

RIVERSIDE ENERGY PARK DCO

LB Bexley Deadline 4 Submissions

19 July 2019



LONDON BOROUGH OF
BEXLEY

Contents

1	INTRODUCTION	3
2	COMMENTS ON DRAFT DCO	4
3	COMMENTS ON DEADLINE 3 DOCUMENTS	31
	Development Consent Order (Revision 2)	31
	Part 1, Article 2	31
	Part 2, Article 6 (3)	31
	Schedule 1	31
	Schedule 2: Requirement 14	32
	Schedule 2: Requirement 20	32
	Applicant's responses to Written Representations	32
	2.3.7 Waste need and capacity.	32
	2.3.13 Waste need and capacity.	33
	2.3.17 Proximity principle.	33
	2.3.42	33
	2.3.43	33
	2.3.44	34
	2.3.120 Baseline noise survey	34
	Appendix D	34
	Applicant's response to LIR	36
	Paragraph 6.12	36
	Paragraph 6.14	36
	Paragraph 6.15	36
	Paragraph 12.4	37
	Paragraph 12.8	37
	Outline Code of Construction Practice	37
	Post-hearing note on public health and evidence	38
	Appendix L to B1 Outline Construction Traffic Management Plan (Rev 2)	38
	Temporary Jetty Outage Review (8.02.31)	39
	Middleton Jetty Ops Review Workshop Note (8.02.29)	40

1 INTRODUCTION

1.1 This submission is in two parts:

- LBB comments on the schedule of changes made by the applicant to the draft Development Consent Order (Revision 2) and other deadline 3 submissions; and
- Comments from LBB on matters arising from a review of the Deadline 3 Documents.

1.2 Work on the Statement of Common Ground between the applicant and the LBB remains on-going. It is anticipated that the SoCG will contain an agreed Employment and Skills Plan and an agreed position with respect to Compulsory Acquisition sites.

2 COMMENTS ON DRAFT DCO

2.1 LBB's comments on the schedule of changes made by the Applicant to the draft Development Consent Order (Revision 2) and other deadline 3 submissions.

ExA Examining Authority;

FWQ First Written Questions from the Examining Authority, published on 17 April 2019.

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
Article 2 biodiversity units biodiversity off-setting defra biodiversity off-setting metric off-setting value	The following definitions have been inserted: "biodiversity units" means the product of the size of an area, and the distinctiveness and condition of the habitat it comprises to provide a measure of ecological value (as assessed using the Defra biodiversity off-setting metric); "biodiversity off-setting scheme" means a scheme which will deliver biodiversity enhancements which must not be less than the off-setting value; "Defra biodiversity off-setting metric" means the Defra mechanism to quantify impacts on biodiversity that allows biodiversity losses and gains affecting different habitats to be compared and ensure offsets are sufficient to compensate for residual losses of biodiversity; and "off-setting value" means the net biodiversity impact of the development scheme, calculated using the Defra biodiversity off-setting metrics, measured in biodiversity units.	Following a request by the ExA at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019, the Applicant has reviewed requirements 4 and 5 of Schedule 2 and provided definitions of the key terms used so it is clear how the off-setting compensation is calculated.	LBB is content with the definitions provided.

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
Article 2 commence pre-commencement	<p>A separate definition of 'pre-commencement works' has been inserted, which means that the list of "pre-commencement works" in the original definition of "commence" can be replaced with "pre-commencement works".</p> <p>The definition of "commence" has been revised so as to:</p> <p><i>"commence" means beginning to carry out any material operation, as defined in section 155 of the 2008 Act (which explains when development begins), comprised in or carried out for the purposes of the authorised development other than pre-commencement works..."</i></p> <p><i>"pre-commencement works" means operations consisting of land and vegetation clearance (including the removal of topsoil and any mowing, coppicing, felling and pruning), environmental surveys and monitoring, investigations for the purpose of assessing ground conditions (including the making of trial boreholes), receipt and erection of construction plant and equipment, erection of construction welfare facilities, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and any other works that do not give rise to any likely significant adverse environmental effects as assessed in the environmental statement".</i></p>	<p>This amendment follows amendments to the requirements in Schedule 2, whereby requirements 11 (code of construction practice) and 13 (construction traffic management plan) now apply to the "pre-commencement works."</p> <p>For this reason, it was considered clearer to have a stand alone definition of "pre-commencement works."</p>	No comment

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
Article 2 FRAPA drawing	A definition for the "FRAPA drawing" is inserted in Article 2.	A new requirement has been inserted into Schedule 2 (requirement 23), which refers to the "FRAPA drawing". Given the description of the "FRAPA drawing", it is considered clearer to have a stand-alone definition.	No comment
Article 2 operational period	A definition for "operational period" is inserted in Article 2.	The term "operational period" is used in requirement 14, being the restriction on heavy commercial vehicles delivering waste to the ERF and the Anaerobic Digestion plant at REP. Requirement 14 applies to "commissioning" and the "operational period", which are now both defined terms.	No comment
Article 2 Transport for London	A definition for Transport for London is inserted in Article 2.	For clarity.	No comment

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
Article 6(3)	Article 6(3) has been amended to narrow down the breadth of the provision, to specifically identify conditions in the extant planning permission for the Riverside Energy from Waste Facility (known as the Riverside Resource Recovery Facility) where an inconsistency is likely to occur.	This amendment has been made following a concern expressed by the London Borough of Bexley at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019. The Applicant will discuss the conditions set out in Article 6(3) with the London Borough of Bexley.	LBB remains concerned over the breadth of this provision as proposed to be amended. LBB queries the removal of the reference to the original S36 consent. Condition 1 of LBB consent (ref: 16/02167/FUL) limits the RRRF development to the application documentation and drawings associated with the applications made in 1999, 2014 and 2016 as well as a letter of 28 June 2002. Removal of the whole scope of this condition is not considered reasonable or appropriate and would create a problem for the LBB in enforcing the RRRF consent. Condition 7 of LBB consent (ref: 16/02167/FUL) limits the use of the jetty to the requirements of the RRRF facility. LBB agree to the restrictions being widened to include for the proposed REP facility, however the uses of the jetty should remain limited to these specified

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			<p>uses to ensure capacity is retained for these uses. Condition 22 of LBB consent (ref: 16/02167/FUL) relates to an ecological protection and management plan. The scope of this plan covers more habitats than just the Open Mosaic Habitat that the proposed REP development would remove. The total removal of this condition is not considered appropriate as this would remove the requirements placed on Cory to ensure other habitats in and around the RRRF facility continue to be protected and managed. Condition 23 of LBB consent (ref: 16/02167/FUL) provides for a dedicated ash storage area. The LBB consider that such an area should remain on the site and this condition should remain. This approach is proposed to provide capacity for bottom ash storage in the event of a jetty outage.</p>

