

Riverside Energy Park

Applicant's response to London Borough of Bexley's comments on the draft Development Consent Order from Deadline 7

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LLB amendments		LLB comments	Applicants response
1.	<p>Article 2</p> <p>Amendment of the definition of "date of final commissioning"</p>	<p>The words "<i>as the context requires</i>" have been deleted from the definition.</p>	<p>The Applicant does not accept this deletion as the words make it clear that you need to read the context as to whether the date of final commissioning relates to the whole of the authorised development or to a named part of the authorised development.</p> <p>At the Issue Specific Hearing ("ISH") on the dDCO held on 19 September 2019, the LBB AGREED to the Applicant's position.</p>
2.	<p>Article 2</p> <p>Amendment of the definition of "REP and RRRF Application Boundaries Plan"</p>	<p>This has been amended to be named as the "<i>RRRF Open Mosaic Habitat Plan</i>"</p> <p>LBB object to the removal of any land from the section 36 consent or the RRRF planning permission. The plan should only identify the land relevant to Article 6(3). The only inconsistency that the Applicant has identified between the RRRF planning permission and the Order is in relation to the Open Mosaic Habitat land and therefore the area identified on the plan should be limited to this area only.</p>	<p>2.1 The Applicant does not accept amendment of the definition of the "REP and RRRF Application Boundaries Plan" as the potential for inconsistencies between the REP DCO and the RRRF consents is not limited to the Open Mosaic Habitat. Rather, there is potential for inconsistencies on the RRRF ash container storage area, amenity landscaping area of RRRF and internal access roads.</p> <p>2.2 The Applicant proposes that no land is removed from the section 36 consent or the RRRF planning permission, but that the land over which the DCO recognises that there could be an inconsistency remains as shown on the REP and RRRF Application Boundaries Plan.</p> <p>2.3 No amendment is made to the definition of "REP and RRRF Application Boundaries Plan."</p> <p>2.4 Following the ISH on the dDCO held on 19 September 2019, the LBB has AGREED to the Applicant's position and wording in the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p>

3.	<p>Article 2</p> <p>Amendment of the definition of "RRRF condition"</p>	<p>This has been amended to remove "<i>or the equivalent condition on any varied RRRF planning permission whether granted by the Secretary of State or the relevant planning authority</i>"</p>	<p>The Applicant is content with this deletion. This is reflected in the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p>
4.	<p>Article 6(3)</p> <p>Deletion of Article 6(3)</p>	<p>LBB have proposed amendments to Schedule 14 so that no land is removed from the s36 consent or RRRF planning permission.</p>	<p>4.1 The Applicant is content to agree that no land from the section 36 consent or the RRRF planning permission will be removed.</p> <p>4.2 However, there is still a requirement to modify the Section 36 consent and RRRF planning permission as set out in Schedule 14 (save for the deletion of paragraph 1 of Schedule 14, being the removal of land from the section 36 consent and RRRF planning permission, which the Applicant agrees to). Article 6(3) remains in the dDCO (3.1, Rev 4), as it gives effect to Schedule 14.</p> <p>4.3 Following the ISH on the dDCO held on 19 September 2019, the LBB has AGREED to the Applicant's position and wording in the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p>
5.	<p>Article 6(4)</p> <p>Amendment of Article 6(4)</p>	<p>This has been amended to insert that to the extent that there is an inconsistency "<i>in relation to the Open Mosaic Habitat land (as identified on the RRRF Open Mosaic Habitat Plan) only...</i>"</p> <p>LBB remains concerned about the breadth of this provision. The only inconsistency that the Applicant has identified between the RRRF planning permission and the Order is in relation to the Open Mosaic Habitat land and therefore non-enforcement under Article 6(3) should be expressly limited to this.</p>	<p>5.1 The Applicant agrees to limit the inconsistency to the area shown on the REP and RRRF Application Boundaries Plan. As stated above, the land coloured brown on the REP and RRRF Application Boundaries Plan has not changed, as the potential areas for inconsistency are more than just the Open Mosaic Habitat. However, LBB's concerns are addressed by (a) not removing land from the section 36 consent and RRRF planning permission and (b) limiting Article 6(4) to the area of land coloured brown on the REP and RRRF Application Boundaries Plan.</p> <p>5.2 The Applicant has inserted reference to a new</p>

