Riverside Energy Park

Statement of Common Ground: Kent County Council

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CORY
RIVERSIDE ENERGY

Riverside Energy Park
Belvedere

Statement of Common Ground between the Applicant and Kent County Council

September 2019

Revision	Date	Description
Draft	December 2018	Draft for discussion
Draft	March 2019	Further amendments following KCC meeting 25/01/19 and Relevant Representation
Draft	13th and 15th May 2019	Further amendments following KCC review
Draft	27th August 2019	Further amendments in respect of agreed Historic Environment wording and minor corrections
Final	10th September 2019	Additional measures agreed in respect of Fastrack

1 Introduction

1.1 Purpose of this Statement of Common Ground

1.1.1 This Statement of Common Ground (SOCG) has been prepared by Cory Environmental Holdings Limited (trading as Cory Riverside Energy ('the Applicant')) and Kent County Council (KCC). For the purposes of this SOCG, the Applicant and KCC will jointly be referred to as 'the Parties'.

1.1.2 The Applicant has applied to the Secretary of State under the Planning Act 2008 for powers to construct, operate and maintain an integrated Energy Park, to be known as Riverside Energy Park (REP). The principal elements of REP comprise complementary energy generating development and an associated Electrical Connection (together referred to as the 'Proposed Development').

1.1.3 Preparation of this SOCG has been informed by discussions between the Parties. The purpose of this SOCG is to set out agreed factual information about the Application to facilitate an efficient examination process.

1.1.4 KCC has confirmed that their submissions and this SoCG will relate to the geographical remit of KCC only.

1.1.5 This SOCG covers the following topics:

- Transport and Public Rights of Way;
- Historic Environment;
- Terrestrial Biodiversity;
- Hydrology, Flood Risk and Water Resources;
- Socio-economics;
- Minerals; and
- Draft DCO articles and requirements.

1.1.6 In respect of Hydrology, Flood Risk and Water Resource, it is agreed that KCC has no further comment to make and that any technical measures can be dealt with through DCO Requirements.

1.1.7 In respect of Ground Conditions, it is agreed that KCC has no comments to make or matters to raise in response to the submitted application.

1.1.8 In respect of Lighting, it is agreed that KCC has no comments to make or matters to raise in response to the submitted application.

1.1.9 It is agreed by KCC and Dartford Borough Council (DBC) that KCC will defer to DBC and their relevant teams in respect of comments to the Examining Authority relating to the following topics:

- Air Quality;
- Human Health; and

- Noise and Vibration.

1.1.10 In respect of the other disciplines listed in the Environmental Statement (ES), namely Townscape and Visual Impact Assessment **(Chapter 9** of the ES, **6.1, REP2-021),** Ground Conditions (**Chapter 13** of the ES, **6.1, REP2-027)** and Climate, Waste, Aviation and Accidents and Disasters (**Chapter 15** of the ES, **6.1, APP-052**), KCC has no comments.

1.1.11 Overall, this SOCG is intended to give a clear position of the state and extent of agreement between the Parties at the date on which this SOCG is signed and submitted to the Secretary of State.

1.2 The Application

1.2.1 The Application was submitted on 16th November 2018 and accepted by the Secretary of State on the 14th December 2018. The Application was accompanied by an Environmental Statement (ES).

1.3 The Examination

1.3.1 An examination (the Examination) of the Application is to be held pursuant to Chapter 4 of Part 6 of the Planning Act 2008 (the Act) and the Infrastructure Planning (Examination Procedures) Rules 2010 (the EP Rules).

1.3.2 A Preliminary Meeting, pursuant to Rule 7 of the EP Rules, was held on 10th April 2019 at the start of the examination period.

1.4 Description of the Proposed Development

1.4.1 The Proposed Development comprises REP and the associated Electrical Connection. These are described in turn, together with the anticipated REP operations, below. **Chapter 3 Project and Site Description** of the ES (**6.1, REP2-023**) provides further details of the Proposed Development.

REP

1.4.2 REP would be constructed on land immediately adjacent to Cory's existing RRRF, within the London Borough of Bexley (LBB) and would complement the operation of the existing facility. It would comprise an integrated range of technologies including: waste energy recovery, anaerobic digestion, solar panels and battery storage. The main elements of REP would be as follows:

- **Energy Recovery Facility (ERF)**: to provide thermal treatment of Commercial and Industrial residual (non-recyclable) waste with the potential for treatment of (non-recyclable) Municipal Solid Waste;

- **Anaerobic Digestion facility**: to process food and green waste. Outputs from the Anaerobic Digestion facility would be transferred off-site for use in the agricultural sector as fertiliser or as an alternative, where appropriate, used as a fuel in the ERF to generate electricity;

- **Solar Photovoltaic Installation**: to generate electricity. Installed across a wide extent of the roof of the Main REP building;

- **Battery Storage**: to store and supply additional power to the local distribution network at times of peak electrical demand. This facility would be integrated into the Main REP building; and

- **On Site Combined Heat and Power (CHP) Infrastructure**: to provide an opportunity for local district heating for nearby residential developments and businesses. REP would be CHP Enabled with necessary on-site infrastructure included within the REP site.

Electrical Connection

1.4.3 REP would be connected to the electricity distribution network via a new 132 kilovolt (kV) underground electricity cable connection. The route for the Electrical Connection is shown in the Works Plans (**2.2, REP2-004**).

