

GREATER LONDON AUTHORITY
Development, Enterprise and Environment

Dee Allen
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN
Sent by email

Our ref: GLA/4509/01
Date: 4 December 2018

Dear Ms Allen,

Planning Act (2008) (as amended) – Section 55
Adequacy of pre-application consultation for proposed Development
Consent Order for Riverside Energy Park.
Your reference: EN010093

I write further to your letter, dated 16 November, inviting the Greater London Authority ('GLA') to comment on the adequacy of the pre-application consultation undertaken by the applicant, Cory Riverside Energy ('Cory') for a development consent order for the proposed Riverside Energy Park. This letter sets out the GLA's position with regard to the adequacy of Cory's pre-application consultation, in accordance with Section 42, Section 47 and Section 48 of the Planning Act 2008 ('the Act'), which are each addressed in turn. An extension for the receipt of this letter, from 30 November to 5 December, was agreed with the Planning Inspectorate.

It must first be noted, however, that it is extremely disappointing that an application has now been submitted for a new waste incinerator as part of the proposed Riverside Energy Park. The Mayor is clear that London does not require any further energy from waste capacity and the expansion of such facilities in London will impact upon achieving his recycling and reduction targets, as well as have detrimental impacts on Londoners in terms of air quality.

Duty to consult – Section 42

Section 42 of the Act states that the applicant is required to consult the following about the proposed development:

- (a) such persons as may be prescribed;
- (b) each local authority that is within section 43;
- (c) the Greater London Authority if the land is in Greater London, and
- (d) each person who is within one or more of the categories set out in section 44.

Consultation with the Greater London Authority

As noted within Cory's consultation report, GLA officers have met with Cory on 5 (five) occasions from February 2018. A brief summary of the nature of the meetings is provided in table 1, which is appended to this letter. A formal consultation period ran from 18th June 2018 to the 30th July 2018,

where a covering letter, a Preliminary Environmental Information Report (PEIR) and a PEIR non-technical summary was provided to GLA officers.

On review of these documents, the Mayor issued a detailed consultation response on 30th July 2018, which set out the reasons why he opposed the development.

For completeness, this consultation response noted the following points, which have been reiterated in all subsequent meetings and correspondence with Cory:

- The Mayor does not support the development of further Energy from Waste (EfW) facilities in London. Such a facility is not required for managing London's non-recycled waste and would be detrimental to the Mayor's reduction and recycling targets;
- GLA officers consider that the proposed development would be unable to meet the Mayor's Carbon Intensity Floor emission level, and has not demonstrated any demand for the heat that would be produced;
- The proposals are expected to have adverse air quality impacts for current and future residents in London

A copy of the Mayor's consultation response is appended to this letter for ease of reference. In the context of the Mayor's fundamental concerns with the scheme, we are very concerned and disappointed by the decision to submit the application, essentially unchanged from the scheme that the Mayor assessed in July 2018.

Commentary on Cory's adequacy of consultation

Following the issue of the Mayor's pre-application consultation report on 30 July, Cory provided a tabulated commentary on the points that were raised within the consultation response on 6 September. A meeting was held on 11 September between GLA officers and Cory, where GLA officers expressed disagreement with many of Cory's assumptions in their response. A detailed response to this table was issued by GLA officers to Cory on 9 November.

Cory's consultation report states that the minutes for each meeting are appended to the report. It should be noted, however, that an agreed set of minutes for the meeting on 11 September was never issued with the GLA and GLA officers do not consider that the notes entirely reflect the discussions had. Relatedly, the table provided at appendix J.2 of the statement has not been confirmed by GLA officers as a summary of discussions or of information provided.