			<p>Condition of the RRRF planning permission where there could be an inconsistency – RRRF condition 32, which requires the submission of a restoration and aftercare scheme. Given the overlap in redlines, reference to RRRF condition 32 makes it clear that that scheme should not apply to the land covered by main REP development (i.e. the land coloured brown on the REP and RRRF Application Boundaries Plan) which would be covered by the REP decommissioning plan under the DCO.</p> <p>5.3 Following the ISH on the dDCO held on 19 September 2019, the LBB has AGREED to the Applicant's position and wording in the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p>
Schedule 1			
6.	<p>Work No. 1A</p> <p>Addition of "<i>with a capacity of no more than 805,920 tonnes per annum of waste</i>"</p>	<p>LBB consider the inclusion of a maximum waste throughput for the proposed ERF plant (Work Number 1A) is necessary to ensure that the operation of the development does not exceed the basis of the assessments presented in the ES.</p>	<p>6.1 The Applicant accepts the principle of a cap of 805,920 tonnes per annum for Work No. 1A. However, the cap is a parameter used in the EIA assessment, rather than in the description of development and therefore the Applicant has inserted a new Requirement 32 into the dDCO (3.1, Rev 4) submitted at Deadline 8a that states that the amount of waste to be received at Work No. 1A must not exceed 805,920 tonnes per calendar year and the amount of waste to be received at Work No. 1B must not exceed 40,000 tonnes per calendar year.</p> <p>6.2 At the ISH on the dDCO held on 19 September 2019, the LBB AGREED to the Applicant's position.</p>
7.	<p>Work No. 1A</p> <p>Addition of "<i>(viii) a dedicated</i>"</p>	<p>LBB consider this facility should be provided on the site as is the case with the existing RRRF plant to help ensure the development maximises river transport and minimises</p>	<p>7.1 The Applicant has not applied for in its description of development, or identified on any of the Work Plans, a dedicated bottom ash storage area. Therefore, this</p>

	<i>bottom ash storage area where bottom ash containers must be stored."</i>	road transport including during any jetty outage period.	<p>amendment cannot be made.</p> <p>7.2 The Applicant can confirm that in the design of Work No. 1A, there is an ash storage bunker with a volume of 1,900m³ capacity. Taking a conservative assessment approach, this volume represents a minimum of 5 days storage. LBB appears to be asking for a contingency on a contingency.</p> <p>7.3 Following the ISH on the dDCO held on 19 September 2019, the LBB has AGREED to the Applicant's position.</p>
8.	Work No. 1B <i>Addition of "with a capacity of no more than 40,000 tonnes per annum of input material"</i>	LBB consider the inclusion of a maximum waste throughput for the proposed AD plant (Work Number 1B) is necessary to ensure that the operation of the development does not exceed the basis of the assessments presented in the ES.	<p>8.1 The Applicant accepts the principle of a cap of 40,000 tonnes per annum for Work No. 1B. This is reflected in Requirement 32 of the dDCO (3.1, Rev 4) submitted at Deadline 8a, rather than in Schedule 1.</p> <p>8.2 At the ISH on the dDCO held on 19 September 2019, the LBB AGREED to the Applicant's position.</p>
Schedule 2			
9.	Requirement 4(2) Amendment of Requirement 4(2)	<i>Addition of "non-statutory designated sites and other habitats and species of principal importance".</i>	The Applicant is content to accept this addition. This is reflected in the dDCO (3.1, Rev 4) submitted at Deadline 8a.
10.	Requirement 51(1)(a) and 5(1)(b) <i>Addition of "non-statutory designated sites and other habitats and species of principal importance" to Requirement</i>	<p><i>Addition of "non-statutory designated sites and other habitats and species of principal importance" to Requirement 5(1)(a) and (b).</i></p> <p>As set out in paragraph 8.2 of LBB's submission at deadline 5, LBB remains concerned that confirmation of the quality, amount and location of compensation offsetting sites will not be available until after</p>	<p>10.1 The Applicant is content to accept this addition. This is reflected in the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p> <p>10.2 The Applicant has addressed the LBB's comments on biodiversity through both an updated version of the outline OBLMS (7.6, Rev 4) submitted at Deadline 8 and revisions to Requirement 5 in the dDCO (3.1, Rev</p>

