Riverside Energy Park

Applicant's response to comments on the draft Development Consent Order

VOLUME NUMBER:

08

PLANNING INSPECTORATE REFERENCE NUMBER:

EN010093

DOCUMENT REFERENCE:

8.02.54

August 2019 | Revision 0 (Deadline 5) | APFP Regulation 5(2)(q)

Planning Act 2008 | Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

CORY
RIVERSIDE ENERGY

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
DCO Main Body				
1. Article 2		**Section 3** The definition of the "date of final commissioning" set out in article 2 makes reference to requirement 16 Schedule 2 – this would appear to be incorrect.		The Applicant has corrected the reference in the dDCO.
2. Article 6(3)		**Section 2** LBB remains concerned over the breadth of this provision as proposed to be amended. LBB queries the removal of the reference to the original S36 consent. Condition 1 of LBB consent (ref: 16/02167/FUL) limits the RRRF development to the application documentation and drawings associated with the applications made in 1999, 2014 and 2016 as well as a letter of 28 June 2002. Removal of the whole scope of this condition is not considered reasonable or appropriate and would create a problem for the LBB in enforcing the RRRF consent. Condition 7 of LBB consent (ref: 16/02167/FUL) limits the use of the jetty to the requirements of the RRRF facility. LBB agree to the restrictions being widened to include for the proposed REP facility, however the uses of the jetty should remain limited to these specified uses to ensure capacity is retained for these uses. Condition 22 of LBB consent (ref: 16/02167/FUL) relates to an ecological protection and management plan. The scope of this plan covers more habitats than just the Open Mosaic Habitat that the proposed REP development would remove. The total removal of this condition is not considered appropriate as this would remove the requirements placed on Cory to ensure other habitats in and around the RRRF facility continue to be protected and managed. Condition 23 of LBB consent (ref: 16/02167/FUL) provides for a dedicated ash storage area. The LBB consider that such an area should remain on the site and this condition should remain. This approach is proposed to provide capacity for bottom		2.1. The Applicant proposes to amend the section 36 consent as set out in Article 6 in the dDCO submitted at Deadline 5. The power to amend the section 36 consent is under s120(5) of the Planning Act 2008. 2.2. The Applicant has produced a plan showing the overlap of the REP site with the existing RRRF **(the REP and RRRF Application Boundaries Plan (8.02.56))**. Article 6 of the dDCO has been updated to exclude this overlap area from the section 36 consent and the extant RRRF planning permission. The power to amend both the section 36 consent and the RRRF planning permission is under s120(5) of the Planning Act 2008. 2.3. The Applicant is not removing the whole scope of Condition 1 and Condition 22; rather Article 6 of the dDCO ensures that where there is an inconsistency between the Order and Condition 1 and Condition 22, there is no breach of those Conditions and no enforcement action can be taken in respect of that inconsistency only. The Conditions remain in force in all other respects. 2.4. Condition 7 – to deal with the LBB's concerns, the Applicant proposes to amend Condition 7 to make it clear that reference to "no other purpose" excludes the authorised development. Article 6 of the dDCO amends the RRRF planning permission accordingly. The power to amend the RRRF planning permission is under s120(5) of the Planning Act 2008. 2.5. Condition 23 is redundant as the storage area forms part of the REP site and accordingly will be developed as part of REP. The Applicant

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
		ash storage in the event of a jetty outage. The LBB's position is that all bottom ash material from the proposed ERF plant is to be transported by river. This approach accords with the assumptions made by the Applicant in their transport assessment. The LBB does not understand why the Applicant can commit to ash being taken by the river for the existing RRRF plant but not the proposed ERF plant. If the Applicant is confident to remove this ash storage facility, then the LBB considers that the Applicant should be required to commit that all bottom ash is removed from the REP site via the river.		has therefore amended the RRRF planning permission to require the ash to be stored in the bunkers at the development (which is how RRRF has operated since operations began and the reason why there is no need for an additional on site dedicated ash storage area). The bunker has the capacity to hold up to approximately 7 days' worth of ash. No separate storage area is required or necessary. The power to amend the RRRF planning permission is under s120(5) of the Planning Act 2008. 2.6. The Applicant is committing to bottom ash being removed via the River and this is already secured in Requirement 14(4).
Schedule 1				
3. Schedule 1		**Section 2** As submitted at the DCO issue specific hearing on 6 June 2019 and in LBB's deadline 3 submission, LBB remain very concerned and consider that there should be a cap on the waste throughput for the plant. This cap should separately apply both for the Energy from Waste and the Anaerobic Digestion facilities during both the commissioning and operational periods of these developments. The LBB feels that both facilities, which could be built independently and at different times to one another, need to be capped in terms of waste throughput and traffic movements. The upper limit of waste assessed for the ERF element of the REP in the ES is 805,920 tpa. This capacity is based on assumptions, of the plant operating 100% of the time (8760 hours) and burning waste with a calorific value of 7 MJ/kg, that are considered by the LBB to be unrealistic. This is on the basis that the explanatory memorandum to the dDCO prepared by the Applicant (3.2) sets out, under paragraph 3.1.3 (f) (ii) (1), that the ERF is designed to		3.1. As set out in the **Applicant's response to London Borough of Bexley Deadline 3 Submission (8.02.36, REP4-015)**, it is the potential effects arising from the reasonable worst-case assessments which are the appropriate measurements and, where appropriate, the basis of controls for limiting any potential effects on the environment. With controls on those potential effects in the dDCO, any control on the overall waste throughput is superfluous. 3.2. The Applicant has amended the dDCO to include Requirements on road vehicles including a cap on the amount of waste to be transported via road, noise, air quality emissions from the ERF, air quality emissions from the Anaerobic Digestion plant with abatement technology, air quality monitoring, fuel type, and a phasing programme for construction and commissioning of Work Number 1. By having these restrictions, the development will not exceed the parameters assessed in the Environmental Statement, which accords with the LBB's reasoning that

