Riverside Energy Park

Applicant's response to London Borough of Bexley Deadline 5 Submission

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1 The Applicant's Response to the London Borough of Bexley's Deadline 5 Submission

1.1 Purpose of Document

1.1.1 This document provides a response to the documentation submitted by London Borough of Bexley (LBB) at Deadline 5. Many of the matters raised by LBB have been set out in its previous submissions. In some cases, the Applicant awaits responses to its proposals, and these are in discussion between the Parties through the Statement of Common Ground (SoCG) process. This response provides comments on the following remaining matters raised by LBB:

- 8.02.36 Applicant's response to London Borough of Bexley Deadline 3 submission;
  - Air Quality Matters;
  - Waste Matters;
  - Biodiversity Matters;
  - Transport Matters;
  - Noise Matters.
- 8.02.35 Applicant's response to the Greater London Authority Deadline 3 submission;
  - Air Quality Matters;
  - Waste Matters;
  - Transport Matters.
- 8.02.39 Applicant's response to Thames Water's Oral Submissions made at hearings;
- 5.3 Electrical Grid Connection (Rev 1) (with Tracked Changes);
- 6.3 Environmental Statement Appendix L to B.1 Outline Construction Management Plan (Rev 3) (with track changes);
- 8.02.42 Anaerobic Digestion Facility Emissions Mitigation Note;
  - Air Quality Matters;
  - Transport Matters.

- 000742 Greater London Authority Further Representations Final at Deadline 4;
    - Air Quality Matters;
    - Biodiversity Matters;
    - Requirement 20: CHP;
    - Transport Matters.
- 00737 Eversheds Sutherland on behalf of Thames Water – Comments on Draft DCO at Deadline 4;
- 00752 Chris Rose – Response to Further Information requested by the Examining Authority; and
- 8.02.37 Applicant's response to Western Riverside Waste Authority (WRWA) Deadline 3 submission.

1.2 8.02.36 Applicant's response to London Borough of Bexley Deadline 3 submission

Air Quality Matters

1.2.1 The Applicant agrees with LBB's statement that the key remaining matter in respect of Air Quality is the issue of funding to support ongoing air quality monitoring by LBB. The Applicant is in discussion with LBB over a potential contribution towards local off site LBB air quality monitoring. A meeting has been requested with LBB to discuss this matter.

1.2.2 The **Applicant's response to Air Quality Matters (8.02.70)** provides a comprehensive response to issues relating to air quality, including air quality monitoring.

Waste Matters

1.2.3 At various deadlines, the Applicant has set out that the potential effects of the scheme in respect of all relevant environmental disciplines will be adequately controlled through proposed Requirements. These will ensure that, for example, traffic movements or noise levels cannot increase above a stipulated level and the parameters assessed in the ES, regardless of the operational waste throughput of the plant. LBB has restated its position that an annual waste cap is required, based on precedent from other waste-related schemes, otherwise, it contends, the level of effects reported in the ES could be exceeded.

1.2.4 However, to date the Applicant has not received a response or evidence from LBB to explain how the levels constrained by the dDCO Requirements could be exceeded if a waste cap was not imposed. For example:

- the road transport effects arising from waste carrying Heavy Commercial Vehicles (HCV) reported in the ES (assessed in the '100% by road' scenario) could not be exceeded when Requirement 14 limits the scheme to 90 HCVs in and 90 HCVs out by road per day (save in the event of a jetty outage). Regardless of waste throughput, the HCV traffic levels in **Requirement 14** of the **dDCO (3.1, REP5-003)** could not be exceeded and would have the effect of encouraging even greater use of the river for higher waste volumes; and

- the noise effects reported in the ES could not be exceeded with the inclusion of an appropriate Requirement (set out at **Requirement 21** of the **dDCO (3.1, REP5-003)** at Deadline 5) which limits operational noise levels to 5dB below background, as agreed with the LBB Environmental Health Officer. Technological, efficiency or other improvements which might increase waste throughput in the future would not be able to give rise to greater noise emissions.

1.2.5 It should also be noted that NPS EN-3 (paragraph 2.5.13) confirms that throughput volumes are a matter for the Applicant and not in themselves a matter for the planning regime. Instead, as per the Applicant's dDCO, decisions should be focused on the control of any adverse impacts.

1.2.6 Through the SoCG process, the Applicant has invited LBB to clarify which environmental effects, assessed and reported in the ES, could still be exceeded in light of the Requirements set out in the dDCO, if a waste cap was not imposed. In this regard, **Table 1** of the **Applicant's response to London Borough of Bexley Deadline 3 Submission** (**8.02.36, REP4-015**) should be considered with the intention of reaching a final, agreed conclusion between the Parties on this matter.

1.2.7 The Applicant has set out at several deadlines its reasons why the imposition of a waste cap is not appropriate, necessary or justified. Each case is considered on its merits and the controls set out in the dDCO mean that a waste tonnage cap as set out in the RRRF permission is not warranted. In respect of development of the ERF or Anaerobic Digestion facility, and separate imposition of waste throughput, the Applicant would again refer to the question of how the effects (which are based on transport movements, emissions, noise levels and not waste tonnage throughput) could be exceeded when robust impact related controls exist in the dDCO. Setting separate controls for the ERF and Anaerobic Digestion facility is not required since, for example, the 90 HCVs in and 90 HCVs out control on waste carrying vehicles in **Requirement 14** of the **dDCO (3.1, REP5-003**) ensures that the effects reported in **Chapter 6 Transport** of the **ES** (**6.1, REP2-017**) are not exceeded regardless of the waste destination within REP.

1.2.8 With regards to the building (or not building) of the ERF and Anaerobic Digestion facility elements of the Application, the Applicant notes **Requirement 25** which was added to the **dDCO (3.1, REP5-003)** at Deadline 5. This provides a commitment by the Applicant to submit a delivery phasing

programme, for approval by LBB, prior to construction and a commitment that Works Number 1B (the Anaerobic Digestion facility) must commence in the same phase as Works 1A (the ERF).

1.2.9 For the reasons set out above and in previous submissions, the Applicant considers that the **dDCO (3.1, REP5-003)** provides adequate control of all relevant environmental disciplines such that a waste tonnage cap is unjustified, unnecessary and unreasonable and that the examples presented as precedent by LBB therefore carry no weight. In respect of the SoCG process, the Applicant awaits LBB's clarification of which environmental disciplines are not adequately controlled by the dDCO Requirements to support the case presented by LBB that it is 'vital' that a waste throughput Requirement is imposed for development control purposes.