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			<p>The LBB's position is that all bottom ash material from the proposed ERF plant is to be transported by river. This approach accords with the assumptions made by the Applicant in their transport assessment.</p> <p>The LBB does not understand why the Applicant can commit to ash being taken by the river for the existing RRRF plant but not the proposed ERF plant. If the Applicant is confident to remove this ash storage facility, then the LBB considers that the Applicant should be required to commit that all bottom ash is removed from the REP site via the river.</p>
Article 32(1)(c)	Amending "reasonable" to "reasonably".	To amend a typographical error.	No comment
Article 44	Deletion of Article 44 (special category land).	Following the selection of a single Electrical Connection route, there is no special category land within the Order limits.	No comment

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
Schedule 1			
Schedule 1	Inserting the words "below 300 megawatts".	As requested by the ExA at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019, these words have been inserted to make it clear that the generating station does not require Carbon Capture and Storage technology, which only applies to plants that are at or above 300 megawatts (see paragraph 4.7.10 of NPS EN-1).	As submitted at the DCO issue specific hearing on 6 June 2019 and in LBB's deadline 3 submission, LBB remain very concerned and consider that there should be a cap on the waste throughput for the plant. This cap should separately apply both for the Energy from Waste and the Anaerobic Digestion facilities during both the commissioning and operational periods of these developments. The LBB feels that both facilities, which could be built independently and at different times to one another, need to be capped in terms of waste throughput <u>and</u> traffic movements. The upper limit of waste assessed for the ERF element of the REP in the ES is 805,920 tpa. This capacity is based on assumptions, of the plant operating 100% of the time (8760 hours) and burning

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			<p>waste with a calorific value of 7 MJ/kg, that are considered by the LBB to be unrealistic. This is on the basis that the explanatory memorandum to the dDCO prepared by the Applicant (3.2) sets out, under paragraph 3.1.3 (f) (ii) (1), that the ERF is designed to operate for 8,000 hours per year due to various maintenance requirements that are set out. In terms of the calorific value of the waste an earlier application by Cory to extend the RRRF plant in September 2014 stated that the RRRF plants operational data showed a CV of waste being received at the plant at the plant being in the range of 9-10 MJ/kg (paragraph 2.18 of this earlier ES (September 2014)). The LBB notes that with a lower number of operational hours and higher waste CV the throughput of waste that can be managed by the ERF will reduce from the assumed upper limit of 805,920 tpa.</p>

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			<p>On account of the above the LBB questions if the upper limit (805,920 tpa) would in reality ever be achieved and LBB fail to understand how any likely efficiencies could extend the throughput of the ERF plant beyond this upper limit. Furthermore, the LBB notes that the need case presented for the ERF plant sought in the application does not consider the upper level of the proposed ERF plant of 805,920 tpa in the Waste Strategy Assessment (Annex A of the Project Benefits Report).</p> <p>The upper limit of waste assessed in the ES for the Anaerobic Digestion element of the REP is 40,000 tpa. Failure to limit or cap the throughput of waste could lead to the operational impacts of the development being greater than those assessed in the Applicant's ES. This is considered totally unacceptable by the LBB. The operational control of the development must not</p>

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			<p>exceed the limitations set out and assessed within the Environmental Impact Assessment (EIA). The LBB does not consider that control of the capacity of the plant can be left to the Environmental Permitting regime and the Environment Agency. The assessment work undertaken in support of an environmental permit application does not reflect the scope of assessments undertaken in the EIA to support this application. LBB considers that if there are further changes to the proposed throughput of the either the ERF or the Anaerobic Digestion plants proposed by the Applicant in the future these should be subject to further environmental assessment and consideration through the planning process. This would be secured through imposition of capped waste limits on both the ERF and Anaerobic Digestion facilities.</p>

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			The LBB also considers that a dedicated ash storage area should be provided on the site. This approach is proposed to provide capacity for bottom ash storage in the event of a jetty outage.
Schedule 2			
Schedule 2, Requirement 4(1)	Amendments made to utilise the term "pre-commencement works" and to delete reference to what the pre-commencement biodiversity and landscape mitigation strategy is to contain.	As Revision 2 of the Development Consent Order has defined "pre-commencement works", the necessary amendments have been made to this requirement. There is no need for 4(1) to describe what the strategy is to contain as the detail is covered in 4(2).	The LBB does not consider that the wording to the draft DCO in Schedule 2 requirements 4 and 5 provides sufficient safeguards to prevent losses to biodiversity being realised before equal or greater compensation has been provided. The wording is also not considered sufficient to ensure that the full extent of the biodiversity impacts or compensation requirements are known prior to pre-commencement work being undertaken. This is not considered acceptable by the LBB.

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			The LBB also maintains concerns expressed at the issue specific hearing on environmental matters (5 June 2019) that details of alternative offsetting sites have not yet been put forward by the Applicant, and that any biodiversity value should be retained within Bexley for the benefit of the Borough's residents.
Schedule 2, Requirement 4(2)	Requirement 4(2) has been amended following the insertion of additional definitions.	Following a request by the ExA at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019, the Applicant has reviewed requirements 4 and 5 of Schedule 2 and updated the wording so as to ensure consistency between the two requirements and to utilise the definitions that are now provided in Article 2.	The LBB does not consider that the current wording to the draft DCO in Schedule 2 requirements 4 and 5 provide sufficient safeguards to prevent losses to biodiversity being realised before equal or greater compensation has been provided. The wording is also not considered sufficient to ensure that the full extent of the biodiversity impacts or compensation requirements are known prior to pre-commencement work being undertaken. This is not considered acceptable by the LBB.

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			The LBB also maintains concerns expressed at the issue specific hearing on environmental matters (5 June 2019) that details of alternative offsetting sites have not yet been put forward by the Applicant, and that any biodiversity value should be retained within Bexley for the benefit of the Borough's residents.
Schedule 2, Requirement 5(1)	Requirement 5(1) has been amended following the insertion of additional definitions.	Following a request by the ExA at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019, the Applicant has reviewed requirements 4 and 5 of Schedule 2 and updated the wording so as to ensure consistency between the two requirements and to utilise the definitions that are now provided in Article 2.	The LBB does not consider that the current wording to the draft DCO in Schedule 2 requirements 4 and 5 provide sufficient safeguards to prevent losses to biodiversity being realised before equal or greater compensation has been provided. The wording is also not considered sufficient to ensure that the full extent of the biodiversity impacts or compensation requirements are known prior to pre-commencement work being undertaken. This is not considered acceptable by the LBB. The LBB also maintains concerns expressed at the

