

Deadline 4 Submission 19 July 2019

Riverside Energy Park, Belvedere

In the London Borough of Bexley

Planning Inspectorate reference: EN010093

National Infrastructure Project Development Consent Order application – Further Representations

Development Consent Order, Section 90 of Planning Act 2008

Proposed development

Cory Environmental Holdings (the Applicant) propose to develop ‘an integrated multi-technology Riverside energy generation park (REP) including an Energy Recovery Facility (ERF incinerator), Anaerobic Digestion Facility, Solar Panels, Battery Storage and electrical connection route’.

As the Riverside Energy Park would have an electricity generating capacity over 50MWe, it is classified as a Nationally Significant Infrastructure Project under section 14(1)(a) and section 15(2) of the Planning Act 2008.

Purpose of this document

This document responds to the Applicant’s and third parties’ submissions at Deadline 3 of the Examination, structured as follows:

Section 2 Applicant’s Response to Written Representations (doc 8.02.14)

Section 3 Applicant’s Response to Local Impact Report (LIR) by GLA (doc 8.02.15)

Section 4 Draft Development Consent Order (Rev2)

Section 5 Applicant’s Other Documents

- Explanatory Memorandum (Rev1) (doc 4.1)
- Biodiversity Offset Delivery Framework (doc 8.02.25)
- Post Hearing Note on Public Health and Evidence (doc 8.02.27)
- Jetty Outage Review (doc 8.02.31).

Section 6 Third Party Submissions

- LB Bexley Deadline 3 Submission
- WRWA Comments on Applicant’s Response to RRs and ExA Written Questions
- WRWA Written Summary of Oral Submission

Section 7 Conclusion

Section 8 Update on SOCG

1. Overview

1.1. The GLA and TfL have undertaken a review of all the documents submitted by the Applicant at Deadline 3. The Applicant's response to Written Representations and Local Impact Reports is overly reliant on cross-referencing of submitted documents, without necessarily addressing the substance of the issue or providing clarity. Due to time and resource constraints, and to provide a clear indication of the issues in contention in order to assist the Examining Authority (ExA), the GLA has focus its response on key strategic issues that they wish to highlight to the ExA.

2. Applicant's Response to Written Representations (doc 8.02.14)

2.1. The GLA and TFL considers that the Applicant's response moves the discussion forwards only to a very limited extent. In general, the Applicant has not engaged with the GLA's concerns, and only to a limited extent with the points TfL has raised. The matters of concern set out within the GLA's Written Representations (submitted at Deadline 2) have not been satisfactorily addressed by the Applicant and remain outstanding. In particular, the Applicant has not dealt, in any meaningful way, with the GLA's central submission: that the adverse effects of the proposed development have been under reported and its potential benefits overstated. The adverse effects of the development, in particular the ERF, would outweigh the purported benefits of the REP. In these circumstances the GLA and TFL (hereafter referred to collectively as the GLA, unless otherwise specified) considers that, in accordance with section 104(7) PA 2008, the statutory exemption applies and the application should not be decided in accordance with the NPSs.

WR1: Heat Offtake

WR1 Projected heat demand

2.2. The Applicant analyses the Ramboll Phase 2 Study (May 2019) and relies on Ramboll's conclusion that a more aggressive build out of new housing would require further heat sources beyond RRRF (document 8.02.14, paragraph 2.1.11).

2.3. The GLA regards the Ramboll conclusion as a judgement because it is not supported by any form of quantitative analysis or structured argument within their report. The GLA regards the Applicant's reference to the conclusion as being insufficient justification of the heat demand for the ERF in that it is not supported by robust evidence in the context of this development. The Applicant should be required to carry out study work to determine the feasibility of a heat network using an acceptable methodology such as that used by Ramboll in their study for the RRRF. The GLA therefore proposes amendments to the draft DCO Combined Heat and Power (CHP) requirement 20 (see Section 4 below) that places the onus on the undertaker to convene a working group to carry out the necessary feasibility study work (the first CHP review) for the 'further heat sources' beyond the RRRF.

- 2.4. Table 2.1 of the Applicant's response (document 8.02.14) considers the extent to which the proposed REP complies with policy. In its commentary regarding compliance with EN-1 paragraph 4.4.6, the Applicant implies that compliance is satisfied through its Combined Heat and Power Assessment (document 5.4). The GLA maintains its view, as set out in its Written Representation, submitted at Deadline 2, that the heat demand identified can be met by the RRRF.
- 2.5. Further, the Applicant's Combined Heat and Power Supplementary Report (document 5.4.1), also referred to in Table 2.1 of document 8.02.14, is a desk-top study that does not engage with stakeholders and uses high-level judgements to screen likely heat demand. The GLA regards this approach as inadequate as it is too superficial and is, therefore, insufficient for such an important decision regarding the likelihood of the ERF operating as a CHP plant or a carbon-producing power-only generating station.
- 2.6. The Applicant further states, with regard to paragraph 4.6.6 of EN-1, that Peabody has confirmed "*Cory's commitment to delivering CHP from both RRF and the proposed REP*". The GLA has received confirmation from Peabody (Appendix 1 to this document) that any support relates to the heat network only, and this does not imply any support or otherwise for the REP itself.
- 2.7. Table 2.1 also considers compliance with paragraph 4.6.8 of EN-1. The Applicant refers to its Combined Heat and Power Assessment (document 5.4) and the Combined Heat and Power Supplementary Report (document 5.4.1) as meeting the requirements of EN-1. The GLA disputes the assertion that the information provided is relevant or sufficient. The conceivable heat demand identified in the Applicant's submission document 5.4 can be met entirely by the RRRF plant. As noted above, the evidence provided in the Applicant's submission document 5.4.1 is too high-level in nature because it uses heat mapping and desk-based judgement to screen heat supply options. It does not provide any evidence of an audit trail of dialogue between the Applicant and prospective customers as set out in EN-1 paragraph 4.6.6.
- 2.8. Table 2.1 also considers compliance with paragraph 5.9 of the London Plan. The GLA maintains its position, as set out in its Written Representation submitted at Deadline 2 (Section WR1) and further expanded upon in this document: the proposed development would only be low carbon if it operates as a CHP plant. For the reasons set out by the GLA previously, it is considered unlikely that the proposed development will operate as a CHP plant. Moreover, the proposed development is only partially renewable (see Section WR2 of the GLA's Written Representation).
- 2.9. The Applicant's commentary on compliance with paragraph 5.9 of the London Plan incorrectly states that the Mayor's aim is for London to be self-sufficient in electricity generation. The London Environment Strategy (page 210) is clear that the Mayor is committed to delivering more decentralised energy but that "*London can never be fully self-sufficient in energy...because of limited space*". The goal of net self-sufficiency applies to managing London's waste, as per draft London Plan Policy S18 and London Plan Policy 5.16.

2.10. In respect of paragraph 5.10 and Policy 5.2 of the London Plan, the Applicant compares the carbon savings with the REP operating in power-only mode with those from the same amount of waste going to landfill. This is not an appropriate like for like comparison. The critical analysis of this approach is set out in paragraph 32 of the GLA's Post Hearing Written Submission of Oral Case. The Applicant has overstated the extent to which the feedstock is likely to be renewable, as is discussed later in this section (paragraphs 2.15 to 2.17).

The Applicant continues to refer to its CHP documents (documents 5.4 and 5.4.1) as demonstrating that the proposed development meets the requirements of the London Plan and draft London Plan (2019). The GLA maintains the submissions (Section WR1 of the Written Representations and Item 3.4 of the Post Hearing Written Submission of Oral Case at Agenda Item 3.4) that these documents do not assist the ExA in considering compliance with the following: EN-1, 4.6, in regard to consideration of combined heat and power; EN-3, 1.7.2, regarding supporting the transition to the low carbon economy and having a positive effect on the climate change objective without CHP; or in considering compliance with the London Plan and draft London Plan requirements for 'demonstrable steps' to meet the carbon intensity floor and ensuring waste managed at the proposed ERF is non-recyclable.

WR1 Public involvement in delivering district heating networks

2.11. At paragraph 2.1.17 of document 8.02.14, the Applicant agrees with the GLA's assertion that public sector support is required and refers to discussions held with the Bexley District Heating Partnership Board. The Applicant comments that the public support needed is within the GLA's gift (paragraph 2.1.25, document 8.02.14), and states that it is willing to make equivalent commitments to those secured at the Viridor ERF plant in Beddington and also states that it would welcome a reciprocal level of support from the GLA (paragraph 2.1.26, document 8.02.14). Such a position is a complete oversimplification. The Applicant's comments highlight the lack of early and meaningful engagement with either the GLA or with the London Borough of Bexley regarding the ERF, in contrast with that undertaken with the Beddington ERF project. Paragraph 3.16 of the GLA's Written Representations provides further details on this point and why the applicant's position is an oversimplification.

2.12. The GLA sets out its expectations of the Applicant with regard to CHP, in the commentary on Requirement 20, set out in the response to the draft DCO amendments at section 4 below.

WR1 Technical information

2.13. Table 2.2 of the Applicant's document 8.02.14 provides a response to the technical requirements set out at paragraph 3.18 of the GLA's Written Representations. The Applicant's response refers to the list of plant and equipment presented within draft Development Consent Order (within schedule 1, Authorised Development, document 3.1). The information does not provide the level of information requested by the GLA, which is necessary for the proper assessment of the proposals. There is an absence of information on the proposed CHP plant and equipment dimensions, capacities, temperatures or foot-prints. No outline onsite installation drawings are provided. The GLA would conclude that the Applicant has carried out little or no preliminary engineering of the heat off-take arrangements. It remains unclear whether an appropriate CHP arrangement could be installed with the ERF site.

WR1 Synergy between RRRF and REP

2.14. The Applicant accepts the GLA's contention that the two plants would not double heat output and has confirmed that the ability to provide mutual support would be subject to the volume of heat demand connected, the capacity of alternative (non-ERF) back-up plant and thermal storage built into the network and the time of year at which one facility became unavailable (paragraph 2.1.30, document 8.02.14). The GLA welcomes this clarification.

WR2: Renewable Energy

WR2 Characterisation of the waste stream

2.15. The Applicant disputes the GLA's analysis of the waste stream and refers to the biocarbon figures set out in the Carbon Assessment (document 8.02.08) in which all four scenarios have a biocarbon content of more than 50% (paragraph 2.1.45 and Table 2.3, document 8.02.14). Both biocarbon and biogenic relate to the embodied carbon in organic waste (such as food, paper and green garden waste) which naturally absorbs and stores carbon during its life, and is deemed to qualify for renewable energy generation.