1.2.10 LBB restates that the example DCOs provided by LBB relate to waste management facilities and are therefore relevant. The Applicant advised in **Section 1.2** of the **Applicant's Response to London Borough of Bexley's Deadline 3 Submission** (**8.02.36, REP4-015**) the reasons why the two hazardous landfill DCOs were not relevant to a waste ERF, including their specific aims and relationship with NSIP thresholds and NPS policy. Notwithstanding that each case should be considered on its merits, the Applicant subsequently referred to seven further, and more relevant, project examples including energy recovery where no throughput cap was imposed.

1.2.11 LBB refers to the North London Heat and Power Generating Station Order 2017. It is noted that the granted DCO in that case does not include, for example, Requirements on traffic movements and emissions limits. The range of Requirements set out in the REP dDCO mean that a waste throughput cap is not required and, as set out above, the Applicant awaits confirmation from LBB as to which environmental effects remain of concern, if any.

1.2.12 The Applicant has previously set out that imposing an unjustified and unnecessary waste throughput cap, that is not justified through policy, would stifle the ability for technological and efficiency improvements to be made during the operational life of the development which would not result in any exceedance of effects assessed and reported in the ES. Imposition of throughput levels of 40,000 tpa and/or 805,920 tpa for the Anaerobic Digestion facility or ERF respectively are therefore not justified.

1.2.13 In respect of the letter from the Secretary of State, attached at Appendix A to LBB's Deadline 5 submission, the decision in that case reflects the manner in which effects were controlled and assessed in the associated Environmental Impact Assessment (EIA). In the case of REP, the notional maximum waste tonnage throughput was used to derive parameters for each of the environmental disciplines. The full range of parameters (such as vehicle movements or noise levels) are adequately controlled through dDCO Requirements. Regardless of the principle that each case is considered on its

merits, the Secretary of State's opinion in respect of the North London Heat and Power amendment is therefore not applicable to REP.

1.2.14 LBB has stated that it considers a waste throughput cap would not be a burden on the Applicant. The Applicant disagrees for the reasons set out in **Paragraph 1.2.12**. Furthermore, LBB has not demonstrated that the requirement it seeks is necessary or reasonable. In this regard the Applicant awaits confirmation from LBB as to why environmental effects are not adequately controlled through the dDCO Requirements already proposed.

1.2.15 LBB asserts that **Requirement 14** of the **dDCO** (**3.1, REP5-003**) will not control the overall level of waste brought to the facility by road. To demonstrate the Applicant's commitment to the use of river transportation, and to ensure the GLA's policy preference for the use of the River Thames and sustainable transport is secured, the Applicant included in the **dDCO** (**3.1, REP5-003**) at **Requirement 14(2)** the stipulation that the total tonnage per annum delivered by road to the ERF and the Anaerobic Digestion facility could not exceed 240,000 tonnes. This figure was suggested by the GLA/ TFL in their Deadline 3 response (see **GLA Commentary on Applicant's response to ExA's first Written Questions** (**REP3-043**)). Whilst not necessary from an EIA perspective, the Applicant considers that this constraint fully responds to comments regarding the use of larger bulk waste carrying vehicles within a 90 HCVs in and 90 HCVs out constraint as well as demonstrating the Applicant's commitment to the use of the river and the delivery of sustainable transport policy.

1.2.16 LBB does not identify or provide any evidence as to why it considers that a cap of 90 HCVs in, 90 HCVs out carrying waste per day is *'too high'* in the context of a transport assessment that found all effects for a much higher frequency to be Negligible. Furthermore, the Applicant set out in **Paragraph 1.8.1** of its response to LBB at Deadline 5 (**Applicant's response to London Borough of Bexley Deadline 4 Submission (8.02.51, REP5-022)**) that the assumption of smaller 7 tonne payloads ensures that the vehicle movement parameters used for the assessment were robust and at the higher end of likely movements that would occur (for a 100% by road scenario). The use of a higher vehicle payload, as suggested by LBB, would have resulted in a potential underestimation of vehicle movements in the event that 7 tonne payloads per refuse collection vehicles (or similar capacity) are used.

1.2.17 At Deadline 5, the Applicant introduced additional controls which mean that relevant Environmental Permit matters are also reflected in the **dDCO** (**3.1, REP5-003**). This included **Requirements 15** and **16** which relate to emission limits from the ERF and Anaerobic Digestion facility. Therefore, should the Applicant increase the capacity of either facility under the Environmental Permit, it would still have to comply with the limits required under **Requirements 15** and **16** of the **dDCO (3.1, REP5-003).** The Applicant's statement in respect of controlling effects on biodiversity (in **Paragraph 1.2.20** of the **Applicant's response to LBB's Deadline 3 submission** (**8.02.36, REP4-015**), referenced by LBB, was in respect of the Environmental Permit

(EP) which would ensure that emissions levels are controlled at a level at or below those reported in the ES. This would ensure that consequent effects on biodiversity are also no greater than those reported in the ES. Notwithstanding the above, and that the Overarching National Policy Statement for Energy (EN-1, paragraph 4.10.3) does not support the duplication of regimes, the Applicant has included new Requirements in respect of Emissions Levels and Ambient Air Quality monitoring at Deadline 5 in the **dDCO** (**3.1, REP5-003**). Both matters would be appropriately controlled under the EP regime in any event.

1.2.18 Overall, in respect of LBB's statement regarding the control of effects, the Applicant awaits specific confirmation of which effects, if any, are not adequately controlled following the **dDCO** (**3.1, REP5-003**) submitted at Deadline 5.