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			issue specific hearing on environmental matters (5 June 2019) that details of alternative offsetting sites have not yet been put forward by the Applicant, and that any biodiversity value should be retained within Bexley for the benefit of the Borough's residents.
Schedule 2, Requirement 8(3)	This has been amended to include reference to a replacement turning head. The requirement now reads: <i>"The undertaker must not exercise the power in Article 14(1) unless and until a plan showing the layout for the termination of the street (as specified in columns (1) and (2) of Schedule 6) has been submitted to and approved by the relevant planning authority, such plan to show the replacement turning head to facilitate a forward side-turn manoeuvre in forward and reverse gears by vehicles."</i>	Amended following concerns raised by the London Borough of Bexley in relation to the design of the turning head.	LBB is content with the wording.
Schedule 2, Requirement 11(1)	The requirement has been extended so that the Code of Construction Practice applies to the pre-commencement works as well as commencement of the authorised development. The requirement now reads: <i>"No part of the pre-commencement works may be carried out and no part of the authorised development may commence until a code of construction practice for that part has been submitted to and approved..."</i>	Amended following a request by the GLA/TfL at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019.	LBB welcomes with the amendment to Requirement 11 so that it now applies to pre-commencement works as well as commencement of the authorised development. However, LBB maintains its requirement for contributions from the Applicant for ongoing

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			<p>operational monitoring of air quality to be incorporated into the DCO. LBB provided written justification for this requirement in its deadline 3 submission. The LBB continues to request the proposed inclusion for ongoing operational monitoring of air quality as a requirement in Schedule 2 of the DCO. The LBB considers that the scope of the outline Code of Construction Practice (CoCP) should be extended to have explicit regard to all relevant measures specified in the Mayor of London Supplementary Planning Guidance (SPG) for "The control of dust and emissions during construction and demolition" and IAQM guidance associated with the control of dust at low risk construction sites. Currently the relevant SPG is "referenced" in the CoCP, but the CoCP does not state</p>

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			that all relevant provisions of this SPG will be adopted.
Schedule 2, Requirement 11(1)(o)	The Code of Construction Practice must include appropriate procedures to address any unexploded ordnance that may be encountered.	Amended at the request of the London Borough of Bexley.	LBB welcomes the amendment. This requirement stipulates that the CoCP shall be approved by the LPA prior to pre-commencement works. Although not included as specific provisions in the requirement, as sought by the LBB in their tracked changed version of the DCO submitted at deadline 2, the LBB consider that the CoCP must include: reference to mitigation measures for piling activities; a protocol for addressing unforeseen contamination during the works; measures for the protection of workers from soil and groundwater contamination and ground gas; appropriate spill prevention and response procedures; site and stockpile management to mitigate contamination of surface water run-off and

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			emission of contaminants in airborne dust.
Schedule 2, Requirement 13(1)	This requirement has been extended so that the Construction Traffic Management Plan applies to the pre-commencement works as well as commencement of the authorised development. The requirement now reads: <i>"No part of the pre-commencement works may be carried out and no part of the authorised development may commence until a construction traffic management plan for that part has been submitted to and approved..."</i>	Amended following a request by the GLA/TfL at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019.	No comment
Schedule 2, Requirement 13(1)	Insertion of words making it clear that the Construction Traffic Management Plan is to be approved by the relevant planning authority in consultation with TfL for streets within the London Borough of Bexley.	These words have been moved from 13(3) to 13(1) for clarity.	LBB is content with the amendments to Requirement 13 to clarify that TfL will be a consultee to the Construction Traffic Management Plan (CTMP) for streets within the LBB. Schedule 2 requirement 13 of the draft DCO stipulates that these plans shall be approved by the LBB. The LBB considers that each CTMP submitted, for each part of the relevant development, should include software modelling assessments for each phase of construction to ascertain any local

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			impacts that may have an impact on the strategic network and existing Heavy Commercial Vehicle (HCV) movements.
Schedule 2, Requirement 13(1)(h)	Amended to state Work No. 9(d) instead of Work No. 9(c).	To amend a typographical error.	No comment
Schedule 2, Requirement 14 Anaerobic Digestion plant	Amended to include waste being delivered to Work No. 1B (the Anaerobic Digestion plant) as well as Work No. 1A (the ERF). This requirement now reads: "work number 1A and work number 1B... "	Amended following a request by the GLA/TfL at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019.	LBB agrees that traffic movements should be limited for both the ERF and Anaerobic Digestion facilities. However, LBB considers that separate traffic limits for these facilities should be specified. This is on the basis that each facility could be built independently and at different times to one another. The wording of Schedule 2 requirement 14 (1) where reference is made to vehicle movements is considered confusing. The LBB considers the wording should be clearer in terms of both one way and total daily movements.

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			The LBB also questions the proposed addition to the requirement wording: "from the street known as Norman Road". The need for this additional text is questioned as the purpose of the requirement is to restrict movements to the site.
Schedule 2, Requirement 14(1) commissioning	Amended to ensure that the restriction on two-way vehicle movements applies during commissioning as well as the operational period. This requirement now reads: <i>"during commissioning and the operational period must not exceed a maximum...."</i>	Amended following a request by the GLA/TfL at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019.	LBB agrees with this amendment.
Schedule 2, previous Requirement 14(2), and 14(4)	Reference to the undertaker's ability to use any surplus and/or jetty surplus not utilised by the existing RRRF has been deleted.	Amended following a request by the GLA/TfL and the London Borough of Bexley at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019.	LBB welcomes this amendment to remove reference to the use of surplus traffic movements. However, the ES fails to consider the full capacity of the ERF and RRRF facilities operating during a jetty outage with the HCV movements sought by the Applicant under requirement 14 (2) of Schedule 2 of the draft DCO. The transport assessment presented in the ES is not considered by the LBB to

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			<p>assess the worst case or cumulative transport assessment scenarios that the Applicant seeks to be permitted in the event of a jetty outage under requirement 14 (2) of Schedule 2 of the draft DCO. The maximum permitted level of traffic movements allowed from the proposed development should not exceed the worst-case scenario assessed within the ES submitted in support of the application.</p> <p>For example, Table 3.1 contained in the Temporary Jetty Outage Review report states that the transport assessment included in the ES assumes 343 one-way HCV (686 total) movements from the REP and some 80 one-way (160 total) HCV movements associated with the RRRF facility. This equates to some 423 one way (846 total) daily HCV movements from the REP and RRRF facilities. However,</p>

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			<p>Table 3.1 also states that a situation where both the existing RRRF plant and the proposed REP facility were operating at the proposed capped jetty outage levels of 300 one-way HCV movements the total HCV movements to the REP would equate to 1,342 HCV movements during a jetty outage. This being a level almost 70% greater than that assessed in the ES.</p> <p>LBB also disagrees with the proposed restriction outlined in Schedule 2 requirement 14 (2) for HCV movements during a jetty outage during the peak periods. In the draft DCO this suggests 60 two-way trips (30 in and 30 out). Assuming a flat profile across 24 hours, 300 HCV movements in a day would be 12.5 HCV movements hourly with assumption of 12.5 departing. Justification for increasing movements by over 200% has not been given by the Applicant. The</p>

