
NORTH LONDON WASTE AUTHORITY
NORTH LONDON HEAT AND POWER
PROJECT

CA STATEMENT OF REASONS

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

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1 Introduction

1.1 Statement of Reasons

- 1.1.1 This Statement of Reasons (**Statement**) has been prepared to support North London Waste Authority's (the **Applicant's**) application to the Secretary of State for Energy and Climate Change (**Secretary of State**) for a Development Consent Order (**Order**) pursuant to section 37 of the Planning Act 2008 (as amended) (the **PA 2008**).
- 1.1.2 The application is for the North London Heat and Power Project (the **Project**) comprising the construction, operation and maintenance of an electricity and heat generating station (this is referred to as an 'Energy Recovery Facility' in the Application documents) of around 70 megawatts (MWe) at the Edmonton EcoPark in north London with associated development, including a Resource Recovery Facility (**RRF**), (the **Application**). The proposed electricity and heat generating station will replace the existing Energy from Waste facility at the Edmonton EcoPark (**EfW**). Fuller details of the Application are set out in section 3 of this Statement.
- 1.1.3 The Project is a nationally significant infrastructure project for the purposes of section 14(1)(a) and section 15 of the PA 2008 (**NSIP**). This is because the Project involves the construction of a generating station located wholly in England that will have a capacity of more than 50MWe. As the Project is an NSIP, the Applicant must seek development consent for the Project in accordance with the requirements of the PA 2008.
- 1.1.4 This Statement forms part of a suite of documents accompanying the Application submitted in accordance with the requirements set out in section 55 of the PA 2008 and Regulations 5, 6 and 7 of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (**APFP Regulations 2009**), and should be read alongside those documents. In particular, the Applicant has submitted the following documents relating to the compulsory acquisition powers sought as part of the Application:
- (a) this Statement¹;
 - (b) a statement to explain how the Order will be funded (the **Funding Statement**) (Application document reference: AD04.02)²;

¹ Regulation 5(2)(h) The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

- (c) plans showing the land over which it is proposed to exercise compulsory acquisition powers and rights to use land (the **Land Plans**) (Application document reference: AD02.01)³;
- (d) a book of reference (the **Book of Reference**)⁴ containing details of the land the subject of compulsory acquisition powers, including the names and addresses of all known parties who may have an interest in the land and be affected by the exercise of compulsory acquisition powers (Application document reference: AD04.03); and
- (e) a compulsory acquisition powers 'road map' which explains which compulsory acquisition powers are being applied for and how those powers will affect each plot of land within the Application Site (Application document reference: AD04.04).

The Applicant

- 1.1.5 Established in 1986, the Applicant is a statutory authority whose principal responsibility is the disposal of waste collected by the seven north London boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest (the **Constituent Boroughs**).
- 1.1.6 The Applicant is the UK's second largest waste disposal authority, handling approximately 3 per cent of the total national Local Authority Collected Waste (**LACW**) stream. Since 1994 the Applicant has managed its waste arisings predominantly through its waste management contract with LondonWaste Limited (**LWL**) and the use of the EfW as well as landfill outside of London.
- 1.1.7 LWL is a private waste management company wholly owned by the Applicant, and is the freeholder of the Edmonton EcoPark and the operator of the EfW. LWL has a current contract with the Applicant for management of its waste which expires in December 2025 with flexibility for termination sooner. The contract includes:
- (a) the reception, treatment and disposal of residual wastes;
 - (b) the operation of Reuse and Recycling Centres (**RRCs**), including the recycling of wastes and the transfer of residual wastes to a disposal point;
 - (c) the reception and treatment of separately collected organic wastes;
 - (d) the reception and transportation of other separately collected wastes for recycling by third parties; and

² Regulation 5(2)(h) The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

³ Regulation 5(2)(i) The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

⁴ Regulation 5(2)(d) The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

- (e) the reception and transportation of other separately collected clinical and offensive wastes for treatment by third parties.

2 Purpose of this Statement

- 2.1 Section 122 of the PA 2008 provides that an order granting development consent may include provision authorising the compulsory acquisition of land. 'Land' is defined in section 159 of the PA 2008 as including any interest in or right over land, and which also states that acquiring a right over land includes acquiring it by the creation of a new right as well as by the acquisition of an existing right.
- 2.2 Section 122 of the PA 2008 provides that an order granting development consent may include provision authorising the compulsory purchase of land only if the Secretary of State is satisfied that the land:
 - 2.2.1 is required for the development to which the development consent relates;
 - 2.2.2 is required to facilitate or is incidental to that development; or
 - 2.2.3 is replacement land which is to be given in exchange for the order land under section 131 or 132 of the PA 2008,and there is a compelling case in the public interest for the land to be acquired compulsorily.
- 2.3 Regulation 5(2)(h) of the APFP Regulations 2009 requires a Statement of Reasons to be submitted where a development consent order would authorise the compulsory acquisition of land, interest in land or rights over land.
- 2.4 The purpose of a Statement of Reasons is to explain the use of the compulsory acquisition powers sought and to demonstrate that there is a compelling case in the public interest for such powers to be given.
- 2.5 The Applicant is seeking compulsory acquisition powers in the draft Order (Application document reference: AD03.01) to:
 - 2.5.1 compulsorily acquire interests in land (Article 19 of the draft Order);
 - 2.5.2 temporarily suspend rights over land (Article 21(4) of the draft Order);
 - 2.5.3 extinguish rights over land (Article 21(4) of the draft Order);
 - 2.5.4 compulsorily acquire rights over land (Article 23 of the draft Order); and
 - 2.5.5 temporarily possess and use land in order to facilitate the construction of the Authorised Development (Article 27 of the draft Order).

- 2.6 The extent of land that is required for/affected by the compulsory acquisition powers set out in paragraph 2.5 above is referred to in this Statement as the Order Land. Details in relation to the status of negotiations with the relevant interest-holders are in section 9 of this Statement.
- 2.7 This Statement also confirms that, where agreements for acquisition by private treaty have been secured, the Applicant will not seek to rely on compulsory acquisition powers whilst those agreements are capable of being relied on. However, there are plots of land that are still included within the Order Land to enable the Applicant to overcome any unknown third party interests affecting the relevant plots.
- 2.8 Section 123 of the PA 2008 provides that an order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State in respect of the Application is satisfied that one of the following conditions is met:
- 2.8.1 that the application for the order includes a request for compulsory acquisition of the land to be authorised;
 - 2.8.2 that all persons with an interest in the land consent to the inclusion of the provision; or
 - 2.8.3 that the prescribed procedure has been followed in relation to the land.
- 2.9 This Statement has been prepared in compliance with the requirements of the PA 2008, Regulation 5(2)(h) of the APFP Regulations 2009 and guidance produced by the Department for Communities and Local Government entitled "Planning Act 2008: Guidance related to procedures for compulsory acquisition", September 2013 (together, the **Guidance**).
- 2.10 The Guidance replaces previous guidance issued in 2010 (**2010 Guidance**). Annex 2 of the 2010 Guidance sets out the matters that this Statement should address. Although the 2010 Guidance is no longer applicable, the structure of this Statement reflects the layout and content suggested by the 2010 Guidance. The following sections of this Statement include:
- 2.10.1 a description of the Project (section 4);
 - 2.10.2 a description of the Order Land (section 5);
 - 2.10.3 details of the relevant policy in support of the Application (section 6);
 - 2.10.4 a summary of compulsory acquisition powers and guidance (section 7);
 - 2.10.5 the Applicant's justification for seeking compulsory acquisition powers (section 8);

- 2.10.6 land which is subject to on-going negotiations to reach such an agreement (section 9);
- 2.10.7 any special considerations affecting the land to be compulsorily acquired (section 10);
- 2.10.8 the requirements of Articles 1, 6 and 8 of the First Protocol to the European Convention on Human Rights (section 11);
- 2.10.9 other consents (i.e. in addition to the Order) that would need to be obtained to implement the proposals for the use and development of the Authorised Development (section 12); and
- 2.10.10 conclusions and any other information of interest to someone affected by the Order (sections 13 and 14).

3 Overview of the Application

- 3.1 The Applicant is applying for development consent to replace the existing energy from waste facility situated on the Edmonton EcoPark (which is expected to cease operations in around 2025), with a new and more efficient electricity and heat generating station that would produce energy from residual waste, and associated development, including temporary works required to facilitate construction, demolition and commissioning. The proposed electricity and heat generating station would surpass the requirement under the Waste Framework Directive (Directive 2008/98/EC) to achieve an efficiency rating in excess of the prescribed level, and would therefore be classified as a waste recovery operation rather than disposal.
- 3.2 The main features of the Project are:
 - 3.2.1 a northern area of the Edmonton EcoPark accommodating the proposed electricity and heat generating station;
 - 3.2.2 a southern area of the Edmonton EcoPark accommodating the RRF and a visitor, community and education centre with offices and a base for the Edmonton Sea Cadets (**EcoPark House**);
 - 3.2.3 a central space, where the EfW is currently located, which would be available for future waste-related development;
 - 3.2.4 a new landscape area along the edge with the River Lee Navigation; and
 - 3.2.5 a new northern and a new eastern access point to the Edmonton EcoPark.
- 3.3 During construction there will be a need for a temporary laydown area outside the Edmonton EcoPark, because of space constraints within the Edmonton EcoPark. This laydown area would be principally used to provide

parking and accommodation for temporary staff (offices, staff welfare facilities), storage and fabrication areas, and associated access and utilities.

- 3.4 There are some aspects of the Project design that require flexibility and are, therefore, yet to be fixed. For example, the precise location and scale of the buildings associated with the Project are yet to be determined. It would not be possible to fix these elements in advance of the detailed design and construction which would be undertaken following appointment of a contractor should the draft Order be granted. In order to accommodate this and ensure a robust assessment of the likely significant environmental effects of the Project, the Application is based on the limits of deviation set out in the draft Order and is shown on the Works Plans within the Book of Plans (Application document reference: AD02.01).
- 3.5 The Book of Plans (Application document reference: AD02.01) is supplemented by illustrative plans (included in the Design Code Principles, Application document reference: AD02.02) that set out the indicative form and location of buildings, structures, plant and equipment, in line with the limits of deviation established by the draft Order (Application document reference: AD03.01).
- 3.6 A separate environmental permit (**Environmental Permit**) would need to be obtained from the Environment Agency (**EA**) for the operation of the proposed electricity and heat generating station under the Environmental Permitting (England and Wales) Regulations 2010. The EfW is subject to an Environmental Permit issued by the EA. The Applicant is currently in discussions with the EA regarding an application for the new Environmental Permit(s) associated with the proposed electricity and heat generating station with a view to submitting an application in parallel with the development consent order process.
- 3.7 Schedule 1 of the draft development consent order (**draft Order**) (Application document reference: AD03.01) describes all the elements of the Project for which development consent is being sought. These elements are defined as comprising the 'Authorised Development' in the draft Order, and the Authorised Development is split up into a series of different work numbers.

4 The Authorised Development

- 4.1 The Authorised Development comprises the principal development and associated development.
- 4.2 The principal development is Works No. 1a in Schedule 1 of the draft Order. Work Number 1a comprises the construction of an electricity and heat generating station located at the Edmonton EcoPark, fuelled by residual

waste and capable of an electrical output of around 70MWe (gross) of electricity. The principal development (Works Number 1a) comprises:

- 4.2.1 a main building housing:
 - (i) a tipping hall;
 - (ii) waste bunker and waste handling equipment;
 - (iii) two process lines (with each line having a capacity of 350,000 tonnes of waste per annum), consisting of a moving grate, furnace, boiler and a flue gas treatment plant;
 - (iv) facilities for the recovery of incinerator bottom ash and air pollution control residue;
 - (v) steam turbine(s) for electricity generation including equipment for heat off-take; and
 - (vi) control room containing the operational and environmental control and monitoring systems, and offices,
- 4.2.2 entry and exit ramps to the ERF;
- 4.2.3 a stack containing flues for flue gas exhaust;
- 4.2.4 cooling equipment; and
- 4.2.5 an observation platform enclosure.

Work Number 1a will take place within Works Zone 1 on Works Plan number C_0002 and within the building envelopes shown on Works Plan number C_0003 (both these Works Plans are in the Book of Plans (Application document reference: AD02.01))

- 4.3 The associated development is split up into Works Numbers 1b to 7.
- 4.4 Works No.1b comprises works required to provide buildings, structures, plant and equipment needed for the operation of the electricity and heat generating station as shown on Drawing C_0002 (Application document reference: AD02.01) comprising:
 - 4.4.1 a wastewater treatment facility;
 - 4.4.2 a water pre-treatment plant;
 - 4.4.3 external stores and workshops;
 - 4.4.4 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
 - 4.4.5 electrical substation(s).

- 4.5 Works No.2 comprises the construction of a resource recovery facility comprising the following building, structures and plant, as shown on Drawing C_0004 and within the building envelope shown on Drawing C_0004 (Application document reference: AD02.01):
- 4.5.1 a Recycling and Fuel Preparation Facility (RFPF);
 - 4.5.2 the RRC;
 - 4.5.3 offices, and staff and visitor welfare facilities;
 - 4.5.4 odour abatement and dust suppression plant and equipment; and
 - 4.5.5 fire control water tank(s) and pump house and equipment.
- 4.6 Works No.3 comprises the construction of a building to provide visitor, community and education facilities, office accommodation, and a boat canopy, as shown on Drawing C_0006 and within the building envelope shown on Drawing C_0007 (Application document reference: AD02.01).
- 4.7 Works No.4 comprises utilities and infrastructure work, landscaping, access, security and lighting, and weighbridges as shown on Drawing C_0008 (Application document reference: AD02.01) as follows:
- 4.7.1 With regard to the following:
 - (a) potable water;
 - (b) waste water;
 - (c) surface water;
 - (d) foul water;
 - (e) raw water;
 - (f) electricity;
 - (g) gas; and
 - (h) CCTV, telecoms and data,
 - 4.7.2 works could include:
 - (a) the diversion, repositioning, decommissioning, removal, replacement, modification or upgrading of existing pipes, cables, systems and associated apparatus;
 - (b) the laying or installation of new pipes, cables, systems and associated apparatus; and
 - (c) the creation of connections to existing or new pipes, cables, systems and associated apparatus;

- 4.7.3 the erection of a raw water pumping station;
 - 4.7.4 stabilisation works to the eastern bank of Salmon's Brook;
 - 4.7.5 the construction of surface water pumps, pipework and attenuation tanks;
 - 4.7.6 landscaping works;
 - 4.7.7 the installation of areas of green roof and/or brown roof;
 - 4.7.8 the widening of the existing entrance into the Edmonton EcoPark from Advent Way, including modification or replacement of the bridge over Enfield Ditch;
 - 4.7.9 construction within the Edmonton EcoPark of vehicle and cycle parking, vehicle, cycle and pedestrian routes, and weighbridges;
 - 4.7.10 construction of an access into the Edmonton EcoPark from Lee Park Way, including bridging over Enfield Ditch;
 - 4.7.11 improvements to Lee Park Way including vehicle barriers and the creation of segregated pedestrian and cycle paths;
 - 4.7.12 improvements to Deephams Farm Road and use of Deephams Farm Road as an access to the Edmonton EcoPark;
 - 4.7.13 the resurfacing of Ardra Road (if required);
 - 4.7.14 security, fencing, and lighting works and equipment;
 - 4.7.15 the erection of security facilities and equipment and gatehouses within the operational site at access points from Advent Way, Ardra Road and Lee Park Way;
 - 4.7.16 the upgrade and maintenance of the existing bridge over the River Lee Navigation; and
 - 4.7.17 the installation of photovoltaic panels at roof level of the ERF and RRF.
- 4.8 Works No.5 comprises works for the creation of the temporary laydown area and its temporary use, as shown on Drawing C_0009 (Application document reference: AD02.01), as follows:
- 4.8.1 areas of hardstanding;
 - 4.8.2 the erection of fencing, hoarding or any other means of enclosure;
 - 4.8.3 the erection of security facilities and equipment and gatehouses;
 - 4.8.4 vehicle parking;
 - 4.8.5 office and staff welfare accommodation;

- 4.8.6 storage, fabrication, laydown area;
 - 4.8.7 foul water storage and pumps and surface water attenuation storage and pumps;
 - 4.8.8 utility works including electricity, water, CCTV, telecoms and data;
 - 4.8.9 the creation of vehicular, cycle and pedestrian access from Lee Park Way to the temporary laydown area; and
 - 4.8.10 restoration of the temporary laydown area.
- 4.9 Works No.6 comprises site preparation and demolition works within the area shown on Drawing C_0008 (Application document reference: AD02.01), comprising:
- 4.9.1 demolition of existing buildings, structures and plant excluding demolition of the EfW;
 - 4.9.2 construction of a temporary ash storage building;
 - 4.9.3 realignment of the exit ramp from the EfW; and
 - 4.9.4 works to prepare the land shown on Drawing C_00010 (Application document reference: AD02.01) for the construction of works numbers 1a, 1b, 2, 3, 4 and 5.
- 4.10 Works No.7 is shown on Drawing C_0011 (Application document reference: AD02.01) and comprises the decommissioning and demolition of the EfW and the removal of:
- 4.10.1 the existing stack;
 - 4.10.2 demolition of the existing water pumping station on Ardra Road; and
 - 4.10.3 making good the cleared areas.
- 4.11 The draft Order also identifies such other works as may be necessary or expedient for the purposes of or in connection with the construction, operation and maintenance of the Authorised Development which do not give rise to any materially new or materially different environmental effects from those assessed and set out in the Environmental Statement (ES) (Application document reference: AD06.02).

5 Description of the Order Land

- 5.1 The Application Site, as shown on the Site Location Plans (A_0001 and A_0002) in the Book of Plans (Application document reference: AD02.01), extends to approximately 22 hectares and is located wholly within the London Borough of Enfield (**LB Enfield**). The Application Site comprises the existing waste management site known as the Edmonton EcoPark where the permanent facilities would be located, part of Ardra Road, land around the

existing water pumping station at Ardra Road, Deephams Farm Road, part of Lee Park Way and land to the west of the River Lee Navigation, and land to the north of Advent Way and east of the River Lee Navigation (part of which would form the temporary laydown area and new Lee Park Way access road). The post code for the Edmonton EcoPark is N18 3AG and the grid reference is TQ 35750 92860.

- 5.2 The Application Site includes all land required to deliver the Project. This includes land that would be required temporarily to facilitate the development.
- 5.3 Both the Application Site and the Edmonton EcoPark (existing and proposed) are shown on Plan A_0003 contained within the Book of Plans (Application document reference: AD02.01). Throughout this Statement references to the Application Site refer to the proposed extent of the Authorised Development, and Edmonton EcoPark refers to the operational site. Upon completion of the Project the operational site would consist of the Edmonton EcoPark and additional land required to provide new access arrangements and for a water pumping station adjacent to the Deephams Sewage Treatment Works outflow channel.

Edmonton EcoPark

- 5.4 The Edmonton EcoPark is an existing waste management complex of around 16 hectares.
- 5.5 Current use of the Edmonton EcoPark comprises:
 - 5.5.1 the EfW, which treats circa 540,000 tonnes per annum (**tpa**) of residual waste and generates around 40MWe (gross) of electricity;
 - 5.5.2 an In-Vessel Composting facility (IVC) which processes food, landscaping and other green waste from kerbside collections and RRCs as well as local parks departments. The IVC currently manages around 30,000tpa, and has a permitted capacity of 45,000tpa;
 - 5.5.3 a Bulky Waste Recycling Facility (BWRF) and Fuel Preparation Plant (FPP) which receive bulky waste from RRCs and direct deliveries. These facilities respectively recycle wood, metal, plastic, paper, card and construction waste; and separate oversized items and shred waste suitable for combustion. These integrated facilities manage over 200,000tpa;
 - 5.5.4 an Incinerator Bottom Ash Recycling Facility (IBA) which processes ash from the EfW;
 - 5.5.5 a fleet management and maintenance facility which provides parking and maintenance facilities for the Edmonton EcoPark fleet of operational vehicles;
 - 5.5.6 associated offices, car parking and plant required to operate the facility; and

5.5.7 a former wharf and single storey building utilised by the Edmonton Sea Cadets under a lease.

