

# RIVERSIDE ENERGY PARK DCO

LB Bexley Deadline 8 Submission

23<sup>rd</sup> September 2019



LONDON BOROUGH OF  
**BEXLEY**

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# 1 INTRODUCTION

- 1.1 In line with the request from the Examination Authority this note provides comments on behalf of the London Borough of Bexley (LBB) on additional information/submissions received at deadline 7. These comments supplement those previously provided by LBB, in particular the additional comments made by LBB at deadline 7, which the Applicant would not have seen at the time of producing this response.
- 1.2 The LBB continues to engage with the Applicant to develop and agree a Statement of Common Ground in advance of the close of the Examination.

## 2 8.02.66 APPLICANT'S RESPONSE TO LBB DEADLINE 5 SUBMISSION

### Air quality matters

#### Cap on waste throughput

- 2.1 In paragraph 1.2.6, the Applicant states that LBB has been invited 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.*" A similar invitation is made in paragraphs 1.2.9 and 1.2.18.
- 2.2 One such effect would be the environmental effects of emissions other than oxides of nitrogen (NOx). The draft Development Consent Order (DCO) contains emission concentration limits for NOx and annual mass emission limits of NOx, but does not contain a limit on the flue gas volume discharge rate.
- 2.3 The draft DCO sets a limit on the NOx emission concentration limit and the annual NOx emission from the Riverside Energy Park (REP), and the same for the Anaerobic Digestion (AD) facility. The Applicant implies that the NOx emission concentration limit and the annual NOx emission tonnage limit effectively provides a limit on flue gas volumes, and hence on environmental impacts. However, that is not the case. The operator could theoretically run the facility with a higher throughput of waste than anticipated, but increase controls on NOx emissions so that the release concentration is lower than the permitted limit, enabling the annual tonnage limit to be achieved. While this would result in an acceptable impact for NOx emissions, it would enable higher emissions of other pollutants than those anticipated in the Environmental Statement (ES). LBB's view is that this would not be an effective control on some of the key pollutants of concern – for example, nickel, Sulphur Dioxide (SO<sub>2</sub>), or on Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>).
- 2.4 Additionally, the NOx emission concentration limits are specified on an hourly or daily basis, whereas compliance with the NOx mass emission would be based on an annual calculation. Consequently, if there is a problem with this reference point – either because the Applicant is burning more waste but with a lower NOx emission concentration, or because the Applicant actually exceeds the annual mass emission limit – there would not be any indication of a potentially increased environmental impact until after a year has elapsed. In contrast, it would be straightforward to keep track of waste quantities on a daily basis. This would allow an early intervention to be made if required, to reduce throughput and ensure that excessive environmental impacts do not occur.
- 2.5 The Applicant's comments in subsequent paragraphs 1.2.11 to 1.2.18 and 1.3.4 are predicated on the basis that potential environmental effects can be adequately controlled without a cap on waste movements. The discussion above identifies that this is not the case.
- 2.6 At the DCO hearing on 19th September 2019 the Applicant committed to including a maximum waste throughput level for both the proposed Energy Recovery Facility (ERF) and the proposed AD plant. LBB welcome this proposed inclusion and welcome review of the revised wording in the draft DCO.

#### Construction dust

- 2.7 Paragraph 1.3.1 states that "*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." However, Document 8.02.70 does not address the control of construction dust. This is discussed in Section 4 below.

