Riverside Energy Park

Applicant's response to the Local Impact Report by London Borough of Bexley

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1 Applicant's response to the Local Impact Report by the London Borough of Bexley

1.1 Introduction

1.1.1 The London Borough of Bexley (LBB) has submitted a Local Impact Report (LIR) at Deadline 2 of the Examination (**3.1, Rev 2, REP2-082**).

1.1.2 LBB have raised the following topics within their LIR:

- Planning Policy: Waste;
- Socio-economics;
- Air Quality;
- Biodiversity;
- Historic Environment;
- Transport;
- Ground Conditions;
- Townscape and Visual;
- Noise and Vibration; and
- Flood Risk and Water Resources.

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

1.2 Planning Policy Context

1.2.1 The Applicant notes the Planning Policy provided in Appendices 1, 2 and 3 of the LIR comprising Policies in the saved Unitary Development Plan (UDP), Policies in LBB's Core Strategy (February 2012) and other planning policy and guidance respectively. Relevant planning policy is identified in LBB's LIR on a topic-by-topic basis and the Applicant's response to policy is considered in a similar way in Table 1.1 below.

1.2.2 The relevant planning policy for the Proposed Development is considered in the **Planning Statement** (**7.1, APP-102**) and the **Environmental Statement (ES)**, (**6.1 – 6.4, see the Application Guide submitted at each Deadline for the up to date revisions of the Environmental Statement**) submitted with the DCO Application. Some policies may not have been provided in the Planning Statement or the ES, this is generally due to referencing newer Core Strategy policies rather than the older policies contained in the UDP (for

example G32 and E13 of the UDP as these expired in 2007 and are not part of the development plan).

1.3 Planning History (and Planning Applications)

1.3.1 The Applicant notes and agrees with the planning history outlined in Chapter 3 of LBB's LIR. The only exception to this is that an additional application reference should be added to the list:

Application to the Secretary of State for Trade and Industry for consent under Section 36 of the Electricity Act 1989 for the construction and operation of a resource recovery plant of nominally rated output of 72MW gross (Planning Reference 99/02388/CIRC).

1.4 Response to LBB's LIR on a topic by topic basis

1.4.1 Table 1.1 below provides the Applicant's response to LBB's LIR following the order set out in sections 4 to 13 of LBB's LIR.

Table 1.1: Applicant's comments on LBB LIR

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
Chapter 4 Planning Policy: Waste		
4.1-4.6.	Summary of London Borough of Bexley Policies. Saved Unitary Development Plan Policies and Bexley Core Strategy February 2012	The Applicant notes and agrees that the UDP and Core Strategy policies referenced in these paragraphs are relevant for the Proposed Development. The policies identified in Appendix 1 and Appendix 2 to the respondent's LIR is agreed to with the exception of G32 and E13 of the UDP as these expired in 2007 and therefore are not part of the development plan.
4.7	Saved UDP Policy E1 seeks to encourage a good quality environment that will encourage new investment to the area, whilst the application site itself is identified as a primary employment site (Policy E3). The site currently accommodates an EfW facility, a further incinerator located adjacent to Crossness Sewage Treatment Works site. A further waste facility at the Belvedere site would provide waste co-location benefits and some employments opportunities.	The Applicant welcomes these supportive comments and confirmation that the co-location of REP with another waste facility, in this instance Riverside Resource Recovery Facility (RRRF), will have benefits. The Applicant agrees with LBB that the Proposed Development is in accordance with Saved UDP Policy E1.
4.8	The efficient use of resources is promoted by Core Strategy Policies CS01 and CS09. These proposals seek to make use of waste as a resource and to further develop an existing waste site with waste uses and are therefore	The Applicant welcomes these supportive comments and confirmation from LBB that the Proposed Development is in accordance with Core Strategy Policies CS01 and CS09.

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	considered to be in accordance with these policy objectives. The use of the existing jetty is also considered an existing resource and maximising this use is required in order to comply with these policy objectives.	
4.9	Core Strategy Policy CS09, Policy CS15 and Core Strategy Spatial Objective 8 refer to encouraging the use of the river for transportation. The Proposed Development does provide the opportunity for waste materials to be brought to and from the site by river. Maximising the use of the river to transport materials to and from the site is sought through Requirements and such an approach would satisfy these policy objectives.	The Applicant has proposed a significant constraint to road-based deliveries for the ERF and Anaerobic plant, despite the Environmental Impact Assessment concluding that the 100% by road scenario would give rise to no significant effects. Revision 2 of the **draft Development Consent Order (dCO)** submitted at Deadline 3, includes a requirement in Schedule 2 (**Requirement 14**), that restricts the number of heavy commercial vehicle movements delivering waste to the ERF and Anaerobic Digestion facility. There is one exception to this, when a temporary jetty outage event were to occur. The Requirement also requires that, save where there is a jetty outage, incinerator bottom ash must only be removed via the river. This restriction will achieve a modal split strongly in favour of river use and as confirmed by LBB in paragraph 4.9, means that the Proposed Development satisfies the policy objectives of CS09, CS15 and Core Strategy Spatial Objective 8.
4.10	Core Strategy Policy CS03 and Policy CS08 as well as Core Strategy Spatial Objective 1 include reference to renewable energy and	The Applicant notes LBB's commentary in respect of CHP provision. However, it should be noted that RRRF is 'CHP-Ready' being the base standard required by the Environment

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	development of CHP and decentralised heat networks. These proposals will provide for on-site provision of renewable energy in accordance with Policy CS08. The EfW facility is proposed as being developed as CHP ready and would achieve the carbon intensity floor requirements set out in the London Plan. The difficulty in delivery the export of heat from EfW plants is recognised with heat export still to be realised by the existing RRRF EfW plant.	Agency. In contrast, REP will be 'CHP-Enabled' such that it has a more advanced state of readiness and all supporting infrastructure and pipe networks within the site boundary are included in **Schedule 1** to the **dDCO.** The Applicant notes that the Proposed Development would be compliant, across all operational scenarios, with the targets set out in the Adopted and Draft London Plans and the London Environment Strategy. The Applicant has provided a detailed account of the progress of discussions and calculations in respect of Carbon intensity Floor (CIF) performance in the **Combined Heat and Power Supplementary Report (5.4.1, REP2-012**), submitted at Deadline 2. The ERF will comply with the CIF in power only mode, and would be well within the CIF with heat export. Through the Bexley District Heating Partnership Board, the Applicant has engaged with Peabody, LBB's development partner for the Thamesmead and Abbey Wood area of the Borough. Peabody has recognised and welcomes the Applicant's approach in respect of CHP, as detailed in a letter of support (dated 17th April 2019) (appended to the **Combined Heat and Power Supplementary Report** (**5.4.1, REP-012**)), which states: "*We [Peabody] write in support of the effort and commitment shown by Cory Riverside Energy in seeking to progress the development of a Combined Heat and Power (CHP) district heating network to serve Belvedere, Thamesmead and other neighbouring areas. Cory have attended all*

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		Partnership Board meetings and has played an integral role in progressing the development of a CHP heat network scheme…Peabody support Cory's ongoing support and commitment to the collective goal of developing a heat network in Thamesmead and Belvedere to serve the local area which will utilise hear from RRRF and REP." With the Proposed Development being "CHP-Enabled" along with **Requirement 20** in **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3)**, the Applicant agrees with LBB that the Proposed Development meets the objectives set out in CS03 and CS08.
4.11	Core Strategy Policy CS20 and Core Strategy Spatial Objective 4 relate to sustainable waste management, seeking conformity with the proximity principle and the waste hierarchy. Compost material (digestate) produced from the Anaerobic Digestion (AD) plant should be exported off-site for use as a fertiliser.	As explained in the **Project and its Benefits (PBR)** (**7.2, APP-103**) (introduced at **Paragraph 4.2.46**), REP incorporates an Anaerobic Digestion facility designed to respond to local demand, which would have the potential to provide an 'in borough' treatment solution for the LBB. The Anaerobic Digestion element of REP will therefore provide a facility to effectively and efficiently manage food waste arising in both the London Borough of Bexley and the local area. National Waste Policy - 'Our Waste, Our Resources: A Strategy for England' (December 2018) promotes an increase in, and potential mandatory requirement for, food waste collection. In addition, London Plan policy is encouraging a significant increase in recycling and composting rates and the Applicant foresees an increasing need and opportunity for new infrastructure to manage food waste. The Anaerobic Digestion

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		element of REP meets all the national and regional policy future aims. The Applicant's preference is to export digestate from the anaerobic digestion facility for use in agriculture, as preferred by LBB and which the Applicant agrees with. However, this will be subject to commercial contracts being in place which cannot be confirmed until consent for REP is granted. Accordingly, it would be inappropriate to restrict the Applicant's re-use of the digestate to a particular use, although the Applicant can confirm that it will prioritise re-use in agriculture.
4.12	The need case for a development of an EfW plant with a capacity of 805,920 tpa located on the Riverside site is not included within the London Waste Strategy Assessment (Annex A of the Project Benefits Report (PINS reference APP-103)) undertaken by the Applicant. This assessment considers a need for an EfW plant based on 655,000 tpa capacity 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.	See response below to LBB LIR paragraph reference 4.15.
4.13 and 4.14	Summary of Bexley's adopted Municipal Waste Management Strategy (2009-2014); and Summary of Bexley adopted Environmental	No comment required. The Applicant agrees with the summary presented by LBB.

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
	Sustainability Strategy in 2011	
4.15	LBB jointly prepares, with other South East London Boroughs, and update a South East London joint waste technical paper each time a local plan is being prepared. The paper demonstrates how the South East London Borough's will jointly meet the waste apportionment targets prescribed in the London Plan and identifies safeguarded wastes sites that will help meet these targets. The latest update of the paper was prepared to support the Southwark Local Plan and published on Southwark's website as a submission draft in December 2017. This report identifies a surplus of waste capacity from operational waste management facilities through to 2036. Table 9.2 of the draft London Plan with minor changes (2018) sets waste apportionment targets for the LBB, which suggest no requirement for additional EfW capacity in the Borough. Furthermore, in paragraph 9.7.3A of the draft London Plan with minor changes (2018) it states that there is sufficient EfW capacity in London to manage London's non-recyclable municipal waste. The accordance of the proposals with these policy	As reported in **Paragraph 4.2.48** of the Applicant's **Project and Its Benefits Report** (**6.1, APP-103**), there is approximately two million tonnes of existing residual waste management capacity required across counties close to London (Essex, Hertfordshire, Kent, Norfolk, Surrey and Suffolk) identified through their respective development plan documents. Even if you look at London's need on its own, to be self sufficient there is an immediate capacity issue in London which remains in 2036. All of this data shows that there is a need for the ERF at REP. It is anticipated that the ERF element of REP would treat approximately 655,000 tonnes of residual (non-recyclable) waste per annum. However, for the EIA's 'reasonable worst case' assessment a maximum throughput of approximately 805,920 tonnes per annum (tpa) is assessed. The London Plans (Adopted London Plan and Draft London Plan) and the London Environment Strategy (LES) all endorse energy recovery facilities as a key element of the sustainable communities which the Mayor wants to see developed in London. Delivering national policy locally, the London Plans recognise the recovery of energy from waste as a preferred level of the waste hierarchy, lying below prevention, reuse and recycling but above disposal to landfill. However, it is recognised that paragraph 9.7.3A of the Draft New London Plan showing Minor Suggested Changes states that '*…modelling suggests that if London achieves the reduction and*

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	elements is uncertain.	*recycling set out, above, it will have sufficient Energy from Waste capacity to manage London's non-recyclable municipal waste'*. The Applicant notes that this was assessed in the London Waste Strategy Assessment (LWSA) **Annex A** of the **Project and its Benefits Report** (**7.2, APP-103**) and was found at **Paragraphs 6.1.3** and **6.1.4** to be incorrect. The first point to note is that this statement is wholly reliant on the word "if" London achieves. Of course, predictions and assumptions are not certain, and the worst possible outcome for London would be for waste to remain at the bottom of the waste hierarchy (and in turn have a greater carbon effect) in the event that not enough facilities that assist the waste hierarchy are available. The Proposed Development, a market-led and privately financed project, will assist London in ensuring that waste is treated at a higher level in the waste hierarchy compared to landfill as well as having a positive effect on carbon emissions. The Applicant has submitted a comprehensive assessment of both commercial and local authority collected residual waste management capacity requirement in **The London Waste Strategy Assessment ('LWSA') (Annex A of the Project Benefits Report, 7.2, APP-103**). The LWSA considers how the Proposed Development contributes to meeting the waste management strategy set out in the London Plans. The Assessment considers a range of scenarios based on the different waste forecasts and recycling and recovery polices within the London Plans, and applies updated assumptions from the LES. Four scenarios within the Assessment consider the

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		various elements that can affect our understanding of future waste management demands. The Assessment demonstrates that REP is required to deliver sustainable waste management and net self-sufficiency within London and in any scenario, there is always a need for REP, and generally, for energy recovery capacity greater than the nominal throughput proposed for the ERF. The LWSA utilises the anticipated nominal tonnage throughput of 655,000 tpa. However, the principles of need remain should the maximum capacity figure of 805,920 tpa be utilised. The LWSA demonstrates a clear need for the ERF element of REP. That conclusion for the need of ~900,000 tpa of additional recovery capacity in London is based on London achieving the Mayor's net self-sufficiency and waste reduction aspirations, as well as the recycling targets set within the draft new London Plan. Whilst the Applicant has carried out its own assessment of "need", this is in addition to the already established position in national policy. The Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) both establish an urgent and substantial need for new energy generation infrastructure of the types included in the NPSs. Energy from waste plants (the ERF component of REP is that largest component of REP), are expressly referred to under the heading of "*The role of renewable electricity generation*" in section 3.4 of EN-1, which concludes at paragraph 3.4.5 that the "*need for new renewable*

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		electricity generation projects is therefore urgent", a sentence that applies to energy from waste plants. Paragraph 2.1.2 of EN-3 goes on to say that "*the [Secretary of State] should act on the basis that the need for infrastructure covered by this NPS [which includes energy from waste] has been demonstrated*." In addition, EN-1 is clear (at paragraph 3.3.24) that it is "*not the Government's intention to set targets or limits on any new generating infrastructure to be consented in accordance with the energy NPSs. It is not the [Secretary of State's] role to deliver specific amounts of generating capacity for each technology type*." The role of the NPSs, therefore, is to enable those technology types set out in the NPSs to come forward and, if acceptable in planning terms, be consented. It is then for the market to decide how to build those projects (see paragraph 2.2.19 of EN-1). In summary, the Applicant maintains that the Proposed Development is in accordance with both the Adopted London Plan and the Draft London Plan. The Applicant's **Planning Statement** (**7.1, APP-102**) reports the assessment of the Proposed Development against national, regional and local planning policy.
4.16	Policy descriptions from the London Plan are included in Appendix 3 to this representation.	The Applicant agrees with the policy descriptions in Appendix 3 of the LBBLIR. However, the Applicant notes that the London Plan with minor modifications is based on the premise of "if" the targets are met then there would be no requirement for new EfW facilities to treat *municipal* waste.