- 5.6 In order to construct the proposed ERF, the existing BWRP and FPP activities would be relocated within the Application Site, the IVC would be decommissioned and the IBA recycling would take place off-site.

Temporary laydown area and eastern access

- 5.7 The proposed temporary laydown area is an area of open scrubland located to the east of the River Lee Navigation and north of Advent Way. There is no public access to this area. The temporary laydown area would be reinstated after construction and would not form part of the on-going operational site.

- 5.8 In addition to the temporary laydown area the Application Site includes land to the east of the existing Edmonton EcoPark which would be used for the new Lee Park Way entrance and landscaping along the eastern boundary.

Northern access

- 5.9 The Application Site also includes Deephams Farm Road and part of Ardra Road with land currently occupied by the EfW water pumping station between the junction of A1005 Meridian Way and Deephams Farm Road.

Surrounding area

- 5.10 The Application Site is located to the north of the A406 North Circular Road in an area that is predominantly industrial. The Lee Valley Regional Park is located to the east of the Edmonton EcoPark.

- 5.11 Land to the north and west of the Application Site is predominantly industrial in nature. Immediately to the north of the Edmonton EcoPark is an existing Materials Recovery Facility (**MRF**) which is operated by a commercial waste management company, alongside other industrial buildings. Further north is Deephams Sewage Treatment Works. Beyond the industrial area to the north-west is a residential area with Badma Close being the nearest residential street to the Application Site (approximately 60m from the nearest part of the boundary) and Zambezie Drive the nearest to the Edmonton EcoPark at approximately 125m west.

- 5.12 Eley Industrial Estate is located to the west of the Application Site and comprises a mixture of retail, industrial and warehouse units.

- 5.13 Advent Way is located to the south of the Application Site adjacent to the A406 North Circular Road. Beyond the A406 North Circular Road are retail and trading estates; this area is identified for future redevelopment to provide a housing-led mixed use development known as Meridian Water.

- 5.14 The Lee Valley Regional Park (**LVRP**) and River Lee Navigation are immediately adjacent to the eastern boundary of the Edmonton EcoPark, and Lee Park Way, a private road which also forms National Cycle Network (**NCN**) Route 1, runs alongside the River Lee Navigation. To the east of the River Lee Navigation is the William Girling Reservoir along with an area

currently occupied by Camden Plant Ltd which is used for the crushing, screening and stockpiling of waste concrete, soil and other recyclable materials from construction and demolition. The nearest residential areas to the east of the Application Site and LVRP are located at Lower Hall Lane, approximately 550m from the Edmonton EcoPark and 150m from the eastern edge of the Application Site.

- 5.15 The Book of Reference and the Land Plans identify those persons with an interest in the Order Land. No residential properties are to be acquired as part of the Authorised Development.

6 Policy Support for the Authorised Development

- 6.1 The national, regional and local planning policy and guidance relevant to the Authorised Development as well as an overview of the legislative framework are set out fully in the Planning Statement (Application document reference: AD05.02). The policies relevant to the Authorised Development include the National Policy Statements together with the National Planning Policy for Waste (**NPPW**), the National Planning Policy Framework (**NPPF**), the London Plan (**London Plan**), and Enfield Council's Local Plan (**ELP**) and related policy and guidance. These documents provide the planning policy framework within which the Application will be considered. A summary of these key policy documents is set out below.
- 6.2 National Policy Statements provide the basis for decisions on applications for NSIPs. The following National Policy Statements set the policy framework for the Authorised Development.

EN-1 Overarching National Policy Statement for Energy

- 6.3 The Overarching National Policy Statement for Energy (**NPS EN-1**) sets out how the energy sector can help to deliver the Government's climate change objectives and contribute to a diverse and affordable energy supply for the UK. It covers Government policy on energy and energy infrastructure development, the need for new nationally significant energy infrastructure authorised developments, the assessment principles for deciding applications and how impacts from new energy infrastructure should be considered in applications.
- 6.4 The Authorised Development would contribute to meeting the urgent need for new energy infrastructure identified in NPS EN-1. It would also play a key role in achieving the wider ambitions of NPS EN-1 to meet energy security, reduce carbon emissions and replace closing electricity generating capacity.
- 6.5 NPS EN-1 states that development in the Green Belt should not be approved except in very special circumstances. The Authorised Development includes associated development in the Green Belt, namely part of a new site access off the existing Lee Park Way (upgrading of an existing roadway), landscape enhancement works and a temporary laydown area. It is considered that the associated development proposed within the Green Belt for this Application constitutes 'very special circumstances' as described in NPS EN-1 because there is overwhelming need for the Authorised Development and the benefits

provided by the Authorised Development outweigh any impacts upon the Green Belt.

EN-3 National Policy Statement for Renewable Energy Infrastructure

- 6.6 National Policy Statement for Renewable Energy Infrastructure (**NPS EN-3**) states that electricity generation from renewable sources of energy is an important element in the Government's development of a low-carbon economy. Energy from waste is an important part of meeting the UK's renewable energy needs.
- 6.7 NPS EN-3 sets out 'Technology Specific Considerations' to be taken into account in the preparation and assessment of Applications. All relevant considerations have been addressed as part of this Application as described in the Planning Statement (Application document reference: AD05.02).

NPPW

- 6.8 The NPPW reiterates the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. The policy sets out the considerations that waste authorities should make when determining waste planning applications. These include considering likely impacts on the local environment and amenity, taking advice from health bodies, ensuring well-designed facilities that contribute positively to the character and quality of the area.
- 6.9 The Authorised Development would contribute to meeting the objectives for waste management set out in the NPPW including delivering sustainable development and resource efficiency, providing modern infrastructure, local employment opportunities and wider climate change benefits. In accordance with the NPPW the Authorised Development is well designed, so that it would contribute positively to the character and quality of the area, and the Application has considered the likely impact on the local environment and amenity.

NPPF

- 6.10 The NPPF sets out the Government's planning policies for England and is an important consideration for deciding planning applications. Policies at a regional and local level must follow the principles of the framework which include building a strong, competitive economy, requiring good design, meeting the challenge of climate change, flooding and coastal change and conserving and enhancing the natural environment.
- 6.11 The NPPF does not specifically contain any waste management policies however, it states that decisions on waste applications should have regard to policies in the NPPF insofar as these are relevant. The Application has taken into account the relevant policies, including flood risk, conservation and enhancement of the natural environment, good design and meeting the challenge of climate change. Further information is set out in the Planning Statement.

- 6.12 The NPPF contains a similar policy to NPS EN-1 which states that any development which is harmful to the Green Belt is considered to be inappropriate and will not be approved except in 'very special circumstances'. As set out above and in more detail in the Planning Statement, it is considered that the associated development proposed within the Green Belt for this Application constitutes 'very special circumstances'.

The National Infrastructure Plan (2014)

- 6.13 The National Infrastructure Plan (**NIP**) shows the government's progress on infrastructure delivery and sets out its long-term plans for UK infrastructure. The NIP notes that large-scale investment in gas and low-carbon electricity generation is vital in order to replace ageing energy infrastructure, maintain secure energy supplies and meet legally-binding environmental targets.
- 6.14 The NIP also recognises that waste and resource management is critical to the UK and notes that the UK needs sufficient waste infrastructure capacity to be in place to meet the requirements of the EU Landfill Directive targets for biodegradable municipal waste.
- 6.15 The Authorised Development would contribute towards both the energy and waste infrastructure identified as needed by the NIP.

Other National Energy Papers, Strategies and Plans

- 6.16 There are a number of other national papers, strategies and plans which set out the Government's strategy to deliver energy security and accelerate the transition to a low carbon economy. The following documents are relevant:
- 6.16.1 Meeting the Energy Challenge - Energy White Paper (2007): sets out the Government's international and domestic energy strategy. It states that Government strategy will address the risks to security of electricity supply and the need for substantial new investment in power stations and networks in various ways, including by encouraging the development of low carbon electricity generation technologies;
- 6.16.2 UK Renewable Energy Strategy (July 2009): states that the UK needs to radically increase the use of renewable electricity and sets out the path to meet the target to ensure 15% of energy comes from renewable sources by 2020;
- 6.16.3 the UK Low Carbon Transition Plan (July 2009): sets out the UK's low carbon transition plan to 2020. One of the key steps is to get 40% of electricity from low carbon sources by 2020;
- 6.16.4 the UK National Renewable Action Plan (2010): provides details on a set of measures that would enable the UK to meet its 2020 target. The plan comprises three components: financial support for renewables, unblocking barriers to delivery, and developing emerging technologies;

- 6.16.5 UK Renewable Energy Roadmap (2011): provides a delivery roadmap to achieve the UK's renewable energy target. In respect of biomass electricity the roadmap proposes: publishing a UK bioenergy strategy; applying the strategy in deciding, new renewables obligation bands; focus on measures to support long-term waste fuel supplies; working with regulators to introduce cost effective fuel monitoring and sampling systems and ensuring that environmental legislation does not have an unintended impact on renewable energy plant;
- 6.16.6 Planning Our Electric Future White Paper 2011: sets out the Government's commitment to transform the UK's electricity system to ensure that future electricity supply is secure, low-carbon and affordable;
- 6.16.7 Annual Energy Statement (2014): sets out the government's progress against its energy policy priorities. The statement reports that in 2013 5.2% of the UK's final energy consumption was sourced from renewable sources, making progress to the 15% target by 2020;
- 6.16.8 UK Bioenergy Strategy (April 2012): articulates a vision for the growth of sustainable biomass energy in the UK; and
- 6.16.9 UK Renewable Energy Roadmap Update (2013): the second update to the 2011 Renewable Energy Roadmap. This records that the UK has made good progress against the 15% target. It also notes that biomass, energy from waste, Combined Heat and Power (CHP) and heat pumps remain key renewable heat technologies.

Other National Waste Papers, Strategies and Plans

- 6.17 There are a number of other national papers, strategies and plans which set out the Government's strategy for waste management. The following documents are relevant:
 - 6.17.1 Government Review of Waste Policy 2011: evaluates waste management policies for England and their delivery to ensure that the policies are fit for purpose, meet society's expectations while reflecting the Government's ambitions for a zero waste economy. The review makes a commitment to work to remove barriers to energy from waste technologies by ensuring information is available and readily understood; and provide the necessary framework to address market failures and ensure the correct blend of incentives are in place to support the development of recovery infrastructure as a renewable energy source.
 - 6.17.2 The Waste Management Plan for England (2013): provides analysis on waste management in England, bringing current and planned waste management policies together in one place. The plan supports efficient energy recovery from residual waste - of materials which cannot be reused or recycled - to deliver environmental benefits, reduce carbon impact and provide economic opportunities.

London Plan

- 6.18 The London Plan consolidated with alterations since 2011 (March 2015) provides the strategic framework for the development of London until 2031 including economic, transport, environmental and social plans for the capital. The London Plan includes strategic policies on a range of topics that the Authorised Development will need to comply with relating to waste, industrial employment use, traffic and transport, sustainability, contamination, noise, air quality, water and flood risk, landscape and biodiversity, design, archaeology and geology.
- 6.19 The Application meets the requirements of Policy 5.17 which highlights the need to increase waste processing capacity in London, reiterating a commitment to identify opportunities for new waste capacity, including strategically important sites for waste management and treatment, and resource recovery works. The Authorised Development also meets the requirements of other topic based policies as described in the Planning Statement (Application document reference: AD05.02).

The Mayor's Strategies

- 6.20 The Mayor has also published a series of strategies setting out the actions and policies that the Mayor is taking, and encouraging others to take, to improve quality of life of Londoners and making the city more sustainable.

London's Wasted Resource: The Mayor's Municipal Waste Strategy

- 6.21 The Mayor's Municipal Waste Management Strategy which sets out the Mayor's vision, objectives and targets to manage the public's waste more effectively and efficiently. One of the strategy's aims is to unlock the economic value of waste by increasing reuse, recycling, composting and the generation of low carbon energy from waste. It also commits to investing in new waste infrastructure so that the bulk of London's waste can be managed within London. The strategy sets a target to achieve zero waste to landfill by 2025 and to generate as much energy as possible from 40% of London's waste.
- 6.22 The Authorised Development meets the requirements of the Mayor's Municipal Waste Strategy by reducing the climate change impact of London's municipal waste management and providing new municipal waste management infrastructure.

Delivering London's Energy Future: The Mayor's Climate Change Mitigation and Energy Strategy

- 6.23 The Mayor's Climate Change Mitigation and Energy strategy focuses on reducing CO₂ emissions to mitigate climate change, securing a low carbon energy supply for London, and moving London to a thriving low carbon capital.

- 6.24 The Authorised Development will deliver low carbon energy and is therefore consistent with the policies and objectives in the Mayor's Climate Change Mitigation and Energy Strategy.

Upper Lee Valley Opportunity Area Planning Framework

- 6.25 The Upper Lee Valley is identified as an area for large scale development and this document is the regeneration framework for the area. It identifies Edmonton EcoPark as a regeneration and redevelopment opportunity and supports the continued use of the existing site to provide the next generation of waste services and to supply energy for a heat network in the Lee Valley.
- 6.26 The Authorised Development would provide the next generation of waste services in accordance with the Upper Lee Valley Opportunity Area Planning Framework. The proposed ERF would also be CHP enabled and therefore capable of providing heat to the Lee Valley Heat Network (**LVHN**), the delivery of which is one of the key objectives in the Framework.

ELP

- 6.27 The ELP sets out policies and standards for development including waste, industrial employment use, traffic and transport, sustainability, contamination, noise, air quality, water and flood risk, landscape and biodiversity, design, archaeology and geology. The ELP also defines opportunities for development in Enfield including what will and will not be permitted and where. The ELP supports the decommissioning of the existing facility at Edmonton EcoPark and the continued use of the site for waste.
- 6.28 The Edmonton EcoPark is also within the emerging Central Leaside Area Action Plan which includes a principle for the Edmonton EcoPark to be a flagship facility for waste management incorporating a new energy recovery facility and kick starting an initial phase of a decentralised energy network.
- 6.29 The Authorised Development complies with the policies and standards set out in the ELP for a broad range of topics, further information is set out in the Planning Statement (Application document reference: AD05.02).

Edmonton EcoPark Supplementary Planning Brief

- 6.30 The Edmonton EcoPark Supplementary Planning Document adds to Enfield's local planning policies by explaining the opportunities and constraints for the development of new waste management and other facilities on the site, and providing the principles which new development should follow. It provides specific guidance about how development of the site can achieve the objectives in the ELP. It should be noted that this document was produced at a time when a different type of waste management facility was proposed at the site, although it is largely still relevant.
- 6.31 The Edmonton EcoPark Supplementary Planning Brief does not contain additional policy, however the detailed, site specific guidance on how to achieve the objectives set out in the ELP have been considered in the development of the Authorised Development.

7 Compulsory Acquisition Powers and Guidance

- 7.1 Section 122 of the PA 2008 provides that an order granting development consent may include provision authorising the compulsory acquisition of land if certain conditions are met. "Land" is defined by section 159 of the PA 2008 as including any interest in or right over land, and that acquiring a right over land includes acquiring it by the creation of a new right as well as by the acquisition of an existing right.
- 7.2 Under section 122 of the PA 2008, an order which includes compulsory acquisition powers may be granted only if the conditions in sections 122(2) and 122(3) of the PA 2008 are met. The conditions to be met are:
- 7.2.1 (a) that the land is required for the development to which the order relates; or (b) is required to facilitate or is incidental to the development; or (c) is replacement land which is to be given in exchange for the order land under sections 131 or 132 of the PA 2008⁵, and
- 7.2.2 there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the order⁶.
- 7.3 In respect of the section 122(2) condition (paragraph 7.2.1 above), the Guidance (at paragraph 11) states that applicants should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The Guidance goes on to say that the Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.
- 7.4 In respect of the section 122(3) condition (paragraph 7.2.2 above), the Guidance (at paragraph 13) states that the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Paragraph 14 of the Guidance states that in determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.
- 7.5 Further, paragraphs 8 to 10 of the Guidance also set out a number of general considerations that applicants must demonstrate to the satisfaction of the Secretary of State when justifying an order authorising compulsory acquisition. These are as follows:

⁵ Section 122(2) of the PA 2008.

⁶ Section 122(3) of the PA 2008.

- 7.5.1 that all reasonable alternatives to compulsory acquisition (including modifications to the proposed development) have been explored;
 - 7.5.2 that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate;
 - 7.5.3 that an applicant has a clear idea of how it intends to use the land which it proposes to acquire;
 - 7.5.4 that there is a reasonable prospect of the requisite funds for the acquisition becoming available; and
 - 7.5.5 that the purposes for which compulsory acquisition of land powers are included in the order are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected.
- 7.6 The Applicant is seeking compulsory acquisition powers in the draft Order to:
- 7.6.1 assemble interests in the Order Land;
 - 7.6.2 temporarily possess and use the Order Land to facilitate the construction of the Authorised Development;
 - 7.6.3 acquire rights over the Order Land;
 - 7.6.4 temporarily suspend rights over the Order Land; and
 - 7.6.5 extinguish rights over the Order Land.
- 7.7 The compulsory acquisition powers sought in the draft Order are:
- 7.7.1 Article 19 allows the compulsory acquisition of land;
 - 7.7.2 Article 20 sets out time limits for the Applicant to acquire land compulsorily or to use land temporarily;
 - 7.7.3 Article 21 provides a power to override easements and other rights (both the temporary suspension of rights and the extinguishment of rights);
 - 7.7.4 Article 23 allows for the compulsory acquisition of rights (new and existing);
 - 7.7.5 Articles 27 and 28 allow for the temporary use of land to carry out and maintain the Authorised Development;
 - 7.7.6 Article 29 relates to statutory undertaker's land and makes it clear that powers granted under Articles 19, 21 and 23 permit the

undertaker to compulsorily acquire statutory undertaker's land, to suspend or extinguish rights of statutory undertakers and remove or reposition apparatus and to acquire compulsorily new rights over statutory undertaker's land.

7.8 These powers are necessary to ensure that there are no impediments to the timely construction, operation and maintenance of the Authorised Development.

8 Justification for the use of Compulsory Acquisition Powers

8.1 Guidance Requirements

8.1.1 The Guidance requires applicants to demonstrate the following when justifying the use of compulsory acquisition powers:

- (a) how the use of the particular power will facilitate or be incidental to the proposed development⁷;
- (b) that the applicant has a clear idea of how it intends to use the particular area of land affected⁸;
- (c) that all reasonable alternatives to the use of those compulsory acquisition powers have been explored and that there are no alternatives⁹;
- (d) that the applicant has considered modifying the scheme so that it will affect less land and a fewer number of rights (and that the scheme cannot be modified to reduce the amount of land/number of rights affected)¹⁰;
- (e) that the proposed interference with rights is for a legitimate purpose¹¹; and
- (f) that the interference and extent of land to be affected is no more than what is reasonably necessary and proportionate¹².

8.2 Generally

8.2.1 The nature of the compulsory powers required for the Authorised Development, the plots they affect and the purpose are set out in the tables below. In addition, the general justifications for the use of

⁷ Paragraph 11 (ii), PA 2008, Guidance related to procedures for the Compulsory Acquisition of Land, Department for Communities and Local Government (September 2013)

⁸ Paragraph 9, PA 2008, Guidance related to procedures for the Compulsory Acquisition of Land, Department for Communities and Local Government (September 2013)

⁹ Paragraph 8 PA 2008, Guidance related to procedures for the Compulsory Acquisition of Land, Department for Communities and Local Government (September 2013)

¹⁰ Paragraph 8, PA 2008, Guidance related to procedures for the Compulsory Acquisition of Land, Department for Communities and Local Government (September 2013)

¹¹ Paragraph 8, PA 2008, Guidance related to procedures for the Compulsory Acquisition of Land, Department for Communities and Local Government (September 2013)

¹² Paragraph 8, PA 2008, Guidance related to procedures for the Compulsory Acquisition of Land, Department for Communities and Local Government (September 2013)

compulsory acquisition powers, which are relevant to all plots, are set out below at paragraph 10.5.9 to 10.5.13. Section 10 of this Statement also sets out the specific statutory undertaker apparatus for which compulsory acquisition powers are being sought. Please also refer to the Land Plans (Application document reference: AD02.01) which show the location of the plots subject to compulsory acquisition powers and the way in which those plots will be affected by such powers and the Book of Reference.