## Waste matters

- 2.8 In paragraphs 1.2.5 and 1.2.19 the Applicant's cite National Planning Statement EN-3 paragraph 2.5.13. The relevant text in EN-3 states:
- 2.9 *"2.5.13 Throughput volumes are not, in themselves, a factor in IPC decision-making as there are no specific minimum or maximum fuel throughput limits for different technologies or levels of electricity generation. This is a matter for the applicant."*
- 2.10 This paragraph indicates that the Examining Authority cannot base its decision on a certain quantity of waste/biomass throughput. This is because different technologies behave in different ways, and it is not possible to link a certain level of electricity generation to a certain waste throughput. This relationship is therefore for the Applicant to determine, and the IPC should not take a decision on the basis of the proposed throughput volume. However, this paragraph does not say or imply that throughput quantity is not important or should not be used as the basis for a condition.
- 2.11 The Applicant sets out a number of reasons why they consider a waste throughput cap is not required in paragraphs 1.2.3 to 1.2.23. LBB maintain the requirement for a maximum throughput for the reasons set out in earlier submissions. Furthermore, LBB contend that the requirements set out by the Applicant in Schedule 2 of the draft DCO are not sufficient to control environmental effects. For example, requirements 15 and 16 only relate to controls of NOx. If waste throughput was to increase the Applicant could control releases of NOx through increased controls on NOx emission but this would not prevent or be an effective control on other key pollutants of concern such as nickel, sulphur dioxide, particulate matter. It would also not prevent ammonia emissions increasing, which could influence ecological receptors and biodiversity effects. Additionally, the requirements propose compliance with the NOx mass emission based on an annual calculation, which is not considered suitable from a compliance perspective.
- 2.12 At the DCO hearing on 19th September 2019 the Applicant committed to including a maximum waste throughput level for both the proposed ERF and AD plants. LBB welcome this proposed inclusion and welcome review of the revised wording in the draft DCO. On the basis that these waste caps are included as requirements in Schedule 2 of the DCO, LBB consider that there will be no need for requirements 15 and 16 in the draft DCO as submitted by the Applicant at deadline 5.
- 2.13 In light of the agreement by the Applicant to including a maximum waste throughput limit on both the ERF and AD plants LBB no longer have concerns relating to the wording of requirement 25 of the draft DCO submitted by the Applicant at deadline 5. This is because the waste cap will ensure that the waste received at the REP site will be restricted to specified limits for each facility and the potential for sharing the capacity of each facility will not occur.
- 2.14 In paragraph 1.2.22 the Applicant makes reference to requirement 18 being added to the draft DCO. At the DCO hearing on 19th September 2019 the Applicant committed to providing further details within this requirement to include for waste composition audits in line with the comments made by LBB in its mark up of the draft DCO submitted at deadline 7. LBB also consider that specific targets should be placed on the undertaker for continual improvement in reducing the percentage of reusable and recyclable waste received at the plants. LBB welcome these proposed changes to requirement 18 and welcome review of the revised wording in the draft DCO from the Applicant.

- 2.15 In paragraph 1.3.3 the Applicant makes reference to the potential to explore the export for compost material and wording in requirement 27 of the draft DCO. At the DCO hearing on 19th September 2019 the Applicant indicated a requirement to provide for AD reviews every two years plus a further requirement that in the event that export of compost material ceased for 2 years then these reviews would recommence. LBB consider that the Applicant should seek to maximise the use of compost material and thus the AD reviews to identify and implement opportunities to export compost material should be maintained during the life of the AD plant.
- 2.16 In paragraph 1.8.4 the Applicant makes reference to a four year period for review of Combined Heat and Power (CHP) reviews within requirement 26 of the draft DCO. At the DCO hearing on 19th September 2019 the Applicant committed to providing these reviews every 3 years. This amendment is welcomed by LBB and LBB await review of the updated draft DCO.

