
NORTH LONDON WASTE AUTHORITY

NORTH LONDON HEAT AND POWER PROJECT

EN010071

APPLICANT'S COMMENTS ON DEADLINE 5 SUBMISSIONS

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) for 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' submissions in relation to Deadline 5 of Examination, which were submitted to the Secretary of State on or before 5 June 2016. In accordance with the timetable issued by the ExA, these comments are being provided to the ExA on 16 June 2016. References in this document to the 'draft DCO' are references to the revised draft DCO (AD03.01/REP3-009) submitted by the Applicant to the ExA on 16 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 LB Enfield's Responses to the ExA's Second Written Questions (REP5-003)

	Question to	Question	LBE response	Applicant response
2Q 1.6	London Borough of Enfield (LBE)	The LIR from LBE (REP3-003) is an appraisal of the application against the National Planning Policy Framework. Is there any further advice in terms of this application the Council wishes to offer when assessed against National Policy Statements EN 1 and EN 3?	<p>The Council considers that the material considerations outlined by the NPPF and the NPS EN1 and EN3 thematically are very similar. The Council would wish to point out the emphasis the Statements provide on good design, landscape and green belt sensitivities, flood risk and the advocacy for CHP plant to serve Decentralised Energy Networks. The LPA consider that all of our comments when assessed against EN1 and EN3 remain applicable and consistent with these documents and the LPA respectfully requests that these representations should be taken as material considerations in the ExA's assessment.</p>	<p>The Applicant and LBE have discussed the approach to several of the matters set out in LBE's response including the use of materials and EfW plot treatment. The updated ECMS (AD06.03) submitted for Deadline 6 incorporates relevant amendments at section 4 to address these points. The Applicant and LBE are continuing to discuss these points and will update the ExA through a revised SoCG.</p>
			<p>In examining elements of our representations in greater detail, Section 10(3)(b) of the Planning Act 2008 requires the Secretary of State to have regard, in designating an NPS, to the desirability of good design. Section 4.5 of EN-1 sets out the principles of good design that should be applied to all energy infrastructure. Given the</p>	<p>Changes to the Design Code Principles (AD02.02/APP-008) which address LBE's concerns about the quality of materials used on delivery of the Project have been discussed. It is anticipated that this will be formalised in an updated SoCG and Design Code Principles.</p>

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			<p>importance which the Planning Act 2008, the NPPF and the Local Plan places on good design and sustainability, it is considered that the representations made by the LPA in respect of the design of the ERF, the use of materials with high visual quality, the need to use a wider range of materials and soft landscaping measures to the former EfW site and indeed our objection to the provision of a viewing platform are valid and should be robustly addressed through a revised Design Code, amended requirements and the removal or relocation of viewing platform. Consistent with EN1 the ExA needs to be satisfied that energy infrastructure developments are sustainable and, having regard to regulatory and other constraints, are as attractive, durable and adaptable as they can be. The ExA must be satisfied that the applicant has taken into account both functionality and aesthetics as far as possible. It is acknowledged that the design ethos adopted for the ERF has sought to minimise its overall size and indeed that the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area, however, this elevates the importance of the visual quality of the</p>	

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			<p>materials selection and in providing a viewing platform to the more sensitive eastern elevation it is considered that its presence directly contravenes a design approach that has sought to demonstrate good design in terms of siting and size relative to the more sensitive eastern corridor.</p>	
			<p>The viewing platform is not required for the functioning of the ERF and its removal cannot be resisted for operational reasons particularly where it is considered that the platform is harmful to visual amenity in the wider surround.</p>	<p>The provision of an observation platform remains a matter to be agreed. The Applicant has set out the reasons for inclusion of the observation platform in AD07.05 Applicant's Comments on Written Representations, Section 2.3 LBE, Paragraph 8.7/8.8; and AD07.06 Applicant's Comments on Local Impact Reports, Section 2.3, Paragraph 7.3, Page 18.</p>
			<p>In terms of the former EfW site, EN1 states that adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within that site, design including colours and materials, and landscaping schemes, depending on the size and type of the proposed project. The LPA consider that a wider palette of surfacing materials including soft landscaping options to the EfW site will achieve the objectives of EN1.</p>	<p>The provision of temporary soft landscaping around the former EfW plot has also been discussed, although it is noted that the ES (AD06.02) did not identify an impact in this respect. The Applicant has committed to provide up to 40 containers of trees or plants (ornamental species) located along the eastern and western perimeter of the EfW plot shown on drawing E_0002 of the Design Code Principles. The ECMS (AD06.03/APP054) has been updated to make a commitment to delivering the containerised planting if required.</p>
			<p>EN1 is very clear in its support for the provision and off-take of heat for larger heat networks. The Lee Valley Heat</p>	<p>The Applicant is aware of the redevelopment proposals at Meridian Water and the intention on the part of LB Enfield to</p>

