GREATER**LONDON**AUTHORITY

Riverside Energy Park

Planning Inspectorate Reference Number: EN010093

Deadline 7a – 13 September 2019 - Comments on any additional information/submissions received by previous deadline

Draft DCO (with track changes, Document Reference 3.1) - The Greater London Authority's (GLA) comments on the draft DCO submitted by the London Borough of Bexley (LBB) at Deadline 7

The GLA maintain the objection to the principle of the development and remain of the view that the adverse effects of the proposed development have been underreported and its potential benefits overstated by the Applicant. The adverse effects of the development, in particular the Energy Recovery Facility, would outweigh the purported benefits of the REP development.

Notwithstanding the above, this attached tracked change version of the draft DCO (Extract - Schedules 1 and 2), submitted by the Applicant at Deadline 5, has been prepared by the GLA to assist the Examining Authority in understanding the GLA's outstanding concerns; however, it is not an exhaustive list and should be read in tandem with the GLA's Deadline 7 submissions.

The annotations also have regard to the London Borough of Bexley's comments on the draft DCO submitted at Deadline 7. Where appropriate LBB's comments are noted as agreed. There are a number of proposed amendments by LBB (for example paragraphs 4, 5 and 6 of Schedule 2 "Requirements") where the GLA has not made representations but absence of agreement does not denote disagreement.

SCHEDULES

SCHEDULE 1
AUTHORISED DEVELOPMENT

Article 3

A nationally significant infrastructure project as defined in section 14(1)(a) and section 15 of the 2008 Act being a generating station with a capacity of over 50 megawatts but below 300 megawatts and associated development under section 115(1) of the 2008 Act comprising all or part of—

In the London Borough of Bexley

Work No. 1 — Works to construct an integrated energy park—

(a) Work No. 1A — an energy recovery facility with a capacity of no more than 655,000~~805,920~~ tonnes per annum of waste, including—

(i) fuel reception and storage facilities consisting of a tipping hall and vehicle ramp(s), shredder, solid fuel storage bunker, cranes and handling equipment;

(ii) waste processing lines, each line including a feed hopper, ram feed, air cooled moving grates, a boiler and steam systems, combustion air systems and flue gas treatment facilities including residue and reagent storage silos and tanks;

(iii) associated induced fans and emissions control monitoring systems;

(iv) up to two emission stacks;

(v) a steam turbine incorporating a 30MW heat off-take for district heating and electrical generator (if not constructed and installed as part of Work No. 2);

(vi) an integrated protection system and uninterruptable power supplies;

(vii) bottom ash conveyors, including storage bunker, crane and ash collection bay; and

(viii) a dedicated bottom ash storage area where bottom ash containers must be stored.

(b) Work No. 1B – an anaerobic digestion system with a capacity of no more than 40,000 tonnes per annum of input material, including—

(i) fuel reception and storage facilities as constructed for Work Number 1A;

(ii) conveyor and feed system;

(iii) anaerobic digestor, dryers and integrated heating system;

(iv) solid digestate treatment equipment, handling and storage;

Commented [E1]: GLA agrees with LBB's position that inclusion of a maximum waste throughput is required to ensure that the operation of the development does not exceed the basis of the assessment presented in the ES.

The GLA consider the inclusion of this maximum waste throughput is necessary to ensure that the operation of the development does not exceed the basis of the climate change assessment presented in the Applicant's Carbon Assessment (document 8.02.08 submitted at Deadline 2). The Carbon Assessment does not include the climate change impact of the proposed ERF managing any more than 655,000 tonnes per year.

The maximum throughout is also considered necessary and effective to minimise the amount of waste managed at the ERF that could otherwise be recycled, and to minimise the likelihood of surplus incineration capacity. The GLA has set out in its Representations to the ExA, namely its Local Impact Report and Written Representation submitted at Deadline 2 that London does not need any further energy from waste capacity and is facing a 300,000 tonne per annum energy from waste surplus by 2030

Commented [E2]: GLA consider that the heat take-off be specified to help to ensure that the development will support district heating to maximise carbon saving benefits and meet the Mayor's London Plan carbon intensity floor policy.

The ERF specifing a steam turbine off-take matches that of the North London Power DCO.

Commented [E3]: GLA agree with LBB's amendment

(v) ventilation and air collection system;

(vi) emission stack;

(vii) gas flare;

(viii) combined heat and power plant, including combined heat and power engine;

(ix) an electrical switchyard, including switchgear and transformer;

(x) gas storage and upgrading equipment; and

(xi) associated gas and process heat pipes.

(c) Work No. 1C — solar photovoltaic panels on all or part of Work No. 1E and, should a steam turbine building be constructed as part of Work No. 2, on all or part of the steam turbine building forming part of Work No. 2, on all or part of the steam turbine building forming part of Work No. 2, switchgear, inverters, transformers and permanent equipment for maintenance.

(d) Work No. 1D — a battery storage facility including—

(i) battery energy storage cells;

(ii) transformers;

(iii) protection cabinets; and

(iv) switch gear and ancillary equipment.

(e) Work No. 1E — a building with roof enclosing and/or supporting all or part of Work Nos. 1A, 1B, 1C and 1D.

Work No. 2 — Works to construct—

(a) a cooling system comprising air-cooled condensers; and

(b) if not constructed and installed as part of Work No. 1A, a steam turbine incorporating a 30 MW heat off-take for district heating and electrical generator and a steam turbine building to house all or part of the same.

Commented [E4]: See GLA comment on Work No1 A (a) (v) above

Work No. 3 — Works to construct and install combined heat and power equipment including heat exchangers, pipework (including flow/return pipework, valving, pumps, pressurisation and water treatment systems)

Work No.4 — Works to construct an electrical substation including switchgear, and transformer, busbar sections, integrated protection scheme and uninterruptable power supplies.