National Policy Statement for Renewable Energy Infrastructure (EN-3)

1.2.19 Paragraph 2.5.13 of NPS EN-3 confirms that throughput volumes are not, in themselves, factors in the decision-making and refers to the potential for increases in traffic volumes, changes in air quality and any other adverse effects as a result of an increase in fuel throughput being matters that should be considered by the Secretary of State. This wording supports the Applicant's position that what is key is the control of potential adverse impacts from the Proposed Development and not the waste throughput per se. In this case, these adverse impacts are controlled by topic specific measures within the dDCO rather than limits on the waste throughput. The topics referred to in the NPS support the Applicant's position that a waste throughput tonnage cap is not required in respect of REP. The REP EIA included a '100% by road' scenario which assumed daily vehicle movements of c. 343 HCVs -in and 343 HCVs -out, as set out at **Plate 6.1** and **Plate 6.3** of **Chapter 6 Transport** of the **ES (6.1, REP2-017)**. **Requirement 14** of the **dDCO** (**3.1, REP5-003**) restricts the Applicant to 90 HCVs in, 90 HCVs out per day (save in the event of a jetty outage – when HCVs carrying waste are restricted to 300 HCVs in and 300 HCVs out per day). In this respect the Secretary of State can be satisfied that there is no waste throughput level at which the environmental effects of road transport reported in the ES could be breached.

1.2.20 **Requirements 15**, **16** and **17** within the **dDCO** (**3.1, REP5-003**) includes controls in respect of emissions limits (and associated ambient air quality monitoring), which will ensure that air quality effects cannot exceed those reported in the ES. The control is based on a restriction of both the concentration of NOx and the total emissions per annum. In this respect the Secretary of State can be satisfied that there is no waste throughput level at which the effects on air quality reported in the ES could be breached.

1.2.21 Relevant Requirements are also in place in respect of noise emissions (**Requirement 21**) to ensure that no breach of the effects reported in the ES could be achieved. Therefore, whilst the Applicant and LBB draw different interpretations from the NPS, the Applicant's approach is aligned with the

matters raised in policy in seeking to ensure that changes in waste throughput do not affect the parameters, and therefore the assessments, reported in the ES. In this regard, the Applicant reiterates that it seeks LBB's response on which aspects, set out in **Table 1** of the **Applicant's response to London Borough of Bexley Deadline 3 Submission** (**8.02.36, REP4-015**), are not adequately addressed.

Residual waste

1.2.22 In its Deadline 5 submission the Applicant included a new requirement (**Requirement 18**) in the **dDCO (3.1, REP5-003)** in respect of a Waste Hierarchy Scheme. The scheme, to be submitted to and approved by LBB, must include a variety of details to ensure that the ERF receives residual waste, such as the type of information that will be collected on the sources of the residual waste and the arrangements in place to ensure that reusable and recyclable waste is removed from waste where reasonably possible. The Applicant considers that the new Requirement adequately responds to representations made by LBB and the Greater London Authority on this matter.

Conclusion

1.2.23 For the reasons set out above, the Applicant disagrees with LBB's conclusion that a waste throughput tonnage cap is necessary. LBB has not identified where potential significant adverse effects might occur that are not already adequately controlled by Requirements, including additional ones included at Deadline 5. It is acknowledged that LBB's Deadline 5 response was not party to the final wording of Requirements. However, the Applicant asserts that the full range of Requirements proposed in **Table 1** of the **Applicant's response to London Borough of Bexley Deadline 3 Submission** (**8.02.36, REP4-015**) is satisfactory to meet LBB's concerns and are such that the Secretary of State can be satisfied that the effects assessed and reported in the ES could not be breached by a change in waste throughput.

Biodiversity Matters

1.2.24 The Applicant has submitted the **Environment Bank Site Selection for Biodiversity Offsetting Report** (**8.02.71**) at Deadline 7 in parallel to this response. This considers the sites suggested in submissions to the ExA at Deadline 4, including Crossness Local Nature Reserve, Thamesmead Golf Centre and the Crayford Marshes.

1.2.25 The Applicant is focussed on exploring and securing local opportunities first through its ongoing discussions with LBB. If improvement or enhancement measures are available and deliverable through local sites, then these would contribute directly to local biodiversity net gain, as described in the **Biodiversity Accounting Report** (**8.02.09, REP2-060**). The site selection process for the offsetting sites is outlined in **Section 3** of **the Biodiversity Offset Delivery Framework** (**8.02.25, REP3-031**) and initially involves a site

search within a selected target area, exploring existing registered sites that potentially may be available for offsetting.

1.2.26 The Applicant has selected the Borough as the preferred initial target area to ensure the offsetting requirement is delivered as close to the Proposed Development as possible. The Applicant met with LBB on the 17 July 2019 and welcomes the opportunity for further meetings to discuss potential biodiversity offset sites. Several sites have been identified and these are reported in The **Environment Bank Site Selection for Biodiversity Offsetting Report** (**8.02.71**) which has been submitted at Deadline 7. Including an option to include sites within adjacent boroughs will guarantee the most suitable sites are taken forward, ensuring the benefits of the offset are maximised. However, biodiversity does not conform to jurisdictional boundaries and sites elsewhere may better contribute to biodiversity enhancement in the general area. Therefore, the Applicant does not consider it necessary or appropriate that compensation land should be secured only within LBB's administrative area through a DCO Requirement. The Applicant notes that LBB welcomes Requirement 5 in terms of its requirement of the Applicant to implement the approved strategy.

1.2.27 As set out in the **Biodiversity Accounting Report** (**8.02.09, REP2-060**), the final Biodiversity and Landscape Mitigation Strategy, which must be substantially in accordance with the OBLMS, will be submitted to and approved by the relevant planning authority, in accordance with **Requirement 5** of the **dDCO (3.1, REP5-003)**. The Requirement states that the final Biodiversity and Landscape Mitigation Strategy must set out the mechanism for securing the off-setting value **(Requirement 5(1)(d)).** Sub-paragraph (2) then requires the Applicant to implement the approved strategy. Accordingly, the delivery of the offset and net gain requirements is secured through the Development Consent Order.

1.2.28 The final Biodiversity and Landscape Mitigation Strategy will be prepared prior to commencement of the Proposed Development and will include the final results of a Biodiversity Accounting Assessment which will confirm the value of the required offset, net gain requirements, and location and details of the offset; with a preference to deliver the biodiversity creation or enhancements in the local area, targeting the enhancement and restoration of Habitats of Principal Importance. The Applicant has also committed to delivering a minimum of 10% biodiversity net gain. A legal agreement between the Applicant and Environment Bank will then be entered into requiring Environment Bank to secure and deliver the offset. The Applicant considers that this timeframe for delivering the offset is appropriate, and the legal mechanisms are in place to ensure its delivery. It would be unreasonable and unrealistic, given the time for habitats to mature and evolve, for the required habitat compensation to be in place and established prior to commencement of the proposed works.

