



The Planning Inspectorate

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

Agenda for issue-specific hearing

Agenda for matters relating to the draft Development Consent Order

On 2 June 2016 interested parties and others were notified that an issue-specific hearing on the draft Development Consent Order ('DCO') would take place on **Tuesday 5 July 2016**. This document sets out an agenda and matters for discussion at the hearing.

Venue:

The Artzone,
1st Floor, 54-56 The Market Square
Edmonton Green Shopping Centre
Fore Street
London, N9 0TZ

Time: The hearing room will be available from 9.30am and the hearing will commence at 10am. It is expected to close by lunchtime, though of course we will continue after lunch if necessary.

Purpose of the Hearing

The purpose of the hearing is to consider only the drafting aspects of the draft DCO and accompanying documents, i.e. the Code of Construction Practice (CoCP), Environmental Commitments and Mitigation Schedule (ECMS) and the draft Development Consent Obligation (DCOb). For the avoidance of doubt therefore, this hearing is not to consider the underlying issues arising from the application or the representations which have been made about them, and will be done on an entirely without prejudice basis. My decision as the Examining Authority to hold the hearing should not be taken to imply that I have reached any view at this stage about whether the Order should be granted.

From this, it follows that the hearing will be of interest mainly to those organisations who have a direct contribution to the drafting of the Order, and its implementation should it be granted, and for this reason the following bodies in particular are invited to attend:

- North London Waste Authority (the applicant)
- London Borough of Enfield
- Environment Agency
- National Grid
- Transport for London

- Thames Water Utilities Ltd
- Canal and River Trust

The hearing is likely to be of less interest to other interested parties, though of course they have every right to attend if they wish and are very welcome to do so.

The objectives of the hearing on 5 July 2016 are to:

- clarify matters around how the draft DCO is intended to work, what is to be consented, the extent of the powers proposed and the proposed requirements;
- identify any possible issues not yet covered by the draft DCO;
- establish or confirm the views of other interested parties as to the appropriateness, proportionality or efficacy of the powers and requirements proposed;
- consider the relationship with documents accompanying the draft DCO.

In order to make the most productive use of the time, I have prepared a short agenda and a more detailed list of points I intend to cover relating to agenda item 2.

The documents I will be considering at the hearing are the latest versions of the draft DCO [REP6-007 and REP6-008], CoCP [REP6-001 and REP6-002] and ECMS [REP6-003 and REP6-004] submitted for deadline 6, and the draft DCO_b submitted as part of the application [APP-011].

Administrative arrangements

I would be grateful if parties intending to attend would give prior notice of who will attend, who will speak and which points they wish to address. In accordance with Rule 14(3) of the Infrastructure Planning (Examination Procedure) Rules 2010, any oral representations should be based on representations previously made in writing by the particular participant.

Please provide your Interested Party reference number in any communication and mark it for the attention of the North London Heat and Power Project Case Team.

Participants should note that after the hearing there is a deadline in the [Examination timetable](#) for the submission of written summaries of oral evidence and any other requested information (deadline 7: Monday 18 July 2016).

Paul Hudson

Paul Hudson

Examining Authority

Agenda for issue specific hearing on the draft DCO

5 July 2016

1. Introductions, purpose of the hearing into the draft DCO submitted for deadline 6 [REP6-007].
2. Drafting of the Order, taking articles 1–38 and Schedules 1-13 in turn, and including particularly the position concerning protective provisions in Schedule 13.
3. Interaction of the draft DCO with the National Grid (North London Reinforcement Project) Order 2014.
4. The role of private agreements.
5. Drafting of the CoCP [REP6-001] and ECMS [REP6-003].
6. The draft DCOb (Section 106 Agreement) dated October 2015 [APP-011].
7. Stocktake of revised plans submitted at deadline 6 [REP6-006], and proposed revised application documents pursuant to amendments to article 21 of the draft DCO (land plans [APP-006], CPO (CA) Powers Road Map [APP-058] and Statement of Reasons [APP-012]).
8. Submission of revised draft DCO and related documents, and future examination deadlines.
9. Any other business.

Agenda Item 2 – Drafting of the Order

COMMENTS BY EXAMINING AUTHORITY

Preamble

The final paragraph does not cite s122 of PA 2008 compared with the list of sections in the first paragraph.

Article 2

“Edmonton EcoPark” – a reference to where this is shown on an application drawing (A_0003 for example) would help.

“enabling works” – what enabling works accesses are envisaged in addition to those provided for by article 14 and Schedule 9?

“environmental statement” – suggest word order as in the “book of reference” definition.

“the land plans” – suggest word order as in the “book of reference” definition.

“Order land” – the land shown on drawing C_0018 Rev 00 is not included in the book of reference. Although intended for temporary use for maintenance purposes, if it is to be part of the Order land is it subject to article 19 and if so are the Compulsory Acquisition Regulations triggered?