Work No. 5 — Works to construct or install supporting buildings and facilities, including—

(a) diesel storage tanks;

(b) a process effluent storage tank;

(c) a demineralised water treatment plant;

(d) fire water tank, pump room(s) and fire protection facilities;

(e) a control room;

(f) administration block(s);

(g) a fully integrated distributed control system;

(h) workshop(s) and associated stores;

(i) spare parts storage facilities;

(j) security gatehouses and barriers;

(k) weighbridges;

(l) a heavy goods vehicle holding area;

(m) an external fuel container storage area;

(n) emergency stand-by generator(s);

(o) infrastructure for the transmission and/or storage of compressed natural gas;

(p) an outage contractor compound; and

(q) a permanent contractor laydown area.

Work No. 6 — Works to construct and install supporting infrastructure, including—

(a) pipework (including flow/return pipework), cables, telecommunications, other services and associated infrastructure;

(b) site drainage, waste management, water, wastewater, other services and associated infrastructure;

(c) new or alteration to accesses, a vehicular access road and internal vehicular access road, vehicle turning, waiting and parking areas; and

(d) vehicle parking.

Work No. 7 — Works to construct and install from Work No. 6 pipes and cables.

Work No. 8 — Works to construct temporary construction compounds including—

(a) hard standing;

(b) vehicle parking;

(c) accommodation block(s);

(d) new or alteration to accesses; and

(e) construction fabrication areas.

In the London Borough of Bexley and the Borough of Dartford

Work No. 9 — Works to construct and install an electrical connection including—

(a) 132kV electrical underground and overground cables and associated telemetry and electrical cabling;

(b) cable trenches, ducting and jointing pits;

(c) above ground cable trough structures which are either freestanding or attached to highway structures;

(d) temporary construction compounds; and

(e) new or alteration to accesses.

In the Borough of Dartford

Work No. 10 — Works to connect the electrical connection (Work No. 9) to the Littlebrook substation and associated improvements.

In connection with and in addition to Work Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 and to the extent that it does not otherwise form part of those Work Nos., further associated development within the Order limits including—

(a) external lighting infrastructure, including perimeter lighting columns;

(b) fencing, boundary treatment and other means of enclosure;

(c) demolition of existing buildings and structures;

(d) signage;

(e) CCTV and other security measures;

(f) surface and foul water drainage facilities;

(g) potable water supply;

(h) new telecommunications and utilities apparatus and connections;

(i) hard and soft landscaping;

(j) biodiversity enhancement measures and environmental mitigation measures;

(k) works to permanently alter the position of existing telecommunications and utilities apparatus and connections;

(l) works for the protection of buildings and land; and

(m) site establishment and preparation works, including site clearance (including temporary fencing and vegetation removal), earthworks (including soil stripping and storage and site levelling) and excavations, the creation of temporary construction access points and the temporary alteration of the position of services and utilities apparatus and connections,

and such other buildings, structures, works or operations and modifications to, or demolition of, any existing buildings, structures or works as may be necessary or expedient for the purposes of or in connection with the construction, operation and maintenance of the works in this Schedule 1 but only within the Order limits and insofar as they are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

SCHEDULE 2
REQUIREMENTS

Article 3

Time limits

1. The authorised development must not commence after the expiry of five years of the date on which this Order comes into force.

Detailed design approval

2.—(1) No part of Work No. 1A(iv), Work No. 1B(iv), Work No. 1C, Work No. 1E, Work No.2, Work No.3, Work No. 4, Work No. 5 and Work No. 6 may commence until details of the layout, scale and external appearance for that Work No. have been submitted to and approved by the relevant planning authority.

(2) The details submitted for approval under sub-paragraph (1) must be in accordance with the design principles.

(3) The authorised development must be carried out in accordance with the approved details.

Parameters of authorised development

3.—(1) The elements of the authorised development listed in column (1) of the table below (design parameters) must not exceed the maximum dimensions and levels and, where applicable, the minimum dimensions, set out in relation to that element in columns (3) to (7) of that table.

Table 1

(1) Element of authorised development	*(2) Work No.*	*(3) Maximum length (metres)*	*(4) Maximum width (metres)*	*(5) Maximum height (metres) AOD*	*(6) Minimum height (metres) above surrounding ground level*	*(7) Maximum depth (metres) below AOD*
Main Riverside Energy Park Building	1A (excluding Work No.1A(iv), 1C and 1E	200	102	65	—	—
Solid fuel storage bunker	Part of Work No. 1A(i)	—	—	—	—	8
Anaerobic digestion system	1B (excluding Work No. 1B(vi) and	87	68	43	—	—

	Work No. 1B(vii)					
Other integral process buildings and structures	1D, 2(b), 3, 4, 5, 6 and 7	111	116	38	—	—
Emissions stack(s)	1A(iv)	—	46	113	90	—
Emission stack	1B(vi)			11	8	
Gas Flare	1B(vii)			17	4	

(2) The above surrounding ground level in respect of Work No. 1 must comply with the following parameters: a minimum level of 1 metre AOD and maximum level of 3m AOD.

Pre–commencement biodiversity mitigation strategy

4.—(1) No part of the pre–commencement works may be carried out until a pre–commencement biodiversity mitigation strategy has been submitted to and approved by the relevant planning authority.

(2) The pre–commencement biodiversity mitigation strategy submitted pursuant to sub–paragraph (1) must contain details of mitigation measures required to protect protected habitats and species, non-statutory designated sites and other habitats and species of principal importance during the pre–commencement works.

(3) The pre–commencement biodiversity mitigation strategy must be implemented as approved under sub–paragraph (1).

Biodiversity and landscape mitigation strategy

5.—(1) No part of the authorised development may commence until a biodiversity and landscape mitigation strategy for that part has been submitted to and approved by the relevant planning authority. The biodiversity and landscape mitigation strategy must be substantially in accordance with the outline biodiversity and landscape mitigation strategy and include details of—

(a) mitigation measures required to protect protected habitats and species, non-statutory designated sites and other habitats and species of principal importance during the construction of the authorised development;

(b) mitigation measures required to protect protected habitats and species, non-statutory designated sites and other habitats and species of principal importance during the operation of the authorised development;

(c) the results of the Defra biodiversity off-setting metric together with the off-setting value required and the nature of such off-setting required to achieve biodiversity net gain;

(d) the mechanism for securing the off-setting value and any long term management and monitoring commitments in respect of the off-setting; and

Commented [DS5]: GLA consider this insertion necessary to ensure compliance with national policy on biodiversity net gain. This is also articulated in part D of Policy G6 Biodiversity and access to nature in the draft London Plan, which states that "development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process".

