

Riverside Energy Park

Applicant's response to Mrs Margaret J White Deadline 7 Submission

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1 Applicant's response to Mrs Margaret J White Deadline 7 submission

1.1 Introduction

1.1.1 This document provides a response to Mrs Margaret J White (hereafter referred to as Mrs White) submission at Deadline 7, which includes comments on:

- Air Quality and Traffic;
- RRRF and Data Centre design; and
- Environmental controls.

1.1.1 The Applicant's response to the above matters is set out below.

1.2 Air Quality and Traffic

1.2.1 The Applicant has assessed the potential air quality impacts from road traffic as a result of the construction and operation of the Proposed Development as well as potential emissions from the Proposed Development itself and concluded at **Paragraph 7.13.1 and 7.13.2 Chapter 7 Air Quality of the Environmental Statement (ES) (6.1, REP2-019)** that impacts are Not Significant in terms of air quality for REP. Vulnerable adults and children along with native rare birds and wildlife will therefore not be adversely affected.

1.2.2 As stated by Mrs White, the Proposed Development will incorporate particulate filters (located upstream of the stack in the flue gas treatment area), for abatement of particulate matter (and other emissions) in accordance with regulated limits. The Applicant has set out, in **Section 3 of its Post Hearing Note on Public Health and Evidence (8.02.27, REP3-033)**, how particulates are monitored and abated using technology and presented evidence to validate its efficacy. Furthermore, the Applicant has committed to delivering more stringent limits for the Anaerobic Digestion facility (**Requirement 15 of the draft Development Consent Order (dDCO) (3.1, Rev 4)**), to be submitted at Deadline 8a), achieved through the installation of a selective catalytic reduction (SCR) system. This commitment reduces oxides of nitrogen (NOx) relative to the levels assessed in **Paragraphs 7.5.52 to 7.54 and Table 7.19 of Chapter 7 Air Quality of the ES (6.1, REP2-019)**. Full details of the Applicant's further environmental controls through the dDCO Requirements can be seen in **Schedule 2 of the dDCO (3.1, Rev 4)**, to be submitted at Deadline 8a.

1.2.3 Mrs White suggests that the original facility (RRRF) ought to be required to be updated or stack filters replaced. The provision of more advanced technology for RRRF is not a matter for this DCO examination. Operational since 2011,

RRRF is operated in accordance with the planning consent received in 2017 (Local Planning Authority reference: 16/02167/FUL) and the controls set out in the RRRF Environmental Permit (permit number BK0825UI). The Air Quality assessment for REP considers RRRF as currently operated as part of the baseline assessment, accounting for the performance of the existing particulate filters and concludes at **Paragraph 7.13.1 and 7.13.2 Chapter 7 Air Quality** of the **ES (6.1, REP2-019)** no significant impacts.

1.2.4 In terms of Mrs White's comments on the increase in local traffic from the "offsite distribution centres or 'Common Stock' facilities sites. Asda, Morrisons/Ocado are off the A2016 at Church Manorway, close to the Cory site, together with a national music distributor." the EIA for REP assessed the cumulative impact scenarios of: the peak construction phase (predicted to be Month 13); the nominal '25% of waste by road' operational scenario; a reasonable worst case '100% by road' operational scenario; and the demolition phases of REP. Each scenario is assessed having applied predicted traffic growth to the local road network to the observed traffic data, which includes the vehicle movements associated with the existing sites referenced by Mrs White. Through EIA Scoping with the local planning authorities (LPAs), that predicted traffic growth has included both the government's predictions for local growth (derived using the Trip End Model Presentation Programme) and additionally, details of other local committed and proposed developments as set out by the LPAs. The local traffic growth details applied to the assessments for the EIA are as specified in **Paragraph 6.5.8 of Chapter 6 Transport** of the **ES (6.1, REP2-017)**. Cumulative effects from Transport are not intended to be assessed separately, as transport movements from 'Other Developments' are inherently included within the base data for the transport models. Therefore, providing a robust assessment which concluded impacts to be Not Significant at **Paragraph 6.13.3 and 6.13.4 of Chapter 6 Transport** of the **ES (6.1, REP2-017)**. **Appendix B.1, the Transport Assessment** to the **ES (6.3, APP-066)**, analyses the traffic impact on the road network during the morning and afternoon peak periods - being the periods most susceptible to traffic volume changes. **Paragraphs 6.5.17 to 6.5.41 of Chapter 6 Transport** of the **ES (6.1, REP2-017)** sets out a series of nationally agreed criteria which provide the basis for the assessment. All tested scenarios accord with local, regional and national policy and guidance in the preparation of Transport Assessments and Environmental Impact Assessments. The analysis showed Negligible to Minor Adverse impacts when including the mitigation secured through the **dDCO (3.1, Rev 4)**, to be submitted at Deadline 8a, which is classified as Not Significant within the criteria for the EIA.

