entirety of Ardra Road within the Application Site is included to enable the works to be carried out as effectively as possible and with minimal disruption.</p> <p>No works to the junction are required to increase capacity at the junction to accommodate the traffic generated by the Project. The baseline capacity analysis of the junction of A1055 Meridian Way with Ardra Road has been undertaken (as set out in the TA (AD05.11/APP-031)) and this shows that there is adequate spare capacity on the Ardra Road approach to the junction of A1055 Meridian Way with Ardra Road within which the additional traffic generated by the Project can be accommodated.</p>
-	<p>Bestway also have concerns with the amount of vehicle trips that</p>	<p>It is anticipated that there would be minimal or no construction traffic</p>

Paragraph no.	Paragraph text	Applicant response
	<p>would be associated the construction phase of the development, i.e. the scale of demolition required, the large areas that would need clearing and the associated removal of waste. These types of additional vehicle trips which will no doubt occur prior to the proposed highway works and junction improvements also have the ability to be extremely detrimental to the operation and accessibility of Bestway's business.</p>	<p>trips undertaken to and from the Edmonton EcoPark via Ardra Road and Deephams Farm Road during Stages 1b and 2 of the Project. Trips between the RRF and the existing Biffa Materials Recycling Facility (MRF) on Ardra Road could also be undertaken via the northern access and Deephams Farm Road. However, it is not anticipated that this would amount to more than one or two trips per day based on the total waste output expected to be generated by the RRF each day.</p> <p>The new northern access on Ardra Road would be used to provide access to the Edmonton EcoPark for construction vehicles during Stages 1c, 1d, and 3 and for operational vehicles during Stage 2, Stage 3 and Stage 4 (the operational stage) of the Project, as described in Section 4.3 of the TA (AD05.11/APP-031) and Volume 1 Section 3.5 of the ES (AD06.02/APP-041). The new northern access would be used as follows:</p> <ol style="list-style-type: none"> <li>a. Stage 1c – construction traffic associated with the northern Application Site clearance;</li> <li>b. Stage 1d – construction traffic associated with the construction of the proposed ERF;</li> <li>c. Stage 2 – some operational traffic arriving from the north along A1055 Meridian Way travelling to the proposed ERF;</li> <li>d. Stage 3 – construction traffic associated with the decommissioning and demolition of the existing EfW facility and some operational traffic arriving from the north along A1055 Meridian Way travelling to the proposed ERF; and</li> <li>e. Stage 4 – some operational traffic arriving from the north along A1055 Meridian Way travelling to the proposed ERF.</li> </ol> <p>A new junction would be created at the junction of Deephams Farm Road with Ardra Road to facilitate this access with priority given to</p>

Paragraph no.	Paragraph text	Applicant response
		<p>the main flow on Ardra Road (i.e. traffic using Deephams Farm Road would give-way to traffic on Ardra Road).</p> <p>In terms of vehicle flows, the following traffic flows on Ardra Road can be anticipated throughout the various stages of the Project:</p> <ol style="list-style-type: none"> <li>a. Five trips per hour (all HGVs) per direction on Ardra Road during Stage 1c. This would peak at between six and seven trips per hour during the peak month of construction during Stage 1c;</li> <li>b. One (HGV) trip per hour per direction on Ardra Road during the overall peak period of Stage 1d (when employee trips are at their greatest). This would increase to two to three (HGVs) trips per hour per direction during an earlier period of Stage 1d. The total traffic generated during this earlier period of Stage 1d is lower than the overall peak as the number of employees on-site is much lower that during the peak period of Stage 1d;</li> <li>c. Between one and three operational vehicle trips per hour (all HGVs) per direction during Stage 2;</li> <li>d. Combining the construction and operational trips used during Stage 3, there would typically be eight to 10 (HGV) trips per direction per hour, peaking at between 10 and 11 HGV trips per direction per hour during the busiest month; and</li> <li>e. During Stage 4 (the operational stage), it is expected that there would be 16 trips per direction per day on Ardra Road and this would peak at three vehicles per direction between 11:00 and 12:00.</li> </ol>
-	Similarly, the application fails to give due consideration to the potential impacts on local businesses arising from noise, vibration and dust during the construction of planned infrastructure elements of the proposed development.	The noise, vibration and dust assessments set out in ES Volume 2 (AD06.02/APP-041) assess high sensitivity receptors which are primarily considered to be residential dwellings and other highly sensitive properties. From these assessments, control measures have been identified which are included in Sections 5 (air quality) and 9 (noise and vibration) of the CoCP (AD05.12/APP-032). These

Paragraph no.	Paragraph text	Applicant response
		measures would provide protection to all receptors in the vicinity of the Edmonton EcoPark including local businesses on Ardra Road.
-	In summary, the proposal appears to have not given enough consideration to the potential impacts that it would have on adjacent commercial operations. Particularly in relation to the areas accessibility during junction and road improvements. There also appears to be little mitigation measures proposed to protect existing businesses within this commercial area during the construction and junction/road improvement phases of this development.	<p>Consideration has been given to the potential impacts on the operations on Ardra Road, including the impact of the Project on the junction of Ardra Road with Meridian Way. In determining this, 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. Background traffic growth has been applied to all future scenarios to account for general traffic growth in the area.</p> <p>During any junction(s) and road improvements (if required), access to all commercial operations on Ardra Road would be maintained at all times. As set out in Section 11.2 of the CoCP (AD05.12/APP-032), local residents and businesses would be informed in advance (as far as is reasonably practicable) of the dates and durations of any closures (for Ardra Road this would refer to lane closures and not a full road closure) and provided with details of diversion routes.</p> <p>Specific mitigation measures are being considered to ensure that the impact of the Project on Ardra Road is kept to a minimum, and these will be addressed during detailed design. These potential measures include:</p> <ol style="list-style-type: none"> <li>a. providing the security control point at the southern end of Deephams Farm Road rather than at the northern end;</li> <li>b. restricting operational vehicles from using Ardra Road and the northern site access during Stage 3 of the Project to keep the additional traffic movements to a minimum; and</li> <li>c. committing to regular monitoring of activities on Ardra Road.</li> </ol>