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			<p>LBB considers that restrictions during peak hours should be applied in order to minimise any potential impacts to the road network.</p> <p>Furthermore, the LBB is unsure as to whether the peak periods proposed by the Applicant in Schedule 2 requirement 14 (2) correspond to the peak periods that were assessed in the ES.</p>
Schedule 2, Requirement 14(4) (previously 14(6))	<p>Amended to include that transport movement records should be made available on reasonable request by the relevant planning authority. This requirement now reads: <i>"the first anniversary of the date of final commissioning and annually thereafter, and following any reasonable request by the relevant planning authority (up to a maximum of four requests per year), the undertaker must provide the relevant planning authority with a record of..."</i></p>	<p>Amended following a request by the GLA/TfL and the London Borough of Bexley at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019.</p>	<p>LBB is not satisfied with the further amendments. As submitted at the DCO issue specific hearing on 6 June 2019, LBB requires records to be made available as required (a cap of four requests per year is not acceptable) and records should include details on waste volumes. The content and scope of records to be made available for review by the Council should be subject to agreement with LBB.</p>

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
Schedule 2, Requirement 14(5)(b) (previously 14(7)(b))	<p>The definition of jetty outage has been amended to include a period.</p> <p>The definition now reads:</p> <p><i>“jetty outage” means circumstances caused by factors beyond the undertaker’s control in which waste has not or could not be received at the jetty or ash containers have not been or could not be despatched from the jetty for a period in excess of 48 hours”.</i></p>	<p>Following a concern raised by the London Borough of Bexley and GLA/TfL at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019, the Applicant has reviewed the storage capacities at the REP site and implications for RRRF and REP potentially affecting the road network simultaneously for waste deliveries and export of ash. A period of 48 hours has therefore been inserted.</p>	<p>At the issue specific hearing on 6 June 2019 LBB made representations that there may be a need for two definitions of “jetty outage”; one being up to a four day period being a ‘routine’ jetty outage (and during which bottom ash would be stored ready to be taken away by river on the resumption of service from the jetty) and a second definition for a longer duration in the event of a more serious outage. The applicant agreed to consider and propose wording to this effect in its revised draft DCO, however this has not been provided. LBB considers that the proposed definition of “jetty outage” as being for a period of just 48 hours is too short. The LBB consider that the definition should be as per the tracked change version of the draft DCO presented by the LBB at deadline 2. A definition that has been agreed and</p>

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
			established under the extant RRRF consent.
Schedule 2, Requirement 15	Amended to include that TfL must be consulted for roads within the London Borough of Bexley. This requirement now reads: <i>"must be submitted to and approved by the relevant planning authority (in consultation with the relevant highway authority and, for streets within the London Borough of Bexley, Transport for London) ..."</i>	Amended following a request by the GLA/TfL at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019.	LBB is content with the amendment.
Schedule 2, Requirement 17	Amended to include the latest position following discussions with the Environment Agency. This requirement now reads: <i>"(1) No part of Work Number 1 may commence until a river wall condition survey on those parts of the river wall within the order limits has been submitted to and approved by the Environment Agency. (2) The river wall condition survey submitted pursuant to sub-paragraph (2) must where appropriate identify any remedial works required to bring the tidal flood defence up to a good standard considering a design life of 100-years. (3) The remedial works required to bring the defence up to a good standard identified pursuant to sub-paragraph (1) must be carried out within 3 years of the date that the condition survey is approved under sub-paragraph (1)."</i>	Following discussions with the Environment Agency. The wording is agreed save for the time period referred to in 17(3), which remains under discussion.	The LBB considers that it should be a named consultee with respect to Schedule 2, requirement 17 paragraph (1). The LBB also considers that Schedule 2, requirement 17 paragraph (2) relating to the 'River Wall' should include reference to the tidal Thames design standard.

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
Schedule 2, Requirement 20(2)	<p>Various amendments to the requirements for the CHP review, where it must assess potential commercial opportunities and state if sufficient details are known about the likely district heat network to enable installation of the necessary CHP pipework to the REP site boundary. Once those details are known, the undertaker must install the pipework (which is included in Work No. 6) to the REP site boundary.</p> <p>This requirement now reads:</p> <p><i>“(a) assess potential commercial opportunities that reasonably exist for the export of heat from Work No. 1 at the time of submission of the CHP review as part of a Good Quality CHP scheme (as defined in CHPQA Standard Issue 3);</i></p> <p><i>(b) state whether or not sufficient details are known about the likely district heat network to enable the undertaker to install the necessary combined heat and power pipework (Work Number 6(a)) to the boundary of Work Number 6 as shown on the works plans and, if so, the undertaker must install such pipework to the boundary of Work Number 6 in accordance with those details and in the timeframe agreed in the CHP review or any revised CHP review; and</i></p> <p><i>(c) include a list of actions (if any and in addition to (2)(b)) that the undertaker is reasonably required to take (without material cost to the undertaker) ...”</i></p>	Amended following a request by the GLA/TfL at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019.	LBB maintains its view that the provisions in Requirement 20 should be stronger. LBB welcomes the replacement of the word 'unreasonable' with the word 'material' in 20(2)(c), however LBB would like to see the words 'reasonably' removed in 20(2)(a) and (c).

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
Schedule 2, Requirement 20(4)	Inserted a requirement for the establishment of a working group to progress the actions in the approved/revised CHP review and monitor and report on progress to the relevant planning authority.	Amended following a request by the GLA/TfL at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019.	No comment
Schedule 2, Requirement 20(5)	Amended the CHP review to be every 4 years after the date on which it last submitted the CHP review or revised CHP review, rather than 5 years.	Amended following a request by the GLA/TfL at the Issue Specific Hearing of the draft Development Consent Order held on 6 June 2019.	LBB would also like to see a CHP review on a two year basis rather than every four years.
Schedule 2, Requirement 21	Amending the decommissioning requirement to apply to Work No. 1, rather than the authorised development.	The necessary decommissioning applies REP.	LBB do not agree that the requirement to provide details on the restoration and management of the site following cessation of the operation of the REP should be limited to the ERF plant.
Schedule 2, Requirement 23	Insertion of a requirement in respect of the Flood Risk Activity Permit Area, where no part of Work No. 1 E and Work No. 5 can be constructed and no hazardous material can be stored within that area during construction and operation.	Following a request by the Environment Agency.	No comment
Schedule 2, Requirement 24	Insertion of a new requirement to specify the finished floor levels for the Main REP Building.	Following a request by the Environment Agency.	No comment
Schedules 3, 4 and 5			

