
NORTH LONDON WASTE AUTHORITY

NORTH LONDON HEAT AND POWER PROJECT

EN010071

APPLICANT'S COMMENTS ON RESPONSES TO THE EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS

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

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1 Introduction

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 (the Application).
- 1.1.2. This document provides the Applicant's comments on various third parties' responses to the Examining Authority's (ExA) first written questions, which were submitted to the Secretary of State on or before 23 March 2016. In accordance with the timetable issued by the 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/REP3-009) 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 the content of each third party response as some paragraphs are simply statements of fact or the Applicant does not consider that they require a response.

2 Applicant's comments on third parties' responses to the ExA's first written questions

2.1. London Borough of Enfield (REP3-004)

Question no.	LB Enfield's response	Applicant's comments
6.7	This is agreed in principle, but the vehicles using Ardra Road exit will need further examination	Further details on the use of Ardra Road have been provided as part of the Applicant's Responses to the Examining Authority's First Written Questions (AD07.02/REP3-016). This included the Ardra Road Traffic Flow report at Appendix B2. This report set out the anticipated level of traffic associated with the Project during each stage of the Project and analysed these in the context of the baseline traffic flows on Ardra Road.
6.8	Agreed – the trips for this Ecopark are based on waste volumes though and not similar developments, this is considered to be more robust	LB Enfield's response to question 6.8 does not respond to the ExA's question. The question related to the methodology for the cumulative development trip generation rather than the trip generation for the Project itself. The methodology for the cumulative transport assessment was discussed and agreed with LB Enfield (and Transport for London (TfL)) at a TfL pre-application meeting on 9 March 2015. The minutes of this meeting are provided in Appendix B of the Transport Assessment (TA) (AD05.11/APP-031).
6.9	Agreed. To be secured via s106 (+ other measures)	<p>The Construction Travel Plan and Operational Travel Plan and the Servicing Management Plan would be secured through the Section 106 Agreement (refer to the draft Section 106 Agreement (AD03.03/APP-011)). The Construction Logistics Plan and other mitigation measures set out in the Code of Construction Practice (CoCP) (AD05.12/APP-032) would be secured through the CoCP and the DCO, which requires the Authorised Development to be undertaken in accordance with the CoCP.</p> <p>Additional contributions towards the improvement of walking and cycling in the area, as well as reviewing the safety of the Cooks Ferry Roundabout would be secured through the Section 106 Agreement.</p>
6.11	This cannot be agreed at this point	The provision of car parking would be in excess of the London Plan employment use parking standards by 27 spaces, when considered against the overall GIA of

Question no.	LB Enfield's response	Applicant's comments
		<p>the office and accommodation areas of the Project. As set out in the TA (AD05.11/APP-030), this level of parking provision is considered acceptable for the following reasons:</p> <ol style="list-style-type: none"> a. the Edmonton EcoPark has a PTAL rating of 1b (at the entrance); b. The limited public transport services available within close proximity Edmonton EcoPark; c. the shift working patterns that would be associated with the 24 hour operation of the new facilities; and d. the limited walking and cycling routes that are available in the vicinity of the Edmonton EcoPark. <p>Through the Operational Travel Plan, car sharing would be promoted to ensure that the number of single occupancy vehicle trips is kept to a minimum. The Operational Travel Plan would also consider the provision of specific spaces for those who car share or travel using electric vehicles.</p> <p>It should be noted that TfL (and the Greater London Authority (GLA)) is satisfied with the proposed provision of car parking on the following basis:</p> <ol style="list-style-type: none"> a. the provision of cycle parking is in compliance with the London Plan (2015) cycle parking standards; b. the provision of car parking spaces equipped with electric vehicle charging points and the provision of disabled car parking is compliant with the London Plan (2015) standards; c. car sharing is proposed through the design and management of the car park and through the Operational Travel Plan; d. the Operational Travel Plan would promote sustainable travel; e. some trips to and from the Application Site would be undertaken at off-peak times and at times when public transport is not available; and f. it safeguards infrastructure and promotes/supports local employment.
10.10	Article 13 (6) – This is not standard drafting and	Please see the Applicant's responses to Appendix 1 of LB Enfield's written