## 2.6. Biffa Waste Services Ltd (REP2-005)

Para Ref	Paragraph	Response
-	<p>One of Biffa's primary concerns associated with the proposed redevelopment of the EcoPark is with the re-instatement of the Deephams Farm Road Access. Historically, the North London Waste Associated ('NLWA') has utilised this access however its closure was in part due to the difficulty of enforcement of the types of vehicles that would use this access road. Consequently, severe congestion on the local road network, particularly along Ardra Road, was experienced. We are therefore concerned that this situation might again arise due to this proposed redevelopment.</p>	<p>A security control point on Deephams Farm Road would monitor vehicles entering and leaving the Application Site.</p> <p>During construction, the Contractor would advise all suppliers and vehicle operators of the accesses that should be used for that particular vehicle. This would be secured through the CoCP (AD05.12/APP-032) and would ensure that only those vehicles that should be arriving to the northern access do so.</p> <p>During construction, it would be possible to control vehicular traffic along Deephams Farm Road through the use of traffic marshals at both the northern and southern ends of the road. This would help to regulate traffic entering and leaving the site during the busiest construction periods.</p> <p>During the operation of the Project, it is expected that only some vehicles arriving from within LB Enfield would do so via Ardra Road. As it is anticipated that the majority of vehicles would use the A406 North Circular Road to travel to the Edmonton EcoPark, the southern access on Advent Way would be the primary and most convenient access for operational vehicles. Staff and public access would be provided from Lee Park Way. Access to the RRC for members of the public would not be available from the northern access, only from Lee Park Way.</p> <p>During the operation of the Project, security control would be maintained on Deephams Farm Road to control waste delivery vehicle access and egress from the Edmonton EcoPark.</p>

Para Ref	Paragraph	Response
-	We welcome this clarification on the numbers of vehicles that are likely to use that access point during the construction phase and in this regard we are satisfied with the information provided. However, Biffa raises concerns regarding the control of vehicles utilising that access, particularly when the construction phases cease and the project moves into the commissioning and operations phases. As described in the extract above, it is intended that vehicles associated with delivery of waste materials would continue to utilise this access, including those that would be delivering materials to the Biffa MRF.	The mitigation measures suggested in paragraph 4.2.1 of the technical note submitted as part of the Biffa response (REP2-005) would seek to control how these vehicles would use Ardra Road. The technical note also states that the hourly vehicle flows following the completion of construction would be lower than those during construction and as stated in the previous response, it is anticipated that the majority of vehicles would use the A406 North Circular Road to travel to the Edmonton EcoPark the southern access on Advent Way as this would be the primary and most convenient access for operational vehicles.
-	If the Inspector is minded to grant approval for this development, we request that a suitably worded enforceable planning condition, that satisfactorily meets the requirements of paragraph 203 & 206 of the National Planning Policy Framework ('NPPF') is included within any planning permission given, in order that the development does not cause undue harm to existing land uses along Ardra Road, and to enforce the conclusions of the Transport Assessment and technical note.	The Applicant believes that adequate control is provided through the requirements in the revised draft DCO (AD03.01/REP3-018). In particular Requirement 6 sets out the need for the Project to comply with the ECMS (AD06.03/APP-054), and Requirement 12 sets out the need for written details on access points and roads to be approved by the relevant planning authority.
-	Clarification is sought with regards to how the vehicles will be monitored, in order that the information presented within paragraph 3.9.12 of the technical note is enforced. The southern security control point should be retained for the life of the development, and a suitably worded, enforceable planning condition should be attached to any planning permission given which seeks to enforce the results of the traffic assessment stated at paragraph 3.9.12 of the technical note set out above.	The control points for Deephams Farm Road would be a matter for detailed design and may change following the construction stages; in particular, there may be control points at each end of Deephams Farm Road during construction and only one during operations.
-	Phasing of traffic lights at junction with Meridian Way – Alternative phasing pattern of the existing traffic lights at the junction with Meridian Way is requested during the construction phase. Users frequently experience delays in egress from Ardra Road due to the short duration of phases within the traffic light system. Biffa requests that measures are included within the CoCP which seek monitoring	The phasing of the traffic signals at the junction of the A1055 Meridian Way with Ardra Road is under the control of TfL, which control all traffic signals in London. As identified in the baseline capacity assessment of the junction (in Section 3 of the TA (AD05.11/APP-031)), there is almost no spare capacity on A1055 Meridian Way during the AM peak hour (08:00 to 09:00). As such, there are likely to

Para Ref	Paragraph	Response
	and review of the phasing pattern to ensure that disruption is kept to a minimum level.	be limited opportunities to implement changes to the signal timings during this period. However, as signal timings can operate on different timings at different points throughout the day, there may be opportunities to explore, with TfL, the implementation of revised timings at other times of the day.
-	As proposed by the NLHPP within the technical note, a commitment to undertake regular monitoring or activities along Ardra Road to ensure that the impacts upon Biffa and other operations are minimised. An amendment to the CoCP is required to include this, however an additional measure is required which states that in the event of any undue disturbance to existing operations on Ardra Road that the developer will propose a suitable mitigation strategy to be agreed with those users.	Regular monitoring of activities, including the operation of the highway network would be required as part of the CoCP (AD05.12/APP-032). A more focussed monitoring strategy for Ardra Road would be developed and this would be undertaken through the CoCP. There is therefore no need to make any amendments to the CoCP to address this.

