

# RIVERSIDE ENERGY PARK DCO

## LB Bexley Written Representations

20 May 2019



LONDON BOROUGH OF  
**BEXLEY**

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# 1 INTRODUCTION

- 1.1 These Written Representations are submitted by London Borough of Bexley (the Council) in pursuance of rule 10(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 (ExPR) in relation to an application under the Planning Act 2008 for a Development Consent Order (DCO) for the Riverside Energy Park (the Project) submitted by Cory Environmental Holdings Limited (the Applicant) to the Planning Inspectorate (PINS).
- 1.2 The Written Representation should be read in conjunction with the Council's Relevant Representation dated 6 February 2019. It elaborates on matters already raised in the Relevant Representation by providing an update to the technical sections of the Relevant Representation for the purposes of the Written Representation. The text of the Relevant Representation is not repeated in this representation

## Format

- 1.3 This document comprises the view of the Council on the outstanding issues that are still to be resolved. The representations are set out under the following technical areas:
- Planning Policy: Waste
  - Socio-economics
  - Air Quality
  - Biodiversity
  - Historic Environment
  - Transport
  - Ground Conditions
  - Townscape and Visual
  - Noise and Vibration
  - Flood Risk and Water Resources
- 1.4 Each section is presented in a similar format comprising the following structure:
- Key Issues
  - Areas of Contention
  - Potential for Further Mitigation
  - DCO Requirements
- 1.5 The final section of the report sets out the Council's requirements with respect to its own land holdings that are subject to Compulsory Acquisition, albeit for temporary works and the installation of underground infrastructure.
- 1.6 This Written Representation and the Local Impact Report are accompanied by a tracked-change draft of the application version of the DCO, where the changes represent those that would address the concerns raised by the Council.
- 1.7 A summary of these representations is also provided in accordance with the Infrastructure Planning (Examination Procedure) Rules.
- 1.8 LB Bexley is supportive of the scheme in principle. The NPS sets out the national policy position which supports the use of this EfW technology as part of the waste hierarchy. The site's riverside location and its ability to be served mainly via the Thames enables it to accept waste from a wider area. The existing plant is a significant employer in Bexley and the Council welcomes the employment and other economic benefits that it can bring to the borough. This support is of course contingent on the local impacts being sufficiently mitigated to make them acceptable and for the economic benefits to be captured locally.

## 2 SUMMARY

- 2.1 LB Bexley is supportive of the scheme in principle. This support is contingent on the local impacts being acceptable and the potential benefits being properly safeguarded and delivered.

### Planning Policy: Waste

- 2.2 The main areas that the Council seeks to safeguard are:
- To fix the maximum capacity of the EfW plant.
  - To fix the maximum capacity of the AD plant.
  - To encourage maximum use of the river by ensuring all wastes brought to the EfW facility and sent from the EfW facility are transported by the river with a defined exception that provides a capped level of waste that can be brought to the EfW facility by road.
  - To deal with circumstances in the event of a jetty outage.
  - Bottom ash storage containers shall be stored not more than 2 high and restricted to a defined storage area within the application area. This is considered necessary to reduce visual impacts and ensure that sufficient storage containers are kept on-site for operational purposes and to minimise jetty disruptions.
  - To promote the export of heat from the EfW plant.

### Socio-economics

- 2.3 The plant has significant potential to bring economic benefits to the borough. To ensure that these are delivered, an Employment and Skills Plan should be agreed between the Applicant, LBB and other relevant stakeholders in order to optimise local employment, skills and economic development benefits from the proposed development and secured through a DCO requirement.
- 2.4 Use of the site for training or educational or community purposes which can add value locally should be agreed between the Applicant, LBB and other relevant stakeholders.

### Air Quality

- 2.5 With respect to the impact of the plant on air quality in the borough there are five areas that remain outstanding:
1. The potential for combined impacts due to emissions from the existing RRRF and proposed REP.
  2. Further details related to assessment of the proposed stack height.
  3. Under-reporting in the ES of the results for dioxins and furans, nickel, arsenic and short-term nitrogen dioxide and sulphur dioxide levels.
  4. The potential of and the need to mitigate dust impacts from pre-commencement activities.
  5. Provision of funding to LBB to cover the cost of air quality monitoring.

### Biodiversity

- 2.6 A significant part of the Council's concerns was as a result of the potential for the electrical route to go through Crossness Nature Reserve. The applicant has indicated that this will no longer be the case, but until it is formally before the ExA the issues of concern are still set out in these representations. The Council is also concerned about the proposed loss of the open mosaic habitat and that further details are required on

the biodiversity metric and associated mitigation in order to assess the feasibility and appropriateness of the proposed measures.

- 2.7 The details of the mitigation that will be required are still under discussion and suggestions are made in these representations about what form they could take.

## Transport

- 2.8 The development is not necessary to serve the waste needs of LBB or even its immediate neighbours. The applicant's case relies on its location next to the River Thames and the consequential potential to bring waste to the site by river thereby taking a significant number of heavy goods vehicles off London's congested roads. The Council support this approach in principle but need to be assured that the optimisation of the use of the river is delivered and safeguarded in an enforceable way in the DCO. The main areas of concern are:

- Maximise river transportation.
- Use of river transport to deliver abnormal loads and construction material where possible.
- Conformity of the proposals with the London Transport Strategy.
- Management of construction traffic.
- Provision of a Delivery and Servicing Plan.
- Clarity on the Electrical Connection.
- Cumulative impacts of the REP construction traffic and Electrical Connection traffic.
- Design of the stopping up of the northern end of Norman Road.

- 2.9 DCO requirements that will address these concerns are set out.

## Historic Environment

- 2.10 There are no significant historic environment issues that are likely to present a challenge to the scheme. There are issues of clarification relating to conservation areas and archaeological impacts. It is considered that the programme of archaeological investigation and mitigation proposed is sufficient.

## Ground Conditions

- 2.11 The Council was concerned about two issues associated with the data centre/construction compound site:
1. That contamination associated with borax wastes may be present.
  2. That groundwater and surface waters are impacted by contamination including chloride, boron, sodium, PAH and TPH.
- 2.12 The investigations required by the DCO are deemed sufficient for the use of this land as a contractors' area with no intrusive works proposed in this location. Long term remediation will occur when the consent for the data centre is implemented. Agreement from the Council to a scheme of investigation for the REP site and CoCP is sought.

## Townscape and Visual

- 2.13 The Council notes that embedded mitigation is provided by the Design Principles which detail the design process associated with the selection of material and context colour palettes, which will ensure the Proposed Development integrates into the context of its surroundings. The Council agrees that the remaining significant effects cannot be mitigated due to the nature and scale of the development.

