



The Planning Inspectorate

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Katie Kerr
Arup

Your Ref:

Our Ref: EN010071

Date: 20 July 2015

Dear Ms Kerr

During the meeting on 27 May 2015 you requested a review of draft application documents for the North London Heat and Power Project. In addition, at this meeting you agreed to provide the Planning Inspectorate (the Inspectorate) with two notes of clarification in response to questions raised concerning changes made to the application site boundary, and the cooling technology options considered in your Preliminary Environmental Information Report (PEIR).

This letter serves to provide comments on:

- Draft consultation report (submitted 15 June 2015)
- Draft schedule of other consents and licenses (submitted 30 June 2015)
- Note on Application Site Boundary Changes (received 2 July 2015)
- Note on cooling technology options considered in the PEIR (received 2 July 2015)

These comments are without prejudice to any decision made under section 55 of the Planning Act 2008 (as amended) (PA 2008) or by the Secretary of State on any submitted application. However, I hope you will find them useful.

Please do not hesitate to contact me should you have any queries regarding the comments provided.

Yours sincerely,

Stephanie Newman

Stephanie Newman

Annex I: Draft Consultation Report

General comments on the draft consultation report

The consultation report is well laid out and the consultation process is easy to follow. The Planning Inspectorate (the Inspectorate) notes that the draft consultation report does not contain a conclusion chapter. The applicant may wish to include such a chapter in order to aid the reader's understanding of how the consultations have impacted on the project.

While recognising that this is an early draft, we consider that the report would also benefit from specific paragraphs summarising how the consultation has influenced the project and clarifying why certain issues raised haven't been taken forward, to ensure that the application in particular meets the requirements of section 49 the Act, to have regard to responses received by the applicant, the pre-application Guidance issued by the Secretary of State for Communities and Local Government.

The consultation report refers, in paragraph 3.7.18, to a consultation feedback report that was distributed to consultees alongside the Phase II consultation material as evidence of how the Phase I consultation impacted on the project. If this report can help demonstrate how the applicant has met the requirements of section 49 and or pre-application Guidance, then you may wish to submit this as an Appendix to the consultation report.

When analysing the consultation responses, the applicant has given the consultees reference numbers to enable them to analyse the data more efficiently. To be able to cross reference the summarised responses with the original data the Inspectorate requests to be provided with a list of the consultee names and reference numbers as part of the application documents. This list would need to be published in redacted form to comply with data protection.

The Inspectorate advises that prior to submission the applicant should ensure that all cross referencing within the consultation report is correct and that duplicate paragraphs have been removed (see paragraphs 1.1.3/6 and 3.5.16/19).

If possible, the Inspectorate would like the next version of the draft report to include as many of the appendices as possible as this would help us understand the consultation process better.

Section 3

Paragraph 3.5.12 of the draft consultation report refers to information sent to schools in the local area but it is unclear if this information is identical to the information sent to other local consultees. The Inspectorate would therefore like to see this clarified. If additional material was sent out, this information should also be included in an appendix.

In paragraph 3.5.13 the draft consultation report refers to an email sent to voluntary

groups. Could the applicant clarify if this information is identical to the information previously sent out? It would also be prudent to include the letter sent to Enfield Council's voluntary and community sector team in the consultation report in an appendix to evidence this.

Table 4.5 reference 4.5.31 refers to the 'Norfolk' Solution' for waste handling. It is not clear from the applicant's response how this particular comment has been addressed, and we would encourage the applicant to clarify this.

Section 42 Consultation

For clarity, the Inspectorate advises that when the applicant submits the draft version of the appendix referred to in paragraph 3.3.4, it should highlight any additional consultees it has identified and consulted with during consultation Phase I and II. Likewise, the applicant should also clarify in the consultation report if it has not consulted with a consultee identified by the Inspectorate. It is desirable that the list of consultees is provided in the same order as the list of organisations set out in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) (Amendment) Regulations 2014, as recommended in Advice Note Fourteen.

Paragraph 3.3.5 lists which local authorities the applicant has consulted with. However, the applicant does not specify how they were identified. It would be helpful if, in accordance with Advice Note fourteen, the applicant could explain how this list was produced. The consultation report also states that there are no B, C and D authorities. This does not tally with the information the Inspectorate provided the applicant with at scoping.