## 2.7. River Lea Anglers Club (REP2-001)

Paragraph no.	Paragraph text	Applicant response
-	Our concerns are in respect of the use of land directly to the west side of the Lee Navigation, which is controlled by Lee Valley Regional Parks Authority. We believe that the high volume of construction vehicles and plant using this area will most likely have an impact on the natural surroundings along the waterway.	<p>While some HGV construction vehicles would travel to the Temporary Laydown Area before travelling to the Edmonton EcoPark, all HGV construction vehicles would use the existing southern site access (off Advent Way) or the northern site access on Deephams Farm Road, depending on the aspect of construction and location on the construction site the trips are associated with. Therefore while there would be some disturbance during construction from adjacent works, this have been assessed as part of the Application. Section 11 of the ES Volume 2 (AD06.02/APP-040) contains an assessment of the construction effects of the Project on water resources which includes the local waterways. This concludes that the implementation of the control measures set out in the CoCP (AD05.12/APP-032) ensures that the potential for changes in water quality in local watercourses due to pollution incidents would not be significant.</p> <p>During construction, employees would park in the Temporary Laydown Area and travel to the construction site in shuttle buses via Lee Park Way. Lee Park Way would also be used to provide access to the Edmonton EcoPark for employees, visitors and public access to the RRC from Stage 1c of the Project (once EcoPark House and the RRF are completed). Only cars, vans and other LGV associated with these activities would use Lee Park Way while all HGV vehicles would use the other accesses.</p>
-	We are also very concerned as to the possibility of pollutants entering the Lee Navigation.	<p>The risk of pollutants entering the River Lee Navigation has been assessed and the Applicant and its contractor(s) would follow established procedures in order to obtain the appropriate consents from the parties involved.</p> <p>Consents from the CRT and the EA would be sought for any</p>

Paragraph no.	Paragraph text	Applicant response
		<p>discharge into the River Lee Navigation in line with the CRT Internal Code of Practice and EA's guidance "Water Discharge Activity Permits" 2012. In addition, there are protections in the revised draft DCO. Article 16 of the revised draft DCO (AD03.01/REP3-018) contains an obligation on the undertaker to not discharge any water into any watercourse except with the consent of the person to whom it belongs. Such consent may be given subject to terms and conditions as that person may reasonably impose.</p> <p>Arrangements for pollution protection measures are contained in Requirements 13 and 14 of the revised draft DCO, where those measures must be approved by the relevant planning authority in consultation with the relevant sewerage and drainage authority (in relation to Requirement 13) and the EA (in relation to Requirement 14).</p>
-	We would appreciate any information as to how the mitigate these risks.	Control measures to protect surface and groundwater from pollution and other adverse impacts during construction are set out in Section 12 of the CoCP (AD05.12/APP-032). See our response immediately above on the relevant provisions of the revised draft DCO. Adherence to these measures would ensure that construction effects on local watercourses are not significant.

## 2.8. Lee Valley Regional Park Authority (REP2-011)

Paragraph no.	Paragraph text	Applicant response
-	<p>Schedule 2 Requirements</p> <p>The visual and ecological impact on the Park, and its recreational use and amenity also therefore remains uncertain. For example the Authority raised a number of points about the design, appearance and choice of materials during the phase 2 Consultation (see letter attached as Appendix C). Under DCP 39 'Project Colour Palette' there is reference to further testing at detailed design stage to assess the appropriateness of the proposed colours and whilst both the DAS and DCP provide examples of external cladding and architectural screens these are for illustrative purposes. DCP38 'Roofs' includes the statement that "Where possible, green or brown roofs should be used to slow down run off ...and provide additional ecological benefits", the Design and Access Statement states (Section 6.5 end of page 107) that "A green and a brown roof would be incorporated onto the roof structures of the tipping hall and the crane hall of the ERF respectively to enhance biodiversity, slow down rainwater runoff as well as help connect the building with its setting adjacent to the LVRP." (Refer to Fig 6.103 which illustrates this point).</p>	<p>Where LVRPA is a relevant or appropriate statutory consultee, the relevant planning authority would be obliged to consult LVRPA pursuant to Article 37(6) of the revised draft DCO (AD03.01/REP3-018). In this way, LVRPA would be involved in the decision making process and it is therefore not necessary to make any further amendments to the requirements</p>
-	<p>Schedule 2 Requirements</p> <p>The LVRPA should be involved in this final consultation/decision making process in order to ensure the open space and recreational assets of the Regional Park are protected, that adverse impacts arising from the Works are minimised and that opportunities to enhance the landscape and ecology are maximised. The LVRPA seeks an amendment to Schedule 2 'Requirements' so that where reference is made to the Local Planning Authority approving the requirements under sections (3) to (5), (10) to (12) and (15) there is the addition of the words ..." in consultation with the Lee Valley</p>	<p>Where LVRPA is a relevant or appropriate statutory consultee, the relevant planning authority would be obliged to consult LVRPA pursuant to Article 37(6) of the revised draft DCO (AD03.01/REP3-018). In this way, LVRPA would be involved in the decision making process and it is therefore not necessary to make any further amendments to the requirements.</p>