	<p>5(1)(a) and (b).</p>	<p>determination of the DCO application. In the absence of this detail it is not possible to ascertain whether residual impacts on biodiversity would be adequately mitigated or compensated.</p>	<p>4) submitted at Deadline 8a.</p> <p>10.3 At Deadline 7, the Applicant submitted the Site Selection for Biodiversity Off-Setting Report (8.02.71, REP7-019), which identifies the likely worst case in terms of biodiversity units and land required. The Report also identified 14 sites that could provide the off-setting, which vastly exceeded the amount of land required as demonstrated in the Report. A further site has also been identified in subsequent discussions with LBB</p> <p>10.4 The outline OBLMS has been updated at Deadline 8 and sets out the priority order in which the final site or sites will be chosen and submitted for approval (as requested by LBB).</p> <p>10.5 Requirement 5 of the dDCO (3.1, Rev 4) submitted at Deadline 8a has been updated to require the Applicant to submit within the final OBLMS evidence that the off-setting value provides for the compensation, risk factors such as temporal lag, long term management and monitoring (25 years) and a minimum of 10% net gain. In addition, the final OBLMS must evidence how the final site or sites has/have been identified in accordance with the priority order set out in the OBLMS and provide certified copies of the legal agreements that will demonstrate the payment of the value to the Environment Bank to enable the long term management to commence.</p> <p>10.6 Following the ISH on the dDCO held on 19 September 2019, the LBB has AGREED to the Applicant's position and wording in the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p>
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11.	<p>Requirement 5(1)(d)</p> <p>Amendment of Requirement 5(1)(d)</p>	<p>Deletion of "<i>(where appropriate and necessary)</i>" from Requirement 5(1)(d).</p>	<p>The Applicant is content to accept this deletion. This is reflected in the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p>
12.	<p>Requirement 5(2)</p>	<p>Requirement 5(2) does not provide for ensuring that a biodiversity offset value equivalent to the biodiversity impact/loss is provided in advance of such losses. LBB wish to see this requirement amended to ensure that there is no significant time-lag between biodiversity losses being actualised and the replacement (offset) habitat providing equivalent value. Or, where a time-lag cannot be avoided despite evidence of all reasonable effort to do so, then the amount of compensatory habitat (biodiversity offset) should be increased in order to take account of those shorter-term losses. This is in addition to the 10% net gain already proposed.</p>	<p>Please refer to the amendments made to Requirement 5 above, which the LBB AGREE.</p>
13.	<p>Requirement 11</p> <p>Addition of Requirement 11(1)(p)</p>	<p>Addition of "<i>(p) appropriate procedures to provide for a vehicle booking management system.</i>" This is to include reference to the vehicle booking management system added into the draft CoCP presented by the Applicant at deadline 5.</p>	<p>13.1 The outline CTMP already refers to the booking system, section 12, so the Applicant has included express reference to the vehicle booking management system in Requirement 13 the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p> <p>13.2 At the ISH on the dDCO held on 19 September 2019, the LBB AGREED to the Applicant's position.</p>
14.	<p>Requirement 13(2)</p> <p>Addition of "<i>and associated junction impact assessments demonstrating...</i>"</p>	<p>Addition of "<i>and associated junction impact assessments demonstrating...</i>"</p> <p>LBB consider that, because the transport assessments do not take into account the cumulative construction impacts of the electrical connection and the impacts of construction traffic are not known in detail in the absence of CTMP's and will only be determined once the CTMP's have been submitted, it is considered reasonable to seek</p>	<p>14.1 The Applicant and the LBB have agreed to insert the following wording, which the LBB is content with provided that the necessary amendments are made to the outline CTMP to be submitted at Deadline 8a to define when appraisals will be carried out including, where appropriate and proportionate, modelling: "<i>and associated junction impact appraisals (as defined in the outline construction traffic management plan)</i>"</p>