Transport Matters

1.2.29 The Applicant has clarified previously that **Requirement 14(4)** in the **dDCO (3.1, REP5-003)** requires that all incinerator bottom ash (IBA) is removed by river except in a jetty outage. The scenarios within **Chapter 6 Transport** of the **ES (6.1, REP2-018)** and **Appendix B.1**, the **Transport Assessment** to the **ES (6.3, APP-066)** assess the effects of all IBA being transported by river. **Requirement 14(4)** stipulates that IBA would be transported by river, except after four consecutive days in the case of a jetty outage. Where practicable the Applicant will seek to move stored IBA by river following a jetty outage scenario, however, to maintain the safe and efficient operation of REP, it may be necessary to transport some IBA by road during a jetty outage when the IBA exceeds the efficient use of the storage within the bunker – designed to be in the order of one week's production.

1.2.30 IBA is predicted to be generated at about 665t per day at peak throughput. This would generate in the region of 34 HCVs in and 34 HCVs out per day (assuming 20t payloads per vehicle). When taken together with the cap provided in **Requirement 14(3)** of the **dDCO (3.1, REP5-003)**, the transportation of IBA by road during a jetty outage, the total number of road movements generated by REP during a jetty outage would be approximately 334 HCVs in and 334 HCVs out per day. That level of HCV movement is within the 100% by road reasonable worst case scenario, as assessed within **Chapter 6 Transport** of the **ES (6.1, REP2-017)** and **Appendix B.1**, the **Transport Assessment** to the **ES (6.3, APP-066)**.

1.2.31 LBB restates its position in respect of a waste cap on the movement of waste material by road and suggests a cap of 10% of the nominal throughput (i.e. 65,500 tpa) without justification and asserts that it is reasonable to safeguard the operation of the road network and encourage the use of river transport and sustainable transport modes. **Chapter 6 Transport** of the **ES (6.1, REP2-017)** has assessed the effects on the road network of a series of robust operational scenarios and concludes that the effects would be **Negligible** which would be **Not Significant**. Prioritisation of river-transport is ensured through the separate imposition of a tonnage restriction of 240,000 tpa by road in **Requirement 14(2)** of the **dDCO (3.1, REP5-003)**. In the absence of any reasoning or evidence from LBB why these controls are not sufficient, the Applicant maintains that a lower waste throughput cap for waste transported by road would be unnecessary and unreasonable to control potential effects arising from road transport.

1.2.32 At Deadline 5 the Applicant included a new **Requirement 25** in the **dDCO (3.1, REP5-003)** in respect of phasing of construction and commissioning of Work Number 1, requiring a programme to be submitted to the Planning Authority for approval. Requirement 25 also requires that Work 1A and Work 1B must commence construction in the same phase. Regardless of this commitment, the vehicle movements permitted by road in the event that these Works did not come forward together would not be *'artificially high'*, as claimed by LBB. The maximum achievable movements by road for waste

delivery would be 90 HCVs in and 90 HCVs out, which is well below the reasonable worst case assessment of 100% by road reported in the ES and as constrained by **Requirement 14** of the **dDCO (3.1, REP5-003)**. The Applicant therefore considers that LBB's statement is without any reasoned basis.

1.2.33 The Applicant responded to LBB's comments in relation to a worst-case jetty outage in **Section 1.7** of the **Applicant's Response to London Borough of Bexley Deadline 4 submission** (**8.02.51, REP5-022**). The **Temporary Jetty Outage Review** (**8.02.31, REP3-036**) found that all effects would be Negligible. The Applicant addressed various detailed points raised by LBB, and it is noted that:

- in 8 years of operation, no outage has occurred at RRRF and such a scenario does not therefore form part of the EIA as it is not a 'reasonable worst case' during operation (Paragraph 1.7.2); and
- sensitivity testing is provided in the **Temporary Jetty Outage Review** (**8.02.31, REP3-036**) which considers the operation of arms of the junctions reviewed and flows were found to be well within modelled theoretical capacity (Paragraph 1.7.3).

1.2.34 In respect of a Delivery and Servicing Plan, and further to the Applicant's response to LBB's Deadline 3 submission, it is considered that the existing proposed controls through **Requirement 14** of the **dDCO (3.1, REP5-003)** would be sufficient to ensure that the operational vehicle movements at REP do not cause negative transport impacts. Any additional vehicle movements such as back-office delivery and servicing and ancillary ERF/ Anaerobic Digestion vehicle movements would be minimal on a daily basis, as set out in the **Appendix B.1**, the **Transport Assessment** to the **ES (6.3, APP-066**), and would not have an impact on the free flow and safety of the highway network or residential amenity. On this basis the Applicant continues to assert that a Delivery and Servicing Plan would be unnecessary given the outcomes of the assessment and the controls contained in the **dDCO (3.1, REP5-003)**.

1.2.35 Furthermore, LBB refers to a City of London guidance document which is not LBB's adopted policy or guidance. Notwithstanding this, the guidance states that efficiencies from a Delivery and Servicing Plan (DSP) arise from an approach to 'reduce, re-time, revise and re-route'. Whilst these options may suit sites in central London, the nature and location of REP does not provide such opportunities. Service deliveries to REP will be very limited in number and have been assumed to be included in existing movements or fall within the generally daily fluctuations within movements on the road network. In respect of consumables, the majority would be specialist products which occupy a full load and could not be realistically consolidated, would arrive along main highway routes from their destination and would have no opportunity to access the site other than by road along Norman Road. These are estimated to be around 11 vehicles in and 11 vehicles out per day to each of the ERF and the Anaerobic Digestion facility, as stated at **Paragraphs**

5.3.11 and **5.3.15** of **Appendix B.1**, the **Transport Assessment** to the **ES (6.3, APP-066)**.

1.2.36 As confirmed at Deadline 5, the Applicant's **dDCO (3.1, REP5-003)** has revised the definition of 'jetty outage' to read as '4 consecutive days' rather than '48 hours' in accordance with LBB's suggested change.

1.2.37 In the revised **Requirement 14(5)** of the **dDCO (3.1, REP5-003)** the Applicant removed the constraint of up to 4 requests per year in respect of records, and will provide to the planning authority a summary of the number of vehicles delivering waste to REP during the preceding period.