Paragraph no.	Paragraph text	Applicant response
	Regional Park Authority.' This will be consistent with the Authority's statutory role in the planning system.	
-	<p>Temporary Laydown Area</p> <p>Associated with Point 1 above 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 it is understood 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'.</p>	<p>Where LVRPA is a relevant or appropriate statutory consultee, the relevant planning authority would be obliged to consult LVRPA pursuant to Article 37(6) of the revised draft DCO (AD03.01/REP3-018). In this way, LVRPA would be involved in the decision making process and it is therefore not necessary to make any further amendments to the requirements</p>
-	<p>Temporary Laydown Area</p> <p>The Temporary laydown area forms part of Thames Water's land ownership south of William Girling Reservoir, which also includes the Camden Plant operation, originally permitted on a temporary basis. This site is the subject of an extant enforcement notice requiring phased re instatement (the LB Enfield will have the details of this). This site is likely to be released from use as an aggregates recycling plant in the next 5 years and it is intended that the whole area south of the reservoir could become a venue for a mix of active recreation, natural play and fitness activity to complement the Meridian Water development. Restoration of this site and land south of the North Circular could provide opportunities to create new habitats, improve public access linked to the development of the site for flood mitigation as set out in draft proposals included in the Meridian Water masterplan. This area is an important component in the continuity of the Regional Park and its openness, given the fragmentation caused by road crossings and adjacent industrial activities and land use. The restoration and enhancement of this area of green belt has been a long held aim of the LVRPA, and current plan proposals as set out in the Park Development</p>	<p>The Applicant is committed to the promotion of sustainable travel including walking and cycling and this is a key theme of both the Framework Construction Travel Plan and the Framework Operational Travel Plan. The travel plans are secured through the Section 106 Agreement (AD03.03/APP-011).</p> <p>Contributions towards the improvements of walking and cycling routes and conditions in the area are also secured through the Section 106 Agreement.</p> <p>The Applicant is currently engaged in private agreement negotiations with LVRPA (and other owners of the Temporary Laydown Area). This private agreement is intended to cover restoration, but not in relation to land to the south of the A406 North Circular Road as this is not in the Application Site. In addition, Article 27(5) of the revised draft DCO requires the undertaker to restore the Temporary Laydown Area to the reasonable satisfaction of the owners. The Applicant also intends to amend article 27(5) in the next draft of the DCO to state that the undertaker must restore the temporary laydown area to a condition</p>

Paragraph no.	Paragraph text	Applicant response
	<p>Framework Area 4 Proposals seek a comprehensive restoration scheme across land on both sides of the North Circular which would include:...</p> <p>Improvements to existing cycle and pedestrian routes and the creation of new links.</p>	<p>that is not worse than its current condition.</p>
-	<p>Use of the site of the existing Energy to Waste Plant once demolished.</p> <p>The Authority's letter of 2nd October 2015 identified the potential for the use of this site as part of the temporary lay down. This has been rejected by the applicant and whilst the Authority is content to let this matter rest it does beg the question over how best to manage such a large space within the 'heart' of the application site. Whilst it is understood that this will be landscaped pending determination of its future it could be landscaped and used for 'meanwhile uses' such as a tree nursery which would add to the amenity of the site and also compliment the surroundings of the Regional Park. This could be continued after the Order has been fully implemented with for example, new trees replanted every three years.</p>	<p>The Applicant does not currently have specific proposals for the future use of the site of the existing EfW facility once the existing plant has been decommissioned and demolished, and the future use of this part of the Application Site is carved out of the scope of the Application. Any future use would be related to the Edmonton EcoPark's designation as a protected waste management site in the draft North London Waste Plan. It is noted that the phasing plans indicate the site would be available for alternative use from 2027. Given that this is over ten years from now, future uses would be identified following an assessment of waste management needs for the north London area, or in response to specific demand(s). Any future use is expected to be subject to an application for planning permission.</p> <p>It is envisaged that in the interim, it would be a central cleared space, with appropriate hard landscaping to ensure that it is not unsightly, while maintaining the potential for future waste management use.</p>
-	<p>Combined EcoPark and Regional Park Gateway</p> <p>The Authority would also wish to be consulted on the final treatment of the 'public' entrance to the EcoPark from Advent Way and along Lea Park Way as this will also need to continue to function as a 'gateway' to the Regional Park, maintaining the existing strategic pedestrian and cycle routes.</p>	<p>Requirement 4 of the revised draft DCO required details of vehicular access to be approved by the relevant planning authority. If LVRPA is a relevant or appropriate statutory consultee, it must be consulted on those details by the relevant planning authority pursuant to Article 37(6) of the revised draft DCO. As detailed in the Application documents, the Project intends to reposition the existing pedestrian and cycle routes along Lee Park Way, but the main point to note is that there would</p>

Paragraph no.	Paragraph text	Applicant response
		continue to be pedestrian and cycle routes along Lee Park Way.
-	<p>Combined EcoPark and Regional Park Gateway</p> <p>Whilst it is intended that much of this will form part of the lease between the Authority and the NLWA until this is completed the matters of surface and boundary treatment need to be included as 'Requirement's.</p>	<p>The Applicant is seeking the power to create a right of way over Lee Park Way and to carry out improvement works to it. To avoid the use of compulsory acquisition powers to create this right of way, the Applicant and LVRPA are currently negotiating a lease over Lee Park Way. Private agreement negotiations also cover matters of surface and boundary treatment of Lee Park Way (as part of it is owned by LVRPA). Any private agreement reached will make it clear that where the provisions of the agreement conflict with the provisions of the DCO, the provisions of the agreement would prevail. This is to minimise the number of drafting amendments to the DCO that would otherwise be necessary to reflect the evolution of the draft private agreement.</p>
-	<p>Road Traffic and Layout</p> <p>As part of the application the road bridge over the Navigation will be partially redesigned to accommodate new safety rails for cyclists with a new pedestrian and segregated cycle route.</p>	<p>The Applicant is committed to ensuring the pedestrians and cyclists using Lee Park Way, including the bridge over the River Lee Navigation would continue to be able to do so safely. The detailed design of the pedestrian footways and cycle lanes would be undertaken in accordance with the relevant guidance, including the Manual for Streets and the London Cycle Design Standards, and approved by LB Enfield. This would be secured through Requirements 4 and 12 of the revised draft DCO (AD03.01/REP3-018).</p> <p>An analysis of the area within the Edmonton EcoPark which can be used for the queuing of vehicles delivering to the RRC shows sufficient space for well in excess of 20 vehicles at any given time. This does not include vehicles actually within the RRC itself. In addition, an assessment projecting RRC use has concluded that the hourly peak of 53 vehicles would be likely to occur between 12:00 – 13:00 on a weekend or just under one vehicle every</p>