## Biodiversity matters

- 2.17 LBB welcomes the progress that has been made recently in seeking to address LBB's remaining concerns regarding the location and timing of biodiversity offsets. In this regard LBB note the further information provided by the Applicant at deadline 7a as well as submissions made at the DCO hearing on 19th September 2019.
- 2.18 At the DCO hearing on 19th September 2019 the Applicant committed to providing further information on the calculation of the biodiversity metric with respect to the temporal gap between impacts occurring and offset providing full compensation being. Furthermore, the Applicant was confident that all compensation could be provided in the administrative area of LBB.
- 2.19 LBB, welcome the growing assurance that the location of the biodiversity compensation offsets will be within LBB's administrative area. At the same time, LBB are prepared to consider a small proportion of such offset land being outside of but adjacent to LBB if it can be clearly shown that such locations improve biodiversity within LBB through clear and agreed 'downstream' or other habitat connectivity benefits.
- 2.20 In paragraph 1.2.28, the Applicant considers it unreasonable and unrealistic given the time for habitat to mature and evolve for the required compensation to be in place and established prior to works commencing.
- 2.21 LBB maintain that the temporal gap between impacts occurring and offset providing full compensation should be avoided. However, LBB have also suggested an alternative if this is proven to not be possible, despite all reasonable efforts. This alternative involves increasing the amount of offset provided in proportion to the length of time such short-term biodiversity losses remain (i.e. between the moment of loss and the moment fully-functioning compensation is achieved).
- 2.22 At deadline 7a LBB proposed amended wording to requirement 5. At the DCO hearing on 19th September 2019 the Applicant indicated that they agreed with the points made by LBB in this submission and that amended wording to requirement 5 would be provided by the Applicant. LBB welcome the proposed inclusion of text as set out by LBB at deadline 7a to requirement 5 and welcome review of the revised wording in the draft DCO to be prepared by the Applicant.

## Transport matters

- 2.23 The Applicant states in paragraph 1.2.29 that to maintain the safe and efficient operation of the REP, it may be necessary to transport some Incinerator Bottom Ash (IBA) by road during a jetty outage when the IBA exceeds the efficient use of the

- storage bunker. LBB consider that an ash storage area, as has been provided under the existing Riverside Resource Recovery Facility (RRRF) consent to store empty and full bottom ash containers, would provide capacity in addition to any bunker capacity to store bottom ash and minimise the potential for this ash being removed from site by road even in the event of a jetty outage. LBB seek to minimise the potential for road movements to be generated by the proposed development including in the event of a jetty outage. Further details on the ability of the proposed development to store IBA on-site is sought from the Applicant in the absence of an ash storage area.
- 2.24 In paragraph 1.2.30, the Applicant outlines the throughput of IBA is predicted to generate about 665t per day at peak throughput, which would equate to 34 Heavy Commercial Vehicles (HCV) entering the site and then leaving the site per day. This would be in excess of the 300 HCV waste movements in and out of the REP site that the Applicant seeks to allow through requirement 14 of the draft DCO. The Applicant therefore goes on to state that during a jetty outage there would be some 334 HCV's in and 334 HCV's out per day. In Table 3.1 of the Temporary Outage Jetty Review submitted by the Applicant at deadline 3 (Ref: 08.02.31) the Applicant indicated that there would be 27 HCV movements in and out per day related to IBA and an overall total (having regard to other deliveries of materials to the REP) of 339 HCV movements in and 339 HCV movements out per day in the event of a jetty outage. This suggests a discrepancy in the level of traffic movements that comprises the worst-case assessment in the event of a jetty outage. Further clarification is therefore sought from the Applicant.
- 2.25 Regardless, LBB do not consider that to date the Applicant has undertaken a worst-case assessment of traffic movements in the event of a jetty outage that has had regard to the total level of traffic movements permitted for the RRRF plant as well as the movements proposed for the REP development. In paragraph 1.3.6, the Applicant's argument that a jetty outage has not occurred over the 8 year period of operation of RRRF and therefore is not considered to be a reasonable worst case scenario is not considered appropriate. The point of an assessment for a worst case is to demonstrate the viability of another facility adjacent to the existing RRRF and whether the road network has capacity to accommodate associated HCV movements in the event of a potential jetty outage to safeguard the network. Such an assessment should have regard to the level of traffic numbers that the Applicant is seeking to permit in the DCO. At the DCO hearing on 19th September 2019 the Applicant committed to providing such an assessment. LBB consider that the traffic movements sought for the REP should not exceed those assessed in the ES and thus await review of this further assessment from the Applicant.
- 2.26 With regard to a waste cap on the movement of waste material by road the Applicant at the DCO hearing on 19th September 2019 committed to restricting this level to some 130,000 tpa. LBB welcome this proposed reduction and welcome review of the revised wording in the draft DCO.
- 2.27 Despite the disagreement between LBB and the Applicant in paragraphs 1.2.34 and 1.2.35 relating to the provision of a Delivery and Servicing Plan (DSP) the Applicant at the DCO hearing on 19th September 2019 committed to inclusion of this as a requirement in the DCO. LBB welcome this proposed inclusion and welcome review of the revised wording in the draft DCO. From LBB's perspective a DSP is required to ensure that any additional vehicle movements above the cap set out in requirement 14 of the draft DCO, such as back-office delivery and servicing and ancillary ERF/ AD vehicle movements are managed appropriately. LBB believe that a DSP can also be used to manage the operational HCV movements and devise more efficient logistics.

