



Meeting note

File reference	EN010071
Status	Final
Author	Karl-Jonas Johansson
Date	1 October 2015
Meeting with	North London Heat and Power Project
Venue	Teleconference
Attendees	Planning Inspectorate Tom Carpen (Infrastructure Planning Lead) Karl-Jonas Johansson (Case Officer) Will Spencer (EIA Advisor) Emma Cottam (EIA Advisor) Melanie Bischer (Consents Service Unit) Vicki Hodgson (Lawyer) Applicant Ursula Taylor (NLWA) Nicola White (Arup) Euston Ling (NLWA) Ben Stansfield (Stephenson Harwood) 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 applicant informed the Inspectorate that they would send through their comments on the meeting note dated 6 August 2015 and that they would send through the updated land plans by Friday 2 October 2015.

Update from NLWA members meeting

The applicant advised that the recent North London Waste Authority members meeting had given approval for the application to be submitted. The authority also decided that the new Energy from Waste facility (EfW) would use the air cooling option.

The Inspectorate advised that the applicant ensures it has the appropriate arrangements to secure decisions at short notice, for example delegated powers from the members, in order to handle the examination process. The Inspectorate clarified that the applicant might need these delegated powers to handle, for example, unforeseen changes to the application or to respond to Examining Authority requests for further information. Further information regarding change requests during the examination process can be found in the Inspectorate's Advice Note 16 (see follow up actions at foot of this note).

Table of powers approach

The draft CPO Powers Roadmap was discussed. The applicant asked whether its approach was appropriate and the Inspectorate confirmed that it was helpful and addressed what it was looking for. The Inspectorate also noted that the approach taken with rights, subject to the relevant protective provisions for statutory undertakers, was the usual approach.

Outstanding comments from the Inspectorate's document review

It was confirmed that the applicant had received comments on the Consultation Report and No Significant Effects Report.

Draft development consent order and explanatory memorandum

Article 2 Interpretation

The applicant was advised that the Secretary of State (SoS) has removed the terms *alter* and *improve* from the definition of *maintain* in two recently made orders and that the SoS has required the power to maintain to be limited to the extent that it does not give rise to impacts not assessed in the Environmental Statement.

Article 5 Maintenance of Authorised development

The Inspectorate requested that the applicant clarified what was covered by landscaping in Article 5(2)(b) and 5(2)(d). The applicant explained that it related to Works 4 (Requirement 2(d)(vii)).

Associated Development

The Inspectorate advised the applicant that the EM should justify, with reference to the DCLG Guidance, how the various works within Works 4 constitute associated development. The Inspectorate explained that the SoS had modified recent DCOs where she felt that, what the applicant considered to be integral, was associated development. The Inspectorate added that the EM should also justify the timescales relating to associated development.

The applicant clarified that Works 4 includes mitigation works associated with the development, such as landscaping along the River Lee Navigation. Further detail on

the anticipated layout of Works 4 is set out on the indicative plans which will be provided in the Design Code Principles document.

The applicant clarified that the area housing the existing EfW facility (Works 7) would be left unbuilt after demolition/decommissioning, so that it would remain available for waste uses in line with the site's allocation as a strategic waste site.

It was suggested by the Inspectorate that the applicant clarify further what Works 2(d)(vii) would entail.

Requirement 6 Type of waste to be treated

The Inspectorate queried the inclusion of the controls by this Requirement on the basis of potential overlap with control via Environmental Permit (EP).

The Inspectorate explained that the type of waste used by the EfW facility could be a matter for the examination.

The applicant clarified that the purpose of Requirement 6(2) was to enable the removal of hazardous waste from the site (should it be accidentally delivered), rather than for treating hazardous waste on site. The Inspectorate recommended that the applicant clarify this point in the application documents, in particular the EM.

Requirements 20 Decommissioning and 21 Transitional Period

The Inspectorate advised the applicant that it might want to include a definition of 'the existing EfW facility', to ensure clarity in relation to what is to be demolished/decommissioned.

The applicant is already in discussions with the Environment Agency with regard to the surrender application for the EP for the existing EfW facility.

The Inspectorate suggested the applicant could compare its demolishing/decommissioning approach to the one drafted in the Internal Power Generation Enhancement for Port Talbot Steelworks draft DCO.