8.3 Facilitation of the Authorised Development

8.3.1 The purpose of seeking compulsory acquisition powers is to enable the Applicant to construct, operate and maintain the Authorised Development set out in the draft Order and described in section 3 of this Statement. Without such powers the Applicant would not be able to construct, operate and maintain the Authorised Development.

8.3.2 The Order Land is required either for the purposes of the Authorised Development (satisfying section 122(2)(a) of the PA 2008); or is required to facilitate or is incidental to the Authorised Development (satisfying section 122(2)(b) of the PA 2008).

8.4 Use of the Land Affected

8.4.1 As set out in the tables in this section 8, the Applicant has a clear view of how it intends to use the particular areas of land affected by the proposed compulsory acquisition powers. In addition, the applicant's intention in this regard is evidenced by the design work which has been undertaken to date which demonstrated the proposal use of each plot of land and that the Applicant is proposing to only affect those areas of land where it is necessary and perpetuate to do so.

8.5 Exploration of Alternatives

8.5.1 Alternatives to compulsory acquisition

(a) The Applicant has sought and continues to seek a negotiated solution to each of the identified interests in the Book of Reference. In each case, the Applicant has chosen to secure land or rights in a way that minimises disruption to the relevant interest holders.

(b) The Applicant considers that all reasonable alternatives have been considered prior to the making of the Application and such consideration has included reasonable factors at relevant stages, such as technical feasibility, and the minimisation of land take and environmental and visual

impacts. The Applicant considers that the site of the proposed development (i.e. the Order Limits) is an appropriate location at which to develop the proposed development for the reasons set out in the Alternatives Assessment Report (Application document reference: AD05.03), which sets out the criteria for an appropriate site for this scheme as being:

- (i) a site located in north London, in order to meet policy requirements of management of waste within the sub-region, and to reduce the impact and cost of transport of waste;
- (ii) land ownership or access to the use of the land for the Applicant; this factor is included as there is limited suitable available land in the north London area, and attempts to identify a suitable alternative or additional site in 2008-2010 had led only to the identification of the site at Pinkham Way;
- (iii) sufficient land availability for the required foot print of facilities; this criterion allows for effective management of the residual waste from delivery by the Constituent Boroughs to treatment, minimising the need to transfer untreated waste between sites, or to incur the cost of pre-treatment or bulking activity;
- (iv) established waste use, to manage planning risk associated with the development of new facilities; no other sites of sufficient size with established waste use are available in the north London area;
- (v) accessible location, with good road transport links for the delivery of waste from Constituent Boroughs;
- (vi) sufficient site infrastructure, services and utilities for the required facilities and on-going operations, including availability of grid connection for electricity off-take, which is demonstrated (a) through existing connections and (b) through agreement with UKPN as to future connections for the anticipated electricity output from the proposed ERF, as detailed in the Grid Connection Statement (Application document reference: AD05.08) submitted as part of this Application; and
- (vii) other sites considered did not meet the criteria, in particular by either not being in the ownership of or accessible for the Applicant, or not being of sufficient size. Further key elements of this assessment are that it is an established and protected waste site of a

sufficient size to allow for construction of a replacement ERF while not disrupting on-going service and allows for management of waste arising in north London within the north London sub region. The Application Site meets the requirements and no other site does so.

- (c) The Alternatives Assessment Report also identifies the requirements for the temporary laydown area, stating that a number of key considerations were taken into account when selecting an appropriate laydown area. These included, ease of access, distance from the Edmonton EcoPark, layout and size, ability to connect to utilities, site security and availability. Other off-site locations were considered such as the land within Deephams Sewage Treatments Works (to the north), Eley Industrial Estate (to the west) and IKEA car park (to the south). These locations were not considered suitable as they did not satisfy the key considerations needed to ensure the proposed temporary laydown area would be feasible for the purposes of the Authorised Development. The proposed area was therefore the only one that met the requirements for a laydown area.
- (d) The land to the north of the Edmonton EcoPark is included in the Application Site for the following reasons:
 - (i) an emergency access along Deephams Farm Road from the Edmonton EcoPark to Ardra Road is available, but the scheme includes an additional access point for construction and operations across Deephams Farm Road to Ardra Road. While Ardra Road is used for access and services by a number of lessees, Deephams Farm Road provides access only from Ardra Road to the Edmonton EcoPark. The proposed access is detailed in the Design and Access Statement (Application document reference: AD05.07), and the reasons for its inclusion in the scheme are primarily the improved management of construction traffic during the phased construction of the scheme, and improved operations through the ability to reduce the traffic into the access from Advent Way, and to reduce traffic movement around the Edmonton EcoPark; and
 - (ii) the land on which the existing water pumping station land is located and land around it is included as there will be an on-going operational requirement for a pumping station at that location.

- (e) The land and interests scheduled in the Book of Reference is therefore necessary, proportionate and appropriate and there are no other suitable alternatives.

8.5.2 *Alternatives to the proposed development*

- (a) In putting forward this proposal, the Applicant has considered other technologies and other sites. It has concluded that the scheme presents the most suitable approach to future waste management, in that:
 - (i) the technology for waste treatment is available and is capable of treating the anticipated volume of waste reliably, unlike other possible technologies; and
 - (ii) the Edmonton EcoPark is a protected waste site in the north London area, of sufficient size to accommodate a new ERF while allowing for continuity of waste disposal functions during construction.

8.6 Modifications to the science

8.6.1 The Applicant considers that all reasonable alternatives have been considered prior to the making of the application of such consideration has included reasonable factors at relevant stages such as technical feasibility, of the minimisation of land take of environmental and visual impacts.

8.7 Legitimate Purpose

8.7.1 Without obtaining the proposed powers, the Applicant would not be able to bring forward the Authorised Development in a timely manner and would therefore be unable to deliver the Authorised Development which it considers to be in the public interest.

8.8 Proportionate and Reasonable Interference

8.8.1 The tables in this section 8 set out the limited extent of land over which the proposed powers are sought. The Applicant considers that the proposed powers reduce the extent of interference with rights and interests of third parties to the minimum reasonably possible and that the exercise of such powers, in the absence of reaching private agreement with relevant interest holders, would be proportionate.

8.8.2 *Compulsory acquisition of Freehold interests (Article 19 and Article 29(1) of the draft Order)*

The Applicant is seeking the power to compulsorily acquire the following freehold interests:

Table 1 - Compulsory acquisition of Freehold interests (Article 19 and Article 29(1) of the draft Order)					
Plot Nos.	Land Plan No.	Explanation of interest to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. & Works Plans	Status of negotiations
6	B_0003	Compulsory acquisition of Kennet Properties Limited's freehold title to Deephams Farm Road.	<p>This compulsory acquisition power is required for the purpose of creating and maintaining the proposed northern access route into the Edmonton EcoPark.</p> <p>Deephams Farm Road is required to manage construction traffic during the construction of the ERF and it is also required as a permanent secondary access.</p> <p>Construction will take place to the north of the Edmonton EcoPark while operational traffic continues to use the southern access to the Edmonton EcoPark off Advent Way to reach the EfW.</p> <p>In the longer term, Deephams Farm Road</p>	<p>Works Nos. 4, 6 and 7</p> <p>Works Plans C_0008 C_0010 and C_0011</p>	<p>Constructive discussions have been held with Kennet Properties Limited (the freehold owner of Deephams Farm Road). At the time of making the Application it is the Applicant's hope that a private agreement can be reached for the purchase of the freehold title of Deephams Farm Road.</p> <p>If those negotiations do not reach a satisfactory conclusion, then compulsory</p>

Table 1 - Compulsory acquisition of Freehold interests (Article 19 and Article 29(1) of the draft Order)

Plot Nos.	Land Plan No.	Explanation of interest to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. & Works Plans	Status of negotiations
			<p>will also provide a new secondary access point to the Edmonton EcoPark which will be used for direct access to existing water management sites (currently providing materials recovery facility services to the Applicant) while relevant contracts are in place and for more direct access for some vehicles delivering from collection authorities. Before Deephams Farm Road can be used as a secondary access point, upgrade works will be required to be carried out to it, as shown on works plan C_0008.</p> <p>There is no alternative access point which would allow a similarly beneficial development of the scheme. It is not possible to create a northern access in the north east corner because there is insufficient space to create a new roadway and the north east corner of the site is a designated Site of Importance for Nature</p>		<p>acquisition will be required to enable this element of the Authorised Development to proceed.</p>

Table 1 - Compulsory acquisition of Freehold interests (Article 19 and Article 29(1) of the draft Order)

Plot Nos.	Land Plan No.	Explanation of interest to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. & Works Plans	Status of negotiations
			<p>Conservation.</p> <p>Although traffic levels to and from the Edmonton EcoPark are not expected to increase significantly once the works have been completed, the traffic flows to and from the Edmonton EcoPark can be better managed by having Deephams Farm Road as a permanent secondary access, as it will provide the ability to direct some traffic from collection authorities to a northern entrance. In addition, it will also act as an emergency access point; this will be good practice given that the use of the Edmonton EcoPark is for waste treatment. The proposed eastern access will not be suitable for either of these purposes as vehicle weight will be restricted.</p> <p>It is necessary to acquire the entire length of Deephams Farm Road as this covers the entirety of the access between the</p>		

Table 1 - Compulsory acquisition of Freehold interests (Article 19 and Article 29(1) of the draft Order)

Plot Nos.	Land Plan No.	Explanation of interest to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. & Works Plans	Status of negotiations
			Edmonton EcoPark and Ardra Road. The road is of sufficient width to allow two-way traffic of waste vehicles of the size required to pass to and fro but no greater width.		
Plot 34	B_0003	Compulsory acquisition of Kennet Properties Limited's freehold title.	<p>The compulsory acquisition of this interest is required to enable the Applicant to lay new pipes and other services and utilities connecting from the new raw water pumping station to the Edmonton EcoPark.</p> <p>There are no reasonable alternatives to laying the pipes in this land and the use of this power and extent of land affected is no more than what is reasonably necessary and proportionate.</p>	<p>Works Nos. 4, 6 and 7</p> <p>Works Plans C_0008 C_0010 and C_0011</p>	<p>Constructive discussions have been held with Kennet Properties Limited. At the time of making the Application it is the Applicant's hope that a private agreement can be reached for the purchase of the freehold title for the purposes described.</p> <p>If those negotiations do not reach a satisfactory conclusion, then compulsory acquisition will be required to</p>

Table 1 - Compulsory acquisition of Freehold interests (Article 19 and Article 29(1) of the draft Order)

Plot Nos.	Land Plan No.	Explanation of interest to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. & Works Plans	Status of negotiations
					enable this element of the Authorised Development to proceed.
9	B_0003	Compulsory acquisition of Kennet Properties Limited's freehold title.	<p>The compulsory acquisition rights are required to erect a raw water pumping station and to lay new pipes / cables from the proposed raw water pumping station towards the Edmonton EcoPark.</p> <p>There are no reasonable alternatives to laying the pipes in this land and the use of this power and extent of land affected is no more than what is reasonably necessary and proportionate.</p>	<p>Works Nos. 4, 6 and 7</p> <p>Works Plans C_0008 C_0010 and C_0011</p>	<p>Constructive discussions have been held with Kennet Properties Limited. At the time of making the Application it is the Applicant's hope that a private agreement can be reached for the purchase of the freehold title for the purposes described.</p> <p>If those negotiations have not reached a satisfactory conclusion then compulsory purchase will be required to enable this element of the Authorised Development to</p>

Table 1 - Compulsory acquisition of Freehold interests (Article 19 and Article 29(1) of the draft Order)

Plot Nos.	Land Plan No.	Explanation of interest to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. & Works Plans	Status of negotiations
					proceed.
10	B_0003	Compulsory acquisition of Kennet Properties Limited's freehold title.	<p>The compulsory acquisition rights are required to demolish the existing water pumping station that stands on this plot.</p> <p>An alternative pumping station is being built on this plot and accordingly it is beneficial to remove unnecessary structures.</p>	<p>Works Nos. 4, 6 and 7</p> <p>Works Plans C_0008, C_0010 and C_0011</p>	<p>Constructive discussions have been held with Kennet Properties Limited. At the time of making the Application it is the Applicant's hope that a private agreement can be reached for the purchase of the freehold title for the purposes described.</p> <p>If those negotiations have not reached a satisfactory conclusion then compulsory purchase will be required to enable this element of the Authorised Development to proceed.</p>

Table 1 - Compulsory acquisition of Freehold interests (Article 19 and Article 29(1) of the draft Order)

Plot Nos.	Land Plan No.	Explanation of interest to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. & Works Plans	Status of negotiations
33	B_0003	Unregistered land.	<p>The compulsory acquisition rights are required to carry out landscaping works that will mitigate the impact of the Authorised Development.</p> <p>The landscaping cannot be located in any other location and the extent of the interference is negligible and proportionate.</p>	<p>Works Nos. 1a, 1b, 4 and 6</p> <p>Works Plans C_0002, C_0008 and C_0010</p>	<p>Full property due diligence has not confirmed who owns this plot. However, plot 33 falls within the current operational boundaries of the Edmonton EcoPark and has been within such operational boundaries since the start of the operation of the existing EfW (over 40 years). Plot 33 is therefore likely to be owned by LWL. However, due to the lack of evidence, compulsory acquisition powers are being sought in order to formally bring this plot within the operational boundaries of the Edmonton EcoPark.</p>

8.8.3 *Compulsory acquisition of Leasehold interests (Article 19 of the draft Order)*

The Applicant is seeking power to compulsorily acquire the following leasehold interests:

TABLE 2 - Compulsory acquisition of Leasehold interests (Article 19 of the draft Order)					
Plot No.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. & Works Plans	Status of negotiations
3	B_0003	Compulsory acquisition of the leasehold interest owned by Ballast Phoenix within the Edmonton EcoPark.	The compulsory acquisition of this interest is required as the leasehold covers land which is to be built on for the new ERF and if the interest remains in existence at the time when works are to be carried out it will prevent the realisation of the Authorised Development. There is no adverse impact on the lessee as the lease is tied to an operational contract which terminates prior to the anticipated start of the commencement of construction of the Authorised Development.	Works Nos. 1a, 1b, 4 and 6 Works Plans C_0002, C_0008 and C_0010	The Edmonton EcoPark is and will be managed as an operational site (which involves having leases and contracts in place) until the construction of the Authorised Development needs to commence. Vacant possession will be required early on during construction and whilst care has been taken to ensure no leasehold interests arise which allow secure occupation, a power to compulsorily acquire this leasehold interest is nevertheless required to

TABLE 2 - Compulsory acquisition of Leasehold interests (Article 19 of the draft Order)

Plot No.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. & Works Plans	Status of negotiations
					ensure vacant possession.
5	B_0003	Compulsory acquisition of the leasehold interest owned by the Edmonton Sea Cadets Corps (Sea Cadets) within the Edmonton EcoPark.	<p>Compulsory acquisition rights will be required in relation to the lease held by the Sea Cadets which allows exclusive use of the shack situated on the wharf at the Edmonton EcoPark and also grants them rights of way across the Edmonton EcoPark.</p> <p>The leasehold interest is required so that the Applicant can demolish the existing building on plot 5 and construct a visitor and education centre with offices. EcoPark House will incorporate a space for the Sea Cadets that is intended to be used as their base.</p> <p>The Applicant is currently in negotiations with the Sea Cadets to allow them to utilise the meeting facilities within EfW for an interim period whilst the construction of the</p>	<p>Works Nos. 3, 4 and 6</p> <p>Works Plans C_0006, C_0008 and C_0010</p>	<p>Constructive discussions have been held with the Sea Cadets and the Applicant hopes, at the time of the Application, that a private agreement can be reached. If a private agreement is reached, it would allow the Sea Cadets to use the meeting facilities with the existing EfW facility for an interim period whilst the construction of the Authorised Development takes place. A replacement lease is also being proposed as part of current discussions to allow the Sea Cadets to operate from EcoPark House once</p>

TABLE 2 - Compulsory acquisition of Leasehold interests (Article 19 of the draft Order)

Plot No.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. & Works Plans	Status of negotiations
			<p>Authorised Development takes place. In addition, a replacement lease is being proposed to allow them to operate from Edmonton EcoPark House once the Authorised Development has been constructed.</p> <p>Steps are therefore already being taken to protect their occupation and use of the Edmonton EcoPark, and the temporary interruption of the Sea Cadets' use is proportionate to this. It is not safe nor practical to carry out the necessary construction on the Edmonton EcoPark with the existing rights of way to the Sea Cadets' hut and for this reason those rights are being replaced on a temporary basis with rights over roadways on site to points the Sea Cadets need to access.</p> <p>EcoPark House is intended to carry out a</p>		<p>the Authorised Development has been constructed.</p> <p>Compulsory acquisition powers are being sought, to be used in the event that an agreement is not reached.</p>

TABLE 2 - Compulsory acquisition of Leasehold interests (Article 19 of the draft Order)

Plot No.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. & Works Plans	Status of negotiations
			<p>wider variety of functions and will include education and potential community use as well as replacing the Sea Cadets' facilities. These aims cannot be met without the extinguishment of the existing lease to the Sea Cadets. To modify the Authorised Development in order to preserve the Sea Cadets' existing lease would mean the entire scheme would need to be reconfigured, which would be disproportionate.</p> <p>The location of EcoPark House has been identified following detailed planning of the site and once in operational mode, EcoPark House will allow for a separation of operational and public access to and use of the site. This combined with the proposed use by the Sea Cadets means that it could not be located elsewhere onsite.</p>		

TABLE 2 - Compulsory acquisition of Leasehold interests (Article 19 of the draft Order)

Plot No.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. & Works Plans	Status of negotiations
10	B_0003	Compulsory acquisition of LWL's leasehold interest in the water pumping station off Ardra Road.	<p>The water pumping station is to be demolished as part of the Authorised Development.</p> <p>As the existing pumping station has limited capacity, a new pumping station and associated pipe work is required to be built to the north of the existing pumping station on Plot 9 to ensure that the existing pumping EFW facility can continue to operate during the construction of the ERF following which the existing pumping station would be demolished as it will no longer be needed.</p>	<p>Works Nos. 4, 6 and 7</p> <p>Works Plans C_0008, C_0010 and C_0011</p>	<p>As LWL is a wholly-owned subsidiary of the Applicant, the Applicant does not foresee any issues arising with LWL in relation to the proposed demolition of this water pumping station. LWL have been kept informed throughout the development of the Project and LWL have been involved in technical and operational design meetings.</p> <p>However, in order to secure the deliverability of this element of the Authorised Development, the compulsory acquisition of this leasehold interest is being sought.</p>

8.8.4 *Land to be temporarily used in connection with the construction of the Authorised Development (Article 27 of the draft Order)*

The Applicant is seeking power to temporarily use the following land:

TABLE 3 – Land to be temporarily used in connection with the construction of the Authorised Development (Article 27 of the draft Order)					
Plot Nos.	Land Plan No.	Explanation of rights	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Plan No.	Status of negotiations
11 and 12	B_0005	Temporary possession and use of both land and water that form plots 11 and 12.	<p>The use of this power in relation to plots 11 and 12 is required to facilitate the construction of the proposed boat canopy, the upgrading and maintaining of the canal wall along the wharf area and upgrading and maintaining the slipway for the Sea Cadets slipway.</p> <p>It is anticipated that in order to carry out these works, the use of plot 11 (water and river bed forming part of the River Lee Navigation, owned by the Canal and River Trust) and 12 (water</p>	<p>Works Nos. 3, 4 and 6</p> <p>Works Plans C_0006, C_0008 and C_0010</p>	The Applicant is currently in negotiations with the Canal and River Trust to reach a suitable private agreement. Failing such an agreement, Article 27 of the Order will allow for the temporary use and possession of this land.