Article / Requirement number	Explanation of Change in the Development Consent Order (Revision 2)	Reason	LBB's Comments
Schedules 3, 4 and 5	Insertion of footpath 4 in relation to Work No. 7 and Work No. 9 between the eastern edge of the order limits and Norman Road on sheet 3 of the access and public rights of way plan.	To reflect the access and public rights of way plan (2.3, REP2-005) submitted at Deadline 2.	No comment
Schedule 10			
Schedule 10, Part 4	The Protective Provisions ("PPs") for the protection of the Environment Agency have been updated to reflect a distance of 8m of a drainage work, rather than a 9m distance, in the definition of specified work.	This reflects the Applicant's latest position.	No comment
Schedule 10, Part 5	The PPs for the protection of Network Rail have not been amended at Deadline 3.	The Applicant is currently considering the comments raised by Network Rail.	No comment
Schedule 10, Part 6	The PPs for the protection of National Grid have not been amended at Deadline 3.	The Applicant is currently considering the comments raised by National Grid.	No comment
Schedule 10, new part	Thames Water is drafting bespoke PPs to be inserted into the DCO as a new Part in Schedule 10	The Applicant is currently awaiting the bespoke PPs from Thames Water.	No comment
Schedule 11			
Schedule 11	Updated to reflect the latest versions of the certified documents.	Updated to reflect the documents and plans to be certified.	No comment

3 COMMENTS ON DEADLINE 3 DOCUMENTS

- 3.1 In line with the request from the Examination Authority this note provides comments on behalf of the London Borough of Bexley (LBB) on any additional information/submissions received at deadline 3. These comments supplement those previously provided by the LBB, in particular the additional comments made by the LBB at deadline 3, which the Applicant would not have seen at the time of producing these documents. These comments also complement those made in the other submission made by the LBB at deadline 4, this relating to LBB's comments on the schedule of changes made by the Applicant to the draft DCO (revision 2) at deadline 3.

Development Consent Order (Revision 2)

Part 1, Article 2

- 3.2 The definition of the "date of final commissioning" set out in article 2 makes reference to requirement 16 Schedule 2 – this would appear to be incorrect.

Part 2, Article 6 (3)

- 3.3 Under Part 2 article 6 (3) of the DCO the Applicant seeks to remove the requirement for the ash storage area. The LBB's position is that all bottom ash material from the proposed Energy Recovery Facility (ERF) plant is to be transported by river. This approach accords with the assumptions made by the Applicant in their transport assessment. If the Applicant is confident to remove this storage area that could accommodate empty or full ash containers, which would help manage ash waste in the event of a jetty outage, then LBB considers that the Applicant should be required to ensure that all bottom ash is removed from the Riverside Energy Plant (REP) site via the river.
- 3.4 The LBB does not understand why the Applicant can now be confident that all ash can always be taken by the river for the existing Riverside Resource Recovery Facility (RRRF) plant but is not confident that ash from the proposed ERF plant can be taken by the river.

Schedule 1

- 3.5 The LBB has set out in a marked up version of the draft DCO (dDCO) at deadline 2, the environmental hearings and in submissions made at deadline 3, that a maximum tonnage of waste should be imposed in the DCO to cap the throughput capacity of both the ERF and the Anaerobic Digestion elements of REP.
- 3.6 Failure to limit or cap the throughput of waste could lead to the operational impacts of the development being greater than those assessed in the Applicant's Environmental Statement (ES). This is considered unacceptable by the LBB. The operational control of the development must not exceed the limitations set out and assessed within the Environmental Impact Assessment (EIA).
- 3.7 In the absence of any waste throughput capacity on both the Anaerobic Digestion and ERF plants the environmental effects of these operations could exceed those assessed in the EIA this is considered contrary to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, sections 21 (1) and (2) as well as planning policy and guidance.

Schedule 2: Requirement 14

- 3.8 The LBB does not consider that the current proposals for the REP, including the wording in the dDCO prepared by the Applicant at Deadline 3, will maximise the use of the river during construction or operation of the REP in line with LBB Core Strategy Policy CS09.
- 3.9 The LBB's position is that the ERF facility proposed as part of the REP is not to serve the local area, with local authority waste in the vicinity of the site already committed to the existing RRRF plant. The LBB also already provides sufficient waste management capacity in line with waste apportionment targets set out in the London Plan. The LBB supports the principle of Energy from Waste (EfW) but considers that the proposed new EfW plant to be a facility that must make use of the sites existing river infrastructure and in accordance with London Plan and LBB planning policies maximise the use of the river.
- 3.10 For these reasons, as outlined in the DCO hearings, in a marked up version of the dDCO at deadline 2 and in submissions made at deadline 3, LBB proposes that Heavy Goods Vehicle (HGV) traffic serving the proposed ERF facility should be minimised and less than that capped (25% of the capacity of the RRRF can be brought to the site by road) for the existing RRRF plant. Schedule 2 requirement 17A of the tracked changed version of the dDCO submitted by LBB at deadline 2 therefore seeks to limit the amount of waste brought to the proposed ERF plant to 10% of the nominal expected throughput of the proposed plant (65,500 tonnes per annum).
- 3.11 The wording of requirement 14 (5) (b) of the dDCO by the Applicant provides a definition for a 'jetty outage'. The LBB do not agree to the proposed wording. The LBB consider that the definition should be as per the tracked change version of the dDCO presented by the LBB at deadline 2. A definition that has been agreed and established under the extant RRRF consent.
- 3.12 LBB have requested that a Delivery and Servicing Plan (DSP) is provided as part of a DCO requirement, ensuring that a robust management and monitoring strategy is identified with the DSP. The LBB considers that a DSP should be provided for in the requirements set out in Schedule 2 of the DCO. This will help manage and control deliveries to the site and provide an opportunity for improvements and efficiencies to be realised during the operation of the site. The DSP, in addition, will also account for vehicle movements associated with general deliveries and maintenance of machinery.
- 3.13 The LBB consider that the wording in the DCO should not be ambiguous and should specify the total two-way HGV movements proposed under requirement 14.

Schedule 2: Requirement 20

- 3.14 At the issue specific hearing on 6 June 2019 LBB made representations in relation to Requirement 20 (7) that this paragraph is removed because the provision removes the obligation on the applicant to carry out any further CHP reviews in the event that any CHP is exported from the plant. Such wording could lead to a situation in which the requirement to carry out a further review would fall away in situations where only a small proportion of heat export is achieved or that export of heat is commenced and then ceases. LBB also made this point in their submission at deadline 3.

Applicant's responses to Written Representations

2.3.7 Waste need and capacity.

- 3.15 The assumptions on which the maximum throughput of the proposed ERF plant will operate are not considered realistic and it is unclear how the Applicant could

consider the maximum throughput of the plant could exceed the upper waste level assessed in the ES. The response from the Applicant has no regard to the assumptions and scope of the assessments undertaken in the ES.