1.2.5 The Requirements within the **dDCO (3.1, Rev 4)**, which is to be submitted at Deadline 8a, introduces controls, commitments and measures which will manage and mitigate the effects and numbers of vehicles visiting REP during its operation and the construction and decommissioning phases. Those Requirements include:

- the Code of Construction Practice (secured by Requirement 11);
- the Construction Traffic Management Plans (secured by Requirement 13);

- the cap on the movement of Heavy Commercial Vehicles to and from REP (secured by Requirement 14);
- the preparation of a Delivery Servicing Plan (secured by Requirement 31); and
- an Operational Workforce Travel Plan (secured by Requirement 17).

1.2.6 Furthermore, vehicles visiting REP will be required to comply with the prevailing engine emissions standards, such as the London Low Emission Zone and the future extended Ultra Low Emission Zone, as applicable, as is required currently by Transport for London.

1.2.7 Further information of air quality and health matters are addressed in the **Applicant's response to Air Quality Matters (8.02.69, REP7-018)** submitted at Deadline 7 and the **Post Hearing Note on Public Health and Evidence (8.02.27, REP3-033)**. These documents demonstrate that the air quality impacts of REP will not be significant and therefore will not be a significant impact on children's health. As stated at **Paragraph 4.1.2 of the Post Hearing Note on Public Health and Evidence (8.02.27, REP3-033)**: "*Research commissioned by PHE and published in 2018 and 2019 shows that there is no evidence that living close to an ERF is associated with increased infant mortality or other infant health risks*".

1.3 RRRF and Data Centre design

1.3.1 The specific design comments from Mrs White with regards to "*tree and bush screening*" at RRRF and the Data Centre "*Green Wall*" are not matters for this examination. Any comments on the design of the Data Centre should be directed to the London Borough of Bexley (LBB) during the consultation process on the Reserved Matters Application for that development (15/02926/OUTM). The planning conditions of the outline planning permission (Local Planning Authority reference: 15/02926/OUTM) for the Data Centre development are not superseded or altered by the DCO for the Proposed Development.

1.3.2 The biodiversity mitigation for the RRRF planning application was the provision of the Wasteland Habitat Area (open mosaic habitat) on the Applicant's land at the REP site, this was considered appropriate by the Secretary of State, as the determining authority for the original RRRF planning application, and proportionate to the potential impacts identified in the RRRF planning application and its Environmental Impact Assessment. LBB were consulted on the mitigation measures as part of that process.

1.3.3 The Applicant is unaware of the origins of the quote that Mrs White has provided ("*...there are breeding Skylark on that land every year, as well as Linnet and Cetti's Warbler (all red list species). Ringed Plover have nested there in the past too, and the open mosaic habitat was found to be regionally important for its invertebrate fauna.*"). However, the Applicant can confirm that the open mosaic habitat is of local importance to conservation for invertebrate

species. This is explained in the **Applicant's response to Thames Water Utilities Limited Deadline 5 Submission (8.02.65, REP7-013)** and summarised below:

*"A report referenced in the submission by Chris Rose (see **REP4-041**) at Deadline 4, by Applied Ecology Ltd (Response to Matters Raised on Biodiversity and Nature Conservation) which was a request for further information on the Data Centre planning application (Local Planning Authority reference: 15/02926/OUTM) and is based on surveys undertaken in 2016, states that invertebrates at the Data Centre site are of 'regional' importance. As identified in **Table 11.6, Chapter 11 Terrestrial Biodiversity of the ES (6.1, REP2-023)**, invertebrates at the site are considered as being of Local Conservation Importance and not of National or Regional importance, based on the findings of a more recent survey, undertaken in 2018".*

