



Preliminary Meeting Note

Summary of key points discussed and advice given

Application: Riverside Energy Park

Reference: EN010093

Time and date: 10 April 2019

Venue: Slade Green and Howbury Community Centre

This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed and responses given. An audio recording of the event is available on the National Infrastructure Planning website, [here](#).

Introduction

The ExA introduced himself and explained that he was the Single Examining Inspector of the application for the Development Consent Order for Riverside Energy Park. He set out the general principles which he would follow in the Examination. These were operating independently and impartially, focusing on a careful examination of the evidence. The examination is an open process where all the evidence would be made publicly available on the Planning Inspectorate website. The ExA said that he aimed to be fair to all parties and for all of them to be given an opportunity to present their views on the proposed development.

Examining Authority's (ExA's) remarks about examination process

The ExA described the examination process:

- It was primarily a written process in which he asked questions and parties reply through written submissions.
- There was no need to re-submit relevant representations or submit written representations unless new information was included.
- He would issue a list of questions which would be principally addressed to the Applicant and ask for statements of common ground (at whenever they should be released) these.

The ExA asked if there were any requests for an Open Floor Hearing or a Compulsory Acquisition Hearing. The representative for Jon Cruddas requested that there be an Open Floor hearing. Knights Solicitors on behalf of S Wernick & Sons (Holdings) Ltd, Wernick Event Hire Ltd and SAS Depot Limited and Tozers LLP on behalf of Landsul Ltd and Munster Joinery (U.K.) Ltd requested that there be a Compulsory Acquisition Hearing. The ExA agreed to both.

The ExA raised the possibility of holding events at different venues. The Applicant suggested that the current venue, Slade Green and Howbury Community Centre, was the most appropriate. In terms of size and location. The Applicant also confirmed that this venue would be available for all hearings scheduled within the draft [Rule 6] timetable. The ExA said he was in favour of Belvedere Community Centre as a venue for the OFH if this is possible due to its proximity to the project location.

Initial Assessment of Principal Issues

The Applicant stated that it had been involved in discussions to reduce the order limits. Specifically, in regards to ongoing technical work with UK Power Networks (UKPN) the Applicant expected to be able to reduce the current cable route options by Deadline 2 on 20 May 2019. Also, by this Deadline the Applicant would, through agreement with the Port of London Authority, reduce the order limits from where they currently extend into the River Thames back to the mean highwater mark.

The ExA asked which documents would require resubmitting. The Applicant answered that new work plans, land plans and a new Book of Reference would be needed. The ExA then asked whether this would reduce the cable route options to a one. The Applicant replied that it could not confirm that at the time. The ExA noted that the London Borough of Havering would no longer be a host authority if the order limits didn't extend to the centre line of the river Thames. The Applicant replied that regardless of this, it had engaged with the London Borough of Havering to produce a Statement of Common Ground.

The ExA asked all parties to suggest other issues beyond his list of Principal Issues that should be considered:

- The Western Riverside Waste Authority (WRWA) wanted Compulsory Acquisition (CA) issues, particularly attempts to acquire by agreement and a public law point about the propriety of using CA in regard to WRWA
- Roy Hillman on behalf of Mrs Margaret J White raised traffic impact of operational loads including air and disruption to other forms of transport
- Andrew Achilleos on behalf of Rt Hon Jon Cruddas MP asked for consideration of policy conflict particularly in regard to the London Plan, subsequent plans and the London Riverside Opportunity Area. He also mentioned the impact on human health with reference to a report from the British Lung Foundation.
- The Greater London Authority echoed the concerns of the representatives of the Rt Hon Jon Cruddas MP in regard to policy conflict. The GLA also cited London and National waste policies aimed at reducing the disposal of waste in line with the waste hierarchy
- The London Borough of Bexley said it had registered its views on the principal issues in writing.
- The Eastern Riverside Waste Authority mentioned need as a relevant consideration.

