



**Application by Cory Riverside Energy for the Riverside Energy Park**  
**The Examining Authority's written questions and requests for information (ExQ1)**  
**Issued on [date]**

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 13 March 2019. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Questions are grouped by topic and separately numbered. Please quote the relevant question number in your response

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [RiversideEP@planninginspectorate.gov.uk](mailto:RiversideEP@planninginspectorate.gov.uk) and include 'Riverside Energy Park' in the subject line of your email.

**Responses are due by Deadline 2: 20 May 2019.**



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**ExQ1: [Date]****Responses due by Deadline 2: 20 May 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
<b>1.</b>	<b>General and Cross-topic Questions</b>	
Q1.0.1	The Applicant	The proposed capacity of the Energy Recovery Facility (ERF) appears to be in the region of 95MW and as such would qualify as a nationally significant infrastructure project (NSIP). Please consider including the maximum capacity of the ERF both in terms of MW electrical output and tonnes of waste input in the draft DCO or provide an explanation as to why the capacity should not be included.
Q1.0.2	The Applicant	It is stated in the Environmental Statement (ES) that modelling has been based on a fuel throughput of 805,920 tonnes per annum (tpa) which is greater than the nominal tonnage of 655,000 tpa. Why is the nominal throughput lower than the maximum level used for the modelling? Will the operation of the plant, in practice, be limited to this nominal throughput? Is a limit proposed for the volume of green waste to be processed?
Q1.0.3	The Applicant	The capacities for the proposed solar panels, anaerobic digestion system and battery storage are not specified in detail but appear to be below the NSIP threshold of 50MW. Please clarify the proposed capacity for each of these elements and provide an explanation as to why they are included as part of the NSIP.
Q1.0.4	The Applicant	The case for ERF generation is included in the suite of Energy National Policy Statements (NPS). This element of the proposed development will therefore be considered under s 104 of the Planning Act 2008 (as amended) (PA2008). There is no NPS which provides technology specific policy in relation to solar photovoltaic, anaerobic digestion and battery storage. In which case would Work Numbers 1(b) to (e) fall to be determined under s 105 of PA2008 and if so which NPS policies would be important and relevant?
Q1.0.5	The Applicant	Alternatives for the construction of a steam turbine and electrical generator are included in work no 1 and work no 2. Please explain why it is necessary to include these alternatives.
Q1.0.6	The Applicant	Please set out how the environmental impacts of the alternatives for works no 1 and 2 have been assessed in the ES.
Q1.0.7	The Applicant	Work no 1 refers to up to two emission stacks. Two stacks are shown in the illustrative elevations. Is an option with only one stack under consideration?

**ExQ1: [Date]****Responses due by Deadline 2: 20 May 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q1.0.8	The Applicant	Paragraph 3.3.4 of the ES states that the ERF would likely be two streams to allow for maintenance. This is not shown in the illustrative layout or specified in the draft DCO. Please clarify what is intended. How will this be secured in the draft DCO.
Q1.0.9	The Applicant	Paragraph 3.2.2 of the ES lists a number of activities which currently take place on the REP site. Who is responsible for these activities and how will they be accommodated if the REP is developed?
Q1.0.10	The Applicant	Paragraph 3.2.8 of the ES refers to existing and proposed businesses on the site of the main temporary construction compound. Please explain how these businesses would be affected by the proposed development and how this is taken into account in the ES and the draft DCO.
Q1.0.11	The Applicant	Paragraph 3.3.37 of the ES refers to bottom ash from the incinerator (IBA) being transported off-site by barge. Please consider including a requirement to this effect in the draft DCO.
Q1.0.12	The Applicant	Paragraph 3.3.41 of the ES sets out options for the use of biogas from the anaerobic digester. Please explain how these have been taken into account in the ES and set out how any infrastructure associated with the use of this biogas has been included in the proposed development.
Q1.0.13	The Applicant	Paragraph 3.3.55 of the ES refers to a stack no taller than 14m associated with the anaerobic digester; in ES table 7.19 there is reference to a stack height of 8m. Please clarify the height proposed for the emissions stack and gas flare proposed in work no 1B and whether this refers to one stack or two.
Q1.0.14	The Applicant	Paragraph 3.3.66 of the ES refers to the installation of district heating (DH) pipes. Please explain how the potential environment impacts resulting from the construction of the DH network have been considered in the ES?
Q1.0.15	The Applicant	The ES states that the proposed development will comply with the waste hierarchy by reducing the volume sent to landfill. Please set out what consideration has been given to ensuring that full use has been taken of opportunities for recycling of waste before it is considered for incineration.
Q1.0.16	The Applicant	Paragraph 3.3.4 of the ES states that waste received is previously processed off site. It is noted that additional checks will be carried out inside the tipping hall. Please will the Applicant identify where non-compliant waste will stored while waiting to be transported off site, where this waste will be sent and what means of transport will be used.