Question no.	LB Enfield's response	Applicant's comments
	<p>should be removed.</p> <p>Article 38 – This article is unnecessary. Instead the provisions of sections 78 and 79 of the TCPA 1990 should be imported.</p> <p>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>representation, specifically where it relates to Articles 13(6) and 38 of the revised draft DCO (AD03.01/REP3-018).</p>
10.14	<p>This is unacceptable. This article should be removed.</p>	<p>Article 32(3) has been deleted from the revised draft DCO (AD03.01/REP3-018).</p>

2.2. North London Waste Plan (REP3-005)

Question no.	North London Waste Plan's response	Applicant's comments
2.2	[Generally]	<p>The North London Waste Plan (NLWP) is being drawn up by the seven north London Boroughs in their capacity as planning authorities. The draft NLWP was issued for consultation in July 2015 and NLWA responded to the NLWP as a consultee. The next phase of consultation on the proposed submission plan is expected in summer/autumn 2016 with submission expected in winter 2016/2017.</p> <p>Paragraphs 5.2.12 to 5.2.16, 6.2.18 and A5.1 of the Planning Statement (AD05.12/APP-018) set out how the Application conforms to the draft NLWP, and additional information is provided below.</p> <p>Policy 1 of the draft NLWP identifies Edmonton EcoPark as a site safeguarded for existing waste management (Site ENF19) and its continued use for waste management purposes is supported. In addition to this, the Application Site is identified within strategic area allocation A12-EN Eley Estate (Policy 3 of the draft NLWP) as suitable for the future provision of expanded or updated waste management facilities of all types. The draft NLWP also references this proposal for a new ERF within Edmonton EcoPark, and identifies this new development as a strategic facility for the NLWP.</p> <p>Policy 3 of the NLWP, as well as allocating land, sets out requirements for development applications within these allocated areas. It states that applications for waste management development will be permitted if the proposals comply with other relevant policy and deliver the 'highest practicable level' of recycling and recovery of materials. The Planning Statement (AD05.12/APP-018) provides an assessment of the Project's compliance with other relevant local policy and concludes that it is in conformity with NPS EN-1 and NPS EN-3 and there are no significant conflicts with regional or local planning policy. The NLWA has a target to achieve a 50 per cent household recycling rate by 2020. The 50 per cent household recycling rate target was included within the recycling rate scenarios within the waste forecasting model identifying expected future tonnage of residual waste, further information is set out in the Need Assessment (AD05.04/APP-020).</p> <p>The draft NLWP also provides guidance on the format and design of waste management development which has been taken into account in the design of the Application. In Policy 6 it sets out a number of criteria, these are listed below along with a description of how the Project complies:</p>