(e) any hard and soft landscaping to be incorporated within Work Nos. 1, 2, 3, 4, 5 and 6 including location, number, species, size of any planting and the management and maintenance regime for such landscaping.

(2) The biodiversity and landscape mitigation strategy must be implemented as approved under sub-paragraph (1).

Replacement planting for Work No. 9

6.—(1) No part of Work No. 9 may commence until details—

(a) of any trees, shrubs and hedgerows to be removed during the construction of Work No. 9; and

(b) of planting to replace any such identified trees, shrubs and hedgerows,

have been submitted to and approved by the relevant planning authority.

(2) The replacement planting must be carried out in accordance with the approved details and maintained for a period of 12 months.

(3) Any tree, shrub or hedgerow planted as part of the approved details that, within the 12 month maintenance period, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted.

Archaeology

7.—(1) No part of Work Nos. 1, 2, 3, 4, 5 and 9 may commence until a written scheme of archaeological investigation for that part has been submitted to and approved by the relevant planning authority.

(2) The scheme must—

(a) identify any areas where further archaeological investigations are required and the nature and extent of the investigation required in order to preserve by knowledge or in-situ any archaeological features that are identified;

(b) provide details of the measures to be taken to protect, record or preserve any significant archaeological features that may be found; and

(c) identify any drilling or boring locations where a phased programme of geoarchaeological works and a phased programme of archaeological works are required.

(3) Any archaeological investigations implemented and measures taken to protect record or preserve any identified significant archaeological features that may be found must be carried out—

(a) in accordance with the approved scheme; and

(b) by a suitably qualified person or organisation.

Highway access

8.—(1) No part of Work Nos. 6, 8, 9 and 10 may commence until written details of the siting, design and layout of any new permanent or temporary means of access to a highway in that part, or any alteration to an existing means of access to a highway in that part has been submitted to and approved by the relevant planning authority (in consultation with the relevant highway authority).

(2) The highway accesses must be constructed or altered in accordance with the approved details.

(3) The undertaker must not exercise the power in Article 14(1) (permanent stopping up of streets) unless and until a plan showing the layout for the termination of the street (as specified in columns (1) and (2) of Schedule 6) has been submitted to and approved by the relevant planning authority, such plan to show the replacement turning head to facilitate a forward side–turn manoeuvre in forward and reverse gears by vehicles.

Surface and foul water drainage

9.—(1) No part of Work Nos. 1, 2, 3, 4, 5, and 6 may commence until written details of the surface and foul water drainage strategy for that part have been submitted to and approved by the relevant planning authority. The written details submitted for approval must be substantially in accordance with the outline drainage strategy.

(2) The surface and foul water drainage system must be constructed in accordance with the approved details.

Ground conditions and ground stability

10.—(1) No part of Work Nos. 1, 2, 3, 4, 5, 6, 7 and 8 may commence until an investigation and assessment report to identify ground conditions and ground stability has been submitted to and approved by the relevant planning authority.

(2) The report submitted pursuant to sub-paragraph (1) must identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site.

(3) In the event that the report submitted pursuant to sub–paragraph (1) identifies necessary remedial measures, no part of Work Nos. 1, 2, 3, 4, 5, 6, 7 and 8 may commence until a remediation verification plan for that part has been submitted to and approved by the relevant planning authority.

(4) The authorised development must be carried out in accordance with the approved report.

Code of construction practice

11.—(1) No part of the pre–commencement works may be carried out and no part of the authorised development may commence until a code of construction practice for that part has been submitted to and approved by the relevant planning authority. The code of construction practice submitted for approval must be substantially in accordance with the outline code of construction practice to the extent that it is applicable to that part and must include the following—

(a) the construction and phasing programme;

(b) liaison procedures;

(c) complaints procedures;

(d) nuisance management including measures to avoid or minimise the impacts of construction works (covering dust, wheel washing, damping of stockpiles, sheeting materials, lighting, noise and vibration);

(e) reference to undertaking construction activities in accordance with the recommendations of BS 5228 'Noise and Vibration Control on Construction Open Sites' Part 1 Noise and Part 2 Vibration;

(f) construction, demolition and excavation waste management effectively meeting 95% reuse or recycling rates as a minimum;

(g) statement demonstrating how the development will deliver circular economy outcomes and aim to be net-zero waste. This includes measures for the maintenance of construction equipment and other measures in the development design and construction that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible;

Commented [E6]: The GLA consider that these inclusions are necessary for the development to promote resource efficiency and maximise reuse and recycling to comply with London Plan Policy 5.16 B(e) and draft London Plan Policy SI7A and B.

(h) temporary storage of soils and other material of value to be in accordance with best practice;

(i) installation of hoardings and/or fencing;

(j) safe storage of polluting materials;

(k) protocol for flood warning and a flood incident management plan;

(l) methods to prevent water pollution and adverse impacts upon surface water drainage;

(m) restoration of site following completion of construction;

(n) measures to deal with contamination which is likely to cause significant harm to persons or significant pollution of controlled waters or the environment;

(o) appropriate procedures to address any unexploded ordnance that may be encountered; and

(p) appropriate procedures to provide for a vehicle booking management system.

Commented [E7]: GLA adopt LBB's point and agree with LBB's amendment

(2) All construction works must be undertaken in accordance with the approved code of construction practice.

(3) All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of pre-commencement works or the authorised development shall comply with the emission standards set out in the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. An up to date list of all NRMM shall be kept on the online register at https://nrmm.london/ throughout the pre-commencement works and the authorised development.

(4) 'Non-road mobile machinery' means any mobile machine, transportable equipment or vehicle with or without bodywork or wheels, not intended for the transport of passengers or goods on roads, and includes machinery installed on the chassis of vehicles intended for the transport of passengers or goods on roads

Commented [E8]: GLA consider this requirement is necessary to ensure compliance with London Plan air quality policy. Control of emissions from NRMM is required for all major, and some minor, developments in London through the guidance referenced in policy 7.14 B (b) of the current London. The draft London Plan requires compliance with the NRMM Low Emission Zone directly in SI1 (D) (draft London Plan – consolidated changes version).

