

GREATER LONDON AUTHORITY

Deadline 3 - GLA Sheet 2: GLA Commentary on Applicant's response to ExA's first Written Questions

ExA Q	ExA Question	Applicant's Response	GLA/TFL Comments
1.0.1	The proposed capacity of the Energy Recovery Facility (ERF) appears to be in the region of 95MW and as such would qualify as a Nationally Significant Infrastructure Project (NSIP). Please consider including the maximum capacity of the ERF both in terms of MW electrical output and tonnes of waste input in the draft DCO or	<p><i>Extract:</i></p> <p>1.1.3 It is not appropriate to refer to the maximum MW electrical output of the generating station (which collectively comprises the Energy Recovery Facility (ERF), anaerobic digestion facility, solar photovoltaic installation and battery storage, being the integrated Riverside Energy Park (REP)), as this could change over time as technology becomes more efficient. The Development Consent Order, if granted, should not prevent the Applicant from maintaining REP by replacing parts that ultimately result in REP's electrical output and/or thermal efficiency increasing.</p> <p>1.1.5 Regarding the maximum tonnes of waste throughput, again it is not appropriate to limit this through a requirement on the dDCO. The actual</p>	<p>Waste</p> <p>The GLA considers a tonnage cap on the ERF is necessary to get certainty on the volume of waste to be managed and the impacts of bringing waste in and out of the facility. The GLA understands that the EA will issue a maximum tonnage licence in issuing a permit. It is unhelpful that the Applicant has only recently submitted its EP application and therefore the outcome of the permitting process is currently unknown and likely to be unresolved at the close of the Examination period. Whilst the Secretary of State should not duplicate the relevant environmental regulatory regime, including maximum capacity in the draft DCO would not do so; rather, importantly, it would ensure the integrity of the EIA process.</p> <p>The North London Heat and Power Generating Station Order was granted by the Secretary of State with restrictions on both power and throughput, indicating that it is not always the case that such restrictions are set solely via the permitting route¹ and there is precedent for doing so.</p> <p>In the absence of a tonnage cap on REP capacity, the GLA would wish to ensure that matters such as capacity of the transport system to transfer waste to the REP by river, including use of existing transfer stations, would be assessed if there was a future proposal to increase throughput beyond that modelled and assessed in the EIA. In the absence of any such</p>

¹ See Schedule 1 of the Development Consent Order, available at <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010071/EN010071-001812-4%20-%20The%20North%20London%20Heat%20and%20Power%20Generating%20Station%20Order%202017.pdf>

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	<p>provide an explanation as to why the capacity should not be included.</p>	<p>waste throughput will vary over time depending on the calorific value of the waste itself and the operational availability of the ERF.</p> <p>1.1.6 This is because the REP ERF will have a maximum thermal input that it can process at any given time via the components installed in the plant. The thermal input of waste is governed by a number of factors, not just the tonnage. Therefore, if the calorific value of the waste is higher, then the REP ERF will process a lower waste throughput and vice versa. It is the thermal input of the REP ERF, rather than the waste throughput, which is important in assessing the REP ERF's operating effects. A tonnage restriction would not be an effective mitigation measure, which is why specific requirements controlling those areas which would influence the operating effects of the ERF are included in the dDCO. In acknowledgement of this, at Deadline 2 the Applicant has submitted a revised dDCO which includes a requirement restricting the number of heavy commercial vehicles delivering waste to the ERF. Emissions levels are not included in the dDCO as emissions will be controlled by the Environmental</p>	<p>assessment there could be unacceptable consequences that extend beyond the boundary of the site. The EA's responsibility when considering future applications to vary the EP would not necessarily extend to all potential consequences in the same way as EIA.</p> <p>The Applicant's proposed DCO requirement with regard to a cap on road imports is referred to below at 6.0.2. However, the restriction on road vehicle movements would not function in any way as a cap or restriction in the operational capacity of the plant as the Applicant has stated that the majority of waste input would come in by River.</p> <p>Air Quality:</p> <p>For the purposes of modelling the impact of the REP on air quality the Environmental Statement uses an emissions rate (g/s) for each of the pollutants of concern. This is a sensible approach as the impact on air quality is related to the total amount of pollutant emitted over time.</p> <p>By contrast the emissions limits that can be set via an environmental permit are expressed in terms of an allowable concentration of pollutants (mg/m³).</p> <p>In order to translate the concentration limit into an emission rate the air quality assessment had to assume certain operational parameters for the plant, including the rate at which air is expelled from the stack. In turn these operational parameters are related to the size and throughput of the plant.</p> <p>Without a limit of some kind on the operational capacity of the plant it is not possible to be certain that the predicted impacts on air quality will not exceed those stated in the environmental statement.</p>

