Riverside Energy Park

Applicant's response to Greater London Authority's Deadline 7 and 7A Submissions

VOLUME NUMBER:

08

PLANNING INSPECTORATE REFERENCE NUMBER:

EN010093

DOCUMENT REFERENCE:

8.02.78

September 2019 | Revision 0 (Deadline 8) | APFP Regulation 5(2)(q)

Planning Act 2008 | Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

CORY
RIVERSIDE ENERGY

Contents

1 Introduction

1.1 Purpose of this Document

1.1.1 This document sets out the Applicant's response to the matters raised in the documentation submitted by the Greater London Authority (GLA) at Deadline 7. This includes a response to the following documents:

- Deadline 7 Covering Letter (see **REP7-021**); and
- Appendix A: Schedule 1 GLA response to Applicant's submissions at Deadline 5 (see **REP7-022**); and
- Deadline 7a Comments on any additional information/submissions received by previous deadline (see **REP7a-005**).

1.1.2 This document is structured on a themed basis, responding to the following matters raised by the GLA (and Transport for London (TfL) in respect to transport matters):

- Waste;
- Gas Export;
- Renewable Energy;
- Heat Offtake;
- London Living Wage;
- Transport; and
- Air Quality.

1.1.3 Responses to comments on the dDCO from all interested parties, including the GLA, are contained in a single submission document (**Applicant's response to comments on the draft Development Consent Order from Deadline 7, 7A and 8**), which will be submitted at Deadline 8a. This document, therefore, covers each of the remaining matters in turn below and refers to specific section numbers in the GLA's Deadline 7 documents **(REP7-021** and **REP7-022).**

2 Waste

2.1 Introduction

2.1.1 This section provides a response to the following matters, relating to waste, raised by the GLA (and TfL with respect to transport matters) in its Deadline 7 documents **(REP7-021** and **REP7-022)**:

- Cap on waste transported from outside of London;
- Waste hierarchy;
- Implications of excess waste capacity; and
- Waste transfer impacts.

2.2 Cap on waste transported from outside of London

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Covering Letter (**REP7-021**)	3.2		The Applicant provides no justification for its position (paragraph 9.7) that it cannot agree to such a cap. The GLA questions this as the existing RRRF consent, as amended in 2015, imposes an agreed cap of 115,000 tpa (or 15 per cent of the RRRF's operational capacity) on the amount of waste imported from outside of Greater London. A similar cap on waste imports to the ERF would ensure that London's strategic waste management needs can be met as the Applicant has maintained throughout the Examination process and help to achieve the Mayor's statutory 100% net waste self-sufficiency target by 2026.	Paragraph 2.5.13 of NPS EN-3 sets out that throughput volumes are a matter for the Applicant and not in themselves a matter for the planning regime. Instead, as per the Applicant's dDCO, decisions should be focused on the controls of any adverse effects (e.g. traffic volumes). The Applicant has maintained throughout the Examination its reasoning why an overall waste throughput cap is not required and this remains its position, in respect of adequately controlling potentially adverse environmental effects through the proposed DCO requirements. The Applicant has included requirements on road vehicles including a cap on the amount of waste to be transported via road, noise, air quality emissions from the Anaerobic Digestion plant with abatement technology, fuel type, and a phasing programme for construction and commissioning of Work Number 1 to provide adequate controls to restrict the development from exceeding the parameters assessed in the Environmental Statement. Despite this, the Applicant has responded to concerns on this matter and is proposing to introduce a cap on total waste throughput within Schedule 2 of the **dDCO (3.1, Rev 4**), which will be submitted at Deadline 8a. It is considered that the addition of this cap addresses the GLA's concerns regarding environmental effects and recycling levels. Responses to comments on the **dDCO (3.1, Rev 3, REP5-003)** from all interested parties, including the GLA, are contained in a single submission document (**Applicant's response to comments on the draft Development Consent Order from Deadline 7, 7A and 8**), which will be submitted at Deadline 8a. The Applicant supports the GLA's policy ambitions for net self-sufficiency and considering London currently exports of ~7 million tonnes of waste per year to landfill or recovery outside of London, this a substantial ambition. Whilst REP will be a key part of providing the waste recovery infrastructure required to support meeting this ambition, waste is not constrained by administrative boundaries. The source of waste into REP will depend on the market at the time which for the commercial waste market in particular is very dynamic. REP's location is strategically important. Its location on the edge of London and adjacent to the River, with associated river infrastructure in place, means that it can, and should, play an important role in serving both London and the surrounding administrative areas in the recovery of residual waste.
Appendix A (**REP7-022**)	17	Paragraphs 3.1 – 3.5 LBB's request for a cap on total waste throughput is not accepted.	In the absence of a throughput cap, the potential for the REP ERF to undermine recycling will be heightened. In a number of recent cases, large scale incinerators have increased annual throughputs substantially above the original stated design capacity. Furthermore, without a cap on total throughput it may be possible for inputs to increase above the level assessed in the Environmental Impact Assessment. This is particularly relevant to air quality issues (see response above to new Requirement 15).	

2.3 Waste Hierarchy

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Appendix A (**REP7-022**)	25	Paragraphs 17.1 – 17.2 – no additional information provided by the Applicant over and above the text of the new requirement [Requirement 18]	As noted above in reviewing this addition to the dDCO (Rev 3) document 3.1, the effectiveness of this proposed measure to ensure application of the waste hierarchy is uncertain unless further detail is provided on requirements, and their enforcement. For example periodic sampling of the composition of feedstock received at the REP ERF would provide assurance that opportunities to recycle have been maximised.	**Requirement 18** within Revision 3 of the **dDCO (3.1, REP5-003),** submitted at Deadline 5 has been offered by the Applicant to give the GLA confidence that the duty of care provisions placed on the Applicant (set out at Section 3 of **Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP5-031)** are being implemented. The Applicant has agreed to modify **Requirement 18** (to be **Requirement 16** in Revision 4 of the dDCO) so that it now requires the waste received at the ERF element of REP to be reviewed annually to identify and report the levels of reusable and recyclable content within it. This modification will be included within the **dDCO (3.1, Rev 4)**, which will be submitted at Deadline 8a.

2.4 Implications of excess waste capacity

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Appendix A (**REP7-022**)	41	The Applicant continues to refer to 'miscalculations' etc with regard to the GLA's assessment of residual waste demand.	The GLA has fully addressed these claims in its Deadline 5 submission GLA Schedule 1, comments 1 to 23.	**Sections 2.2** and **2.3** of the **Applicant's Response to the Greater London Authority's Deadline 5 and 6 Submissions (8.02.67, REP7-015)** provides a detailed response to the GLA's Schedule 1, comments 1 to 23 of its Deadline 5 Submission. In summary, the Applicant has consistently demonstrated that, when London Plan policy is applied to the wastes forecast in the London Plan, there remains, within London, a need for c.900,000 tonnes of <u>new</u> residual waste treatment capacity. Consequently, the Applicant has demonstrated that, even applying the GLA's assumption, about the suitability of residual wastes for REP, such that it is assumed that only 80% of all residual wastes (c.900,000) are suitable for combustion, there would remain a need for new residual waste treatment within London of c.700,000 tonnes.
Appendix A (**REP7-022**)	42	Having debated the calculations of residual waste treatment demand at length, the Applicant states (paragraph 5.3.11) *"Importantly, and relevantly, the nominal throughput for REP is not so very different from the GLA's calculations".*	Even ignoring the contractual commitments of various local authorities to export residual waste for treatment outside London, the GLA projects an EfW capacity gap of just 90,000 tonnes per annum by 2036 as set out in the GLA's Local Impact Report and Written Representation at Deadline 3. This minimal requirement in no way provides a justification for the nominal 655,000 tonne per annum capacity requirement of the proposed ERF.	
Appendix A (**REP7-022**)	47	Paragraph 9.2.4: "*The Applicant is entirely baffled as to how it has 'misconstrued' the findings of the draft London Plan or London Environment Strategy. As has been made clear in numerous submissions, most recently in the Section 2 and Figure 1 of Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014) the Applicant has very simply, and consistently, relied upon the draft London Plan and London Environment Strategy to demonstrate the remaining need (of c.900,000 tonnes) for new residual waste treatment capacity."*	The GLA has demonstrated that the 900,000 tonne per annum capacity gap asserted by the Applicant is incorrect. For further detail please refer to 'Appendix 2A Cory DCO: GLA Post Hearing Written Oral Submission Summary', submitted at Deadline 3), as well as further commentary in 'Schedule 1 - Deadline 5 – GLA response to Applicant document 8.02.35'. The Applicant's analysis substantially overestimates London's future requirement for EfW capacity, due to neglect of two key factors: • the suitability of residual waste streams; • reduction in the mass of residual waste due to pre-treatment. The importance of accounting for these factors in determining requirements for EfW capacity is recognised across the industry, including by the consultancy Tolvik, upon whom the Applicant relies in discussion regional and national waste capacity need routinely through its submissions to the Examining Authority.	**Paragraph 5.3.11** of the **Applicant's response to GLA Deadline 4 Submission (8.02.46, REP5-017**) refers to **Table 5.1** within that same document. **Table 5.1** demonstrates that if the GLA's assumptions (particularly regarding the suitability of C&I waste) are calculated properly, there remains a need for new residual treatment capacity in the order of 0.8 million tonnes at 2026 and 0.6 million tonnes at 2036. These, accurate, projections are not so very different from the nominal throughput of REP, at 0.7 million tonnes. The GLA's criticism of the Applicant's assessment focusses on two matters; the suitability of residual waste streams and reduction in the mass of residual waste due to pre-treatment. The Applicant has previously responded on this matter most recently at **Section 2.2** of the of **Applicant's response to GLA Deadline 4 Submission (8.02.46, REP5-017)** (responding to paragraph 10 of the GLA's submission) which identifies that the GLA has simply applied these factors (with little or no explanation, or evidence) to out of date information. It is simply not appropriate to seek to place the level of precision that the GLA does (and which national policy states should be avoided) on data that cannot be checked and validated when assessing the UK and London's long-term infrastructure needs (see also **the Applicant's response to GLA Deadline 3 Submission (8.02.35, REP4-014)**). **Section 2.2** of the **Applicant's Response to the Greater London Authority's Deadline 5 and 6 Submissions (8.02.67, REP7-015)** also recognises that the Tolvik Report does identify mass losses in its analysis. However, the Tolvik Report is able to make this analysis on the basis of knowing both the waste types and quantities that those facilities accept. It is an appropriate calculation to make to understand the effect of those facilities on the residual waste market. The GLA's assumption regarding mass losses, only introduced at Deadline 3, is applied to waste tonnages that are simply forecasts based on out of date information; the GLA cannot have the same level of confidence in either the waste type or tonnages that it is analysing. To confirm, the need for an additional c. 900 000 tpa residual waste capacity within London identified by the Applicant assumes that <u>all</u> GLA waste reduction and recycling targets are achieved. REP will not compromise London's recycling ambitions. However, the Applicant proposed **Requirement 18** in Revision 3 of the **dDCO (3.1, REP5-003**, submitted at Deadline 5), which would require the Applicant to prepare a scheme setting out arrangements for maintenance of the waste hierarchy. In light of discussion with the GLA and LBB, this Requirement has been modified to include a commitment that the waste received at the ERF element of REP will be reviewed annually to identify and report the levels of reusable and recyclable content. This modification will be included as **Requirement 16** within Revision 4 of the **dDCO (3.1, Rev 4***)* which will be submitted at Deadline 8a. It is considered that this should address the GLA's concerns.

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Appendix A (**REP7-022**)	43	The Applicant provides criticism of the GLA's reference to the SE council's local plans (paragraphs 5.3.20 – 5.3.23).	As expounded in the GLA's Deadline 5 submission GLA Schedule 1, comments 13 to 15, rather than directly adopting projections from neighbouring Waste Planning Authorities, the Applicant has presented its own analysis which omits some recent documents, while challenging and dismissing the findings of some councils.	**Section 2.2** of the **Applicant's Response to the Greater London Authority's Deadline 5 and 6 Submissions (8.02.67, REP7-015)** provides a detailed response to the GLA's Schedule 1, comments 13 to 15 of its Deadline 5 Submission. In summary, the Applicant confirms that it has considered the most recent published forecasts and has quoted directly from relevant Local Plan documents, with the exception of Kent (recognising written submissions made to that Local Plan Examination that identify substantially more residual wastes than forecast by Kent's advisers). Nevertheless, even in the case of Kent, the Applicant has not inserted the forecasts that it believes to be correct but has simply identified no capacity gap or need. This is not considered to be an approach that undermines those forecasts but is considered to be an entirely reasonable solution. The Applicant has also addressed the GLA's criticisms of the Applicant's approach from **Paragraph 5.3.20** of the **Applicant's response to GLA Deadline 4 Submission (8.02.46, REP5-017)**.

