



Meeting note

File reference	EN010071
Status	Final
Author	Karl-Jonas Johansson
Date	26 March 2015
Meeting with	North London Heat and Power Project
Venue	The Planning Inspectorate, Temple Quay House
Attendees	Planning Inspectorate Tom Carpen (Infrastructure Planning Lead) Stephanie Newman (Case Manager) Karl-Jonas Johansson (Case Officer) Emma Cottam (EIA Advisor) Will Spencer (EIA Advisor) Mel Bischer (Consents Service Unit) North London Heat and Power Project David Beadle (NLWA) Euston Ling (NLWA) Ursula Taylor (NLWA) Katie Kerr (Arup) Anita Kasseean (Stephenson Harwood)
Meeting objectives	Project update
Circulation	All attendees.

Summary of key points discussed and advice given:

Introduction

The Planning Inspectorate (the Inspectorate) outlined its openness policy and ensured those present understood that any issues discussed and advice given would be recorded and placed on the Planning Inspectorate's website under s.51 of the Planning Act 2008 (PA 2008). Further to this, it was made clear that any advice given did not constitute legal advice upon which the applicant (or others) can rely.

Actions from last meeting

The outstanding meeting notes will be circulated shortly.

Agenda items

The Inspectorate set out specific topics on which it had queries based on a review of the National Policy Statements and documents published by the applicant to date. The Inspectorate advised that this was not a comprehensive list but areas for the applicant to consider. The applicant agreed to take each of the issues away for review and for both parties to revisit progress on them at future meetings.

Decommissioning/Commissioning

The applicant informed the Inspectorate that there will be a programme for decommissioning of the existing Energy from Waste (EfW) and commissioning of the new Energy Recovery Facility (ERF) and that some flexibility will be important to enable them to commission and test the new ERF. The applicant clarified that the old EfW would be decommissioned in stages but confirmed that at no point would the two facilities be running at full capacity simultaneously.

The Inspectorate advised that there are some limits on flexibility given that the programme for the decommissioning and commissioning of the plants needs to take into account both the length of time the decommissioning/commissioning would take and the time of year that this would occur as this could impact the Environmental Permit (EP). On the Inspectorate's advice, the applicant agreed to clearly explain in the Environmental Statement (ES) the assessment parameters (e.g. timescales/characteristics of works) used to address the current uncertainties regarding the development/decommissioning phasing and how these would be controlled where appropriate through the draft Development Consent Order (DCO). The Inspectorate advised that without prejudice to any examination, the Examining Authority (ExA) may wish to explore this issue during the examination. The Inspectorate offered to circulate any relevant information drawn from existing projects which have a decommissioning/commissioning phase. It also offered to review the proposed approach to assessing (in the ES) the potential environmental effects associated with the proposals to decommission the existing plant at the same time as commissioning the new one. This advice would be published under Section 51 of PA2008.

The Inspectorate also advised the applicant to give consideration to the appropriate baseline to use in the Environmental Impact Assessment (EIA), depending on whether there is a consented decommissioning plan in place for the existing plant.

Water resources

The Inspectorate explained that the application needs to show how much water the plant would use; where it would be abstracted from; how it would be discharged from the plant; the quality of the discharged water; the impact of the discharge on water infrastructure/water courses; what licences the project would need in relation to water usage; and what agreements have been reached with other organisations with respect to water issues. The Inspectorate also requested information about the applicant's proposed approach to climate change adaptation with respect to flood risk management.

It was agreed that these points would be discussed at a future meeting when more information becomes available.

Habitat Regulations Assessment (HRA), including air quality

The Inspectorate explained that there are several European sites within the vicinity of the EcoPark that could potentially be affected by the project, and informed the applicant when carrying out the assessment of European sites to have regards to in-combination effects from other projects. The Inspectorate requested to be kept informed about the level of agreement between the applicant and relevant statutory bodies on the methodology and outcomes of the assessment, and offered to review a draft of any HRA document before submission to minimise the risks at acceptance. The applicant was referred to Advice Note 10 for guidance on this process.

Waste

The Inspectorate advised the applicant to be explicit about the need for the project in the context of the waste hierarchy and other waste reuse and reduction activity undertaken by NLWA, and to clearly set out (including within the ES) how the design of the scheme has been used to mitigate potential impacts and how the delivery of these is secured through the draft DCO. This applies to all mitigation measures relied upon in the ES to control the potential environmental effects of the project.