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			Network serving the redevelopment at Meridian Water is a known Council project supported by the Local Plan and the subject of a wider masterplan and emerging AAP. The contribution of the Ecopark to facilitating this network is significant and accordingly it is considered that significant weighting should be afforded to securing connection and heat supply from the EFW as part of this DCO application.	seek a heat supply from the ERF at the EcoPark. The Applicant has been negotiating with LB Enfield's company, Lee Valley Heat Network, for the supply of such heat, and the North London Waste Authority Member consideration of the outstanding issues and potential ways forward on the draft Heat Supply Agreement and draft Lease will take place at the meeting of the Authority on 17 June. The Applicant considers that this active progression of negotiations, taken together with the safeguarding of the routes for pipes for the supply of heat (see Applicant's response to the Examining Authority's first written question q1.1 (AD07.02/REP3-016)) pursuant to Requirement 18 and the Deed of Planning Obligations demonstrates the Applicant's commitment to the supply of heat.
2Q 3.1	LBE	Please confirm what constitutes the statutory development plan applicable to this application.	The statutory development plan comprises: <ul style="list-style-type: none"> • The London Plan (MALP 2015) • The Core Strategy (adopted 2010) • The Development Management Document (adopted 2014) • The s106 SPD (adopted 2011) 	No comment.
2Q 4.1	LBE	In view of the observations in paragraphs 5.2 and 5.4 of the Council's written representations (REP2-012) about the sensitivity of land along the eastern boundary of the EcoPark within	The LPA considers that the proposed temporary laydown area is an inappropriate use within the green belt. However, this given, the use of the land to facilitate delivery of the ERF and	We note that LBE consider that exceptional circumstances apply and therefore use of the Temporary Laydown Area is acceptable subject to use being temporary and appropriate reinstatement, as is the case.

	Question to	Question	LBE response	Applicant response
		the Metropolitan Green Belt to inappropriate development, does LBE accept the proposed use of the site for the temporary laydown area for the expected construction period regardless of the nature of proposals for reinstatement?	wider works covered by the DCO constitutes exceptional circumstances only where the use of the land is temporary (to cover the construction period) and the land is appropriately and positively reinstated consistent with the provisions of NPS EN1 that seek to exploit opportunities for building-in beneficial biodiversity or geological features as part of good design and where this aligns with the use of the area for flood alleviation. A permanent use of this area would not be supported, would be inappropriate and would be contrary to the provisions of the NPPF and the Local Plan.	The approach to reinstatement of the Temporary Laydown Area has been discussed by the Applicant and LBE and agreed in principle. It is agreed in principle that the Temporary Laydown Area will be restored to its pre-development condition including removal of surfacing, underground tanks and any SuDs features.
2Q 7.1	LBE, Thames Water Utilities Ltd (TWUL)	The indicative construction programme (paragraph 3.5.6 et seq, APP-039, Doc AD06.02) shows that the temporary laydown area will be required between approximately 2019 and 2026, with the provision for restoration of the site up to two years after that. When is the Meridian Water development anticipated to use this land for compensatory flood storage and is this use agreed yet with TWUL?	It is unlikely that this potential compensation area would have a significant benefit for Zone 1 of Meridian Water. Zone 1 is programmed for construction between 2016 and 2023, assuming that house building starts in 2017 and approximately 300 units are released per year from 2018. However, future Zones to the east of the railway could potentially start construction in 2024. This could be earlier depending on market conditions and the Master developers strategy. It is these areas to the east which would benefit by the creation of the potential fluvial compensation area. The area	No comment.

	Question to	Question	LBE response	Applicant response
			<p>therefore would be required in or around 2026.</p> <p>This future use is yet to be agreed with TWUL, however, its reinstatement and enhancement are supported by the provisions of EN1. The land is designated as Metropolitan Green Belt.</p>	
2Q 7.2	LBE	Are there any current planning permissions relating to the land identified for the temporary laydown area?	There are no current planning permissions relating to the land. The land is designated as Green Belt.	<p>The Applicant agrees there are no current planning permissions relating to the proposed Temporary Laydown Area.</p> <p>To the north of the proposed Temporary Laydown Area planning permission was granted to Camden Plant Ltd for the crushing, screening and stockpiling of concrete and other recyclable materials was granted in 1997 (Ref: TP/96/0150) for a limited period of three years. Subsequently approval for the use has not been renewed and there is currently no extant permission for the use of the site. For further information refer to AD07.02 Applicant's Response to the ExA's First Written Questions, Question 3.3.</p>