2.3.13 Waste need and capacity.

- 3.16 The Applicant acknowledges that the assessment undertaken in the ES as set out in the Waste Strategy Assessment (Annex A of the Project Benefits Report) does not consider the upper level of the proposed ERF plant of 805,920 tpa but has instead only considered the nominal throughput level of 655,000 tpa. The LBB consider that the capacity of the ERF should be based on the assessments undertaken in the ES and as such question why this assessment has not been undertaken and presented in the ES.

2.3.17 Proximity principle.

- 3.17 The support for the location of the proposed ERF by LBB is in recognition of the sites' riverside location and that the ERF is not required to manage local wastes. This support is on the basis that the plant is required to accept a significant proportion of the waste by river, which the LBB has suggested in its marked up version of the DCO submitted at deadline 2, should be some 90% of the waste throughput.

2.3.42

... 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, 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 derived through comparing predicted concentrations with environmental assessment levels and there is no environmental assessment level for dioxins and furans.

- 3.18 LBB does not accept that it is the "standard methodology" to consider that compliance is achieved simply by limiting the calculated contribution of the development to comply with the TDI. This takes no account of background exposure or individual fluctuations in exposure, nor does it make any allowance for potential future sources of exposure. The IAQM assessment thresholds were suggested as an approach which could be adapted to enable these aspects to be taken into account. Alternative approaches could be considered: for example, for the Willows Facility, Kings Lynn, Norfolk (ES Technical Appendix 7.2 paragraph 7.3.66 to 7.3.71), background exposure was subtracted from the TDI to give a residual level. LBB therefore retains its concern that impacts due to dioxins and furans have been understated by the Applicant and continues to request a robust assessment of these impacts. LBB would be pleased to consider an alternative methodology that the Applicant may wish to suggest to the two suggested by LBB above but does not accept that the Applicant's methodology is "standard" or adequate.

2.3.43

"In the case of nickel, and as set out in Paragraph 7.9.30 of Chapter 7 Air Quality of the ES (6.1, REP2-019), none of the Predicted Environmental Concentrations (PECs) are above the assessment level for health effects." nickel as above."

- 3.19 LBB does not dispute that PECs for nickel comply with the air quality standard. LBB has requested an assessment of the model results for nickel in accordance with the

procedures set out in the relevant guidance used by the applicant to describe the impacts of air pollutants. In order to do this, LBB maintains its request for the Applicant to assess the number of properties at which the impact of nickel emissions would be minor, so that a proper judgment of effects can be made in accordance with the relevant guidance.

- 3.20 This matter was also raised by ExA as Question 2.0.10. LBB agrees with the GLA's views that the Applicant's response to Question 2.0.10 misses the point of the question.
- 3.21 This matter was also discussed at the Issue Specific Hearing on Environmental Matters (Oral Summaries for Issue Specific Hearing on Environmental Matter, Document Ref. 8.02.19, sections 17.6 to 17.10) in relation to a question raised by the London Borough of Havering. The response provided by the Applicant does not provide a robust assessment of the potential significance of emissions of nickel in accordance with the Applicant's methodology.

2.3.44

"It is not appropriate to apply the ES significance criteria outlined in Section 5 of Chapter 7 Air Quality of the ES (6.1, REP2-019) to these modelled results as the modelling scenario cannot occur in practice"

- 3.22 The Applicant makes a reasonable point in relation to the assessment of short-term nitrogen dioxide and sulphur dioxide levels. However, excluding an assessment of short-term nitrogen dioxide and sulphur dioxide levels in this way leaves a gap in the assessment of impacts: no ES significance criteria have been applied to these short-term impacts. LBB maintains its request for the Applicant to provide an assessment of short term impacts in accordance with the relevant guidance, potentially using revised assumptions to reflect the comments made in Section 2.3.44. In the absence of such an assessment, LBB would recommend that the Examination Authority draw conclusions on the basis of the data in the ES which indicates "moderate" impacts.

2.3.120 Baseline noise survey

- 3.23 While it is agreed that the lowest background sound level should not necessarily be taken as the typical value, it is considered that three 15 minute samples are insufficient to give a reliable representative typical value, especially considering the scale and importance of the project. This can only be obtained from a long term measurement that takes account of natural day to day variations. Regarding uncertainty, Section 10 of BS4142:2014 makes it clear that this should be taken into account.

Appendix D

Schedule 2, requirement 4

- 3.24 The LBB is concerned that the off-setting value, to which the biodiversity off-setting scheme will be developed to deliver biodiversity benefits, is not proposed to be finalised until after detailed design. The LBB is concerned that this will not be determined until after pre-commencement works have taken place. Harm to habitat either on-site or off-site, including pre-commencement works should not be permitted to take place until the full off-setting value has been determined, full mitigation measures have been identified and compensation habitats / biodiversity enhancements that equate to at least the value of any harm to be caused have been implemented. Otherwise LBB are concerned that losses to biodiversity could take place in advance of any compensation or benefits being realised.

Schedule 2, requirement 11

- 3.25 The LBB consider that the CoCP must include: reference to mitigation measures for piling activities; a protocol for addressing unforeseen contamination during the works; measures for the protection of workers from soil and groundwater contamination and ground gas; appropriate spill prevention and response procedures; site and stockpile management to mitigate contamination of surface water run-off and emission of contaminants in airborne dust.
- 3.26 The LBB has requested a new requirement for ambient air quality monitoring to be added to Schedule 2. This has been rejected by the Applicant. As set out below, LBB maintains its request for a requirement for ambient air quality monitoring.

Schedule 2, Ambient air quality monitoring, requirement 11A (new insertion by LBB)

New Requirement – Ambient air quality monitoring

- 3.27 The Applicant's response states:
- “Given the Environment Agency requires the ERF to have continuous emissions monitoring, and as it is the Environment Agency that can properly enforce the emission limits, it is not appropriate for the Development Consent Order to duplicate the Environmental Permitting regime (as indeed is accepted by the NPS). Accordingly, no amendment required.”*
- 3.28 The Applicant's response is inadequate. It refers to the Environment Agency's obligations to set and enforce emissions limits, which is not disputed. However, it makes no reference to ambient air quality monitoring, and does not address the evidence provided by LBB in relation to the information published by Defra on the damage costs associated with airborne pollutants, even when emissions and ambient concentrations comply with the applicable limits. In view of this inadequate response, LBB continues to request the proposed amendment to the Order. It may be convenient to include this as a new clause (currently numbered 11A), or as an additional item under Clause 18, “Community Benefits.”
- 3.29 LBB notes that “the GLA support Bexley's request for funding for monitoring” (“GLA Sheet 3 Relevant LIR and WR Responses” page 7). GLA noted that its statutory guidance recommends that s106 agreements should be used to secure funding for monitoring. This may affect how this issue is dealt with through the DCO process (for the present, LBB has proposed a Requirement in relation to this matter).