**ExQ1: [Date]****Responses due by Deadline 2: 20 May 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q1.0.17	The Applicant	The proposals for the electrical connection contain alternative routes. Please provide an update on the status of these alternatives and reasons for not specifying a single route.
Q1.0.18	The Applicant	The construction of a new utility tunnel along the River Thames has been ruled out (ES 5.5.4). Please provide more information showing why this route is not viable.
Q1.0.19	The Applicant	The construction of the electrical connection is predicted to commence in 2022 and last 24 months. Please explain to what extent a deviation from the assumed start date and length of construction would affect the assessment of the likely significant effects of the work.
Q1.0.20	The Applicant	The Environment Agency (EA) in its Relevant Representation (RR) has raised concern that the crest of the Thames Tidal Flood Defences will need to be raised to 7.7m AOD as part of the Thames Estuary 2100 second stage within the lifetime of the development. The EA is concerned that the proximity of the proposed development will restrict future defence raising options. Can the Applicant demonstrate that, with the proposed development in place, there will be no restriction which would prevent the raising of the Thames Flood Defence crest as required? The EA is suggesting a 16m exclusion zone from the landward side of the flood defence. Would the Applicant confirm that no restrictions will be in place which would prevent inspection and maintenance of the flood defence?
<b>2. Air Quality and Emissions</b>		
Q2.0.1	The Applicant	Concern about the impact of the proposed development on Air Quality Management Areas (AQMA) was raised during the consultation stage. Can the Applicant explain the extent to which Air Quality impacts within the Borough of Dartford have been assessed? Can the Applicant also explain whether the Proposed Development is likely to threaten delivery of the measures contained within the AQMA Action Plan
Q2.0.2	The Applicant	Paragraph 7.5.7 of the ES states that that an initial study area of 10km radius from the REP was considered for human health receptors and 15km radius for internationally and nationally designated sites. A further 2 km radius has been considered for locally designated nature sites. However, paragraph 7.5.34 states that for the ERF emission modelling, a 4Km by 4Km Cartesian Grid (presumably from the point source) was used to predict the maximum predicted contribution to ground level concentration. Please explain how the 4km grid is used to inform the assessment

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ExQ1	Question to:	Question:
		findings over the wider study area? Can the Applicant also explain any limitations to the approach adopted.
Q2.0.3	The Applicant	Appendix C.2 shows the predicted concentrations of the REP + RRRF + Crossness. Can the Applicant confirm that the REP PC included at Table C2.2.1 includes the anaerobic digester and the REP?
Q2.0.4	The Applicant	Paragraph 7.9.12 states that the number of trips during construction is not known but that it will not be significant and therefore the impact on air quality will not be significant either. It is noted that this statement is not substantiated, and it is contradicted by the information included in Chapter 6 (transport) which included estimated trips for both workers and material delivery during construction. Given that an estimate of traffic generation during construction for both workers and material delivery is provided in the ES at Chapter 6, can the Applicant explain paragraph 7.9.12 and why the assessment of the effects of construction traffic is not included.
Q2.0.5	The Applicant	Due to the different presentation of traffic flows used in air quality assessment (which are usually presented as Annual Average Daily Traffic or AADT) and transport assessment (Chapter 6), the two are not easily comparable. While it is clear that the transport assessment has been conducted using different scenarios (Scenario 1 - 100% waste coming to the site by road and Scenario 2 - 100% waste coming by vessels) and combining the two waste streams, i.e. waste destined to the ERF and green waste for the anaerobic digestion, this clarification is not presented in the air quality assessment. Can the Applicant confirm that the assessment included in Appendix C1 of the ES has been conducted assuming 100% of waste coming to the site by road for both waste streams (i.e. both ERF and green waste for the anaerobic digestion process)? Can the Applicant clarify if the assessment represents the worst-case scenario?
Q2.0.6	The Applicant	Paragraph 7.9.16 of the ES states that for the emission vessel movements currently used at the existing RRRF, the annual mean NO <sub>x</sub> concentration at the point of exposure was modelled to be 0.08 µg/m <sup>3</sup> . Can the Applicant explain Paragraph 7.9.16 by clarifying how the annual mean reported NO <sub>x</sub> concentration has been derived? Please provide a definition of the term "emission vessel movements"
Q2.0.7	The Applicant	Paragraph 7.9.17 of the ES states that the increase in movements at Barking Reach, Halfway Reach and Tilbury Dock as per separate Navigation Risk Assessment will result in an increase of approx. 0.006µg/m <sup>3</sup> of NO <sub>2</sub> annual mean concentration at Barking Reach, 0.008µg/m <sup>3</sup> at Tilbury Docks and 0.02µg/m <sup>3</sup> at Halfway Reach. Can the Applicant explain how these concentrations were derived?