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
		operate for 8,000 hours per year due to various maintenance requirements that are set out. In terms of the calorific value of the waste an earlier application by Cory to extend the RRRF plant in September 2014 stated that the RRRF plant's operational data showed a CV of waste being received at the plant at the plant being in the range of 9-10 MJ/kg (paragraph 2.18 of this earlier ES (September 2014)). The LBB notes that with a lower number of operational hours and higher waste CV the throughput of waste that can be managed by the ERF will reduce from the assumed upper limit of 805,920 tpa. On account of the above the LBB questions if the upper limit (805,920 tpa) would in reality ever be achieved and LBB fail to understand how any likely efficiencies could extend the throughput of the ERF plant beyond this upper limit. Furthermore, the LBB notes that the need case presented for the ERF plant sought in the application does not consider the upper level of the proposed ERF plant of 805,920 tpa in the Waste Strategy Assessment (Annex A of the Project Benefits Report). The upper limit of waste assessed in the ES for the Anaerobic Digestion element of the REP is 40,000 tpa. Failure to limit or cap the throughput of waste could lead to the operational impacts of the development being greater than those assessed in the Applicant's ES. This is considered totally unacceptable by the LBB. The operational control of the development must not exceed the limitations set out and assessed within the Environmental Impact Assessment (EIA). The LBB does not consider that control of the capacity of the plant can be left to the Environmental Permitting regime and the Environment Agency. The assessment work undertaken in support of an environmental permit application does not reflect the scope of assessments undertaken in the EIA to support this application. LBB considers that if there are further changes to the proposed throughput of the		"*the development must not exceed the limitations set out and assessed within the Environmental Impact Assessment*." 3.3. In addition, National Policy Statement EN-3 at paragraph 2.5.13 makes it clear that throughput volume in itself is not a factor in decision making, as there are no specific minimum or maximum fuel throughput limits for different technologies or levels of electricity generation, rather it is the effects that should be controlled. The Applicant's approach therefore accords with national policy. 3.4. As set out in paragraph 1.2.9 of the **Applicant's response to London Borough of Bexley Deadline 3 Submission (8.02.36, REP4-015)**, there are numerous development consent orders which do not include a waste throughput cap. **The Applicant's response to London Borough of Bexley Deadline 3 Submission (8.02.36, REP4-015)** submitted at Deadline 4 provides further explanation of why a cap of throughput of waste is not necessary. 3.5. Section 3 of the LBB's response repeats the comments in Section 2. The Applicant disagrees with the LBB's statement that the absence of any waste throughput capacity on both the ERF and the Anaerobic Digestion plant means the environmental effects of those operations could exceed those assessed in the Environmental Statement. This is not the case where the environmental topics are controlled via the Requirements to the dDCO meaning that those topics cannot exceed the parameters for that topic in the Environmental Statement. Any restriction on throughput capacity would add no greater control and would have the potential of hindering efficiency improvements throughout the life of the plant. The LBB's concerns are about the impacts of REP and the impacts, even where the Environmental Statement has concluded they would be not significant, are now controlled in the dDCO. This is entirely in accordance with the

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
		either the ERF or the Anaerobic Digestion plants proposed by the Applicant in the future these should be subject to further environmental assessment and consideration through the planning process. This would be secured through imposition of capped waste limits on both the ERF and Anaerobic Digestion facilities. **Section 3** The LBB has set out in a marked up version of the draft DCO (dDCO) at deadline 2, the environmental hearings and in submissions made at deadline 3, that a maximum tonnage of waste should be imposed in the DCO to cap the throughput capacity of both the ERF and the Anaerobic Digestion elements of REP. Failure to limit or cap the throughput of waste could lead to the operational impacts of the development being greater than those assessed in the Applicant's Environmental Statement (ES). This is considered unacceptable by the LBB. The operational control of the development must not exceed the limitations set out and assessed within the Environmental Impact Assessment (EIA). In the absence of any waste throughput capacity on both the Anaerobic Digestion and ERF plants the environmental effects of these operations could exceed those assessed in the EIA this is considered contrary to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, sections 21 (1) and (2) as well as planning policy and guidance.		Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, National Policy Statements EN-1 and EN-3 and guidance.
Schedule 2				
4. Requirement 4 (Pre-commencement biodiversity mitigation strategy)		**Section 2** The LBB does not consider that the wording to the draft DCO in Schedule 2 requirements 4 and 5 provides sufficient safeguards to prevent losses to biodiversity being realised before equal or greater compensation has been provided. The wording is also	To ensure sufficient measures are in place to mitigate the impacts of the Project on the Crossness Nature Reserve, TWUL requires insertion of the following wording into Requirement 4:	**LBB** 4.1. The Applicant has amended the dDCO to restrict the pre-commencement works to the main areas of existing hardstanding in the REP Site, as shown hatched dark pink on the **Pre-commencement Plan** (**8.02.55**) submitted at

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
		not considered sufficient to ensure that the full extent of the biodiversity impacts or compensation requirements are known prior to pre-commencement work being undertaken. This is not considered acceptable by the LBB. The LBB also maintains concerns expressed at the issue specific hearing on environmental matters (5 June 2019) that details of alternative offsetting sites have not yet been put forward by the Applicant, and that any biodiversity value should be retained within Bexley for the benefit of the Borough's residents. **Section 3** The LBB is concerned that the off-setting value, to which the biodiversity off-setting scheme will be developed to deliver biodiversity benefits, is not proposed to be finalised until after detailed design. The LBB is concerned that this will not be determined until after pre-commencement works have taken place. Harm to habitat either on-site or off-site, including pre-commencement works should not be permitted to take place until the full off-setting value has been determined, full mitigation measures have been identified and compensation habitats / biodiversity enhancements that equate to at least the value of any harm to be caused have been implemented. Otherwise LBB are concerned that losses to biodiversity could take place in advance of any compensation or benefits being realised.	"*Prior to submission of the pre-commencement biodiversity and landscape mitigation strategy pursuant to sub-paragraph (1), the undertaker must consult with Thames Water Utilities Limited on details of mitigation measures required to reduce the impacts of the authorised development on the Crossness Nature Reserve*"	Deadline 5, thereby avoiding Wasteland Habitat Area and other biodiversity assets. The Applicant has amended the definition of "*pre-commencement works*" so that it reads, "*operations on the pre-commencement land only consisting of land preparation, environmental surveys*….". The "*pre-commencement land*" is then defined by reference to the plan. 4.2. This ensures that pre-commencement works will now only be carried out on those main areas comprising existing hardstanding such that no areas of ecological value are affected. The pre-commencement works areas are in current use by the Applicant and the Cory Group. Accordingly, the LBB's concerns set out in Section 2 and Section 3 have been addressed. 4.3. As a consequence of this amendment, Requirement 4(2)(b) and 4(2)(c), the off-setting and restoration requirement respectively, have been deleted. However, the Applicant has retained the requirement to provide details of mitigation measures to protect protected habitats and species during the pre-commencement works, which will be detailed in the pre-commencement biodiversity mitigation strategy. 4.4. The final off-setting value, which includes 10% net gain, will not be known until detail design. As with all projects, this will not take place until post consent. However, the off-setting is secured via Requirement 5, which restricts commencement until the nature of that off-setting has been approved by the LBB. The Applicant's approach to off-setting is a recognised approach and follows Defra's Guidance. 4.5. In terms of sites, as the Applicant explained at the Hearings on 5 and 6 June 2019 the Environment Bank, which is recognised by the UK Government as a leader in