## Noise and Vibration

- 2.14 Noise from the facility would be expected to have a low impact on existing noise levels at the site and to existing residents in the vicinity. The Applicant would be expected to undertake a post-completion, pre-operational acoustic assessment in accordance with the relevant British Standards. DCO requirements are set out that are considered necessary to safeguard the potential for noise and vibration impacts.

## Flood Risk and Water Resources

- 2.15 The Council have several areas of concern that the Applicant states will be managed through the Outline CoCP and agreed with the EA and/or developed in consultation with the LLFA, where appropriate. DCO amendments that safeguard these issues are set out.

## Compulsory acquisition issues

- 2.16 The Council does not have any in-principle issues but require a number of matters to be protected to ensure that both the temporary use of the land is properly managed, and the land's legitimate future use is not prejudiced or devalued by the temporary use and any associated installations.

## 3 PLANNING POLICY: WASTE

### Key Issues

- 3.1 The key issues relating to waste planning policy are:
- Waste hierarchy and incineration of residual (non-recyclable) wastes;
  - Need for and capacity of the proposed waste facilities;
  - Proximity principle and the transport of wastes to the facility;
  - Maximising the use of the river to transport materials and waste to the site; and
  - Provision of combined heat and power (CHP).

### Areas of contention

#### Waste hierarchy

- 3.2 The LBB is supportive of moving the management of wastes up the waste hierarchy in accordance with planning policy and guidance. In accordance with the waste hierarchy the proposed Energy from Waste (EfW) plant should only treat residual wastes. This approach also accords with the REP's key policy themes set out in The Project and its Benefits Report prepared by the Applicant.
- 3.3 With regard to the Anaerobic Digestion (AD) plant the application documentation suggests that the digestate (compost material) from the AD plant may be exported from the site or burnt in the proposed EfW plant. The burning of any digestate produced from the AD plant should be discouraged as it would not deliver the full benefits of AD, however given that the digestate is a product (compost material) with a commercial value it is considered that market mechanisms are sufficient to ensure that it is sold and used rather than incinerated. If there is no commercial market for the compost it is difficult to see what else the operator could do with it. If it is not burnt (and energy recovered) it may have to go to landfill, which is not considered preferable.
- 3.4 LBB requests that the Examining Authority consider the issue of the waste hierarchy during the examination of the application but does not have any specific changes to the DCO to propose.

#### Need and capacity

- 3.5 The Applicant has clarified in correspondence with LBB that the proposed capacity of the EfW plant is 805,920 tpa and not 655,000 tpa. The latter figure is the expected annual throughput of the plant given normal maintenance downtime and other production impediments. In order to provide effective control of the EfW plant in terms of inputs, outputs and environmental impacts it is considered that the description of the main works fixing the maximum capacity of the EfW plant should be included within the DCO. LBB is satisfied that the local impacts of the plant were tested in the ES based on the maximum 805,920 tpa figure. It is noted that the London Waste Strategy Assessment (Annex A of the Project Benefits Report (PINS reference APP-103)) undertaken by the Applicant provides an assessment of need based on 655,000 tpa as summarised in Table 6.1 of this London Waste Strategy Assessment report. The Inspector will need to be satisfied as to the need for and thus capacity of any consented development.
- 3.6 In order to provide effective control of the AD plant in terms of inputs, outputs and environmental impacts it is considered that a description of the works fixing the maximum capacity of the AD plant should be included within the DCO.



### Proximity principle

- 3.7 LBB recognises that such EfW plants are expected to be located in the borough(s) to which they are designed to serve and LBB Policy CS20 and the draft London Plan with minor changes (2018) Table 9.2 identify waste apportionment targets for the LBB and that these suggest a lack of need for further EfW capacity in the LBB administrative area. LBB also recognises that such plant are a considerable investment and most would be beyond the size needed to serve a single borough. It is also recognised that they are sensitive developments to locate successfully. The site's riverside location and its ability to be served mainly via the Thames enables it to accept waste from a wider area. Further clarification is therefore sought from the Applicant as to how waste from outside of LBB is to be transported to the REP site, having regard to other existing and committed waste management facilities in and around London and that appropriate Requirements are in place in the DCO to ensure that the use of the River is maximised.

### Maximising the use of the river

- 3.8 The use of the river to maximise the deliveries and transportation of waste materials to and from the site is to be promoted in line with planning policies. As with the existing Riverside Resource Recovery Facility (RRRF) EfW plant all waste to the EfW plant and ash and co-mingled metals from the EfW plant should be transported via river with the exception of a limited tonnage of waste that can be brought by road. DCO requirements should be adopted to ensure this approach as well as to deal with circumstances in the event of a jetty outage.

### Combined Heat and Power (CHP)

- 3.9 The Applicant has confirmed that the plant will be 'CHP ready' and has proposed provision of heat studies and reporting on the future potential for this uptake. This approach is the same as that required by the Applicant for the existing RRRF scheme. The existing RRRF plant is also CHP ready. Although, to date no export of heat has been achieved. The LBB promotes the export of heat from EfW plants in line with policy guidance.
- 3.10 It is understood that updates to the CHP report are being undertaken by the Applicant and this will include details of how the development will meet the GLA's Carbon Intensity Floor requirements. Further details on such updates are sought from the Applicant.

### Potential for further mitigation

- 3.11 No update to the text provided in the Relevant Representation.

### DCO requirements

- 3.12 Amended and / or further DCO requirements are sought to address the following matters:
- To fix the maximum capacity of the EfW plant.
  - To fix the maximum capacity of the AD plant.
  - To encourage maximum use of the river by ensuring all wastes brought to the EfW facility and sent from the EfW facility (bottom ash and co-mingled metals) are transported by the river with a defined exception that provides a capped level of waste that can be brought to the EfW facility by road.
  - To deal with circumstances in the event of a jetty outage.
  - Bottom ash storage containers, whether full or empty shall be stored not more than 2 high and restricted to a defined storage area within the application area. This is considered necessary to reduce visual impacts and ensure that sufficient

storage containers are kept on-site for operational purposes and to minimise jetty disruptions.

- To promote the export of heat from the EfW plant.

## 4 SOCIO-ECONOMICS

### Key Issues

- 4.1 No update to the text provided in the Relevant Representation.

### Areas of contention

- 4.2 The Applicant has confirmed that the reference to 39 net additional jobs in Chapter 14, paragraph 14.9.18 (document reference APP-051) is a typographical error and that 49 net additional jobs is the correct calculation.
- 4.3 One further area of contention relates to the lack of any detailed assessment of potential socio-economic impacts associated with the proposed development on recreational activities, for example, there are references in the ES to impacts of the proposed development on Public Rights of Way (PROW). Further details on potential impacts on tourist and recreational activities are sought from the Applicant.