2.16. The Applicant's response fails to address concerns raised by the GLA in its Written Representations (paragraphs 3.25 to 3.30, section WR2). Specifically, the data showing that the biocarbon content is more than 50% in all cases conflicts with the assertion made by the Applicant in paragraph 3.2.5 of Document 7.2, which states that feedstock is anticipated to be 50% biogenic.

2.17. The biocarbon percentages included by the Applicant in table 2.3 of document 8.02.14 do not provide a valid indication of the ultimate contribution of biogenic wastes to renewable energy generation ('bioenergy'). The biocarbon estimates provided by the Applicant should not be conflated with the renewable proportion of energy generated by the RRRF; this is because the energy content of the biogenic materials is lower than that of the non-biogenic (fossil carbon) materials (e.g. plastic waste) per unit of carbon, as the latter materials have a lower moisture content. Based on the information provided by the Applicant in the GLA's Ready Reckoner tool, which determines the performance of the proposed ERF against the Mayor's carbon intensity floor policy, the GLA estimates that only 45% of the feedstock would be biogenic, and therefore that the majority of energy generated by the ERF would be non-renewable.

WR2 ERF would be a carbon producer

2.18. The GLA notes that the Applicant rejects the GLA's assertion that, in contrast to the carbon intensity of the grid, the ERF would be a carbon producer until CHP is implemented (paragraph 2.1.47, document 8.02.14).

2.19. The GLA maintains that the Applicant's Carbon Assessment (document 8.02.08) shows that there will be a net contribution to climate change emissions where the ERF generates electricity only. Paragraph 4.1.1. of the Carbon Assessment confirms that the annual net emissions of the ERF, where only electricity is generated, will be 86,389 tonnes of CO₂ equivalent emissions; this is a positive value, confirming that the ERF will make a net contribution to climate change emissions where it generates only electricity.

2.20. The actual performance of the ERF is anticipated to be worse than this. The figures presented in paragraph 4.1.1 of the Carbon Assessment are calculated assuming the credit from electricity generation is based on electricity generated from gas using Combined Cycle Gas Turbine (CCGT) technology, otherwise known as the 'marginal source' of electricity generation. The GLA does not accept this to be an appropriate method for calculating the credit for electricity generation at the facility, as was set out in Appendix 3 to Post Hearing Written Submission of Oral Case.

2.21. Data published by Defra confirmed the use of gas CCGT as the marginal source of electricity generation was appropriate in 2010, but this is no longer the case (the reasons why this is no longer the case is set out at paragraph 44 of the GLA's Post Hearing Submission Document). The Applicant is therefore using out-dated information in its Carbon Assessment; in so doing, it is overstating the emissions credit that should be applied for the generation of electricity at the ERF, and therefore underestimating the overall carbon impact of the facility. If the UK Government's declining marginal electricity source data is used in the Carbon Assessment instead, the emissions credit for electricity generation net emissions from the ERF by 2030 would be more than double the amount calculated by the Applicant in its Carbon Assessment. The Applicant's Carbon Assessment calculates the annual carbon impact of the facility as 86,389 tonnes CO₂ equivalent, whereas using the UK Government's data for 2030 to calculate the credit results in an annual impact of 172,229 CO₂ equivalent. Moreover, emissions will increase further beyond 2030, as grid decarbonisation continues.

WR2 Conflict with national policy

Environmental Permit

- 2.22. The Applicant disputes the GLA's interpretation of the need for energy (paragraph 2.1.50, document 8.02.14,). It restates that the ERF will only be able to accept, by virtue of its Environmental Permit, waste that is classed as "residual" non-recyclable waste. The Applicant contends that the Permit will only allow recyclable waste at the ERF where that waste is unsuitable for recycling (this point is also repeated in paragraph 2.1.117 of document 8.02.14,).
- 2.23. Item 3.2 of the GLA's Post Hearing Written Submission of Oral Case confirms that the Environment Agency do not consider the Environmental Permit to be an appropriate mechanism to ensure that recyclable material is not present in the feedstock. The Applicant accepts (paragraph 2.1.80, document 8.02.14) that plastics are present in the waste stream and helpfully points to the analysis of waste stream composition in the Carbon Assessment at Table 1 and provides four scenarios of waste composition (document 8.02.08). All four of the waste composition scenarios include a substantial element of recyclable material that should be subject to pre-treatment to ensure compliance with the waste hierarchy. Consequently, the GLA maintains the position that a requirement should be included in the DCO, requiring feedstock for the ERF to be suitably pre-treated to ensure that material that can be recycled is removed prior to incineration.

Evolution of climate change policy

- 2.24. The Applicant restates at paragraph 2.1.51 of document 8.02.14 that "NPS EN-3, Paragraph 2.1.2 is explicit: the decision maker should act on the basis that the need for Energy from Waste electricity generating infrastructure has been demonstrated".
- 2.25. As set out at paragraph 4.3 of the GLA's Written Representations, the adverse effects of the proposed development, in particular the ERF, would outweigh the purported benefits of the REP. It follows that, in accordance with section 104(7) PA 2008, the application should not be decided in accordance with the NPSs, and the Applicant must set out an explicit need case.
- 2.26. It must be noted that the Energy NPS was published in 2011. During the intervening period the government's position on climate change has evolved significantly, which has moved the policy context forward and a series of policy measures and practical initiatives have been rolled out by government to address the urgent need for the UK to move to a low carbon economy. Appendix 2 to this document sets out some of the key milestones in government thinking since the Climate Change Act was brought in in 2008, which are important context for the proposed REP.
- 2.27. Since 2011, the government has strengthened its position on reducing the role of fossil fuels in the economy, announcing the end to coal-fired power stations in 2018 and a move away from use of gas in new homes in 2019.

2.28. The Climate Change Committee (CCC) report on reaching net zero, published in May 2019, presents a step change in the direction of national policy in recommending a new carbon emissions target of net zero (rather than 80% reduction) by 2050. The CCC report suggests that new intermittent renewable capacity including onshore wind, solar and offshore wind can be delivered at scale and at low cost to meet increased demand for electricity from heat and transport. There is only a passing mention of Energy from Waste (estimated to meet only 2% of generation if combined with hydropower in 2050).

2.29. The government has now enacted the CCC recommendation to introduce a net zero carbon by 2050 target. The Climate Change Act has been amended (Climate Change Act 2008 (2050 Target Amendment) Order 2019) to refer to a 100% reduction now and this came into force on 26 June 2019 (Appendix 3). This confirms a clear national policy shift in the UK since the NPSs were published. The GLA accepts that the NPS is, for the time being, the extant policy. However, if the Applicant is required to set out an explicit need case it is plain, for the reasons set out here, that the legal context in which it must do so is vastly different to that which existed when the NPS was adopted.

WR2 Benefits of energy from waste

2.30. Table 2.4 of document 8.02.14 sets out the Applicant's analysis of project benefits relative to paragraph 2.5.2 of NPS EN-3, where they state the following:

"The ERF at REP will help move waste further up the hierarchy and away from Landfill.

1. *Over 50% of the waste burned is likely to be classed as renewable.*
2. *The ERF will help London meet its net self-sufficiency targets. A clear need for REP, and indeed for capacity greater than REP is evidenced by the Applicant in rows of Table 6.1 of the London Waste Strategy Assessment, Annex A to the PBR (7.2, APP-103)".*

2.31. The GLA disagrees with the Applicant's analysis as follows:

- a. The ERF conflicts with the principle of moving waste up the hierarchy as it will use a high proportion of recyclables within its feedstock (see paragraphs 2.22 – 2.23 of this document).
- b. Less than 50% (approximately 45%) of the energy output of the ERF is likely to be renewable (see paragraphs 2.15 – 2.17 of this document)
- c. The GLA explained in detail in Appendix 2A to its Post Hearing Written Summary of Oral Submissions why it considers that the Applicant's assessment of need is erroneous as it based on fundamentally flawed assumptions. Achieving the Mayor's 100% net waste self-sufficiently target by 2026 is dependent on London facilities managing waste produced in London, with only small amounts coming from outside London. The GLA sets out its position with regard to the need to regulate the importation of waste from outside London in its commentary on the dDCO (Rev2) in section 4 of this document. The Applicant has not identified the source, quantity and nature of the waste to be managed at the proposed ERF facility. As a result the Applicant has not adequately assessed the impacts and the effect that this would have on any net claimed benefits.

WR2 Fossil fuel generator

- 2.32. The Applicant contests the GLA's view of the proposed ERF as being a fossil fuel generator (paragraph 2.1.61 – 2.1.63, document 8.02.14). The GLA maintains its assertion that a large element of the ERF feedstock would comprise fossil carbon-derived material, as demonstrated in Table 1 – Waste Composition Data, which sets out the Applicant's scenarios of waste stream composition (document 8.02.08).
- 2.33. To clarify, the GLA's reference to paragraph 3.6.8 of NPS EN-1 was not intended to suggest that carbon capture and storage (CCS) was required, as the GLA fully appreciates that only generators over 300MW are required to adopt CCS, but simply to point out that that fossil fuel generation in the absence of CCS is not supported by Government. Nevertheless, the GLA would note that the CCC report (May 2019) promotes a much stronger role for CCS in the period to 2030 across a wider range of infrastructure and industry (section 6. (4) of the CCC Report).

WR2 Use of biogas

- 2.34. The Applicant confirms that there is provision in the scheme for a gas offtake pipe: Work Number 5 includes "infrastructure for the transmission and/or storage of compressed natural gas" (document 8.02.14, paragraph 2.1.70).
- 2.35. This confirmation is welcomed by GLA; however, there is no mention of the gas offtake pipe or gas storage in the project description or elsewhere in the application, and the GLA is concerned that the Applicant has not demonstrated any commitment to build these essential elements. If the compressed natural gas (CNG) is to be used as fuel for transport (which has not been confirmed by the Applicant) provision would also need to be made on site for refuelling of road vehicles or river transport.
- 2.36. The Applicant states (paragraph 2.1.71, document 8.02.14) that it is aware that there may be obstacles to the preferred option, principally (in the case of injection to grid) whether there is capacity in the local gas network to facilitate biogas injection, engineering of a gas delivery pipeline and securing of relevant (off-site) consents for the installation. In the case of upgrade of biogas to CNG vehicle fuel, there would be a need to establish a market for the sale of vehicle fuel and secure associated licences, and/or upgrade the waste delivery vehicle fleet to operate on this fuel source, which is outside of the Applicant's control. The Applicant has therefore allowed for the use of engines to generate electricity if necessary.