		assurances that the impacts will be assessed using appropriate modelling approaches.	<p><i>demonstrating...</i>"</p> <p>14.2 This is reflected in the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p> <p>14.3 The updated outline Construction Traffic Management Plan (Rev 6) submitted at Deadline 8a sets out the detail of junction appraisals.</p> <p>14.4 Following the ISH on the dDCO held on 19 September 2019, the LBB has AGREED to the Applicant's position and wording in the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p>
15.	Requirement 13(3) Addition of Requirement 13(3).	<p>Insertion of Requirement 13(3) to state "<i>The construction traffic management plan(s) submitted pursuant to sub-paragraph (1) must be accompanied by a highways base condition survey. Following completion of the construction of each Works 1 to 10 a further highways condition survey is to be undertaken. The condition of the highway is to be restored to its pre-construction condition as identified in the highways base condition survey at the undertaker's expense.</i>"</p> <p>LBB consider that the Applicant should be required to restore any damage to highway following completion of the construction works.</p>	<p>15.1 The Applicant is content to include this requirement as far as it relates to Norman Road only. The following words have been inserted, "<i>The construction traffic management plan(s) submitted pursuant to sub-paragraph (1) that relate to Work Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 must be accompanied by a highways base condition survey (as defined in the outline construction traffic management plan).</i>"</p> <p>15.2 This is reflected in the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p> <p>15.3 Following the ISH on the dDCO held on 19 September 2019, the LBB has AGREED to the Applicant's position and wording in the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p>
16.	New Requirement 13A Addition of a Requirement for a Delivery and Service Plan	LBB maintain its position as set out in earlier submissions including paragraph 2.40 of LBB's submission at deadline 5 for a requirement to be included in the DCO to provide for a Delivery and Servicing Plan.	<p>16.1 The Applicant is content to accept the addition of a requirement for the submission of a delivery and servicing plan (other than for deliveries that fall within Requirement 14). However, the Applicant does not accept a cap on vehicle movements – a cap is not</p>

			<p>justified as the EIA shows that there are no significant adverse effects on the transport network even at 100% of waste deliveries by road. Given the cap in Requirement 14, there is even more headroom available. This is reflected in Requirement 31 of the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p> <p>16.2 At the ISH on the dDCO held on 19 September 2019, the LBB AGREED to the Applicant's position.</p>
17.	<p>Requirement 14(1)</p> <p>Amendment of Requirement 14(1) – cap on movements to Work No. 1A</p>	<p>Amendment of the number of maximum two-way vehicle movements from 90 to 32.</p> <p>The transport figures for Work 1A have been taken from the figures proposed by TfL as set out in the Statement of Common Ground between TfL and the Applicant.</p>	<p>17.1 The Applicant and the LBB have agreed various amendments to this Requirement as follows:</p> <p>17.1.1 the cap on daily two way vehicle movements for both Work No. 1A and Work No 1B is reduced from 90 (90 in/ 90 out) to 75 (75 in/ 75 out).</p> <p>17.1.2 the tonnage restriction by road will be split out between Work No. 1A and Work No. 1B. The cap will be 130,000 tonnes per calendar year for Work No. 1A and 40,000 tonnes per calendar year for Work No. 1B.</p> <p>17.1.3 the wording on bottom ash will state "Save in the event of a jetty outage, 100% of incinerator bottom ash produced by the operation of Work No. 1A must be transported from it by river to a riparian facility."</p> <p>17.1.4 the Applicant will provide quarterly reporting.</p> <p>17.1.5 the Applicant will insert "as well as the volumes of waste delivered to both...." in this sub-paragraph as LBB have requested.</p>