TABLE 3 – Land to be temporarily used in connection with the construction of the Authorised Development (Article 27 of the draft Order)

Plot Nos.	Land Plan No.	Explanation of rights	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Plan No.	Status of negotiations
			<p>and land – unregistered land) is required. Works to the canal wall are likely to be required to ensure that EcoPark House can be constructed in this location without any adverse impact upon the River Lee Navigation. The works relating to the boat canopy and slipway would be for the benefit of the Sea Cadets to enable them to operate pursuant to the terms of their anticipated lease.</p> <p>The location of EcoPark House has been identified following detailed planning of the site and once in operational mode, EcoPark House will allow for a separation of operational and public access to and use of the</p>		

TABLE 3 – Land to be temporarily used in connection with the construction of the Authorised Development (Article 27 of the draft Order)

Plot Nos.	Land Plan No.	Explanation of rights	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Plan No.	Status of negotiations
			<p>site. This combined with the proposed use by the Sea Cadets means that it could not be located elsewhere onsite.</p> <p>Following completion of the Authorised Development, the areas covered by Plots 11 and 12 will be returned to the owner (please note that the part of the River Lee Navigation covered by Plot 13 is unregistered).</p>		
16, 18, 19 and 20	B_0005	To create a temporary laydown area to accommodate temporary site offices, welfare facilities, parking and	The use of this power in relation to these plots is to provide a sufficiently large area that is required to accommodate the parking, offices and amenities for construction staff. In addition this area is required for the storage and fabrication of plant and	Works Nos. 5 and 6 Works Plans C_0009	Constructive discussions have been held with TWUL as freeholder of the land and the Applicant hopes, at the time of this Application, that an agreement can be reached, which will allow freehold acquisition of this land for the purpose described above. If those negotiations do not have a satisfactory

TABLE 3 – Land to be temporarily used in connection with the construction of the Authorised Development (Article 27 of the draft Order)

Plot Nos.	Land Plan No.	Explanation of rights	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Plan No.	Status of negotiations
		storage/laydown areas. Following the completion of the construction of the Authorised Development, the temporary laydown area will be restored to its previous condition with any felled trees being replaced with native saplings and plantings, and returned to the owner.	equipment required for the construction of the ERF. The key criteria for this site are sufficient size (3.3 hectares), proximity to the Edmonton EcoPark and reasonable accessibility for construction staff and traffic. It is proposed that construction staff will be transported directly from the proposed temporary laydown area along Lee Park Way into the Edmonton EcoPark making the journey a short and efficient one. The journey for construction traffic will be along the North Circular for a short distance and via Meridian Way and the north entrance to the Edmonton EcoPark (Deephams Farm Road). This distance is longer	and C_0010	conclusion then powers under Article 27 will be required to enable this element of the Authorised Development to proceed.

TABLE 3 – Land to be temporarily used in connection with the construction of the Authorised Development (Article 27 of the draft Order)

Plot Nos.	Land Plan No.	Explanation of rights	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Plan No.	Status of negotiations
			<p>than ideal, but no other site of sufficient size could be identified within the area following a review of potential open space of sufficient size in the area.</p> <p>There is insufficient space on the Edmonton EcoPark for such a laydown area because of the phasing of construction to allow for continued operation through moving the activities in the northern area of the Edmonton EcoPark to the proposed RRF prior to the construction of the replacement ERF.</p> <p>The length of time for which this land is required covers the period of construction activity onsite and also the demolition of the EfW</p>		

TABLE 3 – Land to be temporarily used in connection with the construction of the Authorised Development (Article 27 of the draft Order)

Plot Nos.	Land Plan No.	Explanation of rights	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Plan No.	Status of negotiations
			<p>which is programmed to take place after a period of commissioning to allow confidence in the operation of the replacement ERF.</p> <p>The impact of this proposal on the open space (as this area is located within the vicinity of the Lee Valley Regional Park and cover Plots 14, 15, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 32 as shown on land plan B_0006) has already been taken into account and following completion of the construction of the Authorised Development the temporary laydown area will be restored to the reasonable satisfaction of Thames Water Utilities Limited (TWUL) (the freehold owner)</p>		

TABLE 3 – Land to be temporarily used in connection with the construction of the Authorised Development (Article 27 of the draft Order)

Plot Nos.	Land Plan No.	Explanation of rights	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Plan No.	Status of negotiations
			pursuant to Article 27 of the Order.		

- (a) Under Article 27 of the draft Order, the period for temporary possession would be subject to time limits. Unless the owner of the land agreed otherwise, the Applicant could not remain in possession as regards any land specified in column 2 of Schedule 11 to the draft Order, for more than 2 years after completing that part of the Authorised Development specified in relation to that land.
- (b) Article 27 of the draft Order provides that before giving up possession of any land the Applicant would be obliged to remove all temporary works and restore the land to the owner’s reasonable satisfaction. This would not require the replacement of a building removed under this Article or the removal of any measures installed over or around statutory undertakers apparatus to protect that apparatus.

8.8.5 *Extinguishment of rights – (Article 21(4) and Article 29(2) of the draft Order)*

- (a) The Applicant is seeking compulsory acquisition powers to extinguish rights pursuant to Article 21(4) of the draft Order, in order to enable the construction and operation of the Authorised Development.
- (b) Some of the rights to be extinguished belong to statutory undertakers. Article 29(2) of the draft Order, therefore, makes it clear that the power to temporarily suspend and extinguish rights etc under Article 21 extends to the temporary suspension and extinguishment of rights etc over statutory undertakers' land and that the Applicant has power to remove or reposition apparatus. This has been done on the basis that in order to construct and operate the Authorised Development and as part of the decommissioning and removal of the EfW, it will be necessary for the Applicant to disconnect, decommission, divert, reposition or remove existing statutory undertaker apparatus. As a consequence of such works, the relevant statutory undertaker's (or similar bodies) rights with respect to such apparatus will need to be extinguished. The justification for this is set out in Table 4 to this Statement.
- (c) Where the Applicant has knowledge of existing apparatus and/or equipment belonging to statutory undertakers and other like bodies, it has sought and continues to seek consents from the owners of such apparatus. Even though agreements in principle are currently being obtained, any necessary agreements to allow the Applicant to interfere with, or to install new apparatus that crosses under or over, existing apparatus will not be entered into until closer to the detailed design/construction phase when detailed plans and specifications become available. The provisions of Articles 21 and 29 of the draft Order, therefore, are necessary to secure the appropriate powers for the Applicant to be able to implement and construct the Authorised Development in the absence of or in advance of the finalised agreements. The Book of Reference (Application document reference: AD04.03) identifies the various interests and apparatus which are owned by statutory undertakers and other like bodies. Given the volume of relevant information and the requirements of the Guidance to provide a full justification of the use of compulsory acquisition powers, full details of existing statutory undertaker apparatus within the Application Site, how they will be affected by the Authorised Development and which Articles in the draft Order will be

engaged are set out in section 9.3 of this Statement. Table 4 below only provides a summary of how Articles 21 and 29 of the draft Order affects statutory undertaker and other rights.

- (d) For more detailed information regarding the proposed interference with statutory undertaker rights please refer to section 10.5 of this Statement in conjunction with the Utility Strategy (Application Document: AD05.10).
- (e) The Applicant is seeking rights to extinguish the following rights:

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
1, 2, 3, 30 and 31	B_0004	Statutory undertaker (and other similar bodies) rights with respect to apparatus located within Plots 1 and 3 (known and unknown).	<p>In order to construct and operate the Authorised Development and as part of the decommissioning and removal of the EfW, it will be necessary for the Applicant to disconnect, decommission, divert, reposition or remove the following existing statutory undertaker apparatus. As a consequence of such works, the following rights with respect to such apparatus will be extinguished:</p> <p>(a) rights belonging to National Grid Gas Plc in relation to the decommissioning of 1 medium pressure gas main and 1 low pressure gas main;</p> <p>(b) rights belonging to Gazprom Marketing and Trading Limited (Gazprom) in relation to the decommissioning and removal of gas meters located in the existing gas kiosk. This gas kiosk is to be decommissioned and removed as part of the</p>	<p>Works Nos. 1a, 1b, 2, 4, 6 and 7</p> <p>Works Plans C_0002, C_0004, C_0008, C_0010, and C_0011.</p>	<p>All known relevant statutory undertakers and other known owners of apparatus within this plot have been written to with respect to the possible impact of the Authorised Development and constructive discussions are on-going.</p> <p>The draft Order also contains draft</p>

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			<p>Authorised Development;</p> <p>(c) rights belonging to LWL in relation to the decommissioning and removal of its electricity cables, telecommunication, CCTV and electricity cables, gas pipes, potable water, surface water and foul water drainage systems and of their connections to the TWUL owned Chingford Sewer. The decommissioning and removal of its potable water system, its electricity cables and its gas pipes. The decommissioning and removal of its waste water treatment plant and associated pipes;</p> <p>(d) rights belonging to TWUL in relation to the diversion of the Chingford and Angel Sewers. The RRF will be constructed over them. The decommissioning of part of a potable water main and the decommissioning and removal of connections made to the TWUL potable main by LWL's potable water pipe system will be required because a new potable water system is necessary;</p>		<p>protective provisions and communications are on-going with respect to the draft protective provisions.</p>

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			<p>(e) rights belonging to UKPN in relation to electricity equipment located within the EfW. The EfW will be decommissioned and removed as part of the decommissioning and demolition of the EfW;</p> <p>(f) rights belonging to BT in relation to the decommissioning and removal or relocation of cables and apparatus; and</p> <p>(g) rights belonging to Kenett Properties Limited in relation to any raw water pipes running into plot 10.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p> <p>In addition, despite full due diligence having been carried out, the existence of any further apparatus</p>		

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			<p>which may need to be repositioned, diverted, disconnected or removed within these plots may not be known until the Applicant enters those plots to start construction of the Authorised Development.</p> <p>Therefore, so as not to interfere with the construction of the Authorised Development once it is under way, the Applicant is seeking the power to extinguish any statutory undertaker (and other like bodies') rights within these plots should it be necessary once detailed design is complete or uncovered during the construction process.</p>		
1 and 31	B_0004	Rights of way granted to TWUL, Kennet Properties Limited, Ballast Phoenix Limited and the Sea Cadets over the relevant parts of	All these rights of way need to be extinguished because the proposed ERF, RRF and EcoPark House will be built over these areas. The right of way granted to TWUL and Kennet Properties Limited runs parallel to the western boundary of the Edmonton EcoPark from Deephams Farm Road and through to Advent Way. It also runs over the route of the existing pipes along that boundary. This right of	Works Nos. 1a, 1b, 2, 4, 6 and 7. Works Plans C_0002,	Constructive negotiations with TWUL and Kennet Properties Limited are on-going with regard to granting alternative rights of

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
		the Edmonton EcoPark.	<p>way needs to be extinguished (and an alternative to be granted under a private agreement) because the Applicant needs to amend the right to factor in the powers it requires to access and maintain the landscaping and the new pipes to be laid.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p> <p>In addition, despite full due diligence having been carried out, the existence of any further apparatus which may need to be repositioned, diverted, disconnected or removed within these plots may not be known until the Applicant enters those plots to start construction of the Authorised Development.</p> <p>Therefore, so as not to interfere with the</p>	C_0004, C_0008, C_0010, and C_0011.	way.

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			<p>construction of the Authorised Development once it is under way, the Applicant is seeking the power to extinguish any statutory undertaker (and other like bodies') rights within these plots should it be necessary once detailed design is complete or uncovered during the construction process.</p>		
2 and 4	B_0004	Rights belonging to Eastern Power Networks Plc, UKPN and TWUL and other unknown statutory undertakers (and other like bodies)	<p>Eastern Power Networks Plc owns a transformer chamber on Plot 2. National Grid Gas Plc owns a gas chamber on Plot 4. No works (other than protective works) are proposed to these chambers and there is therefore currently no identified need to extinguish these rights with respect to apparatus they respectively own in Plots 2 and 4.</p> <p>However, Plots 2 and 4 lie adjacent to the area in Plot 1 within which existing gas pipes, electricity cables, foul water pipes, potable water pipes and telecoms cables are to be modified or repositioned or decommissioned and/or removed and also close to where new utilities are to be laid. The exact</p>	<p>Works Nos. 4 and 6</p> <p>Works Plans C_0008 and C_0010</p>	<p>All known relevant statutory undertakers and other known owners of apparatus within this plot have been written to with respect to the possible impact of the Authorised Development and constructive discussions are on-</p>

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			<p>details of the proposed utilities works and their impact on utilities within Plots 2 and 4 and related statutory undertaker rights will not be known until detailed plans and specifications become available.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p> <p>In addition, despite full due diligence having been carried out, the existence of any further apparatus which may need to be repositioned, diverted, disconnected or removed within these plots may not be known until the Applicant enters those plots to start construction of the Authorised Development.</p> <p>Therefore, so as not to interfere with the construction of the Authorised Development once it</p>		<p>going.</p> <p>The draft Order also contains draft protective provisions and communications are on-going with respect to the draft protective provisions.</p>

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			<p>is under way, the Applicant is seeking the power to extinguish any statutory undertaker (and other like bodies') rights within these plots should it be necessary once detailed design is complete or uncovered during the construction process.</p>		
5	B_0004	Rights relating to apparatus belonging to BT, LWL and other unknown statutory undertakers (or similar bodies)	<p>LWL owned surface water sewer and potable water pipes, and electricity, telecommunication, data and CCTV cables will be removed and British Telecommunications Plc (BT) telecoms cables may need to be repositioned or removed as a result of the demolition of the current building on this plot and the construction of EcoPark House. The exact details of the proposed utilities works and their impact on utilities within Plot 5 and related statutory undertaker rights will not be known until detailed plans and specifications become available.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an</p>	<p>Works Nos. 3, 4 and 6</p> <p>Works Plans C_0006 C_0008 and C_0010</p>	<p>All known relevant statutory undertakers and other known owners of apparatus within this plot have been written to with respect to the possible impact of the Authorised Development and constructive discussions are on-going.</p>

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			<p>environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p> <p>In addition, despite full due diligence having been carried out, the existence of any further apparatus which may need to be repositioned, diverted, disconnected or removed within these plots may not be known until the Applicant enters those plots to start construction of the Authorised Development.</p> <p>Therefore, so as not to interfere with the construction of the Authorised Development once it is under way, the Applicant is seeking the power to extinguish any statutory undertaker (and other like bodies') rights within these plots should it be necessary once detailed design is complete or uncovered during the construction process.</p>		<p>The draft Order also contains draft protective provisions and communications are on-going with respect to the draft protective provisions.</p>
6	B_0004	Rights of way	These rights of way will need to be extinguished	Works	Constructive

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
		<p>granted to TWUL over Deephams Farm Road and rights in relation to a pipe that runs into Deephams Farm Road (unknown owner).</p>	<p>because Deephams Farm Road will be used as the northern access into the Edmonton EcoPark.</p> <p>Further, the Applicant requires a right to decommission and remove part of a pipe that runs into Deephams Farm Road. The owner of this pipe is unknown. This right is required as the Applicant is seeking to compulsorily acquire Deephams Farm Road and install its own utilities within this plot.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals and the compulsory acquisition rights put forward are considered to be the most appropriate in the context.</p>	<p>Nos. 4, 6 and 7</p> <p>Works Plans C_0008 C_0010 and C_0011</p>	<p>negotiations with TWUL are on-going with regard to granting alternative rights of way.</p>
6, 7, 8, 9	B_0004	Statutory undertaker (and	The following rights could be affected:	Works Nos. 4, 6	All known relevant statutory

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
and 10		other similar bodies) rights with respect to apparatus located within Plots 6 to 10 (known and unknown).	<p>(a) rights in relation to the possible relocation of an electricity substation (ownership unknown) and decommissioning and removal of UKPN electricity cable (Plots 6, 7 and 9). This is in connection with a required new supply of electricity to light the upgraded Deephams Farm Road and to the new raw water pumping station;</p> <p>(b) rights belonging to UKPN in relation to its electricity cable under the eastern bank of Salmon's Brook (Plots 6 and 7), which will be decommissioned and may be removed due to the new street lighting to be installed along Deephams Farm Road;</p> <p>(c) the removal of the surface water drainage system underneath Deephams Farm Road (Plot 6) (ownership and exact location unknown);</p> <p>(d) rights belonging to TWUL in relation to the possible repositioning of a TWUL surface water sewer (Plot 6) as a consequence of the Applicant</p>	and 7 Works Plans C_0008 C_0010 and C_0011	<p>undertakers and other known owners of apparatus within this plot have been written to with respect to the possible impact of the Authorised Development and constructive discussions are on-going.</p> <p>The draft Order also contains draft protective provisions and communications are on-going with respect to the draft protective</p>

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			<p>needing to lay new raw water pipes from the new raw water pumping station to the Edmonton EcoPark;</p> <p>(e) rights belonging to Kennet Properties Limited in relation to the proposed decommissioning and demolition of the existing water pumping station off Ardra Road and associated pipes (Plots 6, 7, 9 and 10). This is because a new raw water pumping station and associated pipework are needed to connect to parts of the Authorised Development within the Edmonton EcoPark; and</p> <p>(f) rights belonging to BT in relation to a cable running under Deephams Farm Road (Plot 6) which may need to be repositioned due to the proposed works to Deephams Farm Road.</p> <p>No rights in Plot 8 are currently identified as requiring extinguishment, however, the exact details of the proposed utilities works in Plots 6, 7, 9 and 10 and their impact on utilities within Plot 8 and related</p>		provisions.

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			<p>statutory undertaker rights will not be known until detailed plans and specifications become available.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p> <p>In addition, despite full due diligence having been carried out, the existence of any further apparatus which may need to be repositioned, diverted, disconnected or removed within these plots may not be known until the Applicant enters those plots to start construction of the Authorised Development.</p> <p>Therefore, so as not to interfere with the construction of the Authorised Development once it is under way, the Applicant is seeking the power to extinguish any statutory undertaker (and other like</p>		

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			bodies') rights within these plots should it be necessary once detailed design is complete or uncovered during the construction process.		
11, 12	B_0004	Unknown statutory undertaker (and other similar bodies) rights with respect to apparatus	<p>No rights relating to Plots 11 and 12 are currently identified as requiring extinguishment. However, despite full due diligence having been carried out, the existence of any further apparatus which may need to be repositioned, diverted, disconnected or removed within these plots may not be known until the Applicant enters those plots to start construction of the Authorised Development.</p> <p>Therefore, so as not to interfere with the construction of the Authorised Development once it is under way, the Applicant is seeking the power to extinguish any statutory undertaker (and other like bodies') rights within these plots should it be necessary once detailed design is complete or uncovered during the construction process.</p>	<p>Work Nos. 3, 4 and 6</p> <p>Works Plans C_0006 C_0008 and C_0011</p>	The draft Order contains draft protective provisions should they be of benefit to any gas, electricity, telecoms and water utilities providers with respect to these plots.

