

Riverside Energy Park

Applicant's response to the Local Impact Report by Kent County Council and Dartford Borough Council

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1 Applicant response to the Local Impact Report by Kent County Council and Dartford Borough Council

1.1 Introduction

1.1.1 Kent County Council (KCC) and Dartford Borough Council (DBC) submitted a joint Local Impact Report (LIR) at Deadline 2 of the Examination (**REP2-079**).

1.1.2 KCC/DBC have raised the following 7 topics within their LIR:

- Planning policy;
- Highways and transportation;
- Public Rights of Way (PRoW);
- Biodiversity;
- Conservation and heritage;
- Air quality; and
- Socio-economics.

1.1.3 The Applicant's response (this document) covers each of these issues in turn below.

1.2 Location and Site Characteristics

1.2.1 The Applicant notes the summary provided in the LIR regarding the site location and characteristics. As a matter of clarification, since the time of submission, the Application boundary (the 'red line') has been refined following further engineering investigations. At Deadline 2 the Applicant submitted the following documents which provide an update on the changes that have been made since the time of the DCO Application submission, and reflect the revised extent of the red line / Order limits. This information is set out in the following revised documents:

- Electrical Connection Progress Report (**8.02.07; REP2-058**);
- Land Plans (**2.1; Rev 1**);
- Works Plans (**2.2; Rev1**);
- Access and Public Rights of Way Plans (**2.3; Rev 1**);
- Statement of Reasons (**4.1; Rev 1**);

- Book of Reference (**4.3; Rev 1**); and
- Draft 'Riverside Energy Park Development Consent Order' (**dDCO**) (**3.1; Rev 1**), although Rev 2 has been submitted alongside this response at Deadline 3.

1.2.2 At Deadline 2, the Applicant confirmed a single Electrical Connection route, which is reflected in the amended Order limits shown on the Works Plans (**2.2; Rev 1**). The Electrical Connection route is now as follows:

- from the REP site, the route follows Norman Road to the dual carriageway A2016 Picardy Manorway;
- the route then travels east from Picardy Manorway, along the A2016 (Bronze Age Way) into Queens Road into Northend Road into Thames Road into Bob Dunn Way, which are dual carriageways except for a short length at Cray Mill Bridge with single lanes; and
- the route then leaves the A206 at the roundabout with Joyce Green Lane, where it travels north along Joyce Green Lane, east along the Fastrack route through The Bridge Development, to the roundabout with Rennie Drive, where the cable would then be routed northwards to the Littlebrook Substation.

1.3 Planning History

1.3.1 The Applicant notes the comments made regarding the planning history of the Proposed Development; the Applicant took into account the consultee comments in response to the Scoping Opinion including those relating to transport as set out in **Table 6.2 of Chapter 6 Transport** of the **ES (6.1; Rev 1)**. A summary of all engagement undertaken with KCC and DBC to date is included in each topic-specific chapter of the **ES (6.1)** (see the Application Guide submitted at each Deadline for the applicable revisions to each topic chapter).

1.4 Description of Proposed Development

1.4.1 The Applicant has no comments on the description set out by KCC and DBC, other than the single Electrical Connection route is now confirmed as described above and that the Main Temporary Construction Compound has moved slightly northwards on the west of Norman Road to the adjacent plots which were already included in the Order limits and Order land (primarily plots 02/44 and 02/49).