			<p>17.2 The amendments are incorporated into Requirement 14 as set out in the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p> <p>17.3 At the ISH on the dDCO held on 19 September 2019, the LBB AGREED to the Applicant's position.</p>
18.	<p>Requirement 14(1)</p> <p>Amendment of Requirement 14(1) – separate cap on movements</p>	<p>Removal of reference to Work No. 1B in Requirement 14(1).</p> <p>Traffic and waste throughput limits should be included separately for the ERF and the AD plants. This is because there is no guarantee that either facility will be built or run at maximum capacity at the same time. The Applicant's proposed requirement 25 does not provide any such control.</p>	See response above.
19.	<p>New Requirement 14(2)</p> <p>Insertion of Requirement 14(2) – cap on movements to Work No. 1B</p>	<p>Insertion of a limit of 18 two-way vehicle movements per day to Work No. 1B.</p> <p>The vehicle numbers for the AD plant have been taken from the ES.</p>	See response above.
20.	<p>Now Requirement 14(3)</p> <p>Replacement of Requirement 14(3) – to include a restriction of 65,500 tonnes of material transported by road and incinerator bottom ash storage to be transported by river except in the case of emergency.</p>	<p>Amended to read "<i>No more than 65,500 tonnes of materials used to supply the operation of work number 1A may be transported to it by road per annum, and 100% of bottom ash and commingled metals produced by the operation of the authorised development must be transported from it by river to a riparian transfer station, except in the case of emergency</i>"</p> <p>The waste cap on road deliveries should be significantly less than the proposed nominal throughput of the ERF facility in support of planning policy that seeks to promote river transport. Furthermore, there is no requirement for new waste management capacity to manage local derived</p>	<p>20.1 On the tonnage, see comments above.</p> <p>20.2 In relation to the bottom ash materials being removed by river, the Requirement already requires 100% of bottom ash to be removed by river. The Applicant is content to include the additional words of "<i>be transported from it by river to a riparian facility</i>" but it will retain reference to "<i>save in the event of a jetty outage</i>" rather than the words "emergency", which is clearer. An "emergency" has not been defined whereas the Applicant is prepared to restrict itself to a single scenario of a jetty outage rather than a general "emergency" These amendments are reflected in the</p>

		<p>waste with LBB already meeting its waste apportionment targets set out in the London Plan and there being significant existing local waste management capacity in the LBB administrative area to manage commercial and industrial wastes in the local area.</p> <p>If the Applicant is confident that no ash storage area is required then it should ensure that all ash is taken from the site.</p>	<p>dDCO (3.1, Rev 4) submitted at Deadline 8a.</p> <p>20.3 In terms of the storage area, the Applicant can confirm that in the design of Work No. 1A, there is an ash storage bunker with a volume of 1,900m³ capacity. Taking a conservative assessment approach, this volume represents a minimum of 5 days storage. LBB appears to be asking for a contingency on a contingency.</p> <p>20.4 Following the ISH on the dDCO held on 19 September 2019, the LBB has AGREED to the Applicant's position.</p>
21.	<p>Now Requirement 14(4)</p> <p>Amendment of Requirement 14(4) – to amend the cap on movements to Work No. 1A in the event of a jetty outage</p>	<p>Amendment of the maximum number of two-way vehicle movements in the event of a jetty outage.</p> <p>Amendment of the number of maximum two-way vehicle movements from 30 to 23 between certain hours in the event of a jetty outage.</p> <p>LBB accept that the AD plant will be served by road, this forms the basis of the assessment in the ES.</p> <p>As set out in section 2 and in paragraphs 3.51 to 3.53 of LBB's submission at deadline 4 the Applicant has not undertaken an assessment that considers traffic levels with 300 two way movements as permitted from the RRRF plant and from the proposed REP plant in the event of a jetty outage. The level of road vehicle movements should not exceed those assessed in the ES.</p> <p>Assuming a flat profile across 24 hours, as per the assumptions in the ES, would be 13.1 HCV movements hourly or 19.65 HCV movements over a 1.5 hour period for the ERF and up to 3 HCV's for the AD plant over a 1.5</p>	<p>21.1 At Deadline 8, the Applicant submitted a Supplementary Temporary Jetty Outage Note (8.02.86) which demonstrates that there would be no significant adverse effects on the strategic road network in the event of a jetty outage with both the Proposed Development and RRRF operating. Accordingly, no amendment has been made to the HCV movements during a jetty outage.</p> <p>21.2 Following the ISH on the dDCO held on 19 September 2019, the LBB has AGREED to the Applicant's position.</p>