- 2.28 With regard to the number of HCV's permitted during normal operations at the REP the Applicant at the DCO hearing on 19th September 2019 committed to restricting this level to 75 HCVs in and 75 HCVs out per day. LBB welcome this proposed reduction and welcome review of the revised wording in the draft DCO.
- 2.29 It is noted in paragraph 1.3.10 that the construction of the electrical route is rolling and transient. It is also noted that a form of assessment during construction has been carried out by the Applicant. However, the network did not assume any lane closures and therefore the impacts cannot be fully quantified. The requirement for further junction assessments as proposed by LBB would therefore inform on the impacts during the cumulative construction period of the REP and electrical connections and will inform, for example, on the likely impacts on buses. At the DCO hearing on 19th September 2019 the Applicant agreed to the inclusion of junction assessments within Construction Traffic Management Plans (CTMP)s but sought to restrict such assessments to three main junctions. LBB have concerns over this proposed approach since without detailed plans and without knowing potential highway improvements or what other concurrent works, not associated with development, might be occurring at the time of construction, it can't be known which sections of highway or junctions the impact assessments should cover. For these reasons LBB do not feel that such modelling should be restricted at this moment in time.

## Noise matters

- 2.30 Paragraph 1.2.38 refers to the addition of Requirement 21, control of operational noise, to the draft DCO submitted by the Applicant at Deadline 5 and it is agreed that this reflects the wording proposed by LBB at its Deadline 2 submission to Appendix 1 of the Written Representation.
- 2.31 Requirement 21 of the draft DCO means that operational noise levels will need to be assessed and approved by LBB. At the DCO hearing on 19th September 2019 the Applicant agreed to the inclusion of reference to the maximum permitted levels of noise at each monitoring location having regard to LBB's standard noise guidance. The assessment will be carried out according to the BS4142:2014 and as such will require measurement / calculation of operational noise levels at receptors, to verify that the LBB standard has been met. It will be expected by LBB that any noise monitoring scheme will include a pre-operational assessment of background noise levels at receptors as required by BS4142:2014.
- 2.32 Having regard to the above matters to be included within a suitable noise monitoring scheme it is therefore considered that Requirement 21 will resolve previously raised concerns from LBB about the limited duration of the original baseline surveys.
- 2.33 Paragraphs 1.2.42 and 1.2.43 refer to potential night time construction noise impact on the Electrical Connection route. The Applicant's response implies that residents would close their windows during such works. This may well be the case, but LBB consider that in this event the works would still have caused disturbance. However, LBB consider that the matter has been resolved through the additional measures proposed in the outline Code of Construction Practice (CoCP) submitted by the Applicant at Deadline 5. Residents will be given adequate detailed notice of any night time working and the contractor will provide contact details of a dedicated person throughout the night to deal with any complaints. In addition, it is understood that night time working will only be required in exceptional circumstances with the bulk of the work on the Electrical Connection route being carried out during daytime.