### Potential for further mitigation

- 4.4 The Applicant has identified that an employment and skills plan could be agreed with LBB and other relevant stakeholders. The development and implementation of such a plan will help to maximise the social economic benefits of the proposed development within the local area. An employment and skills plan that is agreed by LBB in advance of any development is considered necessary mitigation for these proposals.
- 4.5 Use of the site for training or educational or community purposes, which can add value to the local society and broader waste management industry is considered necessary mitigation for these proposals. It is intended that will form part of the employment and skills plan.

### DCO requirements

- 4.6 An Employment and Skills Plan should be agreed between the Applicant, LBB and other relevant stakeholders in order to optimise local employment, skills and economic development benefits from the proposed development and secured through a DCO requirement, as shown as requirement 14A in the tracked-change DCO.
- 4.7 Use of the site for training or educational or community purposes, such as meeting or educational facilities, which can add value to the local society and broader industry should be agreed between the Applicant, LBB and other relevant stakeholders.

## 5 AIR QUALITY

### Key Issues

5.1 No update to the text provided in the Relevant Representation.

### Areas of contention

5.2 Three areas of contention outlined in the Relevant Representation remain relevant.

3. LBB remains concerned that the application has not fully considered the potential for combined impacts due to emissions from the existing RRRF and proposed REP (new Energy from Waste plant and anaerobic digestion plant), by including an evaluation of the combined impact of these three sources in the air quality study.
4. LBB remains concerned over the proposed stack height and requires further details related to this assessment.
5. LBB remains concerned that the study results for dioxins and furans, nickel, arsenic and short-term nitrogen dioxide and sulphur dioxide levels have been under-reported in the ES.

5.3 Additionally, areas of contention remain with regard to mitigation, as outlined below.

5.4 All other issues (impacts in Air Quality Management Areas, London Plan policies and baseline data) have been satisfactorily addressed, subject to the provision of the Environmental Permit application.

### Potential for further mitigation

5.5 LBB remains concerned that the Applicant has not fully accepted LBB's two suggestions for mitigation:

- The Applicant accepts that dust impacts from construction activities should be assessed and mitigated. The Applicant has not accepted that dust impacts resulting from pre-commencement activities should be assessed and mitigated. LBB considers that the same methodology for identifying appropriate mitigation measures should be applied to the pre-commencement phase as to the main construction phase.
- The Applicant has not accepted that provision should be made for funding for air quality monitoring in Bexley. LBB considers that it has set out an appropriate request for air quality monitoring, based on a budget calculated using Defra's published "damage costs" of air pollution emissions, to confirm the forecasts set out in the Environmental Statement, consistent with the approach adopted for the existing RRRF.

5.6 Additionally, in order to ensure that appropriate mitigation is secured during construction phase, LBB requests amendment of Schedule 2, paragraph 11 of the draft DCO to specify that the Code of Construction Practice must comply with the relevant guidance produced by the Institute of Air Quality Management (ES Chapter 7 reference "Holman et al (2014). 'Assessment of dust from demolition and construction', IAQM, London.").

### DCO requirements

5.7 LBB maintains its position set out in the Relevant Representation, requiring assessment and mitigation of impacts during pre-commencement activities, and provision of funding for an air quality monitoring programme, as proposed in requirement 11A of the tracked-change DCO.

## 6 BIODIVERSITY

### Key Issues

6.1 The key issues relating to terrestrial biodiversity are:

- Adequacy of baseline surveys and potential impacts to protected and notable species such as reptiles, water vole, otter, great crested newt (GCN), and various bird and bat species, along with potential impacts to sites formally designated and managed for nature conservation, in particular the Crossness Local Nature Reserve / Erith Marshes Site of Metropolitan Importance.
- Assessment methodology related to significance criteria.
- Cumulative assessment.
- Biodiversity metric and offsetting and suitability of proposed mitigation.
- Impacts to notable invertebrate communities using open mosaic habitat on previously developed land within the REP site to be lost to the development.
- Pre-commencement activities.
- Electrical connection route.

### Areas of Contention

#### Baseline information and surveys

6.2 GCN surveys: The Applicant has stated that surveys for GCN along the Electrical Connection Route (Dartford Marshes area) are being undertaken in 2019, so the ecological baseline on which to base the ecological assessment is currently incomplete until this survey is reported.

6.3 Otter surveys: Equally, any necessary otter surveys of the Electrical Connection Route should be completed in time to inform a view on the site's value for this species and likely impacts to the species' recovery in this region.

6.4 Water voles: The assessment of conservation importance of water voles needs to consider the wider spatial and meta-population context to inform an assessment of fragmentation effects. There is a particularly important population of water voles in the area, and the Nature Reserve holds a large population. The ditch network linked to the remaining parts of the Erith Marshes and Crossness provides an important habitat for one of the few remaining colonies of water vole in this part of London.

#### Significance criteria

6.5 In the Environmental Statement, the Applicant suggests that effects that are significant at the 'County' level using the CIEEM approach (i.e. significant for Greater London/Kent) translate to a 'Moderate' significance under the traditional EIA approach. However, the criteria definition for 'moderate' significance in Table 11.3 of the Environmental Statement says: "*These effects, if adverse, while important at a local scale, are not likely to be key decision-making issues.*" This is of concern for two reasons. Firstly, this definition of 'moderate' refers to 'local scale' importance, not county scale. Local scale is a level below county scale under the CIEEM approach. Therefore, this translation seems to be self-contradictory. Secondly, this definition of 'Moderate' (and therefore County) significance states that effects that are of such magnitude as to be significant to the county are '*not likely to be key decision-making issues*'. This seems a very high bar to set for what is deemed a key issue and may lead to fairly significant ecological effects being under-considered and under-mitigated/compensated.

- 6.6 The same issue applies to some extent to the 'minor' category as well, as effects that are significant for the District/Borough are deemed here as 'unlikely to be of importance in the decision-making process'. This approach is especially worrying because some of the conclusions drawn later in Chapter 11 of the Environmental Statement equate 'minor' effects as being 'not significant', thus making any effect of significance to the District/Borough appear insignificant.
- 6.7 It is our view that these definitions are not what was intended by the cited CIEEM Guidance on Ecological Impact Assessment, and the CIEEM guidance has been misinterpreted and lost in the translation.
- 6.8 An example of how this significance criteria is problematic is paragraph 11.9.29 of the Environmental Statement which states that "changes to habitats could occur as a result of emissions from the stack. Those habitats of conservation value are considered within the designated areas section above. Remaining habitats are not important ecological features and any effects will be Not Significant." This is contradicted by the chapter's earlier evaluation of features which states that non-designated habitats are of 'Local' importance (e.g. open mosaic on previously developed land, semi-improved neutral grassland, open water, swamp, scrub and broadleaved semi-natural woodland). By definition, habitats that are locally important cannot also be 'not important'. Indeed, 'local importance' is of central concern to a local authority like LBB.
- 6.9 Finally, paragraphs 11.12.2 and 11.12.4 and Table 11.11 of the Environmental Statement are incorrect in their use of CIEEM significance criteria. The Applicant should not conclude 'not significant' when there is a stated locally-significant effect.

