

Riverside Energy Park

Statement of Common Ground: Port of London Authority

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**Riverside Energy Park
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**Statement of Common Ground between the Applicant and
the Port of London Authority**

Planning Inspectorate Reference: EN010093

17 May 2019

Statement of Common Ground

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Revision	Date	Description
Draft	17/05/2019	Draft for submission at Deadline 2

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1 Introduction

1.1 Purpose of this Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SOCG) has been prepared by Cory Environmental Holdings Limited (trading as Cory Riverside Energy ('the Applicant')) and the Port of London Authority (PLA). For the purposes of this SOCG, the Applicant and Port of London Authority will jointly be referred to as 'the Parties'.
- 1.1.2 The Applicant has applied to the Secretary of State under the Planning Act 2008 for powers to construct, operate and maintain an integrated Energy Park, to be known as Riverside Energy Park (REP) ('the Application'). The principal elements of REP comprise complementary energy generating development and an associated Electrical Connection (together referred to as the 'Proposed Development').
- 1.1.3 Preparation of this SOCG has been informed by discussions between the Parties. The purpose of this SOCG is to set out agreed factual information about the Application to provide information to facilitate an efficient examination process. There are no outstanding areas of disagreement.
- 1.1.4 This SOCG relates to the following topics/issues:
- River Works Licences;
 - Navigational Risk Assessment;
 - Air Quality; and
 - Other Considerations.
- 1.1.5 Overall, this SOCG is intended to give a clear position of the state and extent of agreement between the Parties at the date on which this SOCG is signed and submitted to the Secretary of State. For the avoidance of doubt, any topics not commented on within this SOCG are deemed to be matters as to which no issue is taken by the PLA on the date the SOCG is signed off.
- 1.1.6 All defined terms and abbreviations, if not defined or explained in this SOCG are defined or explained in the **Glossary (1.6, APP-006)**.

1.2 The Application

- 1.2.1 The Application was submitted on 16th November 2018 and accepted by the Secretary of State on 14th December 2018. The Application was accompanied by an **Environmental Statement (ES) (6.1 – 6.4, APP-038 – APP-100)** and a **Habitats Regulations No Significant Effects Report (6.5, APP-101)**.

1.2.2 It is agreed that the ES forms the full and complete Environmental Impact Assessment (EIA) for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) and it is further agreed (in the case of the PLA to the extent of its knowledge on the date this SOCG is signed) that the ES contains sufficient environmental information to enable the Secretary of State to make his determination.

1.3 The Examination

1.3.1 An examination (the Examination) of the Application is being held pursuant to Chapter 4 of Part 6 of the Planning Act 2008 (the Act) and the Infrastructure Planning (Examination Procedures) Rules 2010 (the EP Rules).

1.3.2 A Preliminary Meeting, pursuant to Rule 7 of the EP Rules, was held on 10 April 2019 and the Examination commenced immediately following the close of the Preliminary Meeting.

1.4 Description of the Proposed Development

1.4.1 The Proposed Development comprises REP and the associated Electrical Connection. These are broadly described in turn, together with the anticipated REP operations, below. **Chapter 3 Project and Site Description** of the **ES (6.1, Rev 1)** provides further details of the Proposed Development.

REP

1.4.2 REP would be constructed on land immediately adjacent to Cory's existing Riverside Resource Recovery Facility (RRRF), within the London Borough of Bexley (LBB) and would complement the operation of the existing facility. It would comprise an integrated range of technologies including: waste energy recovery, anaerobic digestion, solar panels and battery storage. The main elements of REP would be as follows:

- **Energy Recovery Facility (ERF):** to provide thermal treatment of Commercial and Industrial (C&I) residual (non-recyclable) waste with the potential for treatment of (non-recyclable) Municipal Solid Waste (MSW);
- **Anaerobic Digestion facility:** to process food and green waste. Outputs from the Anaerobic Digestion facility would be transferred off-site for use in the agricultural sector as fertiliser or as an alternative, where appropriate, used as a fuel in the ERF to generate electricity;
- **Solar Photovoltaic Installation:** to generate electricity. Installed across a wide extent of the roof of the Main REP building;
- **Battery Storage:** to store and supply additional power to the local distribution network at times of peak electrical demand. This facility would be integrated into the Main REP building; and
- **On Site Combined Heat and Power (CHP) Infrastructure:** to provide an opportunity for local district heating for nearby residential developments and

businesses. REP would be CHP Enabled with necessary on site infrastructure included within the REP site.