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		The **The London Waste Strategy Assessment ('LWSA') (Annex A of the Project Benefits Report, 7.2, APP-103** demonstrates a clear need for the ERF element of REP. That conclusion for the need of ~900,000 tpa of additional recovery capacity in London is based on London achieving the Mayor's net self-sufficiency and waste reduction aspirations, as well as the recycling targets set within the draft new London Plan. Should new recovery infrastructure not be developed, there would be a shortfall of facilities to treat residual waste and would therefore push this waste stream further down the waste hierarchy, resulting in an increase in carbon emissions. The Applicant notes that Appendix 3 of the LBB LIR refers to an outdated (2017, not 2018) version of the Southeast London joint waste technical paper. The Overarching National Policy Statement for Energy (NPS EN-1) makes clear the reliance on the market to bring forward new facilities.
4.17-4.20	Positive impacts identified in the LBB LIR with regards to accordance with the waste hierarchy (diverting waste from landfill and composting of wastes through the Anaerobic Digestion plant), generating renewable energy, potential for the Proposed Development to operate in CHP mode, utilisation of the river for transportation of materials and employment opportunities. All of which accord with national, regional and local	The Applicant welcomes these supportive comments. The Applicant agrees with LBB that the Proposed Development is in accordance with national, regional and local policy objectives.

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
	policy objectives.	
4.21	There are no negative impacts to note.	The Applicant welcomes LBB's conclusions that there are no negative impacts to note in respect of planning policy.
4.22-4.24	With regard to waste apportionment the South East London joint waste technical paper identifies a surplus of waste capacity in South East London from operational waste management facilities through to 2036 and Table 9.2 of the draft London Plan with minor changes (2018), which sets waste apportionment targets for the LBB, suggests no requirement for additional EfW capacity in the Borough. Furthermore, in paragraph 9.7.3A of the draft London Plan with minor changes (2018) it states that there is sufficient EfW capacity in London to manage London's non-recyclable municipal waste. The Applicant has clarified in correspondence with LBB that the proposed capacity of the EfW plant is some 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. It is noted that the London Waste Strategy Assessment (Annex A of the Project	See response above to LBB LIR paragraph reference 4.15. It should be noted that the London Waste Strategy Assessment (LWSA) (**Annex A** of the **Project Benefits Report** (**PINS reference APP-103**)) undertaken by the Applicant provides a conservative assessment of need as summarised in **Table 6.1** in the LWSA.

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	Benefits Report (7.2, 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.	
4.25	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.	The Applicant maintains that the Proposed Development would be compliant, across all operational scenarios, with the targets set out in the Adopted and Draft London Plans and the London Environment Strategy. The Applicant has provided a detailed account of the progress of discussions and calculations in respect of CIF performance in the **Combined Heat and Power Supplementary Report (5.4.1, REP2-012).** This Report demonstrates that REP meets, and exceeds, both national and local standards for positive carbon outcomes while providing a decentralised, secure, flexible energy source for London.
Chapter 5 Socio-economics		
5.1-5.12	Summary of London Borough of Bexley Policies. Saved Unitary Development Plan Policies and Bexley Core Strategy February 2012 and Other relevant local policy and guidance. LBB, at paragraph 5.9, states that the "*development proposals are considered*	The Applicant notes and agrees that the Proposed Development is compliant with the policies listed in Chapter 5 Socio-economics of the LBB LIR.

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
	compliant with the UDP and Core Strategy from a waste economics perspective."	
5.13	The proposed development is likely to result in employment benefits during both the construction phase as well as during operations.	The Applicant welcomes these supportive comments and agrees that the Proposed Development will have employment benefits during both the construction phase as well as during operations.
5.14	Summary of positive impacts identified in the LBB LIR: ▪ Net additional jobs (470) generated in the construction and development, 115 of which will be in the local area, 148 in the wider area and 206 in the wider region; ▪ Net additional jobs (198) generated in the operational phase – 49 of these in the local area with a further 61 in the wider area and 88 in the wider region. Some further clarification of these numbers is however sought from the Applicant given the GVA estimates of £7.2 million are based on 39 additional employees as opposed to 49.	The Applicant agrees with LBB that the Proposed Development will have a positive impact on employment and the wider economy. As detailed in **Chapter 14 Socio-Economic** of the **ES** (**Rev 1, REP2-029**), net additional impacts were calculated for three nested Labour Market Study Areas (i.e. 3 drive times areas: "local" (30 mins); "wider area" (45 mins); and "wider region" (60 mins)) by adjusting gross direct employment to reflect additionality factors. As the local economy sits within the regional economy, the calculations reflect employment effects at each level of geography, and it is not appropriate to sum them. Following the request for clarification, all economic impact calculations reported within **Chapter 14 Socio-Economic** of the **ES** (**Rev 1, REP2-029)** have been reviewed and are correct. As stated in **Chapter 14 Socio-Economic** of the **ES** (**Rev 1, REP2-029)**, the Proposed Development is expected to generate or support approximately 206 net additional construction phase jobs and 88 net additional operational phase jobs across the Wider Region Study Area i.e. a 1-hour drive time from the Site.

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		This figure, 88 net additional operational phase jobs, was calculated by applying individual additionality factors for deadweight, displacement, leakage and multiplier effects to predicted gross employment from the Proposed Development. **Paragraph 14.9.15, Chapter 14 Socio-Economic** of the **ES** (**Rev 1, REP2-029)** confirms 39 FTE net additional operational phase jobs in the Wider Region are likely to be directly associated with the Proposed Development, i.e. taking account of displacement and deadweight but excluding supply chain multiplier effects. The 2014 Energy Sector Type II multiplier for England (1+ 1.389) was then adjusted to reflect the proportion of multiplier benefits estimated to be captured in this area (90%), giving an adjusted multiplier of 1+ (90% of 1.389). The calculation of net additional employment generated or supported within the Wider Region is therefore: 39 x (1+1.25) = 88 FTE. In relation to Gross Value Added (GVA), as the main proposed operational phase activity (energy generation) differs in nature, and GVA generation per worker, from some operational phase supply chain activities (e.g. waste collection and management), on a precautionary basis GVA was calculated solely on the basis of net additional direct employment at the Wider Region (i.e. 39.285 FTE jobs x £184,104.00 GVA per energy sector worker) rather than on the estimated 88 net additional jobs. This avoids potential complexities associated with attributing additional GVA from other sectors in the supply chain and is a conservative

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		approach
5.15	As identified in other key sections of this Report there may be transportation issues generated within the region, linking to congestion and associated economic impacts caused.	The consultation response provided to Dartford Borough Council in **Table 14.2, Chapter 14 Socio-economic** of the **ES (6.1, Rev 1, REP2-029)** states *"Chapter 6 presents an assessment of likely significant traffic and transport effects from the construction and operation of the Proposed Development including the Electrical Connection. This includes consideration of likely impacts on road and pedestrian users, including as a result of any potential driver delays. No further assessment within this Chapter is considered necessary."* Therefore, the driver delay assessment in **Chapter 6 Transport** of the **ES (6.1, Rev 1, REP2-017)** links with the socio-economic impact of congestion. This is assessed as either negligible or minor adverse (both not significant) with the exception of Junction 4 'A206/A2016/Bexley Road roundabout' (**Table 6.31, Chapter 6 Transport** of the **ES (6.1, Rev 1, REP2-017)**) which is assessed as a moderate (significant) effect. This assessment is based on the conservative case of all the workforce arriving during the morning peak period, which is considered unlikely given that the construction working day is to be between 07:00 and 19:00hrs (Monday-Friday) and 07:00-13:00hrs on Saturdays. The contractor's workforce is therefore expected to arrive at the Main Temporary Construction Compound prior to the morning network peak period and leave after the evening peak period. Through subsequent engagement with Transport for London (TfL), it has been agreed that on-site parking within the Main

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		Temporary Construction Compound on Norman Road will be reduced by 50% from 552 to 275 spaces. The reduced parking provision is set out in the updated **Outline Construction Traffic Management Plan (CTMP) ((Rev 1, REP2-064)** as submitted at Deadline 2. The assessment reported at **Paragraphs 6.9.2** to **6.9.96** of **Chapter 6 Transport** of the **ES (6.1, Rev 1, REP2-017**) and **Section 6 .4** of **Appendix B.1 - Transport Assessment** of **Chapter 6 Transport** of the **ES (6.3, Rev 1, REP2-017)** appraises the worst case potential effect of workers arriving during the morning peak period, assuming the provision of 552 parking spaces. The reduced on-site parking provision will substantially reduce movements to and from the Main Temporary Construction Compound, reducing the traffic impacts on the adjoining road network. Effects would therefore be less than reported within **Chapter 6 Transport** of the **ES** (**6.1, Rev 1, REP2-017**), which as reported in **Table 6.39** are Not Significant.
5.16	The documentation provided to date by the Applicant has excluded an assessment of potential impacts on tourist sectors, although this is considered a negligible impact category.	Whilst there are a number of local tourism and recreational receptors in the area, the context of the Proposed Development is an established industrial setting with multiple tall structures found in the area. As such there are unlikely to be significant adverse effects on nearby tourism and recreation receptors. Therefore, in accordance with the **EIA Scoping Opinion** (issued by the Secretary of State, January 2018 (**Appendix A.1** of the

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		ES (6.3, APP-062)), potential effects on tourism and recreation were scoped out of the EIA on the grounds that such effects are not likely to be significant in the context of the EIA Regulations. At Deadline 2 the Applicant submitted an additional section to the **Construction Traffic Management Plan (CTMP) (Rev 1, REP2-064)** to expand on the management of potentially affected Public Rights of Way (PRoW) during the construction phase. The removal of the Electrical Connection route through Crossness Local Nature Reserve (LNR) eliminates direct interaction with PRoW in this area. The potential interaction is therefore limited to FP2 (which connects to the southern end of Norman Road), FP3 (which runs along the Thames Path) and FP4 (which connects to the north end of Norman Road). Commentary on the footpaths is included in the updated **Outline CTMP** ((**Appendix L of Appendix B.1 Transport Assessment** to the **ES** (**6.3, Rev 2**)) submitted for Deadline 3. The following text is proposed in the Statement of Common Ground (SOCG) with LBB as follows (which records the updated text added to the CTMP at Deadline 3): *"Additional paragraphs to be added to Section 7.3 of the Outline CTMP as follows after 7.3.6:* *'FP2* *FP2 would not be affected by the preferred option of an above-ground cable trough structure on the east side of Norman Road,*

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		at its junction with Picardy Manorway. This solution has been [Approved in Principle] by LBB Highways under the [New Roads and Street works Act], such that the likelihood of requiring a solution on the west side is very limited. In the event of works on the west side, the Applicant will liaise with LBB to seek to mitigate effects to the PRoW, including seeking to secure the shortest practical temporary diversion route. *FP3* *Following the EIA Scoping stage, the Applicant removed all proposed works within the river which might be required to facilitate construction-related deliveries other than in ISO containers via the existing jetty. This was to, in part, minimise potential closures arising to the Thames Path/FP3, from crane oversailing or transiting materials via a temporary platform. The Applicant therefore does not anticipate any closure or temporary diversion of this PRoW. In the event of works affecting FP3, the Applicant will liaise with LBB to seek to mitigate effects to the PRoW, including seeking to secure the shortest practicable temporary diversion route.* *FP4* *FP4 connects to the north end of Norman Road from the east and provides a through route to FP3 (the Thames Path). The exit of FP4 onto Norman Road may be affected during reconfiguration of the gated arrangement which currently serves*

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		visitors to RRRF. It is anticipated that only a short localised diversion would be required whilst the kerbline is adjusted. In the unlikely event that a temporary closure is required for safety reasons, an alternative connection route is available via FP3 and FP2. In the event that a temporary diversion via FP3 and FP2 is proposed, before implementation the Applicant will liaise with LBB to explore whether any alternative practicable solution can be agreed to maintain connectivity of FP4.'"
Chapter 6 Air Quality		
6.1-6.5	Summary of London Borough of Bexley Policies. Saved Unitary Development Plan Policies and Bexley Core Strategy February 2012	The Applicant notes and agrees that the UDP and Core Strategy policies referenced in these paragraphs are relevant for the Proposed Development. The policies of Appendix 1 and Appendix 2 to the Respondent's LIR are agreed to with the exception of G32 and E13 of the UDP as these expired in 2007 and are not part of the development plan.
6.6	Some potentially significant effects on air quality have been identified due to the proposed development, as well as some lack of information which means that the significance of potential effects on air quality cannot be fully evaluated. As a result, further information in relation to combined impacts and stack height should be provided by the Applicant. While control of emissions and potential impacts from	The potential cumulative effects arising from the existing RRRF, Crossness sludge incinerator and REP were modelled together with background concentrations and the contribution from local traffic. The results can be found in the results tables in **Appendix C.2.2** of the **ES** (**6.3, Rev 1, REP2-038)** where the column 'REP+RRRF+Crossness' are provided separately to the REP process contribution. As far as terminology is concerned, the baseline consists of background concentrations, road traffic contributions and the contribution from RRRF and Crossness sludge incinerator (through further consultation with LBB, it is the