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		<p>Permit and monitored by the Environment Agency. As guidance makes clear, and indeed as paragraph 4.10.3 of NPS EN-1 states, the Development Consent Order should "not duplicate" another consenting regime.</p> <p>1.1.7 In addition, NPS EN-1 at paragraph 4.10.5 states that the Environmental Permitting regime also incorporates operational waste management requirements for certain activities which could include a restriction on tonnage should the Environment Agency consider it appropriate when assessing the Environmental Permit application. The Development Consent Order should not seek to impose operational waste management restrictions when this area is clearly the remit of the Environmental Permitting regime, as is made clear in NPS EN-1.</p>	<p>The Applicant has noted that the environmental permit may impose a tonnage restriction. However, permits can be varied over time and it is quite possible that any tonnage restriction in the permit could be raised at a later date. This is an important consideration for the ExA as, in the above situation, the REP could have adverse effects beyond those assessed.</p>
1.0.3	<p>The capacities for the proposed solar panels, anaerobic digestion system and battery storage are not</p>	<p><i>Full response:</i></p> <p>1.3.2 Riverside Energy Park (REP) presents a range of complementary and integrated technologies which are designed to operate together, maximise efficient operation and together</p>	<p>The GLA considers that the Applicant's response raises an important further point. The Applicant presents helpful potential synergies between the proposed REP infrastructure, but the GLA does not consider these to be co-dependent on each other fully. As far as the GLA is aware, the Applicant would be able to construct each of the constituent parts of the proposed REP (with the exception of the battery storage) independently. The GLA considers that the Applicant's response does not demonstrate a</p>

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	<p>specified in detail but appear to be below the NSIP threshold of 50MW. Please clarify the proposed capacity for each of these elements and provide an explanation as to why they are included as part of the NSIP.</p>	<p>mitigate environmental effects, including the potential for:</p> <ul style="list-style-type: none"> heat from the Energy Recovery Facility (ERF) to support the Anaerobic Digestion process; digestate drying using heat from the ERF; combustion of potential odours from the Anaerobic Digestion facility in the ERF; Solar Photovoltaic Panels providing back up power to the ERF; Battery Storage providing resilience both on and off site; and maximisation of solar gain by the location of the solar panels on top of the stepped roof design. <p>1.3.3 As can be seen from the above, all generating elements of REP are intrinsically linked, and provide support, to each other. All of these elements are, therefore, part of the NSIP and together will have a generating capacity in excess of 50 MW. In addition, all generating</p>	<p>clear and strong enough commitment to deliver all the non-ERF infrastructure and the benefits associated with such co-location. The GLA would like to see specific measures secured to ensure that the linkages and their benefits will materialise. Without these further measures being secured the benefits of the scheme are overstated.</p>

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		elements of REP will be controlled by the same control room and will be connected to the same cables to transmit electricity to Littlebrook substation.	
1.0.11	Paragraph 3.3.37 of the ES refers to bottom ash from the incinerator (IBA) being transported off-site by barge. Please consider including a requirement to this effect in the draft DCO.	<p><i>Full response:</i></p> <p>1.11.2 The Applicant is content to include a new requirement in the draft Development Consent Order (3.1; APP-014) (dDCO) that the incinerator bottom ash (IBA) from the REP ERF will be transported off-site by barge under normal operating conditions. This requirement would not apply in the event of a jetty outage.</p> <p>1.11.3 This amendment is reflected in a new requirement in Schedule 2 to the dDCO (3.1, Rev 1) submitted at Deadline 2.</p>	<p>The revised draft DCO includes a requirement 14(5) to this effect. However, the definition of jetty outage remains unacceptably wide. In addition, the GLA cannot support the current drafting if it allows any potential surplus trips pursuant to the existing RRRF planning permissions to be counted towards the proposed REP cap. It is noted that the Applicant committed to removing this sharing of surplus at the Issue Specific Hearing on 6th June; however, this also needs to be reflected in the drafting of the DCO.</p> <p>The GLA also awaits confirmation that the cumulative vehicle movements in the event of a jetty outage from both RRRF and REP have been assessed as required, as discussed at the Issue Specific Hearing on the 6th June and within the GLA's Post Hearing Written Submission of Oral Case document, submitted for Deadline 3.</p>
1.0.12	Paragraph 3.3.41 of the ES sets out options for the use of biogas from the anaerobic digester. Please explain how these have been	<p><i>Extract:</i></p> <p>1.12.2 Paragraph 3.3.41 of Chapter 3 Project and Site Description of the ES (6.1, Rev 1) states that the biogas resulting from the Anaerobic Digestion process would be passed through a gas-upgrading and filtering system suitable for the production of</p>	<p>The Applicant makes no comment on providing commitments or exploring use of gas. The rest of the Applicant's response (other than the extract quoted here) refers to assessment of environmental effects of the biogas options.</p> <p>The Applicant should be obliged to quantify the potential for gas use in on-site vehicles relative to total gas production, as this is said to be an option. Assuming that on-site vehicles would not use all the gas produced, the Applicant should also be obliged to commit to a plan for investigating</p>