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
				compensation solutions for biodiversity net gain, is currently drawing up a shortlist of sites for discussion with stakeholders, which includes the LBB. Where possible, the sites will be in the LBB, but the priority for the search is the biodiversity value. An update on where the Environment Bank has got to, is submitted at Deadline 5 Update on Environment Bank Site Selection Progress (**8.02.53**). 4.6. Regarding the LBB's comment that "*harm to habitat either on-site or off-site….should not be permitted to take place until the full off-setting value has been determined, full mitigation measures have been identified and compensation habitats / biodiversity enhancements that equate to at least the value of any harm to be caused have been implemented*", this is already covered by Requirement 5. 4.7. In terms of pre-commencement works, as these are now restricted to areas of hardstanding (as explained above), the Applicant considers the LBB's concerns to be resolved. 4.8. In terms of the main works triggering commencement, the Applicant cannot commence those works until: • the "*full off-setting value has been determined*" – Requirement 5(1)(c) requires the off-setting value to be submitted to the LBB; • the "*full mitigation measures have been identified*" - Requirement 5(1)(c), requires the nature of the off-setting to be submitted to the LBB; and • the compensation has been implemented – Requirement 5(1) requires the Applicant to implement the strategy as approved. 4.9. It must be recognised, that no development will

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
				provide the full suite of on-site mitigation prior to commencing development, so it is unreasonable to expect the Applicant to provide all the off-setting before it can commence. In any event, the strategy will show the amount of money the Applicant will pay to the Environment Bank upon approval of the strategy by LBB. So the Applicant will have paid up front all the off-setting costs before it has commenced development, a significant outgoing. **TWUL** 4.10. The pre-commencement works are limited to just the areas of existing hardstanding in the REP Site, as shown hatched dark pink on the **Pre-Commencement Plan** (**8.02.55**). 4.11. In any event, the strategy must be submitted to the LBB for approval, and it is for LBB to determine who it should consult on the adequacy of the strategy. This is the same for the discharge of conditions on any planning permission. No amendment made.
5. Requirement 5 (Biodiversity and landscape mitigation strategy)		**Section 2** The LBB does not consider that the wording to the draft DCO in Schedule 2 requirements 4 and 5 provides sufficient safeguards to prevent losses to biodiversity being realised before equal or greater compensation has been provided. The wording is also not considered sufficient to ensure that the full extent of the biodiversity impacts or compensation requirements are known prior to pre-commencement work being undertaken. This is not considered acceptable by the LBB. The LBB also maintains concerns expressed at the issue specific hearing on environmental matters (5 June 2019) that details of alternative offsetting sites have not yet been put forward by the Applicant, and that any biodiversity value should be retained within Bexley for the benefit of the Borough's residents.	As with Requirement 4, TWUL requires the following wording to be inserted into Requirement 5 to ensure that appropriate mitigation is secured in relation to the Crossness Nature Reserve: "*Prior to submission of the biodiversity and landscape mitigation strategy pursuant to sub-paragraph (1), the undertaker must consult with Thames Water Utilities Limited on details of mitigation measures required to reduce the impacts of the authorised development on the Crossness Nature Reserve*"	**LBB** 5.1. In respect of impacts at pre-commencement stage, the Applicant is restricting itself to only carrying out the pre-commencement works on areas of existing hardstanding in the REP Site, as shown hatched dark pink on the **Pre-Commencement Plan** (**8.02.55**). Therefore, the LBB should no longer have any concerns in that regard. 5.2. In terms of sufficient safeguards to prevent losses to biodiversity being realised before equal or greater compensation has been provided, the LBB has misunderstood how the off-setting process will work. As stated above, the Applicant cannot commence (as defined in the dDCO) until: • the "*full off-setting value has been determined*" – Requirement 5(1)(c)

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
			TWUL also seeks the amendment of Requirement 5(1)(e) to include reference to Works No. 8 (temporary construction compound), as it expects hard and soft landscaping to be incorporated as part of the construction and operation of the Main Temporary Construction Compound. Requirement 5(1)(e) should read as follows: "*any hard and soft landscaping to be incorporated within Work Nos. 1, 2, 3, 4, 5, 6 and 8 including location, number, species, size of any planting and the management and maintenance regime for such landscaping.*"	requires the off-setting value to be submitted to the LBB; • the "*full mitigation measures have been identified*" - Requirement 5(1)(c), requires the nature of the off-setting to be submitted to the LBB; and • the compensation has been implemented – Requirement 5(1) requires the Applicant to implement the strategy as approved. The strategy will set out that upon approval of the strategy by the LBB, the Applicant will pay the value of the biodiversity units to the Environment Bank. The Applicant must then comply by the strategy, which includes management and monitoring commitments, which will be issued to the LBB. 5.3. The **Update on the Environment Bank Site Selection Progress (8.02.53)** sets out an update on the site selection process of the biodiversity off-setting. **The Biodiversity Offset Delivery Framework (8.02.25, REP3-031**) submitted at Deadline 3 sets out the procedure for how the Environment Bank works. 5.4. In terms of sites, as the Applicant explained at the Hearings on 5 and 6 June 2019 the Environment Bank, which is recognised by the UK Government as a leader in compensation solutions for biodiversity net gain, is currently drawing up a shortlist of sites for discussion with stakeholders, which includes the LBB. Where possible, the sites will be in the LBB, but the priority for the search is the biodiversity value. **TWUL** 5.5. In relation to the consultation of TWUL, as stated above, it is for LBB to consult with relevant stakeholders. 5.6. In relation to the amendment of Requirement

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
				5(1)(e), the Applicant will not be incorporating hard and soft landscaping as part of the construction and operation of the Main Temporary Construction Compounds. The Environmental Statement did not make this assumption, and the conclusions are based on no hard and soft landscaping. In addition, the compound is temporary. No amendment is deemed necessary.
6. Requirement 11 (Code of Construction Practice)	The amendment to accommodate inclusion of 'pre-commencement' activities into the CoCP is welcomed by the GLA. 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. As with other construction related issues this requirement, when introduced, should apply to pre-commencement works.	**Section 2** <u>Requirement 11(1)</u> LBB welcomes with the amendment to Requirement 11 so that it now applies to pre-commencement works as well as commencement of the authorised development. However, LBB maintains its requirement for contributions from the Applicant for ongoing operational monitoring of air quality to be incorporated into the DCO. LBB provided written justification for this requirement in its deadline 3 submission. The LBB continues to request the proposed inclusion for ongoing operational monitoring of air quality as a requirement in Schedule 2 of the DCO. The LBB considers that the scope of the outline Code of Construction Practice (CoCP) should be extended to have explicit regard to all relevant measures specified in the Mayor of London Supplementary Planning Guidance (SPG) for "*The control of dust and emissions during construction and demolition*" and IAQM guidance associated with the control of dust at low risk construction sites. Currently the relevant SPG is "referenced" in the CoCP, but the CoCP does not state that all relevant provisions of this SPG will be adopted. <u>Requirement 11(1)(o)</u> LBB welcomes the amendment. This requirement stipulates that the CoCP shall be approved by the LPA prior to pre-commencement works. Although not		**GLA** 6.1. The **CoCP (7.5, Rev 3)** at paragraph 4.3.2 is clear that best practice measures will be incorporated into the construction of the Proposed Development. Paragraph 4.3.2 also refers to adherence to guidance, such as the SPG on "*The Control of Dust and Emissions During Construction and Demolition*", 2014 (which includes the NRMM LEZ). 6.2. Should the SPG remain in place at the time of submission of the final form CoCP, then the final CoCP will contain practices that adhere to the policies in that SPG. If, however, there are more up to date best practices and guidance at that time, then those best practices and guidance will be followed. 6.3. The CoCP should be allowed to follow the best practice and the guidance at the time the final form CoCP is submitted to ensure that the construction of the Proposed Development is genuinely following best practices. Therefore, no amendment is deemed necessary. 6.4. The SPG is contained in the CoCP, which is subject to a Requirement. For this reason, and for the reasons above regarding changes to best practice and guidance, it is not appropriate for there to be a stand alone Requirement for the SPG. 6.5. It must also be remembered that the LBB must approve the final form of the CoCP.