1.5 Planning Policy

National Planning Policy

- 1.5.1 The Applicant notes the reference to the National Planning Policy Framework (NPPF), in particular paragraph 98 regarding the protection and enhancement of Public Rights of Way (PRoW).
- 1.5.2 In accordance with the NPPF, the Applicant considered PRoWs in **Chapter 6 Transport** of the **ES (6.1; Rev 1)** and measures are secured to protect PRoWs during the construction phase, as described in **Section 7** of the **Outline Construction Traffic Management Plan (CTMP) (Appendix L to Appendix B.1 of the ES (6.3; Rev 2))** which is secured under **Requirement 13** of the **dDCO (3.1; Rev 2, submitted at Deadline 3)**.
- 1.5.3 Following engagement with KCC, the Applicant made additions and amendments to the **Outline CTMP** in **Appendix L** to **Appendix B.1** of the **ES (6.3; Rev 2)** which was re-submitted as Deadline 2. These additions were made in consultation with the KCC PRoW officer. These updates are understood to be agreed with KCC and were included in an advanced draft of the Statement of Common Ground with KCC, submitted at Deadline 2, **(8.01.04; REP2-050)**, as well as an advanced draft of the Statement of Common Ground with DBC **(8.01.02; REP2-048)**). Since Deadline 2, the Applicant and DBC have signed the SoCG and this has been submitted at Deadline 3 **(8.01.09)**.

Kent County Council Policies

- 1.5.4 The Applicant notes the KCC policies listed in the LIR. The relevant planning documents and policies are considered in the **Planning Statement (7.1; APP-102)** and the **Environmental Statement (ES) (6.1; Rev 1)**, including within **Chapter 2 Regulatory and Policy Framework (6.1; APP-039)**, and the policy section (**Section 2**) of each **ES** topic chapter, submitted with the DCO Application.

Dartford Borough Council Development Plan

- 1.5.5 The Applicant notes the DBC Development Plan policies listed in the LIR. The relevant planning documents and policies are considered in the **Planning Statement (7.1, APP-102)** and the **Environmental Statement (ES) (6.1)**, including within **Chapter 2 Regulatory and Policy Framework (6.1; APP-039)**, and the policy section (**Section 2**) of each **ES** topic chapter, submitted with the DCO Application.
- 1.5.6 The Applicant has now agreed a SoCG with DBC which confirms that there are no outstanding matters between the Applicant and DBC (the advanced draft of which was submitted at Deadline 2, **(8.01.02; REP2-48)**). The final signed SoCG is submitted at Deadline 3 **(8.01.09)**.

1.6 Likely Significant Effects of the Proposed Development

Highways and Transportation

Local Highway Network

- 1.6.1 The Applicant notes the concerns raised with regards to potential impacts on the transport network during the construction phase of the Electrical Connection route. The Electrical Connection route would fall under KCC's remit as it runs from Cray Mill railway underbridge via Bob Dunn Way to the north end of Joyce Green Lane. A traffic and transport assessment accompanies the DCO Application and is presented in **Chapter 6 Transport** of the **ES (6.1; Rev 1)**.
- 1.6.2 **Chapter 6 Transport** of the **ES (6.1; Rev 1)** reports that there would be no likely significant adverse construction effects in relation to driver delay in both KCC's and DBC's administrative areas (based on the reasonable worst case analysis). As set out in **Table 6.39** of **Chapter 6 Transport** of the **ES (6.1; Rev 1)** no residual likely significant effects are anticipated to arise from the construction of the Proposed Development, following the implementation of mitigation measures in the **Outline CTMP (Appendix L to Appendix B.1** of the **ES (6.3; Rev 2)**). This includes mitigation measures which would be implemented in such a manner to reflect the specific environment of the comparatively lightly trafficked Fastrack route through The Bridge development, where access is restricted to Fastrack buses only.
- 1.6.3 The Applicant has been in discussion with KCC and DBC regarding potential traffic and access impacts arising from the Proposed Development since the initial stages of engagement on the Proposed Development. The Applicant and KCC are in advanced discussions over a SoCG; the advanced draft was submitted at Deadline 2, (**8.01.04; REP2-050**). **Section 2.2** of the advanced draft SOCG with KCC sets out the specific matters of agreement between the Applicant and KCC regarding the assessment and mitigation of potential effects in relation to the transport network and on PRowS.
- 1.6.4 **Paragraph 2.2.27** of the advanced draft SOCG with KCC states that the parties agree *"...the consideration of further mitigation and enhancement measures are appropriate."* The Applicant therefore considers that the necessary mitigation has been adequately secured through the **Outline CTMP**, which is secured via **Requirement 13** of the **dDCO (3.1, Rev 2, submitted at Deadline 3)**. Furthermore, discussions between KCC, DBC and the Applicant have included the potential for highway incidents and the generally uncontrollable issues which may arise at those times. In respect of the preparation of the SoCG with DBC, the Council requested a form of control for high proportions (90%) of incoming residual waste by road during normal operation, however such a control was not pursued further in light of the Applicant's decision to significantly restrict heavy commercial vehicle movements. This control is set out in **Appendix B** to the SoCG with DBC