Question no.	North Waste Plan's response	Applicant's comments
		<p>a. <u>Ensuring the amenity of local residents is protected.</u> The Health Impact Assessment (AD05.09/APP-028) finds that there would be some negative effects during construction, primarily related to the loss, or perceived loss, of residential amenity, which concerns air quality, noise, traffic and visual impacts. However, these would be offset through benefits during operation such as improved surfacing along footpaths and cycleways and improved community facilities in EcoPark House including the new base for the Edmonton Sea Cadets.</p> <p>b. <u>Avoiding significant adverse impacts on other land uses, historic environment and transport.</u> Significant adverse effects have been avoided on other land uses, historic environment and transport. The Edmonton EcoPark is not designated for heritage reasons and there are no known finds of archaeological artefacts or monuments within the Application Site. The TA (AD05.11/APP-030) concludes that for construction, operation and demolition the additional traffic generated by the Project would not result in any significant increase on the local highway network and only minor increases and, in some time periods, there would be decreases in the traffic flows on the A406 North Circular Road and other key routes.</p> <p>c. <u>Ensuring the development of a scale, form and character which is in keeping with its environment.</u> The landscape strategy, as set out in the Design and Access Statement (AD05.07/APP-023 to AAP-026) has two main aims: to create a high quality landscape that maximises ecological enhancement and sustainable water management and to create a scheme that integrates with the wider landscape character.</p> <p>d. <u>Not contributing to increased flood risk.</u> The Flood Risk Assessment (FRA) (AD05.14/APP-034) presents an assessment of potential flood risk to the Application Site from fluvial, tidal, groundwater, sewer and artificial sources (e.g. reservoirs) and overland flows.</p> <p>In addition, Policy 7 of the draft NLWP supports the recovery of energy from waste on allocated sites, where feasible, and the provision of a supply to networks, including decentralised energy networks. The proposed ERF would be enabled for Combined Heat and Power (CHP) operation and discussions are underway with Lee Valley Heat Network (LVHN).</p> <p>The ExA may also find it helpful to refer to the feedback from the NLWP Team received in response to Phase Two Consultation, noting that this was undertaken prior to the publication of the draft NLWP. This feedback states that the application is <i>“consistent with the emerging NLWP on three grounds. Firstly, they both use the same projections for Locally Authority Collected Waste, so there is no difference in terms of waste data. Secondly the NLWP and the NLHPP are both predicated on the achievement of a 50% recycling target by 2020 and other statutory targets. Thirdly the proposals for the NLHPP meet a number of key elements of the NLWP spatial</i></p>

Question no.	North Waste London Plan's response	Applicant's comments
		<p><i>strategy in that the NLHPP make use of an existing site, encourages co-location of facilities, provides opportunities for decentralised heat and energy networks, and reduces exports of waste".</i> The Applicant understands that the NLWP team intend to submit updated information which takes into account the draft NLWP as the latest published version of the plan.</p>

2.3. National Grid (REP3-006)

Question no.	National Grid's response	Applicant's comments
10.2	<p>National Grid objects to the inclusion of Articles 21-23 in so far as they authorise the interference with or extinguishment of National Grid's existing rights in respect of its apparatus within and in close proximity to the Order Land.</p> <p>The inclusion of protective provisions at Schedule 16 of the DCO is inadequate to remove the objection to the compulsory acquisition powers. The current provisions do not provide National Grid with the protections that it requires to maintain its operational network. National Grid has provided protective provisions to the Applicant that it considers to be necessary but the Applicant has advised National Grid that it will not submit them in substitute for those currently appearing on the face of the Order. The Applicant has told us that it believes that the Examining Authority will not accept a substitute set of protective provisions that will apply only to National Grid and that its suggested provisions must remain.</p> <p>National Grid's standard protective provisions (amended to remove unnecessary provisions for a particular scheme) are promoted as part of all third party DCO applications that seek to interfere with National Grid's rights. We attach the set of provisions provided to the Applicant and would ask that the Examining Authority includes these in any approved DCO in lieu of those currently in schedule 16 insofar as National Grid is concerned. If the Examining Authority considers that these provisions contain protections which are not necessary for this scheme, National Grid is of course happy to work with the Applicant and the Examining Authority to remove or amend the relevant text.</p> <p>National Grid is continuing to work with the Applicant to put in place an agreement to deal with National Grid's other objections to the scheme, namely how decommissioned assets are dealt with and mechanisms to resolve potential conflicts between this scheme and</p>	<p>Tables 4 and 5 in the Statement of Reasons (AD04.01/APP-012) set out the specific reasons why it is necessary to interfere with National Grid's rights. The Applicant has been in correspondence with National Grid since June 2015 concerning the reasons why its rights and assets may need to be affected and recently held a meeting with National Grid to further discuss those reasons. Until its response, no objection has been made directly by National Grid to the Applicant about interference with all its rights and assets.</p> <p>With regard to protective provisions, the Applicant has not (as National Grid states) rejected outright any amendments to protective provisions that National Grid would benefit from. There is, instead, a difference of view as to where the amendments should sit – in the DCO or in the private agreement that the Applicant is currently negotiating with National Grid. National Grid is requesting that its standard form of protective provisions (part of which would not be relevant to the Project) are included within the revised draft DCO (AD03.01/REP3-018), and that any amendments to National Grid's standard form be dealt with in the private agreement. The Applicant has explained to National Grid that this approach would not be acceptable because large parts of National Grid's standard protective provisions are not applicable to the Applicant's proposals and because National Grid's standard provisions contain obligations that would be too onerous for the Applicant to comply with in practice. At the hearing on 18 March 2016, the Applicant reminded National Grid that the ExA inferred that the ExA would encourage all parties to give serious consideration to deleting wording within the draft DCO which is superfluous or irrelevant to the proposals. In light of the above, the Applicant had proposed to National Grid (before it submitted its</p>