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
		included as specific provisions in the requirement, as sought by the LBB in their tracked changed version of the DCO submitted at deadline 2, the LBB consider that the CoCP must include: • reference to mitigation measures for piling activities; • a protocol for addressing unforeseen contamination during the works; • measures for the protection of workers from soil and groundwater contamination and ground gas; • appropriate spill prevention and response procedures; • site and stockpile management to mitigate contamination of surface water run-off and emission of contaminants in airborne dust. Section 3 The LBB consider that the CoCP must include: reference to mitigation measures for piling activities; a protocol for addressing unforeseen contamination during the works; measures for the protection of workers from soil and groundwater contamination and ground gas; appropriate spill prevention and response procedures; site and stockpile management to mitigate contamination of surface water run-off and emission of contaminants in airborne dust. The LBB has requested a new requirement for ambient air quality monitoring to be added to Schedule 2. This has been rejected by the Applicant. As set out below, LBB maintains its request for a requirement for ambient air quality monitoring.		**LBB** 6.6. Air Quality monitoring – the Applicant has included in the dDCO a requirement for air quality monitoring. This requirement provides for the Applicant to prepare an ambient air quality monitoring programme, which must also meet the requirements of any air quality monitoring condition on the Environmental Permit for the REP. The programme is to be submitted to the Environment Agency for approval – it is not reasonable or justifiable to expect the Applicant to prepare two strategies to two different bodies. 6.7. It should also be noted that the air quality contribution that the operator of RRRF pays to the LBB is not under the RRRF planning permission or secured through a section 106 agreement, rather the payment arose out of a condition on the RRRF Environmental Permit and is secured via a contract between the LBB and the operator of RRRF (not under the Town and Country Planning Act 1990). 6.8. Regarding "*The control of dust and emissions during construction and demolition*" SPG and IAQM guidance associated with the control of dust at low risk construction sites – please see the response above to the GLA in respect of the SPG. In addition, paragraph 4.3.3 of the CoCP states that the "*standard mitigation measures for low risk sites [which is the case here] taken from the IAQM document 'Dust and Air Emissions Mitigation Measures would also be applied*." This is a clear commitment to the IAQM reference document. No amendment required, however for clarity the Applicant has amended **Paragraph 4.3.3** of the **Outline CoCP** (**7.5, Rev 3**) submitted at Deadline 5 to read: *"Additionally, standard mitigation measures for low risk sites, taken from the Institute of Air*

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
				Quality Management (IAQM) document 'Dust and Air Emissions Mitigation Measures' tables would also be applied. These include but are not limited to:" 6.9. In the **Applicant's responses to Written Representations (8.02.14, REP3-022)**, the Applicant explained clearly why it was not necessary to include in the CoCP the exact wording in the bullets (see pages 303 to 305 of that document). Despite this, the Applicant has provided a further updated CoCP that makes it even clearer for the LBB that the topics are indeed covered. The updated **CoCP (7.5, Rev 3)** is submitted at Deadline 5. 6.10. Section 3 does not add anything that is not already covered in Section 2.
7. Requirement 12 (Construction Hours)			TWUL require the amendment to Requirement 12 to refer to Work Nos. 6 (works to construct and install supporting infrastructure), 7 (works to construct and install from work No. 6 pipes and cables), 8 (temporary construction compound) and 9 (an electrical connection) as follows: "*Construction works relating to Work Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 must not take place on Sundays, bank holidays nor otherwise outside the hours of –* (a) *0700 to 1900 hours on Monday to Friday; and* (b) *0700 to 1300 hours on a Saturday.*"	7.1. The Applicant is content to include reference to Work No. 6 in Requirement 12 in the dDCO. 7.2. However, the Applicant has not updated the Requirement to include: • Work No. 7 – this involves pipes and cables being installed in the northern part of Norman Road. To minimise impact on the highway, and to ensure the operational integrity of the RRRF, these works may need to be carried out outside the specified hours and at weekends. • Work No. 9 – this involves the Electrical Connection from the REP Site to the substation, along or adjacent to the highway. In order to minimise disruption to vehicles and bus services, which is a concern of the GLA and TfL, night time working is a mitigation measure that may be required at a limited number of locations where daytime works are not appropriate or practicable. • Work No. 8 – This is the construction