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
14, 15, 32	B_0004	Statutory undertaker (and other similar bodies) rights with respect to apparatus (known and unknown)	<p>No known rights relating to Plots 14, 15 and 32 are currently identified as requiring extinguishment. However, in addition, despite full due diligence having been carried out, the existence of any further apparatus which may need to be repositioned, diverted, disconnected or removed within these plots may not be known until the Applicant enters those plots to start construction of the Authorised Development.</p> <p>Therefore, so as not to interfere with the construction of the Authorised Development once it is under way, the Applicant is seeking the power to extinguish any statutory undertaker (and other like bodies') rights within these plots should it be necessary once detailed design is complete or uncovered during the construction process.</p>	<p>Works Nos. 4 and 6</p> <p>Works Plans C_0008 and C_0010</p>	<p>The draft Order contains draft protective provisions should they be of benefit to any gas, electricity, telecoms and water utilities providers with respect to these plots.</p>
16, 18, 19,	B_0004	Statutory undertaker (and other similar	<p>These plots will form the proposed temporary laydown area and one of the accesses into such area. Rights relating to the following will need to be</p>	<p>Works Nos. 4, 5</p>	<p>All known relevant statutory undertakers and</p>

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
20		bodies) rights with respect to apparatus (known and unknown)	<p>extinguished:</p> <p>(a) Rights belonging to National Grid Electricity Transmission Plc in relation to an underground control cable that may need to be repositioned; and</p> <p>(b) Rights belonging to UKPN in relation to a 11KV overhead electricity line that will need to be decommissioned and/or removed or repositioned.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p> <p>In addition, despite full due diligence having been carried out, the existence of any further apparatus</p>	<p>and 6</p> <p>Works Plans C_0008 C_0009 and C_0010</p>	<p>other known owners of apparatus within this plot have been written to with respect to the possible impact of the Authorised Development and constructive discussions are on-going.</p> <p>The draft Order also contains draft protective provisions and communications are on-going with respect to the draft protective</p>

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			<p>which may need to be repositioned, diverted, disconnected or removed within these plots may not be known until the Applicant enters those plots to start construction of the Authorised Development.</p> <p>Therefore, so as not to interfere with the construction of the Authorised Development once it is under way, the Applicant is seeking the power to extinguish any statutory undertaker (and other like bodies') rights within these plots should it be necessary once detailed design is complete or uncovered during the construction process.</p>		provisions.
17, 21, 22, 23, 24, 25, 26, 27, 28	B_0004	Statutory undertaker (and other similar bodies) rights with respect to apparatus (known and unknown).	<p>Rights relating to the following will need to be extinguished:</p> <p>(a) Rights belonging to UKPN relating to an electricity cable that may need to be repositioned;</p> <p>(b) Rights belonging to UKPN in relation to a substation that may need to be repositioned;</p> <p>(c) Rights belonging to UKPN relating to a 11KV</p>	<p>Works Nos. 4, 5 and 6</p> <p>Works Plans C_0008 C_0009 and</p>	All known relevant statutory undertakers and other known owners of apparatus within this plot have been written to with respect to the possible impact of

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
and 29			<p>overhead electricity line that will be decommissioned and/or removed or repositioned; and</p> <p>(d) Rights belonging to National Grid Electricity Transmission relating to an underground electricity cable.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p> <p>In addition, despite full due diligence having been carried out, the existence of any further apparatus which may need to be repositioned, diverted, disconnected or removed within these plots may not be known until the Applicant enters those plots to start construction of the Authorised Development.</p>	C_0010	<p>the Authorised Development and constructive discussions are on-going.</p> <p>The draft Order also contains draft protective provisions and communications are on-going with respect to the draft protective provisions.</p>

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			<p>Therefore, so as not to interfere with the construction of the Authorised Development once it is under way, the Applicant is seeking the power to extinguish any statutory undertaker (and other like bodies') rights within these plots should it be necessary once detailed design is complete or uncovered during the construction process.</p>		
30 and 31	B_0004	<p>Statutory undertaker (and other similar bodies) rights with respect to apparatus (known and unknown).</p>	<p>The following rights may need to be extinguished:</p> <p>(a) Rights belonging to National Grid Gas Plc in relation to two gas mains that will be decommissioned and removed;</p> <p>(b) Rights belonging to LWL in relation to electricity, gas, telecommunication, CCTV and data cables and water pipes and associated apparatus that will be decommissioned and removed;</p> <p>(c) Rights belonging to TWUL in relation to a potable water pipe that will be decommissioned and</p>	<p>Works 4 and 6 Works Plans C_0008 and C_0010</p>	<p>All known relevant statutory undertakers and other known owners of apparatus within this plot have been written to with respect to the possible impact of the Authorised Development and constructive</p>

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			<p>removed; and</p> <p>(d) Rights belonging to BT in relation to telecommunications and data cables and apparatus that will be decommissioned and removed.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p> <p>In addition, despite full due diligence having been carried out, the existence of any further apparatus which may need to be repositioned, diverted, disconnected or removed within these plots may not be known until the Applicant enters those plots to start construction of the Authorised Development.</p> <p>Therefore, so as not to interfere with the</p>		<p>discussions are on-going.</p> <p>The draft Order also contains draft protective provisions and communications are on-going with respect to the draft protective provisions.</p>

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			<p>construction of the Authorised Development once it is under way, the Applicant is seeking the power to extinguish any statutory undertaker (and other like bodies') rights within these plots should it be necessary once detailed design is complete or uncovered during the construction process.</p>		
33	B_0004	<p>Statutory undertaker (and other similar bodies) rights with respect to apparatus (known and unknown).</p>	<p>Extinguishment of rights belonging to LWL in relation to potable water, electricity, gas, telecommunication, CCTV and data cables and associated apparatus may be decommissioned and removed.</p> <p>In addition, despite full due diligence having been carried out, the existence of any further apparatus which may need to be repositioned, diverted, disconnected or removed within these plots may not be known until the Applicant enters those plots to start construction of the Authorised Development.</p> <p>Therefore, so as not to interfere with the</p>	<p>Works 1a, 1b, 4 and 6</p> <p>Works Plans C_0002 C_0008 and C_0010</p>	<p>The draft Order contains draft protective provisions. All relevant statutory undertakers have been written to with respect to the impact of the Authorised Development and communications are on-going with</p>

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			<p>construction of the Authorised Development once it is under way, the Applicant is seeking the power to extinguish any statutory undertaker (and other like bodies') rights within these plots should it be necessary once detailed design is complete or uncovered during the construction process.</p>		<p>respect to the draft protective provisions.</p>
<p>Plots 22, 23, 24, 25, 26 and 27</p>	<p>B_0004</p>	<p>Rights belonging to Transport for London to maintain these plots.</p>	<p>These rights are required to preserve the landscaping works to be carried out and maintained as part of the Authorised Development during the life of the Authorised Development.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p> <p>In addition, despite full due diligence having been</p>	<p>Works Nos. 4 and 6</p> <p>Works Plans C_0006 and C_0008</p>	<p>All known relevant statutory undertakers and other known owners of apparatus within this plot have been written to with respect to the possible impact of the Authorised Development and constructive discussions are on-</p>

TABLE 4 – Extinguishment of rights (Articles 21 and 29 of the draft Order)

Plot No(s)	Land Plan No.	Explanation of rights	Purpose	Works Nos. & Works Plans	Status of Negotiation
			<p>carried out, the existence of any further apparatus which may need to be repositioned, diverted, disconnected or removed within these plots may not be known until the Applicant enters those plots to start construction of the Authorised Development.</p> <p>Therefore, so as not to interfere with the construction of the Authorised Development once it is under way, the Applicant is seeking the power to extinguish any statutory undertaker (and other like bodies') rights within these plots should it be necessary once detailed design is complete or uncovered during the construction process.</p>		<p>going.</p> <p>The draft Order also contains draft protective provisions and communications are on-going with respect to the draft protective provisions.</p>

8.8.6 *Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order*

The Applicant is seeking the agreement of the freeholder(s) of the relevant plots of land in relation to the actions described in Table 4 above and in relation to the actions set out in Table 5 below. Negotiations with the relevant freehold interest holders / statutory undertakers in relation to these new rights are on-going. The provision of utilities and the laying of new pipes, cables and systems in particular are essential for the delivery of the Authorised Development. Should requisite agreements with the relevant parties not be reached in satisfactory terms and to enable the construction of the Authorised Development within the Applicant’s envisaged timeframes, the Applicant is seeking to exercise the powers granted under Article 23 of the draft Order to both: (i) compulsorily acquire rights to carry out the actions described in the “purpose” column of Table 4 above; and (ii) to compulsorily acquire the following rights:

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order				
Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
Plot 1	B_0004	A right to divert the Chingford and Angel Sewers and construct new external manholes.	Due to layout requirements, the resource recovery facility will need to be constructed over the parts of the Chingford Sewer and the Angel Sewer (both owned by TWUL), which cross underneath the Edmonton EcoPark. These sewers will need to be diverted and new manholes will need to be created to these sewers in order to enable TWUL to access them during and after the construction of the	Works Nos. 1a, 1b, 2, 4, 6 and 7 Works Plans C_0002, C_0004 C_0006, C_0010 and C_0011

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
			<p>resource recovery facility.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p>	
Plots 1, 3, 5, 30 and 33	B_0004	A right to decommission and remove telecoms and data cables belonging to BT and LWL. A right to lay a new system of telecoms and data cables and connect to existing BT telecoms and data connections.	<p>The existing telecoms and data cables only service the existing facilities on the Edmonton EcoPark. As those existing facilities are to be demolished, not all of the current telecoms and data cables and apparatus will be required. The new facilities proposed for the Edmonton EcoPark will need their own system of telecoms and data cables and apparatus. The new systems are intended to connect to existing BT connections.</p> <p>The design parameters of the Authorised</p>	<p>Works Nos. 1a, 1b, 2, 4, 6 and 7</p> <p>Works Plans C_0002, C_0004 C_0006, C_0010 and C_0011</p>

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
			Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.	
Plots 1, 2 and 30	B_0004	A right to lay a new gas pipe and install a new gas kiosk and a right to access and maintain them.	This right is required for the proposed facilities of the Authorised Development. The electricity and heat generating station will have two boilers with each boiler having two to four gas burners to support operational start-ups and shut-downs. For optimum flexibility, each boiler line will need the ability to start-up and shut-down independently, which will require an increased gas supply. The new gas main will connect to a medium pressure gas main owned by National Grid Gas that is located 200m away from the south western boundary of the Edmonton EcoPark (this is the nearest gas main with sufficient capacity). The new gas main is required to connect	Works Nos. 1a, 1b, 2, 4, 6 and 7 Works Plans C_0002, C_0004 C_0006, C_0010 and C_0011

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
			<p>the boiler within the electricity and heat generating station to the medium gas pressure main 200m from the Edmonton EcoPark.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p>	
Plot 1, 2 and 30	B_0004	A right to lay 2 electricity cables in parallel with the 2 existing UKPN-owned electricity cables that are shown on drawing 35180/LON/CVD/004/F in Appendix A of the	<p>This right is necessary in order to enable the export of electricity from the electricity and heat generating station to the national grid.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights</p>	<p>Works Nos. 1a, 1b, 2, 4, 6 and 7</p> <p>Works Plans C_0002, C_0004 C_0006, C_0010 and C_0011</p>

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
		Utility Strategy (Application document reference: AD05.10), and a right to access and maintain them, and a right to upgrade and connect to the existing UKPN electricity cables.	sought are considered to be the most appropriate in the context.	
Plots 1, 2, 30 and 33.	B_0004	A right to lay minor electricity cables within the Edmonton EcoPark and a right to access and maintain them.	<p>Minor electricity cables are required to be laid throughout these plots (and will also run through Plots 3 and 5, which are to be compulsorily acquired) in order to supply electricity to the proposed facilities within the Edmonton EcoPark.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in</p>	<p>Works Nos. 1a, 1b, 2, 4, 6 and 7</p> <p>Works Plans C_0002, C_0004 C_0006, C_0010 and C_0011</p>

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
			the context.	
Plots 1, 2, 30 and 33.	B_0004	A right to lay a new domestic foul drainage system and a new surface water drainage system within the Edmonton EcoPark, and a right to access and maintain them.	<p>These new systems are required in order to service the proposed facilities within the Edmonton EcoPark (and will also run through Plots 3 and 5, which are to be compulsorily acquired). The existing systems are particular only to the existing facilities and cannot be used for the proposed facilities on the Edmonton EcoPark and will be decommissioned and removed (including any connections to the Chingford and Angel Sewers).</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p>	<p>Works Nos. 1a, 1b, 2, 4, 6 and 7</p> <p>Works Plans C_0002, C_0004 C_0006, C_0010 and C_0011</p>

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
Plot 6	B_0004	A right to decommission and remove part of a pipe that runs into Deephams Farm Road.	<p>This pipe runs from Ardra Road and into Deephams Farm Road. Despite detailed title investigations, searches and enquiries, the ownership and function of this pipe remains unknown to the Applicant. Given that the Applicant wishes to compulsorily acquire Deephams Farm Road and install its own utilities within this plot, the Applicant wishes to remove this section of the pipe from Deephams Farm Road.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p>	<p>Works Nos. 4 and 6</p> <p>Works C_0008 C_0010</p> <p>Plans and</p>
Plots 1, 9,	B_0004	Right to lay an	This right is required to supply electricity for a new	Works Nos. 1a, 1b,

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
10 and 34		electricity cable from the electricity and heat generating station to the proposed raw water pumping station (to be constructed within Plot 9), and a right to access and maintain the cable.	lighting system along Deephams Farm Road and to also supply electricity to the proposed raw water pumping station. This cable will also run under Plot 6 (which is to be compulsorily acquired). The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.	2, 4, 6 and 7 Works Plans C_0002, C_0004 C_0006, C_0010 and C_0011
Plots 1, 9, 10, 34	B_0004	A right to lay raw water pipes and other utilities cables from the proposed raw water pumping station to the Edmonton EcoPark, and a right to access	This will enable the supply of raw water from the pumping station to the relevant facilities within the Edmonton EcoPark and will also enable the supply of services and utilities to the proposed raw water pumping station. These pipes and other utilities will also be laid under Plot 6 (which is to be compulsorily acquired).	Works Nos. 1a, 1b, 2, 4, 6 and 7 Works Plans C_0002, C_0004 C_0006, C_0010 and C_0011

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
		and maintain them.	The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.	
Plot 6	B_0004	A right to reposition a BT cable that runs across Deephams Farm Road.	<p>The laying of new utilities under this plot may necessitate the repositioning of this cable to elsewhere on the same plot.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p>	<p>Works Nos. 4, 6 and 7</p> <p>Works Plans C_0008, C_0010 and C_0011</p>

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
Plots 3, 7 and 34	B_0004	A right to reposition a surface water sewer owned by TWUL.	<p>This surface water sewer cuts across Deephams Farm Road and under the eastern bank of Salmon’s Brook. As a consequence of laying new raw water pipes from the proposed raw water pumping station to the Edmonton EcoPark, it may be necessary to reposition the section of the existing surface water sewer owned by TWUL.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p>	<p>Works Nos. 1a, 1b, 4, 6 and 7</p> <p>Works C_0002, C_0010 and C_0011</p> <p>Plans C_0006, and</p>
Plots 16, 21 and 29	B_0004	A right to lay electricity cables from the	These rights are required to enable a supply of electricity to power the facilities at the proposed	Works Nos. 4, 5 and 6

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
		proposed temporary laydown area (Plot 16) to the UKPN electricity substation located over plots 21 and 29, and a right to access and maintain the cables during the Applicant's use and possession of the temporary laydown area.	temporary laydown area (Plot 16). The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.	Works Plans C_0008, C_0009 and C_0010
Plot 16	B_0004	A right to lay a new surface water system and a new foul and industrial waste water system, and a right to access and maintain them during the Applicant's use and possession of the temporary laydown	These rights will enable a new surface water system and a new foul and industrial waste water system to be laid. These systems are required to service the facilities and the use of the proposed temporary laydown area (e.g. welfare facilities, washing, pre-construction activities etc.). The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an	Works Nos. 5 and 6 Works Plans C_0009 and C_0010

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
		area.	environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.	
Plots 14, 15, 21, 22, 28, 29, and 32	B_0004	A right to lay electricity cables and a right to access and maintain them.	<p>These rights are required to enable a new system of cables to be laid to supply electricity for a new lighting system along Lee Park Way.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p>	<p>Works Nos. 4, 5 and 6.</p> <p>Works Plan Nos. C_0008, C_0009 and C_0010</p>
Plots 16, 18, 19 and	B_0004	A right to lay a potable water pipe system and	These rights are required to enable a potable water supply to be provided for the functioning of the	Works Nos. 5 and 6

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
20		to connect to an existing potable water main, and a right to access and maintain them during the Applicant's use and possession of the temporary laydown area.	<p>proposed temporary laydown area. The existing potable water main to which the Applicant wishes to connect is owned by TWUL located in the south eastern corner of the proposed temporary laydown area.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p>	Works Nos. C_0009 and C_0010 Plans and
Plots 16, 21, 22 and 29	B_0004	A right to lay telecoms, internet and CCTV cables and to install CCTV cables and associated apparatus.	<p>These rights are required to enable cables and associated apparatus to be laid for the use of the proposed temporary laydown area. The proposed telephone and internet cables will be connected to a BT connection point within these plot numbers.</p> <p>The design parameters of the Authorised</p>	Works Nos. 4, 5 and 6 Works Plans C_0008, C_0009 and C_0010

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
			Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.	
Plots 7 and 8	B_0004	The creation of a permanent right of way over part of Ardra Road that forms part of the proposed new access route into the Edmonton EcoPark from Deephams Farm Road and a right to maintain that part of Ardra Road.	<p>This right is required in connection with the proposed creation of a new access into the Edmonton EcoPark from Deephams Farm Road (covered by Plot 7 on Land Plan reference B_0004).</p> <p>The right of way is required to manage the construction traffic during construction of the ERF which will take place to the north of the Edmonton EcoPark while operational traffic continues to use the southern access off Advent Way to reach the EfW. For the longer term it will enable Deephams Farm Road to be used as a secondary access point to the Edmonton EcoPark which will be used for direct access to materials recovery facilities while those</p>	<p>Works Nos. 4 and 6</p> <p>Works C_0008 and C_0010 Plans and</p>

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
			<p>contracts remain in place and for more direct access for some vehicles delivering from collection authorities.</p> <p>There is no alternative access point which would allow a similarly beneficial development of the scheme.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p>	
Plots 9 and 10	B_0004	A right to demolish the existing water pumping station and its associated pipes, to erect a new raw water	<p>The existing water pumping station located on Plot 10 is to be demolished as part of the Authorised Development.</p> <p>A new water pumping station will be constructed with</p>	<p>Works Nos. 4, 6 and 7</p> <p>Works Plans</p>

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
		pumping access and lay new pipes and other associated utilities.	<p>associated new pipes to be laid. The new water pumping station will be built along-side the existing pumping station. Once the electricity and heat generating station is fully operational, the old water pumping station will be demolished.</p> <p>The new water pumping station will supply raw water from Deephams STW to the Authorised Development for the purposes of boiler water for electricity generation, as well as process water. As the existing pumping station has limited capacity a new pumping station and associated pipe work is required to be built to the north of the existing pumping station on Plot 9. This will ensure that the existing EfW facility can continue to operate during the construction of the electricity and heat generating station following which the existing pumping station would be demolished as it will no longer be needed.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals</p>	C_0008, C_0010 and C_0011

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
			put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.	
Plot 14	B_0004	Maintain (as and when necessary) the bridge over the River Lee Navigation.	<p>These rights are required to enable the maintenance of the bridge over the River Lee Navigation in order to keep this new access route into the Edmonton EcoPark from Lee Park Way open and safe.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p>	<p>Works No. 4</p> <p>Works Plan C_0008</p>
Plots 13, 14, 15, 21	B_0004	The creation of a permanent right of way	These rights are required to enable these parts of Lee Park Way to form the route into the new access	Works Nos. 4, 5 and

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
and 22		<p>over part of Lee Park Way and to maintain the parts of Lee Park Way that form part of the proposed new access route into the Edmonton EcoPark from Lee Park Way and to upgrade and maintain the pedestrian routes and cycle pathways along Lee Park Way.</p>	<p>that is proposed from Lee Park Way into the Edmonton EcoPark.</p> <p>The right in relation to Lee Park Way is required to create a small vehicle access point along the eastern boundary of the Edmonton EcoPark, thereby enabling operational traffic to be kept separate from non-operational traffic associated with staff, members of the public using the RRC, visitors to the Edmonton EcoPark, and the Sea Cadets. The relevant section of Lee Park Way is owned by the Lee Valley Regional Park Authority. During construction of the Authorised Development, this roadway will be used for the transportation of construction staff and light construction traffic to the Edmonton EcoPark.</p> <p>The rights in relation to the proposed new entrance way into the eastern side of the Edmonton EcoPark are necessary for the effective access to the proposed RRC by residents in cars and local businesses in small vehicles. This access point will also enhance onsite safety through the segregation</p>	<p>6</p> <p>Works Plans C_0008, C_0009 and C_0010</p>

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
			<p>of light and heavy traffic on the site. The proposed RRC is an important part of the scheme as it will support the identification of waste volumes (as fuels for the electricity generation station) as set out in the Need Assessment (Application document reference: AD05.04), open up recycling services to local residents and local businesses, and encourage recycling in the area.</p> <p>There is no alternative access point which would allow a similarly beneficial development of the scheme.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p>	

