

Planning Act 2008

**The Infrastructure Planning (Examination Procedure) Rules
2010**

**Application for an Order granting development consent for the
Riverside Energy Park**

Preliminary submissions in respect of protective provisions

on behalf of



Western Riverside Waste Authority

6 June 2019

1. These preliminary submissions are made in order to assist the Examining Authority and all parties during the hearings taking place on 6 and 7 June 2019. Western Riverside Waste Authority ('WRWA') reserves the right to make further and more detailed submissions in writing following the hearings.
2. WRWA's consultants, Wood Environmental and Infrastructure Solutions ('Wood'), have produced a short technical note analysing the principal areas of concern and considering how these are addressed (if at all) by the current Protective Provisions ('PPs') in the draft DCO. That note is appended to these submissions.
3. WRWA's major concerns in relation to the PPs as currently drafted are as follows:
 - a. The protection afforded to Riverside Resource Recovery Limited ('RRRL') is inadequate in a number of respects. Since WRWA may in certain circumstances become the owner of RRRL or its assets, WRWA is concerned to ensure its interests are properly safeguarded.
 - b. There is no protection at all provided for WRWA, which is itself a statutory undertaker. It seems to WRWA that there are several ways in which this could be dealt with, such as:
 - i. Introduce a new set of PPs specifically for WRWA;
 - ii. Define 'WRWA' in the RRRL PPs and extend the existing provisions to include WRWA where appropriate. The definition of the definition of 'RRRL facility perimeter' would need to be extended to include the land in which WRWA has an interest;
 - iii. Amend the definition of 'RRRL' to include WRWA. Again, the definition of 'RRRL facility perimeter' would need to be amended also.

WRWA's position is that it should have the benefit of its own PPs.

- c. The protection afforded by the PPs does not extend to plots 02/02, 02/09, 02/12, 02/16, 02/17, 02/30 and 02/56 identified on the land plans and in the book of reference, which are owned by RRRL (and under which WRWA believes that RRRL may have infrastructure) and in which WRWA holds a leasehold interest.
 - d. Neither RRRL or WRWA is indemnified for losses resulting from the construction or operation of the proposed facility. As outlined in the Wood technical note, there are a number of risks during both the construction and operational phases that are required to be mitigated.
4. For the avoidance of doubt, WRWA's position is that a significant number of its objections cannot be resolved by strengthening the PPs in the draft DCO. The above submissions are made entirely without prejudice to WRWA's position in that regard. However, WRWA is of course

willing to discuss its requirements with the promoter with a view to addressing its concerns with the current drafting where that is possible.

APPENDIX

Wood Technical Note