

Schedule 2 – GLA comments on document 8.02.36, Applicant's response to London Borough of Bexley Deadline 3 Submission

Section	Paragraph	Applicant comment	GLA comment
1.2 LBB requirement for an annual waste tonnage throughput cap	1.2.1 – 1.2.9	On the tonnage cap, the Applicant rejects that hazardous landfill NSIPs set a relevant precedent and states that whether a cap is required should be considered on the merits of each case. Several examples are provided of projects where there is no tonnage cap, including Beddington.	<ol style="list-style-type: none"> 1. On the tonnage cap, the Applicant rejects that hazardous landfill NSIPs set a relevant precedent and states that whether a cap is required should be considered on the merits of each case. At paragraph 1.2.7, the Applicant has stated that the Environmental Permit, alongside the DCO, restricts the potential impacts of environmental effects. 2. The GLA does not consider that that this provides the necessary control of environmental effects, and concurs with the view expressed by LBB in its Deadline 4 submission (comments on Schedule 1) where it says: " The LBB does not consider that control of the capacity of the plant can be left to the Environmental Permitting regime and the Environment Agency. The assessment work undertaken in support of an environmental permit application does not reflect the scope of assessments undertaken in the EIA to support this application. LBB considers that if there are further changes to the proposed throughput of the either the ERF or the Anaerobic Digestion plants proposed by the Applicant in the future these should be subject to further environmental assessment and consideration through the planning process. This would be secured through imposition of capped waste limits on both the ERF and Anaerobic Digestion facilities". 3. Furthermore, the GLA considers that a tonnage cap is required in order to ensure that the environmental permitting regime should not be relied on to assess whether future proposals to increase the throughput of waste are consistent with the waste hierarchy and the transition to a low carbon economy. As consistently expressed by the GLA in its submissions to the ExA, it is relevant to consider how the

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			<p>proposed REP would affect the achievement of the waste hierarchy and the transition to a low carbon economy.</p> <p>4. As stated by the GLA in previous submissions including its Written Summary of Oral Submission at paragraphs 53 and 54 and throughout the Deadline 4 document, the existence of an EP is not sufficient to ensure that the actual impacts of the development do not ultimately exceed those assessed at the planning stage. This is because the permit can be changed (e.g to increase capacity) at a later stage either by the regulator or on the request of the operator.</p>
	1.2.10 – 1.2.12	Applicant considers that EA will consider throughput during the determination of the EP process and that the EA will review the capacity of both the ERF and AD plans and constrain them accordingly. Therefore, there is a separate regulatory regime that will cap the waste tonnage throughput, and the NPS is clear that throughput is not a matter for the planning regime. Notwithstanding this the applicant is proposing to introduce a further Requirement.	<p>5. Applicant considers that EA will consider throughput during the determination of the EP process and that the EA will review the capacity of both the ERF and AD plans and constrain them accordingly. Therefore, there is a separate regulatory regime that will cap the waste tonnage throughput, and the NPS is clear that throughput is not a matter for the planning regime. Notwithstanding this the Applicant is proposing to introduce a further Requirement.</p> <p>6. The GLA welcomes the proposed additional Requirement in principle; however, cannot comment fully until the wording has been provided at the next deadline. In respect of air quality any new requirement could be aimed at ensuring that the total rate and/or total quantum of emissions do not exceed the parameters set out in the ES, this would be distinct from any ELV in an environmental permit which would only control the concentration of pollutants within the expelled gases.</p>
1.3 Justification for AQ Monitoring	1.3.1 – 1.3.9	LBB requests a financial contribution by the Applicant towards monitoring. The Applicant considers that it is not justified, reasonable, necessary or appropriate for REP to make a project specific financial contribution based on	<p>7. LBB requests a financial contribution by the Applicant towards monitoring. The Applicant considers that it is not justified, reasonable, necessary or appropriate for REP to make a project specific financial contribution. The GLA support the principle of boroughs obtaining contributions to their air quality monitoring program through planning obligations.</p>