Electrical Connection

- 1.4.3 In consultation with UK Power Networks, the Applicant has considered Electrical Connection route options to connect to the existing National Grid Littlebrook substation located south east of the REP site, in Dartford.
- 1.4.4 The Applicant can confirm that following further technical design work carried out by the Applicant and UK Power Networks, a single Electrical Connection route option is confirmed in the Applicant’s submission to the Examination at Deadline 2 and the updated **Land Plans (2.1; Rev 1)** and **Works Plans (2.2; Rev 1)** submitted into the Examination at Deadline 2.

1.5 Record of engagement undertaken

- 1.5.1 The following consultation meetings have occurred between the Parties (see Annex for agreed meeting minutes):

Date	Meeting	Matters discussed
11 December 2017	Introduction meeting with the PLA	<ul style="list-style-type: none"> • Introduction to the scheme • DCO planning process and project programme • EIA process and Scoping Opinion
21 June 2018	REP Navigation Risk Assessment Meeting	<ul style="list-style-type: none"> • Refinements made since the Scoping Opinion • Update on planning progress • Scope of Navigational Risk Assessment
10 August 2017	Riverside Energy Park (REP) Project update	<ul style="list-style-type: none"> • NRA • PLA License arrangements
7 February 2019	Riverside Energy Park- River Works Licences and SoCG	<ul style="list-style-type: none"> • River Works Licences • Submitted DCO • SoCG

2 Matters agreed between the Parties

2.1 Introduction

2.1.1 The Parties are agreed on all matters and in particular, are agreed on the points set out in this section (**Section 2**).

2.2 River Works Licences

2.2.1 Pedestrian and vehicle access to REP is provided from Norman Road. Tug and barge access to REP is from the River Thames via existing jetties (Middleton Wharf and the Riverside Former Fords Site) and two adjacent mooring points (Halfway Reach), (together the “Existing River Works”).

2.2.2 The Existing River Works are authorised by River Works Licences granted by the PLA under section 66 of the Port of London Act 1968 (the 1968 Act). (Copies of these licences are included in Appendix 1 to this SOCG).

2.2.3 The Licences relating to the Existing River Works are currently granted to the following Cory Group companies:

Location	Structure	River Works Licence Number	Licensor	Licensee	Date of Licence
Middleton Wharf	Jetty	AS/32/9-11	Port of London Authority	Riverside Resource Recovery Ltd	28 th February 2013
Riverside (Former Fords Site)	Pontoon, Landing Stage; Ancillary Works; 3 moorings	AS/32/8A	Port of London Authority	Formerly Cory Environmental Limited but assigned to Riverside (Thames) Limited under an application dated 6 January 2017	20 th February 2008
Halfway Reach (Knights Roads)	Barge Mooring (two double screw mooring with buoys)	A2/32/36	Port of London Authority	Riverside Resource Recovery Limited	Original Licence dated 11 th December 2008 and supplementary Licence dated 24 th January 2011.