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	<p>taken into account in the ES and set out how any infrastructure associated with the use of this biogas has been included in the proposed development</p>	<p>Compressed Natural Gas (CNG) and/or for injection into a local gas network. CNG can be used as a fuel for vehicles, including through converting onsite vehicles (which shuttle waste containers within the site). CNG would be the preferred option if feasible and viable. However, if a CNG option is not progressed, then REP would incorporate a Combined Heat and Power (CHP) engine which would use biogas to generate electricity and heat. The additional heat and energy could be used to support the Anaerobic Digestion process or provide additional energy export from REP.</p> <p>1.12.3 Plate 3.12 in Chapter 3 Project and Site Description of the ES (6.1, Rev 1) discusses the infrastructure associated with the use of biogas. This includes both a gas storage tank and Combined Heat and Power (CHP) infrastructure which would be required for either combustion of biogas in a CHP engine or storage of biogas for use as a fuel for on-site vehicles. Work number 1B(x) in Schedule 1 of the draft Development Consent Order (3.1, Rev 1 1) identifies the gas storage and upgrading equipment and Work number 1B(viii) in Schedule 1 of the</p>	<p>options for offsite use, in a similar way to CHP opportunities need to be investigated.</p> <p>The downside of using biogas for CHP rather than in vehicles or for injection into the grid is not only that energy would be wasted in the conversion process, but also that emissions from the AD plant would be greater. The GLA firmly believes that the REP should not use any biogas for the purpose of power generation with or without heat offtake.</p> <p>The GLA considers that the use of biogas in an on-site combustion process, such as power generation or CHP, would give rise to the polluting emissions the Mayor is trying to prevent in the draft London Plan. It would be a more effective use of the biogas resource to inject it into the grid so it can be used elsewhere in the country to help decarbonise some high value-adding industrial process.</p>

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		draft Development Consent Order (3.1, Rev 1 1) identifies the CHP infrastructure.	
1.0.14	Paragraph 3.3.66 of the ES refers to the installation of district Heating (DH) pipes. Please explain how the potential environmental impacts resulting from the construction of the DH network have been considered in the ES	<p><i>Extract:</i></p> <p>1.14.8 It is acknowledged that any future supply of waste heat (e.g. to district heat network scheme for a local residential area) could give rise to potential effects on the local environment. The assessment of this is reported in the cumulative assessment discussed at Paragraphs 7.10.5, 8.10.4, 9.10.19, 10.10.17, 11.10.9, 12.10.3, 13.10.4 and 14.10.7 of Chapters 7 – 14 of the ES (6.1). However, until the end users are identified, the routing of the heat network cannot be identified. Such work can only come later.</p> <p>1.14.9 Further, such development would be subject to a separate planning application which, depending on its scale, would be subject to a requirement to undertake an environmental impact assessment. Such assessment would take into account REP either as part of its baseline or its</p>	The construction of these district heating pipe routes would likely have an impact on the operation of the highway network, similar to the construction of the Electrical Connection and therefore TfL would expect the planning application for the district heating pipes to provide details on the impacts of the route on buses and other road users and propose appropriate measures to mitigate this impact.

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		cumulative assessment. The ExA can therefore be confident that the environmental effects of the further infrastructure required for the installation of any district heating scheme will be assessed as part of any future planning application.	
1.0.15	The ES states that the proposed development will comply with the waste hierarchy by reducing the volume of waste sent to landfill. Please set out what consideration has been given to ensuring that the full use has been taken of opportunities for recycling of waste before it is considered for incineration.	<p><i>Extract:</i></p> <p>1.15.2 The Energy Recovery Facility (ERF) component of REP will recover residual waste and avoid its disposal to landfill or export overseas.</p> <p>1.15.3 The Applicant has demonstrated within Table 4.2 of the Project and its Benefits Report (7.3, APP-103) that even if the challenging and aspirational high recycling targets for London are met in full, there is still a need for additional residual waste management infrastructure capacity.</p> <p>1.15.5 The legislative requirement (through the Waste (England and Wales) Regulations 2011/988) is for waste producers to consider options which are higher in the waste hierarchy and therefore, the requirement for considering recycling components of</p>	<p>In response to the Applicant's response at paragraph 1.15.3, the GLA would reiterate its case set out in the WRs that the demonstrated need for waste from London is significantly less than the proposed capacity of the ERF.</p> <p>The GLA rejects the Applicant's description of the GLA's recycling targets as 'challenging and aspirational'. The Mayor's recycling targets are high but eminently achievable, adopted in his London Environment Strategy which has been through a full public consultation. The Mayor has introduced measures to accelerate recycling performance including setting a minimum level of recycling service that all London local authorities need to meet by 2020. The Mayor's recycling targets and strategic approach are in line with national policy and the EU Circular Economy policy package, albeit to be achieved five years earlier as the Mayor wants to demonstrate leadership.</p> <p>In response to Applicant's paragraph 1.15.5, the GLA considers that there is no practical mechanism that requires waste producers to consider options that are higher up the waste hierarchy with limited exceptions such as new development projects (construction sites), where compliance is required through planning conditions. The majority of MSW is collected from residential properties and existing businesses and there is currently no mechanism in place to enforce consideration of options. Local authority collections try to limit the quantity of residual waste collected from</p>