2.37. The GLA recognises the challenges raised by the Applicant in paragraph 2.1.71 with regard to delivering use of biogas but considers that the explanation is spurious with regard to this project. The end use of the gas is a matter that should be addressed by the Applicant at application stage in the same way that use of bottom ash is addressed, to ensure that best use is made of the resource and that unnecessary environmental burdens are not created. The GLA has requested in its LIR at section 10 that there should be a requirement for the gas produced to be used for injection to the grid or for vehicle fuel, and this response underlines the reasons why the GLA is unsure as to the level of commitment being demonstrated by the Applicant. The GLA therefore maintains its request for a requirement and commentary is provided in section 4, below.

WR3 Carbon

WR3 Transition to low carbon economy

2.38. The Applicant states that the UK is in transition, moving towards a low carbon and renewable economy (paragraph 2.1.72) and that the REP meets national policy in this context.

2.39. The GLA agrees the UK is in a transition phase but the drivers to accelerate this transition are becoming increasingly apparent in Government policy and legislation (see Appendix 2 and Appendix 3). The GLA considers that a power station that would not be operational until approximately 2025, followed by approximately 40 years of operation, should seek to ensure that its contribution to the low carbon and renewable economy is ahead of the curve; otherwise, it would be outdated technology in the early years of its life and would become increasingly out of step with the UK's generation mix. Evidence regarding the rapid evolution of the UK's energy mix has been provided by the GLA at Appendix 3 to Post Hearing Written Submission of Oral Case. This confirms that, even if the ERF were operational today particularly in power only mode, the electricity generated at the facility would be of a greater carbon intensity than that of the grid average. Over time, the relative performance of the ERF in comparison to the grid average would worsen considerably. This reinforces the importance of pre-treatment to recover fossil materials for recycling, and for the ERF to operate in CHP mode to deliver the greatest possible climate change mitigation benefits. By contrast, other renewable sources of power – such as solar - produce lower emissions than that of the grid average.

2.40. The ERF would only contribute towards the transition towards a low carbon economy should it result in installation of a district heating network and manage truly non-recyclable waste.; this is why the GLA has requested in its LIR for appropriate requirements to be added to ensure that the ERF delivers on both of these issues. It is essential that the Applicant engages with the GLA, the London Borough of Bexley, the Government's Heat Network Investment Programme and the RRRF as well as leading on a programme of work and activities that delivers the ERF's CHP potential.

WR3 Importance of the CIF policy to London

2.41. The Applicant has provided a detailed analysis of compliance with the Carbon Intensity Floor (CIF) policy (paragraphs 2.1.74 – 2.1.81).

- 2.42. The GLA disagrees that meeting the CIF does not specifically support the use of non-recyclable waste to generate energy. Managing non-recyclable waste is paramount to achieving the CIF as set out in the London Environment Strategy Policy 7.3.2 and London Plan Policy 5.17Be.
- 2.43. The GLA agrees that the CIF can be met through ‘demonstrable steps’ as set out in paragraph 5.85B in the London Plan and policy S18 of the draft London Plan. The GLA maintains that the Applicant has not provided adequate demonstrable steps. Further, the Applicant has not provided sufficient evidence that the proposed ERF can and will achieve the claimed gross electrical efficiency performance in order to meet the CIF. Reference plants cited by the Applicant – such as the Ferrybridge facility – are less efficient with respect to electricity generation. Techniques included in the list, such as the use of flue gas recirculation, are in use at other UK plants that have lower efficiencies (for example, the recently opened facility in Worcester which also has a Hitachi boiler). The use of Inconel cladding was noted in the literature in 2007 and, as such, is not a novel technique.
- 2.44. The GLA disagrees with the Applicant’s claim that it is solely down to the waste producer and local authorities to ensure that recyclable waste is separated from waste going to the ERF. The Applicant, as a waste carrier, has a duty of care under Regulation 13 of the Waste (England and Wales) Act Amended 2012 to ensure separate collection of recyclables, but the regulatory responsibility does not lie with the Environmental Permitting process. The GLA has provided evidence in this regard in its LIR and Written Representations, and more recently at Item 3.2 of its Post-Hearing Written Summary of Oral Submissions, and maintains that pre-treatment to recover recyclable waste is necessary as an additional DCO requirement, particularly as the Applicant has not confirmed the source, nature or amount of waste to be managed at the proposed ERF. Section 4 of this document refers to this issue.

WR3 How the CIF will be achieved

- 2.45. The Applicant has provided detailed analysis (paragraphs 2.1.86 – 2.1.90, document 8.02.14) of the conclusions of the Eonomia Report, which was appended to the GLA’s Written Representations.
- 2.46. The Applicant has also confirmed that the proposed ERF will not generate any energy from the condensation process; this will make it more difficult for the ERF to meet the CIF and supports the view that the Applicant was correct to apply a net calorific value (NCV) figure in its calculations against the CIF.
- 2.47. No further details have been provided to evidence that the claimed gross efficiency of 34 per cent can be achieved.
- 2.48. The GLA maintains that the Applicant is overstating the gross efficiency of the ERF and thus overstating the ERF’s performance against the CIF. The GLA maintains that the ERF will not meet the CIF in power-only mode.

WR3 Conflict with national policy

- 2.49. The Applicant provides an analysis of the Anthesis report 2018 (National Infrastructure Assessment) at paragraphs 2.1.101 – 2.1.107 of document 8.02.14
- 2.50. In particular, the GLA notes that in paragraph 2.1.107, the Applicant asserts that “the London Waste Strategy Assessment (‘LWSA’) (Annex A of The PBR (7.2, APP-103) considers an appropriate range of scenarios that demonstrate, even when incorporating the most conservative assumptions, there remains a need for REP”. In its submissions to date the GLA has highlighted the misleading nature of the Applicant’s projections for waste management need. The GLA’s analysis remains relevant, as set out in Appendix 2A to its Post Hearing Written Summary of Oral Submissions.

WR4 Implications of Excess Waste Capacity

WR4 Excess waste capacity

- 2.51. The Applicant contends at paragraphs 2.1.112 – 2.1.128 of document 8.02.14 that the REP will make a beneficial contribution to delivering the waste hierarchy, and circular economy, in London.
- 2.52. The GLA maintains that its own projections, as well as the combined findings of surrounding Waste Planning Authorities, indicate that the scale of the ERF is oversized, relative to future regional requirements for residual waste management. Rather than diverting residual waste from landfill, the ERF is therefore likely to attract waste which must be recycled to meet the Mayor’s recycling target of 65% recycling of municipal waste by 2030. On this basis, the effect of the ERF will in fact be in direct contradiction to the waste hierarchy and this is demonstrated within the following documents:
- d. the GLA’s Written Representation (specifically WR4 Implications of Excess Waste Capacity, pages 17 to 28);
 - e. the GLA’s Local Impact Report (LIR 7. Waste, in particular paragraph 7.29 and Table 3); and
 - f. Appendix 2A to the GLA’s Post Hearing Written Summary of Oral Submissions, which demonstrates oversights made by the Applicant in projections included in the London Waste Strategy Assessment (‘LWSA’) (Annex A of The PBR (document 7.2).
- 2.53. In paragraph 2.1.114, the Applicant references export of waste from London to landfill in 2015. The use of 2015 data is misleading as it ignores the future impact of compliance with recycling targets, as well as the build out of additional incineration capacity in London. Moreover, approximately 70% of waste exported from London to landfill is mineral (inert) in nature (as published in the London Plan Waste Forecasts and Apportionments, Task 3 – Strategic Waste Data, 2017) and could not be processed at the ERF.

- 2.54. Irrespective of the presence of some non-recyclable items in the residual waste stream, referenced by the Applicant in paragraph 2.1.115, it remains the case that the majority of untreated residual waste is potentially reusable or recyclable.
- 2.55. Paragraph 2.1.116, as well as paragraph 2.1.18, reiterate the Applicant's previous references to WRAP gate fee data, asserting that recycling facilities offer lower gate fees than incineration. The GLA has demonstrated that this use of gate fee data is misleading, in that it does not evaluate the whole system cost for waste management, inclusive of collection and practical costs to waste producers. This is set out in detail in Deadline 3 - GLA Sheet 1: Applicant's Response to GLA Relevant Representation, pages 3 and 4).
- 2.56. The Applicant claims in paragraph 2.1.121 that "*all of the relevant national, local and municipal strategies have been considered by the Applicant*". However, the ERF is in direct conflict with these strategies for the following reasons:
- g. the GLA's analysis, including modelling informing the London Environment Strategy and London Plan, demonstrates that incineration capacity at the proposed ERF scale would conflict with achievement of reduction and recycling targets
 - h. moreover, the Applicant's assertion misrepresents the findings of Local Plan documents developed by surrounding Waste Planning Authorities (Deadline 3- GLA Sheet 4 - Other Documents Prepared by the Applicant, pages 11, 12 and 13.)
- 2.57. Rather than being consistent with the London Plan and London Environment Strategy, as claimed in paragraph 2.1.122 of document 8.02.14, the Applicant's forecasts for energy recovery requirements misconstrue the findings of these documents. Furthermore, the GLA has shown (Appendix 2A to the GLA's Post Hearing Written Summary of Oral Submissions) that the Applicant's assertion that a need for the ERF exists even after allowing for 65% recycling performance is based on a misinterpretation of waste data.

WR4 London's waste capacity

- 2.58. The Applicant's analysis is set out at paragraph 2.1.129 – 2.1.157 of document 8.02.14. The GLA disagrees with that analysis.
- 2.59. With regard to paragraphs 2.1.129 and 2.1.130, the GLA has documented its waste projection findings publicly within the London Environment Strategy, with details provided within the GLA's Written Representation (WR4 Implications of Excess Waste Capacity). A comparison of GLA projections against those put forward by the Applicant, identifying points of divergence, was provided by the GLA in Appendix 2A to the GLA's Post Hearing Written Summary of Oral Submissions.