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
				compounds, where workers will arrive before 7am in order to prepare for construction commencing at 7am. In addition, workers will be closing down the site post 7pm (or 1pm on Saturdays) when construction stops.
8. Requirement 13 (Construction Traffic Management Plan)	The amendment to accommodate inclusion of 'pre-commencement' activities into the CTMP is welcomed by TfL. TfL welcomes the Applicant's proposed amended wording with regard to consultation with TfL, as agreed at the Environment ISH. 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.	**Section 2** <u>Requirement 13(1)</u> LBB is content with the amendments to Requirement 13 to clarify that TfL will be a consultee to the Construction Traffic Management Plan (CTMP) for streets within the LBB. Schedule 2 requirement 13 of the draft DCO stipulates that these plans shall be approved by the LBB. The LBB considers that each CTMP submitted, for each part of the relevant development, should include software modelling assessments for each phase of construction to ascertain any local impacts that may have an impact on the strategic network and existing Heavy Commercial Vehicle (HCV) movements.	To ensure sufficient measures are included in the construction traffic management plan to mitigate against its concerns in relation to the Crossness Nature Reserve, TWUL requires the Applicant to consult with TWUL on the contents of the construction traffic management plan and the inclusion of the following wording in Requirement 13: "*Prior to the submission of the construction traffic management plan(s) pursuant to sub-paragraph (1), the undertaker must consult with Thames Water Utilities Limited on its contents to ensure that adequate measures are included to reduce impacts on the Crossness Nature Reserve.*" TWUL requires consultation with the Applicant on the construction traffic management plan(s) to address its concerns as follows: <u>Crossness Access Road</u> • With the change in the location of the Main Temporary Construction Compound, the Applicant proposes to use TWUL's access road off Norman Road ("the Crossness	**LBB and GLA** 8.1. The Applicant's expert transport planning consultant does not agree that software modelling assessments for each phase of construction of the Electrical Connection, which is a temporary impact, would be appropriate or proportionate. The appropriate mitigation for construction impacts for these works, which are no different to statutory utility works that take place every day (and indeed will be undertaken by a statutory utility), has been included in the **Outline Construction Traffic Management Plan (Rev 3, 6.3 Appendix L to B.1)**. 8.2. At Deadline 2, the Applicant submitted two technical notes on construction traffic impacts (Appendices F and G to the **Applicant's Response to Relevant Representations (8.02.03, REP2-054)**). At Deadline 2, the Applicant also strengthened the commitments in the Outline Construction Traffic Management Plan (CTMP), which was further updated at Deadline 3 (**REP2-064 and REP3-010**). This was in response to discussions with TfL. The Applicant's updates to the CTMP include: • proposals for the method of traffic management; • monitoring and review processes to be used; • an acknowledgement that the committed shift pattern dilution of workforce commuting journeys will reduce the impact on the operation of the transport network. For example, with the profile of construction workers being prior to the morning peak

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
			Access Road") as a shared access to the Data Centre site. The Crossness Access Road is the road which intersects the Data Centre site. It is the access road for the Crossness Nature Reserve and is an emergency access and egress route for TWUL's operational Crossness Sewage Treatment Works, together with access for the Environment Agency to the Great Breach Pumping Station. • If the Crossness Access Road is to be a shared access route, there would be significant increase in the amount of vehicle traffic during the construction period of the Main Temporary Construction Compound and the Data Centres which would impact visitor access and safety whilst at the Crossness Nature Reserve. Therefore, TWUL seek the measures in the construction traffic management plan(s) which give effect to: • the creation of the Applicant's own access route off Norman Road directly onto the Data Centre site;	and after the evening peak and potentially spread across a number of hours; • a reduction in car parking spaces at the Main Temporary Construction Compounds to 275; • the interface between local bus services and the construction of the Electrical Connection to be managed with the highway authorities, and TfL and the bus operating companies for Highways within LBB. The Outline CTMP (as submitted at Deadline 5) incudes a commitment to configure temporary management controls to minimise delays to bus services as far as reasonably possible. • specific consideration to be given to the Fastrack, such as exploring optimum working arrangements and timing of works so as to minimise effects; and • a new section on public rights of way. **TWUL** 8.3. The Applicant is not using TWUL's access road off Norman Road ("the Crossness Access Road"). 8.4. As shown on **sheet 3** of the **AROW Plans (2.3, REP2-005)** the Applicant is creating new access points between BO and BP and BQ and BR. The Applicant will not be using the Crossness Access Road. 8.5. TWUL's reasoning as to why it considered it should be consulted on the CTMP was due to its assumption that the Applicant would be using the Crossness Access Road. As this is an incorrect assumption, the Applicant does not accept TWUL's request. 8.6. Part of the width of Norman Road will be temporarily closed for the installation of the Electrical Connection. However, access will be

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
			• a commitment that the Crossness Access Road will remain open at all times and that no heavy goods vehicles are left freestanding in the road; • that the Applicant will not refuse access to the Crossness Access Road from Norman Road to any person(s).	maintained for vehicles going to or from premises abutting the affected highway in accordance with Article 13 of the dDCO. 8.7. Note that the Applicant has responded to TWUL's comments on FP2 and FP4 in Paragraphs 1.2.3-1.2.7.
9. Requirement 14, (Heavy commercial vehicle movements delivering waste)	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	**Section 2** LBB agrees that traffic movements should be limited for both the ERF and Anaerobic Digestion facilities. However, LBB considers that separate traffic limits for these facilities should be specified. This is on the basis that each facility could be built independently and at different times to one another. <u>Requirement 14(1)</u> The wording of Schedule 2 requirement 14 (1) where reference is made to vehicle movements is considered confusing. The LBB considers the wording should be clearer in terms of both one way and total daily movements. The LBB also questions the proposed addition to the requirement wording: "from the street known as Norman Road". The need for this additional text is questioned as the purpose of the requirement is to restrict movements to the site. <u>Previous Requirement 14(2), and 14(4)</u> LBB welcomes this amendment to remove reference to the use of surplus traffic movements. However, the ES fails to consider the full capacity of the ERF and RRRF facilities operating during a jetty outage with the HCV movements sought by the Applicant under requirement 14(2) of Schedule 2 of the draft DCO.		**GLA** 9.1. Jetty outage – the Applicant is content to align the definition of "jetty outage" in the dDCO to that in the planning permission for the RRRF - being 4 consecutive days. This has been made in the dDCO. 9.2. The Applicant is content to remove "*from the street known as Norman Road*" from Requirement 14(1). This has been made in the dDCO. 9.3. In relation to the extension of the Requirement to include a remediation plan, the Applicant considers this to be unnecessary. The Applicant monitors its vehicle movements carefully through its gatehouse and weighbridge system and will have internal operational processes in place to ensure that no breach of the Requirement occurs (as it currently has in place for RRRF). In any event, even if a breach does occur, the remedy is an operational remedy which would be deployed immediately. Breaching a DCO is a criminal offence, and therefore the Applicant's own internal governance processes will require it to monitor vehicle movements to ensure a breach does not happen. 9.4. Whilst the existing drafting of Requirement 14 ensures that the effects in respect of transport do not exceed that assessed in the ES, the