Noise Matters

1.2.38 At Deadline 5 the Applicant submitted a revised **dDCO (3.1, REP5-003)** with the addition of **Requirement 21** (Control of Operational Noise) which substantially reflects the wording proposed by LBB in its Deadline 2 submission Appendix 1 to Written Representation (track changed DCO). The Applicant assumes that this matter is therefore now resolved with LBB.

1.2.39 The Applicant responded at Deadline 5 (**The Applicant's Response to the London Borough of Bexley Deadline 4 Submission** (**8.02.51, REP5-022**)) regarding LBB's remaining concerns relating to noise assessment methodology. In respect of LBB's claim that surveys were of 'very limited duration', the Applicant would highlight that BS4142:2014 (the standard by which operational noise of this type would be assessed) does not require longer term measurements, only that the background sound levels on which the assessment is based are judged to be representative. The standard states in section 8.1.3:

"Ensure that the measurement time interval is sufficient to obtain a representative value of the background sound level for the period of interest. This should comprise continuous measurements of normally not less than 15 min intervals, which can be contiguous or disaggregated".

1.2.40 Measurements were also undertaken over a weekend and weekday and covered the quieter part of the night to determine representative worst case noise levels.

1.2.41 In respect of LBB's review of the survey methodology, prior to undertaking the surveys and assessment discussions were undertaken with LBB's Environmental Health department and a technical note setting out the survey locations and durations was presented. The response received stated that LBB considered the scope/methodology acceptable and that it was happy for the Applicant to proceed. Accordingly, the Applicant's consultant has taken into account both its own professional judgement on the survey duration and the views of LBB in determining the survey timings/duration.

1.2.42 The Applicant responded to LBB's concerns in relation to the construction noise validation report at Deadline 5, including at **Paragraph 1.3.5** of **The**

Applicant's Response to the London Borough of Bexley Deadline 4 Submission (**8.02.51, REP5-022)**) in relation to the short term and localised nature of the works, such that behavioural change is highly likely in respect of closed windows. Further mitigation has been added to the **Outline Code of Construction Practice (CoCP**) (**7.5, REP5-010**) at Deadline 5, such that prior to the works, a newsletter or notice of the works will be distributed or displayed to properties within the vicinity of the works (ordinarily being those properties fronting the highway within 100m of where the works are taking place, and up to a maximum of 100m away from the highway depending on where noise may dissipate). The newsletter/notice will provide contact details and will describe the nature of the works and their likely extent/timings. There will also be a dedicated contact person available on-site during the night-time works. In light of the above, the Applicant maintains that the assessment is appropriate and notes, in particular, that the Electrical Connection will be installed during the day, wherever possible, such that night-time works would be exceptional, at a limited number of locations along the route, where there are engineering or other constraints. Therefore, for the majority of the receptors along the Electrical Connection route, there will be no effect from night-time works.

1.2.43 The approach taken in respect of average noise levels is in accordance with BS 5228: 2009+A1:2014 'Code of Practice for Noise and Vibration Control on Construction and Open Sites' (2014), in compliance with NPS EN-1, which is to provide logarithmic averages across the construction time period. It should be noted that the guidance does not require instantaneous maximum noise levels to be assessed.

1.2.44 The Applicant submitted an updated **Outline CoCP** (**7.5, REP5-010**) at Deadline 5 in respect of measures to ensure adequate engagement in advance of night-time works, which is to be submitted to and approved by LBB. On the basis of the assessment findings and the measures set out in the **Outline CoCP** (**7.5, REP5-010**), the Applicant considers that prior written approval for any Electrical Connection works outside of daytime hours is not proportionate.

1.3 8.02.35 Applicant's response to the Greater London Authority Deadline 3 submission

Air Quality Matters

1.3.1 The **Applicant's response to Air Quality Matters (8.02.70)** submitted at Deadline 7 provides a comprehensive response to issues relating to air quality.

Waste Matters

1.3.2 **Paragraphs 1.2.1** to **1.2.3** of the **Applicant's response to London Borough of Bexley Deadline 4 Submission** (**8.02.51, REP5-022**) set out the relationship between the ES and the **London Waste Strategy Assessment** (**Annex A** to the **Project and its Benefits Report** (**7.2, APP-103**)). The

assessments undertaken by the Applicant confirm there is a need within London for an additional c.900,000 tpa residual waste management capacity. **Figure 1** within the **Applicant's Response to the GLA Deadline 3 Submission** (**8.02.35, REP4-014**) provides more detail on how this figure has been derived. In light of this response the Applicant will seek clarity from LBB through the SoCG process in respect of the Borough's specific outstanding concern.

1.3.3 At Deadline 5 the Applicant included **Requirement 27** into the **dDCO (3.1, REP5-003)** in respect of use of compost material and gas from Work Number 1B which provides a framework, for approval by LBB, to explore the potential to export material for use as a fertiliser or export gas to the gas grid network. The Applicant considers that this adequately answers LBB's request.

1.3.4 The Applicant has responded in this and previous responses in respect of why it considers a waste throughput cap would be unnecessary and unreasonable. **Paragraph 1.2.20** of this response sets out that NOx emissions are controlled in respect of both concentration and total volume per annum. The potential effect of the proposals based on those levels has been assessed and the Applicant would be unable to breach those levels in the event of a change in waste throughput. The EA is required to include a limit on waste throughput in the Environmental Permit, and the Applicant has proposed such a limit in its application for the EP This is a separate regulatory regime and does not alter the circumstances related to the dDCO Requirements which adequately control potential adverse effects without the imposition of a tonnage cap.

1.3.5 The Applicant sets out above, at **Paragraph 1.2.32**, that **Requirement 25** of the **dDCO** (**3.1, REP5-003**) has been included in respect of phasing of construction of Work Number 1, which ensures that Work 1A (ERF) and Work 1B (the Anaerobic Digestion facility) must commence construction in the same phase. Furthermore, the Requirement includes a phasing plan for all elements of Works 1 (including the solar panels and battery storage) elements and must be approved by LBB before commencement. This provides adequate control for LBB to ensure that all main elements of the NSIP are brought forward in a timely manner.