Further to the Inspectorate's suggestion, the applicant agreed to clarify what, in the decommissioning process, constitutes 'works'.

Requirements 20 and 21 were discussed and have been considered further by the Inspectorate. The Inspectorate questions whether the transitional period would be covered by the decommissioning and demolition plan. If so, how the controls (time and maximum waste to be treated during the transitional period) in Requirement 21 would interact with controls imposed via the decommissioning and demolition plan. The Inspectorate acknowledges that the applicant is in discussion with the EA on this issue. The Inspectorate notes that there will need to be adequate and not-overlapping controls in relation to all aspects of decommissioning/demolition.

Article 28 Temporary use for land for maintaining authorised development

The applicant explained that a power was needed to maintain a thin strip of land parallel to Deephams Farm Road that is outside the red line boundary, to prevent trees, shrubs and the like from overgrowing on to Deephams Farm Road. The applicant said it would be submitting a specific plan to the Inspectorate to show the extent of this land. The Inspectorate highlighted that the control mechanism mentioned in the DCO might be restricted to the red line boundary and therefore not applicable; and suggested that the applicant might want to justify this approach in the Explanatory Memorandum (EM).

The applicant was advised to justify in the EM why this power is necessary for the lifetime of the development.

Special Category Land

The applicant clarified that the updated Statement of Reasons sets out in detail how they have fulfilled the requirements set out in the PA 2008.

Schedule 2(1)

The Inspectorate noted the tailpiece in Schedule 2(1) which would allow the application to agree changes to, for example, the Code of Construction Practice and the Design Code Principles, with the relevant local planning authority. The Inspectorate noted the breadth of this flexibility and advised the applicant that the need for such flexibility will need to be justified during the course of the examination.

Combined Heat and Power

The Inspectorate recommended that the applicant review the decision letters for the Knottingley and North Killingholme projects and see how those orders were amended by the SoS for reviewing Combined Heat and Power opportunities. The Inspectorate highlighted that despite the applicant for North Killingholme having signed a s.106 agreement regarding development of combined heat and power, the SoS still thought it prudent to introduce a requirement into the order regarding further exploration of combined heat and power opportunities.

The applicant advised that it had been working with the London Borough of Enfield on a s.106 agreement rather than include such a requirement, and that it had considered the specific circumstances of its location as part of its approach.

No Significant Effects Report (NSER)

The applicant noted the Inspectorate's comments regarding cross referencing in the NSER. It was agreed that the applicant would contact the Environmental Services Team separately to discuss their comments on the draft NSER.

Local Authority Consultees

The Inspectorate advised the applicant to fully justify in the consultation report how Hertfordshire County Council has had the chance to view and comment on all available information during the consultation periods. The applicant was advised to obtain a note from Hertfordshire County Council, confirming that they have not been prejudiced against

Post meeting note: The Inspectorate advised that if it was not possible to secure a note from Hereford County Council that the applicant should justify in the consultation

report how Hertfordshire County Council had a chance to comment and that the Inspectorate will write to Hertfordshire County Council on adequacy of consultation.

Logistics

The Inspectorate explained that if the application was accepted for examination, the Inspectorate's programme officers would liaise with the applicant regarding practical issues such as venues.

AOB

The Inspectorate advised the applicant that to minimise the risk to acceptance, or if accepted, the risk to the examination / decision, including changes to the DCO, particular attention should be paid to the decommissioning of the existing EfW facility and the special category land.

The applicant advised that it is intended to submit the application at the end of week commencing 12 October 2015. Given the time available, the Inspectorate would seek to provide the comments as soon as it could, noting date of receipt, with any significant issues to be raised with the applicant quickly, if discovered.

If the application is accepted for examination, the Inspectorate advised that s.51 advice can be issued immediately post-acceptance.

The applicant confirmed that they intend to apply for an EP in November 2015.

Specific decisions / follow up required?

- [Advice note sixteen: How to request a change which may be material](#)
- The Inspectorate is to contact the applicant regarding practicalities relating to submitting the application
- Inspectorate to provide comments on the following documents:
 - Updated Statement of Reasons
 - Land Plans
 - Funding Statement
 - Book of Reference, road map document
- The applicant would contact the Environmental Services Team separately to discuss their comments on the draft NSER.