2.5 Waste transfer impacts

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Appendix A (**REP7-022**)	44	Table 6.1 sets out operational capacity at the riparian WTSs and concludes a total of 797,000 tpa including Tilbury (75,000 tpa).	The theoretical capacity at the riparian transfer stations is largely based on historical planning permissions and does not indicate that they are suitable for the additional throughput proposed. The use of the riparian transfer stations is an essential component of the river infrastructure required to deliver waste by river to the ERF, and consequently should form part of the EIA.	The Applicant reiterates its points made at Deadline 7 (see **Section 2.4** of the **Applicant's Response to the Greater London Authority's Deadline 5 and 6 Submissions (8.02.67, REP7-015)**). The Applicant has approximately 1.390 mtpa of consented riparian waste throughput capacity available at the existing waste transfer stations in London. Of that figure, approximately 0.668 mtpa of waste is transported by river to serve the Riverside Resource Recovery Facility (RRRF). Therefore, after RRRF, there is 0.722 mtpa of existing surplus spare consented throughput capacity available to REP in London. REP's nominal throughput is 0.655 mtpa, which is the anticipated level of operational throughput that will be achieved. Consideration of methods of transport to the WTSs is not necessary as each of these has already been granted planning permission and Environmental Permit consents which have previously considered the environmental effects associated with the permitted tonnage throughputs as part of the applications for those consents.

3 Gas Export

3.1 Introduction

3.1.1 This section provides a response on the matter of 'gas export' raised by the GLA in its Deadline 7 documents **(REP7-021** and **REP7-022)**.

3.2 Gas Export

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Covering Letter (**REP7-021**)	3.5		The Applicant at paragraph 21.1 sets out its position that gas exports should be assessed for feasibility and commercial viability up to 12 months from commissioning of the Anaerobic Digestion plant. This is considered wholly inadequate. The Applicant does not provide any explanation as to why further reviews should not be carried out and, in the absence of a convincing explanation, the GLA would wish to see reviews continued for gas exports in line with compost, and that reviews for both products should be undertaken at a frequency that demonstrates commitment from the Applicant to finding suitable outlets. In the absence of gas export the gas would be burned on site, and as previously submitted to the Examination this practice is considered unacceptable.	As set out in **Paragraph 1.7.2** of the **Applicant's Response to the London Borough of Bexley Deadline 5 Submission (8.02.66, REP7-014)**, by virtue of generating wholly renewable and low carbon energy from food and green waste, all of the biogas utilisation options proposed are supported by policy. In particular the Overarching National Policy Statement for Energy (NPS EN-1), National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) and the adopted and draft London Plan, while contributing to London Environment Strategy objectives. The associated benefits are secured through implementation of the Anaerobic Digestion facility under Work No. 1B with provision for all options. Once one of the biogas utilisation options is delivered, it is highly unlikely that this will be changed due to prohibitive commercial and practical barriers associated with removing the installed equipment and replacing this infrastructure with a new solution. On this basis, the Applicant does not agree to undertake further reviews in respect of biogas exports from the Anaerobic Digestion facility. The Applicant is content to amend **Requirement 27** (to be **Requirement 25** in Revision 4 of the dDCO) to require the review to be undertaken for the Anaerobic Digestion facility every two years. This is reflected at **Requirement 25** of the **dDCO (3.1, Rev 4)**, which will be submitted at Deadline 8a and aligns with LBB's request at Deadline 7. As per the GLA's D7a mark-up (**REP7a-005**), the Applicant is also content to include the wording in respect of measures to ensure that the quality of the compost material and gas is optimised to the prevailing technical standard.
Appendix A (**REP7-022**)	28	Paragraph 21.1 "*The Applicant has included in the dDCO a new Requirement that obliges the Applicant to look at the feasibility and commercial viability of a connection to the gas grid and the export of compost material produced. Should the export of compost material produced not be feasible or commercially viable at the first review, the Applicant will carry out a review every 5 years. In relation to the opportunities for the export of the gas to the gas grid network, the Applicant is only required to submit a review 12 months after the date of final commissioning*"	As noted above in response to dDCO (Rev 3) document 3.1, given that the benefits of the REP AD are contingent on end uses for anaerobic digestion compost output (digestate), a five-year review of opportunities for these uses is insufficiently frequent.	The Applicant has taken into account the comments of the GLA and LBB on this matter and has agreed to increase the frequency of reviewing the viability of export of compost material to two-year intervals, to align with the GLA's preference and LBB's specific request. This will be included at **Requirement 25** within the **dDCO (3.1, Rev 4)** to be at Deadline 8a.

4 Renewable Energy

4.1 Introduction

4.1.1 This section provides a response to the following matters, relating to renewable energy, raised by the GLA in its Deadline 7 documents **(REP7-021** and **REP7-022)**:

- Hoddesdon EfW Decision;
- Evolution of Energy Policy; and
- ERF would be a carbon producer.

4.2 Hoddesdon EfW Decision

Deadline 7 Document	Section	GLA/TfL Comment	Applicant's Response at Deadline 8
Covering Letter (**REP7-021**)	4.3	The Applicant rejects the GLA's objection to using combined cycle gas turbine (CCGT) as the marginal source of energy and refers to the recent planning decision on the application made by Veolia for an ERF at Ratty's Lane in Hoddesdon (ref: 7/0067-17). The decision was issued on 19 July 2019.	The Applicant notes that evidence was presented at the Hoddesdon Public Inquiry by Herts Without Waste which was very similar to the arguments being presented by the GLA in this document, with the same quotes being used (see, for examples, paragraphs 12.15 to 12.21 of the Hoddesdon report, where the Inspector is reporting the case of Herts Without Waste). However, the Inspector still concluded that CCGT was the appropriate comparator.
Covering Letter (**REP7-021**)	4.4	The Inspector in this inquiry makes the following point at paragraph 17.58, quoting, in turn the New Barnfield Inspector: "*it is not disputed that the absolute level of climate change benefit will vary over time, as the energy mix changes and decarbonises. However, it is reasonable to make the assessment of benefits using the marginal technology at the present time as the appropriate comparator".*	See above. In the same statement, the Inspector goes on to state "*In light of the current guidance, I have no reason to take a different view and consider that the appropriate counterfactual has been used by the applicant*." In other words, the Inspector concluded that that CCGT was the appropriate comparator.
Covering Letter (**REP7-021**)	4.5	Reference is made to the same DEFRA Guide to the Debate document as used by the Applicant to justify the use of gas CCGT as the marginal source; this document is cited as still being current guidance despite being written in 2014.	As stated by Herts Without Waste (paragraph 8.30), the Government has confirmed that this is the most recent guidance available. The GLA has provided no evidence that there is more recent guidance.
Covering Letter (**REP7-021**)	4.6	It is not clear from the Inspector's statement why it is reasonable to use the marginal technology at the present time as an appropriate comparator for a facility that has not yet been built. It is not clear that gas CCGT is the marginal technology even today; still less clear that it will remain so in ten years' time and beyond.	The GLA may not agree with the Inspector, but the Hoddesdon Public Inquiry is the most recent case which covered this question and it was published in July this year. The Applicant repeats the point that evidence was presented to the Hoddesdon Public Inquiry on this point. The Applicant has fully responded to this point in **Section B.2** of **Appendix B** to the **Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014)**.
Covering Letter (**REP7-021**)	4.7	The GLA would refer the Examining Authority to a research report, which is referred to in the Guide to the Debate, DEFRA's Energy recovery for residual waste: A carbon-based modelling approach (February 2014). The report, attached as Appendix B, is concerned with identifying the critical factors that affect the environmental case for energy from waste (EfW) in comparison to landfill from a carbon perspective and the sensitivity of that case to those factors. In particular, the aim was to examine the influences that the biogenic carbon content of the waste and the thermal efficiency of the EfW process have on the relative benefits of EfW and landfill.	The Applicant has referred to this report extensively in its **Carbon Assessment (8.02.08, REP2-059)**, where it was referred to as The Carbon Modelling Report, so would suggest that the ExA is already aware of it.
Covering Letter (**REP7-021**)	4.8	The report makes a number of findings and recommendations that are of direct relevance to the REP, and supports the GLA's stated position that CCGT is not current or considered by government to be the marginal source of energy, that it's not correct to compare the emission performance of an ERF against landfill to determine its CO2 saving benefits, and therefore that the Applicant is overstating the CO2 saving benefits of the REP. The key findings and recommendations from the report relevant to the REP include: • The model was found to be highly sensitive to the marginal energy mix used to calculate carbon offset from generation and the level of landfill gas capture. It was sensitive to other parameters but these two were clearly the key factors (paragraph 7); • Decreasing the carbon intensity of the background electrical energy mix was found to increase the biogenic content of waste required for a plant operating at a given efficiency, or alternatively increase the minimum efficiency of plant required to operate with a waste of a specific biogenic content (paragraph 9); • Three scenarios were developed for electricity only EfW to look at the sensitivity of carbon outcomes to different assumptions over time. The carbon intensity of the offset energy was varied in line with DECC predictions for the marginal energy mix, which see a decarbonisation towards 2030, this was kept the same across the scenarios; the modelling used a range of marginal values reducing from the current (2014) baseline of 0.373 through 0.300.0.250, 0.200 and 0.150 t/MWh (Table 10). The three scenarios were then developed based on the initial level of methane released from landfill as dictated by the capture rate (paragraph 12); • Under all three scenarios, in the long term (by 2050), a high proportion of biogenic content (in the region of >70%) was required for electricity only generation. This could only be achieved by pre-treating the waste or much greater fossil plastics collection and recycling than is currently seen (paragraph 13);	The Applicant has demonstrated, in **Section B.3** of **Appendix B** to **Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014)**, that REP continues to have a lower carbon intensity than the GLA's preferred measure (the long term marginal emissions factor) until 2050, even without any heat export. Therefore, even if the Applicant agreed with this approach, REP would continue to have a benefit throughout its life and the various scenarios described in the Carbon Modelling Report would not apply. Taking each bullet point in turn. • The Applicant agrees, which is why the sensitivity assessment in **Section 4.3** of the **Carbon Assessment (8.02.08, REP2-059)** considered precisely these two parameters and demonstrated that REP had a carbon benefit in all cases. • The Applicant agrees, which is why the sensitivity assessment in **Section 4.3** of the **Carbon Assessment (8.02.08, REP2-059)** was carried out using all four waste compositions. • The Applicant notes that this was done and that details of the scenarios are included in paragraphs 145 to 152, as the GLA has only quoted the relevant paragraph from the summary. • The Applicant has reviewed the detailed work and it appears that this conclusion is based on an ERF efficiency of 20%, with this efficiency expressed as net power exported divided by thermal input using gross calorific value. This is well below the efficiency of REP, which is about 26% on an equivalent basis.