- 1.3.4 The Applicant acknowledges that, despite ringed and little ringed plover not being recorded in the 2018 surveys, both ringed and/or little ringed plover may have previously bred on the Data Centre sites. However, the recent absence of either species is likely to be due to the habitats becoming unfavourable for nesting through succession
- 1.3.5 As stated in the **Environmental Statement Supplementary Report (6.6, REP2-044)**, the Data Centre site was included within the field surveys. The bird survey work, carried out in 2018 to inform the ES, confirmed the bird community associated with the Survey Area was dominated by common species of bird that are widespread in the types of habitats present locally. However, species of conservation concern were recorded such as linnet and skylark (the latter in fields south of the REP site to be used as the Main Temporary Construction Compound) and the specially protected Cetti's warbler (using ditches and wetland areas). The terrestrial biodiversity assessment undertaken as part of the EIA for the Proposed Development fully considered the potential impacts of the Proposed Development on breeding birds. This is stated in **Table 11.2 of Chapter 11 Terrestrial Biodiversity of the ES (6.1, REP2-023)**; *"Effects to habitats and species within the Data Centre fields and the Main Construction Compound have been fully considered within the ES"*. As stated at **Paragraph 11.9.11 of Chapter 11 Terrestrial Biodiversity of the ES (6.1, REP2-023)**, impacts to breeding birds are not significant.
- 1.3.6 The use of the Data Centre site as the Main Temporary Construction Compound will be subject to strict environmental controls through the **CoCP** and **OBLMS** which are secured through **Requirements 11** and **5**, respectively of the **dDCO (3.1, Rev 4)**, to be submitted at Deadline 8a. Therefore, the assessment concluded that there would be no significant adverse impacts to terrestrial biodiversity receptors including breeding birds, skylarks, linnet, Cetti's warbler, little ringed and ringed plover.
- 1.3.6 Furthermore, the design of the Data Centre is not a matter for the REP DCO examination as the Data Centre does not form part of the DCO Application. The Data Centre has received outline planning permission granted by the LBB

(Local Planning Authority reference: 15/02926/OUTM) and the Reserved Matters Application is currently in the process of being determined by LBB.

1.4 Environmental controls

- 1.4.1 The environmental mitigation is set out in **Table 17.1 of Chapter 17 Schedule of Mitigation and Monitoring** of the **ES (6.1, APP-054)**, as well as the **Outline Code of Construction Practice (CoCP) (7.5, Rev 4)** and **Outline Biodiversity Landscape Mitigation Strategy (OBLMS) (7.6, Rev 4)** the latter are both secured through **Requirements 11 and 5**, respectively of the **dDCO (3.1, Rev 4)**, which is to be submitted at Deadline 8a. The mitigation set out in these documents is for the Proposed Development only; including mitigation for RRRF is not proportionate nor a matter for this DCO Application.
- 1.4.2 The measures have, however, been derived directly from the Environmental Impact Assessment (EIA) undertaken for the Proposed Development which takes into consideration the operation of RRRF, as part of the baseline for the assessment, and the Data Centre development through the cumulative effects assessment. The environmental controls are therefore appropriate and proportionate for REP in its context as a development adjacent to the existing and committed surrounding land uses.
- 1.4.3 The mitigation proposed is proportionate to the potential effects identified in the EIA and in some cases over and above what is required in planning terms, such as the abatement technology for the Anaerobic Digestion Facility. The Applicant has also submitted an environmental permit application that applies abatement technology to the ERF. This investment will provide one of the 'lowest' emission limits within an Environmental Permit application for any conventional ERF in London or the UK. This mitigation will ensure the protection to people and the environment during both construction and the operational phases of the Proposed Development.
- 1.4.4 Mrs White has requested that the environmental controls for REP are to be implemented for the "*...whole site in both old and new areas, in order to ensure the site lighting, fire precaution measures etc. are the most up to date, least intrusive and harmful to both local people and wildlife*". **ES Appendix K.3 Outline Lighting Strategy (6.3, APP-096)** was submitted with the DCO Application. This document sets out the design principles and overall outline strategy (including further recommendations) relevant to external artificial lighting for the REP site. The measures set out in **ES Appendix K.3 Outline Lighting Strategy (6.3, APP-096)** will be reflected in the final lighting strategy which requires a written scheme for the mitigation of operational external artificial light emissions to be produced at the detailed design stage. The written scheme is secured via **Requirement 18** of the **dDCO (3.1, Rev 4)**, to be submitted at Deadline 8a. This will ensure any potential impacts are mitigated.
- 1.4.5 The Applicant responded to Mrs White's query regarding fire prevention for the Proposed Development at Deadline 2 in the **Applicant Response to**