3 Applicant's comments on the submission from Biffa Waste Services Ltd (REP5-006)

Paragraph text	Applicant response
<p>We welcome the requirement for the Applicant to review the measures as set out in the document titled: "The Examining Authority's second written questions and requests for information", specifically with reference to 2Q 1.4 and 2Q6.3. Whiles helpful discussions have previously taken place with the North London Waste Authority, our objections have not yet been overcome since it has not yet been made clear how the draft DCO and CoCP will be revised to secure the measures set out above.</p>	<p>As confirmed in the Applications Responses to the ExA's Second Written Questions, the points raised by Biffa has been addressed as follows:</p> <p>Bullet 1 (in its representation) – Section 11.3 of the updated CoCP (AD05.12/ APP-032) includes a provision that any works on Ardra Road and/or at the junction of Ardra Road with Deephams Farm Road would be undertaken in such a way that continued access to affected businesses is maintained. This is secured through Requirement 16 of the DCO (AD03.01/REP3-018). In addition, the Applicant will comply with the details and findings of the 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).</p> <p>Bullet 2 (in its representation) – Details of the proposed monitoring strategy are included in Section 11.8 of the updated CoCP (AD05.12/ APP-032). This includes traffic marshals/control points at both the northern and southern ends of Deephams Farm Road (the need for traffic marshals/control points at both ends will be assessed periodically), recording of all vehicles entering and exiting, undertaking regular surveys on Ardra Road during the construction period and regular liaison with other business on Ardra Road during the construction period. This strategy will be developed and agreed with LB Enfield prior to use of the northern access for construction vehicles and is secured through Requirement 16 of the DCO (AD03.01/REP3-018). 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.</p> <p>Bullet 3 (in its representation) – The phasing of the traffic signals at the</p>

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	<p>junction of the A1055 Meridian Way with Ardra Road is under the control of TfL, which control all traffic signals in London. There may be opportunities to explore, with TfL, the implementation of revised signal timings at the junction during some period of the day (as signal timings operate on different timings throughout the day). This could be discussed with TfL as part of the consultation on the Construction Logistics Plan (CLP) and proposed traffic management strategy. There is therefore no need to make any amendments to the CoCP to address this.</p> <p>Bullet 4 (in its representation) – See response to Bullet 2 above.</p> <p>The amended CoCP (AD05.12/APP-032) and DCO (AD03.01/REP3-018) have been submitted as part of Deadline 6.</p>
<p>Therefore, we support amendments to those documents as requested by the Examiner. At this time we do not have sufficient information to ameliorate our objections which have been expressed in our previous objections and we continue to express concern about the impact of this development upon our strategically important facility pending clarification of the planning control measures/conditions to be included in any consent so as to ensure the necessary mitigation is implemented and maintained.</p>	<p>A draft of the relevant sections of the updated CoCP (AD05.12/APP-032) was shared with Biffa on 8 June 2016. The CoCP is a certified document under article 33.-(1)(f) of the DCO and measures contained within are secured through Schedule 1, requirement 16(1). No comments have been received from Biffa on the shared update at the time of submission.</p>
<p>For avoidance of doubt, these comments should be considered alongside our previous representation dated 23rd March 2016.</p>	<p>This position is noted.</p>

4 Applicant's comments on the written representation from Royal Mail (REP5-005)

Paragraph text	Applicant response
<p>In exercising its statutory duties, Royal Mail uses all of the main roads in the vicinity of the proposed North London Heat and Power Project on a daily basis.</p>	<p>The Applicant notes Royal Mail's position regarding the use of the main roads in the vicinity of the Application Site.</p>
<p>Royal Mail has no issue with the proposed North London Heat and Power Project going ahead. However, Royal Mail has operational facilities that either run or receive mail services and use the main roads in the vicinity of the proposed development. Any additional traffic congestion or delays on these roads during the estimated 8 / 9 year construction period may cause significant disruption to Royal Mail operations.</p>	<p>Royal Mail's position with respect to the Project is noted. The Applicant acknowledges Royal Mail's concerns regarding the increases in traffic during the construction period. The Applicant is committed to minimising the impact on the highway network and these commitments are secured through the DCO (Requirements) (AD03.01/APP-009), CoCP (AD05.12/APP-032) and Deed of Planning Obligations (AD03.03/APP-011). These include the preparation of Travel Plans (for construction employees and operational employees), preparation of a Construction Logistics Plan and a Servicing Management Plan. These documents will be agreed with LBE.</p>
<p>Congestion caused by the construction of the proposed North London Heat and Power Project and any resultant disruption to Royal Mail operations could be made worse by any traffic from other major developments in the area. Therefore, Royal Mail considers that careful attention must be given to the potential for cumulative traffic impact during the construction period.</p>	<p>A full assessment of the cumulative effects of the Project during the construction period has been undertaken. This is set out in Sections 5.5 (cumulative scheme trip generation) and 6.5 (cumulative assessment) of the Transport Assessment (AD05.11/APP-030). The cumulative assessment has been undertaken for two scenarios, one including the full Meridian Water development and one without the Meridian Water development. This was undertaken at the request of LBE.</p>
<p>The Royal Mail operational properties that may be most susceptible to disruption through traffic delay during the construction and possibly operation phase of the proposed North London Heat and Power Project include:</p> <ul style="list-style-type: none"> • Upper Edmonton Delivery Office N18 2BU • Chingford Delivery Office E4 6AA • Walthamstow Delivery Office E17 3AA • Enfield Delivery Office EN1 1AA 	<p>The assessment of the highway network is provided in Section 6.2 of the TA (AD05.11/APP-030). The geographical scope of the assessment was limited to the roads on the approaches to the junctions in the immediate vicinity of the Application Site (i.e. the Cooks Ferry Roundabout and the junction of A1055 Meridian Way with Ardra Road) and the roads on the approach to the junctions outlined in the Edmonton EcoPark Supplementary Planning Document (SPD). The increases in traffic these roads are low and are less than 10% for all stages during the AM peak hour (08:00 to 09:00), interpeak hour (11:00 to 12:00) and the PM peak</p>