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	the proposed development will be principally a matter for the Environment Agency, it may be appropriate to include DCO requirements in order to ensure that conflicts and adverse effects on air quality in the Borough are avoided, in accordance with Core Strategy Policy S09 and Saved UDP Policy ENV41.	Applicant's understanding that this issue has been resolved). The potential effects of biogas combustion from the Anaerobic Digestion plant have been considered separately and information on the combined effects is provided in the response to the Examining Authority's first written question 2.0.32 in the **Applicant's response to ExA First Written Questions** (**8.02.04, REP2-55**) where it is reported that the are no significant effects. Regarding the stack height, the stack height is reported as being in a range between 90 m (above surrounding ground level) and 113 m (AOD) (as secured in **Requirement 3** of **Schedule 2** to the **dDCO** (**3.1, Rev 2, submitted at Deadline 3**). The impact on annual mean NO2 concentrations at all receptor locations is negligible, utilising the worst case (minimum) stack height of 90 m (**Table C.2.2.9**, **Appendix C.2**, (**6.3, Rev 1, REP2-038**)). All pollutant impacts at human health receptors are Not Significant. The maximum stack height is limited by the proximity to London City Airport. The impacts of all pollutants potentially released from REP has been assessed and reported in **Chapter 7 Air Quality** of the **ES** (**6.1, Rev 1, REP2-019**), including metals and PAHs as reported in the **Human Health Risk Assessment** (**6.3, Rev 1, REP2-040**). The assessment reports no significant effects. The Environmental Permit application has subsequently been submitted to the Environment Agency with a stack height of 90 m (above surrounding ground level) and a NOx abatement

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		technology of Selective Catalytic Reduction (SCR) which is considered to be the 'best' NOx abatement technology available. The emission levels set out in the application would mean that REP would have the lowest emission limit for NO from any waste incineration plant the UK. Whilst the DCO Application has been made with a NOx emission limit of 120mg/Nm3, the Environmental Permit application has been made with a NOx emission limit of 75mg/Nm3 and the predicted impacts on NOx and NO2 concentrations will be proportionally lower. This is set out in the **Environmental Permit and Air Quality Note (8.02.06, REP2-057)**. LBB recognises that the Environmental Permit will include emission limits, which will be monitored by the Environment Agency. It is therefore not appropriate to duplicate such emission limits on any DCO. Regulatory regimes should not duplicate each other, as is recognised by National Policy Statement EN-1 in paragraph 4.10.3. In addition: ■ NPS EN-1 at paragraph 5.2.4 states that "*the [Secretary of State] need not, therefore, be concerned with the exhaust stack height optimisation process in relation to air emissions*"; ■ National Policy Statement EN-3 at paragraph 2.5.45 states that the "*EA will determine if the technology selected for the waste/biomass combustion generating station is considered Best Available Technique (BAT) and therefore the [Secretary of State] does not need to consider equipment selection in its determination process*."; and

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		▪ National Policy Statement EN-3 at paragraph 2.5.41 states that compliance with the Waste Incineration Directive is enforced through the environmental permitting regime regulated by the Environment Agency. As is clearly recognised by the NPSs, the Environment Agency is the relevant regulatory body to monitor and enforce emissions levels. Therefore it would not be appropriate for any DCO to include a requirement on emissions, these should, and will, be included within the Environmental Permit. The Applicant does not agree with the statement that some potentially significant effects have been identified in the ES or that there is a lack of information in the ES. The potential significance of effects has been fully evaluated in **Chapter 7** of the **ES** (**6.1, Rev 1, REP2-019**) and no significant effects have been identified. There are therefore no conflicts or adverse effects on air quality in the Borough and an additional DCO requirement is not considered necessary.
6.7	Proposed Development should be assessed against National air quality standards as defined in Air Quality Standards Regulations. The Habitats Regulations require decision making bodies to carry out assessments of potential air quality impacts on nature conservation sites designated at a European level.	The impacts of the proposed development on air quality have been assessed against the referenced standards and guidelines. Information has been presented to enable the relevant decision-making bodies to carry out an assessment of the impacts on nature conservation sites designated at a European level and no significant effects have been identified. The Applicant notes and agrees with the comment. A **Habitats Regulations "No Significant Effects" Report** was submitted at

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		Deadline 2, (**6.5, Rev 1, REP2-042**) which concluded that no likely significant effects have been identified from the Proposed Development.
6.8	Emissions from the proposed EfW will be regulated under the Environmental Permitting (England and Wales) (Amendment) Regulations 2013.	The Applicant notes and agrees with the comment.
6.9	NPS EN-1 requires potential impacts of new infrastructure on health and the natural environment to be assessed, and an appropriate stack height to be identified.	Paragraph 5.2.1 of National Policy Statement EN-1 states that the construction, operation and decommissioning phases can involve emissions to air which could lead to adverse impacts on health, on protected species and habitats. The Applicant notes paragraph 5.2.4 of NPS EN-1: *"The EA [Environment Agency] will require the exhaust stack height of a thermal combustion generating plant…to be optimised in relation to impact on air quality. The [Secretary of State] need not, therefore, be concerned with the exhaust stack height optimisation process in relation to air emissions…"*
6.10	NPPF states that planning decisions should contribute to and enhance the natural and local environment. It confirms that the assessment of air quality impacts should take account of potential impacts on Air Quality Management Areas and Clean Air Zones, and to consider cumulative impacts.	The Applicant notes and agrees with the comment. The assessment of air quality effects, including cumulative impacts are reported in **Chapter 7 Air Quality** of the **ES** (**6.1, Rev 1, REP2-019**) and concludes that potential effects from construction and decommissioning has been identified as being not significant based on a suite of identified mitigation measures. The impact on local air quality from construction traffic has also

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		been assessed as being not significant. Operational emissions to air quality from increased road and river movements have not been identified as significant. Similarly, operational emissions from REP, taking a reasonable worst-case approach, has identified that significant effects are not likely.
6.11	The London Plan 2016 Policy 5.7 requires renewable energy systems to be located and designed to minimize any potential adverse impacts on air quality. London plan 2016 Policy 7.14 further requires local authorities to avoid adverse air quality effect, and where possible, to improve air quality.	The Applicant notes and agrees with the comment. The assessment of air quality effects, including cumulative impacts are reported in **Chapter 7 Air Quality** of the **ES** (**6.1, Rev 1, REP2-019**) and concludes that potential effects from construction and decommissioning has been identified as being not significant based on a suite of identified mitigation measures. The impact on local air quality from construction traffic has also been assessed as being not significant. Operational emissions to air quality from increased road and river movements have not been identified as significant. Similarly, operational emissions from REP, taking a reasonable worst-case approach, has identified that significant effects are not likely. In addition, the Environmental Permit application has been submitted to the Environment Agency with a stack height of 90 m (above surrounding ground level) and a NOx abatement technology of SCR which is considered to be the 'best' NOx abatement technology available. The emission levels set out in the application would mean that REP would have the lowest emission limit for NO from any waste incineration plant the UK. Whilst the DCO Application has been made with a NOx emission limit of 120mg/Nm3, the Environmental Permit application has

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		been made with a NOx emission limit of 75mg/Nm3 and the predicted impacts on NOx and NO2 concentrations will be proportionally lower. This is set out in the **Environmental Permit and Air Quality Note (8.02.06, REP2-057)**.
6.12	Draft London Plan 2018 Policy SI1 confirms that new development should not lead to further deterioration of existing poor air quality, delay achieving air quality standards, reduce air quality benefits from other initiatives, or create unacceptable risk due to poor air quality.	The Applicant notes and agrees with the comment. The evidence presented by the Applicant in its submitted Application and during the Examination demonstrates that REP would not lead to a deterioration in air quality, delay achieving air quality standards, reduce air quality benefits from other initiatives, or create unacceptable risk due to poor air quality.
6.13	Supportive comments relating to designing the Proposed Development to avoid significant impacts on local air quality, and hence the health of local people and nature conservation.	The Applicant notes and agrees with this supportive comment. It is for this reason that the Applicant is committing to NOx abatement technology SCR which is considered to be the 'best' NOx abatement technology available. Furthermore, the Applicant has prepared **Post Hearing Note on Public Health and Evidence** (**8.02.27**) submitted at Deadline 3.
6.14	No positive impacts on local air quality arising from the proposed development are expected to occur.	**Section 7.13** of **Chapter 7 Air Quality** of the **ES** (**6.1, Rev 1, REP2-19**) does not report any residual significant adverse effects to Air Quality from the Proposed Development. The Environmental Permit application has subsequently been submitted to the Environment Agency with a stack height of 90 m (above surrounding ground level) and a NOx abatement technology of SCR which is considered to be the 'best' NOx abatement technology available. The emission levels set out in

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		the application would mean that REP would have the lowest emission limit for NO from any waste incineration plant the UK. Whilst the DCO application has been made with a NOx emission limit of 120mg/Nm3, the Environmental Permit application has been made with a NOx emission limit of 75mg/Nm3 and the predicted impacts on NOx and NO2 concentrations will be proportionally lower. This is set out in the **Environmental Permit and Air Quality Note** (**8.02.06, REP2-057**).
6.15	LBB remains concerned in relation to the negative impacts of the proposed development in relation to the following aspects of the application: ▪ The application has not fully considered the potential for combined impacts due to emissions from the existing RRRF and proposed REP by including both sources in the air quality model. ▪ 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.	See response above (LBB LIR paragraph reference 6.6) relating to combined effects. For dioxins and furans, as stated in **Paragraph 3.1.5** of **Appendix C.3.1 (6.3, REP2-040)**, the possibility of all high-end exposure assumptions occurring to the same individual is never realised. The exposure pathways are further expanded upon in **Paragraphs 3.3.5 to 3.3.9** where it is shown that the exposure scenarios are unrealistically conservative for the assessment area. For this type of assessment, the standard methodology is always to undertake an extreme worst-case assessment and provided that the Tolerable Daily Intake (TDI) is not exceeded (which they are not for the Proposed Development, see **Paragraphs 7.9.39** to **7.9.41** of **Chapter 7 Air Quality** of the **ES** (**6.1, Rev 1, REP2-019**)), the results are acceptable. It is not appropriate to judge the acceptability of the percentage of the TDI based on the IAQM assessment thresholds as these are based on comparing predicted concentrations with environmental assessment levels and there is no environmental

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		assessment level for dioxins and furans. In the case of the HHRA, the predicted concentrations and deposition rates are subject to further analysis and interpretation as explained in the assessment. For nickel and arsenic, the answer to ExA's First Written Question 2.10.1 in the **Applicant's response to ExA First Written Questions** (**8.02.04, REP2-055**) provides information on how different levels of impacts at different receptors have been judged in relation to the overall effect. In the case of nickel, and as set out in **Paragraph 7.9.30** of **Chapter 7 Air Quality** of the **ES (6.1, Rev 1, REP2-019**), none of the Predicted Environmental Concentrations (PECs) are above the assessment level for health effects. For arsenic, the two receptor locations with predicted minor impacts are not residential areas and therefore these locations are not locations of relevant exposure for annual mean impacts. For short-term nitrogen dioxide and sulphur dioxide, as stated in **Paragraph 7.9.31** of **Chapter 7 Air Quality** of the **ES (6.1, Rev 1, REP2-019**), the Industrial Emissions Directive (IED) allows higher emissions over short term periods of 1/2 hour but the overall daily emission limit must still be met. These are therefore very short-term peak emission concentrations, which would be counteracted by lower emission concentrations for the rest of the day (to enable the daily emission limit to be met). In order to assess if any of these short-term peak emissions would lead to a breach of an assessment level, the modelling assumes that these higher emissions occur all the year round (which

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		cannot be the case, as the daily emission limit must be met). It is not appropriate to apply the ES significance criteria outlined in **Table 7.21** of **Chapter 7 Air Quality** of the **ES (6.1, Rev 1, REP2-019**) to these modelled results as the modelling scenario cannot occur in practice and the only purpose of the assessment is to ascertain if the short-term peak concentrations would exceed the assessment level. **Paragraph 7.9.32** of **Chapter 7 Air Quality** of the **ES** (**6.1, Rev 1, REP2-019**) reports that the Predicted Environmental Contribution (PEC) for NO2 and SO2 would be less than 50% of the assessment level and therefore not significant. Public Health England's (PHE) Relevant Representation (RR-067) as responded to within the Applicants Response to Relevant Representations (8.02.03) confirmed that they are satisfied with the methodology used to undertake the assessment.
6.16	No neutral impacts have been identified.	No comment required.
6.17 and 6.18	LBB requests further information on combined impacts due to emissions from the existing RRRF and proposed REP (including both the EfW and AD plants), by including all these three sources in the air quality model. LBB is concerned over the proposed stack height and requires further details from the Applicant related to this assessment.	See response above (LBB LIR paragraph reference 6.6) for response to combined effects. Through further consultation with LBB, it is the Applicant's understanding that this issue has been resolved. In relation to the potential combined effect with the Anaerobic Digestion plant and the EfW, the effects from the Anaerobic Digestion combustion are very local to REP and do not interact with those from the ERF due to the difference in the stack heights. This can be seen from the contour plots of the

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		dispersion emissions from the ERF and AD plants presented in the **ES Figures (Figures 7.7 to 7.9 (6.2, APP-056))**. Regarding the stack height, the stack height is reported as being in a range between 90 m (above surrounding ground level) and 113 m (AOD) (as secured in Requirement 3 of **Schedule 2** to the **dDCO** (**3.1, Rev 2, submitted at Deadline 3**). The impact on annual mean NO2 concentrations at all receptor locations is negligible, utilising the worst case (minimum) stack height of 90 m (**Table C.2.2.9**, **Appendix C.2**, (**6.3, Rev 1, REP2-038**)). All pollutant impacts at human health receptors are Not Significant. The maximum stack height is limited by the proximity to London City Airport. The impacts of all potential emissions from REP has been assessed and reported in **Chapter 7 Air Quality** of the **ES** (**6.1, Rev 1, REP2-019**), including metals and PAHs as reported in the **Human Health Risk Assessment** (**6.3, Rev 1, REP2-040**). The assessment reports no significant effects.
Chapter 7 Biodiversity		
7.1-7.3	Summary of London Borough of Bexley Policies. Saved Unitary Development Plan Policies and Bexley Core Strategy February 2012	The Applicant notes and agrees that the UDP and Core Strategy policies referenced in these paragraphs are relevant for the Proposed Development. The policies of Appendix 1 and Appendix 2 to the Respondent's LIR are agreed to with the exception of G32 and E13 of the UDP as these expired in 2007 and therefore are not part of the development plan.
7.4	The local policies of greatest relevance to biodiversity issues arising from the proposed	LBB Policy CS18 requires developments to make a positive contribution to the protection, enhancement, creation and