Deadline 7 Document	Section	GLA/TfL Comment	Applicant's Response at Deadline 8
		• In all scenarios there was an apparent cut off point beyond which an electricity only plant would have a lifetime carbon dis-benefit (paragraph 15); • Similarly, there were cut off points where, despite overall lifetime benefits, at the end of the plant's lifetime it would be a net carbon emitter relative to landfill and therefore there would be a carbon dis-benefit in extending its life. These transitions happened earlier and at higher efficiencies than the overall lifetime dis-benefits (paragraph 16); • The nature of this analysis means that some net emissions in later years are being offset by earlier carbon savings (paragraph 17).	• Paragraphs 15, 16 and 17 summarise the analysis reported in paragraphs 153 to 167. The Applicant notes the conclusion in paragraphs 15 and 16 but repeats that the analysis in **Section B.3** of **Appendix B to Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014)** shows that REP continues to have a lower carbon intensity than the GLA's preferred measure until 2050, even without any heat export. Paragraph 17 refers to the calculation of net lifetime benefits, which is reported in Tables 17, 18 and 19 following paragraph 165, and consider plants which have an overall lifetime benefit, even if the plant does not have a benefit in later years (unlike REP, which continues to have a benefit). The Applicant notes the limitations on this conclusion in paragraphs 167. "*These assessments are very dependent on the underlying assumptions. Increasing the biogenic content of the waste being used will essentially extend the beneficial lifetime of the plant **as will any use of heat, which would both increase the efficiency and change the marginal energy mix being offset**. **Metal recycling from bottom ash and ash recycling would similarly benefit EfW over landfill and shift the balance point***." [emphasis added]. As REP is expected to export heat, and both metals and ash will be recycled, the balance point will shift in favour of REP.
Covering Letter (**REP7-021**)	4.9	In the concluding discussion, the following points are made: • Using conventional analysis (disregarding biogenic carbon) the model indicates a good carbon case for continuing to include EfW as a key part of the hierarchy. However, as time goes on this case will get progressively worse for electricity only generation as the carbon intensity of the marginal energy mix decreases and if technology for landfill gas capture improves (paragraph 203); • New plants commencing operation will minimise the risks of becoming environmentally unsound by adopting higher efficiency processes, not just producing electricity but also heat and/or using high biogenic content fuels (paragraph 205); • This will potentially require a degree of pre-processing of black bag waste to raise the biogenic content of the fuel through removal of fossil based plastics. However, the energy cost of any such processes will need to be included in the calculation of the net efficiency (paragraph 206); • An alternative approach would be to adopt collection and recycling regimes that remove more of the fossil plastic from the residual waste which will both decrease the overall volume of residual waste and increase the relative biogenic content of that which remains (paragraph 207).	The Applicant has the following comments on each of these bullet points: • The Applicant agrees that the carbon benefits of REP would reduce if the carbon intensity of the displaced power source reduces. This would, of course, be true for other sources of renewable energy. However, the Applicant draws the ExA's attention to the evidence presented in **Section B.3** of **Appendix B** to **Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014),** which shows that REP continues to have a lower carbon intensity than the GLA's preferred measure (the long term marginal emissions factor) until 2050, even without any heat export. The Applicant notes that the GLA has continued to ignore this evidence. • REP would be the most efficient ERF in the UK and is well-placed to export heat, so the Applicant considers that REP is, in the words of the report, "*minimising the risks of becoming environmentally unsound*". The Applicant notes also that improvements in electrical efficiency of new plants have the same effect. The Applicant has outlined technical provisions which enable this level of efficiency to be achieved in **Appendix A** of the **Applicant's responses to Written Representations (8.02.14, REP3-022)** and **Section 5.2** of the **Applicant's Response to the GLA Deadline 3 Submissions (8.02.35, REP4-014)**. • Pre-processing of waste is not required to achieve the required level of carbon performance in the case of REP. As set out in the Applicant's **Carbon Assessment (8.02.08, REP2-059)**, the benefit of the REP ERF compared to landfill is about 137,000 tonnes of CO2-equivalent per year in power only mode, rising to 157,000 tonnes of CO2-equivalent per year in CHP mode. The Applicant has also shown that the GLA's Carbon Intensity Floor policy is met without pre-processing and under every operational scenario. The Applicant notes, in passing, that the GLA's preferred approach (the Carbon Intensity Floor) does not take account of the energy cost of processes to raise the biogenic content of waste. • As above, collection and recycling regimes that remove more of the fossil plastic from the residual waste are not required to achieve the required level of carbon performance in the case of REP. The introduction of such measures is not the responsibility of the Applicant but of local councils, encouraged by the GLA.
Covering Letter (**REP7-021**)	4.10	With regard to the issue as to the correct marginal energy mix to be used as basis for comparison, the Report commits a whole section (section 5.3) to explaining that rather than use CCGT as the comparator, the correct approach is to use "*the marginal energy mix which represents the carbon intensity of generating an additional kW of electricity. Currently this is comparable to CCGT as this is the marginal technology, however, as renewable energy and nuclear make a greater contribution to the marginal energy mix this will change and the result will be a significant drop in the carbon intensity of the marginal energy mix*".	The Applicant has explained in **Paragraph 4.3.10** of the **Applicant's Response to the GLA Deadline 3 Submissions (8.02.35, REP4-014),** that nuclear and renewable energy would not be affected by the electricity generated by REP, due to the mix of commercial incentives which decide when different electricity types would operate.
Covering Letter (**REP7-021**)	4.11	In the period since 2014 when the Report was published, this effect has been evidenced in the reported energy generation figures. In April 2019, BEIS published its updated energy and emissions projections3. The document included the graph shown as Figure 5.1 below. From this it is clear that – at the time of publication in 2019 - renewable generation has already overtaken gas in terms of its proportionate contribution to the UK's total generation capacity. Since the contribution for renewables is shown as steadily increasing, whilst that of gas CCGT is decreasing, this suggests that new generation capacity coming online is now likely to be renewables, rather than gas. The graph shows a steady decline in gas CCGT out to 2035 – by which point the contribution from gas to the UK's total electrical generation is anticipated to be less than a third.	The Applicant notes that the BEIS report on energy and emission projections says, just before Figure 5.1 that "*Up to the early 2020s, the reference scenario reflects current power sector policies. Beyond the early 2020s, the reference scenario includes some assumptions that go beyond current Government policy and is therefore illustrative. The results here do not indicate a preferred outcome.*" Hence, the Applicant does not consider that full reliance can be placed on these projections to 2035.

Deadline 7 Document	Section	GLA/TfL Comment	Applicant's Response at Deadline 8
			However, even these projections show that gas-fired generation will continue to play an important part in the UK generation mix in the future. REP would reduce the need for this generation, as explained previously, and would continue to displace CCGT.
Covering Letter (**REP7-021**)	4.12	It is noted that the above BEIS document was published just before the UK parliament declared a climate emergency. This arguably makes it even more important to take a forward-looking perspective, as it is now reasonable to expect existing carbon budgets will be revised downwards in the near future in response to this emergency declaration. In this context, and given the above data, it cannot be appropriate to base the decision on what is the marginal source of generation - for a facility that will continue to generate electricity out until beyond 2040 - on information from a document that was published in 2014.	The Applicant continues to disagree with this position. In respect of the GLA's comment on carbon budgets, until revised carbon budgets are produced it is not known what the effect will be. In any event, the impact of the Proposed Development, based on conservatively representative assumptions which have been recently substantiated by relevant authorities, is that REP will have a carbon benefit under all modelled scenarios.
Covering Letter (**REP7-021**)	4.13	Furthermore, other Government sources indicate that Government is reflecting the current UK generation mix in its advice to business and other stakeholders. The BEIS website contains energy conversion factors for business carbon reporting4 that recommend the use of a UK electricity carbon equivalent of 0.28307 kg CO2e/kWh in 2018. This aligns with the Eunomia report, Deadline 3 GLA Written Summary of Oral Case Appendix 3 and contrasts with the 0.4 kg CO2/kWh (ie CCGT) used by the Applicant for the REP. This confirms that the facility will generate electricity that is of a higher carbon intensity than that generated by the UK electricity grid in 2010. By the time the facility is likely to start generating electricity, the carbon intensity of the grid will be much lower, in the order of 0.25 kg CO2e per kWh electricity. Over time, the difference in carbon intensity between electricity generated at the REP and that of the grid will widen, as is shown in the graph below taken from the Eunomia report.	The GLA refers again to the graph provided by Eunomia in Appendix 3 of its **Deadline 3 Submission (REP3-041)**. The Applicant explained in detail in **Section B.2** of **Appendix B** to **Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014)** why the Eunomia graph is flawed, as it does not take account of the benefits of displacing landfill, and the Applicant provided two corrected graphs in that section which demonstrate that REP continues to have a carbon benefit until 2050, even without any heat export. The Applicant notes that the GLA has not commented on these graphs and it is apparent, from this response and its repeat of the flawed Eunomia graph, that it is unwilling to consider contrary evidence to its position.
Covering Letter (**REP7-021**)	4.14	As the Applicant has drawn attention to the Hoddesdon planning decision (albeit a decision under the Town and Country Planning Act 1990), the GLA has given consideration to the Inspector's and Secretary of State's views on the weight to be given to the appellant's CHP proposals, which according to the County Council's evidence were considered to be particularly good at this site (paragraph 8.23 – 8.24).	The Applicant reiterates that the **Combined Heat and Power Assessment (5.4, APP-035)** and the **Combined Heat and Power Supplementary Report (5.4.1, REP2-012)**, demonstrate that tangible and far reaching commitment is made in respect of CHP proposals. Unlike the proposals submitted within the Hoddesdon application, REP will be CHP-Enabled, not CHP-Ready. This is an important distinction and means that the ERF will be fully capable of exporting heat from the outset of operations. As such, the Applicant's proposals attract substantial additional positive weight. Furthermore, as the generating capacity of REP will be in excess of 50 MWe capacity it is classified as a Nationally Significant Infrastructure Project under section 14 and 15 of the Planning Act 2008 and therefore requires a Development Consent Order (DCO) to authorise its construction and operation. Section 104 of the Planning Act 2008 provides that in making decisions on DCO applications, the SoS must have regard to any relevant National Policy Statements (NPS) and must decide the application in accordance with it, unless the proposal would contravene specific legal tests or adverse impacts would outweigh its benefits. As such, consideration under the Town and Country Planning Act is not relevant. As explained in **Paragraph 4.3** of the **Applicant's Response to the GLA Deadline 3 Submissions (8.02.35, REP4-014),** the Applicant has put in place a number of demonstrable steps to realise heat export from REP, going beyond the commitments made by Veolia in the Ratty's Lane (Hoddesdon) application: • REP is being developed as fully CHP-Enabled from the outset by virtue of installing the necessary on-site heat export infrastructure as part of the proposed construction programme. This approach means that REP would be capable of exporting heat from the commencement of operations and demonstrates clear commitment from the Applicant by exceeding the Environment Agency best available technique (BAT) requirement and going beyond the requirements at section 4.6 of NPS EN-1. • The Applicant is making significant steps, at its own cost, in establishing and maintaining momentum in the heat network development process via the Bexley District Heating Partnership Board, and its positive contribution has been recognised by stakeholders. The Applicant has engaged directly with the LBB, GLA and their advisors, and this represents a committed approach relative to comparable projects at the pre-consent stage. • The Applicant is fully engaged in supporting Ramboll, who have been engaged to evaluate the techno-economic feasibility of establishing a borough wide district heating network on behalf of the LBB.
Covering Letter (**REP7-021**)	4.15	The Inspector considered the matter at paragraph 17.63. He states: "Clearly, higher savings would be achieved when operating in CHP mode. However, whilst the plant would be constructed to be CHP ready, with a readily accessible local market including nearby industrial and glasshouse development, the scheme before the Inquiry does not include heat generation at this time. That was also the case with the New Barnfield scheme. In that instance the Inspector concluded that little reliance could be placed on the contribution of CHP to energy recovery. I have no reason to take any different view and am satisfied that for the purposes of this section of my Report, any benefits accruing from CHP should not be counted towards potential carbon savings at this time".	

Deadline 7 Document	Section	GLA/TfL Comment	Applicant's Response at Deadline 8
			• The Applicant has made an application through the Heat Network Investment Programme (HNIP) to secure fiscal support for delivery of a heat network, further emphasising its commitment. • Crucially, the Applicant has committed through **Requirement 24** of Revision 4 of the **dDCO (3.1, Rev 4)** to be submitted at Deadline 8a, to establish a CHP-focused working group before commissioning can start, submit a CHP review to the relevant planning authority 12 months after the date of final commissioning, and to install the necessary pipework to the site boundary once certain details are known. • Further, under **Requirement 24** of Revision 4 of the **dDCO (3.1, Rev 4)** to be submitted at Deadline 8a**,** the Applicant has agreed to undertake a regular CHP review. The timing of the CHP review has been agreed with LBB as being every 3 years, which is a far more frequent period than is generally required for projects of this type, which are typically subject to a CHP review every 5 years. This timeframe for the CHP review will be reflected in Revision 4 of the **dDCO (3.1, Rev 4)** to be submitted at Deadline 8a. The Applicant maintains that all relevant energy efficiency and carbon performance related policies can be met with REP operating in power only mode.
Covering Letter (**REP7-021**)	4.16	The evidence provided in the Hoddesdon Inquiry, including evidence under cross-examination from potential heat off-takers, indicates a greater level of certainty that CHP benefits could be delivered than has been provided in respect of REP. Nevertheless, the lack of contractual commitment led the Inspector and SoS to give only 'limited weight' to the climate change benefits (paragraph 35 of SoS letter). It is considered that given the limited evidence of engagement presented by the Applicant, that the CHP proposals for REP should also be given only limited weight in the decision.	The Applicant disagrees that the evidence provided in the Hoddesdon Public Inquiry indicates a greater level of certainty that CHP benefits could be delivered relative to REP, principally for the reasons outlined above. In the case of REP, the anticipated principal heat offtaker for the proposed scheme (Peabody) has demonstrated its willingness to accept heat from REP and RRRF to support delivery of its development ambitions, as set out in its letter of support provided as **Appendix A** to the **Combined Heat and Power Supplementary Report (5.4.1, REP2-012)**. This demonstrates clear progress in agreeing heat provision, directly as a result of the Applicant's proactive approach in forwarding the collective ambition of the Bexley District Heating Partnership Board.