Question no.	National Grid's response	Applicant's comments
	<p>National Grid's already consented North London Reinforcement Project. National Grid will continue to keep the Examining Authority apprised with progress.</p>	<p>response to question 10.2 of the ExA's first written questions) that it would like to adopt the following approach:</p> <ul style="list-style-type: none"> a. National Grid's standard protective provisions are not included within the draft DCO; b. an amended form of National Grid's standard protective provisions are dealt with only in the private agreement; and c. a clause is inserted into the private agreement stating that: (i) the protective provisions in the draft DCO relating to electricity and gas undertakers will not apply to National Grid; and (ii) the amended form of National Grid's standard protective provisions attached to the agreement will apply to National Grid instead. <p>The Applicant is of the view that National Grid's position would be protected by this approach.</p>

2.4. Environment Agency (REP3-007)

Question no.	Environment Agency's response	Applicant's comments
5.3	<p>We would like the Code of Construction Practice be amended to require the contractor to consult us further on the details of the proposed landscaping works within 8m of any watercourse as the details arise. This will give us an opportunity to ensure that the works are compliant with the Water Framework Directive and the River Basin Management Plan. This will also provide us with an opportunity to review any pre-construction surveys that will be undertaken in line with AD06 02_ES_Vol 2, 5.6.4 (b).</p> <p>It is currently unclear how (in the documents) the river corridors are being protected and enhanced in line with WFD.</p>	<p>The Applicant notes the need for landscaping 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. Any works within eight metres of a main river would require a separate consent(s). The Applicant would provide sufficient information as part of that separate application process, which would be in line with the Design Code Principles (AD02.02/APP-008).</p>
7.1	<p>We have asked the applicant to amend requirement 14 relating to 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.</p>	<p>The Applicant and the Environment Agency (EA) are discussing amendments to Requirement 14 to address the EA's comments. Any agreed amendments will be set out in the Statement of Common Ground with the EA.</p>
7.3	<p>The site, as shown on our published flood maps, is at risk of flooding from a range of flood events. The majority of the site lies within Flood Zone 2 (the 1 in 1000 year flood event). There are also areas of the site that lie in Flood Zone 3 (the 1 in 100 year flood event). Within any assessment, the applicant is required to consider the effects of climate change on flood risk.</p> <p>Our Relevant Representation (RR-011) advised that, whilst the FRA submitted was correct at the time of writing, at the time of submission and at the time of review, new guidance on climate change was due to be published which could prompt further investigation. The new guidance, Flood risk assessments: climate change allowances, was published on 19 February 2016. <i>Cont/d.</i> 4</p> <p>Following the publication we have considered the likely impact this</p>	<p>The Applicant welcomes the response from the EA on the matter of the new climate change guidance. The analysis and findings of the existing FRA (AD05.14/APP-034) remain valid and can continue to be used to support the DCO.</p>