### Cumulative assessment

- 6.10 Section 11.10 of the Environmental Statement deals with the cumulative assessment. This cumulative assessment makes the assumption that 'no significant effects' alone equates to no effects at all, which therefore cannot have cumulative effects. This assumption is not correct and is antithetical to the main purpose of cumulative assessment, which is designed to highlight discernible but low-level effects that only become significant when acting in combination. This has been made clear in the ruling in Wealden District Council vs Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority.
- 6.11 Paragraph 11.10.4 of the Environmental Statement states: "Both REP and Land at the Eastern Thamesmead Industrial Estate Extension (10/00063/OUTEA) are likely to result in loss and disturbance of habitats within Erith Marshes SINC. Impacts from both schemes are on marginal areas, or habitats of lower ecological value, therefore cumulative impacts are unlikely to be significant to this designated area of Metropolitan importance." However, this still represents a cumulative impact to a designated site, which is of at least local significance because it may preclude those parts of the designated site from ever achieving better conservation status.

### Biodiversity Metric and Mitigation & Compensation

- 6.12 The Executive Summary of the OBLMS states that: "Details of biodiversity offsetting measures being used to compensate for loss of habitats are provided within Section 5." We would disagree that 'details' have been provided; there is a notable lack of detail in this document. The report and subsequent responses by the Applicant state that a draft biodiversity metric for the REP has been produced by, and discussed with, the Environment Bank to inform the development of offsetting proposals. However, although the general approach may have been outlined, this draft metric has not been provided, so the adequacy of such measures cannot be properly reviewed and assessed. Furthermore, no details have been given of how much or where

replacement or enhanced habitat will be provided, although it is understood that the Applicant has recently committed to seek to provide that compensation within Bexley. Such key details should not be left to the 'final BLMS', as appears to be the approach. In respect of this, the Planning Inspectorate advice on December 14th 2018, which we would fully support, states:

*"...the OBLMS fails to depict the location and extent of proposed compensation. The Applicant should 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."*

- 6.13 More detail should be provided on capture, displacement, and receptor sites for species mitigation proposals. Otherwise it is impossible to assess the feasibility and appropriateness of the proposals.
- 6.14 It should be noted that on-site avoidance/retention of existing habitats and on-site mitigation are generally preferable to off-site compensation.

### Open mosaic habitat loss

- 6.15 It is not clear yet how far the proposed habitat creation on the flood embankment will compensate for any loss or damage to the open-mosaic 'wasteland habitat' area in the centre of the proposed REP site that was created as requirement of the RRRF development, as there is a lack of detail provided. It is also not clear how acceptable this will be to flood defence interests, and associated maintenance requirements. Therefore, more information is requested on the feasibility, sustainability and effectiveness of this compensation measure.
- 6.16 Furthermore, the loss of this mitigating habitat potentially undermines the basis on which the RRRF development was previously consented and conditioned in respect to biodiversity.

### Pre-commencement Activities

- 6.17 Paragraph 3.5.7 of the Environmental Statement states that: "operations consisting of land clearance,... investigations for the purpose of assessing ground conditions (including the making of trial boreholes), receipt and erection of construction plant and equipment, erection of construction welfare facilities, erection of any temporary means of enclosure,..." are excluded from the DCO definition of material operations and are therefore able to commence prior to discharge of pre-commencement DCO Requirements. It is considered that such scope of works could have widespread potential effects on habitats and species as 'land clearance' in particular is not under the definition provided considered a 'material operation'.
- 6.18 The Applicant asserts that such operations have been considered as part of the EIA, as assessed in the Environmental Statement (paragraph 3.5.7), and is not considered to result in any likely significant adverse environmental effects that would require mitigation measures to be secured and implemented by way of requirements in the DCO. However, this seems to be contradicted in the draft DCO, whereby Schedule 2, paragraph 4 prevents any works from being carried out until details of mitigation measures required to protect protected habitats and species during the "pre-commencement works", which are defined as land and vegetation clearance, investigations for the purposes of assessing ground conditions, erection of construction welfare facilities and erection of temporary means of enclosure.
- 6.19 Whilst we welcome Schedule 2, paragraph 4, given this apparent contradiction, greater clarity is required on the significance of potential ecological impacts during pre-commencement activities and how they will be mitigated. Schedule 2,

paragraph 4 should be amended to require the pre-commencement biodiversity and landscape mitigation strategy to be adhered to.

- 6.20 Part 4 Supplemental Powers: Article 20 relates to the felling or lopping of trees. With regard to works to trees, LBB wish to see the following conditions applied to any planning consent:
- a) If the trees or shrubs concerned are not on land that Cory own or lease, they cannot undertake any works to this vegetation without consent from the (tree's) land owner. The only exception being where vegetation is overhanging onto property owned or leased by Cory - then they may prune back to their boundary only.
  - b) If the land is privately owned, Cory need to seek permission from that land owner. Or, if they can provide the details that the vegetation is impacting the public highway, the Council's Highway Enforcement Team can enforce clearance of such vegetation from private land.
  - c) If Works are carried out by Cory's contractors or others, all necessary H&S and Environmental Legislation needs to be adhered to e.g. the Wildlife & Countryside Act 1981 (as amended).
  - d) If the land is owned by the Council, Cory need to contact the Council well in advance, so the relevant departments can assess the situation and undertake works as required. The Council will not (without prior agreement) allow any but its own appointed contractors to undertake works on its land.

### Electrical connection route

- 6.21 Formal, documented confirmation is sought that the electrical connection route option through the Crossness reserve will now be entirely avoided, as has been indicated by the Applicant, as this option has the potential to impact water voles (the 5m buffer cannot be achieved here so would require invasive trapping). This option could also potentially disturb breeding Cetti's warbler, gadwall, reed bunting, as well as reed and sedge warbler if constructed during the main bird breeding season. Development of a connection through the reserve could disturb a known foraging/commuting bat corridor as well as disturb/destroy habitat that supports the nationally rare shrill carder bee.