1.4.4 In consultation with UK Power Networks, Cory has identified an Electrical Connection route to connect to the existing National Grid Littlebrook substation located south east of the REP site, in Dartford. The route is located within the LBB and Dartford Borough, and would run from a new substation proposed to be constructed within the REP site.

1.4.5 This SOCG only relates to those elements of the Proposed Development which are within the administrative boundary of KCC, as set out in paragraphs 1.1.4 to 1.1.10 above.

2 Matters agreed between the Parties

2.1 Introduction

2.1.1 The Parties are agreed on the points set out in this section (**Section 2**).

2.2 Transport and Public Rights of Way

2.2.1 The scope of the Transport Assessment is defined within **Section 6.1**, **Chapter 6** of the ES (**6.1, REP2-017**). This description of the topic is an appropriate basis upon which to produce the ES Chapter.

Legislation, Policy Context, Guidance and Standards

2.2.2 The policy context, legislation, guidance and standards considered in the Transport Assessment are noted in **Chapter 2** of the ES (**6.1, APP-039**) and **Section 6.2, Chapter 6** (**6.1, REP2-017**) of the ES.

2.2.3 The policy context, legislation, guidance and standards considered to inform the Transport Assessment are appropriate.

Consultation

2.2.4 Consultation undertaken with regards to Transport is summarised in **Section 6.3, Chapter 6 Transport** (**6.1, REP2-017**) of the ES.

2.2.5 The summary of consultation presented is correct so far as it provides an accurate record of consultation with KCC on transport at the date of submission of the ES.

Reasonable Worst-Case Parameters Used for Assessment

2.2.6 The reasonable worst-case parameters used for the assessment of Transport are presented in **Section 6.4, Chapter 6** (**6.1, REP2-017**) of the ES.

2.2.7 The reasonable worst-case parameters used for assessment are considered appropriate for the robust assessment of potential Transport impacts arising from the Proposed Development.

Assessment Methodology and Significance Criteria

2.2.8 The methodology for Transport is presented in **Section 6.5, Chapter 6** (**6.1, REP2-017**) of the ES. The assessment methodology is considered appropriate, subject to the following.

2.2.9 The additional developments requested by DBC and LBB have been identified in the ES, **Appendix B1** of the Transport Assessment (TA) **(6.3, APP-066**), **Figure 6.1** for LBB and **Figure 6.2** for DBC. The TA base case flows include those developments shown, with the exception of the Howbury Strategic Rail Freight proposals (Howbury). At the time of preparing the TA and ES, Howbury was at appeal. The TA for that development showed minimal development traffic distributed towards the network area tested within the REP TA. The TA for REP continues to be robust by applying both TEMPRO growth and larger more local developments to the network around REP. The TA has shown the operational impact to the south of REP (including on Burnham Road) and estimates in the order of 10 HGVs and 1 staff vehicle (due to shift change patterns) in each peak period, which is less than 0.05% impact on that link.

2.2.10 KCC noted the sensitivity of the strategic road network around A282 junction 1a and Bob Dunn Way and will seek to be party to defining a method of monitoring and managing peak movements on the strategic road network during the construction phase. KCC agrees that this

could be addressed through the detailed Construction Traffic Management Plan(s) (CTMP), which would be secured as a Requirement of the DCO (and be substantially in accordance with the Outline CTMP **(Appendix L to Appendix B.1 to the ES, REP5-008)**). Section 11 "Implementing, Monitoring and Updating" of the Outline CTMP already sets out a variety of data that will be collected comprising Vehicle Bookings; Breaches, Complaints and Non-compliance; Safety; and Workforce travel patterns. In light of KCC's comments, it is agreed that the Outline CTMP at paragraph 12.1.3 be amended to read:

"The data collected will be reported with full transparency to LBB, *Kent County Council* and TfL. Dartford Borough Council would be provided with data as required. *The final CTMP would set out how a group, with an invitation to all the aforementioned parties, would be convened in the unlikely event that Workforce Travel Patterns are materially worse than those assumed in the TA.*"

2.2.11 The cumulative assessment methodology for Transport is presented in **Section 4.10, Chapter 4 ES Assessment Methodology** of the ES (**6.1, APP-041)**. The cumulative assessment methodology is considered appropriate.

Assumptions and Limitations

2.2.12 Assumptions made with regards to Transport are summarised in **Section 6.6, Chapter 6 Transport** of the ES **(6.1, REP2-017)**.

2.2.13 The assumptions presented are considered appropriate, subject to further clarification as presented below, in response to operational movements:

The distribution of operational movements is provided within Figures 5.1, 5.2 and 5.3 of the ES (**6.2, APP-056).** These figures are based on commercial knowledge of current and future markets, as well as experience from the operation of the adjacent RRRF – as expressed in **Paragraph 5.3.5** of the TA (**6.1, APP-066**). REP is proposed to be primarily a river fed facility and this is adequately secured through Requirement 14(2) of the **dDCO** (**3.1, REP5-003**) which states:

"Save in the event of a jetty outage, the volume of waste delivered by road to work number 1A and work number 1B during commissioning and the operational period must not exceed 240,000 tonnes per annum"

The Applicant has been operating on the river for over 100 years and the business case for REP assumes utilisation of the existing riparian transfer station infrastructure. However, for the purposes of assessing, a reasonable worst-case scenario (100% by road) has been assumed. This scenario also assumes that all waste would be transferred in refuse collection vehicles (circa 7.5t per load). This is a conservative scenario, as waste material transported by road from the transfer stations would typically be in approximately 20t loads, which would reduce the number of vehicles further. Due to the low hourly operational flow for lorries at REP (circa 15 lorries per hour in the 100% by road scenario), the percentage impact on the network would be imperceptible irrespective of network distribution.