(8.01.09) and was included in **Requirement 14** of the **dDCO (3.1, Rev 2, submitted at Deadline 3)**.

- 1.6.5 As required by paragraph 6.3 of the respondents' LIR, the CTMP is secured in **Requirement 13** of **Schedule 2** of the **dDCO (3.1, Rev 2, submitted at Deadline 3)**, which requires that no part of the pre-commencement works and the authorised development may commence until a CTMP for that part is approved by the relevant planning authority, in consultation with the highway authority and, for roads within the London Borough of Bexley, Transport for London. The CTMP must be substantially in accordance with the **Outline CTMP** in **Appendix L** to **Appendix B.1** of the **ES (6.3, Rev 2)**.
- 1.6.6 In relation to the proposed route of the Electrical Connection, the Applicant notes that the Fastrack route is identified in the LIR as the preferred approach. The Applicant agrees with this and this corridor has been selected for the single Electrical Connection route in the Applicant's updated documents at Deadline 2. The Applicant has also included, in the SoCG with DBC **(8.01.09, Paragraphs 2.2.22-2.2.24)**, a note in respect of potential effects on Fastrack and agreed changes to the **Outline CTMP** (which were presented in Rev 1 submitted at Deadline 2 at **Paragraphs 8.2.3 and 8.2.4**).

Significant Road Schemes

- 1.6.7 The Applicant notes the information provided in the LIR with regards to the A2 Bean and Ebbsfleet junction improvements scheme, and the Lower Thames Crossing scheme. The Applicant confirms that, in accordance with **Section 3.2** of the **Outline CTMP (Appendix B.1** of the **ES (6.3; Rev 2)**), the relevant highway authority will be consulted on a detailed programme of works for the principal construction stages of the Proposed Development. It should also be noted that the **dDCO (3.1; Rev 2, submitted at Deadline 3)**, includes in Requirement 13 of Schedule 2 that the CTMP must be approved by the relevant planning authority in consultation with the highway authority and, for roads within the London Borough of Bexley, Transport for London. Furthermore, in carrying out street works pursuant to the Order (Article 11), sections 54 to 106 of the New Roads and Street Works Act 1991 apply.

Public Rights of Way (PRoW)

- 1.6.8 In relation to the construction of the Electrical Connection, the Applicant had been in discussions with the KCC PRoW officer in the period preceding Deadline 2, in respect of potential PRoW diversions and the location of construction compounds, and as an outcome included draft wording in respect of mitigation measures relating to KCC PRoWs in a dedicated chapter (Chapter 7) in the **Outline CTMP (Appendix L** to **Appendix B.1** of the **ES (6.3; Rev 2)**). These draft measures were also set out in the advanced draft SoCG with KCC **(8.01.04, REP2-050)**, which included confirmation that footpaths DB50 and DB56 would not be affected by the Proposed Development. Requirement 11(m) of the **dDCO (3.1; Rev 2)** requires that the final Code of Construction Practice includes details of the restoration of the

site following completion of construction. It is considered that this adequately provides for agreement of how affected PRowS would be restored. It is considered that the matters in paragraphs 6.7-6.13 of the KCC/DBC LIR have therefore been satisfactorily addressed.