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	<p>hour (17:00 to 18:00), with the exception of Walthamstow Avenue during the AM peak hour and interpeak hour of Stage 1d.</p> <p>During the construction stages, it is anticipated that construction traffic would use the A406 North Circular Road to arrive at and depart from the Application Site, utilising other routes that form part of the Transport for London Road Network (TLRN) and Strategic Road Network (SRN) from the A406 North Circular Road for onwards travel. Some of these routes (A10 Great Cambridge Road, A1010 Fore Street and A1055 Meridian Way) have been assessed in Section 6.2 of the TA. The Applicant acknowledges that the some of the Royal Mail operational properties are close to these routes (e.g. the Upper Edmonton Delivery Office N18 2BU which is located close to the A406 North Circular Road and A1010 Fore Street). However, given that these routes are already characterised by a high level of traffic and are routes of a strategic nature, the additional traffic represents an overall very small proportion of the total flow and will not introduce any additional delay. This has been demonstrated in Section 6.2 of the TA for A406 North Circular Road, A10 Great Cambridge Road, A1010 Fore Street and A1055 Meridian Way.</p> <p>The routes used by construction vehicles will be agreed as part of the Code of Construction Practice (AD05.12/APP-032).</p> <p>During operation, the overall daily increase in traffic is anticipated to be 8% on the existing traffic generation of the Edmonton EcoPark. These trips, when distributed to the highway network, will not result in any significant increases in traffic with traffic decreasing on some links at certain times of the day. This is demonstrated in Section 6.2 of the TA.</p>
<p>Royal Mail has not been able to satisfy its concerns based on the highways impact information that is contained within the Transport chapter of the Environmental Statement. The level of risk to Royal Mail and the effectiveness of any proposed mitigating measures within the Code of</p>	<p>As well as the Transport Chapter of the Environmental Statement (AD.06.02/APP041), a full Transport Assessment (TA) (AD05.11/APP-030) has been prepared and included in the Application Documents. Sections 5.3 and 5.4 of the TA detail the Project trip generation during</p>

Paragraph text	Applicant response
<p>Construction Practice and Travel Plans cannot be accurately assessed.</p>	<p>the operational and each of the construction stages (including the ongoing operational trips during these stages). A full assessment of the impact of the traffic generated on the local highway network during the construction and operational stages is provided in Section 6.2 of the TA.</p>
<p>As a minimum, Royal Mail requests that North London Waste Authority is required by the Examining Authority to:</p> <ul style="list-style-type: none"> • fully consult with Royal Mail, • include major road hauliers such as Royal Mail in its proposed public communications strategy, • keep Royal Mail fully informed in advance of all temporary road closures and/or delivery of Abnormal Indivisible Loads, and • consider the cumulative traffic effects during the construction programme. 	<p>The Applicant will consult the Royal Mail where appropriate and include it in its public communications strategy. The Code of Construction Practice (AD05.12/APP-032) requires that all local businesses and residents are informed in advance (as far as it reasonably practicable) of the dates and durations of closures and provided with details of diversion routes and any abnormal deliveries. Compliance with the CoCP would be secured through Requirement 16 of the DCO (AD03.01/APP-009).</p> <p>A full cumulative assessment has been undertaken and is set out in Sections 5.5 (cumulative scheme trip generation) and 6.5 (cumulative assessment) of the Transport Assessment (AD05.11/APP-030).</p>
<p>Royal Mail may simply rely on this brief written statement but reserves the right to alter its position or make further representations in due course once further information is provided by North London Waste Authority and advice is provided by its consultants on whether it satisfactorily addresses Royal Mail's concerns.</p>	<p>Noted.</p>

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