Baseline Conditions and Receptors

2.2.14 The baseline conditions and receptors for Transport are presented in **Section 6.7, Chapter 6 Transport** of the ES (**6.1, REP2-017)**.

2.2.15 The baseline conditions and receptors presented are considered appropriate.

Embedded Mitigation

2.2.16 The embedded mitigation which is that designed to be an inherent part of the scheme for which development consent is sought or that which would be undertaken to meet existing legislative

requirements for potential Transport effects is set out in **Section 6.8, Chapter 6 Transport** of the ES (**6.1, REP2-017)**.

2.2.17 The embedded mitigation is considered appropriate and adequate, in terms of its nature and scale, to address potential Transport effects.

Assessment of Likely Effects

2.2.18 The assessment of effects during construction and decommissioning for Transport is presented in **Section 6.9, Chapter 6 Transport** of the ES (**6.1, REP2-017)**. The assessment of effects during construction and decommissioning presented is considered appropriate.

2.2.19 The assessment of effects during operation for Transport is presented in **Section 6.9, Chapter 6 Transport** of the ES (**6.1, REP2-017)**. The assessment of effects during operation presented is considered appropriate, subject to further clarification, as presented below:

- There is a low number of predicted HGV movements during the network peak period and the proposed operational workforce shifts occur outside the typical network peaks (see paragraph 2.2.22, below). Nevertheless, potential air quality impacts from construction related movements will be mitigated through the CTMP, which will identify a suitably high environmental standard (prevailing at the time) for HGVs. The CTMP is secured by Requirement 13 of the **DCO** (**3.1, REP5-003**), which states that no part of the authorised development may commence until a CTMP for that part has been submitted to and approved by the relevant planning authority, in consultation with the highway authority.

- In accordance with Requirement 12 of the **DCO** (**3.1, REP5-003**):

  "Construction Hours

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

- Additionally, the likely distribution of markets for material is understood to be a reasonable assumption for trip distribution, reflecting the current operation at RRRF, the proposed operation of REP and the Applicant's knowledge of the current and future markets.

- The Applicant has extensive commercial experience of operating a river-based operation, with the existing primary focus within Boroughs in central and west London. The focus for REP would be to extend that experience. Therefore, the assessment of impacts is based on material originating in London, which is anticipated to increase in current contract areas. The Applicant intends to maximise the use of the river for transporting material and their existing infrastructure and fleet of barges particularly as it has a commercial imperative to do so. The reasonable worst-case scenario, therefore, applies those markets to a road-based transport operation for the purposes of assessment. However, the operation would be a commercial operation and so contract markets cannot be confirmed at this stage.

Cumulative Assessment

2.2.20 The assessment of cumulative effects for Transport is presented in **Section 6.10, Chapter 6 Transport** of the ES (**6.1, REP2-017)**.

2.2.21 The cumulative effects from transport are not intended to be assessed separately as they are inherently included within the growth factors applied to the **TA** (**Appendix B.1 Chapter 6 Transport** of the ES).

2.2.22 The cumulative effects presented are considered appropriate.

Further Mitigation and Enhancement

2.2.23 The consideration of further mitigation and enhancement measures for Transport are presented in **Section 6.11, Chapter 6 Transport** of the ES.

2.2.24 An Outline Construction Traffic Management Plan (CTMP) has been produced as part of a suite of documents to support the DCO application and included in **Appendix L** of the **TA** (**6.3, APP-066**).

2.2.25 In respect of Public Rights of Way (PRoW), it is agreed that a specific section should be added and another altered within the Outline Construction Traffic Management Plan (CTMP) as follows, with subsequent sections renumbered accordingly:

- Paragraph 6.2.5 to 6.2.8 will be amended to read:

"6.2.5 The interaction of the works with the PRoW network would include a number of instances where the works abut the terminal points of PRoW and several locations where the routes are directly affected. These are considered in summary in Section 2.8 of the Transport Assessment, Appendix B1 of the ES (6.3, APP-066) and in detail in Section 7 of this Outline CTMP. The details and timing of interaction and impacts would be set out in the respective CTMP for those stages.

6.2.6 The detailed CTMPs would explain the method of management of the construction areas and compounds and how affected PRoWs would be protected and / or diverted during the adjoining construction processes, in line with the matters set out in Section 7 of this Outline CTMP. The time over which the PRoWs would be affected would be indicated within the CTMP and plans showing diversions where they are required. The 'Transport' section of the outline Code of Construction Practice (CoCP) (7.5, APP-106) identifies the requirement to protect users of PRoWs. A full and final CoCP will be secured through Requirement 11 at Schedule 2 of the Draft DCO (3.1, APP-014) and the final CoCP provisions will be reflected in the final CTMPs.

- [6.2.7 DELETED – since this is addressed in a new Section 7 of the Outline CTMP (see below)]

- [6.2.8 MOVED – into new section 7.3 (see below). Relates to affected London Borough of Bexley footpaths]

2.2.26 It is agreed that a new section should be added to the Outline CTMP as follows:

"7 Public Rights of Way Considerations

7.1 Introduction

The final alignment of the Electrical Connection for REP may affect Public Rights of Way (PRoW) on a temporary basis. The general reasonable worst case disruption would be for sections where the typical 200m working length (of open excavation for ducting installation) disrupts a given PRoW for the approximate 7 working days that it is present at that location and for the construction of jointing pits. Extended disruption may occur at locations where trenchless installation (e.g. drilling or boring activities) are required and the drilling compound coincides with the PRoW. This is most likely to occur at the drilling sites either side of the River Darent in the County of Kent.