### Potential for Further Mitigation

- 6.22 At this time, there remains a lack of detail on the mitigation and compensation measures that will be proposed (see above), so it is difficult to suggest what might be appropriate 'further' mitigation beyond this.
- 6.23 It is understood that the Applicant is in discussion with the Crossness Reserve site manager, Karen Sutton, about local mitigation. Many of the ideas for compensation and enhancement she presented to LBB on 29/8/18 seem sound and worthy of further exploration. These are summarised as follows:
- Green roofs incorporated into the development to mitigate impacts on skylarks (which breed annually on the land approved for the Data Centre); and brown roofs for plover species (which nest on the adjacent fields), as well as habitat for open-mosaic invertebrates that will be lost to the development.
  - Green walls incorporated into the development to provide habitat for invertebrates and birds.
  - Creating an elevated bird hide in the south-east corner of the West Paddock (where breeding wetland birds are difficult to see with the current viewing arrangement),



- Further wetland meadow habitat creation that emulates the success of the West Paddock of the reserve (e.g. using artificially-managed water levels and controlled grazing).
- 6.24 Significant residual ecological effects have been identified, by the Applicant, to reptiles of Local conservation importance. This results from construction impacts of the Electrical Connection Route to a site at Joyce Green Quarry which was used as a receptor site for reptiles translocated from another development. This reptile receptor site sits within the southern section of the Electrical Connection construction corridor. Being a receptor site that contains reptiles that have already been previously displaced, the proposed scheme's negative effect also potentially undermines the basis on which that other development was previously consented and conditioned in respect to biodiversity. This residual local adverse effect should be fully mitigated to comply with Bexley Policy CS18 (where it relates to protected species).
- 6.25 The Environmental Statement indicates that the residual effects of the proposed AD emissions during operation are limited to the immediate vicinity of the REP site. This includes a small area of the Crossness LNR and Erith Marshes SINC/SMI which is predicted to have hourly mean NO<sub>2</sub> concentrations above 10% of the assessment level. This could result in changes to the habitats through an increase in dominant grass species with a subsequent reduction in broadleaved herbaceous species. Whilst the current flora of these areas of the designated site are described as being less diverse, further enrichment of soils by emissions prevents them realising a greater floristic and invertebrate diversity in future. Also, dittander, which is a rare plant in a London context, is reported by the Nature Reserve Warden as present particularly around the Cory Fields, and a rare Sedum species (Spanish stonecrop) on the footpath to the east of the REP. These residual impacts to important habitat and flora could be exacerbated by the in-combination effect of the proposed scheme with the Land at the Eastern Thamesmead Industrial Estate Extension (10/00063/OUTEA) which is also likely to result in loss and disturbance of habitats within Erith Marshes SINC. Additional mitigation to deal with this effect should be included.
- 6.26 The decision not to conduct bat activity surveys means that it's not possible to confirm the assumed limited use of the REP site by bats for foraging. In the absence of such survey, precautionary habitat compensation should include provision for foraging bats of similar quality and extent as that being lost.

## DCO Requirements

- 6.27 Schedule 2, paragraph 4 of the DCO prevents any works from being carried out until details of mitigation measures required to protect protected habitats and species during the "pre-commencement works", which are defined as land and vegetation clearance, investigations for the purposes of assessing ground conditions, erection of construction welfare facilities and erection of temporary means of enclosure. This requirement is welcomed and has been strengthened in the tracked-change version of the DCO.

## 7 HISTORIC ENVIRONMENT

### Key Issues

- 7.1 Minor methodological points were identified in the Relevant Representation from LBB to which the Applicant has provided LBB with broadly appropriate responses. The conclusions of the review of the Applicant's assessment remain in that it is considered by LBB that there are no significant historic environmental issues associated with the proposed development.

### Areas of contention

- 7.2 One area of contention exists associated with the Applicant's conclusion of minor beneficial residual effect with regard to construction effects on geoarchaeological deposits.
- 7.3 The Applicant was requested to revisit the minor beneficial residual effect to geoarchaeological deposits (LBB Relevant Representation, para. 3.36). The Applicant provided LBB with the following response:
- 7.4 "The physical impact to the geoarchaeological deposits is limited to the pile foundations and bunker. This will result in a relatively small physical impact to the resource as a whole. The geoarchaeological deposits survive beyond the area of physical impact, differing therefore from archaeological deposits which have the potential to hold unique data that does not survive beyond the area of impact. A Minor Beneficial residual effect rather than negligible / minor adverse residual effects has been assigned for this reason."
- 7.5 It remains our contention that beneficial effects to the heritage significance of archaeological deposits cannot be derived from their destruction. It is accepted that the effect will be very limited and confined to the piled area / bunker footprint and that information recovered will, in theory, aid in better understanding the significance of those and related deposits nonetheless the works will still result in the loss of heritage significance of the affected deposits.
- 7.6 The effect that will arise, while not significant, would appear to be at odds with the Applicant's description of a 'minor beneficial' magnitude of change provided in Table 10.4 "*Land use change resulting in **improved conditions for the protection of archaeological remains.***" [LBB's emphasis].
- 7.7 The Applicant is asked to revisit this assessment or clarify the logic of such a determination.

### Potential for further mitigation

- 7.8 No update to the text provided in the Relevant Representation.

### DCO requirements

- 7.9 No update to the text provided in the Relevant Representation.

## 8 TRANSPORT

### Key Issues

8.1 The key issues identified in LBB's Relevant Representation that remain are summarised below.

- Maximise river transportation.
- Use of river transport to deliver abnormal loads and construction material.
- Conformity of the proposals with the London Transport Strategy.
- Management of construction traffic.
- Provision of a Delivery and Servicing Plan.
- Clarity on the Electrical Connection.
- Cumulative impacts of the REP construction traffic and Electrical Connection traffic.
- Design of the stopping up of the northern end of Norman Road.

### Areas of contention

8.2 Details on the areas of contention are set out below.

8.3 It remains imperative from LBB's perspective that the development is designed, implemented and operated in a way that minimises the amount of traffic using local roads and maximises the amount of traffic that comes to and departs from the site via the River Thames. A DCO requirement to maximise the level of river transport is to be sought from the Applicant.

8.4 Clarification is still sought as to how the consultation with TfL and LBB feed into the assessment. Further details on how the requirements of the Mayor of London's Transport Strategy is met with reference to Healthy Streets are sought from the Applicant.

8.5 The technical feasibility of river transport of construction materials needs to be fully investigated by the Applicant. The Applicant has indicated that transporting abnormal loads by river may not reduce the number of movements by roads and that the jetty facilities are not suitable. These statements need to be supported by firm evidence.