The Applicant agreed to include this requirement at the Issue Specific Hearing but has not made the required changes to the DCO.

Construction Hours

12.—(1) Construction works relating to Work Nos. 1, 2, 3, 4, 5 and 6 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.

(2) The restrictions in sub-paragraph (1) do not apply to construction works where these—

(a) are carried out within existing buildings or buildings constructed as part of the authorised development;

(b) are carried out with the prior approval of the relevant planning authority;

(c) are associated with an emergency; or

(d) are associated with slip form working.

(3) In this requirement "emergency" means a situation where, if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public (whether individual classes or generally as the case may be) of taking that action.

Construction traffic management plan(s)

13.—(1) No part of the pre–commencement works may be carried out and no part of the authorised development may commence until a construction traffic management plan for that part has been submitted to and approved by the relevant planning authority (in consultation with the relevant highway authority and~~, for streets within the London Borough of Bexley,~~ Transport for London). The construction traffic management plan(s) must be substantially in accordance with the outline construction traffic management plan and must include the following (as applicable for the part of the authorised development to which the construction traffic management plan relates)—

Commented [E9]: GLA consider that impacts are not necessarily limited to the streets of Bexley and so the geographical limitation is deleted

(a) construction vehicle routing plans in respect of both workers and deliveries;

(b) proposals for the scheduling and timing of movements of delivery vehicles including details of abnormal indivisible loads;

(c) site access plans;

(d) measures to ensure maximum use of the river for transportation of the materials used and waste arising in the construction of the authorised development;

(ed) where practicable, temporary diversions of any public rights of way;

(fe) measures to ensure the protection of users of any footpath within the Order limits which may be affected by the construction of the authorised development;

(gf) proposals for the management of junctions to and crossings of highways and other public rights of way;

(hg) a construction logistics plan;

(i) a procedure for reviewing and updating the construction traffic management plan and

(jh) a construction worker travel plan, including details of the temporal distribution of workers at Work No. 5(q), Work No. 8 and Work No. 9(d), the likely number of worker vehicle movements and the management of workforce parking.

(2) The construction traffic management plan(s) submitted pursuant to sub–paragraph (1) must be accompanied by a statement and associated junction impact assessments demonstrating how the likely construction traffic impacts identified in the environmental statement are addressed through the measures contained in the construction traffic management plan(s).

(3) The construction traffic management plan(s) submitted pursuant to sub–paragraph (1) must be accompanied by a highways base condition survey. Following completion of the construction of each Works 1 to 10 a further highways condition survey is to be undertaken. The condition of the highway is to be restored to its pre-construction condition as identified in the highways base condition survey at the undertaker's expense.

(4) The construction traffic management plan(s) and updated construction traffic management plan(s) submitted pursuant to sub-paragraph (1) must be implemented as approved by the relevant planning authority.

Delivery and Servicing Plan

13A. (1) No part of the authorised development may commence until a delivery and servicing plan has been submitted to and approved by the relevant planning authority. The delivery and servicing plan must include the following –

(a) a cap on vehicle movements made by vehicles accessing the authorised development per day;

(b) measures to ensure efficiency of the site and reduction in vehicle numbers; and

(c) an assessment of how the authorised development accords with best practice guidance published by TfL.

Commented [E10]: GLA consider that this requirement is necessary as the Applicant's outline CMTP does not include sustainable transport.

Commented [E11]: GLA consider that a mechanism for updating the CTMP is necessary as the outline CTMP does not explain the process of updating the plan.

Commented [E12]: GLA agrees with LBB's amendment.

Commented [E13]: GLA agrees with LBB's amendment.

Commented [E14]: Amendment required to reflect the GLA amends at 13(i) regarding a mechanism for updating the CTMP

Commented [E15]: GLA adopt LBB's point on delivery and servicing plan and agree with LBB's amendment

(2) The delivery and servicing plan must be implemented as approved.

Heavy commercial vehicle movements delivering waste

14.—(1) Subject to sub-paragraph ([4]) the number of two-way vehicle movements made by heavy commercial vehicles delivering waste to work number 1A during commissioning and the operational period must not exceed a maximum of 32 two–way vehicle movements per day (32 vehicles in and 32 vehicles out).

(2) Subject to sub-paragraph (4) the number of two-way vehicle movements made by heavy commercial vehicles delivering waste to work number 1B during commissioning and the operational period must not exceed a maximum of 18 two–way vehicle movements per day (18 vehicles in and 18 vehicles out).

(3) No more than 65,500 tonnes of materials ((including waste) used to supply the operation of Work No 1A may be transported to it by road per annum, and 100% of bottom ash and commingled metals produced by the operation of the authorised development must be transported from it by river to a riparian transfer station, except in the case of emergency.

(4) In the event of a jetty outage, the number of two–way vehicle movements made by heavy commercial vehicles delivering waste to work number 1A during commissioning and the operational period must not exceed a maximum of XXX two–way vehicle movements per day (XXX vehicles in and XXX vehicles out) and must not exceed—

(a) between the hours of 0730–0900, a maximum of 23 two–way vehicle movements (23 vehicles in and 23 vehicles out); and

(b) between the hours of 1630–1800, a maximum of 23 two–way vehicle movements (23 vehicles in and 23 vehicles out).

(5) On a monthly basis during commissioning and operations, and

following any reasonable request by the relevant planning authority, the undertaker must provide the relevant planning authority with a record of the following for the preceding period—

(a) confirmation whether or not a jetty outage occurred during the period; and

(b) the number of two–way vehicle movements made by heavy commercial vehicles delivering waste as well as the volumes of waste delivered to both work number 1A and work number 1B in that period, such numbers to be split out clearly so that the number of movements and waste volumes can be ascertained.