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
	scheme are those pertaining to protected sites (LNR and SINC) and protected and priority species: notably water voles and reptiles and potentially great crested newts, bats and birds. Core Strategy Policy CS18 is also highly relevant to this proposed development in terms of the opportunity for delivering Bexley BAP targets and green buildings. Currently, the proposed development does not comply with ENV28 in relation to the LNR and CS18 in relation to protected sites (SINC) and protected species (reptiles) as described in Section 5.2.2 below [the Applicant assumes the LIR reference should be amended to 7.12].	management of biodiversity wherever possible and should not adversely affect designated sites, protected species or priority species. The Applicant has committed to providing biodiversity net gain, a minimum of 10%, and commissioned the Environment Bank to assist with its delivery, which will be secured via **Requirement 5** at Schedule 2 of the **dDCO (3.1, Rev 2, submitted at Deadline 3)**. A Biodiversity Metric has been progressed and is included in the **Biodiversity Accounting Report** (**8.02.09, REP2-060**) submitted at Deadline 2. The Biodiversity and Landscape Mitigation Strategy that must be submitted under Requirement 5, must contain the results of the biodiversity off-setting metric together with the value of off-setting, the nature of such off-setting and the mechanism for securing the off-setting value. The value cannot be determined until the final design of the Proposed Development, through **Requirement 2** of **Schedule 2** to the **dDCO**, has been approved by LBB. The Biodiversity and Landscape Mitigation Strategy that is submitted under **Requirement 5** must be substantially in accordance with the **Outline Biodiversity and Landscape Mitigation Strategy** (**7.6, Rev 1**, submitted at Deadline 3), which contains the minimum 10% net gain commitment. The Applicant has confirmed to LBB that it is keen for LBB to be involved in the Environment Bank site search process, such that opportunities local to the REP proposals can be considered and,

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		if suitable, brought forward. Policy ENV28 states that 'development [within LNRs] will be resisted that would endanger the preservation of those special characteristics that lead to designation'. An assessment of potential effects on Crossness LNR has been undertaken and is presented in the **Chapter 11 Terrestrial Biodiversity** of the **ES (6.1, Rev 1, REP2-023)**. Some potential indirect effects to the LNR are identified such as from disturbance during construction. Measures to avoid or mitigate effects to the LNR are set out in the **Outline Biodiversity and Landscape Mitigation Strategy (7.6, Rev 1, submitted at Deadline 3)** which is secured through **Requirement 5** of **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3).** Measures set out in the **Outline CoCP** also mitigate effects to Terrestrial Biodiversity receptors where practicable (see **Section 4.7**), and is secured via **Requirement 11** at **Schedule 2** to the dDCO (**3.1, Rev 2**) submitted at deadline 3, which requires that the final CoCP submitted to and approved by the relevant planning authority is in substantial accordance with the **Outline CoCP** (**7.5, Rev 1, REP2-046**). The ES concludes that there will be no significant adverse effects on the Crossness LNR. In addition, at Deadline 2 the Applicant has removed the Electrical Connection route option through Crossness LNR. This commitment is formalised through the detailed update on the status of the Electrical Connection, as provided in the **Electrical Connection Progress Report (8.02.07, REP2-058**), submitted

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		at Deadline 2, the updated **Land Plans (2.1, Rev 1, REP2-003)** and updated **Works Plans (2.2, Rev 1, REP2-004)**. This means that there will be no direct effects on the Crossness LNR. The Applicant considers that with the mitigation set out in the **Outline Biodiversity and Landscape Mitigation Strategy (7.6, Rev 1, submitted at Deadline 3)** and outlined in **Section 4.7** of the **Outline CoCP** (**7.5, Rev 1, REP2-046**) the Proposed Development is compliant with CS18 and ENV28.
7.5	London Plan (2016) Policy 7.19 and Policy G6 of the London Plan (2018) give strong protection to Sites of Metropolitan Importance for nature conservation (SMIs), which have strategic nature conservation importance. The Crossness Nature Reserve is an SMI.	The ES identifies that bats, grazing marsh, rivers & streams, and water voles (all Local Biodiversity Action Plan (LBAP) species and habitats) are present within or adjacent to the Proposed Development. Mitigation measures to reduce effects to Terrestrial Biodiversity receptors as far as practicable are incorporated into the Applications submission. The **Outline Lighting Strategy** (**6.3, APP-096**), which is secured via **Requirement 15** of the dDCO, contains specific binding principles: DP5.01 "*Lighting will be appropriate to the local context and will mitigate lighting upon identified habitats, neighbouring occupiers and the wider landscape*". DP5.02 "*Lighting will provide illumination for the safe operation of the various activities proposed to be carried out at Rep, including access and wayfinding*", and DP5.04 "*Lighting elements will be designed to minimise spillage to Crossness Nature Reserve and the Thames Path*" in respect of potential light spillage to the Crossness LNR and the River

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		Thames. The strategy also makes further recommendations in respect of meeting the appropriate Institute of Lighting Professional (ILP) Environmental Zone, by not lighting retained habitats around the margins of the REP site and careful management of adjacent lighting in respect of bats (paragraph 5.3.1). For this reason, significant adverse effects to bats are Not Significant. **Paragraph 11.9.49** of **Chapter 11 Terrestrial Biodiversity** of the **ES** (**6.1, Rev 1, REP2-023**) reports the assessment of effect to the Crossness LNR and Site of Importance for Nature Conservation (SINC), which are designated for the presence of grazing marsh and associated habitats. After consideration of mitigation such effects were assessed as being Not Significant. The Applicant confirmed in their submission at Deadline 2 that the Electrical Connection route through Crossness LNR had been removed and as such the associated potential effects would no longer occur. A short length of the western verge of Norman Road lies within the LNR designation but comprises highway verge and is outside the Thames Water managed site and beyond the boundary ditch. **Section 12.13** of **Chapter 12 Hydrology, Flood Risk and Water Resources** of the **ES** (**6.1, Rev 1, REP2-025**) reports the assessment of effects from the Proposed Development to rivers and streams. After consideration of mitigation measures effects are reported as being Not Significant.

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		Section 13.13 of **Chapter 13 Ground Conditions** of the **ES** (**6.1, Rev 1, REP2-027**) reports the assessment of effects from the Proposed Development to Groundwater and Surface Water. After consideration of mitigation measures effects are reported as being Not Significant. As stated in **Paragraph 4.7.3** of the **Outline CoCP** (**7.5, Rev 1, REP2-046**), and **Paragraph 11.9.5** of **Chapter 11 Terrestrial Biodiversity** of the **ES** (**6.1, Rev 1, REP2-023**), any potential direct effects on water voles during construction of REP would be avoided through ensuring a 5 m offset during construction work from ditches which may support water vole (except for minor localised works). The CoCP is secured via **Requirement 11** at of **Schedule 2** to the **dDCO** (**3.1, Rev 2**, submitted at Deadline 3) which requires that the final CoCP submitted to and approved by the relevant planning authority is in substantial accordance with the **Outline CoCP**. The design evolution of REP has considered all these receptors to ensure potential effects are avoided, mitigated and as a last resort compensated, and no significant ecological effects have been identified. A **Design and Access Statement** (**DAS**) (**7.3, APP-104**) accompanies the DCO Application and describes the design evolution of the REP site and the Main REP Building. As a result of the process set out in the **DAS** (**7.3, APP-104**), a stepped roof design will seek to ensure that the potential visual impact of the Main REP Building on Crossness LNR is minimised from the outset of the detailed design process. The

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		stepped design allows the maximum height of the Main REP Building to be reduced to the lowest level reasonably practicable and minimises the building massing required to accommodate the internal equipment and facilities. The **Report on Shading Effects to Crossness Local Nature Reserve** (**8.02.10, Rev 1**) submitted at Deadline 3 provides further assessment of shading effects to Crossness LNR and Erith Marshes SINC will be Not Significant. A **Design Principles** document accompanies the DCO Application (**7.4, APP-105**), secured by **Requirement 2(2)** in **Schedule 2** in the **dDCO** (**3.1, Rev 2**). This ensures that the beneficial outcome from the stepped design is further enhanced by a commitment to minimise massing and locate the Main REP Building as far from Crossness LNR as reasonably practicable. The **Design Principles** (**7.4, APP-105**) represent the primary mitigation in respect of minimising visual intrusion and lighting effects on the nature reserve which has minimised the potential for significant adverse effects. An **Outline CoCP** (**7.5, Rev 1, REP2-046**) accompanies the DCO Application, **Sections 4.8** and **4.9** of which outline mitigation measures to ensure effects to hydrology, flood risk and water resources, as well as ground conditions are reduced as far as practicable. Furthermore, as stated in **Paragraph 4.7.3** of the **Outline CoCP** (**7.5, Rev 1, REP2-046**), and **Paragraph 11.9.5** of **Chapter 11 Terrestrial Biodiversity** of the **ES** (**6.1, Rev 1, REP2-023**), any potential direct effects on water

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		voles during construction of REP would be avoided through ensuring a 5 m offset during construction work from ditches which may support water vole (except for minor localised works). The CoCP is secured **via Requirement 11** of **Schedule 2** to the **dDCO** (**3.1, Rev 2, submitted at Deadline 3**) which requires that the final CoCP submitted to and approved by the relevant planning authority is in substantial accordance with the **Outline CoCP**. The Applicant confirmed in their submission at Deadline 2 that the Electrical Connection route through Crossness LNR had been removed and as such the associated potential effects (to water vole and grazing marsh) would no longer occur. In relation to compensation, a biodiversity metric calculation is being developed with the Environment Bank (an independent organisation with a proven track record in the implementation of biodiversity offset solutions) to enable the calculation of the extent of compensation required to offset habitat loss. The final biodiversity metric (ensuring biodiversity net gain) is provided for via the **OBLMS**, which is secured via **Requirement 5** at **Schedule 2** to the **dDCO** (**3.1, Rev 2,** submitted at deadline 3). This requires that the final BLMS submitted to and approved by the local authority is in substantial accordance with the OBLMS. In addition, to ensure that the Proposed Development meets requirements in current planning policy in relation to delivery of biodiversity net gain, the Applicant has committed to delivering a minimum of 10% biodiversity net gain in the local area, which may benefit a number of the ecological features described

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		above. This commitment is set out in the **Outline Biodiversity and Landscape Mitigation Strategy (7.6, Rev 1, submitted at Deadline 3).** Great crested newts have not been identified within the Application Site, this has been confirmed by eDNA surveys undertaken along the Electrical Connection route in 2019 as presented in **Great Crested Newt eDNA Survey 2019 (8.02.11, REP2-062)** submitted at Deadline 2. No significant effects on this species are anticipated. The Applicant considers that with the mitigation set out above, there are no likely significant effects to Terrestrial Biodiversity and that the Proposed Development is compliant with London Plan (2016) Policy 7.19 and Policy G6 of the London Plan (2018).
7.6-7.8	LBB's LIR states that very few BAP actions specifically relate to development control, but development in this area has the opportunity to contribute to BAP targets. LBB state that it has questions as to whether the proposed development is in accordance with these other guidance documents.	The Applicant considers that the Proposed Development is in accordance with the London Plan (2016) Policy 7.19 and Policy G6 of the London Plan (2018). The Applicant considers it incorrect to state whether or not a planning application is 'in accordance' with the Bexley Biodiversity Action Plan (BAP), as this does not form part of the development plan. This is a guidance document for nature conservation targets and actions within Bexley; the Applicant had regard to this guidance, in addition to other guidance on protected species and planning in Bexley written by LBB, in scoping baseline survey work and

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		determining appropriate mitigation.
7.9-7.11	A summary of the positive impacts identified in the LBB LIR are as follows: ▪ Environment Bank to provide off site compensation ▪ Possible ecological enhancements close to or within the Proposed Development site and Reserve ▪ Surface water run-off strategy	**Biodiversity Metric** A Biodiversity Metric has been progressed and is included in the **Biodiversity Accounting Report** (**8.02.09, REP2-060**) submitted at Deadline 2. This metric has been progressed with the Environment Bank. The Biodiversity and Landscape Mitigation Strategy that must be submitted under **Requirement 5** of **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3),** must contain the results of the biodiversity off-setting metric together with the value of off-setting, the nature of such off-setting and the mechanism for securing the off-setting value. The value cannot be determined until the final design of the Proposed Development, through **Requirement 2** of **Schedule 2** to the dDCO, has been approved by LBB. The Biodiversity and Landscape Mitigation Strategy that is submitted under **Requirement 5** must be substantially in accordance with the **Outline Biodiversity and Landscape Mitigation Strategy (7.6, Rev 1, submitted at Deadline 3)**, which contains the minimum 10% net gain commitment. LBB is the approving authority for both the detailed design of the Proposed Development and the Biodiversity and Landscape Mitigation Strategy, and will therefore be involved in approving the compensation proposals that come forward by the Applicant on the advice of the Environment Bank. The Applicant has confirmed to LBB that it is keen for LBB to be involved in the Environment Bank site search process, such that

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		opportunities local to the REP proposals can be considered and, if suitable, brought forward. Possible ecological enhancements close to or within the Proposed Development site and ReserveIn careful consideration of the application of the Mitigation Hierarchy, the Applicant has been in discussion with the EA regarding the creation of Open Mosaic Habitat on the flood embankment within the REP Site. Extensive discussions have concluded that the EA remain concerned that *"the proposed mosaic habitat on the flood defence embankment will increase the risk of erosion and thus reduce the durability of the structure".* Given this outcome, the Applicant will no longer pursue provision of Open Mosaic Habitat on the flood embankment, and will instead seek appropriate compensation elsewhere within or off site, which will be demonstrated through the Biodiversity Metric calculations secured through **Requirement 5 of the dDCO (3.1, Rev 2)** In addition, as outlined in **Paragraph 11.11.2,** the ES reports that ecologically beneficial management measures for retained and reinstated habitats within REP will be set out in the Biodiversity and Landscape Mitigation Strategy. The Biodiversity and Landscape Mitigation Strategy that is submitted under **Requirement 5** must be substantially in accordance with the **Outline Biodiversity and Landscape Mitigation Strategy**