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
Plots 15, 21, 22, 23, 24, 25, 26, 27, 28 and 29	B_0004	Maintain the proposed landscaping on land to the east of the Edmonton EcoPark.	<p>These rights are required to manage the visual impact at close quarters onsite, enhance biological diversity and visual amenity from Lee Valley Regional Park and also as part of the maintenance of the open space within the Lee Valley Regional Park to ensure there is no degradation of green space as a result of these proposals. These proposals are necessary as a result of the need for this access point as set out in paragraph 10.2.7(b).</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p>	<p>Works Nos. 4, 5 and 6</p> <p>Works Plans C_0008, C_0009 and C_0010</p>
Plot 4	B_0004	Rights to lay and access new utilities and	National Grid Gas Plc owns a gas chamber on Plot 4.	<p>Works Nos. 4 and 6</p> <p>Works Plans</p>

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
		to reposition existing utilities	<p>However, Plot 4 lies adjacent to the area in Plot 1 within which existing gas pipes, electricity cables, foul water pipes, potable water pipes and telecoms cables are to be modified or repositioned or decommissioned and/or removed and also close to where new utilities are to be laid. The exact details of the proposed utilities works and their impact on utilities within Plot 4 and related statutory undertaker rights will not be known until detailed plans and specifications become available. The Applicant may need to create new rights over Plot 4 to lay and access any new utilities and/or to reposition existing utilities.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p> <p>In addition, despite full due diligence having been</p>	C_0008 and C_0010

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
			<p>carried out, the existence of any further apparatus which may need to be repositioned, diverted, disconnected or removed within these plots may not be known until the Applicant enters those plots to start construction of the Authorised Development.</p> <p>Therefore, so as not to interfere with the construction of the Authorised Development once it is under way, the Applicant is seeking the power to acquire rights within Plot 4 should it be necessary once detailed design is complete or uncovered during the construction process.</p>	
Plots 11 and 12	B_0004	Rights to access and maintain the reinforced canal wall, boat canopy and slipway	<p>The Applicant may need to acquire new rights over Plot 11 (water and river bed forming part of the River Lee Navigation, owned by the Canal and River Trust) and Plot 12 (water and land – unregistered land) in order to enable it to upgrade and maintain the canal wall along the wharf area and upgrade and maintain the boat canopy and slipway for the Sea Cadets.</p> <p>It is anticipated that in order to carry out these works,</p>	<p>Works Nos. 3, 4 and 6</p> <p>Works Plans C_0006, C_0008 and C_0010</p>

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
			the use of Plots 11 and 12 is required.	
Plot 17	B_0004	Right to access utilities and access and maintain works on Plot 16, 21, 23, 25, 26 and 27.	<p>Plot 17 is the towpath to the east of the River Lee Navigation. The Applicant may need to acquire rights over Plot 17 in order to divert, reposition, decommission, remove, replace, modify or upgrade existing pipes, cables, systems and associated apparatus either underneath it or on land adjacent to Plot 17. The power may also be used to lay, install, use and maintain new pipes, cables, systems and associated apparatus. Finally, the power may be used to create, use and maintain new connections to existing and new pipes, cables, systems and associated apparatus.</p> <p>There is no specific identified need to create such rights over Plot 17. However, despite full due diligence having been carried out, the existence of any further apparatus which may need to be repositioned, diverted, disconnected or removed within these plots may not be known until the Applicant enters those plots to start construction of</p>	<p>Works Nos. 4, 5 and 6</p> <p>Works C_0008, C_0010 Plans C_0009,</p>

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
			<p>the Authorised Development.</p> <p>New rights may also need to be acquired in order to access Plot 17 to carry out and maintain landscaping works on Plots 21, 23, 25, 26 and 27. The need for such rights will only be established at detailed design stage. The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in the context.</p>	
Plot 31	B_0004	Rights in relation to a new potable water connection: 35180/GOS/CVD/003/A	Plot 31 is a section of Advent Way directly in front of the existing access to the Edmonton Ecopark. The Applicant will need to create new rights over Plot 31 in order to provide a right of access to execute and maintain works and utilities. The Applicant is proposing to install a new potable water pipe connection within Plot 31. The Applicant is also proposing to lay new utilities, such as a new potable	Works Nos. 4 and 6 Works Plans C_0008 and C_0010

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
			<p>water main and a new gas pipe, parts of which will be under Plot 31 (see plans 35180/LON/CVD/013/D and 35180/LON/CVD/014/E of Appendix C of the Utilities Strategy (AD05.10). The Applicant will therefore need a right to access and maintain these utilities in so far as they fall within Plot 31. The power is also required in order to divert, reposition, decommission, remove, replace, modify or upgrade existing pipes, cables, systems and associated apparatus. The power may also be used to lay, install, use and maintain new pipes, cables, systems and associated apparatus. Finally, the power may be used to create, use and maintain new connections to existing and new pipes, cables, systems and associated apparatus.</p> <p>The design parameters of the Authorised Development have been considered in the context of feasibility and have also been subject to an environmental impact assessment. The proposals put forward and the compulsory acquisition rights sought are considered to be the most appropriate in</p>	

TABLE 5 – Compulsory acquisition of rights – Article 23 and Article 29(3) of the draft Order

Plot Nos.	Land Plan No.	Explanation of rights to be acquired	Justification (in addition to the general justifications set out elsewhere in this section 8)	Works Nos. Works Plans
			<p>the context.</p> <p>In addition, despite full due diligence having been carried out, the existence of any further apparatus which may need to be repositioned, diverted, disconnected or removed within these plots may not be known until the Applicant enters those plots to start construction of the Authorised Development.</p>	

The reasons above demonstrate that the use of these powers will be necessary and for a legitimate purpose and that reasonable alternatives have been considered. The extent of land affected in this context is no more than what is reasonably necessary and proportionate.

8.8.7 *Suspension of rights – Article 21(4) and 29(2) of the draft Order*

8.8.8 In order to undertake the Authorised Development, it will be necessary for the Applicant to suspend rights across most of the Application Site. Land Plan B_0004 shows the extent of the Application Site affected by this power.

In particular, rights belonging to statutory undertakers to access and maintain their apparatus within the Application Site may be temporarily limited in accordance with Articles 21(4) and 29(2) as follows:

- (a) during the construction works;
- (b) when the Applicant needs to connect any new services/utilities to existing statutory undertaker apparatus; or
- (c) where the Applicant needs to modify, upgrade or refurbish a statutory undertaker's existing apparatus;
- (d) when the Applicant needs to maintain the authorised development and its associated pipework, cables and systems.

8.8.9 The draft Order contains protective provisions that benefit the relevant statutory undertakers and in practice, the Authorised Development will cause the minimum disruption to statutory undertaker operations. The technical details will be discussed and agreed upon during detailed design stage

8.8.10 Rights are not being sought in connection with the grid connection because an agreement has been reached with UK Power Networks Limited (**UKPN**) whereby it will use its statutory powers to install a connection to the Tottenham Grid 33kV supply point and install new cables in parallel with the overlaying with new polymeric cables, in order to increase their rating to 72MVA. Please see the Grid Connection Statement (Application document reference: AD05.08) for further information.

8.8.11 There are some plots identified in the Book of Reference where it has not been possible to identify the relevant interests because those plots cover unregistered land (these are Plots 12, 14, 20, 32 and 33). Notices of each phase of consultation pursuant to section 42 of the PA 2008 and notices enquiring about the existence of interests in those plots were erected by the Applicant over periods of time (for

details of these notices and actions taken, see section 3.2 and 5.2 of the Consultation Report (Application document reference: AD05.01)). No responses were received with regard to those specific plots of land.

8.9 *The compelling case in the public interest*

8.9.1 The Government has made it clear through NPS EN-1 and NPS EN-3 that there is an urgent need for additional generating capacity in the UK. Without significant amounts of new energy infrastructure, the objectives of the Government's energy and climate change policy cannot be fulfilled (NPS EN-1, paragraph 3.2.3).

8.9.2 In addition to the major contribution which the Authorised Development would make to achieving the vitally important national policy objectives established by the NPS, it would also deliver substantial economic and other benefits, whilst limiting so far as practical the associated environmental and other impacts, including in particular land take and loss of property.

8.9.3 The Applicant considers that the powers of compulsory acquisition included in the draft Order are proportionate in relation to the benefits that the proposed development would bring. The Planning Statement (Application document reference: AD05.02) which accompanies the Application explains the benefits of the proposed Authorised Development, which include the following:

- (a) energy infrastructure – the Authorised Development would make a significant contribution to meeting the urgent need for new energy infrastructure;
- (b) renewable energy – the Authorised Development would contribute to renewable energy generation;
- (c) climate change – the Authorised Development would reduce carbon dioxide equivalent (CO₂eq) emissions by generating low carbon energy from waste;
- (d) waste infrastructure – the Authorised Development would provide a long-term solution for the management of north London's waste in accordance with the waste hierarchy, ensure there is sufficient capacity to manage the forecast waste arisings once the EfW has reached the end of its operational life, divert waste from landfill and enable the Applicant to fulfil its statutory waste disposal obligations;
- (e) employment - employment from operation is expected to support a total of approximately 229 FTEs and construction of the Authorised Development is expected to support a total

of approximately 2,623 FTE net additional jobs. The Applicant has set out in the Section 106 Draft Agreement (Application document reference: AD03.03) the proposed measures to promote training and local employment;

- (f) heat – the Authorised Development would be CHP enabled, if connected to a district heating network, it would make a significant contribution to providing low carbon heat and contribute towards achieving the Mayor of London’s targets for decentralised energy;
- (g) Edmonton Sea Cadets – the Authorised Development would provide a new purpose built facility for the Edmonton Sea Cadets with an access segregated from operational traffic;
- (h) community and educational use – EcoPark House would include space to be used for community and educational purposes and the layout of the site will provide safe and segregated areas for public tours and activities;
- (i) RRC – the proposed RRC would be a facility for north London’s residents and businesses, and allow the treatment of household waste in accordance with the waste hierarchy;
- (j) visual impact - the Authorised Development would improve the visual appearance of the Edmonton EcoPark by replacing the existing ageing EfW with new high quality buildings and landscaping;
- (k) pedestrians and cyclists – the Authorised Development would improve the environment for pedestrians and cyclists along Lee Park Way by upgrading the existing roadway and adding a dedicated footpath and cycle lane;
- (l) ecology – the creation of new habitats and enhancement of existing habitats, particularly along Lee Park Way, will have a positive effect on the ecological value of this area;
- (m) drainage – peak discharges from the Edmonton EcoPark will be limited to greenfield runoff rates, which is an improvement compared to the existing situation and would result in a reduction in fluvial flood risk downstream;
- (n) air quality – the proposed ERF includes Selective Catalytic Reduction treatment technology which will achieve a nitrogen oxide emission level of less than half the permissible level and represents an improvement in emissions from the EfW;
- (o) sustainability – the Authorised Development would achieve BREEAM ‘very good’ rating as a minimum and incorporates several exemplary sustainable design measures such as green/brown roofs and rainwater harvesting;

- (p) operational water effects - air cooling technology will be used, which means the volume of water extracted from Deephams Sewage Treatment Works outlet channel would decrease having a positive effect of increasing water flows in the Salmon's Brook;
- (q) rationalise the Edmonton EcoPark – by improving the facilities on-site needed for management of residual waste and creating separate public and operational zones;
- (r) active management of Lee Park Way – create a new site entrance enabling the better management of Lee Park Way, provide improved landscaping management and improved safety and security for users; and
- (s) demolition of the EfW– the Authorised Development secures the demolition and decontamination of the EfW.

8.9.4 The Applicant believes it is both necessary and appropriate for the Order to include provisions allowing for the compulsory acquisition/creation of interests and rights over the Order Land. Compensation for any loss that can be demonstrated will be available in accordance with the statutory Compensation Code. The Funding Statement (Application document reference: AD04.02) confirms that the Applicant has the ability to procure the financial resources required for the proposed development, including the cost of acquiring any rights over land and the payment of compensation, as applicable. The Applicant therefore considers that the Secretary of State can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time. Further, the Applicant will consider each affected right and where possible seek to agree to as limited interference with the relevant rights as is necessary for the Authorised Development to be constructed and retained.

9 Acquisition by Agreement

9.1 The Applicant is taking a proportionate approach to the proposed acquisition, mindful of the impact of the compulsory acquisition powers on those affected.

9.2 Paragraph 25 of the Guidance states:

"Applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail. Where proposals would entail the compulsory acquisition of many separate plots of land (such as for long, linear schemes) it may not always be practicable to acquire by agreement each plot of land."

Where this is the case it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset"

- 9.3 The interests affected by the Authorised Development are detailed in the Book of Reference (Application document reference: AD04.03) and Land Plans (Application document reference: AD02.01). This is to ensure that if any other minor interests are discovered (for example easements, rights of way, restrictive covenants or similar interests) over those plots that have not previously been negotiated away, powers are available to override those interests. It also reflects that minor interests may still be outstanding and not waived and therefore have to be extinguished or overridden by statutory process.
- 9.4 All owners, lessees, occupiers and others with an interest in the Order Land identified through diligent enquiry have been consulted on the proposals for the Authorised Development.
- 9.5 Detailed discussions are currently on-going between the Applicant and relevant land interest holders and the Applicant will continue to seek to acquire rights and interests by agreement where possible on appropriate commercial terms. Seeking compulsory acquisition powers whilst engaging in parallel negotiations to acquire interests will continue in accordance with paragraph 25 of the Guidance.
- 9.6 The Applicant cannot be fully confident that all of the remaining interests in the Order Land will be acquired by private agreement within a reasonable commercial timeframe and as a result, the compelling case in the public interest for the promotion of the Order is in existence. Whilst mindful of the impacts on the affected parties, the Applicant believes the relevant private interests should not take precedence over the compelling public interest for the Authorised Development to proceed. Negotiations will continue but the Applicant believes compulsory acquisition powers can now be justified to ensure that the Authorised Development can be developed within a reasonable commercial timescale.

10 Special Considerations affecting the Order Land

10.1 *Crown Land*

10.1.1 No Crown Land is proposed to be acquired or affected.

10.2 *Special Category Land – Open Space*

10.2.1 Regulation 5(2)(i)(iv) of the APFP Regulations 2009 states that the Land Plan accompanying the Application must identify 'special category land', which is defined in Regulation 2 of the APFP Regulations as "land identified as forming part of a common, open space, National Trust land or fuel or field garden allotment...".

10.2.2 There is no definition for 'open space' provided within the APFP Regulations 2009. The PA 2008 does not provide a generally

applicable definition either. However, for the purposes of sections 131 and 132 of the PA 2008 (both of which deal with special procedures for orders affecting special category land) 'open space' is stated to have the same meaning as in section 19 of the Acquisition of Land Act 1981. Section 19 of the Acquisition of Land Act 1981 defines "open space" as 'any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground'. There is no direct linkage between the definition of 'open space' in the APFP Regulations 2009 and that used in the PA 2008. However, given that the courts will adopt a purposive approach in interpreting any ambiguities in legislative drafting, the Applicant has assumed that the definition in the PA 2008 will be carried across to the APFP Regulations 2009.

10.2.3 Based on the analysis in paragraph 10.2.2 above, 'open space' includes land used for the purposes of public recreation. Plots 14, 15, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 32 (shown on the Land Plans reference B_0006 and set out in the Book of Reference) all fall within the definition of "open space" as they are used (in whole or part) for the purposes of public recreation. The relevant plots also fall within the Lee Valley Regional Park (**LVRP**). Plots 15 and 21 are owned by the Lee Valley Regional Park Authority (**LVRPA**). Plot 14 is unregistered land. Plot 17 is owned by the Canal and River Trust and Plot 32 is also unregistered land. Plots 22 to 29 have various owners.

10.2.4 LVRPA is under a statutory duty to develop and maintain LVRP as a place for leisure and recreation. In complying with this duty, LVRPA has powers to construct and maintain roads, cycle tracks and footpaths.

10.2.5 Parts of Plots 14, 15, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 32 contain cycle tracks and footpaths (please see Access Plan C_0014). Plot 17 is a public tow path which can be used for walking north or south to the other parts of the LVRP. Lee Park Way runs through Plots 14, 15, 21 and 22 (please see Access Plan C_0014). The cycle and pedestrian routes on Plots 14, 15, 17, 18, 21, 22, 23, 25 and 32 also form access to parts of the Lee Valley Park Network. Plots 23, 25, 26, 28 and 29 are landscaped areas that fall within LVRP and are adjacent to cycle tracks and footpaths. Accordingly, Plots 14, 15, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 32 are arguably used for public recreation and for the purposes of the Order, could be Special Category Land. However, it is unclear whether there should be an assumption that land containing cycle tracks and

footpaths is land use for the purposes of public recreation. For example, while Plot 20 contains a cyclepath, the primary purpose of Plot 20 is as an access to works further north along Lower Hall Lane (rather than public recreation and therefore we do not think Plot 20 is special category land). However, for the purposes of the Application, the Applicant has taken a precautionary approach, with respect to plots 14, 15, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 32, and assumed that all of these plots would be considered to be open space for the purposes of section 5(2)(i)(iv) of the APFP Regulations 2009.

10.2.6 Section 132(3) of the PA 2008 provides that the special parliamentary procedure does not need to be followed if the Secretary of State is satisfied that the relevant land will, when burdened with the Order right, be no less advantageous than it was before to:

- (a) the persons in whom it is vested;
- (b) other persons entitled to rights of common or other rights; and
- (c) the public.

10.2.7 As part of the Authorised Development, the Applicant will upgrade Lee Park Way and also carry out landscaping and associated works in order to improve the condition of the special category land that surrounds Lee Park Way (Plots 14, 15, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 32). The following design measures have been incorporated to respond to the surrounding context and minimise the visual impact of the proposed electricity and heat generating station from the LVRP:

- (a) The scale of the electricity and heat generating station will be stepping down towards the LVRP;
- (b) An earth bank along the eastern side of the proposed electricity and heat generating station to visually reduce the height of the building and enable tree planting to screen the new facility;
- (c) Rectangular shape of the stack with the shorter sides facing visual receptors to the east and west;
- (d) The lighter colour material of the stack, which would help the stack to blend in with the sky;

- (e) The location of the stack at the western end of the proposed electricity and heat generating station, which would mean that this part of the facility would be situated towards the industrial area;
- (f) Use of contrasting material and various building block heights to break up the mass of the electricity and heat generating station;
- (g) Contrasting building colour for the plinth and upper building façade to help break up the mass of the building and to blend the development into its surroundings. The darker colour plinth as seen against ground and the lighter colour upper façade as seen against the sky;
- (h) The soft landscaping has been designed to promote biodiversity and to use locally appropriate native species to enhance existing and replacement habitat. A green roof and a brown roof are proposed on part of the electricity and heat generating station to provide new habitats; and
- (i) New tree planting to the east of the proposed electricity and heat generating station to replace trees lost to the development and provide some filtering of views of the lower levels of the electricity and heat generating station from the east.

10.3 Landscaping commitments also feature heavily in the Environmental Commitments and Mitigation Schedule (ECMS) (Application document reference: AD06.3) and in the Design Code Principles (Application document reference: AD02.02). The section of the ECMS that covers ecology and visual relates to landscaping states that landscaping proposals include the replacement and enhancement of existing habitats at the Application Site along with creation of new habitats incorporating: sowing of wildflower meadow mixes and plug planting of native aquatic and marginal plants at Enfield Ditch; retention of selected mature trees, removal of some scrub along Enfield Ditch to increase light levels to improve ground flora and enhancement planting of native species where necessary, including the dense scrub and trees between Lee Park Way and the River Lee Navigation; and inclusion of log and stone piles and bird and bat boxes located on mature trees. Section 2.6 of the Design Code Principles includes general landscape guidelines including maximising the extent of landscaping given functional and operational requirements; appropriate treatment and control of invasive non-native species; using native species wherever possible; and retaining and enhancing links with adjacent habitats where possible. Guidelines for the Lee Park Way zone states that this area should contribute to the visual transition between the Lee Valley Regional Park and the Edmonton EcoPark and support the creation of a gateway to the Edmonton

EcoPark; selected mature trees should be retained; and log and stone piles and bird and bat boxes should be located on mature trees. These landscaping measures and upgrades are secured through the draft Order, as requirement 5 of Schedule 2 to the draft Order requires the Applicant to implement the measures set out in the ECMS in relation to each stage of the Authorised Development, and requirement 10 requires the Applicant to submit a landscaping scheme that is in conformance with the Design Code Principles before commencing development within any stage and for the Authorised Development to be carried out in accordance with the approved landscaping scheme. Both the Design Code Principles and the ECMS are documents to be certified by the Secretary of State pursuant to Article 34 of the draft Order.