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
	• 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. 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. 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	The transport assessment presented in the ES is not considered by the LBB to assess the worst case or cumulative transport assessment scenarios that the Applicant seeks to be permitted in the event of a jetty outage under requirement 14 (2) of Schedule 2 of the draft DCO. The maximum permitted level of traffic movements allowed from the proposed development should not exceed the worst-case scenario assessed within the ES submitted in support of the application. For example, Table 3.1 contained in the Temporary Jetty Outage Review report states that the transport assessment included in the ES assumes 343 one-way HCV (686 total) movements from the REP and some 80 oneway (160 total) HCV movements associated with the RRRF facility. This equates to some 423 one way (846 total) daily HCV movements from the REP and RRRF facilities. However, Table 3.1 also states that a situation where both the existing RRRF plant and the proposed REP facility were operating at the proposed capped jetty outage levels of 300 one-way HCV movements the total HCV movements to the REP would equate to 1,342 HCV movements during a jetty outage. This being a level almost 70% greater than that assessed in the ES. LBB also disagrees with the proposed restriction outlined in Schedule 2 requirement 14 (2) for HCV movements during a jetty outage during the peak periods. In the draft DCO this suggests 60 twoway trips (30 in and 30 out). Assuming a flat profile across 24 hours, 300 HCV movements in a day would be 12.5 HCV movements hourly with assumption of 12.5 departing. Justification for increasing movements by over 200% has not been given by the Applicant. The LBB considers that restrictions during peak hours should be applied in order to minimise any potential impacts to the road network. Furthermore, the LBB is unsure as to whether the peak periods proposed by the Applicant in Schedule 2 requirement 14 (2) correspond to the		Applicant is further content to limit the volume of waste delivered by road to 240,000 tonnes per annum (this covers waste to both the ERF and the Anaerobic Digestion facility), as requested at Deadline 3. This cap is included in the dDCO. However, the Applicant does not accept the revised limitation of 65,500 tonnes per annum, which is a figure that is not evidenced and would limit, and impede, the ERF from meeting the identified need that is evidenced in the Applicant's Application and Examination submissions. The LBB has presented no technical or environmental basis for its cap, rather it appears to be an arbitrary figure which the Applicant has moved towards significantly and voluntarily, despite there being no EIA basis for doing so. 9.5. The Applicant cannot accept a cap on the number of days that a jetty outage may occur. This is an emergency situation which the Applicant may have no control over and if triggered the Applicant would have to continue to provide a service to the public and private customers. It is not in the Applicant's interest for a jetty outage to occur for an extended period of time and therefore the Applicant will try to rectify the situation as soon as possible. Furthermore, the GLA refers to the existing RRRF planning permission as precedent for some of its arguments, and there is no cap on the number of days a jetty outage can last on the RRRF planning permission (which is correct given the emergency context). 9.6. The Applicant is content to remove the cap of a maximum of four requests per year and this has been made in the dDCO. 9.7. In relation to the source of waste, the Applicant cannot agree to a cap on the amount of waste that is transported from outside London. The location of REP means it is ideally suited to receive waste, particularly via River. The source of that waste will depend on the market at the time the plant becomes operational and

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
	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). 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. 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	peak periods that were assessed in the ES. <u>Requirement 14(4) (previously 14(6))</u> LBB is not satisfied with the further amendments. As submitted at the DCO issue specific hearing on 6 June 2019, LBB requires records to be made available as required (a cap of four requests per year is not acceptable) and records should include details on waste volumes. The content and scope of records to be made available for review by the Council should be subject to agreement with LBB. <u>Requirement 14(5)(b) (previously 14(7)(b)</u> At the issue specific hearing on 6 June 2019 LBB made representations that there may be a need for two definitions of "jetty outage"; one being up to a four day period being a 'routine' jetty outage (and during which bottom ash would be stored ready to be taken away by river on the resumption of service from the jetty) and a second definition for a longer duration in the event of a more serious outage. The applicant agreed to consider and propose wording to this effect in its revised draft DCO, however this has not been provided. LBB considers that the proposed definition of "jetty outage" as being for a period of just 48 hours is too short. The LBB consider that the definition should be as per the tracked change version of the draft DCO presented by the LBB at deadline 2. A definition that has been agreed and established under the extant RRRF consent. **Section 3** The LBB does not consider that the current proposals for the REP, including the wording in the dDCO prepared by the Applicant at Deadline 3, will maximise the use of the river during construction or operation of the REP in line with LBB Core Strategy		is therefore dynamic and transient. **LBB** 9.8. The Applicant is content to include a requirement that requires the Applicant to set out the phasing on the construction and commissioning of Work Number 1and this has been made in the dDCO. As a result, separate traffic limits for these facilities do not need to be specified. 9.9. The Applicant has amended Requirement 14 so that it is clearer, referring to total daily movements. A definition has also been inserted of "two-way vehicle movements". This has been made in the dDCO. 9.10. As above, the Applicant is content to delete the phrase "*from the street known as Norman Road*". This amendment has been made in the dDCO. 9.11. RRRF has never had a jetty outage since it began operation in 2011. Based on operational history, a jetty outage was not considered the likely worst-case scenario, which was why it was not included in the Environmental Statement. The likely worst-case scenario at the time of submission was 100% road and 100% river. Notwithstanding this, the **Temporary Jetty Outage Review (8.02.31, REP3-036)** illustrated that there are no significant transport effects arising from REP and RRRF operating simultaneously at maximum capacity under a temporary jetty outage scenario. Accordingly, this unlikely scenario has been assessed and demonstrates no significant transport effects. 9.12. As above, the Applicant is content to remove the cap of a maximum of four requests per year. This has been made in the dDCO. 9.13. In relation to the definition of "jetty outage", the Applicant is content to increase the jetty outage from 48 hours to 4 days, as reflected in the

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
	that any request by the LPA would need to be reasonable." 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; 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. 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)	Policy CS09. The LBB's position is that the ERF facility proposed as part of the REP is not to serve the local area, with local authority waste in the vicinity of the site already committed to the existing RRRF plant. The LBB also already provides sufficient waste management capacity in line with waste apportionment targets set out in the London Plan. The LBB supports the principle of Energy from Waste (EfW) but considers that the proposed new EfW plant to be a facility that must make use of the sites existing river infrastructure and in accordance with London Plan and LBB planning polices maximise the use of the river. For these reasons, as outlined in the DCO hearings, in a marked up version of the dDCO at deadline 2 and in submissions made at deadline 3, LBB proposes that Heavy Goods Vehicle (HGV) traffic serving the proposed ERF facility should be minimised and less than that capped (25% of the capacity of the RRRF can be brought to the site by road) for the existing RRRF plant. Schedule 2 requirement 17A of the tracked changed version of the dDCO submitted by LBB at deadline 2 therefore seeks to limit the amount of waste brought to the proposed ERF plant to 10% of the nominal expected throughput of the proposed plant (65,500 tonnes per annum). The wording of requirement 14 (5) (b) of the dDCO by the Applicant provides a definition for a 'jetty outage'. The LBB do not agree to the proposed wording. The LBB consider that the definition should be as per the tracked change version of the dDCO presented by the LBB at deadline 2. A definition that has been agreed and established under the extant RRRF consent. LBB have requested that a Delivery and Servicing Plan (DSP) is provided as part of a DCO requirement, ensuring that a robust management and monitoring strategy is identified with the DSP. The LBB considers that a DSP should be provided for in the requirements set out in Schedule 2 of the DCO. This will help manage and control deliveries to the site and provide an opportunity for improvements and efficiencies to		dDCO. 9.14. As stated above in response to the GLA, whilst the existing drafting of Requirement 14 ensures that the effects in respect of transport do not exceed that assessed in the ES, the Applicant is further content to limit the volume of waste delivered by road to 240,000 tonnes per annum (this covers waste to both the ERF and the Anaerobic Digestion facility), as requested by the GLA at Deadline 3. However, the Applicant does not accept LBB's limitation of 65,500 tonnes per annum, which is a figure that is not evidenced and would limit, and impede, the ERF from meeting the identified need that is evidenced in the Applicant's Application and Examination submissions. The LBB has presented no technical or environmental basis for its cap, rather it appears to be an arbitrary figure towards which the Applicant has moved towards significantly and voluntarily, despite there being no EIA basis for doing so. 9.15. In terms of a Delivery and Servicing Plan, the Applicant does not accept the need for such a plan for the reasons set out in the **Applicant's Responses to Written Representations (8.02.14, REP3-022)**. In that response, the Applicant highlighted that the measures that the LBB were seeking for via the Delivery and Servicing Plan were covered by the Operational Worker Travel Plan (Requirement 15). The LBB's request for a cap on all vehicle movements accessing REP is unworkable and unreasonable, as this covers visitors, deliveries, maintenance, which are all outside the Applicant's control in terms of vehicle numbers. In any event, the need for such a cap is not borne out by the results of the Transport Assessment or the Environmental Impact Assessment.