7.2 General considerations

It has been confirmed that:

- *no permanent diversion or closure of a PRoW is proposed as part of REP and its associated Electrical Connection.*

- *no temporary closure of any PRoW in its entirety is proposed; where localised temporary closures are required, it is expected that a temporary diversion will be sought and will be achievable.*

- *where PRoWs are affected or diverted in Kent County Council, the width of any temporary alternatives or diversions will be no less than the existing access provision available where practicable. Where this is not possible, the following minimum widths should apply: Public Footpaths: 2m, Public Bridleways 3m, Restricted Byways 3m.*

- *an appropriate path surface should be provided along the alternative or diversion route by the applicant. The specification of the path surface should be detailed in the CTMP and agreed with the Local Highway Authority (KCC PRoW and Access Service).*

- *the contractor installing the Electrical Connection will proceed on the basis of seeking to provide 'no less preferable access', e.g. that they do not introduce steps where drop kerbs or ramps were present previously and that widths do not reduce where the PRoW is currently wider than the target minima set out above.*

7.3 Specific Footpath Considerations

England Coast Path

It is noted that the England Coast Path (National Trail) is intended to connect through the area south of the Thames and in the vicinity of the Electrical Connection works, specifically in the 'Bexley, River Cray and Southern Marshes' and 'Kent Thameside Green Grid' sections of the Path. For the Electrical Connection, or each part thereof, the beneficiary of the REP DCO will liaise with Natural England and the relevant Access Authority to understand the latest proposals for the Path and the extent to which the Electrical Connection works could interact with the proposals. Where interaction occurs, the minimum standards set out above will be sought, regardless of the Path's status as a PRoW or otherwise at the time of REP construction.

DB1 and DB5

These footpaths cross Bob Dunn Way at the location of the Electrical Connection crossing of the River Darent. This is a location where directional drilling or boring is proposed and therefore 'launch' and 'reception' compounds would be required at each end of the drill extent. If these are not required, then it will still be necessary for the Electrical Connection to cross these paths. Whilst both footpaths connect up to the public highway and allow a crossing there, they also pass underneath the highway, and therefore unhindered by traffic movements. The upper footpath connections are provided with drop kerbs, tactile pavers and breaks in the central reservation barrier and therefore provide a suitable, albeit less desirable, crossing of the highway. It is not anticipated that the connections up to the highway would be affected on both carriageways at the same time, meaning that access to the upper highway level would be available from one side or the other at all times. Furthermore, it is not expected that the riverside routes would be affected at the same time as the upper highway crossing routes, meaning that connectivity to either side of the highway would be maintained by one route or another.

In all cases it is expected that the contractor would maintain access to the highway and across (or under it) and in all scenarios would seek to secure no less preferable access. In the event that overall connectivity is affected more than is set out above, the contractor would consult with KCC to seek to agree a mutually agreeable solution for the period of temporary effect. However, KCC's preference to maintain the more desirable route for DB1 under the highway (given that it comprises the part of the Darent Valley Walk and proposed England Coast Path National Trail) is acknowledged. In the event that this cannot be maintained, alternative route options/access management approaches would be explored, other than crossing the upper highway, to ensure

that an equivalent level of access is sought along the temporary diversion route, unless it is clearly impracticable to do so.

DB3

This Restricted Byway crosses the Electrical Connection route that follows the Fastrack bus route. It is noted that immediately to the east of DB3 (on Marsh Street North) there is a comprehensive arrangement and routeing for the existing cycleway with a substantial and dedicated width and southern signal controlled crossing at the junction between Marsh Street North and the bus route. The cycleway and footway on both sides of the bus route connect westwards to DB3. In this respect the existing footway, cycleway and dedicated crossing arrangements in the area already provide a suitable alternative route for pedestrians who do not choose to take the slightly shorter route option presented by DB3. No specific commitments are required if the contractor is able to maintain suitable access for Restricted Byway users either via DB3 or the existing footway/cycleway route during construction.

DB50

This Public Bridleway passes on a bridge over a route option included within the submitted DCO boundary and would be unaffected by the works.

DB56

This route has been removed from the DCO boundary and on this basis would not be affected."

2.2.27 In respect of potential Electrical Connection construction effects to the Fastrack busway, it is agreed that a specific section will be added to the Outline CTMP as follows:

"Kent County Council intends to take control of the Fastrack route (under an agreement with DBC following a public bus service procurement process and through adoption as public highway), which may occur prior to the commencement of the REP Electrical Connection works. In the event that this occurs the following measures are agreed to be put in place by the Parties:

Kent County Council agrees to the use of the Fastrack busway to enable installation within the adjacent footway & verges. KCC will also permit use of the busway itself for ducting and cabling (and associated draw pit/joint chambers) only where no footway or verge exists (e.g. across junctions) or where it is shown, through the agreement of the final Construction Traffic Management Plan (CTMP), for those works to be impracticable to install within the footway or verge. Whilst use of the busway by works vehicles is inevitable in this scenario, such activity must be subject to the controls set out within the agreed CTMP for those works, that prioritise where possible Fastrack passengers and protect the integrity of Fastrack.

Kent County Council requests that at least one running lane of the busway will remain open and operational at all times during the works, save for instantaneous access and egress by vehicles and plant into any works area.