8.6 In terms of construction traffic, the Applicant has confirmed that further details on construction workforce numbers and working patterns, parking provision and the refined construction programme and associated peak period would be provided through the Construction Traffic Management Plan (or Plans) (CTMP) which would be delivered through a requirement of the DCO.

8.7 The provision of a Delivery and Servicing Plan as pledged by the PEIR is sought from the Applicant.

8.8 Further discussions are required to better understand the scope of the Electrical Connection route and associated works which will be subject to the outcome of UKPN's investigation of the detailed solutions. As identified in paragraph 6.9.62 of the Environmental Statement dated November 2018, final details (e.g., method of construction, form of traffic management, the programme, sequence of works, length of time within a location and location of active works) are not known at this stage and may therefore require longer time than the minimum 3 months' notice provision in the Streetworks Process to review impacts, agree final methodology, agree mitigation and monitoring strategies.

- 8.9 The cumulative Impacts of REP Construction traffic and Electrical Connection traffic have not been established. Clarification is required from the Applicant as to how the combined potential impact of the REP construction and associated temporary works, and those regarding the Electrical Connection has been assessed. It is important that the added implication of the works associated with the Electrical Connection is considered with the impact of the REP construction especially as there may be programme overlap. Once the details of the Electrical Connection programme are available the cumulative impacts are sought from the Applicant.
- 8.10 Although stopping up the northernmost section of Norman Road could be supported in principle, a suitable replacement turning head would need to be provided at the point where the highway would be terminated. This looks like it could be accommodated by a slight repositioning of the southernmost gate to the site on the eastern side of Norman Road and by adjusting the kerb radii proposed in front of that gate to enable it to facilitate a forward side-turn manoeuvre by HGVs. Although the end of Norman Road will only serve the CORY site a vehicle may travel down the road in error and need to return and should be able to do this in a forward direction for reasons of safety.

## Potential for further mitigation

- 8.11 No additional benefits have been identified.

## DCO requirements

- 8.12 A DCO requirement that specifies the need for the waste to be brought into the facility by river with the exception of a limited amount by road, in a similar manner to how planning conditions are set on the existing RRRF plant is proposed to be incorporated into Schedule 2 of the DCO. Such a condition should be specific to the proposed EfW plant.
- 8.13 A maximum capacity of the waste that can be brought to the EfW plant in tonnes per calendar year is proposed to be incorporated into Schedule 1 of the DCO.
- 8.14 A maximum capacity of the waste that can be brought to the AD plant in tonnes per calendar year is proposed to be incorporated into Schedule 1 of the DCO.
- 8.15 A maximum number of goods vehicle traffic movements that can be brought to the site per calendar year is proposed to be incorporated into Schedule 2 of the DCO.
- 8.16 A requirement that bottom ash and co-mingled metals shall be taken from the site only via the jetty and the River Thames except in an emergency, following a jetty outage should be defined in Schedule 2 of the DCO.
- 8.17 A requirement to cap the number of traffic movements from the proposed EfW plant in the event of a jetty outage should be defined in Schedule 2 of the DCO.
- 8.18 The provision of a Delivery and Servicing Plan is proposed to be incorporated into Schedule 2 of the DCO.
- 8.19 Amend Article 13 to ensure any stopping up of Norman Road is carried out in a way that still enables all vehicles that travel to the end of the road (potentially in error) to be able to turn and leave in a forward direction.

## 9 GROUND CONDITIONS

### Key Issues

9.1 No update to the text provided in the Relevant Representation.

### Areas of contention

- 9.2 Two areas of contention were outlined in LBB's Relevant Representation. These being:
- Contamination associated with borax wastes may be present on the data centre/construction compound site. The Contaminated Land officer has confirmed that the site has been investigated under planning permission 15/02926/OUTM; further assessment of asbestos in the soils, the installation of ground gas protection measures and a remediation strategy are outstanding. The Council expects that issues concerning ground conditions at the Data Centre site will be adequately dealt with via the planning conditions for 15/02926/OUTM in the event that this is developed. The investigations required by paragraph 10 of Schedule 2 (Ground conditions and ground stability) of the DCO are deemed sufficient for the use of this land as a contractors' area with no intrusive works proposed in this location.
  - Site investigations indicate that groundwater and surface waters are impacted by contamination including chloride, boron, sodium, PAH and TPH. It is considered adequate that these issues are dealt with via the planning conditions for the Data Centre site, 15/02926/OUTM, and the investigations required by paragraph 10 of Schedule 2 (Ground conditions and ground stability) of the DCO.

### Potential for further mitigation

- 9.3 Betterment of groundwater quality in the data centre/construction compound was identified as potential further mitigation, however, the Applicant has stated that there will be minimal ground disturbance in this area. It is therefore considered satisfactory for any requirements for groundwater quality improvements to be identified and addressed through a scheme of investigations at the REP site.
- 9.4 There remains a requirement that the scheme of proposed investigations for the purposes of assessing ground conditions at the REP site should be approved in writing by the LBB prior to those investigations being undertaken. It is understood that agreement for this will be included in the Statement of Common Ground.

### DCO requirements

- 9.5 The Applicant has indicated that they are willing to amend the DCO drafting such that the report submitted pursuant to paragraph 10(1) of Schedule 2 (Ground conditions and ground stability) should include a remediation verification plan.
- 9.6 The Code of Construction Practice (CoCP) is to be secured through Schedule 2, paragraph 11 of the DCO. It is considered necessary that no authorised development may commence until a CoCP for that part of the development has been submitted to and approved by the LBB. Schedule 2, paragraph 11 of the DCO should include the requirement for the CoCP to address:
- measures for protection of workers from soil and groundwater contamination and ground gas;
  - appropriate UXO risk mitigation;
  - appropriate spill prevention and response procedures;

- site and stockpile management to mitigate contamination of surface water run-off and emission of contaminants in airborne dust;
- that the CoCP should be informed by the results of site investigations and land contamination assessments; and
- the use of trenchless installation techniques for cable laying within the area of the former historic landfill, in the event that the cable route should lie within this area.

## 10 TOWNSCAPE AND VISUAL

### Key Issues

- 10.1 A number of significant effects of the proposed development were identified in LBB's Relevant Representation. Further to these the Applicant has clarified to LBB that the cumulative effects identified at Paragraph 3.73 of LBB's Relevant Representation are **incremental** cumulative effects (i.e. the contribution of the Proposed Development to the overall effect of the committed developments) rather than the **combined** cumulative effects (i.e. the combination of the Proposed Development and committed developments, or overall consequence).
- 10.2 Therefore, in addition to the incremental effects summarised at Paragraph 3.73 of LBB's Relevant Representation, the following **combined** cumulative effects will arise:
- An adverse cumulative combined visual effect which is a Moderate level of significance during construction and on operation from VP SA1-East and VP6;
  - An adverse cumulative combined visual effect which is a Moderate level of significance during construction only from VP7 Crossness Conservation Area and VP8 Lesnes Abbey.