Transport Matters

1.3.6 LBB's statement, when read in the context of its Deadline 4 submission (Paragraph 3.52 of that document), appears to relate to the fact that the ES does not consider the case of a jetty outage. As set out in the Applicant's Deadline 5 submission at **Paragraphs 1.7.1-1.7.2** (**Applicant's response to London Borough of Bexley Deadline 4 Submission (8.02.51, REP5-022**)), the potential effects of a jetty outage scenario were not reported in the ES since it is an exceptional event and has never, to date, occurred over the 8 year period of operation of RRRF, and therefore is not considered to be a reasonable worst case scenario. The Applicant responded to LBB's comments on the **Temporary Jetty Outage Review** (**8.02.31, REP3-036**) at

Deadline 5 and considers that all matters raised by LBB have been addressed.

1.3.7 LBB does not identify why it considers that a cap on vehicles carrying waste of 90 HCV in and 90 HCVs out per day is *'too high'* in the context of a transport assessment that found all potential effects arising for a much higher level of vehicle movements during the operation of REP to be Negligible. Furthermore, the Applicant set out in **Paragraph 1.8.1** of its response to LBB at Deadline 5 (**Applicant's response to London Borough of Bexley Deadline 4 Submission (8.02.51, REP5-022)**) that the assumption of smaller 7 tonne payloads ensures that the vehicle movement parameters used for the assessment were robust and at the higher end of likely movements that would occur (for a 100% by road scenario). To use a higher vehicle payload, as suggested by LBB, would have resulted in a potential underestimation of vehicle movements in the event that 7 tonne payloads per refuse collection vehicles (or similar capacity) are used.

1.3.8 In respect of the related issue that LBB raises regarding use of larger capacity vehicles carrying waste within a 90 HCVs in and 90 HCVs constraint, this has been addressed by the Applicant through the introduction of **Requirement 14(2)** of the **dDCO** (**3.1, REP5-003**) which limits the total combined tonnage per annum to the ERF and the Anaerobic Digestion facility. This constraint ensures that REP will operate as a predominantly river-based waste operation, even where greater tonnages are treated as a result of technological or efficiency improvements.

1.3.9 In relation to policies CS03 and CS15 and paragraph 5.13.9 of NPS EN-1, the Applicant's inclusion of a yearly cap on waste delivered by road in **Requirement 14(2)** of the **dDCO (3.1, REP5-003)** ensures that the decision-maker can be confident that a sustainable pattern of transport development will be secured which focusses the majority of movements via the River Thames.

1.3.10 Further to discussions with Transport for London, the Applicant included an updated **Outline Construction Traffic Management Plan** (**6.3, Appendix L to B1, REP5-008**) at Deadline 5 which included, at **Paragraphs 6.2.2-6.2.10**, a methodology to manage, mitigate and minimise potential effects on buses during the construction of the Electrical Connection. In response to the request for local junction modelling, the Applicant has further stated at **Paragraph 8.5.1**, in **The Applicant's Response to the GLA Deadline 4 Submissions (8.02.46, REP5-017)**, that "*Robust transport modelling of the temporary and transient effects during the peak periods would be complex and would not necessarily reliably represent the impacts on the network or inform further management or mitigation than that which has already been committed to by the Applicant and UKPN*". The assessment of the transport effects of the construction and operation of REP have been provided within **Chapter 6 Transport** of the **ES (6.1, REP2-017)** and **Appendix B.1**, the **Transport Assessment** of the **ES (6.3, APP-066)** and have shown that the residual effects are Negligible or Minor Adverse and are therefore Not

Significant. The temporary and transient effects on the highway during the construction of the Electrical Connection would be greatly outweighed by the long term positive effects on the transport network of the movement of large quantities of waste material predominantly by river.

1.3.11 The Applicant sets out in **Paragraphs 1.2.34** to **1.2.35** of this response the reasons why a DSP is not reasonable or proportionate in respect of REP.

1.3.12 The Applicant responded to LBB's comments on peak period traffic movements at **Paragraph 1.7.9-1.7.10** of the **Applicant's response to London Borough of Bexley Deadline 4 Submission (8.02.51, REP5-022)** confirming that daily and hourly variation would not result in movements that would exceed the 100% by road reasonable worst case scenario reported in the ES. There are no residual operational adverse effects on the transport network.

1.4 8.02.39 Applicant's response to Thames Water's Oral Submissions made at hearings

1.4.1 The Applicant welcomes LBB's acceptance of its proposals in respect of NOx abatement for the CHP engine. The use of Selective Catalytic Reduction (SCR) results in lower NOx emissions. These emissions are controlled in the new **Requirement 16** of the **dDCO** (**3.1, REP5-003**) which sets a maximum concentration and total tonnage per annum, reflecting the improvement in emissions that can be achieved through an SCR installation.

1.5 5.3 Electrical Grid Connection [Statement] (Rev 1) (with Tracked Changes)

1.5.1 The Applicant welcomes LBB's acceptance of the removal of the Electrical Connection route through Crossness Nature Reserve and that the route would cross the River Darent in the existing highway or through trenchless installation techniques.

1.6 6.3 Environmental Statement Appendix L to B.1 Outline Construction [Traffic] Management Plan (Rev 3) (with track changes)

1.6.1 The reference to measures for mitigating or minimising disruption *'where practicable, economic and efficient'* is entirely appropriate. Measures must be practicable such that they can be achieved and put into place successfully. The reference to economic and efficient is a direct reflection of UK Power Networks' statutory obligations under the Electricity Act 1989 to deliver an economic and efficient network. LBB's statement that '*in extreme circumstances agreement with all parties to a solution has to be met irrespective of costs'* would be incompatible with this obligation. LBB has not provided any examples of such circumstances that could occur in the case of the REP Electrical Connection and it is noted that the **dDCO (3.1, REP5-003)** applies the majority of New Roads and Street Works Act provisions as they would do so to any other roadworks in respect of their planning, coordination and management. These obligations are set out in more detail in **Paragraphs**

1.2.4-1.2.8 of the **Applicant's response to Landsul and Munster Joinery Deadline 3 Submission** (**8.02.38, REP4-017**), and set the basis for the extra commitments set out subsequently in the **Outline Construction Traffic Management Plan** (**6.3, Appendix L to B1, REP5-008)**.

