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Ms Katie Kerr
Arup (by email)

Your Ref:
Our Ref: EN010071
Date: 19 June 2015

Dear Ms Kerr

Following the meeting on 27 May 2015 in which you requested review of draft application documents for the North London Heat and Power Project, the comments provided below present the results of a review of two documents submitted to the Planning Inspectorate on 18 May 2015:

- Need Assessment
- Alternative Assessment Report.

It is our understanding that these documents are not prescribed as necessary for submission under Schedule 2 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, however we welcome their submission to assist the Examining Authority and the Secretary of State in their understanding of how the proposed project fits into the policy context.

These comments are without prejudice to any decision made under Section 55 of the Planning Act 2008 (as amended) or by the Secretary of State on any submitted application. Please note the comments provided refer to positive areas as well as areas for consideration. They relate solely to the draft document and not the merits of the proposal, and are provided to assist in preparation of the next iteration. I hope you will find them useful.

Planning Inspectorate comments on Need Assessment, May 2015

The Need Assessment is well structured, and the approach taken of addressing energy need followed by waste need is logical and clear. The policy context was described plainly and it was helpful that the relevant policies were presented according to the level at which they apply (i.e. national, regional and local).

The explanations provided for the energy generation, climate change, and waste management cases for the proposed plant are clear, and the use of citations of the NPSs and other policy is very helpful. References to the Defra (2014) 'Energy from

Waste: A guide to the debate' document were particularly helpful in this regard. However, please note that the quote from this document in footnote 4 on p. 11 has been copied incorrectly and is incomplete.

The explanation provided for the waste forecasting model, the assumptions used, and the risks to the Authority of over and under estimating waste flows was informative and convincing.

Please note some additional small points which require clarification:

- Paragraph 2.3.5 could benefit from elaboration to explain in a little more detail what is meant – this is not obvious currently;
- Paragraph 3.3.46 'recycling' should read 'recycled';
- Paragraph 3.4.4 should read 'proposing to treat smaller amounts *OF* non-LAC residual waste';
- Paragraph 3.4.7. In the quote from the Defra guide, it is not immediately obvious what 'to increase recycling without recycling in local overcapacity' means – this could benefit from some explanation.

The Assessment provides a thorough review of national policy and usefully highlights what The Planning Inspectorate consider to be the most relevant sections of the National Policy Statements based on our current understanding of the scheme. Please note it will be for any Examining Authority and Secretary of State to determine what is important and relevant with regard to national policy for the application in question. To ensure that the applicant has considered all London and local policy it is advisable to obtain the views of relevant statutory bodies as to whether you have identified and given due weight to their respective policies, and to capture this in your Consultation Report where applicable.

In the Climate Change Assessment, paragraph 2.2.10 refers to emerging results which indicate that the proposed ERF will meet the Carbon Intensity Factor set for energy generation from London's municipal waste '*when operating in Combined Heat and Power mode*'. This could imply that the operation will not meet the minimum performance standard if it is not operating with CHP. Given that the local energy network is not forming part of the development application, we would advise the applicant to ensure that statements made in the Need Assessment which aim to demonstrate how the project is in line with policy requirements should ensure that the project parameters are the same as those tested within the Environmental Statement (rather than simply a best case scenario).

Additionally, the Planning Inspectorate would be interested to know when these results will be finalised and whether they will be included in the submitted application?

Planning Inspectorate comments on Alternative Assessment Report, May 2015

The Alternative Assessment is helpfully structured with the policy requirements presented up-front. The chapter setting out the strategic development of the project chronologically is informative and provides an easy-to-follow narrative. The case for choosing the particular site is also clear and well argued, particularly the presentation of the local policies which affected the choice of site.

There are some areas which could benefit from some further elaboration however. Paragraph 2.2.3 identifies the grid connection, transport infrastructure, and CHP from NPS EN-3 as relevant factors influencing site selection. The Planning Inspectorate agrees with this selection of factors; however we note that, in Chapter 4, the case made in favour of the proposed site makes reference to the CHP connection and transport links, however there is no explicit mention of how the grid connection has been considered. This would be a welcome addition.

Similarly, Paragraph 2.1.3 identifies specific requirements from EN-1 to consider when comparing alternatives: biodiversity and conservation, flood risk, and landscape and visual. The Planning Inspectorate agrees with this reading of the NPS; however the site conclusions (4.7) could be more explicit about how these requirements have been considered in site selection.

We also note that the list of site requirements set out in section 4.6.1 could benefit from some text to elaborate on the reasons or justifications for their inclusion/ importance, as it is clear from section 4.7 that these criteria are very important for shaping the site selection.

Finally please note these minor points:

- Paragraph 2.1.2 'the SoS should ~~to~~ consider'
- Paragraph 3.2.2 'The applicant concluded that ~~that~~ a procurement...'
- Paragraph 4.3.2 'hydrogen chloride (H_2O) (HCl)'

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.