Paragraph 3.5.14 states that the s.42 consultation material was sent out to statutory consultees and landowners. However it does not specify how the applicant ensured that the material reached each consultee before the consultation period started. The Inspectorate advises that a section covering this matter could be beneficial.

Section 47 Consultation

In accordance with Advice Note Fourteen, the Inspectorate advises that a section summarising the rationale behind the SoCC methodology would be of benefit for the Secretary of State.

The Inspectorate notes that in this version of the draft consultation report table 2.2 is incomplete.

Section 48 Consultation

The draft version of the consultation report does not set out how the s.48 notice was published. Table 2.4 states that this information will be covered in section 3 of the consultation report. The Inspectorate is of the view that, if possible, this information should be included in the next version of the of the draft consultation report but in section 5.

Paragraph 2.2.6 states that copies of the s.48 notices were sent out to consultees identified under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations), but the draft report does not specify how the applicant notified consultees of the consultation. We would encourage the applicant to elaborate on the manner in which they notified consultees and specify what efforts were taken to ensure that the material reached them.

In accordance with Advice Note fourteen, the Inspectorate recommends that the applicant sets out in the consultation report how the consultees prescribed under the EIA Regulations were able to access the consultation material.

Annex II: Comments on Draft schedule of other consents and licenses, and other environmental matters

Other Consents Schedule

The Inspectorate would welcome confirmation over whether the applicant intends to apply for a single environmental permit for the whole site, or for multiple permits for the different activities. It would also be useful to receive confirmation of the applicant's proposed timetable for making the application(s) to the Environment Agency.

In terms of water use, the Inspectorate notes the applicant's intention for water to be supplied from Thames Water's potable supply or a combination of Thames Water's potable supply and abstraction from the Deephams Sewage Treatment Works discharge channel. We would welcome an update on the progress of discussions between the applicant and Thames Water concerning supply arrangements. If discussions are at an early stage, it would be helpful to understand any contingency arrangements and whether these need to be covered in the Environmental Statement.

The Inspectorate also notes the applicant's intention to discharge effluent to Chingford Sewer, which will require trade effluent consent from Thames Water. The Inspectorate would welcome an update on progress in obtaining such consent. We would like to draw the applicant's attention to the fact that trade effluent consent has been an issue in another project in a similar context during examination, resulting in the need for an amendment to the environmental permit application to cater for an on-site effluent treatment plant and discharge to controlled waters. The applicant should be aware that, without prejudice to any future examination, this has the potential to be an examination issue and we would be happy to advise further.

Cooling technology options considered in the PEIR

It is noted that both air and water cooling options remain under consideration for the cooling system element of the proposed development. It is welcome that the potential effects of the various options are considered in the PEIR; however, within the note provided, the statement that the choice of cooling systems is not relevant to many of the assessment chapters lacks justification. The Planning Inspectorate considers for example that the systems have the potential to emit noise and other pollutants to air and water which will need to be assessed, as will the impacts on ecological receptors which could result from these changes in emissions.

The Inspectorate encourages applicants to refine the range of options proposed in the DCO as far as possible in order to provide certainty to consultees and the local community, and to facilitate the definition and assessment of the worst case scenario in the EIA. If this level of flexibility is required, the applicant is advised to consult with all relevant consultees to try and agree the relevant scenario(s) that should be assessed in each topic chapter of the Environmental Statement.

With regards to the proposed cooling technology options, the applicant is encouraged to engage proactively with the EA regarding whether and/or how the various options under consideration can be addressed through the environmental permitting process.

It is possible for example that the EA will be unable to issue permits for both options or may have certain requirements for the information that should be provided with the permit application(s).

Application Site Boundary Changes

The Inspectorate welcomes the steps taken by the applicant to ensure that stakeholders are aware of the iterations in the design of the proposed development. It is important that the iterations in design are reflected in the EIA and that the assessment remains robust. The applicant is encouraged to discuss and agree (as appropriate) with relevant consultees whether/how the scope of the assessment should be updated to reflect design iteration including changes to the application site boundary. The process by which the scope of the assessment has been established including in response to design iteration should be fully explained in the ES.

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.