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ExQ1	Question to:	Question:
Q2.0.8	The Applicant	It is unclear what the concentrations of NO <sub>2</sub> will be at the REP jetty where all the vessels will deliver waste. Can the Applicant say what the concentrations generated by the vessel transportation will be at the REP site?
Q2.0.9	The Applicant	Paragraph 7.9.14 of the ES states that the Port of London Authority Air Quality Strategy reports that the minimum point of exposure for receptors was estimated to be 90m from the vessel. However, it is noted that the receptors considered are residential properties. Although the majority of Crossness Local Nature Reserve (LNR) appears to be further away from the jetty, it is unclear whether the thresholds used in the Port of London Authority Strategy for residential properties are appropriate for coastal marshes habitats. Can the Applicant explain why Crossness LNR was not considered a sensitive receptor in the assessment of the potential impacts generated by increased air emissions from increased waste transportation by vessel during operations?
Q2.0.10	The Applicant	The summary of the air quality dispersion modelling carried out in connection with the ERF stacks is provided at Appendix C2. The Applicant has identified the pollutants which required additional modelling following the guidance included in the Environment Agency air quality risk assessment for environmental permit. Table C2.2.8 in Appendix C2 reports a Minor impact due to predicted annual average nickel concentrations at 7 receptors. Although 2 are within a business park, the remaining 5 are residential areas. The Applicant states that this is not significant. However, it should be noted that at paragraph 7.5.62 (methodology) the Applicant has stated that according to IAQM guidance the assessment of significance should be based on professional judgement taking into account several factors, including the number of properties affected. This information has not been found in the ES. Can the Applicant explain how the IAQM guidance has been applied to determine the significance of the identified minor effects at Table C2.2.8?
Q2.0.11	The Applicant	The ES does not include an assessment of the ecological features of interest potentially affected by the NO <sub>x</sub> and Ammonia emission concentrations from the REP neither in the ecology nor air quality chapters. Therefore, it is not possible to determine whether there is significant impact considering the Predicted Environmental Concentrations (PEC) at both sites are high. Can the Applicant explain how potential effects of the predicted NO <sub>x</sub> and Ammonia concentration generated by the REP on features of interest at Inner Thames Marshes SSSI and Ingrebourne Marches SSSI have been assessed and whether there would be significant effects at the SSSIs?
Q2.0.12	The Applicant	Paragraph 7.9.46 of the ES states that a small area of Crossness LNR is predicted to experience an hourly mean NO <sub>2</sub> concentration above 10% of the air quality objective. The area is shown on Figure