Paragraph no.	Paragraph text	Applicant response
		minute. Therefore, combined with the access and circulation measures along Lee Park Way, detailed in Section 6.2 the Design and Access Statement (AD05.07/APP-024), the Applicant would control vehicular traffic along Lee Park way to ensure it is not used for stationing and queuing of vehicles.
	<p>Road Traffic and Layout</p> <p>It is intended that provisions to control the management of the route to ensure that it is dedicated for users of the Resource Recovery Facility and that it is not used for the stationing and queuing of vehicles will be controlled in the lease between the Authority and the applicant.</p>	Discussions between the Applicant and LVRPA are ongoing and it is anticipated that the necessary measures will be included in the lease agreement. However, it is not expected that there would be any stationary/queueing vehicles on Lee Park Way, as the scheme has been designed to provide ample space to accommodate queueing within the Edmonton EcoPark itself.
-	<p>General</p> <p>Overall apart from the matters identified above the Authority remains satisfied in the approach adopted by the applicant. It is anticipated that many matters will be resolved through the lease negotiated by the Authority with the applicant. In the event that these matters are not resolved through the agreement then they will have to be included as 'Requirements' linked to an Order made for the compulsory purchase of the road and require approval in advance of the works commencing.</p>	The Applicant considers that this can be addressed by inserting an obligation to enter into a management agreement in the next revision of the draft DCO, so that the issues raised by LVRPA may be covered.

## 2.9. Thames Water Utilities Limited (REP2-007)

Paragraph no.	Paragraph text	Applicant response
-	TWUL reserves its position until it has seen the details of any planning conditions and planning obligations relating to the scheme	The details of the requirements in the draft DCO have been available since the submission of the Application in October 2015. The latest draft provisions are in the revised draft DCO (AD03.01/REP3-018).
-	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).	Noted. The Applicant and Thames Water Utilities Limited (TWUL) are in continuing private agreement discussions relating to the proposed use of TWUL operational land.
-	<p>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"</p> <p>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.</p>	The draft DCO has been amended since the submission of the Planning Statement. Article 27 of the revised draft DCO (AD03.02/REP3-018) now provides that restoration of the Temporary Laydown Area must be to the reasonable satisfaction of the owners of this part of the Application Site. The Applicant also intends to amend Article 27(5) so that the Temporary Laydown Area is also restored to a condition that is no worse than its current state. The approval of the relevant planning authority is not required in relation to restoration. The Applicant and TWUL are currently negotiating a private agreement and details of restoration of land within the Temporary Laydown Area owned by TWUL are intended to be covered by that agreement.
-	In addition the DCO Drawing - D_0008 – "Drawing of Indicative Soft	This is intended to be addressed as part of negotiations with

Paragraph no.	Paragraph text	Applicant response
	<p>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”.</p> <p>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.</p>	TWUL for a private agreement.
-	<p>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”</p> <p>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.</p>	The Applicant agrees that the Application does not relate to the Meridian Water development, and that flood mitigation for that scheme is not a requirement of this scheme.
-	<p>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... 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’.”</p> <p>Until a detailed restoration plan has been agreed TWUL objects to the inclusion of this plot within the Order.</p>	The importance of this issue to Thames Water is noted, and discussions for a private agreement are taking place. It is not considered appropriate to draw up a detailed restoration plan at this stage, as it would be done in connection with the state of the land at the time, but the principles are intended to be included in the private agreement currently under discussion.
-	Plot 22 is owned by TWUL and is stated to be required for the	Information and plans showing how assets owned by TWUL may

Paragraph no.	Paragraph text	Applicant response
	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.	be affected are contained within the Utility Strategy (AD05.10/APP-029). The use of this area has also been discussed with Thames Water and it is anticipated that this will be incorporated into a private agreement.

## 2.10. Kennet Properties Limited (REP2-007)

Paragraph no.	Paragraph text	Applicant response
-	<p>Plots 6 and 34</p> <p>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.</p>	<p>The details of the requirements are available in the draft DCO draft submitted with the Application (ADAD03.01/APP-009) and in the revised draft DCO (AD03.01/REP3-018).</p>
-	<p>Plots 6 and 34</p> <p>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.</p>	<p>The Applicant does not consider it appropriate or necessary to acquire the freehold of plot 7, as its use of that road in relation to the Project would, at the modeled maximum, constitute under 9 per cent of the road usage. As the Applicant is required to justify the use of compulsory acquisition powers, all that is required is a right of way over plot 7. If Kennet is concerned about the condition of Ardra Road, part of the description of the authorised development includes resurfacing of Ardra Road, if that is required. The Applicant does not agree that it “should” apply for Ardra Road to be adopted as a result of the proposals - that would be disproportionate to what is actually required.</p>
-	<p>Plots 6 and 34</p> <p>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.</p>	<p>The Applicant considers that the freehold ownership of these plots is essential as:</p> <ol style="list-style-type: none"> <li>a. Plot 6 – this road solely serves the Edmonton EcoPark from Ardra Road, and therefore it is reasonable for it to be in the private ownership of the Applicant or the owner of the Edmonton EcoPark, providing access during construction and operational access thereafter to the north of the north London area;</li> <li>b. Plot 34 is needed in conjunction with the use and maintenance of plot 6 and in particular of plots 9 and 10, where the pumping station would be located. This area of land is not currently used by others.</li> </ol>

## 2.11. David Arweny (REP2-002)

Paragraph no.	Paragraph text	Applicant response
-	[Generally]	Mr Arweny's written representation identifies concerns relating to the impact of the Project on air quality in the area, and to the consultation process carried out. Other concerns which relate to the local MP and to LB Enfield councillors are not matters for the Applicant. The Applicant's Responses to Relevant Representations (AD07.01/REP1-003), published on the Planning Inspectorate's website on 10 March 2016, provide the Applicant's comments on the issues raised.