1.6.2 As set out in **Paragraph 1.3.10** of this response, the Applicant included an updated **Outline Construction Traffic Management Plan** (**6.3, Appendix L to B1, REP5-008)** at Deadline 5 which included, measures to manage, mitigate and minimise effects on the road network during the construction of REP and the Electrical Connection. The Assessment of effects on the transport network of the construction of REP and the Electrical Connection has been provided within **Chapter 6 Transport** of the **ES (6.1, REP2-017)** and **Appendix B.1**, the **Transport Assessment** of the **ES (6.3, APP-066)**. The assessment has shown that the residual effects are Negligible or Minor Adverse and are therefore Not Significant. As stated at **Paragraph 1.3.10** above, the Applicant does not propose to undertake local junction modelling of the effects on the road network during the construction of the Electrical Connection route. That paragraph explains why such modelling would not be appropriate.

1.6.3 In respect of pedestrian and cycle access, the Applicant sets out in **Paragraph 5.5.3** of the **Outline Construction Traffic Management Plan** (**6.3, Appendix L to B1, REP5-008)** that arrangements for pedestrian and cycling access would be set out in the detailed (final) CTMP, secured by **Requirement 13** of the **dDCO (3.1, REP5-003)**. This would include a strategy for parking provision and management within the Main Temporary Construction Compound. The Applicant considers that this is the appropriate approach, since safe and efficient connectivity to existing pedestrian or cycle routes can only be considered and determined at the detailed layout stage for the Main Temporary Construction Compound as the location of security, cycle parking and welfare facilities are being developed. Details of the access to site would be secured and agreed through **Requirement 8** of the **dDCO (3.1, REP5-003)**. A Pedestrian Environment Review System audit (**Appendix G**) and Cycling Level of Service audit (**Appendix H**) are contained within **Appendix B.1**, the **Transport Assessment** to the **ES (6.3, APP-066)**. These conclude that the current facilities along Norman Road are appropriate for the proposed usage. The majority of Norman Road is marked for two traffic lanes and attendant in-highway cycle lanes in both directions. Towards the northern end, the in-highway cycle lanes move into a dedicated off-highway cycle lane. A footway runs the entire length of Norman Road and connects with crossing facilities at the southern junction with Picardy Manorway. On this basis Norman Road is a viable cycle and pedestrian route. Access to welfare facilities and parking within the working compounds for non-construction traffic, such as workforce pedestrians, cycles or vehicles, and visitors will be duly managed within safe PPE-free routes clearly defined within the management of the worksites. This will be identified in the final CTMP, secured by **Requirement 13** of the **dDCO (3.1, REP5-003),** and be in accordance with standard safe working practice within operational worksites.

1.6.4 The discussions between TfL and the Applicant regarding potential construction phase effects have resulted in a focus on bus interaction and have not identified any significant concerns regarding general traffic. As set out in **Paragraph 1.3.10** of this response, the Applicant updated the **Outline Construction Traffic Management Plan** (**6.3, Appendix L to B1, REP5-008)** at Deadline 5 which included, at **Paragraphs 6.22-6.2.10**, a methodology to mitigate and minimise effects on buses during the construction of the Electrical Connection. LBB has not provided any evidence of specific locations where it has identified a potentially significant effect on general traffic movement.

1.7 8.02.42 Anaerobic Digestion Facility Emissions Mitigation Note

Air Quality Matters

1.7.1 The Applicant welcomes LBB's support for the proposed lowering of NOx emissions (secured through new **Requirement 16** of the **dDCO** (**3.1, REP5-003**) in respect of the Anaerobic Digestion facility CHP engine.

1.7.2 By virtue of generating wholly renewable and low carbon energy from food and green waste, all of the biogas utilisation options proposed are supported by policy, in particular the Overarching National Policy Statement for Energy (NPS EN-1), National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) and the adopted and draft London Plan, while contributing to London Environment Strategy objectives. The associated benefits are secured though implementation of the Anaerobic Digestion facility under Work No. 1B with provision for all options. While benefits will be realised under any scenario, the Applicant has undertaken a high-level consideration of the relative scale of conversion losses assuming a typical consumer and efficiency performance for each of the biogas utilisation options. The following assumptions are adopted within the assessment:

- Injection into grid – conversion losses due to biogas conditioning and upgrade to biomethane, compressor losses due to gas distribution in intermediate pressure main, final consumption in a gas boiler.

- Use as vehicle fuel – conversion losses due to biogas conditioning and upgrade to compressed natural gas, compressor losses due to high pressure storage, final consumption in an automotive internal combustion engine.

- On-site combustion – conversion losses due to biogas conditioning, combustion in CHP engine to generate heat and power, heat and power distribution losses to end consumer, final consumption in domestic space heating and power consumption respectively.

1.7.3 The results indicate that the order of increasing conversion losses (most efficient process first) is injection into grid, followed closely by onsite combustion, followed by use as vehicle fuel. However, this assumes that all forms of energy are equally valuable. In reality, there are significant losses

inherent in providing vehicle propulsion and the electricity generated from on-site combustion is generally considered more valuable than heat.

1.7.4 In response to LBB's comment *"the legend for Figure 7.10 should be amended to be consistent with the contour"* the Applicant has resubmitted the **Predicted Daily NOx Concentrations Plan (6.2, Figure 7.10)** at Deadline 7.

Transport Matters

1.7.5 The Applicant sets out the derivation of the comparably minor vehicle movements associated with servicing and use of materials during operation at **Paragraph 1.7.8** of the **Applicant's response to London Borough of Bexley Deadline 4 Submission** (**8.02.51, REP5-022**). In respect of potential additional movements arising from the additional CHP abatement technology, the introduction of aqueous ammonia as a consumable for the Anaerobic Digestion facility would be negligible because the volumetric flow rate is inconsequential when compared to the volumetric flowrate for the ERF (circa 1% of the ERF flow rate). Any increase would therefore be negligible and captured within the conservative margins assumed within the transport assessment for REP as a whole, which showed that movements at the 100% by road scenario would result in transport effects that are all Negligible.

1.8 000742 Greater London Authority Further Representations Final at Deadline 4

Air Quality Matters

1.8.1 The Applicant is in discussion with LBB over a potential contribution towards local off site LBB air quality monitoring. A meeting has been requested with LBB to discuss this matter. This is without prejudice to the Applicant's firm assertion that LBB's proposal of a Damage Costs approach is entirely unreasonable, unjustified and unnecessary.