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ExQ1	Question to:	Question:
		<p>7.8. The ES states that the area is not an area where members of public will be regularly present. However, it is open to the public. Paragraph 7.9.47 states that the predicted NO<sub>x</sub> concentrations are potentially significant for terrestrial biodiversity receptors in Crossness LNR. Chapter 11– paragraph 11.9.25 states that the NO<sub>x</sub> concentration could result in changes to the habitats through an increase in dominant grass species and reduction in broadleaved species. Can the Applicant provide additional information regarding the changes predicted at Crossness LNR due to the predicted hourly mean NO<sub>x</sub> concentration exceeding the objective? What is the extent of the area likely to be affected? Can the Applicant explain the level of confidence, with reference to relevant criteria, it has in the conclusion reached in the ES that this increase is not likely to be significant?</p>
Q2.0.13	The Applicant	<p>A stack height of 90m has been assumed as the worst case in modelling emissions from the ERF. At paragraph 7.4.6 of the ES it is stated that the stack height is 93m AOD but in the draft DCO Table 1 the minimum stack height is set at 90m AOD. Please can the Applicant confirm whether the minimum stack height assumed in the ES is consistent with the minimum height to be included in the draft DCO.</p>
Q2.0.14	The Applicant	<p>The stack height for the anaerobic digester is shown as 8m in Table 7.19 . Is this the nominal height or AOD? Please confirm that this is the stack referred to in Work no 1B (vi) and explain how this minimum height is to be secured in the draft DCO. There is a separate reference in paragraph 7.5.55 of the ES to a 14m high enclosed ground flare. Please explain how this is related to the 8m stack.</p>
Q2.0.15	The Applicant	<p>The building parameters used for modelling as set out in Table 7.15 of the ES are different from those set out in Table 1 of the draft DCO. Please can the Applicant explain the relationship between these two sets of parameters and confirm that the parameters in the draft DCO are no greater than the worst case which has been assessed in the ES.</p>
Q2.0.16	The Applicant	<p>Biogas from the anaerobic digester would either be burned in a biogas engine or burnt in a flare. It is assumed in the ES paragraph 7.5.52 that the flare would only operate for between 200 and 400 hours per year. Please indicate how these operating hours would be controlled.</p>
Q2.0.17	The Applicant	<p>The location of the stacks for the biogas engine and for flaring are not indicated on Figures 1.3a, 1.3b and 1.3c and are not shown on the works plans. Please identify where these stacks are to be located.</p>

**ExQ1: [Date]****Responses due by Deadline 2: 20 May 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q2.0.18	The Applicant	The CHP engine in which biogas from the anaerobic digester would be burnt appears to be located away from the digester next to the steam turbine building. Please explain how the two elements of the plant are connected.
Q2.0.19	The Applicant	Paragraph 7.11.1 of the ES states that emissions from the biogas (anaerobic digestion) can be reduced by the provision of further abatement systems. However, this is not examined further because it was considered that the NO <sub>x</sub> emissions were not likely to generate a significant impact on Crossness LNR. There is uncertainty regarding how this conclusion was reached. With regard to the response provided to Q2.0.12 please will the Applicant explain whether this response has any implications for the inclusion of and design of any additional abatement measures?
<b>3. Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))</b>		
Q3.0.1	The Applicant	Section 11.4 of the ES states that two alternative routes – Option 1 and Option 1A -have been considered for the first part of the electrical connection from the REP but that only one route is likely to be granted. Please will the Applicant provide an update on its consideration of these two routes and indicate when it will make a choice between them.
Q3.0.2	The Applicant	Paragraph 11.7.42 of the ES describes the anticipated changes in rainfall resulting from climate change and states that any habitats created as part of the proposed development would be resilient to climate change. This statement makes no reference to the operational lifespan of the REP and it is not clear how the potential for the effects of climate change have been assessed over the life of the plant. Please would the Applicant provide clarification in support of the claim that the effects of climate change are not anticipated to be significant and should not be taken into account in the habitat creation.
Q3.0.3	The Applicant	The ES does not include any methodology for the assessment of the effects of noise levels generated during construction on ecological receptors. Chapter 8 (Noise and Vibration) refers to Chapter 11, but the methodology is missing. Please will the Applicant provide the methodology and significance criteria used in the assessment of the likely significant impact of noise levels generated during construction on biodiversity receptors as reported at Table 11.7.
Q3.0.4	The Applicant	Section 11.6 of the ES describes a limitation in the assessment due to the baseline data for some areas of the electrical connection route options not yet being complete (due to seasonal restrictions, and or evolution of the scheme design). The assessment makes use of existing baseline data, along with published knowledge and professional experience to support the assessment of effects. The ES