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- 2.2.4 The REP scheme proposes that there will be shared use of the Existing River Works:
- by the Applicant (Cory Environmental Holdings Ltd) in association with Riverside Energy Park Limited for the operation of the REP, and
 - by Riverside Resource Recovery Limited and its wholly own subsidiary, Riverside (Thames) Limited, for the ongoing operation of the existing RRRF.
- 2.2.5 The current River Works Licences are personal to the licensees listed in the table above and therefore do not permit shared use by the Applicant in its own right for the construction and operation of REP.
- 2.2.6 To provide for shared use of the Existing River Works, the Applicant and the PLA propose to amend or replace the existing River Works Licences so that these Licences are reissued on a joint and several basis to the following Cory Group companies:
- Cory Environmental Holdings Limited (the Applicant);
 - Riverside Energy Park Limited;
 - Riverside Resource Recovery Limited (existing Licensee holder); and
 - Riverside (Thames) Limited (existing Licensee holder).
- 2.2.7 The reissued River Works Licences would confer on the companies listed above:
- The right to retain, alter, renew and maintain the Existing River Works and to moor vessels to those works; and
 - Such rights in, under or over land as are necessary to enable them to enjoy the benefit of the licences.
- 2.2.8 The PLA agrees in principle to assigning or reissuing the River Works Licences on a joint and several basis. The Applicant provided draft River Works License applications for review on the 6th March 2019 and the PLA agrees that the applications are set out correctly.
- 2.2.9 The Parties are agreed that the Applicant will lodge an application to amend River Works Licences AS/32/9-11, AS/32/8A and A2/32/35 during the examination. The Parties have agreed that the new licences will commence, and the existing River Works Licences will terminate, on a date tied to, and subject to the making of, the DCO for the Proposed Development.

2.3 Development Consent Order

- 2.3.1 The Parties are agreed on the wording of the operative provisions of the **dDCO (Articles 1 – 43) (3.1, APP-014)**, subject to:

- the Applicant reducing the Order limits to the Applicant's property boundary or as close to the Applicant's property boundary as is reasonably practicable in order to carry out and operate the Proposed Development; and
- the Applicant including agreed wording in the draft DCO to make clear that none of the powers in the DCO overrides the operation of the 1968 Act in relation to the Proposed Development or otherwise. The DCO will not therefore fetter the PLA's powers under that Act

2.3.2 The Parties are agreed on the revised Order limits, which are included on Annex 1 to this SoCG, and that the agreed wording to be inserted into the dDCO regarding the 1968 Act is as follows:

Port of London Act 1968

[x]-(1) Nothing in this Order relieves the undertaker of any obligation to obtain any permit or licence under the Port of London Act 1968 in respect of works or operations carried out within the Thames under the powers of this Order.

(2) in this article "the Thames" means that part of the river Thames within the order limits and within the limits of the Port of London Authority, as described in Schedule 1 (description of port limits) to the Port of London Act 1968.

2.3.3 The Parties are agreed on the wording of the requirements contained in **Schedule 2** of the **dDCO (3.1, APP-014)**, and the procedure for the discharge of requirements contained in **Schedule 12** of the **dDCO (3.1, APP-014)**.

2.3.4 Subject to the revised Order limits and the amendments outlined in 2.3.2, there are no other outstanding matters between the Parties in respect of the draft DCO.

2.4 Navigational Risk Assessment

2.4.1 The Applicant has undertaken a Navigational Risk Assessment (NRA) (**6.3, APP-067**) to support the ES.

2.4.2 The NRA is:

- a) A systems based approach to cover the extent of the Applicant's operations (from Smugglers Way, Wandsworth in the West, to Tilbury in the East of the River Thames).
- b) A quantitative assessment to determine navigation safety thresholds for proposed Cory barge movements.
- c) An assessment that follows the International Maritime Organisation Formal Safety Assessment (MSC/Circ.1180-MEPC/Circ.474 and MSC-MEPC.2/Circ.5) process, and the requirements of the United Kingdom Port Marine Safety Code Rev. Nov 2016.

- 2.4.3 An assessment that integrates with existing PLA risk assessment and Safety Management System (SMS) methodology with appropriate local knowledge, expertise, experience and capability to provide sufficient confidence in the assessment.