(6) In this article—

"heavy commercial vehicle" has the meaning given by section 138 of the Road Traffic Regulation Act 1984;

Commented [DS16]: The GLA supports LBB's request for a tighter vehicle cap servicing the REP to maximise the use of sustainable transport of waste by river as advocated by the Applicant.

Commented [DS17]: This amend is considered necessary for the avoidance of doubt that waste for management at Work 1A is included

"jetty outage" means circumstances caused by factors beyond the undertaker's control in which waste has not or could not be received at the jetty or ash containers have not been or could not be despatched from the jetty for a period in excess of 4 consecutive days; and

"two–way vehicle movements" means a movement to and from the authorised development.

Emissions limits – Work Number 1A

15.—(1) During the operational period of Work No. 1A, the average emission concentration of nitricogen oxide and nitrogen dioxide, expressed as oxides of nitrogen oxides, of the combustion emissions discharged through the emissions stack comprised in Work No. 1A for each day must not exceed a limit value of 120mg/Nm3 (expressed at 11% oxygen, dry flue gas, 273.15K), except in such exceptional circumstances as agreed by the Environment Agency.

Commented [E18]: GLA consider that as the term "Nitric Oxide" is the more common chemical name for NO and "Oxides of Nitrogen" is the more frequently used descriptor for NOx, they should be used.

(2) During the operational period of Work No. 1A, the annual mass emission of nitrogen oxide and nitrogen dioxide, expressed as nitrogen oxides air pollutants in, of the combustion emissions discharged through the emissions stack comprised in Work No. 1A must not exceed the a limit values in the following table:of 451 tonnes per annum.

Commented [E19]: GLA consider that the amendments are required in order to ensure that the development as built does not exceed the impacts on air quality, described in the Environmental Statement annual mass emission limits and should be imposed for all assessed pollutants.
The limits in the table are calculated from the Applicant's ES table 7.17.

Pollutant	Limit
Ammonia	37.5 tonnes per annum
Benzene	37.5 tonnes per annum
Benzo[a]pyrene	0.78 kilograms per annum
Carbon Monoxide	188 tonnes per annum
Dioxins and Furans	0.225 grams per annum
Hydrogen Chloride	22.4 tonnes per annum
Hydrogen Fluoride	3.78 tonnes per annum
Oxides of Nitrogen	451 tonnes per annum
Particulate matter (PM_{10})	18.9 tonnes per annum
Particulate Matter ($PM_{2.5}$)	18.9 tonnes per annum
Sulphur Dioxide	113 tonnes per annum
Mercury	0.075 tonnes per annum
Cadmium	0.075 tonnes per annum
Thallium	0.075 tonnes per annum
Antimony	0.043 tonnes per annum
Arsenic	0.094 tonnes per annum
Chromium (total)	0.346 tonnes per annum
Chromium III	1.135 tonnes per annum
Chromium IV	0.488 kilograms per annum
Cobalt	0.021 tonnes per annum
Copper	0.109 tonnes per annum
Lead	0.189 tonnes per annum
Manganese	0.255 tonnes per annum
Nickel	0.819 tonnes per annum
Vanadium	0.026 tonnes per annum

(3) In sub–paragraph 1, "day" means a period of twenty–four hours beginning at midnight.

Emission limits – Work Number 1B

16.—(1) In the event that ~~bio~~gas is utilised in the CHP engine, during the operational period of Work No. 1B, the average emission concentration of nitri~~co~~gen ~~oxide~~ and nitrogen dioxide, expressed as oxides of nitrogen ~~oxides~~, of the combustion emissions discharged through Work No. 1B must not exceed a limit value of 125mg/Nm3 (expressed at 5% oxygen, dry flue gas, 273.15K).

(2) In the event that ~~bio~~gas is utilised in the CHP engine, during the operational period of Work No. 1B, the annual mass emission of nitri~~co~~gen ~~oxide~~ and nitrogen dioxide, expressed as oxides of nitrogen ~~oxides~~, of the combustion emissions discharged through Work No. 1B must not exceed a limit value of 3 tonnes per annum.

Commented [E20]: GLA consider that NOx will be emitted from the engine regardless of whether the gas burned is biogas or natural gas. The GLA considers that the emission limit is necessary to apply, regardless of the source of the gas, in order to ensure that the development as built does not exceed the impacts on air quality described in the Environmental Statement.

Ambient air quality monitoring

17.—(1) Prior to the operational period of Work No. 1A and Work No. 1B, the undertaker must submit to the Environment Agency and authority responsible for planning and local air quality management for approval an ambient air quality monitoring programme to monitor compliance with the forecast environmental performance of Work No. 1A and Work No. 1B, such programme to also incorporate any monitoring requirements required under any environmental permit for the authorised development.

(2) The ambient air quality monitoring programme must be implemented as approved.

Commented [E21]: GLA agree with LBB's amendments

Waste hierarchy scheme

18.—(1) Prior to commissioning, the undertaker must submit to the relevant planning authority for approval (in consultation with the Greater London Authority) a scheme setting out arrangements for maintenance of the waste hierarchy in priority order, which aims to minimise recyclable and reusable waste received at the authorised development during the commissioning and operational period of the authorised development (the "waste hierarchy scheme").

(2) The waste hierarchy scheme must include details of—

(a) the type of information that shall be collected and retained on the sources of the residual waste after recyclable and reusable waste has been removed such information shall include a quantitative review of the level of recyclable content through materials composition analysis on at least a quarterly basis, and for the findings of the analysis to be provided to the local planning authority~~.~~;

(b) the arrangements that shall be put in place for ensuring that as much reusable and recyclable waste as is reasonably possible is removed from waste to be received at the authorised development including contractual measures securing maximum limits on recyclable material content for feedstock processed at Work No. 1~~.~~ and supplemented by capture process description(s) and minimum capture thresholds for reusable and recyclable items remaining in the waste stream;

(c) the arrangements that shall be put in place for ensuring that commercial suppliers of residual waste operate a written environmental management system which includes establishing a baseline of at least 65 percent for recyclable and reusable waste removed from residual

Commented [E22]: GLA agrees with LBB that Req 18 as drafted does not offer sufficient controls or safeguards to ensure that the waste hierarchy is followed. The GLA considers that the amendments to these paragraphs are necessary and effective to ensure that:

- Work 1A manages waste that could not otherwise be reused or recycled to comply with NPS EN-1
- The development will meet the Mayor's 65 per cent municipal waste recycling target and 70% commercial and industrial waste targets, complying with the London Plan, draft London Plan, and the Mayor's London Environment Strategy.