Question no.	Environment Agency's response	Applicant's comments
	<p>revised climate change guidance would have on the proposed development. We advise that the change in guidance is unlikely to have a significant effect on the findings of the existing FRA.</p> <p>To add further detail, the superseded guidance required the applicant to make an assessment of flood risk up to and including the 1 in 100 year + 20% climate change flood event. As the site lies predominantly in Flood Zone 2 and the development type is classified as 'less vulnerable' by Table 2 of the National Planning Practice Guidance, Flood Risk and Coastal Change (section 25), the new guidance would require the applicant to make an assessment of flood risk up to and including the 1 in 100 year + 25% climate change flood event. As a result, we are of the opinion that the assessment and findings of the existing FRA remain valid and can continue to be used to support the DCO.</p>	
7.4	<p>The submitted Water Framework Directive Assessment (WFD), along with supporting details found in the Environmental Statement, provides adequate information on the status of the waterbodies. However, it is limited in scope as it unable to accurately assess the impacts from schemes that haven't yet reached the design stage. These include drainage, landscaping works and the construction or alteration of bridges.</p> <p>As stated in our response to question 5.3, we request the opportunity review any relevant pre-construction surveys and designs to ensure that the works are compliant with the Water Framework Directive and the River Basin Management Plan. By working collaboratively and at the appropriate stages the need for further WFD assessment (as of when, per activity within the buffer zone) may not be required, as the designs and any reasonable environmental compensation will have been discussed and agreed, therefore avoiding future deterioration.</p> <p>The applicant will also be required to apply for a Flood Risk Activity Permit from us under the requirements of the Environmental</p>	<p>The Applicant confirms it would provide the EA with relevant pre-construction surveys and designs to allow for review in relation to WFD requirements. The Applicant confirms it would apply for Flood Risk Activity Permits as required for any works within eight metres of a main river.</p>

Question no.	Environment Agency's response	Applicant's comments
	Permitting Regulations 2010 for any works within 8m of a 'main river'. This permit replaces the requirement for Flood Defence Consent under the terms of Water Resources Act 1991 and the Land Drainage Byelaws 1981.	

2.5. Transport for London (REP3-008)

Question no.	Transport for London's response	Applicant's comments
5.3	<p>TfL has commented on the Code of Construction Practice (CoCP) and has suggested refinements. TfL would seek to minimise peak hour traffic movements as far as practicable, encourage best practice for driver behaviour, ensure appropriate management of lorry movements and lorry routing, and encourage car sharing, walking, cycling and public transport use for construction workers. TfL accepts that the NLHPP aims to meet these objectives. TfL's input is to support strategic transport policy through promoting good practice guidance on Construction Logistics Plans, Travel Plans and Delivery and Servicing Plans and it is TfL's view that these should be applied to the NLHPP.</p> <p>TfL agrees with point 12 of the AP Letter that the applicant should consider an overarching requirement to deal with the London Borough of Enfield's obligations to consult other bodies, e.g. TfL and the Environment Agency pursuant to Requirements 8 (stages of the authorised development), 10 (provision of landscaping), 12 (access and roads) and 16 (code of construction practice). TfL reiterates that consideration should be given to amend Requirement 16 to ensure that the CoCP applies to enabling works such as 'site clearance'. To this end TfL agrees with point 3 of the AP Letter which requests that consideration be given to include 'site clearance' in the definition of 'commence'. TfL confirms that to the extent the development affects TfL functions as a highway authority the measures proposed for environmental mitigation in the current draft CoCP are satisfactory.</p>	<p>Reasonable changes to the CoCP (AD05.12/APP-032) suggested by TfL as part of its Phase Two Consultation response have been incorporated into the CoCP. The CoCP would seek to minimise the impact of Project on the local highway network at all times of the day including the peak hours. The CoCP includes measures to ensure that the risks of incidents are minimised. This includes the provision of signage, ensures drivers' licenses are checked and drivers undergo appropriate training. The management of lorry movements and routing would be undertaken through the CoCP and the Construction Logistics Plans and would be agreed with LB Enfield, TfL, and others as appropriate in advance. The Construction Travel Plan would promote walking, cycling, car sharing and the use of public transport for construction workers. TfL's good practice guidance would be followed so far as it reasonable practicable in the preparation of the Construction Logistics Plan, Travel Plan and the Delivery and Servicing Plan.</p> <p>The overarching requirement on LB Enfield to consult is now contained in Article 37(6) of the revised draft DCO (AD03.01/REP3-018).</p> <p>The CoCP does apply to enabling works – please see the amendments made to Requirement 16 in the revised draft DCO and row 101 on page 36 of the table of amendments to the revised draft DCO (AD07.03/REP3-017).</p> <p>The Applicant has considered 'site clearance' as being carved out of the definition of "commence". The reference to "site clearance" has been deleted from the definition of "commence" in the revised draft DCO and it has been replaced with the term "enabling works".</p>