Cory has stated, at paragraph 10.3, that they are pursuing Statements of Common Ground (SoCG) with certain consultees, including the GLA. Whilst Cory expressed their intention to begin developing a SoCG in advance of the submission of the application, no substantive contact has been made regarding this. GLA officers were provided with indicative timescales for the SoCG, which states that Cory would provide examples in October and would provide a full first draft in November. GLA officers have not received any examples, drafts or any further information on the SoGC. Given the Mayor's position on the scheme and level of work anticipated for GLA officers, we would have welcomed further details and are keen to begin discussions on the SoCG as soon as possible.

Whilst it is acknowledged that Cory has consulted with the GLA as per clause (c) of Section 42, GLA officers have concerns regarding the nature and methodology of the consultation. If the application

is accepted, as part of the DCO process, GLA officers will be reviewing Cory's full suite of documents and will be providing detailed submissions in due course through representations, the SoCG and Local Impact Report as appropriate.

Duty to consult the local community – Section 47

Section 47 of the Act states that:

- (1) The applicant must prepare a statement setting out how the applicant proposed to consult, about the proposed application, people living the vicinity of the land
- (2) Before preparing the statement, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement
- (3) The deadline for the receipt by the applicant of a local authority's response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.
- (4) In subsection (3), "the consultation documents" means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection (2);
- (5) In preparing the statement, the applicant must have regard to any response to consultation under subsection (2) that is received by the applicant before the deadline imposed by subsection (3)
- (6) Once the applicant has prepared the statement, the applicant must-
 - a. Make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land
 - b. Public in a newspaper circulating in the vicinity of the land, a notice stating where and when the statement can be inspected, and
 - c. Publish the statement in such a manner as may be prescribed.
- (7) The applicant must carry out the consultation in accordance with the proposals set out in the statement.

Cory issued their draft Statement of Community Consultation to GLA officers on 16 May and requested comments by 25 May, in advance of its publication on 30 May 2018. Whilst these timescales do not comply with section (3), it is noted that the GLA is not listed within the local authorities listed section 43(1). The GLA did not issue a response to Cory's draft Statement of Community Consultation.

Duty to publicise – Section 48

Section 48 of the Act states that:

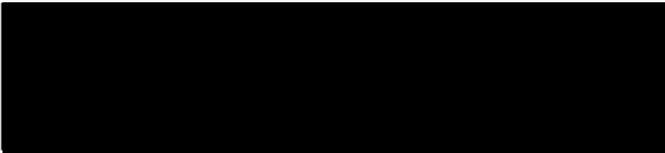
- (1) the applicant must publicise the proposed application in the prescribed manner;*
- (2) regulations made for the purposes of subsection (1) must, in particular, make provision for publicity under subsection (1) to include a deadline for receipt by the applicant of responses to the publicity.*

It is noted that Cory directed GLA officers to their website (riversideenergypark.com) on 31 May 2018. GLA officers cannot comment further on whether Cory publicised the application, beyond what is presented within their consultation document, as we have not been part of, or received any, further publicity.

Adequacy of consultation conclusion

It is disappointing that Cory have decided to submit an application that contains a new waste incinerator, which runs counter to the Mayor's aims and objectives. Whilst Cory has consulted the the GLA as per clause (c) of Section 42, GLA officers have raised concerns regarding the nature and methodology of the consultation. GLA officers will register as an Interested Party and will provide substantive comments, detailing the objections to the scheme, through the Pre-Examination and Examination process.

Yours sincerely



John Finlayson
Head of Development Management

APPENDIX

Table 1 – Meetings between GLA and Cory Environmental Holdings

Date	Attendees	Location	Nature of meeting
19 November 2018	GLA, Cory	City Hall	High level with senior members of staff regarding principle of development.
11 September 2018	GLA, Cory	City Hall	Discussion regarding the GLA's consultation response.
20 June 2018	GLA, Cory	Existing REP, Belvedere	Site visit only for GLA planning officer. No advice given.
5 June 2018	GLA, Cory	City Hall	A pre-planning application meeting with GLA planning officers, with high level discussion on the proposals.
7 February 2018	GLA, Cory	City Hall	High level discussion.