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		<p>the waste is placed upon the waste producer rather than the ERF itself.</p> <p>1.15.6 The Environment Agency (EA) is the competent authority for waste management within England. As the Competent Authority in England for waste management, the EA has a 'duty of care' to ensure that the waste hierarchy is suitably implemented. The EA applies a European Union wide system for the categorisation of wastes, which is referred to as the EWC (European Waste Catalogue) code. The EWC code system provides for the identification of the source of the waste; the hazardous status/nature of the waste; and a description of the waste type. The EP will constrain the types of wastes which can be accepted for processing at the individual waste treatment facilities by limiting the waste types to a specific list of EWC codes. The EA will prohibit the waste treatment facilities from processing wastes other than those stated in the EP.</p> <p>1.15.7 An application for an Environmental Permit (EP) to operate the ERF and Anaerobic Digestion facility at REP was submitted to the EA</p>	<p>households through mechanisms such as fortnightly collection, but enforcement is unpopular and seldom pursued. The Applicant as a waste collector has not provided any evidence or assurances to demonstrate options higher up the waste hierarchy have been considered and applied.</p> <p>With regard to the Applicant's response at paragraph 1.15.6 and 1.15.7, the EA's regulation of incoming waste is primarily aimed at environmental controls of the waste stream and to avoid waste movements being 'lost' in transit, i.e. to avoid illegal tipping. The EA through the EP will not give detailed consideration to the content of residual MSW and whether it contains any recyclable material. The Applicant should commit to additional measures through the DCO to ensure waste being managed at the ERF does not contain waste that could otherwise be reused or recycled. Without this the benefits of the REP are overstated. More detail on the role of the EA permit process on this matter is set out in the GLA's Post Hearing Written Submission of Oral Case. The GLA's comment on a pre-treatment requirement to be included in the DCO is set out in Sheet 4, the GLA's commentary on Applicant's other documents (response to document 3.1).</p> <p>It should be noted that if a local authority provides a recycling collection service, then all the residual waste collected from that authority is deemed to have undergone 'pre-treatment', whether or not individual households take part fully in segregating their waste. The EWC code that is assigned to the waste therefore does not ensure any particular level of pre-treatment.</p> <p>With regard to paragraph 1.15.8, these measures relate to the identification and removal of unsuitable or significantly harmful wastes from being incinerated. Recyclable waste exists within the EWC coded waste accepted at an ERF. The Duty of Care measures were not designed, and should not be relied on, to recover materials for recycling from residual waste going to an ERF.</p>

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		<p>in December 2018. The Applicant will need to have the EP in place before any waste can be received at the ERF and Anaerobic Digestion facility. If granted, the EP will restrict the types of wastes which can be processed at the ERF and Anaerobic Digestion facility to a series of EWC codes. Therefore, in granting the EP for the ERF and Anaerobic Digestion facility, the EA will only permit the ERF and Anaerobic Digestion facility to process wastes which are suitable for processing in the ERF and Anaerobic Digestion facility, i.e. they are representative of residual waste, and will have undergone a level of pre-treatment, through either off-site processing or source-segregation, to ensure that the wastes permitted to be processed are 'residual' and not suitable for recycling.</p> <p>1.15.8 The duty of care in relation to the appropriate application of EWC codes to wastes is the responsibility of waste producers. In implementing the waste pre-acceptance and waste acceptance procedures the Applicant will undertake its own duty of care investigation into whether the Applicant believes that the appropriate EWC codes has been applied to the</p>	<p>With regard to the Applicant's paragraph 1.15.9 which states that recycling is a cheaper process for waste producers, the GLA's view is that recycling is only likely to be the cheaper option for waste producers if source segregation is relatively easy. For certain types of waste, including for some households, source segregation incurs practical difficulties and the need for segregation therefore deters producers from recycling. In the GLA's opinion, recycling is not always the easier option for waste producers and therefore the market (gate fees) cannot be said to govern the behaviour of all waste producers. Further explanation of the practical barriers to recycling is provided in Sheet 4 GLA's Commentary on Applicant's Other Documents (response to document 7.2.1).</p>

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		<p>waste; and whether it is an acceptable waste stream for REP. If the Applicant believes the waste to be either incorrectly coded and/or unsuitable for processing at REP, the Applicant would not accept the waste and it will be transferred off-site to a suitably licensed waste treatment facility.</p> <p>1.15.9 In addition to this, there is a significant commercial imperative for waste producers to recycle waste prior to sending it for recovery/ disposal. Waste management follows the most cost-effective solution. As explained within paragraph 4.2.8 of the Project and its Benefits Project and its Benefits Report (7.3, APP-103), the ERF component of REP will not hinder recycling rates as recycling is a cheaper process for waste producers and it has been demonstrated that the median gate fees at material recycling facilities and organic waste treatment facilities (e.g. anaerobic digestion facilities), which are preferred in the waste hierarchy, are significantly lower than gate fees at energy from waste plant and landfill facilities, with the median anaerobic digestion gate fee for England continuing to decline. As such, REP will support the drive to move</p>	