4.3 Evolution of Energy Policy

Deadline 7 Document	Section	GLA/TfL Comment	Applicant's Response at Deadline 8
Covering Letter (**REP7-021**)	4.17	The Applicant seeks to address the GLA's comments on the evolution of climate change policy and to consider the extent to which this is relevant in the decision-making process for an energy NSIP.	Agreed. Section 4.3 of the Evolution of Energy Policy demonstrates the relevance of the climate change policy in the decision-making process for an energy NSIP
Covering Letter (**REP7-021**)	4.18	The wording of Section 104(3) PA 2008 appears not to be in contention. The Application must be decided in accordance with the relevant NPS except to the extent that exceptions apply, one of which is section 104(7) PA 2008. The Applicant pleads that the NPS establishes an unassailable need case for energy generation. The GLA's views are perhaps more straight-forward than the Applicant's lengthy response at paragraphs 3.4.4 – 3.4.47 suggests. Simply, the GLA's case is that the Applicant has overstated the benefits, and under-stated the dis-benefits, of the proposed development, and hence falls within the exceptions.	The Applicant does not plead that the NPSs establish an unassailable needs case for energy generation. Rather its position is that section 104(3) of the Planning Act 2008 requires the Secretary of State to determine the application for development consent in accordance with the NPSs unless one of the exceptions in subsections (4) to (8) applies. Section 104(7) of the Planning Act 2008 is one of those exceptions, where the Secretary of State finds that the adverse impacts of a development outweighs its benefits in which case the presumption in favour of granting development consent set out in NPS EN-1 does not apply. Having considered the balancing exercise required by section 104(7) of the Planning Act 2008 the Applicant considers that the potential adverse impacts of the Proposed Development do not outweigh the benefits that have been identified. As such, section 104(7) of the Planning Act 2008 is not engaged in respect of REP and therefore the Application must be determined in accordance with the relevant NPSs and the presumption in favour of granting development consent applies.
Covering Letter (**REP7-021**)	4.19	Helpfully, the Applicant accepts at paragraph 3.4.27 of the Applicant's Response to the GLA Deadline 4 Submissions (8.02.46) that the "*evolution of climate change policy is only an issue if one accepts that REP would be a carbon producer*". The GLA considers that REP would be a carbon producer as set out in GLA submissions including its Written Representations (REP2-071) paragraphs 3.26 - 3.31 and Deadline 4 Further Representations (REP4-024) paragraphs 2.18 - 2.21. On that basis, it is open to the Secretary of State to conclude that the adverse impact of the proposed development would outweigh its benefits, in accordance with the GLA's submissions to the Examination. It follows that the exception in section 104(7) PA 2008 is effective if the Secretary of State agrees with the GLA. Should the Secretary of State disagree, then the GLA accepts that the Application must be decided in accordance with the NPS, subject to the Secretary of State finding that no other exceptions ought to be applied.	The GLA acknowledges that the Secretary of State must determine the Application in accordance with the NPSs, provided that section 104(7) is not engaged. The GLA appears to be stating that whether or not section 104(7) of the Planning Act 2008 is engaged turns on whether the Applicant is a carbon producer. This is not accepted as a principle. Whether or not REP would be a carbon producer is a matter to be taken into account in the balancing exercise but on its own it is not determinative of whether or not the potential adverse impacts of REP would outweigh its benefits. The ExA will of course be aware that the GLA and the Applicant take opposing views on whether or not REP would be a carbon producer and the Secretary of State will need to make a determination in this regard.
Covering Letter (**REP7-021**)	4.20	If the exception in section 104(7) PA 2008 applies, the obligation that the Secretary of State must decide the application in accordance with the NPS is ousted by the exception. It is not the GLA's position that the NPS ceases to have relevance to the Secretary of State's decision if section 104(7) PA 2008 applies, simply that the decision on the Application would no longer be required to be in strict accordance with the NPS. That is the effect of the plain language of the section 107 PA 2008. The NPS is relegated to the status of an "important and relevant" matter, rather than being determinative. This should not be contentious – section 102 PA 2008 provides that the Secretary of State must have regard to any NPS. "Having regard to", and "deciding in accordance with" are materially different exercises, and the GLA's view is that the progress of climate and energy policies since 2011 are "important and relevant" matters which the Secretary of State must also have regard to in accordance with section 104(2)(d) PA 2008.	The Applicant agrees with the GLA's interpretation of the operation of section 104(7) of the Planning Act 2008 but disagrees that section 104(7) of the Planning Act 2008 is engaged. Therefore section 104(3) continues to have effect.
Covering Letter (**REP7-021**)	4.21	As noted by the Applicant at paragraph 3.4.35 of its Response, section 104(7) provides "important flexibility to the decision-maker". The GLA agrees. On that basis, the position adopted by the Applicant in paragraph 3.4.36 of its response is not sustainable: the suggestion that it would be "unlawful" not to decide the Application in accordance with the NPS is incorrect, and, if the Secretary of State agrees that an exception applies, seeks to usurp the discretion of the decision-maker. Plainly, there is a need case set out in the NPS, and the Applicant is entitled to pray in aid that need case. However, if section 104(7) PA 2008 applies, that need case should be considered in light of significant changes in energy policy since the adoption of the NPS. Given the progress made since the adoption of the NPS, the GLA considers that where an exception applies, the need case for energy generation cannot be established by the NPS. On that basis, the GLA considers that the Examining Authority should require the Applicant to establish a need case in order that the Secretary of State can properly perform the balancing exercise implicit in section 102 PA 2008.	The main point to be taken from this paragraph is the disagreement between the Applicant and the GLA as to whether section 104(7) of the Planning Act 200 is engaged – the Applicant says not, whilst the GLA says it is. The Secretary of State will have to make a determination on this point. Section 104(7) provides an "exception" to the requirement of section 104(3) (that the application should be determined in accordance with the NPS) *"if the Secretary of State is satisfied that the adverse impact of the proposed development would outweigh its benefits".* This, therefore, requires the ExA and the SoS to undertake a balancing exercise of the Proposed Scheme's beneficial and adverse impacts. The GLA appears to assert that the exercise required by section 104(7) and the application of the weight to be given to various factors pursuant to the NPS policies, are two separate exercises. The effect of this is that the balancing exercise in section 104(7) is carried out in a vacuum, the consequence of which would presumably be that all impacts are treated equally. Section 104(7) is not a disapplication of EN-1. It is a section that provides important flexibility to the decision maker. It does not require that the contents of any relevant national policy statement must be put out of mind and assumed not to exist. The balance of benefits and dis-benefits can only properly be measured by taking full

Deadline 7 Document	Section	GLA/TfL Comment	Applicant's Response at Deadline 8
			account of the Government's national policies relevant to the development in question, including any presumptions in relation to need. To do otherwise would be to set aside the national policy that is put at the heart of the Planning Act 2008 and to ignore a relevant consideration: section 104(2)(a) of the Planning Act 2008 which requires a decision maker as a matter of law to take relevant NPSs into account. Section 104(7) does not dis-apply section 104(2). Accordingly, it would be unlawful to consider the balancing exercise under section 104(7) without regard to the relevant NPSs. Accordingly, section 104(7) allows the possibility that the demonstrated need for a project may be outweighed by its adverse impacts. The Applicant has never asserted that it is not possible for the substantial weight to be given to the need identified in the energy NPSs to be outweighed by adverse effects; its position has simply been that in undertaking that balancing exercise, factors are to be given the weight required by the NPS – so substantial weight must be given to the contribution which projects would make towards satisfying the identified need. Despite the evolution of climate change policy, the Secretary of State has not exercised her powers to review the NPSs under section 6 of the Planning Act 2008. One must therefore work on the basis that she does not consider that the NPSs are inconsistent with the evolution of climate change policy, such that section 104 exceptions are engaged. Indeed, this is confirmed by the Secretary of State herself in her decision of 19 September 2019 making the Abergelli Power Gas Fired Generating Station Order 2019, which states that "*despite the amendment to the Climate Change Act 2008, there have been no subsequent changes to legislation or policy and that the energy NPSs continue to form the basis for decision-making under the Planning Act 2008*."

4.4 ERF would be a carbon producer

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Appendix A (**REP7-022**)	36	Subsection 3.2 characterisation of waste stream in respect of renewable energy – the Applicant provides calculations (Table 3.1) to show that expects the bioenergy content of the waste to be greater than 50% in all scenarios apart from the reduced food waste scenario.	The assumptions used in the calculation by the GLA are set out in the Ready Reckoner tool, which was provided to the Applicant for assessing performance against the Mayor's carbon intensity floor policy. The Applicant has not confirmed the assumptions used in its calculations, however, so it is not possible to verify the rationale for the difference in approach. Either way the Applicant has demonstrated only around half of the waste to be biogenic; as such, the GLA contests it to be considered a truly renewable energy facility.	The Applicant has never claimed that REP is a "truly renewable energy facility". Rather, the Applicant has explained in **Paragraph 2.1.50** of the **Applicant's Responses to Written Representations (8.02.14, REP3-022)** that *"NPS EN-1, as re-affirmed by NPS EN-3, establishes the need for Energy from Waste electricity generation infrastructure and describes this need in Paragraph 3.4.5 as "urgent." It should be noted that nowhere in NPS EN-1 or NPS EN-3 does it require an Energy from Waste plant to be 100% renewable, or indeed 50% renewable."* As stated in **Paragraph 3.4.10** of the **Applicant's Response to the GLA Deadline 4 Submission (8.02.46, REP5-017)**, paragraph 3.3.15 of NPS-EN1 states *that "In order to secure energy supplies that enable us to meet our obligations for 2050, there is an urgent need for new (and particularly low carbon) energy NSIPs to be brought forward as soon as possible, and certainly in the next 10 to 15 years, given the crucial role of electricity as the UK decarbonises its energy sector."* Given the ERF element of the Proposed Development can be classed as partly renewable, with the Anaerobic Digestion facility and solar panels both renewable forms of energy, there is a particular urgent need for the Proposed Development. Substantial weight should be given to the contribution that projects would make towards satisfying this urgent need (EN-1, paragraph 3.1.4).
Appendix A (**REP7-022**)	37	Section 3.3 whether ERF would be a carbon producer – the Applicant maintains that landfill should be taken into account (paragraph 3.3.1). The Applicant also rejects the GLA's objection to using CCGT as the marginal source of energy, and refers to the recent planning decision on the application made by Veolia for an ERF at Ratty's Lane in Hoddesdon (ref 7/0067-17). The decision was issued on 19 July 2019. It says at paragraph IR17.57: *As set out above, the figure referred to by the applicant takes account of the 'build margin' or counterfactual referred to by the GIG, namely a Combined Cycle Gas Turbine (CCGT). Herts Without Waste challenged the use of that as an appropriate comparator for electricity generated by the proposed ERF. However, since electricity generated by the ERF would be exported to the grid, I see no reason why, consistent with DEFRA's Guide to the Debate, that energy should not be assumed to substitute electricity that would otherwise have been generated by a CCGT. The same argument was also put to the New Barnfield Inspector who noted that the Guide to the Debate provides specific support for the use of CCGT in making such an assessment. That Guide is still current, with footnote 29 on page 18 confirming that 'A gas fired power station (Combined Cycle Gas Turbine – CCGT) is the current standard comparator as this is the 'marginal' technology if you wanted to build a new power station'. As noted by the New Barnfield Inspector, it is not disputed that the absolute level of climate change benefit will vary over time, as the energy mix changes and decarbonises. However, it is reasonable to make the assessment of benefits using the marginal technology at the present time as the appropriate comparator. In light of the*	The GLA wishes to clarify that it is not objecting to the use of CCGT as the reference marginal source for the purposes of the ERF meeting the Mayor's carbon intensity floor level as a minimum. The GLA has demonstrated however that CCGT no longer reflects the actual grid situation and that the grid will continue to become increasingly decarbonised. The GLA considers that this is an important and relevant matter for the ExA and the Secretary of State to consider in making a decision on the application. The application is for a renewable energy power station, and not a waste processing facility. For that reason, the GLA considers that the Applicant should not resort to accounting for CO2 emissions from waste that may otherwise have been landfilled. Further representations with regard to implications of the Hoddesdon appeal decision are set out in the GLA's covering letter attached to this Appendix.	The Applicant welcomes the first sentence of the first paragraph but does not agree with the remainder of the first paragraph, for the reasons set out earlier in this response and in previous submissions, principally **Appendix B** of the **Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014)**. The Applicant rejects that the Application is for a renewable energy power station exclusively. The Applicant is confused over the meaning of the second paragraph, given that GLA has, in the immediately preceding section, asserted that REP is not a fully renewable energy power station. In any event, the Application is for an energy park comprising an Energy Recovery Facility (amongst other energy generation assets, an Anaerobic Digestion facility, and electrical connection), which is both a power station and a waste processing facility. The Applicant has responded to the points on the Hoddesdon appeal decision earlier in this document.