### 3 8.02.67 APPLICANT'S RESPONSE TO GLA DEADLINE 5 AND 6 SUBMISSION

#### 2.23 Appendix C: Emissions limits

- 3.1 In relation to the discussion between the Applicant and the Greater London Authority (GLA) on specification of emissions limits, in paragraph 151, the GLA notes its concerns that the NO<sub>x</sub> emission limit applied by the Environment Agency could be as high as 180 mg/Nm<sup>3</sup>, well above the values of 75 mg/Nm<sup>3</sup> and 120 mg/Nm<sup>3</sup> assumed by the Applicant. The Applicant's response is: "*Responses to comments on Air Quality from the GLA, as well as other interested parties, are contained in a single submission document, Applicant's response to Air Quality Matters (8.02.70) submitted at Deadline 7.*" However, document 8.02.70 does not make any reference to the emission limit likely to be specified by the Environment Agency, and does not provide any reassurance in relation to the potential for an emission limit of 180 mg/Nm<sup>3</sup> to be applied.
- 3.2 However, at the DCO hearing on 19th September 2019 the Applicant committed to including a maximum waste throughput level for both the proposed ERF and AD plants. LBB welcome the proposed inclusion of a maximum waste throughput cap on the ERF and AD plants and welcome review of the revised wording in the draft DCO.

## 4 8.02.70 APPLICANT'S RESPONSE TO AIR QUALITY MATTERS

### Control of dust during construction

- 4.1 Document 8.02.70 does not address the need to ensure adequate control of dust during construction phase, as set out in LBB's Deadline 7 Submission paragraph 2.9. In discussions with the Applicant over the Statement of Common Ground (SoCG) the Applicant has indicated agreement to inclusion of further wording into the CoCP to commit to reference being given that all relevant mitigation measures for low risk sites, taken from the Institute of Air Quality Management (IAQM) document 'dust and air emission mitigation measures' tables would be included for in the CoCP. LBB welcome this proposed inclusion and welcome review of the revised wording in the CoCP to be submitted by the Applicant at deadline 8.

### Assessment of Significance and Professional Judgement

- 4.2 LBB had identified in its submission at deadline 7 outstanding concerns regarding the assessment of significance specifically in relation to the assessment of nickel.
- 4.3 New information provided by the Applicant (8.02.70 section 1.7.8) provides the information requested by LBB and others in relation to nickel impacts, and confirms that 791 properties are forecast to experience a "minor" impact due to emissions of nickel from the proposed facility. This is consistent with estimates made by London Borough of Havering, that "*hundreds of residential properties will be exposed to Minor impacts from Nickel emissions*" (LBH Deadline 5 response paragraph 1.2).
- 4.4 It is then a matter of judgement to determine the significance of these impacts. The Applicant describes these impacts as "not ... significant" (ES 7.9.30), whereas LBH describes these impacts as "significant" (LBH Deadline 7 response para 1..2). The IAQM guidance<sup>1</sup> (paras 6.27-6.40 and Section 7) sets out the factors which should be considered when interpreting model results. The factors include:
- The magnitude of impacts – in this case, "minor"
  - The number of properties affected – in this case, approximately eight hundred
  - The potential for other contributory sources to affect exposure – in this case, there are not likely to be significant additional sources of nickel, over and above those already accounted for in the baseline
  - Future trends in air quality – in this case, there is no reason to expect an increase in future levels of exposure to nickel
  - Validity of assumptions used to carry out the study – in this case, the study used a validated model, and process emissions can be controlled and monitored. Emissions are likely to be lower than the levels assumed in the assessment. It is considered that the assumptions used to carry out the study are robust.

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<sup>1</sup> Institute for Air Quality Management and Environmental Protection UK, "*Land-Use Planning & Development Control: Planning For Air Quality*," v1.2, January 2017

- Potential effects on meeting Local Air Quality Management (LAQM) obligations – in this case, nickel is not a substance which is regulated under LAQM.
  - Risk of exceeding air quality standards – in this case, the overall concentration of nickel is forecast to be less than 25% of the air quality standard, and it is considered that there is minimal risk of exceeding the air quality standard at the properties under consideration.
- 4.5 Taking these considerations into account, LBB welcome the information provided and do not propose to pursue this matter further.