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		<p>waste further up the waste hierarchy by preventing residual waste going to landfill.</p> <p>1.15.10 Finally, as explained in the Operational Waste Statement (6.3, APP-097), the residues (Incinerator Bottom Ash and Air Pollution Control Residue) which are generated by the ERF will be transferred by river or recycling. Therefore, the residual waste processed at the ERF will be subject to further recycling of the residues generated by the ERF.</p>	
2.0.4	Construction traffic trips have not been quantified in AQ chapter, but are quantified in Transport chapter	Information now provided and assessment included in response. Construction traffic will be less than operational traffic assessed in 100% by road scenario	The GLA will expect all vehicles to comply with Euro VI emissions standards, through the CoCP. This requirement should apply whether or not construction commences prior to the implementation of new LEZ standards
2.0.1	Concern about the impact of the proposed development on Air Quality Management Areas (AQMA) was raised	<p><i>Extract:</i></p> <p>It is considered that air quality impacts within the Borough of Dartford have been adequately assessed and the Proposed Development will have no significant effects on NO₂ or PM₁₀ concentrations within the Borough of</p>	<p>As Dartford is outside the GLA boundary, the GLA have no direct comment on this question.</p> <p>However, the GLA would note that the proposed development is within the Bexley AQMA and will have impacts on air quality in the Havering AQMA. As the REP is an additional source of pollution which cannot be further mitigated or removed as a result of the implementation of Air Quality Action Plans it will inherently be in tension with the aims of local Air</p>

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	<p>during the consultation stage. Can the Applicant explain the extent to which Air Quality impacts within the Borough of Dartford have been assessed? Can the Applicant also explain whether the Proposed Development is likely to threaten delivery of the measures contained within the AQMA Action Plan</p>	<p>Dartford AQMAs. As a result, it is considered that the delivery of the measures contained within the AQMA Action Plan will not be threatened</p>	<p>Quality Action Plans: even where it does not directly threaten the delivery of specific measures it will by its very nature reduce the scale of any improvements.</p>
2.0.10	<p>Paragraph 7.9.12 states that the number of trips during construction is not known but that it will not be significant and therefore the impact on air</p>	<p><i>Summary:</i></p> <p>The Applicant has now provided the figures requested and also provided an updated assessment</p>	<p>If the construction movements are fewer than predicted in the "worst case" operational scenario of 100% of deliveries by road, the GLA are content to assume that the impact of construction traffic on air quality is likely to be lower than the modelled impacts.</p> <p>However, the GLA would also note that the concern that the most affected receptor on the transport network was omitted from the air quality modelling is still yet to be addressed. Without this information the GLA are not content that impacts from site traffic, in the worst case, are acceptable.</p>

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	<p>quality will not be significant either. It is noted that this statement is not substantiated, and it is contradicted by the information included in Chapter 6 (transport) which included estimated trips for both workers and material delivery during construction. Given that an estimate of traffic generation during construction for both workers and material delivery is provided in the ES at Chapter 6, can the Applicant explain</p>		

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	paragraph 7.9.12 and why the assessment of the effects of construction traffic is not included.		
2.0.10	The summary of the air quality dispersion modelling carried out in connection with the ERF stacks is provided at Appendix C2. The Applicant has identified the pollutants which required additional modelling following the guidance included in the Environment Agency air quality risk assessment for environmental permit. Table	<p><i>Extract:</i></p> <p>2.10.3 In terms of the number of properties, the judgement is to balance the number of properties that receive different levels of effect across the whole of the study area. Whilst the results at individual receptor locations are representative of the area in which they are located and there will be additional receptors subject to minor effects than those presented in Table C.2.2.8 of Appendix C.2 of the ES (6.3, Rev 1), it is also true that the majority of receptors in the study area will receive negligible impacts.</p> <p>The extent of the potential effects for nickel is illustrated in Figure 7.5 of Chapter 7 Air Quality of the ES (6.2 Rev 1). The receptors with minor adverse effects are located in the residential parts of Rainham closest to REP. Residential areas further away (as</p>	<p>The GLA do not agree that the selection of example receptors was representative of the worst case, especially for NO₂ where "worst case" receptors on the A206 and A1306 were not considered.</p> <p>In any event the Applicant's answer appears to miss the point: the specific receptors are only a sample of the affected properties. The GLA agree that the applicant should provide some assessment of how widespread the impacts modelled actually are.</p>

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	<p>C2.2.8 in Appendix C2 reports a Minor impact due to predicted annual average nickel concentrations at 7 receptors. Although 2 are within a business park, the remaining 5 are residential areas. The Applicant states that this is not significant. However, it should be noted that at paragraph 7.5.62 (methodology) the Applicant has stated that according to IAQM guidance the assessment of significance should be based on professional judgement taking into</p>	<p>illustrated by receptor R22) have negligible impacts which would be the majority of the exposed population in Rainham. As the majority of the population exposure is negligible and the maximum level of exposure is minor, and in particular, there are no breaches of assessment levels with the maximum Predicted Environmental Concentrations (PECs) well below (less than 25%) of the assessment level, then the overall significance is judged to be negligible, which is a not significant effect. The rationale is summarised in Paragraph 7.9.30 of Chapter 7 Air Quality of the ES, (6.1 Rev 1).</p>	

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	account several factors, including the number of properties affected. This information has not been found in the ES. Can the Applicant explain how the IAQM guidance has been applied to determine the significance of the identified minor effects at Table C2.2.8?"		
2.0.11	The ES does not include an assessment of the ecological features of interest potentially affected by the NOx and Ammonia emission concentrations from the REP	<p><i>Full response:</i></p> <p>An assessment of the potential significance of the impact of NOx and ammonia concentrations has been included and is presented in Chapter 7 Air Quality of the Environmental Statement (ES) (6.1; Rev 1) and in Appendix C.2.3 of Chapter 7 Air Quality of the Environmental Statement (ES) (6.3; Rev 1).</p>	The GLA note Natural England's agreed statement of common ground, indicating that they have no outstanding concerns about nitrate deposition on sensitive sites.