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		(**7.6, Rev 1, submitted at Deadline 3**). **Surface Water Runoff** The Applicant welcomes LBB's approval of the surface water strategy at the REP site.
7.12	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	The Joyce Green quarry site lies within Dartford Borough and therefore Bexley Policy CS18 does not apply. Notwithstanding this, the Applicant has made significant progress in refining the application proposals and, at Deadline 2, reaching positive agreement with the landowner, Ingrebourne Valley Limited. The Applicant has amended the area of the Order Limits at Deadline 2 relating to the Joyce Green quarry restoration site (the Restoration Site), reducing, as far as practicable, the area required for the installation of the Electrical Connection. Following this review, the revised Order Limits only retains several smaller areas of land within the Restoration Site. Matters in relation to species are addressed in the Applicant's response to the Ingrebourne Valley Limited Relevant Representation submitted for Deadline 2 (**Section 5.6** of the **Applicant's Response to Relevant Representations**) (**8.02.03, REP2-054**)). This confirmed that trenchless installation methods would ensure the majority of works would be undertaken below ground, and therefore would not affect above ground habitat or receptor areas. In the discrete areas of above

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		ground works, the Applicant would ensure appropriate mitigation is in place to minimise any potential effects on species and habitat. All above ground habitat or receptor areas would be unaffected, either through works occurring above-ground outside those areas or would be avoided through trenchless (i.e. underground) solutions. It has therefore been confirmed with Ingrebourne Valley Limited that, subject to mitigation, the effects are acceptable and there are no residual concerns in respect of meeting the obligations in the existing Joyce Green Lane consent. The agreed mitigation measures are captured in the **Outline Biodiversity and Landscape Mitigation Strategy** submitted at Deadline 3 **(7.6, Rev 1)**.
7.13	There is a particularly important population of water voles in the area, and the Crossness Nature Reserve holds a significant population. The Electrical Connection route through Crossness Nature Reserve and would require trapping and later reintroduction of water voles back onto the site.	The Applicant confirmed in its Deadline 2 submission that the Electrical Connection route through Crossness LNR has been removed and as such the associated potential effects would no longer arise. Trapping of water voles, therefore, will not be necessary. The revisions to the Electrical Connection route are explained in the **Electrical Connection Progress Report (8.02.07, REP2-058)**, the updated **Land Plans (2.1, Rev 1, REP2-003)** and updated **Works Plans (2.2, Rev 1, REP2-004)**. Potential effects on water voles in the ditches adjacent to Norman Road will be avoided by ensuring an offset of at least 5 m from the top of ditch bank. As stated in **Paragraph 4.7.3** of the **Outline CoCP** (**7.5, Rev 1, REP2-046**), and **Paragraph 11.9.5** of **Chapter 11 Terrestrial Biodiversity** of the **ES** (**6.1, Rev 1, REP2-023**), any potential direct effects on water voles during

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		construction of REP would be avoided through ensuring a 5 m offset during construction work from ditches which may support water vole (except for minor localised works). The CoCP is secured via **Requirement 11** of **Schedule 2** to the **dDCO** (**3.1, Rev 2, submitted at Deadline 3**) which requires that the final CoCP submitted to and approved by the relevant planning authority is in substantial accordance with the **Outline CoCP**.
7.14	It is likely that a locally significant number of notable birds that use the Crossness Nature Reserve and surrounding habitat will be disturbed during the proposed scheme's construction phase. The best habitat in the reserve is stated to be at the back of the West Paddock, which is adjacent to the south side of the proposed scheme. The numerous shallow pools in this location, together with areas of tussocky vegetation alongside grazed areas, create ideal conditions for roosting and foraging wildfowl and breeding waders. Other species that breed within or next to the proposed development site are also at risk of noise and visual disturbance, notably the specially-protected (Wildlife & Countryside Act Schedule 1) Cetti's warbler and barn owl. Whilst some form of site screening has been suggested as mitigation for this, there is, as yet, no detail of its	When characterising potential effects on ecological receptors (such as breeding and wintering birds) and establishing whether an effect is significant or not, the assessment presented in the ES examines potential effects on that receptor with reference to the extent, magnitude, duration, timing, frequency and reversibility of the effect. This approach is set out in **Paragraph 11.5.20 Chapter 11 Terrestrial Biodiversity** of the **ES (6.1, Rev 1, REP2-023**). As shown on **Figure 11.5 Chapter 11 Terrestrial Biodiversity** of the **ES (6.2, APP-060**), many of the breeding bird species of conservation concern, such as Cetti's warbler, linnet and reed bunting, have been recorded breeding within or in close proximity to the main REP site, where operational activities associated to the RRRF facility are ongoing. This indicates that these species are resilient to noise and visual disturbance from the operational RRRF facility. **Paragraph 11.9.10 Chapter 11 Terrestrial Biodiversity** of the **ES** (**6.1, Rev 1, REP2-023**) reports that noise levels were monitored with respect to existing and predicted levels during construction of REP at a representative location in Crossness Local Nature Reserve (LNR) where breeding birds could be

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	form, location or proven level of effectiveness.	expected to be found. This location, identified as Location 3 on **Figure 11.10** of **Chapter 11 Terrestrial Biodiversity** of the **ES (6.2, APP-060**), is at the southwest corner of the 'West Paddock' where lapwing are known to breed. The assessment shows that the temporary construction noise levels would increase from 52 decibels (dB) to 62 dB during construction. To provide further context to the absolute levels, normal conversation noise levels are around 60 dB. Therefore, the predicted construction noise levels at Location 3 will be marginally above normal conversation levels. Given the resilience of birds nesting within habitats around the margins of the REP site, and that potential effects to breeding birds from disturbance during construction will be of low magnitude, and temporary and localised to the REP site and its immediate surroundings, **Paragraph 11.9.11** of **Chapter 11 Terrestrial Biodiversity** of the **ES** (**6.1, Rev 1, REP2-023**) concludes that construction disturbance will not affect the long-term distribution and abundance of the assemblage of breeding birds within the study area or its nature conservation importance. The effects are therefore classified as not significant. **Requirement 4** of **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3)** requires the Applicant to submit to LBB for approval a pre-commencement biodiversity and landscape mitigation strategy which must include details of mitigation measures required to protect protected habitats and species during the pre-commencement works. In addition, under **Requirement 5** of **Schedule 2** to the **dDCO (3.1, Rev 2,**

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		submitted at Deadline 3), the Applicant must submit to LBB for approval the Biodiversity and Landscape Mitigation Strategy, which must be substantially in accordance with the **Outline Biodiversity and Landscape Mitigation Strategy (7.6, Rev 1, submitted at Deadline 3).** The Outline Biodiversity and Landscape Mitigation Strategy sets out the principles of mitigation which will be used to further avoid or reduce effects to breeding birds, such as through sensitive timing of site clearance and the use of screening, which is not uncommon. The detail of any required screening would be developed prior to construction with the details set out in the Biodiversity and Landscape Mitigation Strategy. As reported in **Paragraphs 11.9.11** and **11.9.19** of **Chapter 11 Terrestrial Biodiversity** of the **ES** (**6.1, Rev 1, REP2-023**) effects to local bird populations during construction are reported as being Not Significant. However, the Applicant proposes to include screening measures through the OBLMS to reduce such non significant effects as far as reasonable practicable.
7.15	It is understood that the proposed development will lead to the total loss of the open mosaic habitat area in the centre of the proposed REP site that was created as requirement of the RRRF development. It is not clear yet how far the proposed habitat creation on the flood embankment will compensate for this loss. It is also not clear how acceptable this will be to flood defence interests, and associated	The **Biodiversity Accounting Report** (submitted at Deadline 2, (**8.02.09, REP2-060**)) acknowledges that the onsite opportunities for biodiversity enhancement will be limited. It is not proposed that any flood bank enhancement will compensate in full for the loss of Open Mosaic Habitat. Acknowledging the limited onsite space available and the potential implications of creating habitat on a flood protection embankment, the Applicant has proposed a biodiversity offsetting approach from the outset.

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	maintenance requirements. Therefore, more information is requested on the feasibility, sustainability and effectiveness of this compensation measure.	The **Biodiversity Accounting Report** (**8.02.09, REP2-060**) (and the final calculation under **Requirement 5** of the **dDCO (3.1, Rev 2, submitted at Deadline 3)**) includes consideration of the value of the existing 'wasteland' habitat created as part of RRRF. Therefore, the granting of the REP DCO would address and appropriately account for any biodiversity consequences in relation to the measures required under an existing planning consent. The Biodiversity and Landscape Mitigation Strategy that must be submitted under **Requirement 5** of **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3),** must contain the results of the biodiversity off-setting metric together with the value of off-setting, the nature of such off-setting and the mechanism for securing the off-setting value. The value cannot be determined until the final design of the Proposed Development, through Requirement 2 of Schedule 2 to the draft Development Consent Order, has been approved by LBB. The Biodiversity and Landscape Mitigation Strategy that is submitted under **Requirement 5** must be substantially in accordance with the **Outline Biodiversity and Landscape Mitigation Strategy (7.6, Rev 1, submitted at Deadline 3)**, which contains the minimum 10% net gain commitment. LBB is the approving authority for both the detailed design of the Proposed Development and the Biodiversity and Landscape Mitigation Strategy, and will therefore be involved in approving the compensation proposals that come forward by the Applicant on the advice of the

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		Environment Bank.
7.16	The ES indicates that the residual effects of the proposed Anaerobic Digestion 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 NO2 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. 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 (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).	As set out in **Section 11.9, Chapter 11 Terrestrial Biodiversity** of the **ES** (**6.1, Rev 1, REP2-023**), the effects of emissions from the Anaerobic Digestion plant have the potential to affect a small area of the Crossness LNR and Erith Marshes SINC adjacent to the Anaerobic Digestion plant through changes to the habitats and an increase in dominant grass species with a subsequent reduction in broadleaved species. However, for the reasons set out in the ES, predicted effects to these designated areas of County/Metropolitan conservation importance are Not Significant. **Figures 7.9 (6.2, APP-056)** and **7.10 (6.2, APP-057)** of the **ES Figures** present the modelled distribution of NOx deposition from the Anaerobic Digestion plant and demonstrate that dittander around the Cory Fields and Spanish Stonecrop on the footpath to the east of REP do not fall within areas likely to receive elevated levels of NOx from the Anaerobic Digestion plant. The ES identifies the potential for cumulative effects to the Erith Marshes SINC from REP and the Thamesmead Industrial Estate extension. Following removal of the Electrical Connection route option via Crossness LNR/Erith Marshes SINC, there will be no direct effects to this designated area. Both REP and land at the Eastern Thamesmead Industrial Estate Extension (10/00063/OUTEA) have the potential to result in disturbance to habitats or species in Erith Marshes SINC. However, potential effects from both schemes are on marginal areas or habitats of

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		lower ecological value, therefore cumulative effects on this designated area are unlikely to be significant.
7.17	The neutrality of the other ecological impacts depends on the implementation of successful mitigation and local compensation as outlined in the Applicant's OBLMS (Document 7.6). Key to the success of this mitigation will be the detail of design, location, implementation and monitoring. In particular, details of the biodiversity off-sets and associated metric and offset value are awaited in order to confirm neutrality of impacts, as well as the potential positive impacts discussed in Section 5.2.1 above. This need for detail to prove neutrality also applies to mitigating light-spill disturbance impacts for nocturnal species (e.g. barn owl, bats, invertebrates).	The Applicant considers that the necessary biodiversity mitigation proposals are adequately secured via the dDCO. **Requirement 4** of **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3)** requires the Applicant to submit to LBB for approval a pre-commencement biodiversity and landscape mitigation strategy which must include details of mitigation measures required to protect protected habitats and species during the pre-commencement works. The strategy must also set out the value (biodiversity units) of the habitats affected by the pre-commencement works and which will subsequently be combined with other habitat losses following detailed design under **Requirement 5**. **Requirement 5** of **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3),** requires the Applicant to submit to LBB for approval the Biodiversity and Landscape Mitigation Strategy, which must be substantially in accordance with the **Outline Biodiversity and Landscape Mitigation Strategy (7.6, Rev 1, submitted at Deadline 3),** which contains the minimum 10% net gain commitment**.** The Biodiversity and Landscape Mitigation Strategy must contain the results of the biodiversity off-setting metric together with the value of off-setting, the nature of such off-setting and the mechanism for securing the off-setting value. The value cannot be determined until the final design of the Proposed Development, which is secured through

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		Requirement 2 of **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3)**, and has been approved by LBB. LBB is the approving authority for both the detailed design of the Proposed Development and the Biodiversity and Landscape Mitigation Strategy, and will therefore be involved in approving the compensation proposals that come forward by the Applicant on the advice of the Environment Bank. The Applicant has confirmed to LBB that it is keen for LBB to be involved in the Environment Bank site search process, such that opportunities local to the REP proposals can be considered and, if suitable, brought forward.
Chapter 8 Historic Environment		
8.1-8.8	Summary of London Borough of Bexley Policies. Saved Unitary Development Plan Policies and Bexley Core Strategy February 2012	The Applicant notes and agrees that the UDP and Core Strategy policies referenced in these paragraphs are relevant for the Proposed Development. The policies of Appendix 1 and Appendix 2 to the respondent's LIR are agreed to with the exception of G32 and E13 of the UDP as these expired in 2007 and are not part of the development plan.
8.9	UDP saved policies ENV46 and ENV47 pertain to development within Conservation Areas and are not therefore directly applicable to the proposed development.	The Applicant notes that the LBB LIR states policies ENV46 and ENV47 are not directly applicable to the Proposed Development. The Applicant agrees that policies ENV46 and ENV47 are not relevant as the development is not within a Conservation Area.
8.10	UDP policy ENV39, as far as it relates to the	The Applicant welcomes these supportive comments and agrees

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	historic environment, states that development should be "…compatible with the character of the surrounding area, would not prejudice the environment of the occupiers of adjacent property, or adversely affect the street scene by reason of its (a) scale, (b) massing, (c) height, (d) layout, (e) elevational treatment, (f) materials and/or (g) intensity of development". The proposed development, whilst 'tall' and of significant mass in general terms, can be held to be compatible with the character of the surrounding area. This is by virtue of its form, as an industrial building reflecting its function, and echoing the utilitarian architectural language of similar incinerator facilities in the vicinity. It can therefore be held to comply with this policy.	with LBB that the Proposed Development is in compliance with UDP policy ENV39.
8.11	UDP policy ENV51 states that the Council will 'resist any proposals which detract from the setting of a listed building.' While the proposed development is visible within the settings of a number of listed buildings, it is assessed as having, at worst, a minor effect on the significance of Listed Buildings. The proposed development could therefore be held to be in conflict with the letter, if not the spirit, of the policy. Although the effect to the asset will not be significant for the purposes of EIA, it will give	**Paragraph 10.9.15** of **Chapter 10 Historic Environment** of the **ES** (**6.1, APP-047**) notes that, in terms of the loss of significance of these assets, the magnitude of effect is considered Negligible to Low adverse. The indirect effect is considered Negligible to Minor on these designated and built heritage assets and therefore considered to be not significant, as in each case the core heritage significance of the assets is unaffected. The Applicant disagrees that the Proposed Development would "*detract from the setting of a listed building*."