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
		current guidance, I have no reason to take a different view and consider that the appropriate counterfactual has been used by the applicant."		
Appendix A (**REP7-022**)	38	Paragraphs 3.4.3 – 3.4.48 evolution of climate change policy – the Applicant addresses the GLA's case that if the Applicant is required to set out an explicit need case, the legal context in which it must do so is different to that which existed when the NPS was adopted. The Applicant states at paragraph 3.3.27: "*the evolution of climate change policy is only an issue if one accepts that REP would be a carbon producer. The Applicant does not accept that REP is*". The Applicant refers to the Millbrook Power decision which considered whether there should be flexibility given to the interpretation of EN-1 (as to whether additional fossil fuel power stations are required) and decided that there should be no such flexibility. Sections 3.4.32 to 3.4.37 consider the application of section 104(7) and states that "*Section 104(7) is not a disapplication of the NPSs. It is a section that provides important flexibility to the decision maker. It does not require that the contents of any relevant NPS must be put out of mind and assumed not to exist*", and "*it would be unlawful to consider the balancing exercise under section 104(7) without regard to the relevant NPSs*". Notwithstanding the Applicant's argument that it is not necessary to demonstrate need, Paragraph 3.4.37 gives a resume of the waste need case and states "*there is a clear waste infrastructure gap in London*". The Applicant also sets out the carbon need case (paragraph 3.4.38). The Applicant refers (paragraph 3.4.48) to the need to avoid introducing a cap on EfW generation which would have "*far reaching implications for the energy sector, and potentially projects in other sectors with similar carbon emissions intensities*".	The Applicant's comments with regard to the evolution of climate change policy have been addressed in detail by the GLA in its covering letter. Millbrook is irrelevant to the GLA case as Millbrook was not seeking to say that the application should not be decided in accordance with the NPS (application of section 104(7)) The DCO is for a renewable generating plant. The government seeks to encourage this type of electricity production to reduce carbon emissions and meet its carbon reduction and climate change obligations. Unless the ERF operates as a CHP plant, it will not reduce carbon emissions, it will displace the marginal energy plant (CCGT) and increase emissions. In July 2011 the Government anticipated a need for 33 GW of renewable generating capacity. The ERF would have a capacity of 0.07 GW, i.e., 0.2% of the target, which is not significant. Other directives (EU Energy Efficiency Directive and the resultant CHPQA incentive programme in the UK) focus on encouraging energy efficiency in electricity production. Even if the ERF could achieve its claimed 34%, it would not qualify for any support under the CHPQA without CHP. The ERF remains a carbon produce and inefficient in power-only.	As demonstrated in the **Applicant's Carbon Assessment (8.02.08, REP2-059)**, and clarified in: • **Section 5** and **Appendix B** of the **Applicants response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014)**; • **Section 3.2** and **3.3** of the **Applicant's Response to the GLA Deadline 4 Submission (8.02.46, REP5-017)**; and • **Section 2.7** to **2.10** of the **Applicant's response to Greater London Authority Deadline 5 and 6 Submissions (8.02.67, REP7-015)**, the ERF would reduce carbon emissions. The DCO is for an energy generation plant and a waste management plant. By virtue of comprising a generating capacity in excess of 50 MW, REP constitutes a nationally significant infrastructure project ("NSIP") under section 15(2) of the Planning Act 2008. Accordingly, Government considers that the proposed development is nationally significant. REP would generate 560,000 MWh in a year (if it operated for 8,000 hours). The GLA appear to be suggesting that REPs contribution to meeting the demand for generating capacity is not significant and that this presumably should be taken into account in determining the Application. The Applicant does not accept that its proportionate contribution to overall demand should be a significant factor in the decision-making process. As already demonstrated in the Applicant's **Carbon Assessment (8.02.08, REP2-059)**, the ERF reduces carbon emissions and will be the most efficient ERF in the UK. It is not surprising to note that the ERF would not qualify for any support mechanisms which require CHPQA accreditation without CHP on the basis that the CHPQA programme is dedicated to monitoring, assessing and improving the quality of UK CHP schemes. By definition, there are no schemes which could secure CHPQA accreditation without operating as a CHP scheme.
Appendix A (**REP7-022**)	39	Subsection 3.7 use of biogas proposes a new requirement (see draft DCO Rev 3). The Applicant states at paragraph 3.7.5 that whilst the ES models "worst case" (onsite) emissions from combustion, "*this scenario is any worse than any other options when adequately contextualised*", and that "*any of the biogas options identified would generate emissions during final use, whether that be in an internal combustion engine (if used in a vehicle) or in a domestic boiler (if injected into the gas grid network)*".	Please see GLA comments on the new requirement 16 above (GLA response to dDCO (Rec 3) document 3.1). On the point about combustion on site not being the worse option if "adequately contextualised" (para 3.7.5), the GLA is not fully clear what is meant by this. However, in our view the correct context to consider is that any gas injected into the grid would be used in existing appliances across London. This would not add to the total amount of gas being burned in the city, and therefore not add to regional NOx emissions. By contrast the biogas engine on site would add to the total quantum of emissions from London as a whole, negatively affecting regional background levels, albeit by a small amount. Similarly, and biogas used to fuel vehicles would replace alternative fuels such as diesel, with beneficial results with regard to emissions.	As set out in the **Anaerobic Digestion Facility Emissions Mitigation Note (8.02.42, REP7-010)**, the commitment by the Applicant to install 'cutting-edge' selective catalytic reduction (SCR) technology on the CHP engine (biogas engine), which goes beyond the Environment Agency best available technique (BAT) requirement, reduces the impact from NOx emissions on human health exposure to Negligible, and impacts on terrestrial biodiversity to insignificant. This commitment is secured through **Requirement 15** of Revision 4 of the **dDCO (3.1, Rev 4**) to be submitted at Deadline 8a. The GLA's concern relating to emissions from the CHP engine are therefore entirely void. The Applicant does not understand why the GLA objects to the generation of renewable power and heat in a process which has negligible impacts on human health and insignificant impacts on biodiversity.

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Appendix A (**REP7-022**)	40	Paragraph 4.4.3 states "*since the Applicant is committing via a DCO requirement at Deadline 5 (3.1, Rev 3) to construct the Anaerobic Digestion facility element of the Proposed Development in the same phase as the ERF, REP's CIF score should be credited with the renewable energy generated by food and green waste. This cannot be done in the GLA's draft unpublished tool*". In paragraph 3.4.47 the Applicant queries the GLA's reference to a statement in the Committee on Climate Change (CCC)'s Net Zero report which states that energy from waste would meet just 2% of energy generation by 2050 if combined with hydro power. The Applicant incorrectly states in paragraph 3.4.48 that the GLA is proposing some form of cap on energy from waste plants: *"If the Secretary of State were to follow the GLA's assertions through and refuse development consent for the Proposed Development on the basis that approving the Proposed Development would mean that the UK could not reach the target set in section 1 of the CCA, the implications would be that a cap is introduced on energy from waste plants (and in fact any energy generation at the same or greater carbon emissions intensity than the Proposed Development). The effect of that decision is to put a limit on the need for generating plants and a limit on the type of generating technology (neither of which is in accordance with NPS EN-1). That decision has far-reaching implications for the energy sector, and potentially projects in other sectors with similar carbon emissions intensities."*	The CIF is intended as a metric for the carbon performance of energy from waste (EfW) technologies generating energy from London's *non-recyclable* waste (London Plan paragraph 5.85). While co-located, the REP anaerobic digestion is a separate operation to the ERF, processing recyclable (food) waste which is 100% renewable, comfortably meeting the CIF. Inclusion of the AD in calculating the CIF score would be a misapplication of the GLA policy, and therefore wholly inappropriate. London Plan policy para 5.85 states that "*the Mayor has developed a minimum greenhouse gas performance for technologies generating energy from London's non-recyclable waste*" , and "*All facilities generating energy from London's waste will need to meet this level…"* (the CIF). This text confirming how the CIF is applied has been retained in paragraph 9.8.11 in the Draft London Plan. It is clear from the Paragraph 5.85 of the London Plan that that CIF only applies to energy generated from non-recyclable waste. This reference can be found in the CCC's Net Zero Technical Report (May 2019) in footnote 32, page 40. The GLA has not proposed a cap. The GLA maintains that climate policy has evolved considerably since 2011 and the energy policy NPSs are outdated. The latest CCC Net Zero report, which provided the basis for the government setting a net zero carbon target by 2050, only makes passing reference to energy from waste (estimated to meet only 2% of generation if combined with hydropower in 2050).	The Applicant is grateful for this clarification. However, the Applicant wishes to point out that the 2011 Greenhouse Gas Calculator, provided by the GLA and referred to in a footnote in the latest version of the draft London Plan, dated July 2019, calculates the CIF. The section of the spreadsheet which reports on the CIF says "*the energy generating residual waste treatment technologies **and AD process***" [emphasis added]. The spreadsheet is locked so that calculations cannot be seen, but it is reasonable for the Applicant to assume that the calculation includes the Anaerobic Digestion facility, and the Applicant has confirmed that removing the Anaerobic Digestion facility from the spreadsheet does change the CIF. However, since the ERF achieves the CIF threshold alone, this clarification does not change the status of REP under the CIF policy. The Applicant is grateful for this clarification. The Applicant notes that the latest report from Tolvik on the EfW industry (UK Energy from Waste Statistics – 2018), which was published in June 2019, states that operational ERFs generated 6,153 GWh of power, which was 1.9% of total generation in 2018. Given that there were turbine issues at six facilities which reduced power generation and that there are twenty further facilities under construction, it is likely that the power generated will increase over the next few years. The reason that the CCC expects EfW, with hydro, to only contribute 2% of total generation by 2050 is that the CCC anticipates the necessary generation to increase from the current level of about 320 TWh per year to at least 600 TWh per year, possibly as much as 1,350 TWh per year (Figure 2.3 on page 25). It is clear that all forms of low carbon generation will be welcome under this scenario.

5 Heat Offtake

5.1 Introduction

5.1.1 This section provides a response to Heat Offtake matters raised by the GLA in its Deadline 7 documents **(REP7-021** and **REP7-022)**.