Question no.	Transport for London's response	Applicant's comments
		Wording has also been inserted into the definition of "commence" so that works carved out of the definition of "commence" should not give rise to any significant adverse environmental effects not assessed in the environmental statement. In this way, the amended definition will not trigger the concerns raised in paragraph 23 of PINS Advice Note 15 (this approach was discussed with the ExA during the hearing on the draft DCO on 18 March 2016).LB Enfield
6.5	This question is not directed at TfL, however, waste stream has been discussed in the context of the use of water freight. The processing of bottom ash is currently on site. As part of the current proposals this activity may move offsite, however, should this activity remain or a new facility for ash processing be provided on site then, due to the proposed lack of water freight in the NLHPP, the onward journey of bottom ash would be by road. Although TfL accepts that on site water freight facilities are not currently envisaged as part of the NLHPP, it is of the opinion that as the North London Waste Authority (NLWA) reviews its options it should review use of water freight for this and other waste streams – this is a matter of encouraging best practice and is not something that TfL believes can be easily converted into a planning obligation or requirement.	The Applicant accepts that water freight is not feasible for the Project based on the current knowledge and the existing infrastructure on the River Lee Navigation. The Applicant agrees 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 would work together with TfL and other stakeholders 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.
6.8	TfL has accepted these assumptions and the assessed effect. TfL relies on the local planning authority to confirm the status of planning proposals in the area and expects the local planning authority to take into account the changing nature of the area given that the site is within an area of substantial regeneration and there are likely to be a number of development proposals coming forward in the near future.	TfL's position regarding the assumptions and assessed effects is noted. The assessed cumulative schemes would be reviewed and updated, where required, as part of any future assessment work. However, the assessment accounted for the likely additional traffic generated by the proposed Meridian Water development, even though an application for the entire regeneration area has not been submitted yet.
6.9	TfL agrees with the proposed mitigation in general. However, through or alongside the CoCP, TfL suggests that a Construction Logistics Plan and a Construction Workers Travel Plan are	A Construction Travel Plan would be prepared based upon a Framework Construction Travel Plan which was included in Appendix J of the TA (AD05.11/APP-031).

Question no.	Transport for London's response	Applicant's comments
	prepared.	
Q 6.10	TfL expects that the local highway authority would judge this aspect.	In its response to the ExA's Written Question 6.10, LB Enfield has agreed that for all stages of the Project, the additional traffic generated by the Project would not result in any significant increases on the local highway network, and there would be a negligible effect on capacity at the Cooks Ferry Roundabout and the junction of A1055 Meridian Way with Ardra Road.
Q 6.11	TfL supports the reduced provision of car parking. TfL expects the car parking that is provided to be in accordance with the London Plan and its provisions relating to disabled car parking, electric vehicle charging points etc. TfL would also expect to see that car sharing is promoted. TfL would support reducing car parking further as long as this could be done without overspill impacts on the local road network or the A406. TfL accepts that there is a need for car access for existing and future staff and visitors using the site.	The provision of disabled accessible car parking and electric vehicle charging points would be provided in accordance with the London Plan (2015) standards. Car sharing would be promoted through the Construction Travel Plan and the Operation Travel Plan (included in Appendices J and K of the TA (AD05.11/APP-031)). The Framework Operation Travel Plan also indicated that consideration would be given to the provision of specific car parking spaces that would be for the use of those who car share or travel in electric vehicles. The utilisation of car parking would be reviewed through the Travel Plan and consideration can be given to the reduction of car parking spaces if demand allows while ensuring that there would be no impact of overspill car parking on the local highway network.