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		DEFRA’s Damage Costs Guidance for policy appraisal as suggested by LBB in their D3 submission.	
	1.3.10 -	The Applicant considers the additional monitoring sought by LBB in paragraph 3.12 of LBB’s submission should be considered during the consultation secured in the new requirement to be inserted at Deadline 5, which would also link into the EP conditions to ensure consistency of approach.	<p>8. The Applicant considers the additional monitoring sought by LBB in paragraph 3.12 of LBB’s submission should be considered during the consultation secured in the new requirement to be inserted at Deadline 5, which would also link into the Environmental Permit conditions to ensure consistency of approach.</p> <p>9. The new requirement proposed to consult with Bexley on the siting of any off-site monitoring appears sensible (not least as a separate planning permission may be needed for a new monitoring site).</p> <p>10. However, there is no case made that this requirement, or any permit condition mandating additional monitoring by the Applicant, would be an effective substitute for the funding requested by Bexley for their own monitoring programme.</p> <p>11. Furthermore, the actual effect of this requirement in practice would rely entirely on the content of the environmental permit, which is currently unknown. If the permit does not require additional monitoring or requires it to be in Havering the new requirement would do nothing. As such, the GLA support LBB and consider that there should be a formal, upfront commitment to monitoring funding.</p>
1.4 Cap on Transport Movements	1.4.1 – 1.4.18	At paragraph 1.4.4 the applicant states that “further arbitrary restriction of 10% of the nominal waste throughput scenario, as proposed by LBB, would be unnecessary, unreasonable and entirely unjustified in relation to any potential environmental effects and would unfairly restrict the commercial operation and opportunities for REP”.	<p>12. At paragraph 1.4.4 the Applicant states that “further arbitrary restriction of 10% of the nominal waste throughput scenario, as proposed by LBB, would be unnecessary, unreasonable and entirely unjustified in relation to any potential environmental effects and would unfairly restrict the commercial operation and opportunities for REP”</p> <p>13. The GLA considers that the 10% restriction is not arbitrary but reflects the practical assessment by LBB that the existing RRRF services Bexley’s waste needs and, therefore, a lower percentage of waste to</p>

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			<p>the REP will come from the local area, thereby providing further opportunity for waste to be transported via the river. It should also be noted that as set out by the GLA in this, and previous submissions at Deadline 4 and 3, the Applicant’s current restriction on vehicle movements fails to meet 25% of the nominal waste throughput of the REP being brought in by road, which they state is the level that the RRRF currently operates at.</p> <p>14. In paragraph 2.3.19 of its response to the GLA’s Written Representations (document 8.02.14) the Applicant has stated that dDCO restrictions to deliveries by road ‘will achieve a modal split strongly in favour of river’. If the Applicant is genuinely of the belief that the majority of feedstock will be sourced by River, it is difficult to understand the objection to a restriction of this kind.</p> <p>15. Calculations presented by the GLA in its deadline 4 submission, clearly demonstrate that even given compliance with proposed dDCO restrictions on deliveries by road, the totality of ERF feedstock could in fact be catered for road movements. The Applicant has sought to argue that the majority of deliveries will be by river, whilst effectively retaining the option for all waste to be delivered by road. Acceptance of mass percentage cap on road deliveries would demonstrate that the Applicant is genuine in respect of its intention to source a high proportion of feedstock by river.</p>
	1.4.20 – 1.4.21	The Applicant considers that there is no justification for a Delivery and Servicing Plan to be implemented for the operational phase of REP. The CTMP will provide control during construction.	<p>16. The Applicant considers (paragraphs 1.4.20 - 1.4.21) that there is no justification for a Delivery and Servicing Plan to be implemented for the operational phase of REP, as the CTMP will provide control during construction.</p> <p>17. LBB’s request for a Delivery and Servicing Plan is supported by TfL and is in line with adopted and draft London Plan policy. The purpose of the DSP is to capture all related delivery and servicing activity in a</p>

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			<p>single document and to identify measures to mitigate the impacts of these activities on the network during the operation phase of the development. Additionally, the DSP will set targets (consistent with the capped movements agreed), an action plan for achieving those targets and monitoring arrangements to ensure that the targets are being met.</p>