5.2 Heat Offtake

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Appendix A (**REP7-022**)	32	Subsection 2.2: The Applicant restates that its heat demand assessment has been undertaken in accordance with CHP policy and guidance, and that there is sufficient demand for both the RRRF and the REP.	The Applicant's latest dDCO (Rev 3) document 3.1, Requirement 26, sets out the requirement for the developer establish a working group to agree the scope of the CHP. The Applicant has therefore accepted that there is more to be done to establish the heat off-take and that this should be carried out with the RRRF working group if possible.	Until the time that heat is being successfully delivered to consumers at the proposed volumes, the Applicant considers that there is more to be done in order to deliver a heat export system. The Applicant has always held this view. The Applicant has revised **Requirement 26** (to be **Requirement 24)** of the **dDCO (3.1, Rev 4)** which will be submitted at Deadline 8a, to provide further assurance that the CHP benefit will be realised. The steps that the Applicant is taking in this regard are summarised above.
Appendix A (**REP7-022**)	33	Subsection 2.3 public involvement in delivering heat networks – the Applicant refers to an audit trail of discussions with public bodies including GLA.	The Applicant misrepresents the extent of its involvement with the public regarding the REP with those in relation to the RRRF study work. The Applicant's latest dDCO (Rev 3) document 3.1 Requirement 26 (see above) is a positive step to remedy this early shortcoming.	Section 2.3 of the Bexley District Heating Partnership Board meeting minutes from 29 May 2018 (the first meeting) states "*Cory plan to expand and complete new Energy Park by 2024, at which point an additional 30MW of heat will be available for export*". Therefore, heat export discussions were clearly inclusive of heat export from REP. Heat export opportunities were amongst the first items to be discussed with the GLA in respect of REP in early 2017, as evidenced in **Appendix A** of the **draft SOCG between the Applicant and GLA** (Revision 3) (see **Appendix B** of the **Summary of Consultation and Update on Statement of Common Ground between the Applicant and Greater London Authority (8.02.62, AS-022)**) submitted during the examination. Minutes of meetings with the GLA held on 01 February 2019 also demonstrate that heat offtake from REP was specifically discussed. Additionally, Peabody's letter of support dated 17 April 2019, provided in **Appendix A** to the **Supplementary Combined Heat and Power Report (5.4.1, REP2-012)**, evidences earlier dialogue and meaningful progression with regards heat export, specifically citing both REP and RRRF.
Appendix A (**REP7-022**)	34	Subsection 2.4 technical information – the Applicant asserts that the level of detail provided is consistent with other Orders	The Applicant's Combined Heat and Power Assessment (5.4, APP-035) contains technical information regarding the performance of the steam turbine heat off-take. There is no information on the anticipated on-site district heating plant and equipment other than the location identified as 'Combined Heat and Power Equipment' shown in Appendix B. It is not clear whether the provision is adequate.	**Section 5.3** of the **Combined Heat and Power Assessment (5.4, APP-035)** justifies why steam extraction from the turbine represents the most favourable solution for heat recovery, relative to other potential options. **Paragraph 5.4.4** of the **Combined Heat and Power Assessment (5.4, APP-035)** explains how steam would be passed through condensing heat exchanger(s), with condensate recovered back into the feedwater system and hot water pumped to heat consumers. **Section 4.4** of **Appendix H** of the **Combined Heat and Power Assessment (5.4, APP-035)** sets out the onsite CHP infrastructure in more detail, stating that the CHP plant room would contain all of the main heat supply system equipment including heat exchangers, steam and condensate piping, circulation pumps, expansion vessel, water treatment plant and associated components. The Applicant's technical advisor has also reviewed the proposals, and per **Paragraph 10.2.3** of the **Combined Heat and Power Assessment (5.4, APP-035)**, confirmed that sufficient space has been safeguarded within the REP Site for the installation of the required infrastructure to achieve the maximum heat export capacity. A list of equipment sought to deliver the heat export system via the DCO is presented in **Schedule 1** of the **dDCO (3.1, Rev 3, REP5-003)**, under Work No 3 which includes for "*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).*" In combination with Work No 6 and 7, which facilitates installation of district heating pipes across the wider site, this provision is adequate to deliver the complete heat export system at the capacity proposed. Provision for this equipment has been drafted into **Schedule 1** of the **dDCO** from the application stage.
Appendix A (**REP7-022**)	35	Section 2.5 synergy between RRRF and REP – the Applicant asserts (paragraph 2.5.1) that under a configuration where back-up provision is provided by alternative (non-ERF) plant, the heat export capacity could be doubled.	The Applicant has clarified its earlier statements that the REP and RRRF can either maximise the heat available or provide back-up heat eliminating the need for additional boilers. The GLA maintains its point that a prudent district heating operator would not rely on a third-party to provide its back-up arrangements and instead provide its own independent arrangements. The practical arrangement for RRRF and REP would be as heat suppliers.	The Applicant's submissions would not prevent a district heating operator from securing its own independent back-up arrangements if it so wished. The Applicant would like to emphasise that it has consistently communicated that connecting both REP and RRRF to a network would offer benefit by either or both of the following:

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
				• increase the volume of low carbon and renewable heat which would be supplied to heat consumers and consequently the associated benefits; and • reduce or eliminate the need for conventional back-up boilers, in addition to displacing air quality impacts in close proximity to residential areas.

5.3 CHP

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Appendix A (**REP7-022**)	23	Paragraphs 12.1 – 12.7 explains the changes proposed in the requirement and the reasons why certain changes requested by GLA and LBB are not accepted, including no development taking place until there is a demonstrable need for heat, and the review period (still 4 years)	There is confusion over the reference regarding the use of the CHPQA and this goes back to the GLA's LIR submission, 10.16 that states: '*commitment to the Applicant undertaking a CHP feasibility review similar to that required for the existing RRRF assessing potential commercial opportunities for use of heat from the development, which must be submitted in writing to the relevant authority for its approval. The review should provide for ongoing monitoring and full exploration of potential commercial opportunities to use heat from the development as part of a Good Quality CHP scheme (as defined in CHPQA Standard issue 3), and for the provision of subsequent reviews of such opportunities as necessary.'* By way of clarification, the CHP review should be conducted in a similar manner as that of the RRRF assessment being based on feasibility and economic performance. The CHP review should consider the extent to which it meets the CHPQA requirements for the purposes of qualifying for government incentives. The CHPQA standards should not be used as a criterion to decide whether or not to further develop the heat off-take opportunities. Any reference to CHPQA Standard issue 3 should be deleted since there are later references. It should also be noted that the GLA maintains its objection to a four year review period for the reasons set out in its response to the draft DCO (rev 3) in this document.	As noted in the **Applicant's response to comments on the draft DCO (8.02.54, REP5-025)**, the Applicant's insertion of CHPQA into the Requirements, was at the request of the GLA in its Local Impact Report. **Requirement 26** (to be **Requirement 24**) of the **dDCO (3.1, Rev 4)** to be submitted at Deadline 8a, allows for the assessment to be based on feasibility and economic performance, since the scope of the CHP review must be agreed by the working group, per sub-paragraph (2)(a). The Applicant can confirm that it would not rely on non-achievement of CHPQA thresholds as a justification for not implementing CHP proposals, provided that the commercial case for the scheme remains viable. The Applicant is therefore content to amend the wording such that assessment of Good Quality status is considered "*for the purposes of qualifying for government incentives*". The Applicant is also content to delete the reference to CHPQA **Standard issue 3**. The Applicant is content to increase the frequency of the CHP review to a three year interval, to align with the GLA's preference and LBB's specific request. This is a more frequent period of review than is provided for most projects of this nature, which are typically subject to a review every five years. However, once heat has been exported, the revised CHP review will be made every five years. This is reflected in Revision 4 of the **dDCO (3.1, Rev 4)** to be submitted at Deadline 8a. As per the GLA's D7A mark-up (**REP7a-005**), the Applicant is also content to include the wording in respect of provision of steam (but not hot water, since technically inaccurate) pass-outs and the preservation of space for the future provision of associated heat export equipment. The Applicant is also content to write the GLA into the requirement as one of the working group members.

6 London Living Wage

6.1 Introduction

6.1.1 This section provides a response to matters relating to the London Living Wage raised by the GLA in its Deadline 7 documents **(REP7-021** and **REP7-022)**.

6.2 London Living Wage

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Covering Letter (**REP7-021**)	3.6		The Applicant continues (paragraph 22.1) to reject this request, whilst at the same time stating that the 'vast majority' of jobs at the REP will be highly skilled, at degree or above level. On 29th of July, the Mayor launched his Good Work Standard which sets the benchmark that the Mayor wants every London employer to work towards and achieve, including payment of the London Living Wage. This accredited initiative brings together best employment practice and has been developed in collaboration with London's employers, professional bodies and experts. Although not a policy requirement, the Applicant in undertaking accreditation to the Good Work Standard would be demonstrating leadership in best practice employment and corporate responsibility, and could use its accreditation to demonstrate social value when competing for public sector procurement opportunities. More information on the Good Work Standard can be found on the GLA's website.	The Applicant reiterates that there is no NPS or Planning policy requirement for such a commitment to be imposed and is therefore not a matter that the SoS needs to consider. Whilst the Applicant maintains that many of those employed on the site will be highly skilled, and therefore will be paid above the London Living Wage there is no justification for REP to be subject to a requirement that is not matter for or required by planning policy.
Appendix A (**REP7-022**)	29	Paragraph 22.1 *"There is no planning policy requirement for the Applicant to guarantee the London Living Wage in respect of the Proposed Development. In any event, the vast majority of the jobs at the Proposed Development will be highly skilled jobs, at degree or above level".*	The Mayor's Good Work Standard brings together best employment practice and links to resources and support from across London to help employers improve their organisations. This accredited initiative has been developed in collaboration with London's employers, professional bodies and experts. The Good Work Standard sets the benchmark the Mayor wants every London employer to work towards and achieve including payment of the London Living Wage as a minimum. As a large and very visible employer, the GLA would expect the Applicant to show leadership by being an accredited member to the Good Work Standard, and could use its accreditation to demonstrate social value when competing for public sector procurement opportunities. The GLA's response made at Deadline 5 still applies (GLA Schedule 1, comment 92).	

7 Transport

7.1 Introduction

7.1.1 This section provides a response to the following matters, relating to transport, raised by the GLA and TfL in its Deadline 7 documents **(REP7-021** and **REP7-022)**:

- Transport for delivery of waste and export of ash should be zero carbon;
- Impact on bus services;
- Vehicle Bookings Management System;
- London Non-Mobile Road Machinery Low Emission Zone Standards; and
- Requirement 14.

7.2 Transport for delivery of waste and export of ash should be zero carbon

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Covering Letter (**REP7-021**)	3.3		The Applicant rejects this on the basis that there is no specific policy requirement. Policy 7.3.1 in the Mayor's London Environment Strategy sets out that London waste authorities need to comply with ULEZ (i.e. all HGVs to be Euro VI minimum), and work towards the Mayor's overall ambition for all heavy vehicles to be fossil fuel-free by 2030. The GLA considers it reasonable for the vehicles servicing the facility to meet the same policy requirement.	This issue was discussed in detail at the Issue Specific Hearing on 19th September 2019 (see **Oral Summaries for the Issue Specific Hearing on draft Development Consent Order (8.02.77)**). Whilst the Applicant does not operate or own any vehicles operating heavy duty engines, it supports the GLA's aspirations towards fossil fuel free heavy duty vehicles by 2030. The Applicant will receive waste from both waste collection authorities and commercial waste contractors/ hauliers. The Applicant receives waste from waste authorities but does not specify the contracts for those authorities' waste collection services. The GLA will be in a position to encourage waste collection authorities to specify within their contracts that hauliers operate vehicles that both meet the standards of the ULEZ and move towards being fossil free by 2030. Incinerator Bottom Ash (IBA) would only be moved by road vehicles during a jetty outage scenario. In that instance those vehicles would likely deliver to the processing plant in Essex. REP is situated within the Low Emissions Zone boundary and therefore vehicles accessing REP will meet the prevailing standards for London (including any extension to the ULEZ in due course) otherwise the operator will be required to pay the penalty charges as set by the GLA / TfL. As previously stated, the Applicant's operation will comply with the prevailing emissions standards at REP.
Appendix A (**REP7-022**)	26	Paragraph 19.1 the Applicant repeats that there is no policy requiring a development that receives deliveries to ensure that deliveries are by zero carbon vehicles.	Policy 7.3.1 in the Mayor's London Environment Strategy sets out that London waste authorities and their waste contractors need to comply with ULEZ (ie all HGVs to be Euro VI minimum), and work towards the Mayor's overall ambition for all heavy vehicles to be fossil fuel free by 2030. The GLA considers it appropriate and effective for vehicles servicing the REP to meet the same policy requirement.	