- 2.60. Paragraph 2.1.134 of Applicant document 8.02.14 states that *“In 2016/17 London generated more LACW (local authority collected waste) than was forecast in either of the London Plans”*. This is a flawed analysis. The London Plan forecasts household waste, rather than LACW. The reason for this is that the non-household component of LACW is overwhelmingly produced by businesses, and is already included in commercial waste data. Inclusion of the commercial LACW tonnage is double counting. With regard to household waste projections, data published by Defra (ENV18 - Local authority collected waste: annual results tables) shows that London generated 2.98 Mt of household waste in 2017/18, lower than the 3.1 Mt generated identified by the draft London Plan 2015 (para 9.7.2, showing minor suggested changes July 2018.). The Applicant’s analysis cannot be relied upon, and the implication that the London Plan underestimates waste arisings is unsustainable.
- 2.61. Similarly, paragraph 2.1.140 of document 8.02.14 asserts that forecasts presented by the GLA in WR Table 2 *“do not include all LACW”*. For the avoidance of doubt, GLA forecasts do encompass the totality of LACW, and projections account for the totality of projected municipal waste.
- 2.62. In paragraph 2.1.146 of document 8.02.14, the Applicant concedes that *“Paragraph 3.81 of the GLA’s WR is correct to say that the Applicant considers 100% of C&I waste to be combustible, and it would be correct to say that not all will be suitable for the ERF”*, but then concludes that this is *“neither relevant nor important”*. In fact, this is a critical factor in quantifying future need for energy from waste capacity and is ignored in the Applicant’s analysis. In Appendix 2A to the GLA’s Post Hearing Written Summary of Oral Submissions, the GLA has shown that this is a key point of divergence between its forecasts, and those of the Applicant, set out as follows:
- i. waste which is unsuitable for EfW will generally not qualify as municipal (being specialist, hazardous or inert in nature);
 - j. this material is therefore deducted from figures used by the GLA before applying the Mayor’s municipal waste recycling target, consistent with target definitions; and
 - k. as a consequence, the remaining residual municipal waste quantity processible by EfW is reduced relative to the Applicant’s projections.
- 2.63. While this failure to account for unsuitable commercial and waste is the main point of departure between GLA and Applicant forecasts, Appendix 2A to the GLA’s Post Hearing Written Summary of Oral Submissions demonstrates that this is compounded by the absence of any consideration of the reduction in residual waste mass, which is achieved by processing of waste via pre-treatment. An example of this is mechanical biological treatment which recovers recyclable material and evaporates off the moisture content from waste to reduce the overall weight and mass of residual waste for management in an ERF.

- 2.64. Paragraphs 2.1.147 to 2.1.150 of document 8.02.14 discusses conclusions in the report 'Residual Waste in London and the South East: Where is it going to go?' (Tolvik, October 2018) and questions the GLA's rationale in selecting this report's 'low tonnage case'. This scenario is referenced by the GLA on the basis that it achieves CE recycling targets set out in the Government's Resources and Waste Strategy. The other cases assume lower rates of recycling. The Tolvik findings referenced by the Applicant appear to either assume that the UK deviates from CE recycling targets or ignores the full extent of new EfW capacity being developed.
- 2.65. In paragraph 2.1.153, the Applicant addresses the Chartered Institution of Wastes Management report 'CIWM Presidential Report 2018, RDF Trading in a Modern World', which indicates a UK residual waste treatment capacity gap of 400,000 tonnes per annum (tpa) in 2030. The Applicant asserts that this tonnage would satisfy 60% of the input requirement of the ERF "*before any other residual wastes are considered*". This statement is wrong. CIWM's 400,000 tpa projection encompasses all remaining residual waste generated in the UK, after projected EfW is accounted for – as such no "*other residual wastes*" exist in the UK. Under CE projections published by CIWM, the ERF would be forced to operate at 60% of design capacity – unless it was successful in undermining UK recycling target performance.
- 2.66. Furthermore, CIWM's projected 400,000 tpa capacity gap occurs across all of the UK. As this is distributed across the English regions, Wales, Scotland and Northern Ireland, much of the material is unlikely to be available to the ERF.
- 2.67. Paragraph 2.1.157 of document 8.02.14 concedes a reduction in the capacity gap projection for surrounding Waste Planning Authorities from 2 million tonnes (Annex A of the PBR, document 7.2, APP-103) to 1.5 million tonnes. This is a significant reduction. The Applicant expands upon the basis of this estimate in Appendix B of document 7.2. In reviewing Appendix B, it is evident that, rather than relying on the waste local plan documents published by Waste Planning Authorities, the Applicant has challenged and modified local plan findings on waste need – for example:
- i. while Kent County Council projects an annual capacity surplus of 274 thousand tonnes per annum (ktpa), the Applicant has challenged and ignored the Council's local plan finding, adopting a gap of zero. The finding of excess EfW capacity in Kent appears highly plausible given the presence of the established 500 ktpa EfW facility at Allington (operated by FCC), as well as the 550 ktpa EfW at facility at Kemsley (being developed by Wheelabrator), currently at a late stage of construction and expected to be operational in 2019.
 - m. Similarly, the Applicant dismisses Essex County Council's finding of a surplus capacity of 1.4 million tonne per annum (Mtpa) for commercial and industrial waste, instead adopting a gap of zero.
- 2.68. Local plan capacity surplus findings for Kent and Essex are therefore dismissed by Applicant. The GLA considers this approach is not only incorrect but highly misleading. To identify a capacity gap for surrounding Waste Planning Authorities on a consistent basis, these capacity surpluses should in fact be deducted from surpluses identified in other areas, identifying the true net need.

2.69. In considering the correct approach, the GLA has referred to the latest available local plan evidence base, including in some instances documents which are currently subject to Examination. In these cases, existing adopted local plans are shortly to be replaced by development plans which better reflect circular economy goals, and draw on the latest available data – for example:

- n. in the case of Surrey, the GLA has adopted the latest available evidence base (currently subject to Local Plan Examination), while the Applicant refers to the existing Surrey Waste Local Plan, which is shortly to be modified.
- o. in the case of Hertfordshire, whilst the GLA has similarly relied on the most recent published relevant local plan document (currently subject to consultation), the Applicant refers to the strategy adopted in 2012, which is shortly to be superseded.

2.70. Local plan findings are also misconstrued by the Applicant in some cases. For example, the 608 ktpa capacity gap claimed for Norfolk is derived by the Applicant from a selective quotation, the full version of which is as follows (where text excluded by the Applicant is shown in bold):

*“Therefore there remains a need for 608,000 tpa additional recovery (residual waste treatment) infrastructure capacity over the plan period in accordance with policy CS4. **There is the potential for some of this capacity to be provided by recycling/composting facilities instead of recovery (residual waste treatment) facilities if necessary. Some of this forecast capacity need is for pre-treatment prior to disposal only and the existing transfer stations would be providing part of this service**”*

It is therefore inaccurate to assume that the totality of the 608 ktpa need identified by Norfolk County Council is available in its entirety as feedstock for the ERF.

2.71. The above observations confirm that the Applicant’s claim that 1.5 Mtpa (reduced from an initial estimate of 2 Mtpa) of residual waste generated in surrounding waste planning authorities requires processing via energy from waste is therefore not directly derived from a summation of the waste capacity need set out in surrounding authorities’ waste local plan documents. Rather, it is contingent on a dismissal of the capacity surplus findings of Essex County Council and Kent Council (amounting in total to over 1.6 Mtpa), a failure to consider the most recent published documents, as well as a misrepresentation of some findings. The GLA considers this to be highly misleading and that a more accurate interpretation of capacity need would suggest a net need for residual waste treatment capacity of zero.

WR4 Consequences of overcapacity

- 2.72. The Applicant argues that the REP would not be a stranded asset. It states at paragraph 2.1.59 of document 8.02.14 that if there is not sufficient demand in London *“there is no reasonable objection to bringing wastes to REP and London can benefit from the private investment not least through the increase in supply and diversity of energy, through the creation of additional jobs, and through the supply of heat”*.
- 2.73. The GLA would respond that the above section (paragraphs 2.57 – 2.70 of this document) has demonstrated that a number of surrounding Waste Planning Authorities are in a similar position to London in that they do not require additional capacity for incineration. Importation of residual waste from these areas could undermine their own performance against recycling targets, and the GLA considers this a reasonable basis for objection. Importing large amounts of residual waste to London would also undermine achievement of the Mayor’s net 100 per cent self-sufficiency target by 2026. To this effect the GLA requests that a condition be added to Requirement 14 in the dDCO to cap the amount of waste that can be imported to the REP. This is set out in Section 4 paras 4.14 and 4.15 of this Written Representation.

WR4 Absence of pre-treatment

- 2.74. The Applicant asserts (paragraphs 2.1.167- 168 of document 8.02.14) that the ERF *“will work alongside significantly increased rates of recycling”, “achieves the required value for the CIF when the ERF is operating in electricity only mode”* and *“will only be able to accept, by virtue of its Environmental Permit, waste that is classed as ‘residual’ waste”*.
- 2.75. As detailed in its responses above, paragraphs 2.50 – 2.56, the GLA contests each of these claims, and on this basis maintains its assertion that pre-treatment is required as set out in GLA LIR Section 10.19 ‘Additional requirements’.

WR5 Waste Transfer Impacts

WR5 Assessment of environmental effects and WTS capacity

- 2.76. The Applicant comments at paragraph 2.1.72 of document 8.02.14 that the GLA has not raised effects of deliveries to WTSs in any discussions. The Applicant disputes the need to assess how waste is transferred to consented WTSs (para 2.1.173) and states at paragraph 2.1.175 that without the REP, the WTSs could fill any un-used capacity.
- 2.77. The GLA’s concerns on WTS capacity and the insufficient environmental assessment of more waste being managed at these sites is clearly set out in its Written Representations at WR5. These issues were discussed at length at the Environment ISH. The GLA provided further evidence in its Post Hearing Written Oral Summary submitted at Deadline 3. The GLA maintains that the Applicant has not presented sufficient evidence and assurances for the ExA that the WTSs could practically manage additional waste to service the ERF, and that the associated adverse impacts have not been addressed in the Environmental Statement.

2.78. In the event that feedstock for the ERF is transported over long distances by road prior to being loaded to barges, the benefits of transport via the River Thames, which the Applicant relies upon, will be overstated. It is understood that the feedstock requirement of the existing RRRF is, to a large extent, sourced from areas in proximity to existing wharfs (as for example evidenced by WRWA's Written Summary of Oral Submission). To satisfy the feedstock requirements of the ERF, the Applicant is likely to increasingly be forced to source material from local authorities located more remotely from the riparian WTSs, including outer London or beyond. Consideration of methods of transport to the WTSs is necessary to accurately assess the benefits and disbenefits of the proposed development, which will inform the assessment of the proposed development against section 104(7) of the Planning Act

WR5 Commitment to river transport

2.79. The Applicant refers to draft DCO Requirement 14, implying that this demonstrates its commitment to river transport. In paragraph 2.3.18 of document 8.02.14, the Applicant references the proposed restriction in Requirement 14 (dDCO, Rev2), which restricts the number of deliveries by road to 90 per day. In paragraph 2.3.19, the Applicant states that "(t)his restriction will achieve a modal split strongly in favour of river". The GLA disagrees that a restriction on the number of road deliveries is an appropriate mechanism to ensure use of river transport.

2.80. In evaluating this claim, the GLA has analysed the implication of vehicle movements for potential annual ERF feedstock tonnages. Waste feedstock deliveries to the ERF may either be via refuse collection vehicles (RCVs), which collect waste from customers and have a relatively low payload, or via bulk heavy goods vehicle ('bulklers') which have a high payload, and are used to transport wastes which have been received by RCVs at transfer stations, and aggregated.