The ExA noted that he would need to balance policy considerations in line with the National Policy Statement for Renewable Energy (NPS-3). The Applicant stated that the role of Energy from Waste facilities in meeting energy demand had been accepted in the relevant NPS and argued that what is for the ExA to consider is how the proposed development would fit within the waste hierarchy and how much the project itself would contribute to the issues raised by others as issues that need considering.

The ExA replied that while need for an Energy from Waste facility may be outside scope of the examination conformity with the Waste Hierarchy was an issue he would need to consider.

Deadlines

The ExA mentioned that during the following week the timetable and first written questions would be published, he then read out the deadlines as they are in the draft timetable.

The Applicant had a number of proposed changes to the deadlines. These being to move Deadline 3 from the 11 June 2019 to 18 June 2019 to allow it enough time to respond to Written Responses received at Deadline 2. It believed this should also have two knock-on impacts: moving Further Written Questions to the 3 July 2019 and then Deadline 4 to 19 July 2019. As no one raised any issues with these changes the ExA decided they would be adopted into the timetable.

The Applicant also suggested that an itinerary for the Accompanied Site Inspection (ASI) be issued at Deadline 2 and revised draft Statements of Common Ground should be to more Deadlines. The ExA agreed with both these changes.

The ExA mentioned that there was a deadline in which it was scheduled he would produce a Report on the Implications for European Sites. However, the Applicant had produced a no significant effects report. Therefore, the ExA said he would take internal advice on the need for the RIES and amend this deadline accordingly.

Hearings and Accompanied Site Inspections (ASI)

A day is set aside for an ASI with the Open Floor Hearing scheduled for the evening. The Applicant said it will put forward suggested locations and an itinerary by Deadline 1. It also suggested that it may be helpful to visit its current facilities, however if this was the case it would ask for single representatives from each group to attend and may have to take parties around in different groups due to safety concerns. Tozers LLP raised similar issues if the ASI goes through the premises of the business it was representing. The ExA questioned whether it would be necessary for him to actually go on to their site. Tozers LLP replied that it depended how the hearings go.

Andrew Achilleos requested that the ExA visit both Crossness Nature Reserve and Dagenham Marshes. Thames Water echoed this concern. The ExA confirmed that he would visit both sites, however he may visit Dagenham Marshes on a separate unaccompanied site inspection.

Western Riverside Waste Authority said it believed that longer than the half a day on the 6 June 2019 would be needed for Compulsory Acquisition Hearing and suggested that it may need an entire day on the 7 June 2019. Tozers LLP and Knights Solicitors all felt more time was needed for Compulsory Acquisition hearings. However, none of them could make the 6 June 2019 or the 7 June 2019. Therefore, the next proposed hearing dates (30 July to 1 August) were raised as possible dates for extra CA hearings.

The ExA agreed to a full day CA hearing on the 6 June 2019, with the possibility of it extending into the next day. He also agreed to an additional CA Hearing on the 30 July which could extend to 31 July of necessary.

Roy Hillman asked for an Issue Specific Hearing on transport. The ExA answered that the Environmental Matters hearing would cover all that was in the Environmental Statement and therefore this included transport.

Procedural Decisions taken by the ExA

Tozers LLP requested that they be allowed to cross-examine the applicant during the CA hearings. The ExA explained this was an inquisitorial examination and therefore questions would be raised by the ExA and in exceptional circumstances might allow for questions to be asked directly, however this would be determined during the hearings. Tozers LLP replied that it felt this would be the best way to fully express the issues. The ExA asked that, in the first instance, Tozers LLP should fully set out the issues of concern to their client in their written representation.

Any other matters

The ExA stressed the importance of rigorous change control process on documents submitted. Where revisions were made to earlier submissions, complete revised versions should be provided rather than lists of changes. He asked for clean and tracked changes version of major documents and requested that revised documents be submitted as stand-alone documents rather than appendices.

He also requested that the Applicant update its 'Guide to the Application' table and resubmit it at every deadline to keep track of changes to documents. And that where there was ongoing discussion between different parties neither the ExA nor the Planning Inspectorate are copied into email exchanges. What was needed was for him to see the final result of discussions.