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ExQ1	Question to:	Question:
		acknowledges that the assessment of impacts to biodiversity features is impinged by a lack of baseline information in some areas. The ES explains that professional judgement has been applied in respect to these areas and to address gaps in baseline understanding. Please will the Applicant explain the extent to which they consider that these gaps may affect the findings within the assessment and what (if any) measures are in place to address the inherent uncertainty in these areas.
Q3.0.5	The Applicant	The area of semi improved grassland identified within the REP site forms part of the habitat creation. The ES states at paragraph 11.9.3 that the development will result in the loss of open mosaic habitat on previously developed land. The habitat to be lost is considered of local importance. However, the ES fails to identify the location of the area lost or the extent of the loss. It is believed that the loss of mosaic habitat is in fact the habitat creation required as a condition of the planning consent for the RRRF. Can the Applicant provide details of the extent of the loss of habitat in a tabulated manner and explain how value has been assigned to this habitat?
Q3.0.6	The Applicant	The proposed development will directly affect habitat that was deemed necessary to mitigate effects associated with the development of the existing RRRF. Please will the Applicant comment on whether the use of this land for the proposed development will result in the RRRF being in breach of its planning conditions.
Q3.0.7	The Applicant	Can the Applicant also explain what (if any) relationship exists between the newly created habitat associated with the existing RRRF and the adjacent Local Nature Reserve?
Q3.0.8	The Applicant	Paragraph 11.9.5 of the ES states that habitat compensation will be provided off-site. Can the Applicant explain what are the objectives for the delivery of off-site measures, how they will be secured, when and to what extent they will address effects associated with loss of habitat on site and what confidence there is in securing the mitigation in perpetuity? Can the Applicant also provide additional information on how the off-site measures will be monitored and which parameters will be used to ensure the compensation is successful?
Q3.0.9	The Applicant	Table 11.7 in the ES states that baseline noise levels recorded at location 3 represent levels at Crossness LNR. This location is not clearly identifiable from the noise plan. Please will the Applicant identify location 3.
Q3.0.10	The Applicant	Paragraph 11.9.11 of the ES states that there may be displacement of breeding/wintering birds during construction but that the impact of this is not significant. Please identify the criteria and the evidence that have been used in reaching this conclusion.

ExQ1: [Date]

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ExQ1	Question to:	Question:
Q3.0.11	The Applicant	Paragraph 11.9.23 of the ES states that the Proposed Development will exceed NO <sub>x</sub> levels critical loads at Inner Thames Marshes/Rainham Marshes SSSI and Ingrebourne Marshes SSSI. Baseline NO <sub>x</sub> levels at these two sites currently exceeds annual targets and the ES states that the impact of the project is not significant. However, it is unclear how this conclusion was reached. The ES fails to clearly identify the contribution to the site of each project included in the cumulative assessment therefore it is difficult to understand whether the project contribution will be significant in combination with other projects. Please will the Applicant clarify which evidence supports the statement that the impact of the proposed development is not significant.
Q3.0.12	The Applicant	Chapter 11 of the ES makes no reference to vibration contributing to disturbance impacts. Please will the Applicant explain the extent to which vibration from the Proposed Development has been taken into account in the assessment of disturbance.
Q3.0.13	The Applicant	The EA in its Relevant Representation has raised concerns regarding the effects from lighting on the adjacent LNR. It is concerned that while there are statements of intent, there is no evidence to demonstrate how impacts will be managed. The ES states that lighting will be kept to a minimum and lighting that is needed will be designed taking into account the risk to the adjacent LNR. But there is no information suggesting how new lighting within the development area may increase lights impact on the LNR. In absence of this information it is not clear if nocturnal species will experience significant effects. It is also unclear the extent to which the proposed mitigation/compensatory measures would be sufficient to address any effects. Please will the Applicant explain the extent to which the proposed Outline Lighting Strategy addresses any anticipated change in lighting impact on the LNR throughout relevant phases of the proposed development.
Q3.0.14	The Applicant	Concerns have been expressed in RRs about the impact of lighting at the proposed development on the Crossness LNR. Please will the Applicant explain the extent to which the proposed Outline Lighting Strategy addresses any anticipated change in lighting impact on the LNR through all of the relevant phases of the proposed development
Q3.0.15	The Applicant	An Outline Biodiversity Landscape Management Strategy OBLMS has been produced which sets out the principal measures to minimise impacts to designated areas, habitats and species. The OBLMS states that the Applicant will provide off-site compensation. In both the on-site and off-site instances, the OBLMS does not set out the location and extent of proposed compensation. Please will the Applicant provide further details explaining how and where open mosaic habitat will be created on-site and include details relevant to the amount of land which will be required? Delivery of the on-site compensation measures necessary to offset the harm caused by direct loss of open

ExQ1: [Date]