		hour period. This would total up to 23 HCV movements over a 1.5 hour period.	
22.	Requirement 14(4) Deletion of Requirement 14(4)	Deletion of incinerator bottom ash only being removed by river save where there is a jetty outage. See amendment to Requirement 14(3).	See comments above.
23.	Requirement 14(5) Amendment of Requirement 14(5) – amendment to a monthly basis for the provision of records	Amendment from " <i>the first anniversary of the date of finally commissioning and annually thereafter</i> " to " <i>on a monthly basis during commissioning and operations</i> " LBB consider there is a requirement for data during commissioning and for this data to be provided on a monthly basis otherwise LBB would be unable to track compliance. Annual reports would not enable checks to be made in advance of any potential annual exceedances.	The Applicant and the LBB have AGREED to quarterly reporting. This is reflected in the dDCO (3.1, Rev 4) submitted at Deadline 8a.
24.	Now Requirement 14(5)(b) Amendment of Requirement 14(5) – amendment or record to be provided	Amendment to state " <i>...made by heavy commercial vehicles delivering waste <u>as well as the volumes of waste delivered to both work number 1A and work number 1B in that period, such numbers to be split out clearly so that the number of movements and waste volumes can be ascertained.</u></i> "	The Applicant is content with this amendment. This is reflected in the dDCO (3.1, Rev 4) submitted at Deadline 8a.
25.	Requirement 15 Amendments to Requirement 15	Requirement 15(1) has been amended to state that the average emission <u>concentration of nitrogen dioxide</u> ... for each day must not exceed a <u>limit value of</u> ... Requirement 15(2) has been amended to state that the annual <u>mass</u> emission of nitrogen oxide... must not exceed a <u>limit value of</u> ...	25.1 The Applicant has agreed to a tonnage cap, resulting in the deletion of Requirement 15. 25.2 At the ISH on the dDCO held on 19 September 2019, the LBB AGREED to the Applicant's position.
26.	Requirement 16	Requirement 16(1) has been amended to state that the average emission <u>concentration of nitrogen dioxide</u> ...	26.1 The Applicant accepts the GLA's mark-up in its Deadline 7a submission in relation to the deletion of

	Amendments to Requirement 16	<p>must not exceed a <u>limit value of...</u></p> <p>Requirement 16(2) has been amended to state that the annual <u>mass</u> emission of nitrogen oxide... must not exceed a <u>limit value of...</u></p>	<p>"bio" from "biogas".</p> <p>26.2 The Applicant has reviewed the terminology which would be adopted within the Environmental Permit for REP. The exact wording will be "<i>oxides of nitrogen (nitric oxide and nitrogen dioxide expressed as nitrogen dioxide)</i>", which the Applicant would propose to utilise in the dDCO so as to avoid any inconsistency between the dDCO and the Environmental Permit during the operational phase of REP.</p> <p>26.3 At the ISH on the dDCO held on 19 September 2019, the LBB AGREED to the Applicant's position.</p>
27.	<p>Requirement 17</p> <p>Amendments to Requirement 17</p>	<p>Amendment to state that the air quality monitoring programme must be submitted to the EA "<i>and authority responsible for planning and local air quality management</i>"</p>	<p>27.1 Requirement 17 has been deleted as the Applicant and the LBB have agreed a section 106 obligation to contribute towards ambient air quality monitoring in the LBB.</p> <p>27.2 At the ISH on the dDCO held on 19 September 2019, the LBB AGREED to the Applicant's position.</p>
28.	<p>Requirement 17</p> <p>Amendments to Requirement 17</p>	<p>Amendment to requirement compliance to be monitoring "<i>with the forecast environmental performance of Work No. 1A and Work No. 1B</i>" instead of with the limits specified in requirements 15 and 16.</p>	<p>28.1 Requirement 17 has been deleted as the Applicant and the LBB have agreed a section 106 obligation to contribute towards ambient air quality monitoring in the LBB.</p> <p>28.2 At the ISH on the dDCO held on 19 September 2019, the LBB AGREED to the Applicant's position.</p>
29.	<p>Requirement 18(2)</p> <p>[now Requirement 16 in the dDCO submitted at Deadline 8a]</p>	<p>LBB consider that these arrangement do not offer sufficient control or safeguards to ensure that the waste hierarchy is followed.</p> <p>Waste composition audits of the waste received at the plant should be required to be undertaken annually to</p>	<p>29.1 The Applicant is content to carry out an annual waste composition analysis and for this to be included into the Requirement. In addition, the Applicant has agreed to insert the words "<i>including contractual measures to encourage as much reusable and recyclable waste being removed as far as possible</i>" in</p>