Relevant Representation (8.02.03, REP2-054), this is re-provided below in full for completeness.

*"There have been no serious fires or explosion incidents at the existing RRRF whilst in operation. **Section 3.9 of Chapter 3 Project and Site Description of the ES (6.1, Rev 1)** addresses the potential issue of fire and explosion risk at REP.*

*As with RRRF, fire and explosion risk will be controlled at REP by adhering to the latest Codes of Practice and guidance. **Paragraph 3.9.1 of Chapter 3 Project and Site Description of the ES (6.1, Rev 1)** states that "...a full Hazard and Operational Study will be undertaken throughout the design phase of the project and REP will be designed, constructed, and operated in compliance with the current issues of:*

- *BS 9999: Code of practice for fire safety in the design, management and use of buildings;*
- *NFPA 850: Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations; and*
- *WASTE 28: Reducing fire risk at waste management sites.*

*Avoiding and minimising fire risk involves good design and operational procedures (identified through **Paragraph 3.9.1 Project and Site Description of the ES (6.1, Rev 1)** to ensure that the risk of fire and explosion is limited as far as reasonably practicable. These measures are readily visible in the existing Riverside Resource Recovery Facility, including within the waste bunker e.g. by the use of water cannons.*

In addition to the Hazard and Operational Study, the operational plant will be subject to an Environmental Permit (EP) which is required to be obtained from the Environment Agency. The EP includes a detailed Fire Prevention Plan, which mitigates against the risk of fire at the operational REP site, as far as reasonably practicable.

The Fire Prevention Plan has three main objectives, as follows:

- *minimise the likelihood of a fire happening;*
- *minimise the likelihood of a fire happening;*
- *minimise the spread of fire within the site and to neighbouring sites (which would include consideration of the surrounding buildings set out in the respondent's RR).*

The Environment Agency will not grant an EP [Environmental Permit] unless the Fire Prevention Plan sets out clearly how these objectives will be met.

The EP application for the Proposed Development, including the Fire Prevention Plan, has recently been the subject of a formal consultation process with statutory and non-statutory bodies and members of the public and no comments have been received.

The Proposed Development is also subject to Building Regulations, relevant insurance requirements and other statutory controls which address matters of fire safety and seek to ensure that the fire risk at a facility, and its potential interaction with others, are addressed and appropriately controlled. The London Fire Brigade responded to statutory s56 consultation on the REP application in its letter to the Applicant dated 28th January 2019 and raised no matters of concern in relation to fire or explosion safety, subject to: "An undertaking should be given that, access for fire appliances as required by Part B5 of the current Building Regulations Approved Document and adequate water supplies for firefighting purposes, will be provided. This is without prejudice to any requirements or recommendations that may be made by the Authority under the Regulatory Reform (Fire Safety) Order 2005/Petroleum (Consolidation) Act 1928, the local authority or the Health and Safety Executive".

The Applicant can confirm that the requests made by the London Fire Brigade will be adhered to."

- 1.4.6 The Applicant cannot comment on the incident at the Viridor facility which is operated by a separate company unrelated to the Applicant, but the fire prevention measures stated above in **Paragraph 1.4.4** of this document are robust and appropriate.
- 1.4.7 In response to Mrs White's comment regarding a specific care and watering plan, **Requirement 5** of the **dDCO (3.1, Rev 4)**, to be submitted at Deadline 8a, states that the Biodiversity and Landscape Mitigation Strategy must include details of:

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