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	<p>neither in the ecology nor air quality chapters. Therefore, it is not possible to determine whether there is significant impact considering the Predicted Environmental Concentrations (PEC) at both sites are high. Can the Applicant explain how potential effects of the predicted NOx and Ammonia concentration generated by the REP on features of interest at Inner Thames Marshes SSSI and Ingrebourne Marshes SSSI have been assessed and</p>	<p>1.1.1 Information on the nitrogen deposition arising from the NOx and ammonia concentrations has been updated from that presented at the time of the original submission in Chapter 7 Air Quality of the ES (6.1, APP-044) in relation to Paragraph 7.9.43, as reported in the Clarifications and Corrections document submitted at Deadline 2. Where the impacts of nitrogen deposition are potentially significant in terms of the air quality criteria, the potential effects on the ecological features of interest are discussed in Chapter 11 Terrestrial Biodiversity of the ES (6.1, Rev 1), with Paragraph 11.9.23 being updated as per the Clarifications and Corrections submitted at Deadline 2.</p> <p>2.11.3 The significance of effects on air quality from the predicted concentrations is unaltered from the information provided in the original Paragraphs 7.9.42 to 7.9.43 of Chapter 7 Air Quality of the ES (6.1 APP-044).</p> <p>2.11.4 The significance of the change in nitrogen deposition on the features of interest is discussed in the revised Paragraph 11.9.23 to 11.9.30 of</p>	

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	whether there would be significant effects at the SSSIs	Chapter 11 Terrestrial Biodiversity of the ES (6.1, Rev 1). The updated information presented Chapter 11 Terrestrial Biodiversity of the ES (6.1, Rev 1) has been discussed with Natural England. As confirmed in Paragraph 2.3.18 of the SOCG with Natural England, it is agreed that the predicted effects through nitrogen deposition are Not Significant.	
3.0.8 & 3.0.16	"Paragraph 11.9.5 of the ES states that habitat compensation will be provided off-site. Can the Applicant explain what are the objectives for the delivery of off-site measures, how they will be secured, when and to what extent they will address effects associated with loss of habitat on site and what	<p><i>Answered together:</i></p> <p>Extract:</p> <p>3.8.3 The principles for the delivery of the off-site measures (biodiversity off-setting) are set out in Section 5 of the Outline Biodiversity and Landscape Mitigation Strategy (OBLMS) (7.6, APP-107). Biodiversity offsetting principles establish a framework for designing and implementing biodiversity offsets and verifying their success These are expanded further within the Biodiversity Accounting Report (Ref 8.02.09) (submitted at Deadline 2) which sets out the standards required for the off-set delivery, including a commitment to a minimum 10% net gain in biodiversity</p>	There is little information as to how this process will operate and the GLA is concerned as to the implications for biodiversity as matters currently stand. The GLA supports the biodiversity and habitat concerns raised by London Borough of Bexley and Friends of Crossness Nature Reserve. The GLA may consider making further representations on the implications for biodiversity.

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	<p>confidence there is in securing the mitigation in perpetuity? Can the Applicant also provide additional information on how the off-site measures will be monitored and which parameters will be used to ensure the compensation is successful?"</p> <p>"Please will the Applicant provide information to explain its approach to the identification and delivery of off-site compensation having regard to its biodiversity characteristics and the ability to</p>	<p>value, as measured in Biodiversity Units through a biodiversity metric.</p> <p>The Biodiversity Accounting Report (Ref 8.02.09) presents the outcome of metric calculations based on "probable worst-case" and "likely case" impact scenarios.</p>	

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	address the loss of open mosaic habitat? The explanation should also address the timescales associated with the delivery and the proposed mechanism that will secure its implementation and monitoring"		
6.0.1	London Borough of Bexley (LBB), Transport for London (TfL) and others have raised concerns about the volume of traffic that would be generated during construction of the plant and of the electrical connection and during operation of the plant. They have	<p><i>Full response:</i></p> <p>The Applicant has addressed these concerns in the Applicant responses to Relevant Representations document, which responds to the relevant representations made, and has been submitted at Deadline 2. The Examining Authority's attention is drawn, in particular to the Applicant's response to LBB, TfL and Arriva found at RR-088, RR-087 and RR-055 respectively and its themed responses on construction and operational traffic impacts at TR-022 and TR-023.</p>	<p>RR-087 referenced by the applicant states that two technical notes have been submitted to supplement the appraisal of impact of the construction phase. The reduction in construction worker parking and commitment to a 07:00-19:00 workday is welcomed by TfL. Full comments are set out in Sheet 1 'Applicant's Response to GLA Relevant Representations'.</p> <p>Paragraph 3.11.14 of the Applicants response states that the Applicant's preferred route of the Electrical Connection follows the SRN and would therefore have a reduced interface with Arriva's bus network. It does include short sections which may affect bus routes along the A2016/A206 corridor but to a much lesser extent than the other previously identified route options. While TfL agree that the proposed route would likely have a lesser impact on buses than the alternative originally included in the application, the 'short sections' mentioned which may affect bus routes are junctions along the SRN which would likely be severely affected by a lane or arm closure necessitated by construction of the Electrical Connection, causing delays to road users including buses.</p>