		identify the percentage of re-useable and recyclable material received at the plant and the results presented on the Company website. Specific targets should be placed on the undertaker for continual improvement in reducing the percentage of re-useable and recyclable waste received at the plants.	Requirement 16(2)(b). 29.2 Following the ISH on the dDCO held on 19 September 2019, the LBB and the Applicant have AGREED the wording of this Requirement.
30.	Requirement 19(1) [now Requirement 17 in the dDCO submitted at Deadline 8a]	Amending the timeframe from prior to the date of final commissioning to " <i>prior to the commencement of commissioning</i> ". The current wording would appear to not provide any controls over workers travel plans during the commissioning period. In the ES this period is stated as potentially lasting for 18 months.	30.1 The Applicant is content to accept this addition. 30.2 The outline Operational Worker Travel Plan submitted at Deadline 8a has been updated to make explicit reference to commissioning.
31.	Requirement 21(1) [now Requirement 19 in the dDCO submitted at Deadline 8a]	Insertion that the noise monitoring scheme must be a " <i>written</i> " scheme.	The Applicant is content to make this amendment. This is reflected in the dDCO (3.1, Rev 4) submitted at Deadline 8a.
32.	Requirement 21(1)(c) [now Requirement 19 in the dDCO submitted at Deadline 8a]	Insertion that the maximum permitted noise levels at each monitoring location will " <i>ensure that the LBB requirement for operational noise not exceeding 5dB below the background LA90 (or such lower limit as may be set in LBB's standard guidance on operational noise) is met at the nearest sensitive receptors</i> ". The monitoring methodology should take account of LBB's standard guidance on operational noise from fixed plant. This requires operational noise not to exceed 5dB below the background LA90 at the nearest sensitive receptor.	The Applicant and the LBB have AGREED the following wording; " <i>...not exceeding 5dB below the background LA90</i> "

33.	<p>Requirement 21(2)(a)</p> <p>[now Requirement 19 in the dDCO submitted at Deadline 8a]</p> <p>Insertion that emergency is "as defined in the noise monitoring scheme"</p>	<p>LBB will require circumstances constituting 'emergency' to be agreed.</p>	<p>The Applicant is content to insert this amendment. This is reflected in the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p>
34.	<p>Requirement 25</p> <p>[now Requirement 23 in the dDCO submitted at Deadline 8a]</p>	<p>LBB do not agree that this wording removes the need for separate waste throughput and traffic levels to be established in the DCO for Works 1A and 1B.</p> <p>Commencing construction does not equate to fully developing and operating a facility and there is no clarity provided on the timescales of any phases of work. This wording is not accepted by LBB</p>	<p>34.1 At the ISH on the on the dDCO held on 19 September 2019, the LBB confirmed its AGREEMENT to the Requirement as worded given that a separate cap has now been agreed for the ERF and the Anaerobic Digestion facility.</p>
35.	<p>Requirement 26(3)(c)</p> <p>[now Requirement 24 in the dDCO submitted at Deadline 8a]</p> <p>Removal of "(which are technically feasible and commercially viable)"</p>	<p>No comment made by LBB.</p>	<p>35.1 The Applicant notes that the GLA has reinstated the words "<i>technically and commercially viable</i>". The Applicant accepts the GLA's position.</p> <p>35.2 Following the ISH on the dDCO held on 19 September 2019, the LBB has AGREED to the Applicant's position and wording in the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p>
36.	<p>Requirement 26(5)</p> <p>[now Requirement 24 in the dDCO submitted at Deadline</p>	<p>This is amended from four to three years.</p>	<p>The Applicant is content to make this amendment. This is reflected in the dDCO (3.1, Rev 4) submitted at Deadline 8a.</p>