Kent County Council requests that as far as reasonably practicable, no intrusive work will take place on the busway in operational peaks; and the busway would be clear of vehicles and materials during these times. The applicant will also have consideration of the residential nature of the area in relation to night working as set out in the Outline Code of Construction Practice.

Kent County Council requests that no vehicles will access, stop or park on the busway at any time, other than those directly required to carry out works or needed to unload/collect plant, machinery and materials. Such activity would also be restricted to designated rolling work zones and accessing and exiting these sites.

Kent County Council requests that where possible, and where appropriate visibility can be achieved, signed priority working controls (supplemented or managed by "Stop-Go" or "Stop works" management as required for short term safe operation of the working areas) will be used to minimise disruption to bus movements traversing sections of busway work zones and these would be implemented one at a time. Priority will be maintained for the Fastrack services throughout in preference to access to and egress from the working area. The Applicant will explore more formal controls across the junctions/bus gates of Marsh Street North and Littlebrook Manorway prior to commencement. The Applicant agrees to consult further with KCC as Local Highway Authority in respect of streetworks.

The County Council requests that to minimise disruption to buses, each work zone, where it affects the busway, would be no greater than 75 metres (excluding tapers) in length where possible.

Kent County Council requests that temporary bus stops are provided by the contractor (via the bus company or Kent County Council) where existing bus stops are impeded during the works. The County Council facilitation of this would be at cost.

Kent County Council requests that surfaces and associated street furniture would be reinstated to the same standard.

Kent County Council requests that the applicant acknowledges that the installation would not constitute a right of access, except in the event of failure of the statutory undertaker's equipment (being the Electrical Connection during operation) and future site inspections would be managed on foot and off the busway (except where a draw pit/joint chamber is located within the busway for reasons of practicability, or access is required to inspect potential failure of ducting or cabling). Vehicle access or partial closures of the busway would be prohibited in all circumstances, except in an emergency, unless prior written agreement by KCC as street authority and their Public Transport section is obtained and formally scheduled (but which would not be unreasonably withheld and a request for which would be addressed in no greater than 28 calendar days). Access and any partial closure requirement would, should the busway be subject to the Kent Lane Rental pricing regime, attract charges by KCC.

The County Council is willing to provide carriage free of charge to intending footway users during the installation works, limited to bus stops either side of sections of footway unavailable, at no cost to the Applicant or the undertaker."

2.2.28 The consideration of further mitigation and enhancement measures are appropriate.

Residual Effects and Monitoring

2.2.29 The summary of residual effects and monitoring for Transport is presented in **Section 6.12, Chapter 6 Transport** of the ES (**6.1, REP2-017)**.

2.2.30 A schedule of mitigation and monitoring is presented in **Chapter 17 Schedule of Mitigation and Monitoring** of the ES (**6.1, APP-054)**.

2.2.31 The summary of residual effects and monitoring is appropriate.

2.3 Historic Environment

2.3.1 The scope of the Historic Environment Assessment is defined within **Section 10.1**, **Chapter 10 Historic Environment** of the ES (**6.1, APP-047**). This description of the topic is an appropriate basis upon which to produce the ES Chapter.

Legislation, Policy Context, Guidance and Standards

2.3.2 The policy context, legislation, guidance and standards considered in the assessment of Historic Environment are noted in **Chapter 2 Regulatory and Policy Background** of the ES (**6.1, APP-039)** and **Section 10.2, Chapter 10 Historic Environment** of the ES (**6.1, APP-047**).

2.3.3 The policy context, legislation, guidance and standards considered to inform the Historic Environment assessment are appropriate.

Consultation

2.3.4 Consultation undertaken with regards to Historic Environment is summarised in **Section 10.3, Chapter 10 Historic Environment** of the ES (**6.1, APP-047**).

2.3.5 The summary of consultation presented is correct so far as it provides an accurate record of consultation with KCC on Historic Environment matters at the date of submission of the ES.

Reasonable Worst Case Parameters Used for Assessment

2.3.6 The reasonable worst-case parameters used for the assessment of Historic Environment are presented in **Section 10.4, Chapter 10 Historic Environment** of the ES (**6.1, APP-047**).

2.3.7 The reasonable worst-case parameters used for the assessment are considered appropriate for the robust assessment of potential Historic Environment impacts arising from the Proposed Development.

Assessment Methodology and Significance Criteria

2.3.8 The methodology for Historic Environment is presented in **Section 10.5, Chapter 10 Historic Environment** of the ES (**6.1, APP-047**). The assessment methodology is considered appropriate.

2.3.9 The cumulative assessment methodology for Historic Environment is presented in **Section 4.10, Chapter 4 ES Assessment Methodology** of the ES (**6.1, APP-041**). The cumulative assessment methodology is considered appropriate.

Assumptions and Limitations

2.3.10 Assumptions made with regards to Historic Environment are summarised in **Section 10.6, Chapter 10 Historic Environment** of the ES (**6.1, APP-047**).

2.3.11 The assumptions presented are considered appropriate.

Baseline Conditions and Receptors

2.3.12 The baseline conditions and receptors for Historic Environment are presented in **Section 10.7, Chapter 10 Historic Environment** of the ES (**6.1, APP-047**).

2.3.13 The baseline conditions and receptors presented are considered appropriate.

Embedded Mitigation

2.3.14 The embedded mitigation which is that designed to be an inherent part of the scheme for which development consent is sought or that which would be undertaken to meet existing legislative requirements for potential Historic Environment effects are set out in **Section 10.8, Chapter 10 Historic Environment** of the ES (**6.1, APP-047**).