2.81. Indicative payload estimates are as follows:

- a. RCVs 7 to 11 tonnes per vehicle (9 tonnes per vehicle taken as an illustrative average); and
- b. bulklers 20 to 24 tonnes per vehicle (22 tonnes per vehicle taken as an illustrative average).

2.82. Assuming dedication of all permitted deliveries to the ERF and delivery 365 days per year, the allowance for 90 vehicles per day can be converted to an annual tonnage:

- a. under the RCV case, $365 \text{ days} \times 90 \text{ vehicles per day} \times 9 \text{ tonne per vehicle} = c. 295,650 \text{ tpa}$; and
- b. under the bulker case $365 \text{ days} \times 90 \text{ vehicles per day} \times 22 \text{ tonne per vehicle} = c. 722,000 \text{ tpa}$.

2.83. The dDCO (Rev2) places no limitations on the type of vehicle delivering feedstock. Due to lower payload and the need to maximise time spent collecting waste, there are limitations on the distances over which RCVs can transport waste, placing an inherent limitation on RCV deliveries. Accordingly, the use of bulklers is a plausible scenario.

2.84. It is plain that, even given compliance with the dDCO (Rev2), Schedule 2, Requirement 14, the totality of the 655,000 tpa ERF feedstock requirement could be delivered by road. On this basis the Applicant's assertion that "(t)his restriction will achieve a modal split strongly in favour of river" is not sustainable. Requirement 14 should be amended as set out in section 4 of these Further Representations to protect against this worst case.

WR6 Air Quality Impacts

WR6 Conflict with national policy

2.85. The Applicant re-states its previous arguments (paragraphs 2.1.183-4 of document 8.02.14) about the significance of air quality impacts and states that there are no exceedances of NO₂ standards shown in their model.

2.86. The GLA notes the disagreement about whether the impacts are substantial or not. Whether or not air quality impacts can be considered substantial is a matter of professional judgement, as stated in previous responses. At the Environmental Matters ISH the GLA exercised its professional judgement and has come to a different conclusion to the Applicant.

2.87. Regarding exceedances of the NO₂ legal limit, the GLA would refer to its previous response that a number of residential receptors were omitted and that these are the most likely to be experiencing prolonged exceedances as a result of the development. It is not acceptable to say that there will be no exceedances without having considered the worst-case receptors.

2.88. The GLA also rejects the assertion that workplaces are not relevant for long term exposure. The concept of "relevant receptors" here appears to be a reference to the Defra guidance on Air Quality Management Areas (Local Air Quality Management Technical Guidance (LAQM.TG16)) rather than any basis in experienced health effects. The purpose of LAQM.TG16 is not to inform planning decisions but rather:

"1.01 This technical guidance... is designed to support local authorities in carrying out their duties under the Environment Act 1995, the Environment (Northern Ireland) Order 2002, and subsequent regulations. LAQM is the statutory process by which local authorities monitor, assess and take action to improve local air quality. Where a local authority identifies areas of non-compliance with the air quality objectives set out in Table 1.1, and there is relevant public exposure, there remains a statutory need to declare the geographic extent of non-compliance as an Air Quality Management Area (AQMA) and to draw up an action plan detailing remedial measures to address the problem."

2.89. LAQM.TG16 goes on to describe relevant public exposure at paragraphs 1.50 – 1.52, making it clear that the discussion applies only to the Local Air Quality Management (LAQM) regime:

"1.50 It should be noted that the health studies which provide the basis for the air quality standards are based on data for individuals within a population, and therefore the exposure should relate to that of an individual."

1.51 For the purposes of LAQM, regulations state that exceedances of the objectives should be assessed in relation to “the quality of the air at locations which are situated outside of buildings or other natural or man-made structures, above or below ground, and where members of the public are regularly present”.

1.52 For the purpose of assisting local authorities, some examples of where the objectives should, and should not apply, are summarised in Box 1.1. These examples are not intended to be comprehensive...”

- 2.90. By contrast neither the National Planning Policy Framework nor the relevant NPS’s on Energy infrastructure suggest any such restriction on what should be considered a “relevant receptor”. The online planning guidance¹ in the section “When could air quality be relevant to a planning decision?” explicitly includes workplaces:

“When deciding whether air quality is relevant to a planning application, considerations could include whether the development would:

...

Expose people to existing sources of air pollutants. This could be by building new homes, workplaces or other development in places with poor air quality.”

- 2.91. By analogy the GLA would argue that increases of pollution at existing workplaces would also be a relevant consideration, especially as the employees and customers would have no means to protect themselves from the health impacts of increased air pollution.

WR6 Outcomes of assessment

- 2.92. Although in its response the Applicant has attempted to defend the position it has adopted, the defence is baseless.
- 2.93. The evidence presented by the Applicant shows, unambiguously, that the impact is greater at higher floors of the buildings (at receptor R19, six times greater between the 4th and 6th floors), but the Applicant then asserts that the numbers are still too small to be significant. However, proposed tall elements of the London Riverside Opportunity Area are significantly closer to the emission point, so the quantum of impact could be much greater. Full delivery of the Opportunity Areas set out in the current and draft London Plans are a critical element in the strategic approach to achieving necessary housing targets. The Applicant has not provided sufficient information to show that increased pollution resulting from the REP will not act as a constraint on the delivery of the tall buildings needed to achieve the required density for the London Riverside Opportunity area. Without this information it is not possible to be sure that the Opportunity Area could be delivered in the proposed form.

¹ <https://www.gov.uk/guidance/air-quality--3>

2.94. The rationale presented for excluding the worst-case receptor on the A206 is not convincing; it would not be difficult or onerous to include a single additional point in the model outputs. The Applicant has not disputed that the residential receptor identified in the GLAs written representation is the most significantly affected (worst case) home. The argument that R24 is sufficiently similar to expect similar results is not correct: ambient pollutant concentrations resulting from road traffic are well known to change rapidly over even short distances and to be significantly affected by road conditions, such as the presence or absence of traffic queueing at junctions. The identified worst-case receptor is both closer to the road than R24 and near a junction, unlike R24.

2.95. The Applicant provides no justification for excluding short term impacts, simply stating that they are not relevant. Weather conditions can significantly affect the dispersion of pollutants from a single fixed-point source, acting to either concentrate them in a narrow band or widely disperse them, or somewhere in between. Adverse weather conditions of this type are independent of the long-term average concentrations and there are widely accepted modelling methods for undertaking the assessment of short-term impacts. The Applicant's assessment is inadequate as it has not considered short term impacts at all.

WR7 Traffic

WR7 Car parking (construction phase)

2.96. The Applicant has committed (subject to confirmation by means of a DCO requirement) in its revised version of the Outline Construction Traffic Management Plan (CTMP) (document 6.3 Rev2) to a reduction in car parking of 50%, leaving 275 car parking spaces for construction workers. Furthermore, the Applicant has committed to a 07:00 to 19:00 workday on a single shift, which would mean that workers would arrive between 06:00-07:00 and depart after 19:00, which essentially puts these trips out of the peak hours. This is welcomed by TfL.

WR7 Construction Traffic

2.97. The Applicant states at paragraph 2.1.214 of document 8.02.14 that construction of the Electrical Connection will temporarily affect the operation of the highway network, through the reduction in traffic lanes for the period of the road works and temporary traffic management around junctions. The construction of the Electrical Connection through this section would take in the region of 4-6 weeks. The works would advance through the area in 200-300 metre sections and this would be managed in the manner of typical road works.

2.98. The impact of the Electrical Connection construction will not only impact on Erith Roundabout and the James Watt Way junction, but is likely to affect all main junctions along its route if arm/road closures are required, which the Applicant has not ruled out at this time. Therefore, TfL considers that additional assessment is required of the following junctions:

- A2016/Eastern way/Yarnton Way/Clydesdale Way;
- Horse roundabout;

- A2016/Colyers Lane junction;
- A206/Bridge Road junction;
- A206 Northend Road/Parkside Avenue/A2000 Perry Street/Wyatt Road roundabout;
- A206 Thames Road/Thomas Road/Howbury Lane/A206 roundabout; and
- A206 Thames Road/B2186 Crayford Way roundabout.

WR7 Outline CTMP

2.99. The Applicant commits in the updated draft CTMP (document 6.3 Rev 2) to a vehicle booking system (paragraph 2.1.220) and other measures (paragraph 2.1.230) that will be secured via Requirement 13; this is welcomed by TfL.

WR7 Construction traffic – network modelling

2.100. The Applicant notes that additional information was provided to TfL on 31 May 2019.

2.101. TfL has confirmed that network-wide microsimulation modelling would not be sought to determine the further modelling assessment of the construction effects of the laying of the Electrical Connections on the local section of the SRN. However, TfL needs to understand more fully the effects of construction on bus services; specifically, the likely delay caused to bus services that will help TfL inform its decisions on route frequency increases and diversions. Unless a realistic, adequate alternative is proposed to assess these effects, modelling of specific junctions through non-microsimulation modelling should be required. This was communicated to the Applicant before Deadline 3 on the 12th of June via email correspondence.

WR7 Electrical connection construction impacts

2.102. The Applicant summarises and references additional information provided at Deadline 2 and considers this is sufficient to address the concerns raised by the GLA. However, as raised at Deadline 3, the GLA has outstanding concerns which have not been addressed. As part of the Deadline 3 submissions and during the Environment ISH, TfL noted that the closure of lanes and arms at junctions would likely have a significant effect on local traffic including bus services. The additional Technical Notes submitted by the Applicant were focussed mostly on the effect of construction traffic on the local section of the SRN, rather than on what the effect of the Electrical Connection construction could be, if this necessitated lane closures or arm closures at junctions along the proposed Electrical Connection route. It did, however, note that construction could affect the Erith Roundabout and James Watt Way. The Applicant goes on to state in paragraph 6.2 of TN13at junctions so that the impacts are quantifiable. The assessment should be formalised by including it in the draft CTMP and committing to following the procedure for each junction affected by Electrical Connection construction, unless the Local Planning Authority and TfL agree that this is not necessary for a specific junction.