1.8.2 Further matters concerning air quality have been addressed in the **Applicant's response to Air Quality Matters (8.02.70).**

Biodiversity Matters

1.8.3 As set out in **Paragraph 1.2.25** of this response, the Applicant is focussed on exploring and securing local opportunities first through its ongoing discussions with LBB and other stakeholders. If improvement or enhancement measures are available and deliverable through local sites which will compensate for residual impacts to biodiversity from REP, then these would contribute directly to local biodiversity net gain, as described in the **Biodiversity Accounting Report** (**8.02.09, REP2-060**). The **Environment Bank Site Selection for Biodiversity Offsetting Report** (**8.02.71**) is submitted at Deadline 7.

Requirement 20: CHP

1.8.4 At Deadline 5 the Applicant included an updated **dDCO** (**3.1, REP5-003), Requirement 26** which included the requirement for the establishment of a working group that may be combined with the RRRF working group. 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. The Applicant continues to consider a 4 year review period to be appropriate and reasonable.

Transport Matters

1.8.5 As set out above, the Applicant has addressed the LBB and GLA concerns relating to maximisation of sustainable river transport through the inclusion of an updated **Requirement 14** to the **dDCO** (**3.1, REP5-003)** at Deadline 5 which places a cap of 240,000 tpa on waste deliveries by road per annum.

1.8.6 The Applicant considers that this approach appropriately responds to the LBB and GLA comments and that LBB's unjustified cap of 65,500 tpa is not appropriate.

1.8.7 As set out in **Paragraph 1.3.10** of this response, the Applicant updated the **Outline Construction Traffic Management Plan** (**6.3, Appendix L to B1, REP5-008)** at Deadline 5 which included, at **Paragraphs 6.22-6.2.10**, a methodology to manage, mitigate and minimise effects on buses during the construction of the Electrical Connection.

1.8.8 All of the GLA requests, as supported by LBB, are accommodated in the **dDCO (3.1, REP5-003)** submitted at Deadline 5, comprising the definition of a jetty outage as 4 days, removal of reference to access from Norman Road and the removal of the limitation on vehicle records requests.

1.8.9 The Applicant finds no basis for LBB's support for the GLA's position that the full effect of a jetty outage has not been assessed. As set out in the Applicant's Deadline 5 submission (**The Applicant's Response to the London Borough of Bexley Deadline 4 Submission (8.02.51, REP5-022**)) at **Paragraphs 1.7.1-1.7.2**, a jetty outage scenario is not reported in the ES since it is an exceptional event and has never to date occurred over the 8 year period of operation of RRRF. It is not therefore considered to represent a reasonable worst case scenario. However, a full assessment was undertaken and reported in the **Temporary Jetty Outage Review** (**8.02.31, REP3-036**) and the Applicant has responded at Deadline 5 to LBB's detailed comments on that note.

1.9 00737 Eversheds Sutherland on behalf of Thames Water Utilities Limited (TWUL) – Comments on Draft DCO at Deadline 4

1.9.1 As set out in the **Applicant's response to Thames Water Deadline 4 Submission (8.02.50, REP5-021**), the Applicant is willing to explore the

potential use of green roofs or bio-solar roofs at the detailed design phase. Consideration of this matter at that phase is appropriate to ensure that green roofs or biosolar roofs can be delivered in harmony with the final design of the building, including successful integration of the structural and maintenance requirements of such systems within and under solar panels. As is common with large infrastructure projects, the detailed structural design will not progress until the **dDCO** (**3.1, REP5-003**) is granted. The Applicant has submitted a **Design Principles** (**7.4, APP-105**) document which sets out how the REP design process will progress. The detailed design phase is secured through **Requirement 2** of the **dDCO** (**3.1, REP5-003**) and subject to the approval of LBB.

1.9.2 In the same submission, the Applicant responded to the various requests from TWUL for mitigation measures and in its Deadline 5 submission confirmed (at Paragraph 1.3.16) that whilst the Applicant invited suggestions from TWUL for potential socio-economic measures, these have been considered and, as they are not required to mitigate the adverse effects of the development, the Applicant has concluded not to progress them at this time. However, the Applicant confirms that it would be willing to discuss enhancement measures with TWUL when undertaking detailed design.

1.10 00752 Chris Rose – Response to Further Information requested by the Examining Authority

1.10.1 The Applicant sets out above (**Paragraph 1.2.24 – 1.2.28**) the biodiversity offset site selection process, which sets out the strategy for the final Biodiversity and Landscape Mitigation Strategy and the Applicant's commitment to deliver a minimum of 10% biodiversity net gain. The **Environment Bank Site Selection for Biodiversity Offsetting Report** (**8.02.71**) is submitted at Deadline 7.

1.10.2 As set out in the **Biodiversity Accounting Report** (**8.02.09, REP2-060**), the final Biodiversity and Landscape Mitigation Strategy, which must be substantially in accordance with the OBLMS, will be submitted to and approved by the relevant planning authority, in accordance with **Requirement 5** of the **dDCO** (**3.1, REP5-003)**. The Requirement states that the final Biodiversity and Landscape Mitigation Strategy must set out the mechanism for securing the off-setting value (**Requirement 5(1)(d))** and sub-paragraph (2)) then requires the Applicant to implement the approved strategy. Accordingly, the delivery of the offset and net gain requirements is secured through the Development Consent Order.

1.11 8.02.37 Applicant's response to Western Riverside Waste Authority (WRWA) Deadline 3 submission

1.11.1 The commentary in this section of the LBB response relates to the stipulation of a jetty outage scenario as being 4 days, which the Applicant has accepted in its Deadline 5 submission through the update of **Requirement 14** of the **dDCO** (**3.1, REP5-003)**.

1.12 Conclusion

1.12.1 The Applicant has accepted the insertion of Requirements or amendments to Requirements into the **dDCO** (**3.1, REP5-003**), through consultation with LBB, such as:

- Requirement 14 - Heavy commercial vehicle movements delivering waste
- Requirement 15 - Emissions limits – Work Number 1A
- Requirement 16 - Emissions limits – Work Number 1B
- Requirement 17 – Ambient air quality monitoring
- Requirement 18 – Waste Hierarchy
- Requirement 21 - Control of operational noise
- Requirement 25 – Phasing of construction and commissioning of Work Number 1
- Requirement 26 – Combined heat and power

1.12.2 Therefore, the Applicant regards the key remaining concern is in relation to air quality funding. The **Applicant's response to Air Quality Matters (8.02.70)** notes that the Applicant is in discussion with LBB over a potential contribution towards local off site LBB air quality monitoring. A meeting has been requested with LBB to discuss this matter.