Commented [E23]: GLA consider that it is necessary that the level of recyclable content is demonstrated and defined to best ensure that the ERF is managing waste that could not otherwise be reused or recycled, effectively implementing the waste hierarchy. See GLA comment above.

Commented [E24]: GLA consider that the arrangements must include this additional information as without it, the waste hierarchy scheme would not achieve its purpose

Commented [DS25]: GLA requires this amendment to achieve the Mayor's 65% recycling target as a minimum. See comments above

waste and specific targets for improving the percentage of such removed reusable and recyclable waste;

(d) the arrangements that shall be put in place for suspending and/or discontinuing supply arrangements from commercial suppliers who fail to retain or comply with any environmental management systems; and

(e) the form of records that shall be kept for the purpose of demonstrating compliance with (a) to (d) and the arrangements in place for allowing inspection of such records by the relevant planning authority.

(3) The waste hierarchy scheme must be implemented as approved.

Operational worker travel plan

19.—(1) Prior to the commencement of commissioning, an operational worker travel plan for those working at the authorised development must be submitted to and approved by the relevant planning authority (in consultation with the relevant highway authority and, for streets within the London Borough of Bexley, Transport for London). The operational worker travel plan must be in substantial accordance with the outline operational worker travel plan and set out measures to encourage staff working at Work Nos. 1, 2, 3, 4 and 5 to use sustainable modes of transport.

(2) The operational worker travel plan must be implemented as approved.

Operational lighting strategy

20.—(1) No part of Work Nos. 1, 2, 3, 4, 5 and 6 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.

(2) The approved scheme for the management and mitigation of operational external artificial light emissions must be implemented as approved.

Control of operational noise

21.—(1) Prior to commissioning of any part of Work Number 1, a written noise monitoring scheme must be submitted to and approved by the relevant planning authority, such scheme must specify:

(a) each location from which noise is to be measured;

(b) the method of noise measurement, which must be in accordance with British Standard 4142:2014;

(c) the maximum permitted levels of noise at each monitoring location which ensure that the LBB requirement for operational noise not exceeding 5dB below the background LA90 (or such lower limit as may be set in LBB's standard guidance on operational noise) is met at the nearest sensitive receptors; and

(d) provision requiring the undertaker to take noise measurements as soon as possible following a reasonable request by the relevant planning authority and to submit the measurements to the relevant planning authority as soon as they are available.

(2) The level of noise at each monitoring location must not exceed the maximum permitted level specified for that location in the programme, except—

(a) in the case of an emergency (as defined in the noise monitoring scheme);

(b) with the prior approval of the relevant planning authority; or

(c) as a result of steam purging or the operation of emergency pressure relief valves or similar equipment of which the undertaker has given notice in accordance with sub–paragraph (3).

(3) Except in the case of an emergency, the undertaker must give the relevant planning authority 48 hours' notice of any proposed steam purging or operation of emergency pressure relief valves or similar equipment.

(4) So far as reasonably practicable, steam purging and the operation of emergency pressure relief valves or similar equipment may only take place:

(a) between 0900 and 1700 hours on weekdays (excluding bank holidays); and

(b) between 0900 and 1300 hours on Saturdays (excluding bank holidays).

(5) Where the level of noise at a monitoring location exceeds the maximum permitted level specified for that location in the approved scheme because of an emergency—

(a) the undertaker must, as soon as possible and in any event within two business days of the beginning of the emergency, submit to the relevant planning authority a statement detailing—

(i) the nature of the emergency;

(ii) why it is necessary for the level of noise to have exceeded the maximum permitted level;

(b) if the undertaker expects the emergency to last for more than 24 hours, it must inform local residents and businesses affected by the level of noise at that location of—

(i) the reasons for the emergency; and

(ii) how long it expects the emergency to last.

River wall

22.—(1) No part of Work Number 1 may commence until a river wall condition survey on those parts of the river wall within the order limits has been submitted to and approved by the Environment Agency (in consultation with the relevant planning authority).

(2) The river wall condition survey submitted pursuant to sub-paragraph (1) must where appropriate identify any remedial works required to bring the tidal flood defence up to a good standard considering a design life of 100 years.

(3) The remedial works required to bring the defence up to a good standard identified pursuant to sub–paragraph (2) must be carried out within 2 years of the date that the condition survey is approved under sub–paragraph (1).

Community benefits

23.—(1) No part of the authorised development may commence until an employment and skills plan has been submitted to and approved by the relevant planning authority.

(2) The employment and skills plan must include the undertaker's accreditation to the Mayor's Good Work Standard including payment of the London Living wage as a minimum and must be implemented as approved by the relevant planning authority.

Commented [E26]: The GLA consider the amendment is necessary to ensure that the development will effectively deliver social value and best practice employment practice in line with the Mayor's Good Work Standard. The Good Work Standard, launched on 29 July 2019, sets the benchmark for every London employer to work towards and achieve, including payment of the London Living Wage.

Notice of start of commissioning and notice of date of final commissioning

24.—(1) Notice of the intended start of commissioning of Work No. 1 must be given to the relevant planning authority prior to such start and in any event within seven days from the date that commissioning is started.

(2) Within seven days of completing final commissioning, the undertaker must provide the relevant planning authority with notice of the date upon which such commissioning was duly completed.

Phasing of construction and commissioning of Work Number 1

Commented [E27]: The GLA agree with LBB's comments made at deadline 7 and GLA consider that the amendments are the minimum necessary to ensure that all of the purported benefits of the development are delivered

25.—(1) Subject to sub–paragraph (2), no part of the authorised development may commence until a phasing programme setting out the commencement of construction and the anticipated start of commissioning and the anticipated date of final commissioning for each of Work Number 1A, Work Number 1B, Work Number 1C ~~and~~ Work Number 1D and Work Number 2B has been submitted to and approved by the relevant planning authority. The phasing programme shall provide for the anticipated final commissioning of Work No 1C and Work No. 1D as soon as practicable and in any event in the same phase as Work Number 1A. The phasing programme must be implemented as approved.