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
	rise to a degree of harm to the significance of the asset as a consequence of setting change.	A meeting was held with Historic England (HE) on the 27th February 2018 in which the potential impacts on below ground impacts and designated impacts was discussed. Regarding heritage the following was stated in the minutes and agreed with HE: '*Preliminary assessment of impact on designated assets within the study area concluded that there will be a slight change to the skyline behind these assets, with no significant effect to their significance'.* As a result of the meeting, further discussion was restricted to non-designated archaeological assets rather than designated assets only. HE has signed a Statement of Common Ground (SOCG) (**AS-013**) agreeing with the conclusions of the ES; that the Proposed Development will not result in significant effects to the setting of listed building. The Applicant and by virtue of the above HE, therefore agree that the proposed 'slight change' in the setting of the listed buildings is not a detraction from the setting of listed buildings in the vicinity of the development. This conclusion is also supported by the comments in the LBB Local Impact Report: regarding the setting of Lesnes Abbey *"it would not fundamentally alter the heritage values from which the asset derives the vast majority of its significance' (para 8.22).* Regarding Crossness Conservation Area and associated listed buildings*: the visual, spatial and functional relationship of the asset with the Thames will remain largely intact..the core heritage values and key relationships that comprise its setting, and hence inform its significance, will remain unchanged. Views through/from within the Conservation Area of the pumping*

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		station group, with an undeveloped Thames-side backdrop, will still be available and are critical in understanding the functional and spatial relationships of the asset with the river" (para. 8.23). Unlike NPPF Section 16, there is no gradation of effect (i.e. no less than substantial or substantial harm) in ENV51 and CS19. The policies aim to preserve listed buildings and their setting by controlling development that would detract from the setting of the asset(s) in question. Due to the lack of the gradation of potential effect as laid out in Section 16 of the NPPF, the wording of the policies does not enable the assessment of less than substantial harm to the designated heritage assets in question as outlined in the ES, to be in accordance with the wording of the policy. The assessment is in accordance with paragraphs 193-196 of the NPPF.
8.12	Core Strategy Policy CS19 does not set specific tests for development, but instead states that the Council will protect heritage assets from development that is 'likely to adversely impact on the significance, integrity, character or appearance of an asset or its setting'. Again, while no significant effects are identified, the proposed development nevertheless conflict with the letter of the policy.	The Applicant disagrees that the Proposed Development is likely to adversely impact on the significance, integrity, character or appearance of an asset or its setting. Given the conclusions in the ES, and that of Historic England (and indeed LBB), LBB's interpretation of its own policy would mean every development would likely conflict with the "*letter of the policy*" which cannot be the policy's intention. See response to LBB LIR paragraph reference 8.11 above.

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
8.13	The proposed development has a minor adverse impact, as a consequence of setting change, on the significance of Lesnes Abbey (Scheduled Monument and Grade II Listed Building – minor effect) , and a negligible-minor effect on the Crossness group of assets (Crossness Conservation Area; Crossness Pumping Station, Grade I Listed Building; Crossness Pumping Station workshops, Grade II Listed Building; Crossness engine house, Locally-Listed Building – negligible-minor effect). As the policy offers no qualification / quantification of adverse impacts, the proposed development could therefore be held not to comply with this policy. However, the effects to archaeological assets, and the mitigation specified, can be held to comply with part F of the policy – as 'appropriate levels of archaeological investigation' are proposed.	See response above to LBB LIR paragraph reference 8.11 and 8.12. The Applicant notes that the potential effects on archaeological assets, and the mitigation specified, comply with part F of the policy, as 'appropriate levels of archaeological investigation' are proposed. The mitigation comprises a programme of archaeological works to be secured by **Requirement 7** of the **dDCO** (**3.1, Rev 2, submitted at deadline 3**). The scope of works will be outlined in a Written Scheme of Investigation which will be agreed with the relevant planning authority and will comprise as a minimum extraction and analysis of geoarchaeological boreholes and archaeological works in the area of the bunker and attenuation tanks at REP; and a programme of archaeological works.
8.14-8.17	Summary of other relevant local policy and guidance, including the Crossness Conservation Area Appraisal and Management Plan (2009) and the London Borough of Bexley Sustainable Design and Construction Guidance SPD (2007)	The Applicant agrees that the ability to understand or appreciate the relationship between the Crossness Conservation Area and the Thames, will not be changed by the Proposed Development (paragraphs. 8.14 and 8.15). In response to Guidance 14 Bexley Sustainable Design & Construction Guide 2007), the preservation of heritage assets has been taken into account; physical impact is restricted to

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		limited impacts on geoarchaeological deposits. The preservation of the significance of the setting of listed buildings has also been taken into account. No significant impacts identified. Due to the limited contribution that the REP site makes to the significance of the designated assets in the wider area, it is not possible to enhance, in this instance.
8.18 and 8.19	No positive impacts are identified as a consequence of the proposed development. While a 'minor beneficial' effect to geoarchaeological deposits within the development foot print is identified in the Applicant's Environmental Statement, this conclusion is not agreed by the LBB and no 'real' benefit to the significance of heritage assets is considered to result from the proposed development.	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 effect has been assigned for this reason. The Applicant disagrees that the physical impact of the geoarchaeological deposits will result in the loss of heritage significance of the affected deposits, due to the fact that they survive undisturbed within the study site and the wider area. However, the Applicant accepts LBB's recommendation for the effect to be downgraded to Negligible, which does not affect the significance.
8.20-8.23	Summary of negative impacts identified in the LBBs LIR include: ▪ Setting change to Lesnes Abbey	The Applicant does not agree that the Proposed Development will result in significant harm to the significance of Lesnes Abbey or the Crossness Conservation Area and associated listed buildings. It is acknowledged that there will be a slight change to

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
	(Scheduled Monument and Grade II Listed Building); and ▪ Crossness Group of industrial heritage assets. UDP Policy ENV51 and Core Strategy Policy CS19: The proposed development could therefore be held to be in conflict with the letter, if not the spirit, of the policy. Although the effect to the asset will not be significant for the purposes of EIA, it will give rise to a degree of harm to the significance of the asset as a consequence of setting change.	the setting, this is not equivalent to a 'distraction', the UDP ENV51 policy test, and is compliant with the NPPF. Historic England (see below) and the LB Bexley Local Impact Report (May 2019) support the conclusions of **Chapter 10 Historic Environment** of the **ES** (**6.1, APP-047**). A meeting was held with Historic England on the 27th February 2018 in which the potential impacts on below ground impacts and designated impacts was discussed. Regarding heritage, the following was stated in the minutes and agreed with HE: '*Preliminary assessment of impact on designated assets within the study area concluded that there will be a slight change to the skyline behind these assets, with no significant effect to their significance'*. As a result of the meeting, further discussion was restricted to non-designated archaeological assets rather than designated assets only. HE has signed a Statement of Common Ground (SOCG) (**AS-013**) agreeing with the conclusions of the ES; that the proposal will not result in significant effect to the setting of listed building. This conclusion is also supported by the comments in the LBB Local Impact Report: regarding the setting of Lesnes Abbey "*it would not fundamentally alter the heritage values from which the asset derives the vast majority of its significance'* (para 8.22). Regarding Crossness Conservation Area and associated listed buildings: *the visual, spatial and functional relationship of the asset with the Thames will remain largely intact..the core heritage values and key relationships that comprise its setting,*

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		and hence inform its significance, will remain unchanged. Views through/from within the Conservation Area of the pumping station group, with an undeveloped Thames-side backdrop, will still be available and are critical in understanding the functional and spatial relationships of the asset with the river" (para. 8.23).
8.24	No neutral impacts are identified.	The Applicant notes that no neutral impacts are identified.
Chapter 9 Transport		
9.1-9.7	Summary of London Borough of Bexley Policies. Saved Unitary Development Plan Policies, Bexley Core Strategy February 2012 and London Borough of Bexley Local Implementation Plan Adopted March 2019	The Applicant notes and agrees that the UDP and Core Strategy policies referenced in these paragraphs are relevant for the Proposed Development. The policies contained in Appendix 1 and Appendix 2 to the Respondent's LIR is agreed to with the exception of G32 and E13 of the UDP as these expired in 2007 and are not part of the development plan.
9.8-9.12	The development proposals do not include high amounts of car parking and relate well to the modal split assumptions and so are considered to adhere to Saved Policy G23, Saved Policy T17 and Policy CS03. The peak hour capacity assessment undertaken for the operational period show that the highway network is forecast to operate within capacity and there will be an insignificant increase in traffic generated by the development. LBB	The Applicant agrees with LBB that the Proposed Development is compliant with Saved Policy G23, Saved Policy T17 and Policy CS03. Regarding the assumption on construction worker trips being outside peak hours, the updated **Outline CTMP** submitted at Deadline 2 **(6.3, Rev 1, REP2-064)** makes it clear that the ES has assumed that all workers would arrive during the morning and evening highway network peak periods, whereas workers will arrive largely for the start of the construction working day prior to 07:00 and depart after 19:00 at the end of the

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	notes that it is assumed that construction worker trips will be undertaken outside the peak hours before 8am and after 6pm and states that a mechanism to secure this assumption is required. A Construction Traffic Management Plan includes a Staff Travel Plan to reduce car trips. It is understood that the temporary car park will be reduced from 552 to 275 spaces. The successful implementation of this restriction and the Staff Travel Plan would support conformity to Saved Policy T6 and Policy CS16. The proposals are considered to adhere to Saved Policy T14, Saved Policy T17 and Policy CS15 in respect of cycle parking. The peak hour assessment on the local highway network concludes that the development proposals do not have a severe	construction working weekday. These commuting movements would occur outside the network peak periods, diluting the effect on the local road network of commuting by cars or vans. However, the plan recognises that the precise arrival timings of the various workers will not be known until the main contractor has been appointed, with the detail then provided in the final CTMP that is to be submitted to LBB for approval under **Requirement 13** of **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3)**. Accordingly, LBB has control over arrival times through the approval of the CTMP. A "Staff Travel Plan" has been provided in the form of an **Outline Operational Worker Travel Plan**, which forms **Appendix M** to the **Transport Assessment (6.3, APP-066)**. **Requirement 15** of **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3)** secures this Outline Operational Worker Travel Plan. The reduction in car parking spaces has been provided for in paragraph 5.3.1 of the updated **Outline CTMP** submitted at Deadline 2 **(6.3, Rev 1, REP2-064).** Accordingly, the Applicant considers that with Requirements 13 and 15 of Schedule 2 to the **dDCO (3.1, Rev 2, submitted at Deadline 3)** and the updates made to the **Outline CTMP** that the Proposed Development is in accordance with Saved Policy T6 and Policy CS16.

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
	impact. The proposed development includes Staff Travel Plans for construction and operational staff which will support increased modal share for walking, cycling and public transport use. However, the proposed development does not support the targets related to reducing vehicle kilometres travelled and road traffic emissions of CO2, NOx, PM10 and PM2.5 as it will generate additional traffic as noted above. A Construction Traffic Management Plan and Delivery and Servicing Plan will be required to adhere to Local Policy.	The Applicant agrees with LBB that the Proposed Development is in compliance with Saved Policy T14, Saved Policy T17 and Policy CS15 in respect of cycle parking. The Applicant has assessed the effects on the local travel network of the operation of REP and concludes at **Chapter 6 Transport** of the **ES** (**6.2, Rev1, REP2-017**) that the operation of REP would result in negligible effects, subject to the implementation of an Operational Worker Travel Plan, secured through **Requirement 15** of the **dDCO** (**3.1 Rev 2, submitted at Deadline 3**). The Applicant agrees with LBB that the "development proposals do not have a severe impact". **Requirement 14** of the **dDCO** (**3.1, Rev 2, submitted at Deadline 3**) sets out the restrictions on movement of heavy commercial vehicles delivering waste to Work number 1A and Work number 1B during the operational period, which must not exceed a maximum of 90 per day (90 vehicles in and 90 vehicles out). Under normal operations up to 90 heavy commercial vehicle loads of waste material could be delivered to REP per day. Incinerator Bottom Ash must be transported via river, save where there is a jetty outage. With this Requirement, the Proposed Development is in accordance with Policies CS03 and CS15. **Requirement 13** of **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3)** secures the CTMP and **Requirement 15** secures the Operational Worker Travel Plan. With these

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		requirements, the Applicant considers that the Proposed Development adheres to Local Policy. The overall traffic movements (including waste import and export in the 100% by road scenario) were found to be Not Significant and therefore there is no justification for a Delivery and Servicing Plan to be implemented to control a small proportion of such movements.
9.13	There is no other relevant local policy to note.	No comment required.
9.14	The proposed development has the potential to transport waste by river to the facility which would reduce development generated traffic demand on the road network.	The Applicant welcomes these supportive comments. The Applicant recognises LBB's comments in respect of maximising the use of the river. The **dDCO (3.1, Rev 2)** submitted at Deadline 3, includes a requirement in **Schedule 2** (**Requirement 14**), that restricts the number of heavy commercial vehicle movements delivering waste to the ERF and the Anaerobic Digestion plant. There is an exception to this restriction - a jetty outage event. The Requirement also requires that, save where there is a jetty outage, incinerator bottom ash must only be removed via the river. This restriction will achieve a modal split strongly in favour of river use.
9.15	Daily traffic movements during the construction period are considered to be significant with over two hundred worker car movements forecast in each of the morning and evening hours, with the assumption that these will take place adjacent	Through subsequent engagement with TfL it has been agreed that on-site parking within the Main Temporary Construction Compound on Norman Road will be reduced by 50% to 275 spaces from the 552 spaces previously proposed.