The Inspectorate also requested that the applicant specify what it meant by the term residual waste. The applicant explained that it would contain non-recyclable waste from households and small businesses covered by the North London Waste Authority, and that the plant would not deal with hazardous waste. It was further clarified that the relevant permits would define what could not be processed at the plant.

Design

The applicant informed the Inspectorate that for the purpose of conducting assessments the design of the project has been frozen and no significant changes had been made to the scheme. The Inspectorate advised the applicant that the plans will be reviewed at the draft documents stage of pre-application and cross-referenced against the draft DCO. The applicant enquired about the degree of flexibility that would be possible with respect to the location of some ancillary structures. The Inspectorate advised that flexibility is possible in principle as long as it is clearly set out in the DCO, and worst case scenarios are assessed in the ES and consulted upon.

It was also clarified that the connection to the heat network would not form a part of this application but that a Combined Heat and Power (CHP) strategy will be developed. The Inspectorate advised that the potential cumulative environmental impacts associated with the CHP works/pipeline route should be considered in the ES.

Any change to the project that stemmed from consultation needs to be recorded and presented in the consultation report as evidence of having regard to responses received consultation under s.42,47 and 48 of PA2008 and the Department for Communities and Local Government's guidance on pre-application process.

Visual impact

The applicant explained to the Inspectorate that the visual impact of the height of the stack received a mixed reception in the consultation, but for many respondents their main comment was that the new plant should have less of a visual impact than the old one. The Inspectorate highlighted the need to be clear about the impacts of the

proposal given the flexibility sought in the development design, and for the development options to be fully addressed within the EIA.

The applicant was advised to try to identify and where possible resolve any visual impact issues arising from the second round of consultation before submission as there would be limited scope to change the scheme once it has been submitted.

Compulsory Acquisition

The applicant informed the Inspectorate that it was in contact with relevant stakeholders and seeking to reach private agreements, indicating that it was their intention to use compulsory acquisition as a last resort. In light of the fact that these negotiations are on-going, as a precautionary measure the draft DCO will have to factor in these powers. The Inspectorate requested that it be kept informed of the progress of any agreements.

The Inspectorate informed that it would like to review the book of reference, funding statement and statement of reason as part of its draft documents review to minimise risk for a non-acceptance decision.

Other Consents and Licences

The applicant discussed the current state of play with the regard to the other consents required in addition to the DCO with the Consents Service Unit (CSU) on 25 March 2015. They are in discussion with the Environment Agency (EA) regarding which consents are required and whether it is appropriate to apply for a single environmental permit for the site, or multiple permits. It was agreed to postpone the discussion regarding the additional consents needed for the project until after the applicant has had its next detailed discussion with the EA in mid-April. The applicant informed the Inspectorate that it would use a 'twin track' approach for the environmental permit application(s) and the DCO application.

The applicant was reminded that the ExA will want to have confidence that the activities permitted via the DCO are capable of obtaining the necessary consents required for construction and operation, including environmental permits. The EA is unable to issue a 'letter of no impediment'. It is therefore only able to make comments on permitting related matters during examination of the DCO, once it has reached its draft decision or final decision on an environmental permit application. The applicant was therefore advised to progress its environmental permit application(s) as early as possible, to ensure that a draft or final decision is achieved during the early stages of examination of the DCO. Absence of an environmental permit does not preclude the issue of the DCO, but it poses a risk to the applicant that the specific design permitted by the DCO is not compatible with the grant of an environmental permit.

The applicant informed the Inspectorate that Natural England was satisfied with the management of the site and that no bat licence was needed.

The applicant informed the Inspectorate that they will be working with the CSU in relation to the other consents that are required in addition to the DCO.

Consultation and outreach

The applicant stated that a summary of the responses it received to the first round of consultation and how these have affected their approach to the second round of consultation and the project more generally is available in the 27 March 2015 Authority Report which is published on their website.

The Inspectorate advised the applicant that an outreach event organised by the Planning Inspectorate, held before the end of the second round of consultation, was desirable as it would allow the applicant to mitigate any new issues that might arise. It was agreed that the Inspectorate will liaise with the applicant regarding suitable dates for a combined site visit/outreach event to be held in June 2015.

Draft Documents

The applicant was informed that the draft documents review is a two stage process that in total usually takes 2-3 months. The applicant suggested it would present us with a programme for reviewing the documents that fitted with their timescales.