## Environmental Permit Emission Limits

- 4.6 The discussion of environmental permit emission limits is provided in response to a representation from the GLA. This is not a key issue of concern for LBB.
- 4.7 However, LBB wishes to clarify the discussion in paragraph 1.8.4. The Applicant claims that setting concentration and mass emission limits on oxides of nitrogen would effectively control emissions of all other substances. This is not the case: for example, it would be theoretically possible to operate the facility with a NOx emission concentration substantially lower than the specified concentration limit, and at the same time, increase the facility throughput so that annual mass NOx emissions are just in compliance with the NOx mass emission limit. In this theoretical case, emissions of other pollutants could be at higher levels than those assessed in the ES.
- 4.8 LBB's view is that emissions limits should be specified in the environmental permit. Provided a permit is issued by the Environment Agency, LBB considers that the relevant legislation and guidance ensures that suitable emissions limits will be specified. Consequently, provided a limit on waste tonnage throughput is specified in the DCO, LBB would not seek to secure emissions limits through requirements 15 and 16 as included for in the draft DCO submitted by the Applicant at deadline 5.

## Short-term impacts of nitrogen dioxide and sulphur dioxide

- 4.9 LBB has previously raised concerns with regard to short-term impacts of nitrogen dioxide and sulphur dioxide. Potential issues in relation to sulphur dioxide were addressed at an earlier stage. LBB stated in its Deadline 7 submission paragraph 2.5: *"In paragraph 1.2.9 of the Applicant's response to LBB's deadline 4 submission the clarification provided by the Applicant enables an updated assessment, as previously requested by LBB, to be carried out. On this basis, LBB agrees that short-term impacts due to nitrogen dioxide levels can be classified as "insignificant," in accordance with IAQM Guidance Section 6.36."*
- 4.10 The short discussion in Section 1.10 does not assist in addressing this issue, but LBB has already been able to confirm that short-term impacts due to nitrogen dioxide levels would be insignificant.

## Contribution to Monitoring

- 4.11 As set out in the LBB Deadline 7 Submission Section 2.11, LBB welcomes the constructive approach to supporting air quality monitoring in the local area adopted by the Applicant.
- 4.12 Section 1.2.10 refers to a potential meeting between LBB and the Applicant. This meeting has now been held, and agreement on an appropriate level of support for

- air quality monitoring is progressing. Provided a satisfactory agreement can be reached, LBB will not pursue its proposed amendment to draft DCO Requirement 17.
- 4.13 In Section 1.2.11, the Applicant reiterates that it does not consider that the DEFRA Damage Costs Guidance is an appropriate basis for discussing a proposed contribution towards monitoring. As stated in the LBB Deadline 7 Submission Section 2.10, LBB considers that the Applicant's comments are not a fair representation of the information provided by LBB in its deadline 3 and deadline 4 submissions, which have not received a substantive response from the Applicant.
- 4.14 However, provided a satisfactory agreement can be reached between LBB and the Applicant on an appropriate level of support for air quality monitoring, this would no longer constitute a substantive issue.
- 4.15 LBB will continue discussions with the Applicant regarding the monitoring programme envisaged under Requirement 17, in order to avoid duplication, and ensure that monitoring carried out by LBB is complementary with that to be carried out by the Applicant.

## Appendix A Peer Review of 'The Applicants response to Air Quality Matters'

- 4.16 LBB welcomes any independent peer review of material produced by the Applicant. However, before conducting a peer review, it would have been preferable for the Applicant to discuss with other interested parties to ensure that terms of reference and the identification of a suitable individual to carry out this assessment could be agreed. While the individual carrying out the assessment is well known as a qualified and experienced specialist working actively in this area, it would as a matter of principle be preferable to select a peer reviewer working for a different organisation to the organisation responsible for carrying out the air quality assessment. As a result, the value of the peer review in Appendix A is limited.
- 4.17 LBB would be happy to discuss further with the Applicant and other interested parties to identify an alternative peer reviewer and prepare suitable terms of reference for an independent peer review.