WR7 Effect on bus services

- 2.103. At paragraph 2.1.239 to paragraph 5.11.7 of the Applicant's response to Arriva's Relevant Representations (8.02.03, REP2-054), the applicant recognises that there will be interfaces with local bus services and these will be considered in detail within the final CTMP/CTMPs, to be secured through Requirement 13 of the dDCO (document 3.1, Rev 2).
- 2.104. The Applicant further states that there is no legal obligation on the Applicant to provide compensation to bus service operators for delays as a result of works to construct the Electrical Connection. There is no entitlement to compensation if a business, including bus services, is affected by roadworks undertaken by statutory undertakers or the highway authority and the circumstances in this case are no different. Therefore, there could be no claim for compensation against the Applicant or UKPN.
- 2.105. TfL considers that the Applicant should be required to enter into a planning obligation to mitigate the impact of the proposed development including the mitigation of the development's construction impacts. Local residents and businesses rely on the local public transport network, including buses, and TfL expects to have to run additional services and divert buses as a result of the proposed Electrical Connection construction. TfL considers that a financial contribution to cover the cost of these measures via a section 106 planning agreement would be appropriate.

London Borough of Bexley (LBB) Written Representations

- 2.106. The Applicant has responded to LBB's Written Representations at section 2.3 of document 8.02.14. The GLA has the following comments in respect of that response.

Need and capacity

- 2.107. The Applicant restates its waste need case at paragraphs 2.3.8 – 2.3.13 of document 8.02.14. GLA notes that paragraph 2.3.8 suggests there is a need for *"approximately two million tonnes of existing residual waste management capacity required across counties close to London"*; however, this contradicts paragraph 2.1.157 and Appendix B, where the Applicant has reduced this estimate to 1.5 million tonnes (and as detailed above, paragraphs 2.57 – 2.70, the GLA is of the view that the estimate of 1.5 million tonnes is an overestimate).
- 2.108. Paragraph 2.3.10 of document 8.02.14 highlights the risk that greater quantities of residual waste would be disposed to landfill if recycling targets are not achieved. The GLA considers that, in evaluating risks, it is important to take a balanced view: conversely in the event that the ERF undermines recycling, the substantial carbon benefits of recycling will be lost. Moreover, the development of a facility of this scale and significance should not be predicated on an assumed failure to comply with London's recycling commitments, as well as those of the Government.
- 2.109. Claims made in paragraph 2.3.12 of document 8.02.14 in respect of need should be evaluated in light of the GLA's critique of Applicant projections (summarised and cross referenced in paragraphs 2.57 – 2.70 of this document).

Biodiversity – areas of contention and further mitigation

- 2.110. The Applicant refers to these matters at paragraphs 2.3.56 – 2.3.90 of document 8.02.14 and responds to LBB’s comments with regard to the Biodiversity Metric included in the Biodiversity Accounting Report (document 8.02.09) submitted at Deadline 2.
- 2.111. The GLA submits that the Biodiversity Accounting Report contains no detail on whether the mitigation and compensation can be provided within the proposed proximity of the application site, the location of where it would be delivered, including details of whether the donor site is appropriate. Without more detailed information it is not possible to ascertain whether the residual impacts on biodiversity would be adequately mitigated or compensated.

3. Applicant’s Response to the GLA’s and TfL’s Local Impact Report (doc 8.02.15)

- 3.1. The Applicant’s Response to the GLA and TfL’s Local Impact Report addresses many of the same issues as the Applicant’s Response to Written Representations (doc 8.02.14). Where the GLA has already addressed the Applicant’s position in this document, it does not repeat those submissions in this section.
- 3.2. The Applicant’s Document 8.02.15 is presented as series of tables that summarise the GLA’s comments and provide a response from the Applicant. The GLA’s commentary below refers to the table numbers as set out in document 8.02.15.

Table 5 Transport

- 3.3. The Applicant responds to TfL’s points regarding use of the river and the need to take account of all transport and environmental impacts relating to new waste infrastructure by referring to the proposed cap of 90 heavy commercial vehicles per day in Requirement 14 of the draft DCO (Rev 1).
- 3.4. As noted in the GLA’s Deadline 3 submissions (Sheet 4: GLA commentary on other documents prepared by the Applicant for Deadline 2), proposed Requirement 14 addresses, but does not meet, the figure of 75% waste transport by river, which the GLA considers is appropriate, reasonable and achievable. However, there are a few outstanding issues:
- At Deadline 3, the GLA and TfL proposed that the cap on the number of two-way vehicle movements to the site should be set at 80, as this would cover approximately 30% of the nominal waste throughput of the ERF as well as the AD facility, thereby allowing for some contingency above the 25% by road target. However, London Borough of Bexley consider that the REP is not able to serve the local area, as local authority waste in the vicinity of the site is already committed to the existing RRRF. That being so, the GLA considers that, since little to no waste will be locally sourced, a larger proportion of waste should be brought into the REP via the river. Therefore, TfL and the GLA would request the cap be set at 32 two-way vehicle movements, which is equivalent to approximately 10% of waste being brought in by road.

- As noted in the GLA's response above to the Applicant's document 8.02.14 (paragraphs 2.78 – 2.83), the current proposed wording of Requirement 14 does not limit the payload of vehicles delivering waste to the REP. To ensure that the Applicant does not simply use larger size HGV vehicles to transport a higher proportion of the waste to the REP or use a lot of small vehicles which would not be subject to the cap, TfL would also like to see a provision in the requirement to limit the volume of waste. This should be set at a maximum of 65,500 tpa, which is approximately 10% of the ERF facility's nominal waste throughput (655,000 tpa). This is in line with the Deadline 3 submission made by the London Borough of Bexley.

Table 6 Air Quality

- 3.5. The majority of substantive points made by the Applicant have been commented on above in the Applicant's Response to the GLA's and TfL's Written Representations (document 8.02.14).
- 3.6. However, at 9.20 the Applicant has misunderstood 4.1.1.1c of the LES: taking into account impacts on local air quality when deciding on the suitability of a site for a given development should not be read as simply referring to conditions within the site.

Table 7 DCO Requirements

- 3.7. With regard to the Applicant's comments on proposed DCO requirements, the ExA is requested to refer to the GLA's response to the dDCO (Rev2) at section 4 of this document which provides detailed commentary with regard to proposed Requirement 11 (CoCP), 13 (CTMP), 14 (traffic movements) and 20 (CHP). In summary, however, the GLA is not satisfied that the Applicant has provided an adequate level of commitment and control in these proposed requirements. Unless the Requirements are further amended as requested by the GLA the benefits of the proposed development may be overstated and adverse impacts may be understated.
- 3.8. With regards to proposed requirement 15 (Travel Plans), TfL confirms that it is content with the proposed requirement as set out in dDCO (Rev2).
- 3.9. In addition to commenting on requirements proposed by the Applicant, the GLA has requested a number of additional requirements or obligations to satisfy key concerns with regard to delivery of policy, as follows:
- **Commitment to deliver proposed Anaerobic Digestion facility, Battery Storage unit and solar PV panels within an agreed timeframe** – the Applicant states that it is considering this request and will revert. The GLA would be happy to engage with the Applicant in drafting a suitably worded requirement.

- **Pre-treatment of waste** – the Applicant relies on the Duty of Care responsibilities and the Environmental Permit to deliver truly residual waste to the ERF. As noted elsewhere in its submissions (including Section 2 of this document WR2 Conflict with national policy, and GLA’s Post Hearing Written Submission of Oral Case, Item 3.2), the GLA maintains its position that the Duty of Care and Environmental Permit do not provide the necessary level of control, and that in the absence of such control there is a high risk that reusable or recyclable waste will be accepted at the ERF, thereby conflicting with NPS EN-1 Part 3.4.
- **Air emissions to be limited to draft BREF** - the GLA maintains its position that, because the Permit can be altered at a later date, a requirement is needed to ensure that the development stays within the parameters described in the DCO application throughout its lifespan and are not allowed to subsequently increase. This is because any increase in the air emissions parameters has not been subject to environmental assessment or scrutiny through the Examination process. There can be no reasonable complaint if the Applicant is limited to the air emissions for which it has assessed the environmental impacts on a worst-case scenario basis.
- **Transport for delivery of waste and export of ash should be zero carbon** – the Applicant suggests that it cannot control delivery vehicles. The GLA maintains that significant infrastructure development in London should be required to contribute to policy objectives to decarbonise the economy, and that the Applicant is able through contractual measures to assist in this regard. The GLA therefore maintains its request for a requirement (or obligation) to deliver this policy objective.
- **Impacts on bus services** – TfL has serious concerns about the impacts of the REP construction, including construction of the electrical connection, and bus services.
- Whilst it notes the Applicant’s position nevertheless it is considered that where additional costs can be directly attributed to a specific development, as would be the case here, the developer must mitigate this impact through a planning obligation and TfL is seeking a financial contribution to cover the cost of additional bus services and diversions. It is of concern that there is no draft section 106 agreement in circulation.
- **Gas export** – the Applicant agrees that injection of biogas to the gas grid or upgrade to vehicle fuel are the preferred options, but falls short of committing to this outcome. The explanation given is that there may not be sufficient capacity in the gas network, or there may not be a market for vehicle fuel. This is considered unacceptable. The application for the proposed REP should deal with all proposed outputs (including electricity, bottom ash, and recyclables) and establish the best route to market for all products. The GLA does not accept that biogas should be treated any differently in this regard than other products.

- **London Living Wage** – the GLA considers that, as developer of a nationally significant infrastructure project, the Applicant should accept its responsibilities in this regard.

4. Draft Development Consent Order (Rev2)

- 4.1. Revision 2 of the dDCO contains a number of further proposed revisions to Schedule 2 requirements. The GLA welcomes the continuing efforts of the Applicant to address some issues of concern; however, there are still numerous points on which the Applicant does not go far enough, or where the Applicant has not addressed the issue at all.
- 4.2. In particular, the GLA is disappointed to have seen little or no accommodation from the Applicant with regard to their request for additional requirements to be provided with regard to a number of key issues, including pre-treatment, use of zero emissions transportation, commitment to construction of the non-ERF elements of the REP, use of biogas, and commitment to pay the London Living wage as a minimum. The GLA's response to the Applicant's comments on these requests is provided in their response to document 8.02.15 in paragraphs 3.7 – 3.9 of this document.
- 4.3. The GLA has only commented in this section on the Applicant's proposed amendments in the dDCO (Rev2) except where otherwise stated. The previous comments provided in the LIR and Deadline 3 submissions still stand unless stated below.

Requirement 11 Code of Construction Practice

- 4.4. The amendment to accommodate inclusion of 'pre-commencement' activities into the CoCP is welcomed by the GLA.
- 4.5. The Applicant committed in the DCO ISH to adopting the NRMM LEZ as a requirement; however, the proposed wording in the CoCP merely indicates the NRMM LEZ as an example of good practice and is not sufficient to meet that commitment. For most major planning applications in London compliance with the NRMM LEZ is secured and enforced through a planning condition, which includes registering equipment through the online portal and submitting to inspection. A formal requirement should be included in the DCO to enable the REP development to be treated equitably with other developments in London.
- 4.6. As with other construction related issues this requirement, when introduced, should apply to pre-commencement works.