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
		be realised during the operation of the site. The DSP, in addition, will also account for vehicle movements associated with general deliveries and maintenance of machinery. The LBB consider that the wording in the DCO should not be ambiguous and should specify the total two-way HGV movements proposed under requirement 14.		
10. Requirement 15 (Operational lighting strategy) **This is now Requirement 19 in Rev 3**		LBB is content with the amendment.	TWUL seeks the amendment to Requirement 15(1) to include reference to Work Nos. 7 (Works to construct and install from Work No. 6 pipes and cables) and 8 (Temporary Construction Compound) as follows: "*No part of Work Nos. 1, 2, 3, 4, 5, 6, 7 and 8 may commence until a written scheme for the management and mitigation of operational external artificial light emissions for that part has been submitted to and approved by the relevant planning authority. The written scheme must be substantially in accordance with the outline lighting strategy.*" TWUL also requires the insertion of the following wording into Requirement 15 to ensure that the impacts of the Project on the Crossness Nature Reserve are sufficiently mitigated against. "*Prior to the submission of the written scheme for the management and mitigation of operational external artificial light emissions pursuant to sub-*	10.1. Work No. 7 should not be included within Requirement 15 as it involves underground pipes and cables and therefore there will be no operational lighting. Similarly, Work No. 8 is not to be included in Requirement 15 as these are temporary works and so not "operational." No amendment made. 10.2. In any event, the **CoCP (7.5, Rev 3)** deals with construction lighting in relation to both Work No. 7 and Work No. 8. 10.3. In relation to consultation with TWUL, it is for LBB to consult with relevant stakeholders. No amendment made.

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
			paragraph (1), the undertaker must consult with Thames Water Utilities Limited on its contents to ensure that adequate measures are included to reduce impacts on the Crossness Nature Reserve."	
11. Requirement 17 (River Wall) **This is now Requirement 22 in Rev 3**		**Section 2** The LBB considers that it should be a named consultee with respect to Schedule 2, requirement 17 paragraph (1). The LBB also considers that Schedule 2, requirement 17 paragraph (2) relating to the 'River Wall' should include reference to the tidal Thames design standard.		11.1. The Applicant is content with LBB being consulted, as reflected in the dDCO. 11.2. In relation to the River Wall referencing the tidal Thames design standard, the EA must approve the river wall condition survey and the EA has approved the wording in Requirement 17. No amendment made.
12. Requirement 20 (Combined heat and power) **This is now Requirement 26 in Rev 3**	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). (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 quality 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	**Section 2** <u>Requirement 20(2)</u> LBB maintains its view that the provisions in Requirement 20 should be stronger. LBB welcomes the replacement of the word 'unreasonable' with the word 'material' in 20(2)(c), however LBB would like to see the words 'reasonably' removed in 20(2)(a) and (c). <u>Requirement 20(5)</u> LBB would also like to see a CHP review on a two year basis rather than every four years.		**GLA** 12.1. The Applicant's insertion of CHPQA into Requirement 20, was at the request of the GLA in its Local Impact Report, which stated that "*The review should provide for ongoing monitoring and full exploration of potential commercial opportunities to use heat from the development as part of a Good Quality CHP scheme (as defined in CHPQA Standard issue 3), and for the provision of subsequent reviews of such opportunities as necessary*." The Applicant's amendment was therefore made at the GLA's recommendation. 12.2. In relation to Requirement 20(2)(b) (now Requirement 26(3), the Applicant is content to replace "*sufficient details are known*" with "*there is sufficient certainty…*" This is made in the dDCO. 12.3. In relation to the Working Group, the Applicant is content to make the changes requested by GLA. However, the competent CHP consultant is to be appointed by the undertaker and the Applicant has not included what the review should consider as that scope is to be agreed by the working group. These changes are

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
	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. (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): 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.			reflected in the dDCO. 12.4. In relation to the extension of the initial district heat network into other areas, please refer to **reference 10.18** of the **Applicant's response to the Local Impact Report by Greater London Authority (8.02.15, REP3-023)** which contains the Applicant's detailed position that there is no justification for the GLA's request. No amendment. 12.5. In relation to no development taking place until there is a demonstrable need for heat to be exported, please refer to **reference 10.15** of the **Applicant's response to the Local Impact Report by Greater London Authority (8.02.15, REP3-023)**, which contains the Applicant's detailed position that there is no justification for the GLA's request. No amendment. **LBB** 12.6. In relation to Requirement 20(2) (now Requirement 26(3)), the Applicant is content to remove the words "*reasonably*" in Requirement 26(3)(a) and (c). The Applicant has inserted in the dDCO (3.1, Rev 3) submitted at Deadline 5 additional wording in relation to the feasibility and viability of opportunities identified under Requirement 26(3). 12.7. In relation to the time period between studies, the study for the original Bexley Energy Master Plan took 24 months to undertake and therefore a 2 year rolling review would not be justified, especially as the reviews are horizon watching. Therefore, no amendment is made.