## 5 8.02.46 (REV1) AD FACILITY EMISSIONS MITIGATION NOTE (WITH TRACKED CHANGES)

- 5.1 Section 3.2.9 of this submission highlights that ammonia impacts are at the limit of comprising a significant impact on air quality at the boundary of the Crossness Local Nature Reserve. In view of the marginal compliance with the criterion for determining significant impacts on locally designated habitat sites, it is recommended that the Applicant should submit (a) a contour plot to demonstrate where potentially significant impacts are forecast to occur, and (b) a sensitivity analysis to demonstrate that there is minimal risk of higher impacts than those forecast in document 8.02.46.
- 5.2 There are no other substantive air quality matters for LBB raised in this submission.

## 6 7.6 OUTLINE BIODIVERSITY AND LANDSCAPE MITIGATION STRATEGY (OBLMS) (REV 3) WITH TRACKED CHANGES

- 6.1 As mentioned in LBB's submission at deadline 7a, the suggestion made by the Applicant in Table 1 of the updated OBLMS submitted at deadline 7 for phased reinstated of biodiversity enhancements and for reinstatement of habitats 12 months after commissioning, which could be almost 5 years from commencement of the development, is not considered sufficient or appropriate.
- 6.2 However, as mentioned above, LBB welcome the Applicant's acceptance of the need to provide additional biodiversity offset value for temporary loss of biodiversity between the times of impact and compensation, but LBB wish to review how this will be included within the OBLMS (and DCO Requirements).

## 7 8.02.71 ENVIRONMENT BANK SITE SELECTION FOR BIODIVERSITY OFFSETTING REPORT

- 7.1 This document demonstrates that reasonable progress is being made to identify suitable sites for biodiversity offset, and that the focus has been to find sites within LBB and/or within adjacent boroughs. The approach seems appropriate, and LBB welcome its ongoing involvement in this process. As an initial list for further feasibility investigation, the list of sites in Table 4.3 that are within LBB seems appropriate and in keeping with LBB's advice to date. Of these, those that might offer like-for-like replacement in terms of Open Mosaic Habitat are of particular interest. For those sites in Table 4.3 being considered that fall outside of the LBB boundary, LBB would require clear and strong evidence that these would provide significant biodiversity benefit within LBB through, for example, downstream or other habitat connectivity benefits. Even where this can be proven, LBB would wish sites outside of the LBB boundary to comprise only a small proportion of the total offset package.
- 7.2 LBB's biggest concern with this document is Section 5.2: Next Steps. Having made this initial progress, this section of the report suggests that no further substantive work to confirm offset sites and measures will be done by the Applicant until after detailed design. It is not clear why such work cannot continue at pace, based on a reasonable worst-case scenario, to provide greater certainty of outcome for the DCO decision-making process. Then, at detailed design, this worst-case provision could be scaled-down, if necessary, to fit the final biodiversity offsetting requirements. The reason for this is that significant detail on suitability, and certainty over obtaining suitable land from this list of sites is needed to be assured of no significant residual adverse effects. Indeed, four of the nine sites within LBB have very little associated detail. At the DCO hearing on 19th September 2019 the Applicant committed to continued discussions with LBB moving towards legal agreement on use of sites in LBB to provide the necessary compensation before the end of 2019. LBB welcome this proposed commitment from the Applicant and await further clarification details from the Applicant.

## 8 FURTHER COMMENTS FROM THE EAST LONDON WASTE AUTHORITY AT DEADLINE 5

- 8.1 In line with comments made by LBB in paragraphs 14.1 and 14.2 at deadline 7, the East London Waste Authority in their submission makes reference to the distribution of riparian infrastructure and question whether the available capacity at these sites, which are predominately located in Wandsworth, are suitable for serving the proposed REP. This being on the basis that with the majority of waste to the proposed ERF being via the river, the waste to serve the REP site will need to be delivered by road to these transfer station facilities.