2.3.15 The embedded mitigation is considered appropriate and adequate, in terms of its nature and scale, to address potential Historic Environment effects.

Assessment of Likely Effects

2.3.16 The assessment of effects during construction and decommissioning for Historic Environment is presented in **Section 10.9, Chapter 10 Historic Environment** of the ES (**6.1, APP-047**). The assessment of effects during construction and decommissioning presented is considered appropriate.

Cumulative Assessment

2.3.17 The cumulative assessment does not relate to KCC jurisdiction, therefore, KCC has no comments on cumulative assessment.

Further Mitigation and Enhancement

2.3.18 The consideration of further mitigation and enhancement measures for Historic Environment are presented in **Section 10.11, Chapter 10 Historic Environment** of the ES (**6.1, APP-047**). The Applicant is required to prepare a Written Scheme of Investigation under the DCO (as drafted) within Requirement 7 at Schedule 2 to the **dDCO** (**3.1, REP5-003**) which will include, where necessary, a phased programme of geoarchaeological works and the need for a phased programme of archaeological works within the geographical extent of the final proposal within KCC's area. This would potentially include locations where drilling or other works at significant depth might occur outside the public highway.

2.3.19 The consideration of further mitigation and enhancement measures are appropriate.

Residual Effects and Monitoring

2.3.20 The summary of residual effects for Historic Environment is presented in **Section 10.12, Chapter 10 Historic Environment** of the ES (**6.1, APP-047)**.

2.3.21 A schedule of mitigation and monitoring is presented in **Chapter 17 Schedule of Mitigation and Monitoring** of the ES (**6.1, APP-054)**.

2.3.22 The summary of residual effects is appropriate.

2.4 Terrestrial Biodiversity

2.4.1 The works within Kent will be largely restricted to the Electrical Connection Route located within existing roads infrastructure; however, the exact connection alignment has not yet been decided.

2.4.2 Consideration has been given in the assessment of effects on terrestrial biodiversity to both national and local policy, particularly the designation of the Dartford Marshes Local Wildlife Site (LWS) and its adjacent habitats.

2.4.3 Whilst is it considered that there would be a limited impact on habitat loss and protected/notable species due to the electrical connection route being largely located on existing roads, there is potential for works to encroach areas outside the highway. Therefore, Requirement 5 of the **dDCO** (**3.1, REP5-003**) 'Biodiversity and landscape mitigation strategy' proposes:

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 during the construction of the authorised development;

(b) mitigation measures required to protect protected habitats and species 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;

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

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

2.4.4 It is agreed that the Requirement 5 at Schedule 2 of the **dDCO** (**3.1, REP5-003**) is sufficient to ensure adequate consideration of mitigation measures in respect of the final chosen Electrical Connection alignment.

2.4.5 Furthermore, for the avoidance of doubt, it is agreed that paragraph 1.4.3 of the **Outline Biodiversity and Landscape Mitigation Strategy (OBLMS) (7.6, REP6-006)** is amended to read:

"The purpose of this OBLMS is to capture the key principles required to avoid, mitigate and compensate for effects on terrestrial biodiversity from preconstruction, construction, operation and maintenance of REP. The OBLMS has been split between:

- *Measures applicable to the REP site, the Main Temporary Construction Compounds and, where relevant, the Data Centre site; and*
- *those applicable to the Electrical Connection route.*

Where works occur within the KCC boundary, Dartford Borough Council will consult with them in respect of the approval of any BLMS under Requirement 5 of the DCO."

2.4.6 Furthermore, the Parties agree that land required for construction of the electrical connection route would be restored back to the same or improved standard.

2.5 Minerals Assessment

2.5.1 The scope of the Minerals Assessment is defined within **Section C.1, Appendix C** of the Planning Statement (**7.1, APP-102**). The description of this topic is an appropriate basis upon which to prepare the Minerals Assessment.

2.5.2 Areas considered within the Minerals Assessment

2.5.3 Areas considered within the assessment are set out in **Section C.3** of the Minerals Assessment, **Appendix C** of the Planning Statement (**7.1, APP-102)** and these are considered appropriate.

Policy Review

2.5.4 A policy review has been undertaken and is set out in **Section C.4** of the Minerals Assessment, **Appendix C** of the Planning Statement (**7.1, APP-102)**. The policy review includes Policy DM7 (criterion 7), Safeguarding Mineral Resources, which is the relevant policy of the Kent Minerals and Waste Local Plan ('KMWLP') 2013-2030 (2016).

2.5.5 The relevant policy to inform the minerals assessment has been identified in **Section C.4** of the Minerals Assessment, Appendix C of the Planning Statement (**7.1, APP-102**) and is considered appropriate.

Conclusions

2.5.6 The conclusion set out in **Section C.5** of the Minerals Assessment, **Appendix C** of the Planning Statement (**7.1, APP-102)** is considered to be correct and the Minerals Assessment, Appendix C of the **Planning Statement** (**7.1, APP-102**) demonstrates that the parcels of land affected are small and very unlikely to ever gain consent to be used for mineral working.

2.6 Socio-economics

2.6.1 The scope of the socio-economics assessment is defined within **Section 14.1**, **Chapter 14 Socio Economics** of the ES (**6.1, APP-051**). This description of the topic is an appropriate basis upon which to produce the ES Chapter.

