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Katie Kerr
Arup

Your Ref:

Our Ref: EN010071

Date: 22 September 2015

Dear Ms Kerr

Following the meeting on 4 September 2015 in which you requested a second review of draft application documents for the North London Heat and Power Project, the comments provided below present the results of a review of draft No Significant Effects Report (NSER) and the draft Consultation Report, submitted to the Planning Inspectorate (the Inspectorate) on 8 and 16 September 2015 respectively.

Comments on No Significant Effects Report (Habitats Regulations Assessment) (August 2015)

The Inspectorate welcomes the opportunity to comment on the latest draft of the NSER (Habitats Regulations Assessment). In order to accommodate the applicant's timeframe, the review has focused on Section 7 of the Report (In-Combination Effects).

The Inspectorate notes that paragraph 7.1.2 of the report states that there is no potential for disturbance (from lighting or noise) to qualifying bird species at the Lee Valley Special Protection Area and Ramsar. The justification to support this conclusion is based on the distance these species are from the Application Site. At this time the detailed evidence to support this conclusion has not been provided (e.g. the anticipated geographic extent of impact compared with locational species survey information). The matrices provided at Appendix E cross refer to information contained in the Environmental Statement which is not currently available to the Inspectorate. Therefore, we are unable to comment on the sufficiency of the information in this regard. With regard to cross referencing the Inspectorate recognises the need to avoid unnecessary duplication but reminds the applicant that the Report should provide a standalone assessment of the potential effects on European sites. It would therefore be helpful if at least a summary of the evidence to support the conclusion reached is provided in Section 7 of the Report.

Section 7 does not describe the assessment of the potential in-combination effects on Epping Forest Special Area of Conservation (the other European site considered within the Report). The references to the relevant evidence in the Environmental Statement

are provided in the matrices, however a summary of the conclusions (and the relevant justification) should be provided in Section 7 of the Report.

The Inspectorate notes and welcomes the consultation undertaken with Natural England regarding the assessment. The evidence provided in Appendix A setting out the advice provided by Natural England is also welcomed.

Comments on the draft consultation report

The Inspectorate welcomes that the advice previously given regarding the Consultation Report (the Report) has been adhered to.

Although the Inspectorate has not received the applicant's appendices containing the prescribed consultees and is unable to comment on the adequacy thereof, the report clearly sets out in paragraphs 3.2.4-3.2.8 and in paragraphs 5.2.4-5.2.8 any alterations the applicant has done to the prescribed consultees list under s.42(1)(a) of the 2008 Planning Act (as amended) (PA 2008).

Section 42 Consultation

The Inspectorate would like to highlight that the Report has omitted to refer to two category A Local Authority consultees which the applicant should have consulted with. The Inspectorate recommends that the applicant update sections 3.2.13 and 5.2.5 to include the following category A Local Authorities:

- Essex County Council; and
- Hertfordshire County Council

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

Yours sincerely

Stephanie Newman

Stephanie Newman
Case Manager

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.