## 2.12. Environment Agency (REP2-004)

Paragraph no.	Paragraph text	Applicant response
-	In addition to the DCO, the applicant is also required to apply for an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010. We recommended 'twin tracking' of the DCO and permitting process to ensure the two regulatory regimes do not overlap or contradict each other. We are pleased to note that the applicant has taken our advice in this respect and we have received the application for the Environmental Permit(s) which will allow the permitting application to run in parallel to the DCO.	Noted.
1.1	<p>Flood risk and mitigation</p> <p>The mitigation measures should be fully implemented in accordance with the timing/phasing arrangements to be agreed, which must be prior to occupation, or within any other period as may subsequently be agreed, in writing, by the Planning Inspectorate.</p>	<p>As set out in the Flood Risk Assessment (AD05.14/APP-034) all potential sources of flood risk have been considered, and where a risk has been identified, sufficient mitigation in line with best practice is proposed. As identified by the EA in their written response "<i>The mitigation measures should be fully implemented in accordance with the timing/phasing arrangements to be agreed, which must be prior to occupation, or within any other period as may subsequently be agreed, in writing, by the Planning Inspectorate</i>".</p> <p>The construction of sub-surface attenuation tanks and associated drainage for the Project would be implemented in a phased manner during construction of the Project as described in the ES (Vol 1 Table 3.1 to Vol 1 Table 3.7). This commitment is recorded in the ECMS (which has to be complied with pursuant to requirement 6 of the revised draft DCO).</p> <p>As detailed within the CoCP (AD05.12/APP-032), construction contractor(s) would be required, as far as reasonably practicable, to ensure that flood risk is managed throughout the construction</p>

Paragraph no.	Paragraph text	Applicant response
		period and that all designs are compliant with the Flood Risk Assessment (AD05.14/APP-034) submitted as part of the Application.
2.0	<p><b>Bridges</b> The applicant proposes improvement works to the existing bridge across the Lee Navigation from Ardent Way and a new bridge across the Enfield Ditch from Lee Park Way. Any works will need to be sympathetic to the water environment and riverside habitat. These works will also require Flood Defence Consent (FDC) under the Water Resources Act 1991 and the Thames Land Drainage Byelaws 1981. The applicant will also need to consider the updated River Basin Management Plan (RBMP) and the Water Framework Directive (WFD). We will not permit works that have an unacceptable impact on the river corridor.</p>	The Applicant notes the need for bridges to be sympathetic to the water environment and riverside habitat, along with the need to consider the updated River Basin Management Plan and the Water Framework Directive.
2.1	<p><b>Bridges</b> The application includes improvement works to the existing bridge. The proposed extension is acceptable from a flood risk perspective. It has been demonstrated that the works have been incorporated into the proposed floodplain compensation. Any detailed design of structures impacting on the watercourse will need to demonstrate that it complies with the requirements of the WFD.</p>	The requirements of the Water Framework Directive as they relate to the proposed extension of the existing southern access bridge would be addressed at detailed design.
2.2	<p><b>Bridges</b> Whilst we do not object to the principle of the proposed new bridge over the Enfield Ditch, referred to as the 'eastern watercourse crossing', we will require further detailed plans before we can agree to the final design. The bridge, as proposed, is acceptable from a flood risk perspective because the proposed soffit level is high enough and the abutments are set outside of the floodplain. However, the abutments, where feasible, should be set back further from the</p>	The Applicant notes the EA's preference for abutments where feasible to be set back further from the river bank to allow for the free passage of mammals along the watercourse and riverbank and to allow connectivity of riparian habitats. The ability to accommodate this as part of the new eastern access bridge would be addressed at detailed design.

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	<p>river bank to allow for the free passage of mammals along the watercourse and riverbank and allow connectivity of riparian habitats.</p> <p>These matters can be managed under the requirements of the required FDC.</p>	
3.0	<p>Ecology</p> <p>To comply with the WFD and the RBMP the applicant should demonstrate that the proposals would not have an adverse effect on the current status of the waterbody.</p> <p>Improvement works identified within the RBMP include the naturalisation of the hard-engineered river banks. The submitted consultation report, ref: AD05.01, dated October 2015, explains that it is not practical to naturalise the Salmons Brook as it is adjacent to the utility primary distribution corridor and that the stability of the bank must be maintained.</p> <p>To ensure compliance with the WFD, details of any landscaping works along the river corridor will need to be submitted to, and approved in writing by the relevant authority, in consultation with the Environment Agency, prior to works being carried out on site. We request that this commitment be set out within the Environmental Commitments and Mitigation Schedule (AD06.03).</p>	<p>The revised draft DCO (AD03.01/REP3-018) does not disapply the requirements of the Water Framework Directive and therefore any landscaping would need to comply with that Directive.</p> <p>Requirement 10 requires details of a landscaping scheme for each stage of the authorised development to be submitted to the relevant planning authority for approval, and Article 37(6) requires all relevant and appropriate statutory consultees be consulted (which include the EA) by the relevant planning authority. The landscaping scheme must be in accordance with the Design Code Principles (AD02.02/APP-008) and the ECMS (AD06.03/APP-054). The Design Code Principles cover landscaping along the river corridor and requirement 10 requires the relevant landscaping scheme to be in accordance with the DCP.</p> <p>The revised draft DCO also contains other protections for waterbodies (e.g. articles 13, 14 and 16). Also, any relevant mitigation measures considered appropriate by the Applicant's environmental assessment are recorded in the ECMS, which must be complied with pursuant to Requirement 6.</p>
3.1	<p>Water Framework Directive (WFD)</p> <p>The Environment Agency is the key regulatory authority for implementing and delivering the requirements of the WFD.</p> <p>The Environment Agency has a duty to exercise its functions so as to secure compliance with the requirements of the WFD.</p> <p>EN-1 requires the Secretary of State to be satisfied that the</p>	<p>Within the ECMS (AD06.03/APP-054), Vol 3 para 1.6.7 (k), the following commitment is made: <i>"Enhancing Enfield Ditch where it passes through the Application Site, opening up the ditch by selectively removing trees in close proximity to the ditch, clearing invasive species and scrub as well as introducing new marginal planting."</i></p>