Legislation, Policy Context, Guidance and Standards

2.6.2 The policy context, legislation, guidance and standards considered in the assessment of socio-economics are noted in **Chapter 2 Regulatory and Policy Background** of the ES **(6.1, APP-039)** and **Section 14.2, Chapter 14 Socio Economics** of the ES (**6.1, REP2-029)**.

2.6.3 The policy context, legislation, guidance and standards considered to inform the socio-economics assessment are appropriate.

Consultation

2.6.4 Consultation undertaken with regards to socio-economics is summarised in **Section 14.3, Chapter 14 Socio Economics** of the ES (**6.1, REP2-029)**.

2.6.5 The summary of consultation presented is correct so far as it provides an accurate record of consultation with KCC on socio-economics matters to date.

Reasonable Worst Case Parameters Used for Assessment

2.6.6 The reasonable worst-case parameters used for the assessment of socio-economics are presented in **Section 14.4, Chapter 14 Socio Economics** of the ES (**6.1,REP2-029)**.

2.6.7 The reasonable worst-case parameters used for the assessment are considered appropriate for the robust assessment of potential socio-economic impacts arising from the Proposed Development, subject to further clarification, in response to KCC comments, as follows.

2.6.8 In terms of the study area, the Labour Market Study Area adopted in the assessment is based on drive-time catchments rather than a distance based geographical area. This allows for the urban context of the site and its location within the London metropolitan area, which benefits from an extensive transport network.

Assessment Methodology and Significance Criteria

2.6.9 The methodology for socio-economics is presented in **Section 14.5, Chapter 14 Socio Economics** of the ES (**6.1, REP2-029)**. The assessment methodology is considered appropriate.

2.6.10 The cumulative assessment methodology for socio-economics is presented in **Section 4.10, Chapter 4 ES Assessment Methodology** of the ES (**6.1, APP-041**). The cumulative assessment methodology, is considered appropriate, subject to further clarification, in response to KCC comments, as presented below.

2.6.11 A Plan showing the location of the 3km Community Infrastructure Study Area has been produced and was submitted with the DCO (**ES Figure 4.1) (6.2, APP-056**).

2.6.12 As detailed in **Chapter 14 Socio Economics** of the ES (**6.1, REP2-029**), effects on community infrastructure demand and capacity are only likely to arise during the operational phase of the Proposed Development. Owing to the relatively small number of operational jobs created by the Proposed Development (as predicted in **Chapter 14 Socio Economics**, **Section 14.9** of the ES, (**6.1, REP2-029**)) and the presence of existing transport links across the principal Labour Market Study Area (60-minute drive-time catchment), any in-migration to the local area is expected to be minimal, resulting in a Negligible Adverse magnitude of change on local community infrastructure capacity (considered to have Low sensitivity). A Negligible Adverse effect on community infrastructure provision within 3km of the REP site is therefore predicted. This would remain unchanged if the Community Infrastructure Study Area was widened to 5km, as the same low-level increase in community infrastructure demand resulting from operational employment at the Proposed Development would be dispersed over a greater number of community infrastructure assets.

2.6.13 In relation to labour market impacts, the jobs created during construction and operation phases, given the industrial nature of the Proposed Development and the conclusion in **Section 14.9**, **Chapter 14 Socio Economics** of the ES (**6.1, REP2-029**); the operational phase of the Proposed Development would only result in (at most) a Negligible Adverse effect on community infrastructure provision. It was not considered necessary or proportionate to undertake an assessment of potential cumulative effects on community infrastructure demand or capacity. By virtue of only generating a Negligible Adverse effect itself, any cumulative effects on community infrastructure provision would be attributable almost entirely to cumulative future developments rather than to the Proposed Development. Any consideration of cumulative effects on community infrastructure within the assessment would therefore have been disproportionate and would not have altered the assessment's conclusions.

Assumptions and Limitations

2.6.14 Assumptions made with regards to socio-economics are summarised in **Section 14.6, Chapter 14 Socio Economics** of the ES (**6.1, REP2-029**).

2.6.15 The assumptions presented are considered appropriate.

Baseline Conditions and Receptors

2.6.16 The baseline conditions and receptors for socio-economics are presented in **Section 14.7, Chapter 14 Socio Economics** of the ES (**6.1, REP2-029**).

2.6.17 The baseline conditions and receptors presented are considered appropriate, subject to further clarification, in response to KCC comments, as presented below.

2.6.18 Total Economically Active population for each drive-time specific Study Area has necessarily been derived from Experian data rather than publicly available Census results. For example, Experian data indicates there are 825,909 (71%) economically active and 344,740 (29%)

economically inactive persons within the Local Study Area (which equates to 1,170,649). The use of Experian data has allowed the assessment to focus on drive-time specific Study Areas and is considered to be robust.

2.6.19 The assessment of effects on Key Business Sector focuses on Greater London as the closest possible geographical unit to the Wider Region (60 minute drive-time) Study Area for which data regarding sectoral economic performance (e.g. GVA generation) is available.

Embedded Mitigation

2.6.20 The embedded mitigation which is that designed to be an inherent part of the scheme for which development consent is sought or that which would be undertaken to meet existing legislative requirements for potential socio-economics effects is set out in **Section 14.8, Chapter 14 Socio Economics** of the ES (**6.1, REP2-029**).

2.6.21 The embedded mitigation is considered appropriate and adequate, in terms of its nature and scale, to address potential socio-economics effects.