10.4 These measures are also reflected in the various on-going discussions the Applicant has been having with the LVRPA and the Canal and River Trust (in relation to the land they own that forms part of the Special Category Land). The Applicant has also been in communication with the other owners of interests in Plots 14, 15, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 32, setting out its proposals for these plots and encouraging them to enter into a dialogue with the Applicant. In view of this, the Applicant concludes that the exemption set out in paragraph 10.2.6 above will apply and requests confirmation from the Secretary of State that he is satisfied that the exemption s132(2) applies.

10.5 *Statutory undertakers' land, rights and apparatus*

10.5.1 As set out in section 7 of this Statement, the Authorised Development will be undertaken on land that contains a number of assets held by third party statutory undertakers (e.g. pipelines, overhead lines, underground cables etc.). For completeness, and to provide additional clarity and information, we have set out the relevant more detailed explanation of our impact on statutory undertaker rights below at sections 10.5.9 – 10.5.13. Where the relevant statutory undertakers can be identified, the Applicant has made contact to ascertain what agreements and/or consents are required to secure in principle approval for the necessary works.

10.5.2 Where the Applicant has knowledge of such apparatus and/or equipment belonging to statutory undertakers and other like bodies, it has, and is continuing to obtain, consents from the owners of such apparatus. Even though agreements in principle are currently being obtained, any necessary agreements to allow the Applicant to install its own utilities that cross under or over existing utilities will not be entered into until closer to the detailed design/construction phase when detailed plans and specifications become available.

- 10.5.3 The provisions of Articles 21, 23 and 27 of the draft Order are therefore necessary in order to secure the appropriate powers for the Applicant to be able to undertake the Authorised Development in the absence of, or in advance of, the finalised agreements. The Book of Reference identifies the various interests which are owned by statutory undertakers and other like bodies.
- 10.5.4 In addition, given the age of the site and the lack of material development works on many parts of the site and despite very extensive diligence having been carried out by the Applicant, the existence of any further apparatus which may be affected by the Authorised Development may not be known until the Applicant enters the land to start construction of the Authorised Development. Accordingly, the Applicant is also seeking rights to construct over or underneath any such unknown statutory undertaker (and other like bodies') apparatus within the Order Limits which may be uncovered during the construction process so as not to interfere with the construction of the Authorised Development once it is underway.
- 10.5.5 Section 127 of the PA 2008 applies to statutory undertakers' land held for the purposes of the undertaking if that statutory undertaker has made a representation to the relevant Secretary of State about the application for the proposed development consent order before the completion of examination of the application. If that representation has not been withdrawn and if the decision-maker is satisfied the land is used for the purposes of the carrying out of the statutory undertaking, then the statutory undertakers' land may only be subject to compulsory acquisition powers in the development consent order if the Secretary of State is satisfied that:
- (a) in the case of a purchase of statutory undertakers' land, it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, OR, if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking (section 127(3) of the PA 2008); and
 - (b) in the case of the acquisition of a right over statutory undertakers' land by the creation of a new right over that land, the right can be purchased without serious detriment to the carrying on of the undertaking, OR, any detriment to the carrying on of the undertaking in consequence of the acquisition of the right can be made good by the undertakers by the use of other land belonging to or available for acquisition by them (section 127(6) of the PA 2008).

- 10.5.6 In order to carry out the proposed works associated with the construction and/or the operation and maintenance of the Authorised Development, new telecommunications, electricity, water and gas infrastructure will be required. Certain existing utilities and services may also need to be diverted, temporarily interfered with, decommissioned or removed. It will also be necessary to create rights over statutory undertakers' land.
- 10.5.7 Access to statutory undertaker apparatus within the Application Site could be temporarily limited whilst the Authorised Development is being carried out.
- 10.5.8 The Authorised Development will cause minimum disruption to statutory undertaker operations and the Applicant therefore believes that the purchase of rights can occur without serious detriment to the carrying on of the relevant undertaking. While the final technical details will be discussed with each relevant statutory undertaker and agreed upon during the detailed design of the Authorised Development we have set out below the relevant information taken from the Utility Strategy (Application document reference: AD05.10) which sets out the position in relation to statutory undertakers so far as the applicant is aware as at the time of making the Application. This information should be read in conjunction with Tables 4 and 5 of this Statement which summarise the justification and the relevant power required.
- 10.5.9 Electricity
- (a) Existing electricity infrastructure within the Edmonton EcoPark (**Plots 1, 2, 3, 4, 5, 30, 31 and 33**):
- (i) There are two 33 kV electricity cables owned by UKPN that run parallel to part of the Edmonton EcoPark's western boundary. These two cables are shown on drawing 35180/LON/CVD/004/F in Appendix A of the Utility Strategy (Application document reference: AD05.10). Two new electricity cables will need to be laid in parallel with the existing UKPN-owned electricity cables, as shown on drawing 35180/LON/CVD/014/E in Appendix C of the Utility Strategy. The existing two UKPN-owned electricity cables will be retained and upgraded. This is necessary to enable the export of electricity from the proposed generating station to the national grid. These works mean that it will be necessary for the Applicant to have the power to compulsorily acquire a right to lay the new cables and to connect to the existing cables under Articles 23 and 29 of the draft Order.

- (ii) UKPN's access and maintenance rights will be affected during the works.
 - (iii) LWL owns electricity cables within the Edmonton EcoPark. These cables will be removed, relocated or replaced as part of the Authorised Development.
 - (iv) The laying of another new electricity cable is also required to link the EfW electricity substation to the proposed electricity substation. Drawing 35180/LON/CVD/004/F in Appendix A of the Utility Strategy (Application document reference: AD05.10) shows the locations of the existing and proposed substations. This interlinking electricity cable is required to enable the EfW to be connected to the national grid and also facilitate the operation of both the proposed electricity and heat generating station and the EfW simultaneously during the transitional period.
 - (v) UKPN owns electricity equipment located within the EfW and its substation. The location of this substation is shown on drawing 35180/LON/CVD/004/F in Appendix A of the Utility Strategy (Application document reference: AD05.10). This UKPN-owned electricity equipment will be decommissioned and removed due to the proposed demolition of the EfW.
- (b) Existing electricity infrastructure to the north of the Edmonton EcoPark (**Plots 6, 7, 8, 9, 10 and 34**) and how they may be affected by the Authorised Development:
- (i) Existing electricity cables owned by UKPN run across and/or parallel to Deephams Farm Road, Ardra Road from the northern border of the Edmonton EcoPark toward the junction of Ardra Road and Meridian Way, and also underneath the eastern bank of Salmon's Brook. The location of these cables is shown on drawing 35180/GOS/CVD/003/A in Appendix A of the Utility Strategy (Application document reference AD05.10). Electricity will be required for new lighting on Deephams Farm. Electricity will also be required to power the proposed raw water pumping station that is to be located off Ardra Road.
 - (ii) There are two options with regard to supplying electricity to the proposed raw water pumping station (to be constructed off Ardra Road. Its proposed

location is shown on drawing 31580/GOS/CVD/003/A in Appendix A of the Utility Strategy:

- (A) Option 1 - There is an existing electrical substation (ownership unknown), the location of which is shown as a small black square on drawing 31580/GOS/CVD/003/A in Appendix A of the Utility Strategy (Application document reference: AD05.10). This substation may either be replaced or refurbished; or
- (B) Option 2 – a new electricity cable will be laid from the Edmonton EcoPark to the new raw water pumping station under the eastern bank of Salmon's Brook. No existing utilities will be affected by the laying of this new cable; it will be laid either under or over the existing combined sewer owned by TWUL (the location of this combined sewer (the **Chingford Sewer**) is shown on drawing 31580/GOS/CVD/003/A in Appendix A of the Utility Strategy.

For both options 1 and 2, the existing UKPN-owned electricity cable that supplies electricity to the existing water pumping station will be disconnected, decommissioned and may be removed.

- (iii) The UKPN-owned electrical cable that runs under the eastern bank of Salmon's Brook will be disconnected, decommissioned and may be removed. This is because a new street lighting system needs to be installed along Deephams Farm Road. This new street lighting will require the laying of a new electricity cable from the Edmonton EcoPark. This new electricity cable will run along the edge of Salmon's Brook and either run under or over the existing BT cable shown on drawing 31580/GOS/CVD/003/A in Appendix A of the Utility Strategy (Application document reference: AD05.10).
- (iv) As part of the Authorised Development, the Applicant may deem it necessary to resurface Ardra Road and to also lay its own utilities from the water pumping station off Ardra Road on Plot 10 of the land plans to the proposed electricity and heat generating station. UKPN's access to its electricity cables during these works are likely to be temporarily restricted.

- (c) Existing electricity infrastructure to the east of the Edmonton EcoPark (**Plots 13 to 29**) and how they may be affected by the Authorised Development:
- (i) The establishment of the proposed temporary laydown area will require a supply of electricity. The undertaker proposes to lay a few electricity cables (the exact number and route will be determined at detailed design stage) and connect these cables to an existing UKPN electricity substation – the location of this substation is shown by a black box on drawing 35180/GOS/CVD/002/D in Appendix A of the Utility Strategy). The proposed route of these cables will be determined at detailed design stage. The laying of these new cables could affect the following existing electricity apparatus:
- (A) There is a UKPN-owned 11kV substation within the boundary of the Application Site (shown on drawing 31580/GOS/CVD/002/D in Appendix A of the Utility Strategy). A UKPN electricity cable runs from this substation, which then cuts across the roundabout off Advent Way and continues across the North Circular Road. Please see drawing number 35180/GOS/CVD/004/A at Appendix A of the Utility Strategy (Application document reference: AD05.10). This electric cable may need to be repositioned as the Applicant intends to lay new electrical cables from the substation to the proposed temporary lay down area. The substation may also need modified and/or repositioned.
- (B) There is one underground control cable owned by National Grid Electricity Transmission Plc. This cable runs under the proposed temporary laydown area car park and also the land to be landscaped. This cable is shown on drawing 35180/GOS/CVD/004/A in Appendix A of the Utility Strategy. This underground control cable may need to be repositioned.
- (ii) Three UKPN cables run from the north of the temporary laydown area. All three of these cables run through the proposed temporary laydown area and towards the North Circular Road. The outer most cable branches into two: (i) the first branch crosses

over the River Lee Navigation in a bridge dedicated to cables and runs along the eastern edge of the Edmonton EcoPark, through the wharf area within the Edmonton EcoPark; (ii) the second branch continues down through the proposed temporary laydown area towards the roundabout off Advent way, runs along Advent Way and across North Circular Road. The other two UKPN cables enter the western edge of the proposed temporary laydown area and run parallel to the River Lee Navigation towards and across the North Circular Road. The Applicant does not anticipate affecting these lines as the necessary clearances will be observed in order to avoid them (please see section 6 of the Utility Strategy for further information about the necessary clearances).

- (iii) One UKPN overhead line (11KV) runs west to east along the northern boundary of the proposed temporary laydown area. This overhead line is shown on drawing 35180/GOS/CVD/004/A in Appendix A of the Utility Strategy (Application document reference: AD05.10). The creation of the proposed temporary laydown area will mean that this UKPN 11KV overhead line will be decommissioned and repositioned and / or may be removed.
- (iv) There are other UKPN distribution cables which appear to be abandoned or disused, but for the purposes of the Application, the undertaker has assumed they are live (these other cables are noted at note 5 of drawing number 35180/GOS/CVD/004/A at Appendix A of the Utility Strategy (Application document reference: AD05.10). Any possible physical interference will be determined during detailed design stage.
- (v) There are a number of abandoned UKPN electricity cables located around the south eastern area of the proposed temporary laydown area (see drawing number 35180/GOS/CVD/004/A at Appendix A of the Utility Strategy (Application document reference: AD05.10)). These cables are not live. Any possible physical interference will be determined during the detailed design stage.
- (vi) There are two National Grid Electricity Transmission Plc owned overhead transmission lines (275KV) that run over the proposed temporary laydown area and other land to the east of the Edmonton EcoPark within the Application Site boundary which are shown

on drawing 35180/GOS/CVD/004/A in Appendix A of the Utility Strategy. The Applicant does not anticipate affecting these lines as the necessary clearances will be observed in order to avoid them (please see section 6 of the Utility Strategy for further information about the necessary clearances).

- (vii) A new street lighting system is required to be installed along Lee Park Way. To enable this, new electricity cables and associated apparatus are required to be laid. The route of these new electricity cables and location of associated apparatus will be determined at detailed design stage. The new electricity cables required for this new street lighting system will not affect any existing utilities in this area.

10.5.10 Gas

- (a) Existing gas infrastructure within the Edmonton EcoPark (**Plots 1, 2, 3, 4, 5, 30, 31 and 33**):

- (i) The Edmonton EcoPark is currently supplied with gas from two gas main pipes operated and maintained by National Grid Gas Plc. One of the gas pipes is a medium pressure main and the other is a low pressure main. Both pipes are shown on drawing 35180/LON/CVD/004/F in Appendix A of the Utility Strategy (Application document reference: AD05.10). In addition, two gas pipes (owned by LWL) connect to the medium and low pressure main gas mains and feed the Edmonton EcoPark with gas. The gas supply from the low pressure main is also fed through LWL-owned minor gas pipes to the Edmonton EcoPark. Gazprom also owns gas meters located in the existing gas kiosk.
- (ii) As part of the Authorised Development, the Applicant intends to decommission both National Grid Gas Plc-owned medium and low pressure gas mains. The Gazprom gas meters will also be decommissioned.
- (iii) A gas chamber is located near the south western boundary of the Edmonton EcoPark which is owned by National Grid Gas Plc. Other than protective works, there is no intended interference with this gas chamber.
- (iv) The ERF will have two gas operated boiler lines. Each boiler will have two to four burners. For optimum flexibility, each boiler line needs to be able to start up and shut down independently. To achieve

this, an additional gas supply will be required. The nearest gas main with sufficient capacity to enable this is a medium pressure gas main that is located 200m from the south western boundary of the Edmonton EcoPark, on Advent Way (drawing 35180/LON/CVD/004/F in Appendix A of the Utility Strategy (Application document reference: AD05.10). The installation of a new gas pipe and a gas kiosk is therefore required within the Edmonton EcoPark to connect the ERF boilers to this medium pressure gas main. Please see plan 35180/LON/CVD/014/E in Appendix C of the Utility Strategy (Application document reference: AD05.10) which shows the route of the proposed new gas pipe as a yellow line. The proposed new gas pipe will connect to a new gas kiosk that is also shown on plan 35180/LON/CVD/014/E in Appendix C of the Utility Strategy (Application document reference: AD05.10). The southern end of the proposed new gas pipe will need to connect to a National Grid Gas Plc medium pressure gas main that is located approximately 200m away from the Application Site (the location of this National Grid Gas Plc gas main is shown on drawing 35180/LON/CVD/004/F in Appendix A of the Utility Strategy). The Applicant will make an application for this connection to National Grid Gas Plc nearer to the time the actual works are to be undertaken (this is because National Grid Gas Plc quotes are only valid for a finite period of time). Once the new gas pipe is laid, the land over the gas pipe will be landscaped.

- (b) Existing gas infrastructure to the north of the Edmonton EcoPark (**Plots 6, 7, 8, 9, 10 and 34**):
 - (i) A National Grid Gas Plc gas pipe originates at the intersection of Ardra Road and Meridian Way, before splitting into three distinct pipelines following various different routes as shown on Plan 35180/GOS/CVD/003/A attached to the Utility Strategy (Application document reference: AD05.10). It is anticipated that National Grid Gas Plc's rights of access and maintenance will be temporarily limited during any necessary resurfacing of Ardra Road and also whilst the Applicant carries out the proposed works in respect of utilities between the new water pumping station off Ardra Road into the Edmonton EcoPark.

- (ii) No new gas infrastructure is required for this part of the Application Site.
- (c) Existing gas infrastructure to the east of the Edmonton EcoPark (**Plots 13 to 29**)
 - (i) There is no existing gas infrastructure on this part of the Application Site and no new gas infrastructure is proposed.

Surface and Foul Water and Foul Drainage

- (c) Existing surface and foul water and foul drainage within the Edmonton EcoPark (**Plots 1, 2, 3, 4, 5, 30, 31 and 33**):
 - (i) A network of sewers exists under the Edmonton EcoPark to cope with various flows. The Edmonton EcoPark is drained via two separate systems (which are shown on drawing 35180/LON/CVD/002/D in Appendix A of the Utility Strategy (Application document reference: AD05.10)):
 - (A) A surface water drainage system (owned by LWL) that discharge either into the Salmon's Brook or to the Enfield Ditch, via three separate outfalls. The surface water drainage system and all three outfalls are shown on drawing 35180/LON/CVD/002/D in Appendix A of the Utility Strategy; and
 - (B) A combined drainage system (owned by LWL) that serves process effluent, surface water and domestic flows, and connects and discharges into the Chingford Sewer (the Chingford Sewer is owned by TWUL). This combined drainage system is shown on drawing 35180/LON/CVD/002/D in Appendix A of the Utility Strategy.
 - (C) The Chingford Sewer and Angel Sewer (both owned by TWUL) run through the Edmonton EcoPark (drawing number 35180/LON/CVD/002/D).
 - (iii) The existing surface water and foul drainage systems owned by LWL (shown on drawing 35180/LON/CVD/002/D in Appendix A of the Utility Strategy) will be decommissioned and removed as part of the Authorised Development, including the existing connections of the LWL combined drainage system to the Chingford Sewer.

- (iv) A new domestic foul drainage system will be installed within the Edmonton EcoPark. The location of this new system will be determined during detailed design stage. The new domestic foul system will connect to the Chingford Sewer (owned by TWUL) – this proposed connection is shown as ‘connection point 3’ on drawing 35180/LON/CVD/012/F in Appendix C of the Utility Strategy (Application document reference: AD05.10).
- (v) A new surface water drainage system will be installed within the Edmonton EcoPark. The location of this new system will be determined during detailed design stage. The new surface water drainage system will discharge into the Enfield Ditch after passing through oil interceptors and attenuation tanks. Spillages, fire water and run-off containment will be held in water attenuation tanks and treated off-site if necessary.
- (vi) The two new drainage systems are required because the Environment Agency has requested that the Applicant recovers as much waste water as possible.
- (vii) Due to layout requirements, the building of the RRF will be constructed over the Chingford and Angel sewers crossing the Edmonton EcoPark. A sewer diversion and build over agreement has been agreed in principle with TWUL for the following:
 - (A) The diversion of both the Chingford and Angel sewers; and
 - (B) The construction of four external access manholes to enable TWUL to access its sewers.

The proposed sewer diversion and proposed location of the manholes is shown on drawing 35180/LON/CVD/012/F in Appendix C of the Utility Strategy (Application document reference: AD05.10).

The Applicant is currently in discussions with TWUL to reach a private arrangement in relation to the proposed diversion and buildover. Powers under the draft Order are being sought pending such agreement.