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ExQ1	Question to:	Question:
		mosaic habitat should be clearly secured within the DCO or other legally binding agreement. For ease of reference could the applicant provide a table to show what the potential effects of the proposal would be pre and post mitigation on ecological receptors?
Q3.0.16	The Applicant	Please will the Applicant provide information to explain its approach to the identification and delivery of off-site compensation having regard to its biodiversity characteristics and the ability to address the loss of open mosaic habitat? The explanation should also address the timescales associated with the delivery and the proposed mechanism that will secure its implementation and monitoring.
Q3.0.17	The Applicant	The EA has commented on the proposed cable route through the Crossness LNR and expressed concern about the proposal to convert 25% of the flood banks to open mosaic habitat. Please will the Applicant set out how it proposes to address the EA's concerns. Will the Applicant also explain how the potential impact of converting the flood banks to open mosaic grassland has been assessed and whether this could result in significant effects.
Q3.0.18	The Applicant	The proposed development would intercept the southern area of the Joyce Green Quarry site. The land concerned is the subject of an approved mitigation strategy consisting of the construction of receptor sites for both water voles and reptiles. The owner of the quarry is concerned that the receptor sites, which have been approved by Kent County Council, the EA and Natural England should not be disturbed and has objected to the use of this land. Please will the applicant describe how the loss of land within a receptor site, and itself the subject of an approved mitigation strategy for another site has been taken into consideration, and how the cumulative effects of the existing permission and the proposed development have been addressed.
<b>4. Landscape and Visual</b>		
Q4.0.1	The Applicant	The proposed development will occupy a significant part of the open view from Crossness Marsh to the River Thames filling in the space between the RRRF and the incinerator at the Crossness sewage works. Please explain why this is only classed as a moderate adverse effect in Table 9.6 of the ES
Q4.0.2	The Applicant	In the consideration of the visual impact of the operational stage of the proposed development at paragraph 9.8.2 of the ES it is stated that orientation of the main REP building would allow for 'visual permeability through the REP site from Belvedere to the River Thames'. Please provide a further explanation of how this 'visual permeability' will work both in terms of the views from Belvedere and the nearer views from Crossness Marsh

**ExQ1: [Date]****Responses due by Deadline 2: 20 May 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q4.0.3	The Applicant	The existing Crossness Sewage Works and RRRF incinerator buildings both have a curved roof form. Please explain why the proposed design for the REP does not adopt a form that is consistent with these existing buildings.
Q4.0.4	The Applicant	Please explain how the visual impact of the installation of solar panels on the roof of the proposed development has been assessed.
<b>5. Noise and Vibration</b>		
Q5.0.1	The Applicant	Table 8.14 in the ES shows a predicted indicative construction noise level of 56 dB over a 12-hour period. Please explain how this estimate has been derived; how it relates to existing noise levels and why it represents the worst case for construction noise.
Q5.0.2	The Applicant	The outline Code of Construction Practice (CoCP) which has been submitted would limit core construction hours to 7am – 7pm Monday to Friday and 7am- 1pm Saturday for noisy activities. Paragraph 8.9.12 and 8.9.13 in the ES refer to activities that would be undertaken outside of core construction hours. Please identify which activities would be undertaken outside the core construction period. What noise levels will be associated with these activities and what mitigation measures will be adopted to ensure that these remain within acceptable levels? How will these noise levels be controlled through the DCO?
Q5.0.3	The Applicant	Paragraph 8.9.3 in the ES states that there is unlikely to be an increase in road traffic flows resulting in a change in noise levels above more than 1dB. However, the assessment is not presented. Can the Applicant provide the assessment to confirm the results reported at paragraph 8.9.3?
Q5.0.4	The Applicant	Paragraph 8.9.11 in the ES states that at distances of 500 m from the REP site, noise levels from construction are likely to be 56 dB LAeq,12hour. This is below the proposed LOAEL and therefore equates to a Negligible effect. The WHO guidance values for community noise specifies that LAeq dB limit should be 55dB during daytime and evenings for outdoor living areas.  Can the Applicant provide the exact predicted construction noise levels at the Noise Sensitive Receptors (NSR) identified, considering the baseline and the combined effect of construction activities at the main construction compound and demonstrate the significance of the effect taking into account the WHO guidance? If predicted levels at NSRs are above the WHO guidance, can the Applicant show the contribution to noise levels from the Proposed Development during