2.6. Canal and River Trust (REP3-009)

Question no.	Canal and River Trust's response	Applicant's comments
1.7	<p>The Trust is of the opinion that such volume of vehicle trips, coupled with the number required to remove waste residue, greatly strengthens the Trust's representations on movement of waste by water. The Trust considers that it would be right to impose conditions within the DCO, requiring the Applicant to support both European, and local, objectives of reducing road network usage, by diverting waste to the Trust's adjoining inland waterway.</p> <p>A simple mathematical calculation based upon maximum lorry weight illustrates, so far as the Trust is concerned, the number of vehicle trips 13,500 tonnes of waste \pm 13%, coupled with waste residue, is likely to generate.</p> <p>Whilst it might be that, in the short term, road network usage provides a more cost effective means for the Applicant to transfer waste, the long term and environmental benefits of reducing such usage appears evident to the Trust. To that extent, if it is not felt appropriate to require waste residue now to be transported by water, the Trust would seek, at least, a requirement for a wharf to be constructed as part of the Project, to facilitate such transporting in the future.</p>	<p>The Applicant does not agree that it is practicable or value for money to design the wharf area to enable it to receive waste transported to the Edmonton EcoPark by water. While not accepting that there is a viable case for water transport at this stage, any such proposal would mean that the Sea Cadet's requirements could not be accommodated within EcoPark House in a manner which met other requirements for the use and visual amenity of the building. Furthermore, it would not be reasonable or appropriate to require a wharf to be constructed (at substantial public cost) in the absence of any realistic need or demand for it.</p>
4.1	<p>The application proposes the use of land to the west of the Lee Navigation as a Temporary Laydown Area for construction purposes, which will continue for approximately five years. Please explain the very special circumstances which exist to outweigh inappropriate development on this site which is formally within the Metropolitan Green Belt (paragraph 6.10.9 of the Planning Statement (APP-018)).</p>	<p>The Applicant's response is as set out in replies to First Written Questions (AD07.02/REP3-016).</p>
5.1	<p>The Trust strongly supports the recommendation for further surveys to assess the presence or likely absence of roosting bats,</p>	<p>Further assessments would be carried out as required by the CoCP (AD05.12/APP-032).</p>

Question no.	Canal and River Trust's response	Applicant's comments
	<p>given the foraging and commuting activity of bats along the Navigation; the Trust considers the Navigation to be a 'bat feeding corridor'.</p>	
5.3	<p>The Trust's Third Party Works Engineer has had contact with the Applicant, and provided the Applicant with the "Code of Practice for Works Affecting the Canal & River Trust" (which is also readily available on the Trust's website)("the Code").</p> <p>The Trust is concerned that the proposed Protective Provisions remove, from the Trust, a substantial portion of the control over the Navigation which the Trust requires to ensure that adjoining internal waterway is not adversely affected by works during the Project.</p> <p>Such an example as Protective Provision 3(2), which requires the Trust to "<i>co- operate with the undertaker with a view to avoiding undue delay</i>", and the absence of any Protective Provision restricting works to the period (September to March) when "stoppages" of the waterway would cause the least adverse effect to waterway users, illustrate this to far too great an extent.</p> <p>The Trust would ask that the proposed Protective Provisions be amended to, at least, provide that were there is a conflict between those measures and the Code, the latter will take precedence.</p>	<p>The Applicant has received a copy of the Code of Practice for Works Affecting the Canal & River Trust (Code), and is reviewing it. The Applicant will address the Canal and River Trust's (CRT) specific comments relating to the Code and protective provisions during its discussions with CRT.</p> <p>The only parts of the River Lee Navigation that would be within the Order land are plots 11 and 13. As can be seen from the measurements in the Book of Reference (AD04.03/APP-014), plots 11 and 13 form very small parts of the River Lee Navigation. The Applicant proposes to temporarily possess plot 11 in order to facilitate construction works relating to Works No. 3, and to temporarily suspend rights in plot 13 whilst bridge strengthening works are carried out to the bridge on plot 14. The Applicant does not consider that the exercise of these powers would remove from CRT any appreciable degree of control over the River Lee Navigation. Plots 11 and 13 are also not close to adjoining internal waterways.</p> <p>The requirement in the Protective Provisions to co-operate with the undertaker so as to avoid undue delay is crucial to the deliverability of the proposals.</p>
9.4	<p>The Trust remains adamant in its objection to any compulsory acquisition of any of its interests in land, and is now engaged in discussions with the Applicant as to the making available of such rights in, or over, the Trust's land as might be required in</p>	<p>The Applicant does not propose to compulsorily acquire title to any land interests of CRT, piecemeal or otherwise. The Applicant is seeking powers to temporarily possess a very small part of the River Lee Navigation (plots 11 and 13) and temporarily suspend</p>