7.3 Impact on bus services

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Covering Letter (**REP7-021**)	3.4		The Applicant continues (paragraph 20.1) to reject TfL's request for compensation for the disruption to bus services during construction, on the basis that the bus routes are operated by a business for which there is no claim for compensation. TfL would however draw the distinction that, in the case of bus services, they are supported through the public purse, with regard to marketing and promotion in order to provide an essential service to Londoners and visitors to the capital. The Applicant is not a statutory undertaker and as such the no compensation provisions do not apply. Any additional costs due to the impact during construction would have to be met by further subsidy from the public purse or through reduced services to the people who live, work and visit this part of London and/or who use the routes concerned; this is notwithstanding the existing demand/need. The impacts arises directly from the works and for no other reason. TfL is therefore is seeking a contribution from the Applicant to pay for measures to mitigate the impacts on buses and passenger journeys, to maintain capacity and frequency.	The Applicant has assessed the construction of the REP facility and has demonstrated at **Chapter 6 Transport** of the **ES (6.1, REP2-017)** that the effects on the travel network, following defined mitigation as set out in the **Outline Construction Traffic Management Plan** (**CTMP**) (**6.3, Rev 5**), are Minor Adverse to Negligible during the period of peak construction traffic activity (Month 13 of the proposed programme). The Electrical Connection between REP and the sub-station at Littlebrook is associated infrastructure which is to be constructed under a Grid Connection Agreement with UK Power Networks (UKPN), as set out in the **Grid Connection Statement** (**5.3, REP4-006**). UKPN is a Statutory Undertaker governed by the Electricity Act 1989 and carry out their works in the Highway in accordance with the New Roads and Street Works Act 1991. There is no entitlement to compensation if a business, including bus services, is affected by roadworks undertaken by statutory undertakers or the highway authority and the circumstances in this case are no different. Therefore, there could be no claim for compensation against the Applicant or UKPN. However, as explained below, the Applicant has agreed to undertake targeted junction appraisals, with mitigation to be provided via the CTMP, if demonstrated to be required. That mitigation will be funded by the Applicant, but there is no justification for any additional compensation in relation to any temporary impact arising as a result of the Electrical Connection works to be undertaken by UKPN. The Applicant has set out in the **Outline CTMP** (**6.3, Rev 5**) at **Section 6.2** how it is working with UKPN and the local authorities to define a method to minimise the effects on the road network during the construction of the Electrical Connection. Through the development of the final CTMP the Applicant will consider the need for an appraisal of the effects of the construction of the Electrical connection on the local bus services at specific junctions as referenced at **Paragraph 6.5.12** of the **Outline CTMP (6.3, Rev 5)**. Those appraisals are secured by **Requirement 13** of the **dDCO (3.1 Rev 4)** which will be submitted at Deadline 8a. Subject to the agreement of all parties, these targeted appraisals could include the use of reasonable local junction modelling only at the key junctions along the corridor at: • A2016/A206 junctions with Bexley Road and James Watt Way; • A206 junctions with Perry Street roundabout and Howbury Lane roundabout; and • A206 junction with Crayford Way. The following has been included within the updated **Outline CTMP** (**6.3, Rev 5**): *"The following junctions will be subject to specific 'junction appraisals', as required by Requirement 13 of the dDCO (3.1 Rev.4):* • *The junctions of the A206/A2016 with:* ○ *Bexley Road and James Watt Way;* ○ *Perry Street and Howbury Lane; and* ○ *Crayford Way.* *The junctions have been grouped into 3 groups for appraisal to reflect their relative proximities.*

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
				The junction appraisals will be proportionate to and address: • *The anticipated time and phasing that UK Power Network (or other installer) expects the works to follow when working within the junction;* • *The potential alignment options available within the junction for the Electrical Connection and their relationship with general traffic and bus services/infrastructure;* • *The extent to which different temporary traffic management options, works procedures (including special working such as off-peak in exceptional cases) and coordination with other works can be considered whilst complying with relevant safety and traffic regulations; and* • *The extent to which, in light of all the above, the adjustment of times at signal controlled junctions could meaningfully affect flows of traffic through the junction.* *As their output the junction appraisals will include:* • *The absolute timing (i.e. which time of year) and routeing of works through the given junction and the timescales/phasing of those works (including explanation of how mitigation measures that have previously been set out have been considered);* • *Any special construction measures that UKPN proposes such as off-peak working in exceptional circumstances;* • *Relative timing of other works (which could include: works at the main REP site; or other third party works that UKPN is made aware of by the relevant authorities or through the London Works and NRSWA processes, which still applies; and how interaction has been minimised where practicable);* • *Any flexibility that was reasonably available in the cable routeing and associated temporary traffic management and how that has been considered in the final proposed layout;* • *The relationship that the detailed temporary traffic management proposals have with bus infrastructure and how they incorporate mitigation previously set out;* • *Proposals for any additional community information regarding the final implementation – including advance notices on street;* • *An appraisal of the current bus route interactions and frequencies on those routes and the expected interaction with the works at the above junction locations;* • *An appraisal of vehicle trends from empirical data and the expected interaction during the works at the junction locations;* • *Proposals for any further appraisal where this is proportionate and appropriate to the expected interaction at the junction, which may include:*

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
				○ *Local junction modelling* ○ *Management of traffic through signal timings."*
Appendix A (**REP7-022**)	27	Paragraph 20.1 "*There is no entitlement to compensation if a business, including bus services, is affected by road works undertaken by statutory undertakers or the highway authority. Therefore, there is no claim against the Applicant or indeed UKPN, who would be carrying out the works and no need for a section 106 agreement*".	TfL/GLA do not accept this argument. Works by UKPN are typically emergency works and it is not considered appropriate to compare the works. In these situations, TfL is typically forced to deal with and respond to the impacts because this is a statutory body undertaking statutory works. TfL is not seeking compensation. TFL is seeking that the Applicant cover the costs to mitigate the impact of construction on buses, including covering the costs of providing additional buses if needed during the construction of the electrical connections. The impacts on buses are yet to be assessed but TFL expects that the works will cause delays to buses and that additional buses will be needed to avoid adverse impact on passenger journeys.	As a Statutory Undertaker, UKPN will undertake both planned works and unplanned (emergency) works – both are covered by their role under the Electricity Act 1989 and carried out in accordance with the New Roads and Street Works Act 1991 Article 48(3)(a) where street works include "placing apparatus". The Applicant has set out in the **Outline CTMP (6.3, Rev 5)** at **Section 6.2** how it is working with UKPN to define a method to minimise the effects on the road network of the construction of the Electrical Connection.
Appendix A (**REP7-022**) *CTMP (Rev 3)*	30	Subsections 6.2.5 to 6.2.10 set out new measures relating mitigating effects on bus services within LBB. There is no provision for the Applicant to bear the costs.	The processes that apply when UKPN undertakes its own works and on behalf of a third party might be different and needs to be reflected here. The Applicant is expected to cover the costs for necessary mitigation measures. More information is needed from the Applicant to better understand how the proposed measures will effectively mitigate the effects on buses.	The responses to the points above cover this point.
Appendix A (**REP7-022**)	46	Most of the comments reference the Outline CTMP. Contribution to bus services – "*The Applicant continues to maintain that financial contributions for the temporary disruption to local bus service, or for additional services or buses which TfL or the bus operator, are not necessary during the construction works for the Electrical Connection*" and references the Outline CTMP.	TfL/GLA maintains its position that a method to assess the impacts of the construction of electrical connection on bus services must be agreed as part of the Outline CTMP. It is envisaged that additional buses will need to maintain frequency will be needed. The cost will need to be met by the Applicant. TFL have cited Brent Cross as a precedence.	The Applicant has included at **Requirement 13** of the **dDCO (3.1, Rev 4),** which will be submitted at Deadline 8a, the preparation of targeted junction appraisals of the effects of the construction of the Electrical Connection at the key interfaces with local buses. These are listed within the **dDCO (3.1, Rev 4)** to be submitted at Deadline 8a and the **Outline CTMP (6.3, Rev 5**). The appraisal could include local junction modelling, where this is agreed by all parties to be reasonable and informative. The Applicant has previously set out why modelling of junctions would not be proportionate for short-term localised streetworks' effects. This includes: • That constraints to the final cable alignment through particular junctions may result in limited or no routeing flexibility, such that modelling would not meaningfully inform any selection of lane closures; • That the timescale for works at any junctions is dependent on the constraints that are encountered, such that it would be disproportionate to seek modelling for junctions where the works might pass through in a matter of days; • That a number of links during peak periods and off-peak are of sufficient capacity such that closure of a lane is of little consequence to the effects that might occur; and • That the requirements of temporary traffic management layout in accordance with the Traffic Signs Manual Chapter 8 (Road Works and Temporary Situations) mean that, for a given lane closure alignment through a junction, the temporary traffic management layout has limited flexibility and the most useful mitigation is to minimise the extent of traffic management rather than any detailed manipulation of routeings through the junction. On the basis of the above, the Applicant continues to assert that junction modelling, ordinarily used to assess permanent or extended works at junctions, would not be proportionate and would not substantially inform alternative potential arrangements or programming of the works at junctions.

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
				However, without prejudice to its position that junction modelling is not necessary or proportionate, the Applicant proposes the wording relating to specific junction appraisals in the updated **Outline CTMP (6.3, Rev 5)**, as set out above. Those specific junction appraisals would be secured by **Requirement 13** of the **dDCO (3.1, Rev 4),** which will be submitted at Deadline 8a**.**

7.4 Vehicle Bookings Management System

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Appendix A (**REP7-022**) *Outline CoCP (Rev 3)*	31	Subsection 4.2.4 sets out further details in respect of the Vehicle Bookings Management System that would identify major departures from predicted vehicle profiles and how this would be ameliorated.	This is acceptable provided that further details on the vehicle booking management system is set out in the CTMPs.	In line with the framework set in the **Outline CTMP (6.3, Rev 5)**, the final CTMP will set out further details of all aspects of the construction period for each phase of the works, including defining the Vehicle Bookings Management System which will be used by the contractor and how that system will inform reporting to the planning authority including data as set out at **Paragraph 12.1.2** of the **Outline CTMP** (**6.3, Rev 5**).

7.5 London Non-Mobile Road Machinery Low Emission Zone Standards

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Covering Letter (**REP7-021**)	3.7		In addition to the matters above on which the Applicant has provided comment, it is noted that the Applicant has failed to provide any commitment or comment on the adoption of the London Non-Mobile Road Machinery (NRMM) Low Emission Zone standards, which they committed to at the ISH. The Requirement is needed to ensure that emissions from construction machinery are adequately controlled in line with other developments in London. This commitment should be included in requirement 11 or the Code of Construction Practice, and the GLA is happy to provide suggested wording. The GLA would request that this is remedied in the next draft.	The **Applicant's response to the Local Impact Report by Greater London Authority (8.02.15, REP3-023)** at Deadline 3 in response to paragraphs 8.16 and 10.4 of the GLA LIR stated that *"The contractors employed to construct REP and the associated Electrical Connection will use Non-Road Mobile Machinery (NRMM)".* **Paragraph 4.3.2** of the **Outline Code of Construction Practice** (**CoCP**) (**7.5, Rev 3**) states that *"Good site management (e.g. adherence to guidance such as the London Mayor's SPG on The Control of Dust Emissions During Construction and Demolition, 2014) during the construction works will help prevent the generation of airborne dust".* However, the Applicant has amended the **Outline CoCP** (**7.5, Rev 4**) to specifically include at **Paragraphs 4.3.4-4.3.6** that NRMM used for the construction of Works No 1-5 with be compliant with the non-road mobile machinery ultra low emissions zone. This commitment is already adequately secured through **Requirement 11** of the **dDCO (3.1, Rev 4)**, which will be submitted at Deadline 8a.
Appendix A (**REP7-022**)	18	No changes made to include Non-Road Mobile Machinery	In the ISH the Applicant agreed to adopt the London Non-Road Mobile Machinery Low Emission Zone standards as a requirement, as noted by the GLA in in REP3-038 and the Applicant in REP4-014. The GLA requests that this relevant addition be included in the DCO or the Code of Construction Practice. The GLA is happy to provide suggested wording to add in to the requirement	