Methodology

- 2.4.4 In order to meet these regulatory requirements, the assessment was undertaken for the following baseline situation and project operational scenarios:

- a) Baseline - To establish baseline navigation risk (2024) - B1
- b) Operation – Lighterage Option – Smuggles Way Maximum (2024) - O1
- c) Operation – Lighterage Option – Tilbury Maximum (2024) – O2
- d) Operation – Lighterage Option – Barking Maximum (2024) – O3

- 2.4.5 The risk assessment determines navigation risk of the proposed operations to other navigation users and identifies appropriate risk controls to ensure navigation risk is understood and managed. The objective is for the risk assessment to be produced in a manner that allows for effective implementation and ultimate adoption into the marine SMS of the PLA and REP.

- 2.4.6 The Parties are agreed that the approach to the NRA set out above is adequate for the purpose of determining the potential navigational risks associated with REP.

- 2.4.7 The Parties are agreed that the scope of the NRA is adequate and robust in order to determine any potential navigational risks. The risk assessment components that have been agreed are as follows:

- a) Review of documentation
- b) Analysis of vessel traffic (with uplift to 2025)
- c) Consultation
 - i PLA
 - ii Freight operators
 - iii Passenger vessel operators
 - iv Recreational stakeholders
- d) Passage based risk assessment
 - v Baseline – current

- vi Marine Operation – O1
- vii Marine Operation – O2
- viii Marine Operation – O3
- e) Identification of fit for purpose and appropriate risk controls
- f) Technical report (Annexed to Environmental Statement)

Assessment

2.4.8 The results of the NRA are that:

- a) The Proposed Development would see no additional works in the river and would therefore not physically impact the navigation of vessels.
- b) Analysis of the PLA's incident data identified few incidents involving Cory Group tug and tows. Only a single collision was recorded involving a Cory tug and tow with a passenger vessel, following an error from the third party passenger vessel.
- c) All identified hazards fell within the PLA's range of acceptable risk, based on the acceptability levels identified in table 9 of the NRA. The highest risk hazards relate to collisions and contacts of passenger vessels in the central reaches and contacts involving large commercial shipping in the lower district.
- d) The increase in risks as they relate to the REP Scenarios is negligible across the river, given the limited increase in activity as a result of each NRA scenario compared traffic.
- e) Given that Cory have a successful Safety Management System and there have been few historical incidents, only one additional risk control was identified. This was to review passage plans to account for the new operations.

2.4.9 The Parties are agreed that the results of the baseline risk assessment are realistic and reflective of the risk profile of the River Thames.

2.4.10 The Parties are agreed that the assessed increase in risk as a result of REP has been correctly assessed and is not significant.

2.4.11 The Parties are agreed that no additional risk controls are necessary to mitigate the risks to As Low as Reasonably Practicable (ALARP).

2.5 Air Quality

2.5.1 The Parties confirm that the following is agreed:

- 2.5.2 The scope of the Air Quality assessment is defined within **Section 7.1, Chapter 7 Air Quality** of the **ES (6.1, APP-044)**. This description of the topic is an appropriate basis upon which to produce the ES Chapter.

Legislation, Policy Context, Guidance and Standards

- 2.5.3 The policy context, legislation, guidance and standards considered in the assessment of Air Quality are noted in **Chapter 2** of the **ES** and **Section 7.2, Chapter 7 (6.2, APP-044)** of the **ES**.
- 2.5.4 The policy context, legislation, guidance and standards considered to inform the Air Quality assessment are appropriate.

Consultation

- 2.5.5 Consultation undertaken with regards to Air Quality is summarised in **Section 7.3, Chapter 7** of the **ES**.
- 2.5.6 The summary of consultation presented is correct so far as it provides an accurate record of consultation with the PLA on Air Quality to date.

Reasonable Worst Case Parameters Used for Assessment

- 2.5.7 The realistic worst-case parameters used for the assessment of Air Quality are presented in **Section 7.4, Chapter 7** of the **ES**.
- 2.5.8 The realistic worst-case parameters used for the assessment are considered appropriate for the robust assessment of potential Air Quality impacts arising from the Proposed Development.