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	<p>proposal has regard to the RBMP and meets the requirements of the WFD.</p> <p>We recognise that the North London Heat and Power project aims to provide betterment from the current facility in terms of drainage and potential contamination to the water environment. To ensure compliance with the WFD, details of any landscaping works along the river corridor will need to be submitted to, and approved in writing by the relevant authority, in consultation with the Environment Agency, prior to works being carried out on site. We request that this commitment be set out within the Environmental Commitments and Mitigation Schedule (AD06.03).</p>	<p>The revised draft DCO (AD03.01/REP3-018) requires the relevant planning authority to consult with all appropriate and relevant statutory consultees, which would include the EA.</p>
3.2	<p>Ecology</p> <p>We wish to see a requirement provided in the DCO to maintain and enhance the biodiversity along the river corridor along the following lines.</p>	<p>The EA's wish to see a requirement provided in the DCO to maintain and enhance the biodiversity along the river corridor would be met through arrangements between the relevant planning authority and statutory consultees for the approval of scheme details. The EA would be able to respond to the relevant planning authority's consultation with its expectations in relation to biodiversity enhancements.</p>
3.2	<p>Ecology</p> <p>A riparian buffer zone of at least 8 metres must be maintained along the banks of all of the river / ditch channels that run alongside the site (Lee Navigation, Salmons Brook and Enfield Ditch). This will ensure that there is a green corridor of valuable riparian habitat.</p> <p>We would expect to see a separate reference within the Environmental Commitments and Mitigation Schedule for the identification and protection of the buffer zone for all main rivers within the site boundary. Further details should be included for the protection and enhancement during each stage of the development. The buffer zone should be clear of all built</p>	<p>The Design and Access Statement (AD05.07/APP-026) sets out proposals for the site including landscaping within the riparian buffer zone. These proposals are the subject of separate discussion with the EA in anticipation of an application to the EA for approval.</p>

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	development including, where feasible, hard standing, access roads and the abutments for proposed bridges.	
4.0	Groundwater protection and land contamination The demolition and construction phases have the potential to mobilise contaminants, increase the turbidity of groundwater, create alternative pathways or change water quality. This is particularly important given the sensitive nature of the site.	Amendments to requirement 14 (contamination and ground water) of the revised draft DCO (AD03.01/REP3-018) are currently being discussed with the EA. Any agreed wording will be included in the SoCG with the EA.
4.1	The draft DCO includes a requirement relating to surface and foul water drainage (requirement 13). We have no objections to the wording proposed within this requirement.	This is addressed by Requirement 13 of the revised draft DCO (AD03.01/REP3-018).
4.2	Groundwater protection and land contamination We are satisfied with the principles of the remedial options submitted to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required within amendments to Requirement 14 in order to ensure that risks are appropriately addressed prior to development commencing. The Environmental Statement indicates the presence of polluting substances from the previous uses. The proposed activity includes the excavation of lower permeability strata that overlies the Chalk aquifer, thereby increasing the vulnerability of the underlying aquifer which the public water supplies abstract from.	Amendments to requirement 14 (contamination and ground water) of the revised draft DCO (AD03.01/REP3-018) are currently being discussed with the EA. Any agreed wording will be included in the SoCG with the EA.
4.2	Groundwater protection and land contamination The proposed wording under requirement 14 of the draft DCO does not address all of our concerns. The remedial strategy required to be submitted does not include a requirement for a verification plan, further groundwater monitoring or a verification report that demonstrates that the remedial measures have been carried out. We have asked the applicant to amend requirement 14 relating to	Amendments to requirement 14 (contamination and ground water) of the revised draft DCO (AD03.01/REP3-018) are currently being discussed with the EA. Any agreed wording will be included in the SoCG with the EA.

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	contaminated land and groundwater to provide for a verification report and on-going monitoring. Discussions have been taking place about this with the applicant, who has provided some suggested alternative wording, which we are currently reviewing.	
4.4	<p>Lateral and vertical limits of deviation</p> <p>We have concerns regarding vertical deviation as parts of the site will already be close to the groundwater table, within a source protection zone 1, used for the abstraction of water for public consumption.</p> <p>We would like article 4 to contain a proviso that no vertical deviation can take place unless approved by the Environment Agency following submission of a risk assessment and method statement showing that there is no increased risk to groundwater. The applicant has agreed to this in principle and has said that they will provide proposed additional drafting, which we are currently waiting for.</p>	Wording relating to amendments to Article 4 and Requirement 14 in the revised draft DCO (AD03.01/REP3-018) is currently being discussed with the EA and any agreed wording will be included in the SoCG with the EA.
7	<p>Protected Provisions</p> <p>If the applicant decides that they do wish to disapply the Water Resources Act 1991 or any byelaws, some amendments would need to be made to the protective provisions.</p>	The amendments proposed are acceptable to the Applicant and the amended form will be inserted into the next draft of the DCO.