– the land plans show the red line boundary of the application which is referred to as the site boundary. This is the same as the Order limits shown on the works plans. Is there any significance in the term “site boundary” and should the definition of Order land be amended by the inclusion of “within the site boundary” after “shown”?

“the works plans” – suggest word order as in the “book of reference” definition.

Article 4

confirm the agreement of LBE and EA to the amendments.

Article 16

(7) - is this necessary given article 6 (2)?

Article 18

(1)- the land within 250 metres of the Order limits is limited to that “which may be affected by the authorised development”, but land beyond that range is not. Suggest rewording as follows:

“The undertaker may for the purposes of this Order enter on any land shown within

the Order limits, or onto land which may be affected by the authorised development up to 250 metres away from the Order limits, or onto land which may be affected by the authorised development which is more than 250 metres from the Order limits with the prior approval of the relevant planning authority (or the local planning authority for land outside the London Borough of Enfield), and—“

Article 21

(6) – line 2 suggest delete “actionable at the suit of” and substitute “actionable by”?

Article 26

retitle “Rights over land”

(1)- insert “the” before air-space in line 1

- insert quantity of metres in line 3;
- what actual examples are envisaged?

Article 27

(5) (b) - paragraph 2.1 (c) of the Design Code Principles states: “The Design Code Principles apply to all permanent buildings and structures and works across the Application Site such as landscaping and ecology, however they do not apply to temporary buildings and spaces during construction.” The reference to design code principles therefore seems to be inappropriate for this article.

Article 28

(1)(b) – what are the particular issues about this strip of land which require this provision compared with other land adjacent to road verges?

- why is “at any time during the maintenance period” repeated in (1)(b) when it is stated already in (1)?

Article 29

the specific powers over statutory undertakers’ land in this article appear to duplicate the general powers in articles 19, 21, and 23, all of which could be used to affect statutory undertakers’ land.

Article 34

(1) - documents need references updating to the latest version, i.e. ECMS, CoCP and DCP.

Article 38

(2) - what is the intent of this paragraph given paragraph (1)?

Schedule 1

1. (1) – the definition of “residual waste” is needed (and see requirements R 1 (3) and R 7).

(1)(i)(b) – discuss reservations about bunker design expressed in paragraph 3.2.1 of the EA SoCG.

(1)(i)(c) – insert “residual” before “waste.”

(1)(v) – confirm the LBE position concerning the proposed observation platform.

2. (d) Works No. 4 – although the temporary lay down area is not part of Works No. 4 and therefore excluded from the Works Plan C_0008 Rev 01 and requirement 10, it is shown on indicative drawing D_0007 Rev 01 (pursuant to Works No. 4) as an area proposed for soft landscaping.

Schedule 2

1. (1) – requirements 4(3) and 14(4) appear to be the only cases where this arises.

4. - this requirement would be easier to follow if set out as sub paragraphs.

(1) - insert description of Works No.3 in line 6 as those for Works No. 1a and No.2.

(3) - is the tailpiece necessary given article 38 (5)?

5. - set out the requirement with spacing as in other Schedules.

- spell out paragraph in full.

- insert “No.” after “Works” in the sub-headings.

- set out full Works No. concerning the stack, cooling equipment and observation platform.

- simplify works description in sub-paragraph (3)

- define AOD

10. - confirm the agreement of LBE that requirement 10 applies to restoration of the EfW site.

14. - confirm the agreement of EA to the amendments.

(1) – why the change to “may” from “is to”?

- what is the significance of “ details” in the final sentence?

- paragraph (1) could be tidied up since the inclusion of the final sentence, or this put at the beginning of paragraph (2).

(3) – insert “written” before “scheme”.

(4) – is the last sentence only applicable to a remediation strategy if this becomes necessary, or the written scheme as a whole approved under paragraph (3)?

- is the tailpiece necessary given article 38 (5)?

(5) – is the verification report just in relation to the remediation strategy in paragraph (4) or to the approved written scheme as a whole under paragraph (3)?

(6) – does the reference to the approved management plan relate to paragraph (2), and the reference to remediation works to paragraph (3)?

(7) – why the reference to requirement 4 (1) in line 2 but requirement 4 as a whole in line 6?

- the last sentence does not appear to be necessary as this is the subject of requirement 4.

15. (2) – what is the significance of “first implementation”?

17. (2) – should the reference to paragraph 1 actually be deleted?

18. – definition needed of CHP in article 2.

- confirm the agreement of EA to the amendments.

19. (2) - insert “residual” before “waste”..

20. (1) – delete (of Schedule 1 ----).

The Operational Travel Plan and the Delivery and Servicing Plans are not secured by the draft DCO but are matters for the DCOB. All other travel plans are secured by the CoCP. Is a requirement needed to cover operational transport matters?

Schedule 3

1. (2) – is the reference to “this paragraph” to **1** as a whole or to just to **1(1)**?

4. – does LBE maintain its objection to this paragraph?

Schedules 5, 9, 10 and 12

set out as Schedule 4.

Schedule 13

Protective Provisions – position of National Grid, Canal and River Trust and Environment Agency.