Assessment Methodology and Significance Criteria

- 2.5.9 The methodology for Air Quality is presented in **Section 7.5, Chapter 7** of the **ES**. The assessment methodology is considered appropriate.

Assumptions and Limitations

- 2.5.10 Assumptions made with regards to Air Quality are summarised in **Section 7.6, Chapter 7** of the **ES**.
- 2.5.11 The assumptions presented are considered appropriate, where relevant to the PLA.

Baseline Conditions and Receptors

- 2.5.12 The baseline conditions and receptors for Air Quality are presented in **Section 7.7, Chapter 7** of the **ES**.
- 2.5.13 The baseline conditions and receptors presented are considered appropriate, where relevant to the PLA.

Embedded Mitigation

- 2.5.14 The embedded mitigation designed to be an inherent part of the scheme for which development consent is sought, or which would be undertaken to meet existing legislative requirements for potential Air Quality effects is set out in **Section 7.8, Chapter 7** of the **ES**.
- 2.5.15 The embedded mitigation is considered appropriate and adequate, in terms of its nature and scale, to address potential Air Quality effects.

Assessment of Likely Effects

- 2.5.16 The assessment of effects during construction and decommissioning for Air Quality is presented in **Section 7.9, Chapter 7** of the **ES (6.1, APP-044)**. The assessment of effects during construction and decommissioning presented is considered appropriate.
- 2.5.17 The assessment of effects during operation for Air Quality is presented in **Section 7.9, Chapter 7**. The assessment of effects during operation presented is considered appropriate.

Cumulative Assessment

- 2.5.18 The assessment of cumulative effects for Air Quality is presented in **Section 7.10, Chapter 7** of the **ES**.
- 2.5.19 The cumulative effects presented are considered appropriate, where relevant to the PLA.

Further Mitigation and Enhancement

- 2.5.20 The consideration of further mitigation and enhancement measures for Air Quality is presented in **Section 7.11, Chapter 7** of the **ES**. No additional mitigation and enhancement measures have been identified.
- 2.5.21 **Section 7.11** of **Chapter 7** of the **ES** is therefore considered appropriate.

Residual Effects and Monitoring

- 2.5.22 The summary of residual effects for Air Quality is presented in **Section 7.12** of **Chapter 7** of the **ES**.
- 2.5.23 A schedule of mitigation and monitoring is presented in **Chapter 17** of the **ES**.
- 2.5.24 The summary of residual effects and monitoring is appropriate. The Applicant will continue to work with the PLA to optimise the use of the River Thames whilst improving air quality.
- 2.5.25 Accordingly, there are no outstanding issues on Air Quality.

2.6 Other Considerations

- 2.6.1 **Chapter 15** of the **ES (6.1, APP-052)** described other issues which have been considered; and presents an assessment of those other issues.

Lighting

- 2.6.2 **Chapter 15 Section 15.3** of the **ES**, and the **Outline Lighting Strategy (Appendix K.3) (6.2, APP-096)** presents consideration given to likely effects of light intrusion from the Proposed Development.

- 2.6.3 The applicant will amend the Design Principles and the Outline Lighting strategy to ensure lighting design minimises light spill on the River Thames. The considerations given to likely effects of the Proposed Development are considered appropriate. Subject to the amendment to the Design Principles and the Outline Lighting strategy during examination, there are no outstanding issues on Lighting. The Parties agree that the Design Principles are secured via Requirement 2(2) and the amended Design Principles will be referred to in Schedule 11 of the dDCO as being a document to be certified by the Secretary of State.

Transport

- 2.6.4 The Parties are agreed that construction materials would be transported by road and by river where feasible, provided the transportation will not impact on the operation of Riverside Resource Recovery Facility. There are currently no further outstanding issues on Transport.

3 Confirmation of Agreement

This SOCG is prepared jointly and agreed by the Parties:

Signed for and on behalf of the Applicant

Date:

Signed for and on behalf of Port of London Authority

Date:

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