- 1.6.9 The Applicant notes the support for a ducted solution to minimise future disruption and to enable a less disruptive construction phase for the Electrical Connection. This commitment is set out in **Paragraph 3.5.28 of Chapter 3 Project and Site Description (6.1; Rev 1)**. It is noted that the LIR states that *"This design approach is welcomed by the PRow and Access Service, as it should minimise long term disruption for path users."*
- 1.6.10 As stated in **Paragraph 6.13.3 of Chapter 6 Transport of the ES (6.1; Rev 1)** no residual likely significant effects are anticipated from the construction of the Proposed Development. On this basis, any potential consequential diversion of vehicles onto other routes would be minor. Furthermore, it is noted that the Applicant has selected the Electrical Connection route via the Fastrack alignment which would not give rise to the diversion of general vehicles and that KCC and DBC consider this route to be preferable.

Biodiversity

- 1.6.11 The LIR notes that a detailed method statement should be produced if the proposed Electrical Connection works are going to affect any protected or notable species or habitats on the roadside verges.
- 1.6.12 Requirement 5 of the **dDCO (3.1; Rev 2, submitted at Deadline 3)** requires a Biodiversity and Landscape Management Strategy to be submitted to and approved by the relevant planning authority for each part of the Proposed Development (as defined in the dDCO). The strategy must be substantially in accordance with the **Outline Biodiversity and Landscape Management Strategy (OBLMS) (7.6, Rev 1, submitted at Deadline 3)**.
- 1.6.13 **Section 3.1 of the OBLMS (7.6; Rev 1)** sets out the mitigation measures to be implemented during the pre-construction and construction stages for the Proposed Development, Electrical Connection Route and Cable Route Temporary Construction Compounds. If any pre-commencement works are to be carried out (as defined in the **dDCO (3.1; Rev 2)**), then these would be subject to the Pre-commencement biodiversity and landscape mitigation strategy under **Requirement 4 of Schedule 2 to the dDCO (3.1; Rev 2, submitted at Deadline 3)**.
- 1.6.14 In respect of the above matters, the Applicant and the two parties (KCC and DBC) are agreed, within an advanced SoCG with KCC (submitted at Deadline 2, **8.01.04; REP2-050**) and a signed SoCG with DBC (**8.01.09**, submitted at Deadline 3).
- 1.6.15 **Paragraphs 2.4.4 and 2.4.5 of the advanced draft SOCG with KCC (8.01.04, REP2-050)** state:

"It is agreed that the Requirement 5 at Schedule 2 of the dDCO (3.1, APP-014) is sufficient to ensure adequate consideration of mitigation measures in respect of the final chosen Electrical Connection alignment.

Furthermore, for the avoidance of doubt, it is agreed that Paragraph 1.4.3 of the Outline Biodiversity and Landscape Mitigation Strategy (OBLMS) (7.6, APP-107) is amended to read:

"The purpose of this OBLMS is to capture the key principles required to avoid, mitigate and compensate for effects on terrestrial biodiversity from preconstruction, construction, operation and maintenance of REP. The OBLMS has been split between:

Measures applicable to the REP site, the Main Temporary Construction Compounds and, where relevant, the Data Centre site; and

those applicable to the Electrical Connection route.

Where works occur within the KCC boundary, Dartford Borough Council will consult with them in respect of the approval of any BLMS under Requirement 5 of the DCO".

1.6.16 This agreed amendment has been reflected in the updated **OBLMS (7.6, Rev 1)** submitted at Deadline 3.

1.6.17 It is agreed, as stated in **Paragraph 1.1.9** of the signed SOCG with DBC submitted at Deadline 3 (**8.01.09**), that DBC will defer to KCC on matters regarding terrestrial biodiversity.

Conservation and Heritage

1.6.18 The Applicant notes the comments made in the LIR regarding conservation and heritage. It is detailed within the KCC WR submitted at Deadline 2 (**REP2-78**), that the approach to archaeological assessment and fieldwork has been agreed, and that the council is satisfied that the schemes of geoarchaeological and archaeological work will be in accordance with specifications/Written Schemes of Investigation (WSIs) that are agreed as appropriate.