Requirement 13 Construction Traffic Management Plan

- 4.7. The amendment to accommodate inclusion of 'pre-commencement' activities into the CTMP is welcomed by TfL.
- 4.8. TfL welcomes the Applicant's proposed amended wording with regard to consultation with TfL, as agreed at the Environment ISH.

4.9. TfL notes the comments made by the Applicant at paragraph 10.9 of document 8.02.15, in which the Applicant states that TfL has agreed that no further modelling of the network is required. TfL wishes to clarify that, due to the rolling nature of the Electrical Connection works, it would not be appropriate to request network-wide microsimulation modelling. However, as stated directly to the Applicant and DCO ISH, insufficient assessment is proposed to determine the level of impacts on buses. For specific parts of the Electrical Connection route it is expected that construction could have a detrimental effect on operation of the local highway network, including on bus routes. Therefore, if the Applicant is unable to provide a realistic method to accurately assess likely bus delays, additional junction modelling of these points on the network should be undertaken.

Requirement 14 Heavy commercial vehicle movements delivering waste

4.10. The GLA welcomes the following changes to this requirement:

- the removal of the link with 'unused capacity' of RRRL;
- amended definition of jetty outage - now defined as being "for a period in excess of 48 hours". However, more clarity is required regarding the provisions on jetty outages. The Applicant states that a review has been undertaken regarding the storage capabilities of the site and that this is the basis for the proposed 48-hour threshold for jetty outages. The calculation for this threshold should be shared for review. It is noted that LBB have requested "jetty outage" to be defined as being for a period in excess of 4 consecutive days. The GLA would agree with this; and
- record of movements – in addition to annual provision of records to the relevant planning authority, further provision of records "following any reasonable request by the relevant planning authority (up to a maximum of four requests per year)" is proposed; and
- The inclusion of "and work number 1B" - However, upon review the GLA would request that "from the street known as Norman Road" be removed, as this could be used to avoid the cap on vehicle movements if a new access to the site is constructed to avoid Norman Road.

4.11. GLA would also wish to see part 6 of Requirement 14 extended to include a remediation plan to be provided to the local planning authority in consultation with TfL in the event that the annual report shows that the provisions of Requirement 14 (in its entirety) have been breached.

- 4.12. As noted in the documents submitted at Deadline 3 and stated above, the GLA is concerned that the restriction on movements by road as currently worded in Requirement 14 would let the Applicant use larger size HGV vehicles to deliver waste to the REP. This would have the undesirable effect that a higher proportion of the waste would be transported by road. Therefore, at Deadline 3, the GLA stated that a provision should be included in the requirement to limit the volume of waste delivered by road to 200,000 t/pa would be approximately 25% of the ERF's maximum waste throughput and approximately 30% of the ERF's nominal scenario waste throughput (655,000 tpa), therefore still allowing for some contingency. However, upon review of the Deadline 3 submission made by the London Borough of Bexley, the GLA understands that the proposed facility would have little to no waste input from Bexley and therefore would have more opportunity to have waste brought in via the river. Therefore, the GLA agrees with the London Borough of Bexley that the amount of waste brought to the proposed EfW plant should be limited to 10% of the nominal expected throughput of the proposed plant (65,500 tpa).
- 4.13. There is currently no provision in place in Requirement 14 that caps the number of days that a jetty outage may occur. The GLA objects as this would enable the Applicant to stop using the river to bring in waste altogether once a jetty outage occurs. The GLA requests that additional wording is included in Requirement 14 that caps the length of a jetty outage to ensure that the Applicant would not be able to have waste brought in by road, unless an extension of time is agreed with the LPA and TfL on provision of evidence of reasonable endeavours to fix the jetty.
- 4.13a Requirement 14 paragraph (4) states that on the first anniversary of the date of final commissioning and annually thereafter, and following any reasonable request by the relevant planning authority, the undertaker must provide the relevant planning authority with a record of the number of two-way vehicle movements and whether or not a jetty outage occurred during the preceding period. This is welcomed by the GLA; however, the applicant seeks to include a cap of a maximum of four requests per year. TfL would request that this cap is lifted, as the wording already states that any request by the LPA would need to be reasonable."
- 4.14. With regard to the source of waste, the Applicant has maintained in its discussions with the GLA that the proposed ERF will manage predominantly waste from within London. However, the Applicant has still not confirmed the source, quantities and nature of the waste to be managed at the ERF in documents submitted to the ExA. The GLA therefore seeks that Requirement 14 be amended (or a new requirement drafted) to:
- a. include a cap on the amount of waste that can be imported from outside London. This will ensure that the REP would process predominantly residual commercial and industrial waste produced within London to meet the Mayor's 100 per cent net waste self-sufficiency by 2026 target as set out in the GLA's LIR section 7. The cap should be set at a minimum of 15% of total waste to be managed at the ERF (see para 4.15)
 - b. cap the total amount of waste that the proposed ERF will manage. This is to ensure that the development is operated generally in accordance with the environment impact assessed in the Applicant's support documents

- 4.15. The requirements and rationale set out in a and b above are the same levels set in the planning permission granted for the current RRRF facility (LBB Reference 16/02167/FUL paragraphs 4- 6, attached at Appendix 4).

Requirement 20 Combined Heat and Power

- 4.16. Although the Applicant has indicated a commitment to delivering CHP, its delivery is not secured. The amendments proposed by the Applicant do not go far enough in demonstrating commitment and the GLA has proposed alternative wording with regards to the proposed amendments below that would, in its view, be necessary as a minimum. The paragraph numbers refer to the subsections of the proposed requirement in the dDCO (Rev2).
- 4.17. (2) (a): The GLA disagrees with the use of the CHPQA scheme as a criterion for assessing the potential for commercial opportunities. The CHPQA scheme is about CHP meeting efficiency thresholds to qualify for a range of benefits, including Renewable Obligation Certificates, Renewable Heat Incentive, Carbon Price Floor (heat) relief, Climate Change Levy exemption (in respect of electricity directly supplied), Enhanced Capital Allowances and preferential Business Rates. The GLA maintains that the assessment of commercial opportunities should be based on the same methodology as the Ramboll RRRF District Heating Feasibility Study, Work Package 1 and 2, namely the Net Present Value and Internal Rate of Return of the project based on whole-life costing.
- 4.18. (2) (b): The GLA requests deletion of '*...sufficient details are known...*' and replacement with '*...there is sufficient certainty...*'. There may be cases where the heat load is certain to go ahead, but the details of exactly how this will happen are unknown at such an early stage. This is the 'investment ahead of need' argument put forward by the GLA in its Written Representations (Deadline 2). This is to prevent any perceived lack of 'sufficient details' (however that is defined) from stopping the necessary investment.
- 4.19. (4): The GLA does not consider that this amendment is sufficient or acceptable. The GLA requests that the dDCO is amended to require that the Applicant forms a working group that combines with the RRRL working group, that the combined group agrees the scope of the first CHP review and that it is undertaken by a competent district heating consultant. The first CHP review should consider both the RRRF heat demand and the heat demand from further afield, and that the engineering of the district heating network should be integrated with both the RRRF and REP plants as heat supply sources. The requirement should also require the Applicant to engage with BEIS and the Heat Network Investment Programme (HNIP) from the outset as part of the working group, with a view to considering HNIP funding for any financial shortfall identified by the first CHP review. The Applicant, in undertaking these measures as a minimum in regard to CHP, would align with the policy set out in NPS EN-1 paragraph 4.6.6 (evidence that the possibilities for CHP have been fully explored) and 4.6.7 (consult with potential customers), and demonstrate in accordance with the London Plan, paragraphs 5.85 and 5.85B, that the ERF is committing to practically meeting the minimum CIF in the future through CHP by establishing a working group to progress the agreed steps and monitor and report performance to the consenting authority.

4.20. The GLA still considers (as set out in its LIR) that there should be commitment by the Applicant to invest (within an agreed timeframe) in the extension of the initial district heat network into other areas of south east London with high heat demand so that heat from the ERF can be supplied into neighbouring areas where there is a demand for heat from the ERF.

4.21. Further, the GLA maintains its position as set out in the LIR that no development should take place until such time as there is a demonstrable need for heat to be exported, this being over and above that which is currently available and unused from the adjacent RRRF as, without CHP, the GLA considers that the ERF would contribute to climate change in power-only mode and that this is unacceptable. Without such a requirement the purported benefits of the REP are overstated.

5. Other Documents submitted by the Applicant at Deadline 3

Document 4.1 (Rev1) Statement of Reasons

5.1. The tracked changes include an explanation (paragraph 12.2.5) of how *“the REP site provides the ability to make use of the Applicant’s established and unique river network. The Applicant has an extensive lighterage operation which includes 5 tugs and 54 barges and operates a network of riparian transfer stations along the River Thames (Smugglers Way- Wandsworth, Cringle Dock – Battersea, Walbrook Wharf- City of London and Northumberland Wharf – Tower Hamlets). The Applicant also has permission for an additional waste transfer station facility at the Port of Tilbury adjacent to the IBA processing facility. These facilities have the capacity (under existing permits and permissions) to handle the residual waste that would be transported to REP for recovery. These pre-established river assets provide a strategic waste logistics procurement network that offer ready access to a large area of Central London”*.

5.2. The GLA has set out calculations in this document (section 2) that demonstrate that the limitation to a maximum of 90 vehicle movements per day could in principle allow for delivery of 699,000 tonnes per year of feedstock by road – obviating any deliveries via the River Thames. It is therefore possible that REP will make a limited contribution to future optimisation of river transport infrastructure.

5.3. The GLA maintains that more evidence is required to confirm how much waste is expected to be managed at London’s WTS servicing the REP, and that there is sufficient capacity. The GLA’s Post Hearing Oral Written Submission summary sets out evidence that the WTSs in central London are already at or near maximum operational capacity.

Document 8.02.25 Biodiversity Offset Delivery Framework

5.4. The Environment Bank has been commissioned by the Applicant to secure an offset suitable to compensate for the residual biodiversity impact at REP.

5.5. The GLA has considered the proposed Framework, and whilst it has no issues with the offsetting approach proposed, the report contains no detail on whether this can be met within the proposed proximity of the application site, the location of where it would be delivered, including details of whether the donor site is appropriate etc. Without more detailed information it is not possible to ascertain whether the residual impacts on biodiversity will be adequately mitigated/compensated.