(2) Work Number 1B must commence operation ~~construction~~ in the same phase as Work Number 1A.

(3) The steam turbine with district heating off-take forming part of the authorised development must be completed at the anticipated date of final commissioning of Work Number 1A

Combined heat and power

26.—(1) Work No 1A must be constructed to produce combined heat and power through the provision of steam and hot water pass-outs and the preservation of space for the future provision of water pressurisation, heating and pumping systems. Prior to the operation of the authorised development~~On~~

Commented [DS28]: GLA consider amends necessary to demonstrate the intent to ensure that CHP opportunities are fully explored and delivered to maximise carbon saving benefits. This will ensure the development effectively complies with NPS Policy EN-1 and meets the Mayor's London Plan carbon intensity floor and energy policies.

These amends match those set out in Requirement 18 of the North London Power incinerator DCO.

~~the date that is 12 months after the date of final commissioning~~, the undertaker must submit to the relevant planning authority for its approval a report ("the CHP review") updating the CHP statement.

(2) Work Number 1A shall ~~may~~ not start commissioning until the undertaker has established a working group (its members including the relevant local authorities, the Greater London Authority and potential heat customers) ~~,~~ that will ~~may~~ combine with the working group established in respect of combined heat and power opportunities from RRRF, to no later than 12 months after commissioning—

(a) Reasonably agree the scope of each CHP review;

(b) engage with the Department for Business, Energy & Industrial Strategy (or such successor government department with responsibility for energy) and the Heat Network Investment Programme (or any such equivalent government funding programme) to identify funding for any financial shortfall identified by any CHP review; and

(c) progress the actions in each approved CHP review and to monitor and report on the progress of those actions to the relevant planning authority.

(3) The CHP review under sub–paragraph (1) must be undertaken by a competent CHP consultant appointed by the undertaker after consultation with the working group ~~-~~and must be in accordance with the scope agreed by the working group established under sub–paragraph (2) and—

(a) assess potential commercial opportunities that exist for the export of heat from Work No. 1 as part of a Good Quality CHP scheme (as defined in CHPQA Standard Issue 3) as at the time of submission of the CHP review;

(b) state whether or not there is sufficient certainty about the likely district heat network to enable the undertaker to install the necessary combined heat and power pipework (Work Number 6(a)) to the boundary of Work Number 6 as shown on the works plans and, if so, the undertaker must install such pipework to the boundary of Work Number 6 in the timeframe agreed in the CHP review or any revised CHP review; and

(c) include a list of actions (if any and in addition to (b)) that the undertaker is required to take ~~(without material additional cost to the undertaker)~~ to increase the potential for the export of heat from Work Number 1 and which are technically feasible and commercially viable..

(4) The undertaker must take such actions as are included within the timescales specified, in the approved CHP review.

(5) On each date during the operational period of Work Number 1A that is two~~three~~ years after the date on which it last submitted the CHP review or a revised CHP review to the relevant planning authority, the undertaker must submit to the relevant planning authority for its approval a revised CHP review.

(6) Sub-paragraphs (3) and (4) apply in relation to a revised CHP review submitted under sub-paragraph (5) in the same way as they apply in relation to the CHP review submitted under sub-paragraph (1).

Commented [E29]: GLA consider that the amends are necessary to ensure that CHP opportunities are fully explored and delivered to maximise carbon saving benefits effectively complying with NPS Policy EN-1 and to meet the Mayor's London Plan carbon intensity floor and energy policies.

These arrangements are similar to the Virdor and NLWA projects in that the developer cooperatered with the borough and GLA to develop the heat off-take

A time limit is necessary to ensure that work is reasonably agreed and carried out

Commented [E30]: GLA consider that the undertaker's position is already sufficiently protected by the qualification of 'technically feasible and commercially viable'

Commented [E31]: GLA consider that biannual reviews are required as any longer period would undermine the delivery of CHP

(7) the undertaker shall safeguard the district heating pipework route to the site boundary shown as part of Work No 3 and Work No 6

Use of compost material and gas from Work Number 1B

27.—(1). Prior to the date ~~that is 12 months after the date~~ of final commissioning, the undertaker must submit to the relevant planning authority for its approval a report ("the Anaerobic Digestion review") on the potential use of the compost material and gas produced from Work Number 1B.

(2) The Anaerobic Digestion review must—

(a) consider the opportunities that reasonably exist for the export of the compost material produced from Work Number 1B for use as a fertiliser;

(b) consider the opportunities that reasonably exist for the export of the gas produced from Work Number 1B to the gas grid network; and

(c) identify any actions that the undertaker can reasonably carry out in order to progress the identified opportunities together with the timescales of such actions, including measures to ensure that the quality of the compost material and gas is optimised to the prevailing technical standards to allow beneficial use.

(3) The undertaker must carry out any actions that are technically and commercially viable within the timescales specified in the approved Anaerobic Digestion review. '

(4) ~~Subject to sub–paragraphs (6) and (7), o~~On each date during the operational period of Work Number 1B that is one ~~two~~ year~~s~~ after the date on which it last submitted the Anaerobic Digestion review or a revised Anaerobic Digestion review to the relevant planning authority, the undertaker must submit to the relevant planning authority for its approval a revised Anaerobic Digestion review.

(5) ~~Subject to sub-paragraphs (6) and (7), s~~Sub–paragraphs (2) and (3) apply in relation to a revised Anaerobic Digestion review submitted under sub-paragraph (4) in the same way as they apply in relation to the Anaerobic Digestion review submitted under sub-paragraph (1).

~~(6) The undertaker is only required to consider the technically feasible and commercially viable opportunities that reasonably exist for the export of the gas produced from Work Number 1B to the gas grid network in the first Anaerobic Digestion review submitted on the date that is 12 months after the date of final commissioning~~.