- (d) Existing surface and foul water and foul drainage to the north of the Edmonton EcoPark (**Plots 6, 7, 8, 9, 10 and 34**):

- (i) Deephams Farm Road is understood to have a surface water drainage system running underneath it that has 4 outfalls into Salmon's Brook. Both the ownership and exact location of the surface water pipes that comprise this drainage system are not known despite site, utilities and title investigations being carried out. This existing drainage system will be removed. A new surface water drainage system (to drain into the Edmonton EcoPark) will be installed under Deephams Farm Road, the exact location of which will be determined during detailed design stage.
- (ii) There are two other different drainage systems that run under Deephams Farm Road and Ardra Road, as follows:
 - (A) The Chingford Sewer (owned by TWUL) runs under the southern edge of Deephams Farm Road and north towards Meridian Way. The same sewer also branches into Ardra Road. These routes are shown on drawing 35180/GOS/CVD/003/A in Appendix A of the Utility Strategy (Application document reference: AD05.10). This sewer will not be physically affected during the works for the Authorised Development, but TWUL's rights of access and maintenance may be temporarily limited during the works occurring in this part of the Application Site; and
 - (B) There is a surface water sewer, owned by TWUL that cuts across the northern quarter of Deephams Farm Road. The location of this sewer is shown on drawing 35180/GOS/CVD/003/A in Appendix A of the Utility Strategy. As a consequence of laying new raw water pipes from the new water pumping station off Ardra Road, it may be necessary to reposition the section of the existing surface water drainage system owned by TWUL that runs underneath the eastern bank of Salmon's Brook.
- (e) Existing surface and foul water and foul drainage to the east of the Edmonton EcoPark (**Plots 13 to 29**):
 - (i) The Chingford Sewer crosses the south western section of this part of the Application Site, as shown on drawing 35180/GOS/CVD/004/A in Appendix A of

the Utility Strategy (Application document reference: AD05.10). This sewer will not be physically interfered with, but TWUL's rights to access and maintain it may be temporarily limited during the proposed works.

- (ii) TWUL owns two sludge mains, which run parallel to the western boundary of this part of the Application Site (through what will be the temporary laydown area) and then cuts across the tip of the entrance to Lee Park Way. These mains will not be physically interfered with, but TWUL's rights to access and maintain these mains may be temporarily limited during the Authorised Development given that run beneath the proposed temporary laydown area. TWUL has confirmed that it does not think that this will affect the sludge mains (a summary of communications with TWUL in this regard is in Appendix E of the Utility Strategy (Application document reference: AD05.10)).
- (iii) A new foul and industrial waste water system will be laid within the proposed temporary laydown area. The exact location will be determined during detailed design stage. This new system will deal with effluent originating from the domestic and welfare facilities and materials/equipment storage areas (washing and pre-construction activities) on the temporary laydown area. The laying of this new system will not affect existing utilities.
- (iv) A new surface water drainage system will be laid within the proposed temporary laydown area. The exact location will be determined during detailed design stage. The laying of this new system will not affect existing utilities.

10.5.11 Potable Water

- (a) Existing potable water infrastructure within the Edmonton EcoPark (**Plots 1, 2, 3, 4, 5, 30, 31 and 33**):
 - (i) LWL own an existing system of potable water pipes that lay beneath the Edmonton EcoPark. This system connects to a potable water supply owned and operated by TWUL. The point of connection between the LWL-owned potable water pipes and the TWUL potable water supply is on Advent Way, to the south east of the southern access to the Edmonton EcoPark; these are all shown on drawing 31580/LON/CVD/003/D in Appendix A of the Utility

Strategy (Application document reference: AD05.10). The existing potable water pipe system owned by LWL (and its connections to the TWUL potable water main) will be decommissioned and removed. Part of the existing TWUL potable water pipe to which the LWL potable water pipes connect will also be decommissioned. A new potable water pipe is required to be laid within the Edmonton EcoPark and connect to the potable water mains owned by TWUL on Advent Way. Drawing number 35180/LON/CVD/013/D attached to Appendix C of the Utility Strategy (Application document reference: AD05.10) shows the proposed location of the new potable pipe and the new connection to the TWUL main.

- (ii) There is a separate potable water main (owned by TWUL) that runs under the eastern bank of Salmon's Brook (within the Application Site boundary). The location of this pipe is shown on drawing 31580/LON/CVD/003/D in Appendix A of the Utility Strategy.
- (b) Existing potable water infrastructure to the north of the Edmonton EcoPark (**Plots 6, 7, 8, 9, 10 and 34**):
- (i) There is a TWUL potable water main that runs from Advent Way under the eastern bank of Salmon's Brook and continues through Deephams Farm Road, Ardra Road and ends before Meridian Way. A branch from this main turns right into Ardra Road. Details of this water main can be found in Appendix A 35180/GOS/CVD/003/A. TWUL's rights to access and maintain this pipe may be temporarily limited during works related to the Authorised Development in this part of the Application Site.
- (c) Existing potable water infrastructure to the east of the Edmonton EcoPark (**Plots 13 to 29**):
- (i) TWUL owns five potable water pipes within this area and their location is shown on drawing 35180/GOS/CVD/004/A in Appendix A of the Utility Strategy. They run through Plots 16, 18, 19 and 20. A potable water supply will be required for the temporary laydown area. New potable water pipes will be laid within the temporary laydown area (the exact number and location to be determined during detailed design stage) and connect to an existing TWUL owned potable water main in the south-eastern corner of the temporary laydown area.

Drawing number 35180/LON/CVD/013/D shows the location of the proposed connection point. The Applicant has reached an agreement in principle with TWUL in relation to this proposed connection. TWUL's rights of access and maintenance relating to its potable water mains in this section of the Application Site will be temporarily limited.

- (ii) There is also a 355mm water main owned and operated by TWUL, which runs along Advent Way and is laid under the entrance to Lee Park Way. The location of this water main is shown on drawing 35180/GOS/CVD/002/D in Appendix A of the Utility Strategy. TWUL's rights of access and maintenance relating to this main would be temporarily limited during the works to this area and the use of the temporary laydown area.
- (d) Existing raw water utilities to the north of the Edmonton EcoPark (**Plots 6, 7, 8, 9, 10 and 34**):
- (i) There is a raw water pumping station on land adjacent to Ardra Road. This water pumping station is managed and maintained by LWL as leaseholder. The water pumping station is owned by Kennet Properties Limited. This water pumping station will be demolished as part of the Authorised Development. A new raw water pumping station will be constructed within Plot 9. The construction of the new water pumping station will not physically interfere with existing utilities. Rights of access and maintenance relating to existing utilities within this area could be temporarily limited whilst the relevant works are carried out.
 - (ii) The water pipes from the existing water pumping station run from an outfall into Salmon's Brook (known as the Deephams Sewage Treatment Works outfall), through the water pumping station and under the eastern bank of Salmon's Brook into the Edmonton EcoPark, in order to feed the existing wet cooling towers on the Edmonton EcoPark. These pipes are to be decommissioned and removed as part of the Authorised Development. New pipes will be laid from the new water pumping station to the proposed pre-treatment plant within the Edmonton EcoPark. The new pipework will run from the new water pumping station, under the eastern bank of Salmons Brook and into the Edmonton EcoPark. The laying of the new water pipes will not physically

interfere with existing utilities. Rights of access and maintenance relating to existing utilities within this area could be temporarily limited whilst the relevant works are carried out.

10.5.12 Waste water

- (a) Waste water within the Edmonton EcoPark (**Plots 1, 2, 3, 4, 5, 30, 31 and 33**):
 - (i) LWL currently owns a waste water treatment plant within the Edmonton EcoPark. This plant and its pipes will be decommissioned and removed as part of the Authorised Development. A new waste water treatment plant will be constructed within the Edmonton EcoPark and will connect to the Chingford Sewer (owned by TWUL) through 'connection point 1' as shown on drawing 35180/LON/CVD/012/F in Appendix A of the Utility Strategy. A discharge consent has already been granted to the Applicant by TWUL for this discharge.

10.5.13 Telecommunications, CCTV and data

- (a) Telecoms, CCTV and data infrastructure within the Edmonton EcoPark (**Plots 1, 2, 3, 4, 5, 30, 31 and 33**):
 - (i) There is a system of telecommunication, CCTV and data cables and associated apparatus owned by BT that are laid throughout the Edmonton EcoPark. These cables and apparatus are shown on drawing 35180/LON/CVD/005/B in Appendix A of the Utility Strategy (Application document reference: AD05.10).
 - (ii) LWL also owns a system of telecommunication, CCTV and data cables and associated apparatus that are laid throughout the Edmonton EcoPark. These cables and apparatus are also shown on drawing 35180/LON/CVD/005/B in Appendix A of the Utility Strategy.
 - (iii) Existing BT apparatus may need to be removed or relocated as part of the Authorised Development. Discussions with BT are on-going.
 - (iv) A new telecommunications system will be laid within the Edmonton EcoPark and reconnected to BT services.
- (b) Telecoms, CCTV and data infrastructure to the north of the Edmonton EcoPark (**Plots 6, 7, 8, 9, 10 and 34**):

- (i) Vodafone Group Plc own data telecom cable(s) that cut across the top of Ardra Road just within the Application Site before the junction with Meridian Way. These cables are shown on drawing 35180/GOS/CVD/003/A in Appendix A of the Utility Strategy. Rights of access and maintenance may be temporarily limited by the Authorised Development.
- (ii) BT owns that following cables (which are shown on drawing 35180/GOS/CVD/003/A in Appendix A of the Utility Strategy):
 - (A) Data telecom cable(s) that cuts across Deephams Farm Road;
 - (B) Data cable(s) that runs under Ardra Road; and
 - (C) Data cable(s) that runs under the bank of Salmon's Brook.

The cable that cuts across Deephams Farm Road may need to be repositioned due to the proposed works to Deephams Farm Road. Rights of access and maintenance may be temporarily limited by the Authorised Development.
- (iii) Zayo Group UK Limited owns data cables that run parallel to Meridian Way and underneath the northern entrance into Ardra Road. Rights of access and maintenance may be temporarily limited by the Authorised Development.
- (iv) Virgin Media Limited also owns data cables that cut across Ardra Road just within the Application Site boundary, before the junction with Meridian Way (as shown on drawing 35180/GOS/CVD/003/A in Appendix A of the Utility Strategy). Rights of access and maintenance may be temporarily limited by the Authorised Development.
- (v) A new CCTV camera system will be required under Deephams Farm Road. The exact location of the cables required for this system will be determined during detailed design stage.
- (vi) A new telephone line may be laid under Deephams Farm Road. The exact location of this new line will be determined during detailed design stage.
- (c) Telecoms, CCTV and data infrastructure to the east of the Edmonton EcoPark (**Plots 13 to 29**):

- (i) A BT cable runs along the eastern edge of the Edmonton EcoPark toward the location of the proposed RRF and RRC. BT cables also cut cross the entrance to Lee Park Way. These cables are shown on drawing 35180/GOS/CVD/004/A in Appendix A of the Utility Strategy. Access to the BT cables that run across Lee Park Way could be temporarily limited as a result of the Authorised Development.
- (ii) The proposed temporary laydown area will require new telephone, internet and CCTV cables and CCTV cameras and associated apparatus to be laid. The new telephone and internet cables will be connected to a BT connection point located to the east of the entrance to Lee Park Way from Advent Way (as shown on drawing 35180/GOC/CVD/002/D in Appendix A of the Utility Strategy. The exact number and location of these cables and apparatus will be determined during detailed design.

10.5.14 The Applicant has sought to negotiate to acquire the rights necessary for the Authorised Development from each statutory undertaker by private treaty. However, it has not been possible to reach agreement prior to making the Application with all interests affected, although the Applicant will continue to progress private treaty negotiations in tandem with the compulsory acquisition process. It remains the Applicant's intention to acquire such rights by agreement, but should it not be possible to enable the Authorised Development to be assembled and delivered within the necessary timeframes, the Applicant is seeking compulsory acquisition powers to allow it to interfere with statutory undertakers' rights and apparatus.

10.5.15 Any interference with statutory undertakers' rights and apparatus will cause minimum disruption to operations and will not cause serious detriment to the carrying on of the undertaking.

11 The Human Rights Act 1998

11.1 The European Convention on Human Rights (**Convention**) was incorporated into domestic law by the Human Rights Act 1998 (**HRA 1998**). Section 1 of the HRA 1998 defines the **Convention Rights** as the rights and fundamental freedoms enshrined in article 2 to 12, and 14 of the Convention, articles 1 to 3 of the First Protocol (as defined by s21 of the HRA 1998 was the protocol to the Convention agreed at Paris on 2 March 1952), and Article 1 of the Thirteenth Protocol (as defined by s21 of the HRA 1998 as the protocol to the Convention on 3 May 2002), as read with Articles 16 and 18 of the Convention.

- 11.2 The Convention Rights of particular relevance to the determination as to whether the Order should include compulsory acquisition powers are:
- 11.2.1 First Protocol, Article 1: This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws and principles.
- 11.2.2 Article 6: This entitles those affected by powers sought for the Authorised Development to a fair, public hearing.
- 11.2.3 Article 8: This protects private and family life, home and correspondence.
- 11.3 No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.
- 11.4 The decision maker, as a public body, is under a duty to consider whether the exercise of its powers engages Convention Rights. The approach to be taken to give effect to rights under the Convention is reflected in the advice in the Guidance.
- 11.5 The draft Order has the potential to infringe the human rights of persons who hold interests in the Order Land. Such infringement can be authorised by law provided the appropriate statutory procedures for making the Order are followed and a compelling case is made out in the public interest for the compulsory acquisition and the interference with the Convention Right is proportionate. On the basis of decisions of the courts, the test of proportionality is satisfied if the Order strikes a fair balance between the public benefit sought and the interference with the rights in question.
- 11.6 The Applicant has weighed the potential infringement of Convention Rights in consequence of the inclusion of compulsory powers within the draft Order with the potential public benefits if the draft Order is made.
- 11.7 The Applicant considers that there would be significant public benefit arising from the grant of development consent for the Authorised Development. That benefit is only likely to be realised if the draft Order includes powers of compulsory acquisition. The significant public benefits on balance outweigh the effects upon persons who own property within the Order Land.
- 11.8 Those affected by compulsory acquisition may claim compensation in accordance with the Statutory Compensation Code. The Applicant has obtained valuation advice which assesses the total compensation potentially payable (including professional fees) as less than £2 million. Based on this, the Applicant would be able to meet any liability from available funds which

would be budgeted for in the relevant years (2017-2019). If, as is possible under the draft DCO, land interests were to be acquired by LWL (a waste management company that is wholly owned by the Applicant), then compensation costs would be met through available funds or through a privately arranged loan.

- 11.9 In accordance with Part 5 of the PA 2008, the Applicant has consulted persons set out in the categories contained in section 44 of the PA 2008, which includes owners of the Order Land and those who may be able to make claims either under section 10 of the Compulsory Purchase Act 1965 or Part 1 of the Land Compensation Act 1973. All those with an interest are able to make representations to the Examining Authority and therefore the requirements of Article 6 of the Convention are met.
- 11.10 Representations can be made in response to any notice given under section 56 of the PA 2008 (i.e. a notice informing the person of an accepted application).
- 11.11 Should the draft Order be made, a person aggrieved may also challenge the Order in the High Court if they consider that the grounds for doing so are made out pursuant to section 118 of the PA 2008. Affected persons have the right to apply to the Upper Tribunal (Lands Chamber), if compensation is disputed.
- 11.12 The requirements of compensation being payable for the acquisition of any interest are met. Therefore Article 1 of the Convention is not contravened.
- 11.13 For the above reasons, the Applicant considers that the inclusion of powers of compulsory acquisition in the draft Order would not constitute any unlawful interference with Convention Rights and further that it would be appropriate and proportionate to make the draft Order, including the grant of powers of compulsory acquisition.

12 Other consents and licences

- 12.1 Additional consents and licences are required in addition to the Order. There are no impediments to the Applicant gaining any of these consents and licences.
- 12.2 The principal consents relevant to the commencement of construction are:
- 12.2.1 A permit from the Environment Agency for the operation of the authorised development with respect to waste input and output, emissions to the environment, noise limits, odour, operating hours, allowable treatment processes, management systems, and environmental reporting requirements.
 - 12.2.2 A consent under section 32 of the Water Resources Act 1991 for works within 8m of the Enfield Ditch and Salmon's Brook.
 - 12.2.3 A consent under the section 166 Water Industry Act 1991 for the discharge of waste water into a sewer (this has already been obtained by the Applicant).
 - 12.2.4 Agreement under section 185 Water Industry Act 1991 for the diversion of the Angel Sewer and the Chingford Sewer.
 - 12.2.5 CDM- F10 Notification of Construction Authorised Development.
 - 12.2.6 A consent under the section 23 of the Land Drainage Act 1991 (Watercourses – obstructions and culverts).
 - 12.2.7 Agreement under section 278 Highways Act 1980.
 - 12.2.8 A consent under Road Traffic Regulation Act 1984.
- 12.3 The principal consents relevant to the management of the authorised development are:
- 12.3.1 Goods Vehicle Operator Licence as required by Goods Vehicles (Licencing of Operators) Act 1995, Goods Vehicles (Licencing of Operators) Regulations 1995, The Road Transport Operator Regulations 2011, and The Goods Vehicles (Licencing of Operators) (Fees) Regulations.
 - 12.3.2 Waste Carrier Broker Licence.
 - 12.3.3 Registration under Regulation 21 of the Hazardous Waste (England and Wales) Regulations 2005.
 - 12.3.4 A consent to handle and store animal by-products.

12.4 It is not envisaged that there will be any undue delay or any obvious reason why the relevant consent or licence will not be forthcoming.

13 Conclusions

13.1 The inclusion of powers of compulsory acquisition in the draft Order for the purposes of the proposed Authorised Development meets the conditions of section 122 of the PA 2008 as well as the considerations in the Guidance.

13.2 The extent of land subject to the powers of compulsory acquisition is no more than is reasonably required to facilitate or is incidental to the proposed Authorised Development. Furthermore, the rights identified to be subject to compulsory acquisition are proportionate and are no more than are reasonably necessary for that purpose.

13.3 All reasonable alternatives to compulsory acquisition have been explored. Given the national and local need for the proposed Authorised Development and the support for it found in policy, as well as the suitability of the Order Limits (for the reasons outlined above), compulsory acquisition of rights identified by the Applicant for the proposed Authorised Development is justified.

13.4 The proposed interference with the rights of those with an interest in the Order Land is for a legitimate purpose, namely the proposed Authorised Development, and is necessary and proportionate to that purpose. The Applicant considers that the public benefits to be derived from the proposed compulsory acquisition of rights within the Order Land would decisively outweigh the private loss that would be suffered by those whose land would be affected.

13.5 The Applicant has set out clear and specific proposals regarding how the Order Land will be used.

13.6 The requisite funds are available to meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition. The purposes for which powers of compulsory acquisition are included in the draft Order are legitimate and justify interfering with the rights of those persons with an interest in the land who would be affected.

13.7 These are the compelling reasons for the exercise of compulsory powers of acquisition in respect of the land and rights set out in the Book of Reference and shown on the Land Plans.

14 Further information

Funding

- 14.1 As outlined in section 1.4 of this Statement, the Application is also accompanied by a Funding Statement to explain how the proposed compulsory acquisition for which it seeks authorisation in the Order is proposed to be funded. For the reasons set out above and in the Funding Statement, the availability of funding is not an impediment to the implementation of the Authorised Development or any part of it.

Negotiation

- 14.2 Owners of interests or rights affected by the Authorised Development who wish to discuss matters should contact: info@northlondonheatandpower.london.

Compensation

- 14.3 Provision is made by statute with regard to compensation for the compulsory acquisition of land and the depreciation in value of properties. More information is given in the series of booklets published by the Department for Communities and Local Government entitled "Compulsory Purchase and Compensation" listed below:

14.3.1 Booklet No. 1 - Compulsory Purchase Procedure.

14.3.2 Booklet No. 2 - Compensation to Business Owners and Occupiers.

14.3.3 Booklet No. 3 - Compensation to Agricultural Owners and Occupiers.

14.3.4 Booklet No. 4 - Compensation for Residential Owners and Occupiers.

14.3.5 Booklet No. 5 - Reducing the Adverse Effects of Public Development: Mitigation Works.

Copies of these booklets are obtainable, free of charge, from:

Communities and Local Government Publications

Cambertown House

Goldthorpe Industrial Estate

Rotherham S63 9BL

Tel: 0300 123 1124

14.4 In addition, the booklets are available to download for free online at:
<https://www.gov.uk/government/organisations/department-for-communities-and-localgovernment/series/compulsory-purchase-system-guidance>



Series 04 Compulsory Purchase
Information

**NORTH LONDON WASTE
AUTHORITY**

1b Berol House, 25 Ashley Road
Tottenham Hale
N17 9LJ

Telephone: 020 8489 5730

Fax: 020 8365 0254

Email: project@northlondonheatandpower.london