Schedule 2 Control of operational noise, 15A (new insertion by LBB)

- 3.30 The LBB requested that operational noise is restricted in Schedule 2 requirement 15A of the marked up version of the draft DCO submitted by the LBB at deadline 2. This has been rejected by the Applicant. As set out below, LBB maintains its request for a Requirement for noise monitoring.
- 3.31 Due to the limited duration of baseline noise measurements, there is a degree of uncertainty in the assessment of likely effects. There are also uncertainties in the noise emission levels of the operational plant and equipment and in the performance of the sound insulation of the buildings. On account of the above the LBB considers it necessary that a requirement is included in Schedule 2 of the DCO to ensure that effects during operation comply with the required noise limits.
- 3.32 Furthermore, as set out in LBB's written representation and Local Impact Report the LBB consider that long-term background noise levels should be re-assessed during pre-

operational surveys to verify compliance with LBB's standard guidance for operational noise from fixed plant.

- 3.33 Further details on the justification for inclusion of proposed Schedule 2 requirement 15A were provided by the LBB in their submission at deadline 3 dated 18th June 2019.
- 3.34 The measures set out in the Schedule 2 requirement 15A proposed by the LBB at deadline 2 also seek to overcome some limitations in the draft Code of Construction Practice (CoCP) proposed by the Applicant. For example:
- Section 2.9 in the draft CoCP proposed by the Applicant shows monitoring and measurement proposals but do not include routine monitoring of construction noise. For a project of this scale and duration it would be standard practice to establish noise monitoring positions which would be checked on a regular basis with results of measurements available to the Local Authority;
 - Section 3.2 in the draft CoCP proposed by the Applicant refers to working hours but does not describe requirements for out of hours working, particularly at night, with regard to noise. Monitoring should be undertaken during such periods and detailed measures for noise control should be specified;
 - Section 4.4 in the draft CoCP proposed by the Applicant describes the standard methods of noise control from construction equipment. This should also make reference to problems caused by reversing alarms, turning equipment off when not in use and to relevant requirements of 'The Noise Emission in the Environment by Equipment for use Outdoors (Amendment) Regulations 2001 S.I. n° 3958 of 2001'

Applicant's response to LIR

Paragraph 6.12

- 3.35 The GLA policy referred to requires that new development should not lead to "further deterioration" of air quality. While LBB understands the Applicant's case that the proposed development would not lead to any significant deterioration in air quality, it is undeniable that the proposed development would lead to some deterioration in local air quality, however small this might be. While the Applicant's interpretation of the policy is understandable, a strict reading of the policy leads to the conclusion that this policy is not complied with. As this is a policy of GLA rather than LBB, this point will not be pursued further by LBB.

Paragraph 6.14

- 3.36 LBB commented that the proposed development would have no positive impacts on air quality. The Applicant's response does not address this point, and should be disregarded.

Paragraph 6.15

- 3.37 LBB's comments in relation to dioxins and furans, nickel, and short-term nitrogen dioxide and sulphur dioxide levels are set out in relation to the Written Representations above. In relation to short-term nitrogen dioxide, the Applicant's response states: "It is not appropriate to apply the ES significance criteria ... to these modelled results as the modelling scenario cannot occur in practice." That is incorrect: in order for the forecast impacts to occur, all that is required is for the worst-case weather conditions for dispersion to coincide with the highest permitted emissions from the facility. While unlikely, that is a scenario which could occur in practice. LBB agrees that no significant impacts in relation to arsenic emissions are likely to occur.

Paragraph 12.4

- 3.38 With regard to uncertainty in background noise assessment the Applicant makes no reference to the LBB comment, the response does not attempt to justify the baseline survey, just re-quotes directly from the ES.

Paragraph 12.8

- 3.39 With regard to negative noise impacts the Applicant response again re-iterates ES conclusions and adds comment on the Night Time Construction Noise Impact Validation Assessment (8.02.12) at Deadline 2, to attempt to show that night time working would have negligible impact. The LBB's response to that document was as follows:
- This document gives supplementary information on night time construction noise which may occur during slip form working and on the Electrical Connection route. The slipform working assessment is based on typical construction plant and is not likely to cause significant impact at the closest receptors.
 - The Electrical Connection route assessment gives construction noise levels in Table 5 that appear to be 3dB lower than those in Table 8.17 of the ES Chapter 8.
 - The assessment assumes that all residents would have good quality double glazed windows as the sound insulation has been taken as 30dB. It also assumes that during such night works, their bedroom windows would be closed. This is not likely to happen in practice, the quality of the sound insulation of windows varies considerably and many people sleep with windows slightly open, particularly during summer months.
 - It seems unreasonable to base the assessment on a best-case scenario where all residents have high quality windows and sleep with windows closed. If it is assumed that windows are just slightly open, the sound attenuation would be 15dB, which together with the proposed construction mitigation measures, would give internal noise levels of 46dB at 20m and 43dB at 30m. According to 8.9.41 of the ES Chapter 8, most properties are located within 30m of the route.
 - Such internal noise levels are far in excess of the 30dB requirement of BS8233:2014 and does not agree with the statement on page 5 of the document that 'the internal noise levels are likely to be in line with guidance in BS8233:2014 with regards to suitable conditions for sleeping/resting'
 - It is considered that night time working on the Electrical Connection route should be avoided as it is likely to result in significant noise impacts at most properties along the route, albeit for just a few days.

Outline Code of Construction Practice

- 3.40 Section 2.9 shows monitoring and measurement proposals but do not include routine monitoring of construction noise. For a project of this scale and duration it would be standard practice to establish noise monitoring positions which would be checked on a regular basis with results of measurements available to the Local Authority. The LBB consider that there may be justification for a permanent monitoring position with data available online.
- 3.41 Section 3.2 refers to working hours but does not describe requirements for out of hours working, particularly at night, with regard to noise. LBB consider that monitoring should be undertaken during such periods and detailed measures for noise control should be specified.
- 3.42 Under Section 4.2 'Transport' of the document the Applicant states that for temporary closures of Public Rights of Way (PRoWs) associated with the construction of the Electrical Connection, there would be appropriate diversions put in place, where