Document 8.02.27 Post Hearing Note on Public Health and Evidence

- 5.6. The purpose of this document is to draw attention to recent research commissioned by Public Health England (PHE) on health impacts associated with incineration; and to provide reassurance and further evidence regarding the emission of ultrafine particles. It provides a summary of the Ghosh et al (2018) and Freni-Sterrantino et al (2019) papers both of which did not find any evidence of an association of ERFs with the health outcomes considered, and that REP would actually operate to tighter standards. The GLA's comments are provided below.
- 5.7. Ghosh et al focussed on a range of specific impacts on foetal and neo-natal health and, while this paper found no evidence for these specific outcomes it did not consider wider health effects, such as the well-evidenced life-long risks of elevated exposure to NO₂, or indeed any other long term health impacts associated with any of the pollutants emitted from the REP.
- 5.8. Freni-Sterrantino found very small additional ambient concentrations of Particulate Matter in the vicinity of operational municipal waste incinerators. This indicates that, while the use of BAT is effective in reducing emissions of PM_{2.5}, the emissions are not totally eradicated. The impact on health of PM_{2.5} is related to the total concentration, so context is important: a small impact where levels are already low, or where there is compensating gain, may be considered acceptable, but a small additional impact, where levels already exceed World Health Organisation targets and there is no prospect of a compensating gain as a result of the project is less obviously acceptable. This is even more the case where there is not a need for the project to happen.
- 5.9. The Applicant fails to mention the most recent relevant paper published by these authors, 'Risk of congenital anomalies near municipal waste incinerators in England and Scotland: Retrospective population-based cohort study' (Freni-Sterrantino, R.E. Ghosh et al, June 2019². While this June 2019 paper indicates "*No increased risk of congenital anomalies in relation to mean modelled PM₁₀*", it is notable that it identified a "*(s)mall increased risk observed across all congenital anomalies with proximity*". In conclusion it is stated that "*(t)hese findings in proximity to MWI might reflect residual confounding, although it is not possible from these data to exclude a potential causal effect even in the absence of associations with modelled PM₁₀ emissions; further monitoring of exposures and health outcomes near MWIs appears warranted.*" The Applicant is overstating the case that there are no health impact outcomes, and has not considered the outcomes of this most recent June 2019 paper, attached at Appendix 5.

² <https://www.sciencedirect.com/science/article/pii/S0160412019308104>

5.10. These papers were published by the Small Area Health Statistics Unit at Imperial College London, who described the research on their website as follows:

“The study proposes to investigate the following questions:

Are the emissions from incinerators required to operate under the standards set by the EU Waste Incineration Directive (WID) (2000/76/EC) linked with adverse reproductive and infant health outcomes?

Is living near a municipal waste incinerator linked with adverse reproductive and infant health outcomes?”

5.11. Given the limited focus of the studies they should not be taken to imply that there are no impacts on health from air pollutant emissions from energy from waste plant.

Document 8.02.31 Temporary Jetty Outage Review

5.12. This document comprises a technical note following request from the ExA at the DCO ISH on the draft DCO as to whether the Applicant had “*assessed a jetty outage at both RRRF and REP - i.e. there would be 600 movements between the two facilities*”.

5.13. It concludes:

“The increased vehicle movements generated by the above ‘worst case scenario’ (i.e. the simultaneous operation of REP and RRRF at fully capacity during a temporary jetty outage) is not judged to change the assessment of effects on the transport network for the criteria as assessed for the 100% by road reasonable worst case scenario assessed within Chapter 6 Transport of the ES (doc 6.1)”.

5.14. TfL’s view is that the 100% by road scenario contained within Chapter 6 of the ES assumes that the proposed development would generate around 640 HGV movements on a daily basis (320 in and 320 out) as per table 5.3 of the TA. The effect of this scenario on the local highway network was assessed by the Applicant using junction modelling.

5.15. However, the assessment assumed the RRRF would operate as it currently does; at a 75%-25% river-road split. To assess the full effect of a jetty outage on the local highway network, the Applicant would need to add the additional traffic that would be generated by the RRRF at 300 vehicles per day. This has not been assessed in the Environmental Statement and it appears to be a significant shortcoming.

6. Third Party Submissions

LB Bexley Deadline 3 Submission

Requirement for a waste cap (section 2)

- 6.1. LBB considers it is essential to have a fixed maximum tonnage for both the ERF and the Anaerobic Digestion facility. LBB states that the RRRF has a fixed maximum tonnage, the reason given being *“To ensure that the development is operated generally in accordance with the environmental impact assessed in the supporting documents”* (paragraph 2.5). LBB also refers to other NSIP projects: East Northants Resource Management Facility (a hazardous waste facility) is also quoted at paragraph 2.6, as is Whitemoss (hazardous waste) Landfill Site at paragraph 2.9. The potential discrepancy between planning and permitting controls is noted (paragraph 2.23).
- 6.2. The GLA supports the LBB view, for the reasons given in section 2 paragraphs 2.22 – 2.23 of this document. With regard to the LBB’s comments on RRRF, the GLA confirms that it supported a maximum tonnage cap that was conditioned in the SOS granting planning permission for the RRRF (LBB reference 16/02167/FUL paragraph 6, see Appendix 4).
- 6.3. The Applicant has consistently objected to a cap on tonnage as it considers that the effects of the importation of waste should be controlled rather than the capacity of the plant. The GLA considers there would seem to be no reason in principle why it would not be acceptable to reference the precedent of RRRL, albeit that RRRL was not granted permission under the Planning Act 2008. However, the precedent set by the hazardous waste facilities referred to above would appear support the LBB’s and GLA’s case that a DCO requirement is also acceptable. Further information is provided below with regard to the East Northants Resource Management Facility DCO, granted in 2013. Without a cap on tonnage the current drafting of Requirement 14 does not fully control the effects of the importation of waste as set out in Section 2, paragraphs 2.15 – 2.17 of this document.
- 6.4. As noted by LBB, there is a DCO requirement controlling the total annual quantity of waste. There is also a DCO requirement requiring information on waste, as follows:
- “21.—(1) The undertaker shall provide to the relevant planning authority detailed information in writing on the following— (a) quantities by weight, types and deposition locations of low level waste brought on to the site for disposal; and (b) quantities by weight and types of the waste imported to the landfill directly for disposal and the waste imported to the soil treatment facility.*
- (2) The information shall be provided not later than the last day in February for the preceding calendar year and copied at the same time to the East Northamptonshire Council Environmental Protection Officer”.*
- 6.5. The matters covered by Condition 21 appear to be such as could be expected to be controlled by the Environmental Permit but were nevertheless considered by the SoS to also be appropriately addressed by a DCO requirement.

Justification for Air Quality Monitoring (section 3)

- 6.6. LBB has requested (through their draft SoCG) a financial contribution to monitoring AQ. The request is based on Defra's 'damage costs' approach to valuing the health burden of emissions of air pollutants to the atmosphere (para 3.3). The level of costs is set out at paragraph 3.5 and comprises £1.35million per year between 21 authorities.
- 6.7. The GLA would confirm that monitoring Air Quality is a specific function of the boroughs. The GLA would also confirm that the use of s106 funding agreements to support air quality monitoring is common, and especially so where the development may have a significant impact on local air quality.
- 6.8. The GLA provides formal guidance to the London Boroughs on Local Air Quality Management. This guidance supports the use of s106 funding to support local monitoring programs. The GLA therefore supports this request by LBB.

Cap on Transport Movements (section 4)

- 6.9. LBB seeks a DCO requirement (paragraph 4.10) to limit waste brought to the proposed ERF to 10% of the nominal expected throughput of the proposed plant (65,500 tonnes per annum), as it would not be locally sourced (LBB's waste is already committed to RRRF). LBB also consider that all bottom ash should be transported by river and there should be a dedicated area for bottom ash storage in the event of a jetty outage (paragraph 4.11). LBB provides detailed commentary on the proposed draft DCO requirement 14 (paragraphs 4.12 to 4.26).
- 6.10. The GLA supports LBB's request for a lower cap on waste brought to the ERF by road. The GLA's previous request for a 80-vehicle cap, based on 25% of the maximum output for the site, was made under the assumption that the ERF would have the same local-non local split as the RRRF. As LBB has confirmed this is not the case, the GLA agree that a lower cap at 65,500t/pa is warranted.
- 6.11. The GLA seeks a cap on waste imported to be managed at the proposed ERF to maximise processing of waste produced in London to best meet the Mayor's 100 per cent net waste self-sufficiency target by 2026.

WRWA Written Summary of Oral Submission

- 6.12. WRWA states, at paragraph 65 of its Submission, that it does not appear from the Applicant's assessment that there will be capacity for both the proposed development and the RRRF to support a local Combined Heat and Power (CHP) scheme. A CHP scheme can only be provided at one or other of the facilities, or partially by both. If it is not wholly provided by RRRF this will limit further improvement to the facility's environmental credentials. This, in turn, will impede WRWA's ability to have its waste managed in a more sustainable manner.
- 6.13. The GLA notes is clear that WRWA consider that the proposed REP is in competition with RRRF for heat offtake, which is consistent with the GLA's view expressed in its Written Representations.

6.14. The WRWA's concern reflects the GLA's point (as per the GLA's Written Representations WR1) that the Applicant's initial heat demand assessment accounts for the same demand as that to be supplied by the existing RRRF.

6.15. The WRWA does not refer to the Applicant's later heat demand assessment (document 5.4.1) which suggests that there is further heat demand that the REP could supply. The GLA's position (see paragraphs 2.5 – 2.7 of this document) is that heat demand assessment methodology set out in document 5.4.1 is too high-level and that the heat network is unlikely to be viable.

7. Conclusions

7.1. The GLA considers that the additional information provided by the Applicant at Deadline 3 does not alter its fundamental objections to the proposed ERF. The information provided by the Applicant, which has been reviewed and commented upon in sections 2 to 5 of this document, contains extensive detail. However, in general, the Applicant does not address the principal matters of concern to the GLA, including:

- Lack of commitment for heat offtake;
- Conflict with carbon intensity policy;
- Conflict with managing waste in accordance with the waste hierarchy;
- Lack of commitment to use of river transport;
- Lack of commitment to zero emissions transport modes; and
- Lack of commitment to use biogas;.

8. Statement of Common Ground – The GLA continues to engage with the Applicant to develop a Statement of Common Ground. The GLA last submitted comments on the Applicant's draft SOCG document on 17 May 2019, just ahead of Deadline 2. The GLA is yet to receive responses to these comments from the Applicant.

Appendices

1. **Peabody Support Clarification Email Redacted** – please refer to separate PDF
2. **Climate Change and Energy Policy since 2008** – please refer to separate PDF
3. **Climate Change Act 2008 (as amended, June 2019)** – please refer to separate PDF
4. **RRRF DCO** – please refer to separate PDF
5. **Congenital Anomalies paper within Environment International Journal (2019)** – please refer to separate PDF