Question no.	Canal and River Trust's response	Applicant's comments
	connection with the Project.	CRT's rights in plots 13, 17 and 23. The Applicant is currently in discussions with CRT address CRT's concerns, where feasible.
10.2	<p>The Trust is a statutory undertaker for the purposes of the Planning Act 2008 and has already made its views known as to the compulsory acquisition of any land interests of the Trust.</p> <p>The continued integrity of the Navigation which, as "Infrastructure Trust Property", is held under a trust settlement with DEFRA, for the public benefit, and is to be preserved by the Trust, in perpetuity, for the public's use and enjoyment. Piecemeal compulsory acquisitions of interests in such a national heritage, when the Trust has expressed a willingness to co-operate in making land available for such period as is necessary, would be completely contrary to the stated aims of that trust settlement.</p>	<p>The Applicant does not propose to compulsorily acquire title to any land interests of CRT, piecemeal or otherwise. The Applicant is seeking powers to temporarily possess a very small part of the River Lee Navigation (plots 11 and 13) and temporarily suspend CRT's rights in plots 13, 17 and 23. The Applicant is currently in discussions with CRT to address CRT's concerns, where feasible.</p>

2.7. Lee Valley Regional Park Authority (REP3-010)

Question no.	Lee Valley Regional Park Authority's response	Applicant's comments
4.3	<p>The point made in the LVRPA's written representation concerns the wish to see, at the outset, as much detailed information as possible on the landscape treatment and reinstatement plans for the Temporary Laydown Area, given its location within the Park and the Lea Valley SMINC and the need to meet future requirements of the Meridian Water Masterplan. The LVRPA has also sought an amendment to Schedule 2 requirements (3) to (5), (10) to (12) and (15) to ensure that there is specific reference to consultation with the Lee Valley Regional Park Authority as part of the LPA approval process for the requirements on detailed matters. This would ensure that the LVRPA is involved in the future reinstatement of the Temporary Laydown Area.</p>	<p>The comments made by LVRPA are also contained in their written representations, to which the Applicant has responded. In particular, the revised draft DCO (03.01/REP3-018) contains provisions for the relevant planning authority to consult with all relevant and appropriate statutory consultees.</p>

2.8. Thames Water (REP3-011)

Question no.	Thames Water's response	Applicant's comments
-	<p>In response to the Examining Authority's First Questions, I can confirm on behalf of Thames Water that they have no comments in respect of Articles 21-23. However the Company is still considering the detailed effects of Schedules 11-13, to which those articles apply.</p> <p>I would also add that we have reviewed Schedule 16 and will be submitting some suggested amendments to that shortly.</p>	<p>The Applicant is in ongoing discussions with Thames Water (TW) concerning both the impact of the Project on its land interests and the drafting of the protective provisions</p>

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