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
	to the peak hours for a period of ten months. A capacity assessment of the local highway network during the hours of 07:00 to 08:00 and 18:00 to 19:00 for the construction period is recommended along with a mechanism to ensure that such movements are not undertaken during peak hours. However, it is questionable how even spread of vehicles will work in practice.	Regarding the assumption on construction worker trips being outside peak hours, the updated **Outline CTMP** submitted at Deadline 2 **(6.3, Rev 1, REP2-064)** makes it clear that the ES has assumed that all workers would arrive during the morning and evening highway network peak periods, whereas the reality is that the workers will arrive at different times. However, the plan recognises that the precise arrival timings of the various workers will not be known until the main contractor has been appointed, with the detail then provided in the final Construction Traffic Management Plan that is to be submitted to LBB for approval under **Requirement 13** of **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3)**. Accordingly, LBB has control over arrival times through the approval of the CTMP. The reduction in car parking spaces has been provided for in paragraph 5.3.1 of the updated **Outline CTMP** submitted at Deadline 2 **(6.3, Rev 1, REP2-064).**
9.16	Daily traffic movements during the operational period are considered to be significant especially Medium Goods Vehicle movements which will have greater impact on the road network. This is expected under both the nominal and worst case scenarios, however it is considered much more severe under the worst case scenario.	**Requirement 14** of **Schedule 2** of the **dDCO** (**3.1, Rev 2, submitted at deadline 3**) caps the number of loads to the ERF and the Anaerobic Digestion plant under normal operations (i.e. 90 loads in, 90 loads out, per day) and jetty outage scenario (i.e. 300 loads per with a maximum of 30 in the peak periods).

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
9.17	The Electrical Connection is forecast to generate either 44 or 120 two-way vehicle movements per day during construction depending on the Programme. The details of the Electrical Connection route and associated works are not yet available. However, it is anticipated that this will have a negative impact on the local highway network where the works are taking place.	At Deadline 2, the Applicant provided an update in the **Electrical Connection Progress Report (8.02.07, REP2-058)**, in respect of how UK Power Networks (UKPN) has undertaken a programme of work to refine the Electrical Connection to a single overall route. The final route lies predominantly within public highway where the works would be expected to be typical of those brought forward under the New Roads and Street works Act ("streetworks process"). At locations where drilling/boring or above-ground structures are most likely (comprising the offline cable trough structure at Norman Road, under the Network Rail assets at Cray Mill underbridge and at the River Darent), these are likely to have a minimal effect on the operation of the public highway. Therefore, the potential residual effects described in **Section 6.13** of **Chapter 6 Transport** of the **ES** (**6.1, REP2-017**) remain unchanged and Not Significant following the refinement of the Electrical Connection route.
9.18	The cumulative impacts of the REP construction and electrical connection have not been assessed and these are expected to have a negative impact. 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	The assessment of the construction period is included at **Paragraphs 6.9.2** to **6.9.96 of Chapter 6 Transport** of the **ES (6.1, REP2-017)** and **Section 6.4** of **Appendix B.1 - Transport Assessment of Chapter 6 Transport** of the **ES (6.3, APP-066).** These assessments include consideration of the potential cumulative traffic effects during the construction at the REP site

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	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. As indicated under 6.9.62 of the Environmental Statement, the 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 since no details are currently available. Therefore, there is current uncertainty about overall impact and how adequately such impacts can be successfully mitigated.	and the Electrical Connection. Further sensitivity assessments prepared to accompany the engagement process with TfL show that the junctions of Picardy Manorway with Yarnton Way/Eastern Way, Norman Road and Bronze Age Way/Anderson Way operate with spare capacity during the modelled year of 2022 (including growthed base line traffic, committed development and REP construction traffic). Sensitivity scenarios show that those junctions continue to operate with reserve capacity with more than 150% of REP construction traffic assigned to the network (**Table 2** of **Technical Note TN007** dated 23 January 2019 appended to Technical Note TN009 (**Appendix G** to the **Applicant Response to the Relevant Representation**) (**8.02.03, REP2-054**))). As reported above, the reduced on-site parking provision will substantially reduce movements to and from the Main Temporary Construction Compound, further reducing the potential traffic impacts on Picardy Manorway and on Norman Road, during construction. The assessment of the traffic impacts during the construction of the REP site and the Electrical Connection show that a right turning facility on Picardy Manorway is not necessary. As indicated in **Paragraph 2.6.1** of the **Outline CTMP** (submitted at Deadline 2 (**6.3, Rev 1, REP2-064**)) coordination between the construction of the REP site and construction of the Electrical Connection will be set out in the associated CTMP, secured through **Requirement 13** of **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3**). As necessary the

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		CTMP will identify how the construction programmes will align and the necessary temporary traffic management required. That document will reflect the temporary and transient nature of the construction of the Electrical Connection.
9.19	The increase in traffic, especially Medium Goods Vehicles, along Norman Road and Picardy Manorway will have a negative impact on pedestrians, cyclists and public transport users travelling to and from these nearby developments.	**Paragraphs 6.9.45** to **6.9.54** of **Chapter 6 Transport** of the **ES** (**6.1, Rev 1, REP2-017**) has assessed the effects of REP on pedestrian delay and amenity and fear and intimidation. Against each set of criteria (set out in **Section 6.9** of the ES) it was judged that effects would be Negligible and Minor adverse, respectively, and would as such be Not Significant.
9.20	The lack of right turning provision at the access junction leads to additional distances being travelled along Picardy Manorway and the undertaking of U-turns at the adjacent roundabouts which would be a negative impact.	The assessment of the traffic impacts during the construction of the REP site and the Electrical Connection show that a right turning facility on Picardy Manorway is not necessary.
9.21	It isn't clear from the Applicant's Transport Assessment how the site will operate in accommodating delivery vehicles in terms of vehicle numbers, parking and maneuvering. Congestion on the site which may lead to backing up of traffic onto Norman Road would be a negative impact.	The Applicant acknowledges that the potential for a Delivery and Servicing Plan was included in the PEIR. However, it was considered that the **Outline CTMP** submitted at Deadline 2 **(6.3, Rev 1, REP2-064)** provides sufficient control and coverage of relevant matters such that it was considered that a Delivery and Servicing Plan was not required. The LBB proposal for constraints is broad ranging and would include all movements, for which the Applicant has already proposed restrictions in respect of operational waste movements

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		in **Requirement 14** of **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3**). The ancillary movements relate to deliveries such as lime, ammonia and Powder Activated Carbon, which are small in comparison to other movements. The overall movements (including waste import and export in the 100% by road scenario) were found to be Not Significant and therefore there is no justification for a Delivery and Servicing Plan to be implemented to control a small proportion of such movements.
9.22	There are no neutral impacts to note.	No comment required.
Chapter 10 Ground Conditions		
10.1 – 10.7	Summary of London Borough of Bexley Policies. Saved Unitary Development Plan Policies and Bexley Core Strategy February 2012. The development proposal is considered compliant with the Bexley Saved UDP and Core Strategy in that it includes for the decontamination and development of brownfield land. The Applicant is also proposing to survey the land in accordance with Policy ENV40.	The Applicant notes and agrees that the Proposed Development is compliant with the policies listed in Chapter 10 Ground Conditions of the LBB LIR.
10.8	The site is not on London Borough of Bexley's Brownfield Land Register.	No comment required.

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
10.9	Guidance 34 of the Bexley Sustainable Design and Construction Guide (SPD) states that biodiversity should be protected and enhanced through avoidance of soil compaction and pollution of soils and water. Protection of soils is proposed by the implementation of a CoCP and the proposed development is therefore compliant with this guidance, subject to review of the final CoCP.	The Applicant acknowledges that the protection of soil is proposed by the implementation of a CoCP, which is secured through **Requirement 11** of **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3**) and that the Proposed Development is compliant with Guidance 34 of the Bexley Sustainable Design and Construction Guide (SPD).
10.10	The application site is known to be affected by land contamination and parts of the site have been subject to previous site investigation and remediation. Contamination is likely to be discovered during site development, and asbestos in soil and ground gases have been identified as requiring remediation. Groundwater and surface water are also thought to be affected by contamination in the area of the outline consented Data Centre.	Measures to deal with potential contamination are set out in the **Outline CoCP** (**7.5, Rev 1, REP2-046**) as secured through Requirement 11 of Schedule to the **dDCO (3.1, Rev 2, submitted at Deadline 3**).
10.11	No positive impacts have been identified arising from the proposed development in relation to ground conditions.	No comment required.
10.12	No negative impacts have been identified arising from the proposed development in	No comment required.

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
	relation to ground conditions.	
10.13	Major and moderate negative effects are identified associated with ground gases and asbestos in soils during the construction and operational phases of the development, potentially affecting site users, construction workers and buildings. Proposed mitigation measures are stated by the Applicant to reduce impacts to negligible. It is considered that any land contamination present on the data centre/construction compound site will be dealt with through conditions under planning consent 15/02926/OUTM.	Any land contamination present on the data centre/construction compound site will be subject to the Development Consent Order and thus **Requirement 10** and **Requirement 11** of **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3**).
Chapter 11 Townscape and Visual		
11.1-11.9	Summary of London Borough of Bexley Policies. Saved Unitary Development Plan Policies and Bexley Core Strategy February 2012	The Applicant notes and agrees that the Proposed Development is compliant with the policies listed in Chapter 11 Townscape and Visual of the LBB LIR, that the proposed landscape scheme is considered appropriate to the site's riverside setting, that access along the River Thames is retained, and that it is anticipated that a high quality design will be achieved.
11.10 and 11.11	Summary of other relevant local policy and guidance	The Applicant acknowledge that LBB notes in its LIR *"…the proposal does not provide the opportunity for large scale woodland planting (as this would not be appropriate for this scheme), but there is certainly the opportunity to achieve a high*

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		quality of design for the building in accordance with the Thames Strategy East". The detailed design of Work Numbers 1, 2, 3, 4, 5 and 6 must be in accordance with the **Design Principles** (**Requirement 2** of **Schedule 2** to the **dDCO**) **(3.1, Rev 2, submitted at Deadline 3**) which will ensure good design principles are implemented.
11.12	There will be some positive long-term effects on character and visual amenity resulting from the creation of a new building and focal point of skyline interest in a location currently defined by car parking, waste ground, scrubland, roads, and sheds. This positive change will be experienced by people walking on the Thames Path National Trail, people on the Public Right of Way (PRoW) between Crossness Nature Reserve and Eastern Road (VP4), people on the PRoW off Picardy Manorway (VP5), people on the PRoW at South Mere west of Erith Marshes (VP6), people on the Green Chain Walk long distance route at Halt Robin Road (VP9) and people across the Thames on the PRoW west of Horse Shoe Corner (VP11).	The Applicant welcomes these supportive comments.
11.13	The main negative impacts will arise from construction of the scheme which will	**Table 9.5, Chapter 9 Townscape and Visual Impact Assessment** of the **ES** (**6.1, Rev 1, REP2-021**) reports that

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
	temporarily change the character of this Thames-side site from an area of car parking, waste ground, scrubland roads, and ancillary features to a busy construction site including large scale cranes. These cranes and construction activities would also intrude into views from a number of locations, with the following held to be significant for the purposes of EIA.	some moderate adverse effects (significant) are likely to occur. However, the construction phase would be of a limited duration, approximately three years. Furthermore, the REP site and Main Temporary Construction Compounds are in a diverse industrial and urban area, adjacent to existing large-scale industrial buildings, so construction activity is not discordant with the character or activities of the existing urban area. This temporary impact is therefore considered acceptable.
11.14	In the longer term (during operation) there will be some negative impacts on landscape character as a result of the reduction in connectivity between marshland areas and the river. Negative impacts will also affect walkers on the Thames Path to the east of the site as a result of reduction in visual links between the marshland and the river, and users of the PRoW across the Crossness Nature Reserve due to the large scale of the buildings as seen from this location. These effects are deemed to be significant for the purposes of EIA.	The operational phase of REP could give rise to adverse townscape effects with a Moderate level of significance on Crossness Conservation Area; the character, and appearance of the REP site; and on the landscape of Crossness Nature reserve marshland adjacent to the REP site, and scrubland habitats on the REP site as well as viewpoints SA-1 East, 2, 3. However, the majority of view locations of the REP site will give rise to Minor, or Negligible levels of visual effects that are Not Significant. From views on the Thames path near Crossness Conservation Area, and near Crossness Nature Reserve, Erith Marshes, and PRoW west of Horseshoe Corner (SA-1 East, SA-1 West, 2,3,6,11), there is the potential that the operational phase of REP could give rise to visual effects with a Moderate level of significance of effect. These visual effects of Moderate significance at SA-1 West, 6 and 11 are judged to be Beneficial due to the positive benefits of variation to the roofline and skyline interest, a new focal point,

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		and the stepped roofline and graded colour in the design principles. In addition, given this is a major energy project, the limited number of visual and landscape impacts should be considered a benefit of the Proposed Development. As NPS EN-1 recognises at Section 5.9, energy projects are always going to be visible and have effects on the landscape.
11.15	A number of neutral (or negligible) impacts have been reported in the Environmental Statement during operation – these neutral impacts tend to be on mid distance views (such as the edge of the Crossness Conservation Area, Lesnes Abbey and the London Loop along Ferry Lane) where the proposed development will be in keeping with the existing industrial elements of the view.	As stated above, the majority of view locations of the REP site will give rise to Minor or Negligible levels of visual effects that are Not Significant.
Chapter 12 Noise and Vibration		
12.1-12.3	Summary of London Borough of Bexley Policies. Saved Unitary Development Plan Policies and Bexley Core Strategy February 2012	The Applicant notes and agrees that the UDP and Core Strategy policies referenced in these paragraphs are relevant for the Proposed Development. The policies contained in Appendix 1 and Appendix 2 to the Respondent's LIR are agreed to with the exception of G32 and E13 of the UDP as these expired in 2007 and are not part of the development plan.