7.6 Traffic Movements

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Appendix A (**REP7-022**)	19	Paragraph 9.3 Applicant disagrees as to the need for a 'remediation plan' as proposed by LBB as "*breaching a DCO is a criminal offence, and therefore the Applicant's own internal governance processes will require it to monitor vehicle movements to ensure a breach does not happen*".	The GLA maintains that a remediation plan is appropriate. The absence of such a plan would undermine traffic monitoring. Also, a remediation plan is forward looking, whilst a criminal prosecution occurs in the breach.	The Applicant maintains that there is no ability to lawfully exceed the limits assessed through the ES and as such the Applicant will ensure there is internal governance to monitor and maintain compliance with the DCO and associated Requirements. Furthermore, the framework within the **Outline Operational Worker Travel Plan, Appendix M** of **Appendix B.1** of **Chapter 6 Transport** to the **ES** (**6.3, APP-066**) describes at **Section 7** the submission of review data to LBB and for the agreement of appropriate and proportionate remedial action. The management of Travel Planning within the London Borough of Bexley is the remit of LBB. The Applicant has agreed with LBB to provide them with quarterly data relating to the number of vehicles and volumes of waste delivered to the facility.
Appendix A (**REP7-022**)	20	Paragraph 9.5 "*The Applicant cannot accept a cap on the number of days that a jetty outage may occur. This is an emergency situation which the Applicant may have no control over and if triggered the Applicant would have to continue to provide a service to the public and private customers. It is not in the Applicant's interest for a jetty outage to occur for an extended period of time and therefore the Applicant will try to rectify the situation as soon as possible.* *Furthermore, the GLA refers to the existing RRRF planning permission as precedent for some of its arguments, and there is no cap on the number of days a jetty outage can last on the RRRF planning permission (which is correct given the emergency context)".*	The GLA/TFL is concerned with the combined traffic effects of the ERF and RRRF operating at 100% by road in a jetty outage scenario. Note that the cumulative impacts of 100% by road during a jetty outage have not yet been assessed. Temporary Jetty Outage Review (document 8.02.31) presents an assessment of 100% by road for the ERF and normal conditions for the RRRF – not 100% by road for both. The intention of a cap on the number of days a jetty outage can last is to ensure that the network would revert to normal conditions as quickly as possible.	The Applicant maintains that the assessment of the 100% by road associated with the normal operations at RRRF is the reasonable worst case scenario. The combined jetty outage for REP and RRRF is an extremely unlikely event and would not be a reasonable scenario to assess. However, the Applicant has provided evidence to the Examination to demonstrate that there is ample spare capacity within the local road network to allow for the theoretical simultaneous operation of REP and RRRF during a jetty outage. That evidence is presented at **Appendix A** of the technical note **Temporary Jetty Outage Review** (Simultaneous Operations Riverside Resource Recovery Facility and Riverside Energy Park) (**8.02.31**, **REP3-036**). As expressed in the technical note, the sensitivity analysis was prepared to analyse the quantity of additional vehicles that could pass through the local junctions on Picardy Manorway before those junctions would exceed theoretical capacity. The analysis showed that the junctions of Picardy Manorway would require significantly more additional traffic than the capped jetty outage of both REP and RRRF before they would exceed theoretical capacity. The Applicant has now carried out an appraisal of the capped jetty outage scenario which substantiates the earlier conclusion, showing that the local network would continue to operate within theoretical capacity. That additional scenario is reported in the **Supplementary Note to the Temporary Jetty Outage Review (8.02.86**) submitted at Deadline 8.
Appendix A (**REP7-022**)	21	Paragraph 9.7 "*In relation to the source of waste, the Applicant cannot agree to a cap on the amount of waste that is transported from outside London. The location of REP means it is ideally suited to receive waste, particularly via River. The source of that waste will depend on the market at the time the plant becomes operational and is therefore dynamic and transient."*	There is precedent for acceptance of a cap on the amount of waste transported from outside of London in that RRRF has a restriction of 115,000tpa, amounting to some 15% of total throughput, on waste arising from outside of Greater London. A similar cap on waste imports to the ERF would ensure that London's strategic waste management needs can be met as the Applicant has maintained throughout the Examination process and help achieve the Mayor's 100% net waste self-sufficiency target by 2026.	Paragraph 2.5.13 of the NPS EN-3 sets out that throughput volumes are a matter for the Applicant and not in themselves a matter for the planning regime. Instead, as per the Applicant's dDCO, decisions should be focused on the controls of any adverse effects (e.g. traffic volumes or changes in air quality). The Applicant has maintained throughout the Examination its reasoning why an overall waste throughput cap is not required and this remains its position, in respect of adequately controlling potentially adverse environmental effects through the proposed DCO requirements. Despite this, the Applicant has responded to concerns on this matter and is proposing to introduce a cap on total waste throughput within Schedule 2 of the **dDCO (3.1, Rev 4**), which will be submitted at Deadline 8a. It is considered that the addition of this cap addresses the GLA's concerns regarding environmental effects and recycling levels. The Applicant support's the GLA's policy ambitions for net self-sufficiency and with the current exports of ~7 million tonnes of waste from London per year to landfill or recovery outside of London, this a substantial ambition. REP will be a key part of providing the waste recovery infrastructure required to support meeting this ambition.

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
				However, waste is not constrained by administrative boundaries. The source of waste into REP will depend on the market at the time. REP's location is strategically important. Its location on the edge of London and adjacent to the River, means that is can, and should, play an important role in serving both London and the surrounding administrative areas in the recovery of residual waste.
Appendix A (**REP7-022**)	22	Paragraph 9.14 "*the Applicant does not accept LBB's limitation of 65,500 tonnes per annum, which is a figure that is not evidenced*". In its separate document 8.02.51 Response to LBB, the Applicant states that "*whilst RRRF (Riverside Resource Recovery Facility) serves the needs of LBB's local authority collected waste, there is a significant amount of commercial and industrial waste generated within the local area which requires treatment*". No details are provided.	Requirements for incineration of waste generated in Bexley can be evidenced with reference to projections given in the London Plan for combined household, commercial and industrial waste arisings at borough level (The London Plan, December 2017, Table 9.1, p. 349). For Bexley specifically, the London Plan forecasts total household, commercial and industrial waste generation at 242,000t (taking the example year of 2041, after allowing for waste growth). Assuming municipal waste recycling at 65%, this would leave circa 85,000 tpa residual waste – after deduction of materials not processable via EfW (for example clinical and chemical wastes) this would be further reduced. Residual household, commercial and industrial waste generated within Bexley will therefore be entirely accounted for by the allowance for delivery of residual waste by road to the existing Riverside Energy Riverside Resource Recovery Facility incinerator. As such, any allowance for movement of waste by road to the proposed REP ERF may encourage long-range transport by road, at the expense of deliveries by river.	The Applicant has provided a detailed response to this in the **Applicant's Response to the London Borough of Bexley's Deadline 7 Submission (8.02.80)**. In summary, the volume of waste delivered by road to Work No. 1A during commissioning and the operational period must not exceed 130,000 tonnes per calendar year and waste delivered by road to Work No 1B must not exceed 40,000 tonnes per calendar year has been with LBB on the basis that it supports compliance with sustainable transport policy and firmly delivers the benefits of the Proposed Development. This will be secured within Revision 4 of the **dDCO (3.1, Rev 4)** to be submitted at Deadline 8a. A more restrictive cap is not necessary in this regard and is entirely unjustified by the need to control potentially adverse environmental effects. Whilst LBB and GLA refer to waste apportionment targets for Commercial and Industrial waste, these are part of waste planning to ensure that sufficient land and facilities are available and should not lead to less sustainable means of disposal being chosen, where REP can provide a local and low carbon solution to waste treatment. In the absence of any EIA or planning policy reason, the Applicant has identified no basis for an arbitrary cap by road below the cap proposed, as explained above.
Appendix A (**REP7-022**)	48	The Applicant explains the proposed cap on transport by road at Paragraph 10.2.3: "*The cap is established through a cumulative commitment for waste material of 40,000 tpa to the Anaerobic Digestion facility + 204,400tpa to the ERF (80 HCVs at 7 tonne loads over 365 days)".*	This explanation provides useful detail with regard to the proposed amendment to Requirement 14 and is duly noted.	The GLA's response is duly noted.

8 Air Quality

8.1 Introduction

8.1.1 This section provides a response to Air Quality matters raised by the GLA in its Deadline 7 documents **(REP7-021** and **REP7-022)**.

8.2 Air Quality Monitoring

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Appendix A (**REP7-022**)	24	Paragraphs 14.3 – 14.4 "*It should also be noted that the air quality contribution that the operator of RRRF pays to the LBB is not under the RRRF planning permission or secured through a section 106 agreement, rather the payment arose out of the Applicant's obligations pursuant to an Environment Agency condition on the RRRF Environmental Permit and is secure via a bilateral contract between the LBB and the operator of RRRF (not under the Town and Country Planning Act 1990).* *14.4. This supports what the Applicant has repeatedly said, the Environment Agency will require the Applicant to provide for continuous air quality monitoring and the Applicant cannot be put in a position of having two different sets of conditions on monitoring - they need to align*"	Please see comment on new Requirement 17 above in response to dDCO (Rev 3) document 3.1.	In consultation and agreement with the London Borough of Bexley, the Applicant has now removed **Requirement 17** of the **dDCO (3.1, REP5-003)**. This change will be incorporated within Revision 4 of the **dDCO (3.1, Rev 4)** to be submitted at Deadline 8a and has instead agreed a package for Ambient Air Quality monitoring which will be secured through a Section 106 agreement. The Applicant notes that at the Issue Specific Hearing on 19th September 2019 the GLA requested to have sight of the Section 106 agreement. The Applicant is happy to share this with the GLA once a draft has been agreed with LBB.

8.3 Air Quality Impacts

Deadline 7 Document	Section	Applicant Comment	GLA/TfL Comment	Applicant's Response at Deadline 8
Appendix A (**REP7-022**)	45	The Applicant disagrees with the GLAs assertion that workplaces are relevant locations for long term exposure, and provides details from the LAQM.TG(16), stating that the GLA have referenced this guidance.	This issue has been raised a number of times. However the Applicant has noted that the GLA referenced the LAQM.TG(16) guidance, and implies that this means that we must exclude people exposed to pollution merely because they are at their place of work. We should therefore clarify our previous references to this guidance. The GLA quoted from the LAQM.TG(16) guidance at paragraph 2.88 to 2.91 of our deadline 4 submission (REP4-024). The purpose of the quotations in REP4-024 is to explain, in its own words, the purpose and function of TG(16). To summarise TG(16) is not, and is not intended to be, guidance for the purposes of planning decisions. It is intended to be technical guidance for Local Authorities discharging their duties under the Environment Act 1995, specifically those duties relating to Air Quality Management Areas. At paragraphs 2.90 and 2.91 the GLA refers to the guidance on the planning portal, which is intended to assist planners and planning decision makers. This does not exclude workplaces.	The Applicant is grateful for the clarification of the GLA regarding this point. The Applicant agrees that the LAQM.TG(16) guidance is not intended as guidance for the purpose of planning decisions, Paragraph 1.01 of LAQM.TG(16) states that *'It is designed to support local authorities in carrying out their duties under the Environment Act 1995, the Environment (Northern Ireland) Order 2002, and subsequent regulations.'* For the purposes of Local Air Quality Management, Box 1.1 of LAQM.TG(16) makes it clear that workplaces are not relevant locations for the consideration of exposure to annual average concentrations. In terms of the quoted planning guidance in paragraph 2.90 of the GLAs Deadline 4 Submission (**REP4-024**), this states: *'When deciding whether air quality is relevant to a planning application, considerations include whether the development would: …. Expose people to existing sources of air pollutants. This could be by building new homes, workplaces or other development in places of poor air quality.'* The quoted text therefore simply makes the point that workplaces are potentially locations for consideration of air quality impacts from planning applications, not that workplaces are relevant locations for annual average pollutant concentrations. If workplaces were considered relevant locations for annual average exposure for the purposes of planning applications, this would be inconsistent with how workplaces are considered for the purposes of Local Air Quality Management. For the two regimes to be consistent, guidance within LAQM.TG(16) needs to be taken into account when considering how workplaces are relevant to the consideration of exposure to pollution, i.e. as to the time period of the exposure of the individual in relation to the time period over which the objective applies. Whilst LAQM.TG(16) does not specifically mention workplaces, it is clear from the examples provided in Box 1.1 of LAQM.TG(16) that the objectives apply where there is likely to be exposure for the relevant averaging period of the objective. In this regard, workplaces would be relevant locations for the consideration of air quality impacts for pollutants with short-term averaging periods such as 24-hours or less (as members of the public may reasonably be present at work for such a period, and therefore exposed to pollution for such a period). The Applicant therefore continues to disagree with the GLA that workplaces have not been correctly considered in the ES and that the assessment contradicts national planning policy. Workplaces have been considered in relation to short term impacts of pollutants and as demonstrated in **Table 7.34** of **Chapter 7** the **ES** (**6.1, REP2-019**) all of the predicted short-term impacts at the point of maximum concentration are insignificant.