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
	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. 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. 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			

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
	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.			
13. Requirement 21 (Decommissioning) **This is now Requirement 28 in Rev 3**		**Section 2** LBB do not agree that the requirement to provide details on the restoration and management of the site following cessation of the operation of the REP should be limited to the ERF plant.		13.1. The Requirement relates to Work No 1, which covers not only the ERF, but also the Anaerobic Digestion plant, the solar panels and the battery storage facility. 13.2. However, the Applicant has amended the dDCO so that Requirement 28 also covers Work Nos. 2, 3, 4 and 5 in relation to details on the restoration and management of the site following cessation of operation.
Additional DCO requirements suggested				
14. Ambient air quality monitoring – new Requirements 15, 16 an 17		**Section 3** New Requirement – Ambient air quality monitoring The Applicant's response states: *"Given the Environment Agency requires the ERF to have continuous emissions monitoring, and as it is the Environment Agency that can properly enforce the emission limits, it is not appropriate for the Development Consent Order to duplicate the Environmental Permitting regime (as indeed is accepted by the NPS). Accordingly, no amendment required."* The Applicant's response is inadequate. It refers to the Environment Agency's obligations to set and enforce emissions limits, which is not disputed. However, it makes no reference to ambient air quality monitoring, and does not address the evidence provided by LBB in relation to the information published by Defra on the damage costs associated with airborne pollutants, even when emissions and		14.1. In relation to air quality, the Applicant has inserted a new Requirement as reflected in the dDCO to commit to an average daily emission limit value and an annual emission limit value for nitrogen oxide and nitrogen dioxide for the ERF. A new emissions Requirement has also been inserted in respect of the Anaerobic Digestion plant, which restricts the average emission limit value and annual emission limit value for nitrogen oxide and nitrogen dioxide. 14.2. Regarding Air Quality monitoring, the Applicant has inserted a new Requirement into the dDCO which provides for the Applicant to prepare an air quality monitoring programme, which must also meet the requirements of any air quality monitoring condition on the Environmental Permit for the REP. The programme is to be submitted to the Environment Agency for approval – it is not reasonable or justifiable to expect the Applicant to prepare two programmes to two different bodies. This will

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
		ambient concentrations comply with the applicable limits. In view of this inadequate response, LBB continues to request the proposed amendment to the Order. It may be convenient to include this as a new clause (currently numbered 11A), or as an additional item under Clause 18, "Community Benefits." LBB notes that "*the GLA support Bexley's request for funding for monitoring*" ("GLA Sheet 3 Relevant LIR and WR Responses" page 7). GLA noted that its statutory guidance recommends that s106 agreements should be used to secure funding for monitoring. This may affect how this issue is dealt with through the DCO process (for the present, LBB has proposed a Requirement in relation to this matter).		also ensure that there is no contradiction between the DCO and the Environmental Permit on this topic, which is what the NPSs advise should be avoided. 14.3. It should also be noted that the air quality contribution that the operator of RRRF pays to the LBB is not under the RRRF planning permission or secured through a section 106 agreement, rather the payment arose out of the Applicant's obligations pursuant to an Environment Agency condition on the RRRF Environmental Permit and is secure via a bilateral contract between the LBB and the operator of RRRF (not under the Town and Country Planning Act 1990). 14.4. This supports what the Applicant has repeatedly said, the Environment Agency will require the Applicant to provide for continuous air quality monitoring and the Applicant cannot be put in a position of having two different sets of conditions on monitoring - they need to align. 14.5. In relation to the information published by Defra on the damage costs, please refer to **section 1.3** of the **Applicant's response to London Borough of Bexley Deadline 3 Submission (8.02.36, REP4-015)**.
15. Schedule 2, Control of operational noise – new Requirement 21		**Section 3** The LBB requested that operational noise is restricted in Schedule 2 requirement 15A of the marked up version of the draft DCO submitted by the LBB at deadline 2. This has been rejected by the Applicant. As set out below, LBB maintains its request for a Requirement for noise monitoring. Due to the limited duration of baseline noise measurements, there is a degree of uncertainty in the assessment of likely effects. There are also uncertainties in the noise emission levels of the operational plant and equipment and in the performance of the sound insulation of the buildings. On account of the above the LBB considers it		15.1. The Applicant has inserted a new Requirement on the control of operational noise, as reflected in the dDCO.

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
		necessary that a requirement is included in Schedule 2 of the DCO to ensure that effects during operation comply with the required noise limits. Furthermore, as set out in LBB's written representation and Local Impact Report the LBB consider that long-term background noise levels should be re-assessed during pre- operational surveys to verify compliance with LBB's standard guidance for operational noise from fixed plant. Further details on the justification for inclusion of proposed Schedule 2 requirement 15A were provided by the LBB in their submission at deadline 3 dated 18th June 2019.		
16. Commitment to deliver proposed Anaerobic Digestion facility, Battery Storage unit and solar PV panels within an agreed timeframe – new Requirement 25	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.			16.1. The Applicant is content to include a requirement that requires the Applicant to set out the phasing of the construction and commissioning of Work Number 1 and this has been made in the dDCO. New Requirement inserted into the dDCO.
17. Pre- treatment of waste – new Requirement 18	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			17.1. There is no policy requirement, either in the NPS or in the London Plan, to require energy from waste facilities to include pre-treatment. 17.2. However, the Applicant is content to include a new Requirement in the dDCO that requires the undertaker to submit to the relevant planning authority for approval a waste hierarchy scheme, setting out arrangements for maintenance of the waste hierarchy in priority order by minimising recyclable and reusable waste received at the authorised development during commissioning and the operational period. New Requirement inserted into the

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
	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.			dDCO.
18. 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.			18.1. Please refer to the new Air Quality emissions Requirement and the new Air Quality monitoring Requirement in the dDCO.
19. 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.			19.1. The Applicant repeats that there is no policy requiring a development that receives deliveries to ensure that deliveries are by zero carbon vehicles. Please refer to **reference 10.20** of the **Applicant's response to the Local Impact Report by Greater London Authority (8.02.15, REP3-023).**
20. Impact 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			20.1. There is no entitlement to compensation if a business, including bus services, is affected by road works undertaken by statutory undertakers or the highway authority. Therefore, there is no claim against the Applicant or indeed UKPN, who would be carrying out the works and no

Article	Greater London Authority (GLA)	London Borough of Bexley (LBB) (Section 2 and part of Section 3 of LBB's submission)	Thames Water Utilities Limited (TWUL)	The Applicant's response – all references to the draft Development Consent Order (dDCO) are to Revision 3 submitted at Deadline 5.
	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.			need for a section 106 agreement.
21. 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 that other products.			21.1. The Applicant has included in the dDCO a new Requirement that obliges the Applicant to look at the feasibility and commercial viability of a connection to the gas grid and the export of compost material produced. Should the export of compost material produced not be feasible or commercially viable at the first review, the Applicant will carry out a review every 5 years. In relation to the opportunities for the export of the gas to the gas grid network, the Applicant is only required to submit a review 12 months after the date of final commissioning.
22. London Living Wage	The GLA considers that, as developer of a nationally significant infrastructure project, the Applicant should accept its responsibilities in this regard.			22.1. There is no planning policy requirement for the Applicant to guarantee the London Living Wage in respect of the Proposed Development. In any event, the vast majority of the jobs at the Proposed Development will be highly skilled jobs, at degree or above level.