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
12.4	Although not directly included in the above policy documents, LBB guidance for operational noise from fixed plant requires a rating level of no higher than 5dB below the LA90 background level at the nearest sensitive receptor. It is considered that the proposals may not meet this standard due to uncertainty in the background noise assessment. Comprehensive background noise levels should therefore be re-assessed during pre-operational surveys.	The findings of the operational noise assessment associated with REP are provided in **Table 8.15 Chapter 8** of the **ES** (**6.1 APP-045**). These show that the noise emission levels from REP are likely to be at least 5 dB below the background sound levels during the daytime and night-time which would also be within LBB's standard guidance for operational noise from fixed plant
12.5 and 12.6	Summary of other relevant local policy and guidance	The Applicant agrees with the policy descriptions in Appendix 3 of the LBB LIR. The Applicant notes that Appendix 3 refers to an outdated (2017, not 2018) version of the Southeast London joint waste technical paper.
12.7	As the proposed development represents an additional industrial noise source to the local area, there is little opportunity to provide a positive noise impact.	No comment required.
12.8	There is clearly potential for negative noise impacts due to noise emissions from the proposed development affecting the nearest residents, particularly as this is a 24-hour operation. Similarly, there is potential for	**Paragraphs 8.9.46, 8.9.47** and **8.9.49, Chapter 8 Noise and Vibration** of the **ES** (**6.1 APP-045**) state that '…*based upon the findings of the assessment, noise and vibration effects associated with the construction and decommissioning phase of the Proposed Development are likely to give rise to a Negligible*

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
	additional road traffic, generated by the development during construction and operations, to cause negative impact on local access routes. Negative impacts may also occur during construction of the proposed development; however, this would be of a temporary nature.	*temporary effect at the defined NSRs. With mitigation measures, as detailed in the* Outline CoCP, the *construction effects associated with the Electrical Connection route are considered to be Not Significant.'* Additionally*, '…the noise effects from REP have been calculated to be at least 5 dB below the background sound levels at the nearest NSR's during both the daytime and night-time assessment periods. The effect is considered, on the basis of this assessment, to be Negligible and Not Significant'.* Furthermore, following the submission of the DCO Application, more refined details have been developed with respect to the specific activities, duration and noise levels associated with potential night-time working. Therefore, a **Night-time Construction Noise Impact Validation Assessment** was undertaken and submitted at Deadline 2 (**8.02.12, REP2-063**). The Night-time Construction Noise Impact Validation Assessment provides an assessment of the likely noise and vibration impact associated with the proposed night-time working. The assessment specifically includes consideration of the slipform works associated with forming the waste bunker on the REP site and night-time working with respect to the construction of the Electrical Connection. Night-time works associated with slipforming are unlikely to generate significant impacts at the nearest noise sensitive receptors, as noise levels generated would not exceed the proposed Lowest Observable Adverse Effect Level (LOAEL). In addition, potential effects from night-time construction works associated with the Electrical Connection are considered to be Minor and therefore not

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
		significant.
12.9	The noise and vibration assessment of the proposals has concluded that the overall impact on the local area would be neutral. This would be achieved through effective mitigation measures employed during the design of the plant and during the construction process.	As stated in **Table 8.20, Chapter 8 Noise and Vibration** of the **ES (6.1 APP-045)**, potential effects during the construction and operational phase of the Proposed Development would be not significant. A number of mitigation measures to reduce noise effects to sensitive receptors are proposed through **Section 4.4** of the **Outline CoCP** (**7.5, Rev 1, submitted at deadline 2**). The CoCP is secured via **Requirement 11** of **Schedule 2** to the **dDCO** (**3.1, Rev 2, submitted at Deadline 3**) which requires that the final CoCP submitted to and approved by the relevant planning authority is in substantial accordance with the **Outline CoCP.**
Chapter 13 Flood Risk and Water Resources		
13.1-13.11	Summary of London Borough of Bexley Policies. Saved Unitary Development Plan Policies and Bexley Core Strategy February 2012	The Applicant notes and agrees that the UDP and Core Strategy policies referenced in these paragraphs are relevant for the Proposed Development. The policies of Appendix 1 and Appendix 2 to the Respondent's LIR are agreed to with the exception of G32 and E13 of the UDP as these expired in 2007 and are not part of the development plan.
13.12 and 13.13	The Applicant's proposal references the LBB UDP and Core Strategy. The proposed mitigation discussed in the Environmental Statement and the CoCP will mitigate against	The Applicant notes and agrees that the Outline CoCP will mitigate construction effects and has been developed using best practice guidance and conforms to local policies. The Outline CoCP is secured via **Requirement 11** of the **dDCO (3.1, Rev 2)**.

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
	effects that are likely to arise during construction and has been developed using best practice guidance documents and conforms to local policies. The outline drainage strategy has been designed to mitigate the effects of climate change (i.e. increased rainfall intensities) and flood risk by managing the surface water on site and restricting it to the greenfield rate, therefore providing a betterment. The Applicant does not refer to 'green infrastructure', which would be defined in this locality as the marsh dyke system of Crossness Nature Reserve and any green space (such as roadside verges) on or near the site. Furthermore, a designated strategic green corridor borders the site. Improvements and opportunities to provide environmental net gain as part of these proposals should be considered further by the Applicant in order to fully meet local policy objectives.	The Applicant also notes and agrees that the outline drainage strategy has been designed to mitigation the effects of climate change and flood risk and would provide a betterment. The outline drainage strategy is secured via **Requirement 9** of the **dDCO (3.1, Rev 2)**. **Paragraph 12.7.6** of **Chapter 12 Hydrology, Flood Risk and Water Resources (6.1, Rev 2, REP2-025)** details that Crossness LNR is characterised by a number of surface water features, including the Great Breach Dyke. This, and associated drains/tributaries, are considered as a principle receptor (**Paragraph 12.7.32**), residual effects to which are assessed as being Not Significant in **Section 13** of **Chapter 12**. The Applicant has committed to providing a minimum of 10% biodiversity net gain and has commissioned the Environment Bank to assist with its delivery, which will be secured via **Requirement 5** at **Schedule 2** of the **dDCO (3.1, Rev 2, submitted at Deadline 3**). A Biodiversity Metric is included in the **Biodiversity Accounting Report** (**8.02.09, REP2-060**) submitted at Deadline 2. The Applicant has confirmed to LBB that they are keen for LBB to be involved in the Environment Bank site search process, such that opportunities local to the REP proposals can be considered and, if suitable, brought forward.

LIR reference (Paragraph)	Summary of LBB comment	Applicant Response to LIR
13.14-13.28	Summary of relevant local policy and guidance.	The Applicant agrees with the summary and policy descriptions in Appendix 3. The Applicant notes that Appendix 3 refers to an outdated (2017, not 2018) version of the Southeast London joint waste technical paper.
13.29	The LBB Growth Strategy contains ambitions based on 'green and blue infrastructure' that would be beneficial to the proposed development, council and immediate area. The proposed development lies next to an area of important green infrastructure (Crossness Nature Reserve) and strategic green corridors bound the site to the north and the west. Therefore, these ambitions should be noted and taken in account during the lifetime of the proposed development.	See response above - LBB LIR paragraph references 13.12 and 13.13). The Council's ambitions based on 'green and blue infrastructure' will be taken into account for the Proposed Development through the mitigation measures proposed in the **Outline CoCP (7.5, Rev 1, REP2-046)** and the **OBLMS (7.6, Rev 1, submitted at Deadline 3)**, as secured through **Requirements 11** and **5** respectively in **Schedule 2** to the **dDCO (3.1, Rev 2, submitted at Deadline 3**).
13.30	The main London Plan policies above are referenced in the Applicant's Environmental Statement chapter and its appendices. These documents address flood risk management and provide evidence of consideration of SuDS. An additional document, Appendix H.1 of the Environmental Statement (water framework directive compliance statement) indicates that the proposals are compliant with the Water Framework Directive (WFD). The Applicant is	It is noted in the LBB LIR that the ES addresses flood risk management and provides evidence of consideration of SuDS. The sensitivity of Crossness LNR is fully acknowledged within the ES, including the designation of a wider area as Metropolitan Open Land (MOL). In light of the amended Application boundary submitted at Deadline 2, which confirmed that the Electrical Connection route would follow Norman Road, development within Crossness LNR has been removed entirely except for a short length of highway verge immediately adjacent to Norman

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	not clear on the subject of MOL, the designation given to the Crossness Nature Reserve and there is no reference to this designation. The Applicant should include information of this designation in the ES, understanding that MOL is of a sensitive nature, has multiple stakeholder, is afforded the same protection as green belt land and under Policy G3 of the London Plan (2018) the requirement that the overall quantum of MOL is not reduced, and that the value of the land designated as MOL is improved. With the exception of MOL (Policy 7.17) the Applicant's proposal reflects the main and relevant policies of the London Plan.	Road. Only a small proportion of MOL, in its southeast corner at the junction between Norman Road/Picardy Manorway, might be affected. This would only occur if UKPN need to utilise a crossing on the west side of the existing highway bridge. Adequate controls are in place within the **Outline CoCP** (**7.5, Rev 1, REP2-046**) to control risks arising from works adjacent on Norman Road that might impinge on a small area of Crossness LNR or MOL. Furthermore, the LIR notes that TE2100 policy is referenced in the DCO Application submission documents and the Applicant has provided a report on the existing flood defence structures (**Appendix E** to the **Flood Risk Assessment** (**5.2, APP-033**)), which concludes that the flood defence is classified at a combination of Grade 3 (Fair) and Grade 2 (Good) condition, with an overall suggested grade of 3 (Fair).
13.31	The Applicant has provided a report on existing flood defence structures and is working with the Environment Agency to deliver a Statement of Common Ground. The TE2100 modelled flood levels and flood defence levels are used for the tidal asset review and flood risk assessment. The Applicant's proposal does not echo the concern of the TE2100 document that 'most of the ground level is very low, about 0 to 1m AOD indicating that the area is particularly vulnerable	LBB have confirmed to the Applicant that they are satisfied in respect of the Thames flood defences, if the Applicant continues to discuss the outcome of the flood defence condition survey with the EA and come to a mutually beneficial agreement to protect the tidal assets and ultimately the site from increased flood risk. The Applicant continues to make progress with the EA on this matter. **Requirement 17** of **Schedule 2** of the **dDCO** (**6.1, Rev 2, submitted at deadline 3**) ensures that a river wall condition survey on those parts within the undertaker's ownership will be submitted to and approved by the relevant

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	to flooding.	planning authority. **Section 3.3** of the **Applicant's Flood Risk Assessment (FRA)** (**5.2, APP-033)** refers to the topographic survey and notes that levels across the REP site generally vary between 1.7 – 2.5, such that for the purpose of the assessment, it has been assumed that the finished exterior ground level on the REP site would be between 1-3m AOD. The FRA also notes that the REP site levels are some way below the level of the flood defence crest standing at 7.1m AOD. The Environment Agency 'Product 4' data confirms that the River Thames tidal flood defences offer a 1 in 1,000 year standard of protection. On this basis, the FRA concludes that the actual risk of tidal flooding is Low. The FRA acknowledges the residual risk of flooding in the event of the breaching of the flood defence and finished floor levels of sensitive infrastructure within the REP site will be set above the 1 in 200 year breach flood level (including an allowance for climate change) in accordance with the requirements of the Environment Agency.
13.32	The Applicant has not raised flood risk and water resources as a significant concern in the Environmental Statement.	No comment required.
13.33	Summary of positive impacts identified in the LBB LIR: ▪ Tidal Flood Defenses; and	The Applicant welcomes the supporting comment that, dependent on the agreed condition of the tidal walls, any remediation work would serve as a positive impact to the flood

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	▪ Drainage	resilience of the immediate area.
13.36	Crossness Nature Reserve. This designated area of MOL is an important habitat for flora and fauna, including water voles, and is owned by Thames Water. Multiple stakeholders have concerns for this wetland from the construction and operational phase of the proposed development. Contaminated discharge from construction activities or roads on the site could have a negative impact to the water quality of the marsh dyke system and the fauna that depends on it. The Applicant has indicated that a Biodiversity Metric is being developed identifying options for offset, but more information is required to assess the validity of this approach.	The sensitivity of Crossness LNR is fully acknowledged within the ES, including the designation of a wider area as Metropolitan Open Land (MOL). In light of the amended Application boundary submitted at Deadline 2, which confirmed that the Electrical Connection route would follow Norman Road, development within Crossness LNR has been removed entirely except for a short length of highway verge immediately adjacent to Norman Road. Only a small proportion of MOL, in its southeast corner at the junction between Norman Road/Picardy Manorway, might be affected. This would only occur if UKPN need to utilise a crossing on the west side of the existing highway bridge. Adequate controls are in place within the **Outline CoCP** (**7.5, Rev 1, REP2-046**) to control risks arising from works adjacent on Norman Road that might impinge on a small area of Crossness LNR or MOL.
13.37	The Applicant has not identified any neutral impacts in the Environmental Statement chapter however, potential negative impacts may be neutralised by mitigation. Thames Groundwater Bodies; and Water Quality chapter;	The LIR notes that potential negative impacts identified in the ES may be neutralised with the incorporation of mitigation measures through the design philosophy embedded into the Proposed Development and through **Section 4.8** the **Outline CoCP**, (management systems, best practice working methods, siting stockpiles and refuelling areas away from water courses, intercept drains, appropriately bunded storage tanks, oil/silt interceptors/traps and passing electrical cables under watercourses deep enough to avoid risk of damage). The

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		CoCP is secured via **Requirement 11** of **Schedule 2** to the **dDCO** (**3.1, Rev 2, submitted at Deadline 3**) which requires that the final CoCP submitted to and approved by the relevant planning authority is in substantial accordance with the **Outline CoCP (7.5, Rev 2,** submitted at Deadline 3**).**
13.38	Foul waste water from welfare facilities would be treated via a packaged waste water treatment plant and after final settlement, discharged to the underlying watercourse. This is not likely to impact the Thames groundwater body and is considered a neutral impact. The drainage strategy indicated effluent would be treated to achieve the required standard and would be agreed with the Environment Agency via the Environmental Permit.	The applicant notes and agreed with the comment.
13.39	Discharged surface water quality must be reviewed and agreed with the Environment Agency and an Environmental Permit sought, secured through a DCO obligation.	The Applicant notes and agrees with the comment. The Applicant is in discussions with the Environment Agency in respect of the **dDCO** (**3.1, Rev 2,** submitted at deadline 3) and the Protective Provisions contained in **Schedule 10**.
13.40	Appendix H.1 of the ES (WFD compliance statement) indicated the proposals are compliant with the Water Framework Directive. The Proposed Development should not cause deterioration of water bodies within the vicinity of the site, not compromise their objectives.	The Applicant notes and agrees with the comment.

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	They are therefore compliant on meeting the standards required under the WFD.	

1.5 Conclusion

1.5.1 It is considered that the Proposed Development is compliant with national, regional and local planning policy and that the Applicant has responded fully to all points raised in this LIR.

1.5.2 The Applicant has responded to LBB's comments on the dDCO in its response to LBB's Written Representation (see **8.02.14**) submitted at Deadline 3.