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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
		construction and comment on whether additional mitigation measures be required at specific locations?
<b>6. Transportation and Traffic</b>		
Q6.0.1	The Applicant	London Borough of Bexley (LBB), Transport for London (TfL) and others have raised concerns about the volume of traffic that would be generated during construction of the plant and of the electrical connection and during operation of the plant. They have suggested that this has been underestimated in the ES. What is the Applicant's response to these concerns?
Q6.0.2	The Applicant	The ES has considered a worst-case scenario under which all waste is delivered to the site by road. But the Planning Statement states that the use of the river to transport materials to and from the REP will minimise road and vehicle use. Please consider a requirement setting a percentage of waste to be delivered to the site by river during normal operating conditions.
<b>7. Draft Development Consent Order (DCO)</b>		
Q7.0.1	The Applicant	The definition of 'commence' in Article 2 of the draft DCO lists work which is not included in the definition. This 'pre-commencement work' is subject to the pre-commencement biodiversity and landscape mitigation strategy set out in Requirement 4. Please consider including a cross reference to Requirement 4 in the definition in Article 2. Please also ensure that the definition of pre-commencement work in Requirement 4 is consistent with the definition in Article 2.
Q7.0.2	The Applicant	The definition of 'maintain' in Article 2 includes the wording 'insofar as such activities are unlikely to give rise to any materially new or materially different environmental effects ...' Please consider changing the words 'are unlikely to ...' to 'do not ...'. This would be in line with the wording used in e.g. the Keuper Underground Gas Storage Facility Order 2017.
Q7.0.3	The Applicant	Article 3(3) provides for a downward deviation from the levels of the authorised development not exceeding 2 metres. Please explain why this degree of flexibility is required. Please also confirm that this flexibility does not apply to the minimum heights and maximum depths set out in Table 1 of Schedule 2.
Q7.0.4	The Applicant	Article 6(1) and 6(2) provide for the disapplication of consents that would be required from the Environment Agency (EA) and would be replaced with protective provisions for the EA. Please provide an update on discussions with the EA about these provisions.

**ExQ1: [Date]****Responses due by Deadline 2: 20 May 2019**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q7.0.5	The Applicant	Article 6(3) provides for the disapplication of the Neighbourhood Planning Act (NPA) in respect of temporary possession (TP) and its replacement with TP powers that have been included in other DCOs. Notwithstanding the precedent in other cases such as the Silvertown DCO, please justify why the current TP regime should not be modified to more closely reflect the statutory regime in the NPA which provides greater protection of parties affected by TP
Q7.0.6	The Applicant	Article 9 provides for guarantees in respect of payment of compensation. This, in part, follows precedents in other DCOs. In other DCOs, e.g. Millbrook Power the guarantee or alternative form of security referred to in 9(a) and 9(b) have been subject to approval by the Secretary of State. Please consider including that requirement here or explain why this would not be appropriate.
Q7.0.7	The Applicant	Article 32 relates to the rights of statutory undertakers. Please provide an update on the drafting of protective provisions for statutory undertakers.
Q7.0.8	The Applicant	Paragraph 3.7.3 of the Explanatory Memorandum (EM) states that Schedule 1 has been drafted so as to be non-specific as to technology and configuration of plant. Please explain why this non-specific approach has been adopted given that technology and layout have been taken into account in the analysis carried out for the ES.
Q7.0.9	The Applicant	Schedule 1 does not specify the capacity of any of the elements of the proposed development either in terms of input of waste or energy output. Please consider the inclusion of specific capacity limits in accordance with the levels assessed in the ES.
Q7.0.10	The Applicant	Please provide further justification for limiting Requirement 2 on Detailed Design Approval to the elements of the Works listed.
Q7.0.11	The Applicant	<p>Section 9 of the Statement of Reasons identifies plot 12/02 as being open space. The Secretary of State must be satisfied that imposing the right to install the underground electrical connection under this open space will leave it “no less advantageous”. If not, then Special Parliamentary Procedure would be triggered before the DCO can be made. The applicant is asked:</p> <ol style="list-style-type: none"> <li>1. to confirm whether any persons (other than those identified in the book of reference) are entitled to rights of common or other rights over plot 12/02</li> <li>2. to clarify how the land is currently used by the public</li> <li>3. with reference to each right as identified in Schedule 7 which will be imposed on plot 12/02 to confirm why the applicant considers that the land will be “no less advantageous” to</li> </ol>

ExQ1: [Date]

Responses due by Deadline 2: 20 May 2019

ExQ1	Question to:	Question:
		(a) the persons in whom it is vested; (b) other persons, if any, entitled to rights of common or other rights; and (c) the public" if the DCO is made