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	<p>suggested that this has been under-estimated in the ES. What is the Applicant's response to these concerns</p>		<p>TfL consider that the level of assessment on bus impacts has not been adequately considered in the TNs submitted. The applicant concedes that the impacts are not determined at this stage, stating in paragraph 1.11.9 of the Applicant's response that:-</p> <p><i>"...due to the nature of the proposed works, for example the length of road works sections, the extent of these potential effects is not currently fully known."</i></p> <p>TN13 does note some likely impacts of the proposals on the Erith Roundabout and James Watt Way, but does not quantify the level of impact and therefore it is impossible for TfL to determine the level of mitigation required. TfL would require the Applicant to propose a realistic assessment to determine quantifiable delay to road users so that TfL and bus operators would be able to propose appropriate mitigation in the form of bus frequency improvements, diversions, or construction site-specific arrangements to minimise impact on buses. The applicant has not committed to this level of assessment in their Construction Traffic Management Plan, as noted in Sheet 4 'GLA commentary on other documents prepared by the Applicant for Deadline 2'. Furthermore, the applicant's mitigation within Paragraph 3.11.23 of the Applicants response focusses solely on Erith Roundabout and as stated above multiple other junctions would be affected if a lane or arm closure was required as part of the Electrical Connection construction; the list is included in Sheet 1 'Applicant's Response to GLA Relevant Representations'.</p>

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6.0.2	<p>The ES has considered a worst-case scenario under which all waste is delivered to the site by road. But the Planning Statement states that the use of the river to transport materials to and from the REP will minimise road and vehicle use. Please consider a requirement setting a percentage of waste to be delivered to the site by river during normal operating conditions."</p>	<p><i>Full response:</i></p> <p>Following a review of the relevant representations received, the Applicant recognises that a concern of some local residents and some of the local authorities is the potential impact of the REP ERF on the road network.</p> <p>6.2.3 Therefore, the Applicant has inserted into the revised draft Development Consent Order (dDCO) (3.1, Rev 1) submitted at Deadline 2, a requirement that restricts the number of heavy commercial vehicles delivering waste to Work Number 1A (the ERF) during the operational period to 90 vehicles in and 90 vehicles out, unless there is a jetty outage.</p>	<p>GLA/TfL welcome that the Applicant has taken a step in the right direction regarding a commitment towards river-based transport to the site.</p> <p>The REP has committed to a 90-vehicle cap, which according to the Transport Assessment submitted is roughly 28% of the ERF's maximum waste demand. This means that on average days where the plant operates below capacity the percentage of waste coming in by road would be higher as a proportion of total waste. The Applicant has said that the 90-cap is slightly above 25% to provide some flexibility for the site. However, as the site is not expected to generally operate at maximum capacity (as stated by the Applicant at the 5 June 2019 Issue Specific Hearing) it is considered that a hard cap of 25% would already have some contingency built in and more flexibility would therefore not be acceptable in meeting the required London Plan policies.</p> <p>The site's location and easy access to river transfer infrastructure means that the development should strive for maximum freight movements by river. TfL/GLA propose that a cap of 80 vehicles per day which would account for around 25% of the ERF's vehicle movement demand in a 100% by road scenario. This cap should not just apply to vehicles delivering waste to the ERF, but also to vehicles delivering and collecting by products and consumables, including deliveries to/from the AD facility (except where the AD deliveries originate within Bexley)</p> <p>To ensure that the applicant does not simply use larger size HGV (i.e 20 tonnes per vehicle) vehicles to transport a higher proportion of the waste to the site by road or use a lot of small vehicles which would not be subject to the cap; the GLA/TfL would request a provision to be included in the</p>

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			<p>requirement to limit the volume of waste delivered by road set at 200,000 tonnes per annum (t/pa), which is approximately 25% of the ERF's maximum waste throughput and around 30% of the ERF's nominal scenario waste throughput (655,000 t/pa); therefore, still allowing for some contingency. Further comments on the proposed vehicle cap are included in Sheet 4 'GLA commentary on other documents prepared by the Applicant for Deadline 2'.</p> <p>The GLA would query where these inputs would be sourced from, as waste from central London is expected to be brought to site by river. It is understood that waste from Bexley ie. the local area, is delivered by road to RRRF, and there would be no further requirement to deliver any waste from Bexley by road to REP. The GLA / TfL would not wish to see waste transferred long distances by road if a river-borne solution exists. Therefore, whilst a cap on HGV movements per day would be welcomed as backstop position, the GLA / TfL would only wish to see this level of road delivery if river delivery options have been assessed and are considered less environmentally acceptable.</p> <p>The GLA welcome the Applicant's verbal statement (at the DCO Issue Specific Hearing on 7th June) that the Cap on the existing RRRF would not be shared with the ERF and that they would be considered separately. However, the DCO must also include a suitable requirement so that it is clear which facility the vehicles are coming from or accessing so that the separate caps can be adequately enforced.</p> <p>Therefore, position not accepted at this stage.</p>