### Areas of contention

- 10.3 The Applicant has clarified that the susceptibility of the Crossness Conservation Area has been assessed as 'low' because the proposed development is outside of the Conservation Area and the existing context and setting of the Conservation Area includes existing large scale industrial development. GLVIA3 enables flexibility in approach and as a result, methods of assessing susceptibility vary, but this appears to be a logical train of thought based on the Applicant's methodology and is accepted as a reasonable explanation for the judgement.
- 10.4 The Applicant has clarified that the moderate (significant) adverse effect on the Conservation Areas is an indirect effect on character and is not intended to be consistent with the cultural heritage assessment, which is set out in Chapter 10, Historic Environment.

### Potential for further mitigation

- 10.5 No update to the text provided in the Relevant Representation.

### DCO requirements

- 10.6 No update to the text provided in the Relevant Representation.

# 11 NOISE AND VIBRATION

## Key Issues

- 11.1 The key issues identified in LBB's Relevant Representation remain. The requirement for the Applicant to undertake a post-completion, pre-operational acoustic assessment should be secured through a relevant DCO requirement to provide assurances that the built development will achieve the conclusions of the noise assessment presented in the Environmental Statement.

## Areas of contention

- 11.2 The areas of contention outlined in LBB's Relevant Representation remain relevant.
- 11.3 Based on the baseline noise survey and predicted operational noise levels, it is considered that the proposed development may not meet the LBB's standard guidance for operational noise from fixed plant, which requires a rating level of no higher than 5dB below the LA90 background level at the nearest receptor. This is due to limited baseline survey data and associated uncertainty. It is noted that BS4142:2014 requires the distribution of all LA90 night time values to be considered and requires the uncertainty of the measurements and predicted noise levels to be taken into account. It is therefore suggested that the predicted operational noise impact is assessed in more detail, using results of a long-term background noise survey. Long term background noise levels should be re-assessed during post-completion/pre-operational surveys to verify compliance with the 5dB below LA90 criterion.

## Potential for further mitigation

- 11.4 No additional benefits have been identified.

## DCO requirements

- 11.5 The need for the Applicant to undertake a post-completion, pre-operational acoustic assessment should be secured through a DCO requirement.
- 11.6 Further aspects of the proposed development that will require to be controlled are outlined below and should be considered as additional DCO requirements.
- Noise arising from the operation of the development shall not cause any exceedance (as measured within any accommodation used as offices adjacent to the site) of a noise level of 50 dB LAeq 1 hour, except in an emergency or during routine testing of emergency equipment for which prior written notice has been given to the Council and the affected occupiers at least 48 hours in advance.
  - Except in case of an emergency, or with the prior written consent of the Council, the Rating Level of the noise emitted from the operation of the development shall not exceed a level of 5dB below the background noise level at any residential property. The measurements and assessment shall be in accordance with BS4142:2014.
  - The development must be operated in accordance with a written scheme approved by the Council for the monitoring of noise. The scheme shall specify the locations from which noise will be monitored and the method of noise measurement (which shall be in accordance with BS 4142, an equivalent successor standard or other agreed noise measurement methodology appropriate to the circumstances). The scheme shall be implemented to establish baseline noise conditions. Throughout the lifetime of the development the



monitoring programme shall be reviewed following any change in plant, equipment or working practices likely to affect the baseline noise conditions and any such change shall be notified in writing to the Council; or following a written request by the Council in relation to a noise related complaint. Such review shall be submitted to the Council for its written approval within 4 weeks of any notification or request from the Council.

- In any incidence where the noise levels specified in the above requirements are exceeded because of an emergency the Company shall notify, within 2 working days, the Council in writing of the nature of the emergency, the reasons for exceedance of the noise limit and its expected duration. If the period of exceedance is expected to last for more than 24 hours then the Company shall inform any consultative body established as a result of the development, the Council and adjoining occupiers or land users. Notification of the exceedance, the reasons for it and its expected duration shall also be posted on the Company's internet web site.
- Except in an emergency, the Company shall give at least 2 working day's' written notice to the Council of any proposed operation of emergency pressure valves or similar equipment. In any incidence where steam purging is to take place, the Company shall give 2 working day's prior written notice to local residents and businesses by informing any consultative body established as a result of the development, the Council and adjoining occupiers or land users. Notification of the incidence, the reasons for it and its expected duration shall also be posted on the Company's internet web site.
- So far as reasonably practicable, steam purging shall only take place between the hours of 9 a.m. to 5 p.m. Mondays-Saturdays and not on any Sunday or Bank Holiday.
- The development must be maintained in accordance with acoustic design measures agreed by the Council and with the manufacturer's specifications except to the extent that the Council may give its written consent to any variation to the agreed measures. The acoustic design measures must be consistent with the above requirements.

## 12 FLOOD RISK AND WATER RESOURCES

### Key Issues

- 12.1 The Applicant states that all potential key issues identified in LBB's Relevant Representation will be managed through the Outline CoCP (document reference number APP-106) and agreed with the Environment Agency and/or developed in consultation with the LLFA, where appropriate.
- 12.2 No further update to the text provided in LBB's Relevant Representation is required.

### Areas of contention

- 12.3 Three areas of contention outlined in LBB's Relevant Representation remain relevant.
- 12.4 With regard to the protection of the Crossness Nature Reserve the Applicant references the mitigation measures in the Flood Risk Assessment (FRA) and the CoCP, the implementation of such measures should to be secured through DCO requirements. The designation of this site as 'Metropolitan Open Land' (MOL) requires for it to be protected by the strictest standards. Policy G3 of the draft London Plan indicates that 'development proposals that harm MOL should be refused', therefore the Applicant should have this in mind for the design and development of the REP in relation to water resources, due to the sensitivity of the nature reserve. Furthermore, the draft London Plan states that 'boroughs should work with partners to enhance the quality and range of uses of MOL'. The Applicant also makes reference to a draft Biodiversity Metric. Further details on this metric and how biodiversity offsetting would be achieved is required from the Applicant.
- 12.5 With respect to the design of an appropriate drainage system, the Applicant is reminded that all surface water drainage from site (of varying quality) should be discharged into nearby watercourses only with consent from the Environment Agency upon the achievement of a water quality standard agreed (via an Environmental Permit) with the Environment Agency.
- 12.6 It is understood from the Applicant that a flood defence condition survey has been completed, which sets out recommendations in terms of remedial works. It is also understood that the outcomes of the condition survey are being progressed through discussion with the Environment Agency. The need to maintain the standards of the Thames flood defences (and provide adequate access) during the life of the development, which may require the undertaking of further surveys, will be necessary to secure in the DCO in agreement with relevant stakeholders including the Environment Agency.
- 12.7 The Applicant has indicated, via the outline drainage strategy that infiltration methods are not suitable for this site, however this is in contravention to LBB's opinion that the geological conditions are favourable. Further consultation with LBB is recommended.