1.6.19 In this regard, **Requirement 7(2)** of **Schedule 2** of the **dDCO** was amended at Deadline 2 to include that the WSI must identify any areas within the administrative area of Kent County Council where a programme of geoarchaeological works and a phased programme of archaeological works are required.

1.6.20 The advanced draft SoCG with KCC (**8.01.04, REP2-050**) confirmed at **Paragraph 2.3.19** that the consideration of further mitigation and enhancement measures are appropriate. Furthermore, **Section 2.3** of the advanced draft SOCG with KCC (**8.01.04, REP2-050**) sets out the specific matters of agreement between the Applicant and KCC regarding the assessment and mitigation of potential effects on the historic environment. It is

agreed, as stated in **Paragraph 1.1.9** of the signed SOCG with DBC submitted at Deadline 3 (**8.01.09**), that DBC will defer to KCC on matters regarding Historic Environment.

Air Quality

1.6.21 The Applicant welcomes DBC's confirmation that it is satisfied that the air quality assessment has been carried out in accordance with current best practice and guidance, and that the assessment considers the worse-case scenario in which the site is fully served by road vehicles. **Section 2.3** of the signed SOCG with DBC (**8.01.09**, submitted at Deadline 3) sets out the specific matters of agreement between the Applicant and DBC regarding the assessment of air quality.

1.6.22 It is agreed, as stated in **Paragraph 1.1.9** of the advanced draft SOCG with KCC (**8.01.04, REP2-050**), that KCC will defer to DBC on matters regarding Air Quality.

Socio-economics

1.6.23 The Applicant notes the comments made in the LIR regarding securing opportunities for local employment and skills development, and the observations made with regards to the effects of job creation on local communities.

1.6.24 **Chapter 14 Socio-economics** of the **ES (6.1; Rev 1)** provides an assessment of the likely significant socio-economic effects of the Proposed Development and concludes that there are slight/moderate beneficial effects on the labour market during construction and operation. **Chapter 14 Socio-economics** of the **ES (6.1; Rev 1)** highlights that the Applicant "...has a preference to recruit locally wherever possible" and acknowledges in **Table 14.19** that the Proposed Development would have slight/moderate beneficial effects.

1.6.25 The Applicant notes the observations made in the LIR with regards to additional permanent job requirements resulting from the Proposed Development. **Table 14.19** of **Chapter 14 Socio-economics** of the **ES (6.1; Rev 1)** sets out that slight beneficial effect will arise on labour market in the local area.

1.6.26 Since submission of the application, the Applicant has added a new Requirement in the **dDCO**, in response to feedback from consultees, to secure the implementation of an Employment and Skills Plan to be submitted to and approved by the relevant planning authority. **Requirement 18** of **Schedule 2** of the **dDCO (3.1; Rev 2, submitted Deadline 3)** was inserted and states:

"Community benefits

18.—(1) No part of the authorised development may commence until an employment and skills plan has been submitted to and approved by the relevant planning authority.

(2) The employment and skills plan must be implemented as approved by the relevant planning authority”.

1.6.27 It is agreed, as stated in **Paragraph 1.1.9** of the signed SOCG with DBC submitted at Deadline 3 (**8.01.09**), that DBC will defer to KCC on matters regarding socio-economics.

1.7 Conclusion

1.7.1 The Applicant has made good progress engaging and agreeing matters with DBC and KCC relating to the Proposed Development. Since Deadline 2, the Applicant and DBC have signed the SoCG and this is submitted at Deadline 3 (**8.01.09**). The Applicant and KCC are in the advanced stages of a SoCG, the advanced draft of which was submitted at Deadline 2 (**8.01.04, REP2-050**).

1.7.2 The Applicant welcomes the confirmation and update in the LIR on a number of aspects regarding the Proposed Development, which have been discussed and agreed between the parties.