- possible, to be agreed with the relevant highway authorities. The LBB consider that similarly with Construction Traffic Management Plans (CTMPs), all diversions should also be subject to modelling assessments to ascertain any local impacts that may have an impact on the strategic network and existing HGV movements.
- 3.43 Under Section 4.3.3 the ES confirms that the site would be “low risk” for construction dust impacts, on the basis of an assessment carried out using the Mayor of London Supplementary Planning Guidance (SPG) for “The control of dust and emissions during construction and demolition”. This SPG is based on guidance produced by the Institute of Air Quality Management, “Guidance on the assessment of dust from demolition and construction.” It is therefore important to adopt all relevant measures specified in the SPG and IAQM guidance. Consequently, LBB agrees that all relevant mitigation measures identified for low risk construction sites in the IAQM document should be implemented at the site. The CoCP should therefore make clear that all measures listed as “Highly Recommended” or “Desirable” for low risk sites in these tables will be implemented at the site. This is a total of 36 measures, rather than the list of five measures provided in the Outline CoCP. A commitment in the CoCP to implement all the recommended mitigation measures specified in the IAQM methodology, where relevant to the activities taking place is necessary, in order to ensure that the conclusion in ES Table 7.37 that “Effects will not be significant following mitigation” can be fully relied on.
- 3.44 The control of air quality impacts during construction was referenced at the Issue Specific Hearing on draft Development Consent Order (Oral Summaries for the Issue Specific Hearing on draft Development Consent Order paragraph 22.4). The Applicant noted that the relevant SPG is “referenced” in the CoCP but does not state that all relevant provisions of this SPG will be adopted.
- 3.45 Section 4.4 describes the standard methods of noise control from construction equipment. LBB considers that this should also make reference to problems caused by reversing alarms, turning equipment off when not in use and to relevant requirements of ‘The Noise Emission in the Environment by Equipment for use Outdoors (Amendment) Regulations 2001 S.I. n° 3958 of 2001’.

Post-hearing note on public health and evidence

- 3.46 The LBB has not raised generic concerns regarding the potential public health impact of the proposed facility. The post-hearing note on public health and evidence does not provide a comprehensive review of health issues associated with waste to energy facilities, but does provide reassurance that waste to energy facilities which are designed, constructed, operated and maintained in accordance with current standards do not give rise to any detectable effects on health for local populations.
- 3.47 The findings of this post-hearing note relate to the risks to health posed specifically by waste to energy plants. The findings do not cast any doubt on the damage costs associated with air pollutants in general, and do not undermine the case being made by LBB for support for an air quality monitoring programme, on the basis of the established damage costs associated with emissions of oxides of nitrogen and fine particulate matter.

Appendix L to B1 Outline Construction Traffic Management Plan (Rev 2)

- 3.48 The Applicant states that ‘The estimated cumulative peak of construction related goods vehicles and workforce commuting has been identified during month 13 of the period of construction. The estimated demand for the peak month would be in the

order of 500 goods vehicles which equates to an average over a 5.5 day working week of 22 vehicles per day. In addition to goods vehicle movements for plant, equipment and materials, there would be in the order of 275 worker vehicle visits each day during the peak month.'

- 3.49 Construction impacts are largely unknown without detailed assessment of CTMPs. In particular, the cumulative impacts of the construction of the electrical connection with associated lane closures. The CTMP therefore, once detailed should be subject to further modelling analysis to quantify network impacts. This can only be realised once detailed CTMPs are devised. This would also allow the addition of cumulative impacts at each phase to incorporate the resultant impacts from the sections of works associated with the construction of the electrical connection. This has regard that workforce arrivals predominantly impact on the A2016 and Norman Road, the construction of the electrical connection runs along the A2016 and there are associated lane closures. For these reasons the LBB considers that these impacts should be ascertained with each CTMP submission.
- 3.50 There should be a requirement of establishing baseline traffic conditions prior to commencement of works with ongoing traffic monitoring during all phases to ensure that any fluctuations in traffic are mitigated immediately. This will also inform if excessive construction traffic has been introduced to the network beyond what has been prescribed by assessments to date and the more detailed assessments which should form part of the CTMPs.

Temporary Jetty Outage Review (8.02.31)

- 3.51 The Applicant acknowledges that the transport assessment does not represent the quantum of Heavy Commercial Vehicles (HCV) movements which might occur should REP and RRRF be operating simultaneously at full output during a temporary jetty outage event.
- 3.52 Table 3.1 contained in the Temporary Jetty Outage Review report states that the transport assessment included in the ES assumes 343 one-way HCV (686 total) movements from the REP and some 80 one-way (160 total) HCV movements associated with the RRRF facility. This equates to some 423 one way (846 total) daily HCV movements. However, Table 3.1 contained in the Temporary Jetty Outage Review report states that a situation where both the existing RRRF plant and the proposed REP facility were operating at the proposed capped level of 300 one-way HCV movements for waste inputs during a jetty outage, the one-way HCV movements would be 671 HCV movements (339+332). This would equate to 1,342 total HCV movements during a jetty outage. This being a level almost 70% greater than that assessed in the ES. The LBB consider that the maximum permitted level of traffic movements allowed from the proposed development should not exceed the worst-case scenario assessed within the ES submitted in support of the application.
- 3.53 Due to Applicant failing to include for the worst case scenario for the REP and RRRF operating at the capped levels sought during a jetty outage in their transport assessment, they have attempted to justify this by stating that three junctions on Picardy Manorway have indicated spare theoretical capacity and therefore should be able to accommodate an addition of up to 700 vehicles per hour. However, an increase on an approach arm of a junction, rather than a global increase of traffic over all approach arms, can be more detrimental to the network in some cases. The LBB are not clear as to the Applicant's reasoning to justify not including the full cumulative impact from REP and RRRF operating at the capped levels sought during a jetty outage.

- 3.54 Furthermore, the LBB considers that the estimates of all HCV transport movements in Table 3.1 are not accurate. For example, the numbers of HCV movements should be rounded up and the assumed level of 6 one-way HCV movements for ERF consumables does not tally with the daily traffic levels set out in paragraph 5.3.10 of Appendix B.1 Transport Assessment.
- 3.55 The transport assessment has assumed a flat rate of delivery of waste across each 24 hour period. Such an assumption is not considered by LBB to be realistic unless hourly restrictions are placed on the operator. The unrealistic nature of assuming a constant rate of inputs each day over a year period is illustrated in Table 3.2 of the Temporary Jetty Outage Review report which illustrates the fluctuation in the number of HCVs entering and leaving Norman Road on a daily basis.
- 3.56 Assuming an average level of traffic movements may under estimate peak traffic levels that will serve the REP site.

Middleton Jetty Ops Review Workshop Note (8.02.29)

- 3.57 With regard to current operations at the RRRF facility it is noted that the typical waste container for road transported wastes weighs between 12-14 tonnes. This is almost double the assumed vehicle weight limits suggested in the ES for road deliveries to the proposed ERF facility. This discrepancy is not understood by LBB especially since the ERF facility is not required to manage local RCV wastes as these are managed at the existing RRRF facility.