### Potential for further mitigation

- 12.8 Due to concerns of increased traffic from vehicles, the drainage and treatment system should provide adequate treatment (and capacity) for surface water that contain oils, heavy metals and other metals that result from a high volume of traffic.
- 12.9 The Applicant must recognise the very sensitive nature of Crossness Nature Reserve and should therefore ensure every effort is taken to mitigate environmental impacts, and, where possible seek to deliver environmental net gain.

- 12.10 The Applicant should confirm the requirement of a Flood Risk Activities Environment Permit (formerly known as a flood defence consent) and apply to the Environment Agency prior to commencement of any work undertaken within 16 metres of a tidal river.

### DCO requirements

- 12.11 Schedule 2, paragraph 11 of the DCO relates to the CoCP to ensure that mitigation measures for construction works including piling are delivered and documents such as flood incident preparedness and response and recovery plans are prepared.
- 12.12 The need to maintain the standards of the Thames flood defences during the life of the development, which may require the undertaking of further surveys, will be necessary to secure in agreement with relevant stakeholders including the Environment Agency.
- 12.13 As per the Water Resources Act 1991 and Environmental Permitting (England and Wales) Regulations 2016, Schedule 21, the Applicant must apply for a permit to discharge treated water to controlled waters and groundwater. Similarly, this applies for discharge into the smaller drainage ditches to the south of the Site that may or may not interact with Crossness Nature Reserve, and which ultimately outfall into the tidal River Thames.

## 13 COMPULSORY ACQUISITION ISSUES

- 13.1 The London Borough of Bexley require the following safeguards with respect to land in its ownership/control that is subject to Compulsory Acquisition under this DCO if granted.

### West Street Open Land & Erith Playhouse: 06/05

- This is currently open land but will be a redevelopment site and therefore the timescale for the works will be important. Any works to be undertaken if the site is under construction would need to protect construction access. If the land is still open, public access will need to be protected and indemnities provided.
- The development of the site will involve the widening of the highway along the frontage of the site, which may require the altering (lowering) of any services in the eastern footway of West Street at this point. Hence, given uncertainty over timing for both projects any liability for future costs against the Council as a result of such widening, in respect of the connection from the REP scheme, should be indemnified. The connection should be buried to a depth that would allow a highway rather than a footway to be constructed above it to avoid the need to alter the connection.
- The need for an electricity sub-station at the front of the site in West Street has also been identified.
- The area of land affected/sterilised should be minimised.
- A formal agreement for compensation, the installation of plant and working space will be required to protect the Council's asset – making good, boundary replacement, depth, insurance etc.
- Details of the works will be required, and any impact should be minimised. RAMs would need to be provided and agreed for the work.
- The impact on established trees and planting will need to be minimised and/or a replanting and landscaping regime agreed (see note at end).
- Utilities will need to be protected and any costs to the Council etc reimbursed.

### Jolly Farmers: 12/02

- This is public open space and therefore public access needs to be protected and indemnities provided.
- The area affected is in the proximity of a mature hedgerow which protects the open space from the busy highway. Any works should seek to minimise the impact on this hedgerow for the benefit of wildlife and reducing noise and air pollution of the open space (see note at end).
- A formal agreement for compensation, the installation of plant and working space will be required to protect the Council's asset – making good, boundary replacement, depth, insurance etc.
- Details of the works will be required, and any impact should be minimised. RAMs would need to be provided and agreed for the work.
- The impact on established trees and planting will need to be minimised and/or a replanting and landscaping regime agreed (see note at end).
- Utilities will need to be protected and any costs to the Council etc reimbursed.
- The area of land affected/sterilised should be minimised.
- There should be a regime to protect or minimise the impact on wildlife.

### South of Thames Road (Highway land): 12/05 & 12/08

- This is open land where a regime for any works should be identified to protect wildlife flora and fauna etc.

- Land utilisation/workspace should be minimised.
- A formal agreement for compensation, the installation of plant and working space will be required to protect the Council's asset – making good, boundary replacement, depth, insurance etc.
- Details of the works will be required, and any impact should be minimised. RAMs would need to be provided and agreed for the work.
- The impact on established trees, hedgerow and planting will need to be minimised and/or a replanting and landscaping regime agreed (see note at end).
- Utilities/drainage/signage and plant will need to be protected/temporary arrangements made as appropriate in respect of the works and any costs to the Council etc reimbursed.

### Thames Road Depot: 12/16

- This land forms the frontage and access to the Council's Waste and Recycling Depot to which access must be maintained to enable services for Bexley and Dartford residents to be maintained. It also serves access to other businesses occupying the premises who will also need access to be maintained.
- A formal agreement for compensation, the installation of plant and working space will be required to protect the Council's asset – making good, boundary replacement, depth, insurance etc.
- Details of the works will be required, and any impact should be minimised. RAMs would need to be provided and agreed for the work.
- The impact on established planting will need to be minimised and/or a replanting and landscaping regime agreed (see note at end).
- Utilities will need to be protected and any costs to the Council etc reimbursed.
- The area of land affected/sterilised should be minimised.
- There should be a regime to protect or minimise the impact on wildlife.

13.2 NOTE: The proposed wording under PART 4 SUPPLEMENTAL POWERS, Article 20 - Felling or lopping of trees, provides authority for works to trees or shrubs near to the development that the undertaker believes is necessary without any provision for any trees or soft landscaping that form part of other approved developments or within the public realm/highway (that, if on private land, would be subject to a TPO) to require prior discussion with/consent of the Council.

## 14 CONCLUSIONS

- 14.1 Any DCO that is granted should take into account these representations.
- 14.2 Appended to this document is a tracked-change draft of the application version of the DCO, where the changes represent those that would address the Council's concerns set out in these representations. There are a number of points in the WR where questions/clarifications are still sought from the applicant and therefore the Council reserves the right to request further amendments/additions to the DCO to address these matters if, once we are able to review the additional information, there are concerns that need to be raised.

# APPENDIX

## Tracked-change draft of the DCO

(Separate document)