## 2.13. National Grid (REP2-013)

Paragraph no.	Paragraph text	Applicant response
-	<p>National Grid has identified that land interests and assets for which powers to construct and acquire rights secured by the North London (Electricity Line) Reinforcement Development Consent Order 2014 (the "2014 Order") (<a href="http://infrastructure.planninginspectorate.gov.uk/projects/london/north-london-electricity-line-reinforcement/">http://infrastructure.planninginspectorate.gov.uk/projects/london/north-london-electricity-line-reinforcement/</a>) are affected by this Order and will need to be protected / safeguarded. The overhead line subject to the 2014 Order is the ZBC 400kV Overhead Transmission Line – Brimsdown – Tottenham – Waltham Cross which runs to the east of the River Lee Navigation. The delivery of National Grid's project and NLHPP may coincide so it is essential that National Grid retains its rights as set out in the 2014 Order to facilitate the overhead line works.</p>	<p>The Applicant is in discussions with National Grid on the likely nature and timing of each party's respective works as part of its private agreement negotiations. The private agreement will deal with where the 2014 Order and the Applicant's proposals coincide.</p>
-	<p>Plot 4, as shown on the Land Plan (drawing number B_0001), represents a gas distribution governor (pressure reduction station) which is situated on land owned by National Grid. The governor supplies the existing power plant but also the wider area. It is therefore critical that National Grid's rights for this governor are protected / safeguarded and access to the site can be gained within reasonable timescales. In emergency situations immediate access could be required and these rights must be safeguarded.</p>	<p>National Grid would benefit from the protections in the revised draft DCO (AD03.01/REP3-018) and in particular, those in the draft protective provisions relating to access. Discussions relating to the private agreement may also cover this.</p>
-	<p>There are low and medium pressure gas distribution pipelines that run from the above mentioned governor along the western boundary of the proposed site which supply gas to the existing power plant. A new medium pressure gas supply is required for the proposed heat and power plant. Once the transition has taken place from the existing power plant to the new power plant the existing low and medium pressure pipelines are planned to be decommissioned. However, National Grid's existing rights for these pipelines will need to be protected / safeguarded until such time they are decommissioned.</p>	<p>National Grid would benefit from the protections in the revised draft DCO (AD03.01/REP3-018) and in particular, those in the draft protective provisions, which cover protective works and access arrangements. Discussions relating to the private agreement may also cover this.</p>

Paragraph no.	Paragraph text	Applicant response
-	National Grid has a medium pressure gas distribution pipeline that runs mainly under Ardra Road shown as Plot 7 on the Land Plan (drawing number B_0001). The pipeline supplies the industrial units to the North of the Order Limits so it is essential that National Grid's existing rights to access this pipeline are protected / safeguarded in the event that maintenance is required whilst Ardra Road is temporarily closed.	National Grid would benefit from the protections in the revised draft DCO (AD03.01/REP3-018), in particular those in the draft protective provisions which cover access. Discussions relating to the private agreement may also cover this. The Applicant is also not proposing to temporarily stop up the entirety of Ardra Road at any given time.
-	The protective provisions that are currently included within the draft DCO for the benefit of gas and electricity undertakers are not agreed by National Grid and it is considered that they are inadequate to protect National Grid's existing rights and interests. National Grid is in dialogue with the Applicant to resolve this but in the event that agreement as to alternative provisions to be included within the Order cannot be reached, National Grid will submit to the Examining Authority its preferred form of wording and justification for its inclusion.	The Applicant has based the draft protective provisions for electricity and gas undertakers on those that have previously been granted in other DCOs. The Applicant is currently in discussions with National Grid in relation to the detail of the draft protective provisions as they relate to National Grid.

## 2.14. Zayo Group Limited

Paragraph no.	Paragraph text	Applicant response
3	Zayo reserves its position until it has seen the full details of all the planning conditions and planning obligations relating to the scheme which affect its Electronic Communications Apparatus.	Details of the draft requirements and the draft Section 106 Agreement (AD03.03/APP-011) have been available (along with all the other Application documents) on the PINS website since the submission of the Application in October 2015. The latest draft of the DCO (AD03.01/REP3-018) was submitted to the ExA on 6 April 2016 to meet Deadline 3 of the Examination timetable and this draft is also available on the PINS website. Details of how Zayo's assets may be affected by the Project are set out in the Utility Strategy (AD05.10/APP-029), which was submitted as part of the Application. The Applicant has also been corresponding with Zayo and its representatives over the last year or so in relation to: (i) how Zayo's assets may be affected by the Project; (ii) the negotiation of a private agreement; (iii) and the draft protective provisions in the revised draft DCO. These discussions are continuing.
5	Preliminary review of the proposals indicates that Zayo's network will be affected by North London Waste Authority's (the "Applicant") proposal to extinguish rights and compulsorily purchase Ardra Road. Zayo's network crosses the bellmouth of Ardra Road. The as-built and KMZ drawings attached show the approximate locations where Zayo's network will be affected.	The drawings attached to Zayo's representations are helpful and will assist with the Applicant's on-going discussions with Zayo in relation to how Zayo's assets may be affected by the Project, the negotiation of a private agreement, and the draft protective provisions in the revised draft DCO (AD03.01/REP2-018).
6	Whilst Zayo will need to investigate the proposals further with the cooperation and assistance of the Applicant, it is imperative that any works do not impact on the integrity of Zayo's network in its current position of their access to such network. This is Zayo's critical backbone network and any interference would have a serious impact on the telecommunications services they provide to their customers, as such Zayo needs to object to any proposal that impacts this network. It is imperative that all necessary protections	One of the main intentions behind the Applicant's current negotiation of a private agreement with Zayo is so that Zayo's specific concerns can be addressed by the Applicant, where it is feasible to do so. The Applicant is continuing its discussions with Zayo in this regard. The Applicant has also set out in detail in its response to question 10.2 of the ExA's First Written Questions (AD07.02/REP3-016) how statutory undertaker assets and interests are adequately protected in the revised draft DCO

Paragraph no.	Paragraph text	Applicant response
	are put in place by the Applicant to ensure that Zayo's network is not impacted by the proposals being made and they are willing to discuss how this can be best achieved with the Applicant.	(AD03.01/REP3-018). Zayo will benefit from these protections in the revised draft DCO.

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