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7.0.9	<p>Schedule 1 does not specify the capacity of any of the elements of the proposed development either in terms of input of waste or energy output. Please consider the inclusion of specific capacity limits in accordance with the levels assessed in the ES."</p>	<p><i>Extracts:</i></p> <p>7.9.3 It is not appropriate to refer to the maximum MW electrical output of the generating station (which collectively comprises the Energy Recovery Facility (ERF), Anaerobic Digestion facility, solar photovoltaic installation and battery storage, being the integrated Riverside Energy Park (REP)), as this could change over time as technology becomes more efficient. The Development Consent Order, if granted, should not prevent the Applicant from maintaining REP by replacing parts that ultimately result in REP's electrical output and/or thermal efficiency increasing.</p> <p>7.9.4 In terms of input of waste for the ERF and Anaerobic Digestion facility, it is not appropriate for this to be constrained by the Development Consent Order, as the Order should only impose requirements where they are justified to manage the environmental effects of the authorised development. A tonnage restriction would not be an effective mitigation measure, which is why specific requirements controlling those areas</p>	<p>Waste</p> <p>The GLA's comments above in relation to question 1.0.1 above is relevant. A response on this issue is set out in more detail GLA Sheet 4, called GLA commentary on Applicant's other documents. This includes comments on the relationship between the throughput of the plant and the assessed impacts on air quality presented in the Environmental Statement.</p> <p>The GLA fully acknowledges the NPS position that there should be no duplication of controls. However, as detailed in GLA Sheet 4 and Post Hearing Written Submission of Oral Case document, both submitted for Deadline 3, the GLA has consulted with the EA on this matter and received confirmation that the issues of concern to the GLA regarding the control of waste type would not be adequately addressed through the EP.</p> <p>It should be recognised that the primary function of any Environmental Permit is to ensure that "Best Available Techniques" are used to mitigate or prevent pollution. Permits can be varied at any time either by the enforcing agency or upon application of the permit holder. Where restrictions on the size or throughput of the installation are imposed only by the permit any increase in the size of operations could lead to greater environmental impacts than those assumed in making the planning decision on the acceptability or otherwise of the development.</p> <p>The North London Heat and Power Generating Station Order was granted with restrictions on both power and throughput, indicating that it is not always the case that such restrictions are set solely via the permitting route. Notwithstanding these points, the GLA are already concerned that the impact on air quality is unacceptable and the permit alone is not sufficient to secure the pollutant outputs described in the environmental statement as it can be varied at a later date.</p>

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		<p>which would influence the operating effects of the ERF and the Anaerobic Digestion facility are included in the dDCO. In acknowledgement of this, at Deadline 2 the Applicant has submitted a revised dDCO (3. 1, Rev 1 1) which includes a requirement restricting the number of heavy commercial vehicles delivering waste to the ERF.</p> <p>7.9.5 Input of waste for the ERF and the Anaerobic Digestion facility is more appropriately controlled by the Environmental Permit (EP) for REP that will be issued by the Environment Agency (EA). The EP for REP will include a constraint on the 'maximum quantity' of waste feedstocks which can be received for processing at REP on an annual basis. The EP will prohibit the Applicant from processing more waste than the maximum quantity stated. Within the EP application submitted to the EA, the Applicant has stated the maximum throughput of the two proposed waste processing facilities, as follows:</p> <p>ERF – 805,920 tonnes per annum; and</p> <p>Anaerobic Digestion plant – 40,000 tonnes per annum.</p>	<p>The revised draft DCO submitted by the applicant does include a restriction on the number of heavy commercial vehicles. However, as noted in the GLA/TfL commentary provided within Sheet 4 'GLA commentary on other documents prepared by the Applicant for Deadline 2', currently this cap would allow for unlimited movements by smaller vehicles and would allow the applicant to use larger vehicles than the 7t vehicles assessed in the ES to bring a larger proportion of waste in via road. Therefore, the GLA/TfL have proposed amendments in Sheet 4 'GLA commentary on other documents prepared by the Applicant for Deadline 2' including a cap on waste tonnage per annum (tpa) brought in by road of 200,000, approximately 25% of the nominal tpa of the facility.</p>

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		<p>7.9.6 During the EP determination process, the EA will review the capacities which are proposed within the EP application. The EA will only grant an EP for a facility which the EA considers is representative of the constraints set out within the EP application.</p> <p>7.9.12 It should be noted that the Overarching National Policy Statement for Energy (NPS EN-1) recognises that the Environmental Permitting regime will incorporate operational waste management requirements in any permit issued under that regime (paragraph 4.10.5). As paragraph 4.10.3 states, the Secretary of State should not duplicate relevant pollution control and other environmental regulatory regimes. Accordingly, given it is the EA that will monitor the operational waste side of REP, it should be the EP that imposes any restrictions on waste type and quantity. This is logical, given it is not the waste throughput that gives rise to the environmental effects of operating REP, instead specific requirements should be imposed on those areas that</p>	

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		would give rise to potential adverse effects.	