(7) In the event that the Anaerobic Digestion review or any revised Anaerobic Digestion review demonstrates that the export of compost material or gas produced from Work Number 1B is technically feasible and commercially viable and identifies the technically feasible and commercially viable options for the undertaker to carry out, the undertaker is not required to carry out any further Anaerobic Digestion reviews.

(8) Compost material produced from Work 1B must be used for compost where it meets the necessary quality standards and where a technically feasible and commercially viable market exists.

(9) Gas produced from Work 1B must be used heating or as a vehicle fuel where it meets the necessary quality standards and where a technically feasible and commercially viable market exists.

Commented [E32]: GLA consider that without the safeguarding of the route the deliverability of this benefit becomes very uncertain and potentially rendered impractical

Commented [E33]: The GLA supports amends made by LBB. The GLA considers that the amendments are necessary to ensure that the organic material coming out of Work 1B is sent for composting contributing towards recycling and comply with NPS EN-1 and help to meet the Mayor's 65% recycling target by 2030.

There is no justification to wait 12 months to produce a report on the potential use of compost material. Markets for compost material from anaerobic digestion already exist and should be accessed once Work 1B is operating to maximise recycling benefits of the development

A review period of five years at 27(4) is considered insufficiently frequent and only necessary if the compost material is not being used for compost

Much of the environmental benefit associated with anaerobic digestion is associated with the use of compost output (digestate) on land, and this benefit is lost if outputs are disposed by incineration or landfill. In the event that compost outputs are not used beneficially on land, the GLA considers that the anaerobic digester will not in fact be genuinely 'recycling' food waste process, and therefore a key benefit claimed by the Applicant will not occur.

Under the Applicant's draft DCO wording, circa 100,000 tonnes of compost output could potentially be lost to incineration or landfill over a five year period. If the claimed benefits of the REP anaerobic digestor are to be realised, it is essential that the Applicant works on a continuing basis to secure outlets for use of compost output on land. An annual report to the relevant local planning authority is therefore considered appropriate to demonstrate commitment to achieving recycling of the AD output.

Commented [DS34]: GLA consider that the undertaker's position is already sufficiently protected by the qualification of 'technically feasible and commercially viable' at 27 (3)

Decommissioning

28.—(1) Within 24 months of the permanent cessation of the operation of Work No. 1, details of a scheme for the restoration and aftercare of the land for Work Nos. 1, 2, 3, 4 and 5 must be submitted to and approved by the relevant planning authority. The scheme must include details of structures and buildings to be demolished or retained, details of the means of removal of materials following demolition, phasing of demolition and removal, details of restoration works and phasing thereof.

(2) The scheme as approved must be implemented in accordance with the phasing set out therein.

Amendments to approved details

29.—(1) With respect to the documents certified under article 40 (certification of plans etc) the parameters specified in the table in requirement 3 and any other plans, details or schemes which require approval by the relevant planning authority pursuant to any requirement (together "Approved Documents, Plans, Parameters, Details or Schemes"), the undertaker may submit to the relevant planning authority for approval any amendments to the Approved Documents, Plans, Parameters, Details or Schemes and following any such approval by the relevant planning authority the Approved Documents, Plans, Parameters, Details or Schemes are to be taken to include the amendments approved by the relevant planning authority pursuant to this paragraph.

(2) Approval under sub-paragraph (1) for the amendments to Approved Documents, Plans, Parameters, Details or Schemes must not be given except where it has been demonstrated to the satisfaction of the relevant planning authority that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Flood Risk Activity Permit Area

30. No buildings shall be erected within the area defined by the red dotted line annotated as '16m FRAP Line' on the FRAPA drawing and no material shall be stored, within the area defined by the red dotted line annotated as '16m FRAP Line' on the FRAPA drawing, which could create a risk of damage to the integrity of the flood defence structure within this area.

Finished Floor Levels

31. The finished floor levels of Work Nos 1, 2, 3, 4, 5 and 6 must be set a minimum of 2.97 metres AOD.

Metropolitan Open Land

32. No buildings must be erected on any part of the land hatched orange on the MOL plan.

Waste Tonnage Cap

33. (1) The total waste delivered to work 1A during commissioning and the operational period to not exceed the nominal operational throughout of 655,000 tonnes per annum.

Commented [DS35]: GLA agrees with LBB's position that inclusion of a maximum waste throughput is required to ensure that the operation of the development does not exceed the basis of the assessment presented in the ES.

The GLA consider the inclusion of this maximum waste throughput is necessary to ensure that the operation of the development does not exceed the basis of the climate change assessment presented in the Applicant's Carbon Assessment (document 8.02.08 submitted at Deadline 2). The Carbon Assessment does not include the climate change impact of the proposed ERF managing any more than 655,000 tonnes per year.

The maximum throughout is also considered necessary and effective to minimise the amount of waste managed at the ERF that could otherwise be recycled, and to minimise the likelihood of surplus incineration capacity. The GLA has set out in its Representations to the ExA, namely its Local Impact Report and Written Representation submitted at Deadline 2 that London does not need any further energy from waste capacity and is facing a 300,000 tonne per annum energy from waste surplus by 2030

(2) The tonnage of waste delivered to work number 1A during commissioning and the operational period not originating from the administrative area of Greater London to not exceed 98,250 tonnes per annum, or not exceed more than 15 per cent of the operational tonnage waste of the approved development. On the first anniversary of the date of final commissioning and annually thereafter, and following any reasonable request by the relevant planning authority and the Greater London Authority, the undertaker must provide the relevant planning authority and the Greater London Authority with a record and supporting validated evidence of the following for the preceding period—

(a) tonnage of waste delivered to the authorised development which originated from outside the administrative area of Greater London during the period;

(b) tonnage of waste delivered to the authorised development originating in the administrative area of Greater London

Commented [DS36]: GLA considers that the amendments placing a cap on waste imports are required to ensure that the development remains a strategic facility for London as advocated by the Applicant, and that it will support the achievement of the Mayor's 100% net waste self-sufficiency target by 2026

The proposed cap is set at 15 per cent of the nominal tonnage to be managed at the ERF. This requirement matches that in the RRRF planning permission.