2.6.22 The Code of Construction Practice and the Construction Traffic Management Plan are secured as Requirements 11 and 13 in Schedule 2 to the DCO, as set out below, and will minimise any potential adverse impacts on local schools, namely Dartford Bridge Community Primary School and The Leigh UTC during construction of the Electrical Connection. As stated below, the documents will be submitted to the relevant planning authority (LBB, DBC and KCC) for approval.

Code of construction practice

11.—(1) 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…..

Construction traffic management plan(s)

13.—(1) 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 highway authority)….

Assessment of Likely Effects

2.6.23 The assessment of effects during construction and decommissioning for socio-economics is presented in **Section 14.9, Chapter 14 Socio Economics** of the ES (**6.1, REP2-029**). The assessment of effects during construction and decommissioning presented is considered appropriate, subject to further clarification, as presented below.

2.6.24 The assessment of net additional jobs has been undertaken separately for each Labour Market Study Area, which are nested within each other. In consequence there is no unnecessary double-counting or need to adjust multipliers, as net additional jobs within the Local Study Area will by definition also contribute to the (larger) net additional jobs within the Wider area and Wider region Study Areas. No change to the assessment is therefore required.

2.6.25 In terms of the 39 additional operational jobs (as set out in **Chapter 14 Socio Economics** of the ES (**6.1, REP2-029**), it is agreed that demand on KCC services and facilities can be accommodated within Dartford, and therefore, demand would be accommodated within the existing capacity.

Cumulative Assessment

2.6.26 The assessment of cumulative effects for socio-economics is presented in **Section 14.10, Chapter 14 Socio Economics** of the ES (**6.1, REP2-029**).

2.6.27 The cumulative effects presented are considered appropriate, subject to further clarification, in response to KCC comments, as presented below.

2.6.28 Labour market data provided in **Table 14.17** and **Table 14.18, Chapter 14 Socio Economics** of the ES (**6.1, REP2-029**) was sourced from Experian data in order to relate to specific drive-time based Study Areas. Experian indicates there are 825,909 (71%) economically active and 344,740 (29%) economically inactive persons within the Local Study Area. Experian also provided estimates of the total number of workers in relevant sectors within each Study Area (e.g. 65,624 construction workers within the Local Study Area).

2.6.29 The conclusion that the labour force required for the construction of the Proposed Development would account for 2.13% of the existing employed construction workforce within the Local area (30-minute drive time from the REP site) and even less across the Wider area and Wider region Study Areas was derived from dividing the construction sector workforce in each Study Area by the 1,397 temporary workers required to construct the Proposed Development. The use of Experian data has allowed the assessment to focus on drive-time specific Study Areas and the assessment conclusions are considered to be robust.

Further Mitigation and Enhancement

2.6.30 The consideration of further mitigation and enhancement measures for socio-economics are presented in **Section 14.11, Chapter 14 Socio Economics** of the ES (**6.1, REP2-029**). No further mitigation has been identified.

2.6.31 The consideration of further mitigation and enhancement measures are appropriate subject to further clarification, in response to KCC comments, as presented below.

2.6.32 The assessment presented in **Chapter 14 Socio Economics, Section 14.9** of the ES (**6.1, REP2-029**) (without regard to a preference for local recruitment) demonstrates that Slight/Moderate beneficial employment effects (not significant within the context of the EIA Regulations) would result during construction and operation of the Proposed Development. **Chapter 14 Socio Economics, Section 14.12** of the ES (**6.1, REP2-029**) confirms that residual employment effects (i.e. having regard to a preference for local recruitment) would remain at the same level and EIA significance. As no likely significant employment effects are predicted and the Applicant's preference to recruit locally where possible has no bearing on the assessment, it is not considered necessary to secure the Applicant's intention through a DCO Requirement or legal agreement.

Residual Effects and Monitoring

2.6.33 The summary of residual effects for socio-economics is presented in **Section 14.12, Chapter 14 Socio Economics** of the ES (**6.1, REP2-029**).

2.6.34 A schedule of mitigation and monitoring is presented in **Chapter 17 Schedule of Mitigation and Monitoring** of the ES (**6.1, APP-054**).

2.6.35 The summary of residual effects is appropriate subject to further clarification, in response to KCC comments, as presented below.

2.6.36 The Applicant's preference to recruit locally where possible has no bearing on this impact assessment and would not alter predicted residual employment effects. The Applicant is exploring different opportunities which could be agreed between the Applicant, KCC and other relevant stakeholders in order to optimise opportunities for local employment, skills and economic development benefits from the Proposed Development.

2.7 Draft Development Consent Order (DCO)

2.7.1 The Parties are agreed on the wording of the operative provisions of the **dDCO** (Articles 1 -43) (**3.1, REP5-003**), subject to KCC retaining the right to make comments on any revised versions of the **dDCO** (**3.1, REP5-003**) that may be submitted during the Examination.

2.7.2 The Parties are agreed on the wording of the requirements contained in Schedule 2 of the **dDCO** (**3.1, REP5-003**) and the procedure for the discharge of requirements contained in Schedule 12 of the **dDCO** (**3.1, REP5-003**). The agreement by KCC in respect of requirements relates only to their geographical remit as set out in paragraph 1.1.4 of this SoCG.

3 Matters yet to be agreed between the Parties

3.1.1 All matters are agreed between the Parties as set out in Section 2 of this SoCG.

4 Confirmation of Agreement

This SOCG is prepared jointly and agreed by the Parties:

Signed for and on behalf of the Applicant

Date: 23 September 2019

Signed for and on behalf of Kent County Council

Date: 19 September 2019