	8a] Amendment of the number of years on which a revised CHP review is required.		
37.	Requirement 26(7) [now Requirement 24 in the dDCO submitted at Deadline 8a] Deletion of Requirement 26(7)	The Applicant should be seeking to maximise CHP opportunities. Removing the requirement for continuous reviews where the maximum thermal output of the plant has not been achieved would be contrary to this objective and planning policy	37.1 The Applicant has amended the Requirement so that once CHP has been provided, the CHP review is to continue but every 5 years, rather than every 3 years. This is reflected in the dDCO (3.1, Rev 4) submitted at Deadline 8a. 37.2 Following the ISH on the dDCO held on 19 September 2019, the LBB has AGREED to the Applicant's position and wording in the dDCO (3.1, Rev 4) submitted at Deadline 8a.
38.	Requirement 27 [now Requirement 25 in the dDCO submitted at Deadline 8a] Removal of "(which are technically feasible and commercially viable)"	No comment made by LBB.	38.1 The Applicant notes that the GLA has reinstated the words " <i>technically and commercially viable</i> ". The Applicant accepts the GLA's position. 38.2 Following the ISH on the dDCO held on 19 September 2019, the LBB has AGREED to the Applicant's position and wording in the dDCO (3.1, Rev 4) submitted at Deadline 8a.
39.	Requirement 27(4) [now Requirement 25 in the dDCO submitted at Deadline	This is amended from five to two years.	The Applicant is content with this amendment. This is reflected in the dDCO (3.1, Rev 4) submitted at Deadline 8a.

	8a] Amendment of the number of years on which a revised Anaerobic Digestion review is required.		
40.	Requirement 27(6) [now Requirement 25 in the dDCO submitted at Deadline 8a]	LBB question if it is not feasible for gas to grid infrastructure to be retrofitted to an AD plant and if so such reviews should be undertaken throughout the life of the AD plant.	40.1 The review of outlets for gas only exists for the first review as this is a binary decision, where the plant will either be built as a CHP engine or for the gas to grid injection. 40.2 Policy supports any biogas use under any of the options, especially given the investment that the Applicant is making on SCR technology. It would be perverse to prevent the Applicant from utilising heat and power that have negligible impacts. No amendment made. 40.3 At the ISH on the dDCO held on 19 September 2019, the LBB AGREED to the Applicant's position.
41.	Requirement 27(7) [now Requirement 25 in the dDCO submitted at Deadline 8a] Deletion of Requirement 27(7)	The Applicant should be seeking to maximise recycling opportunities (use of digestate as fertiliser) in accordance with the waste hierarchy. Removing the requirement for continuous reviews to maximise the use of digestate as a fertiliser would be contrary to this planning policy objective.	The Applicant has amended this Requirement following comments received from the GLA and the LBB. The Applicant is required to carry out a review on compost opportunities every two years (Requirement 25(4)). In the event that export of compost material is provided, then the review continues, but every three years. This is AGREED with the LBB.
42.	Requirement 28 [now Requirement 26 in the dDCO submitted at Deadline	Linked with this requirement, LBB seek a decommissioning fund from the Applicant to cover the costs of decommissioning and restoration. This approach mirrors that provided by the Applicant in relation to the	42.1 The Applicant and the LBB have agreed a section 106 obligation along the lines of the provisions for the existing decommissioning fund for RRRF.

	8a]	RRRF development. LBB expects a decommissioning fund to be provided by the Applicant and secured by a s106 agreement as was put in place in relation to the RRRF development	42.2 At the ISH on the dDCO held on 19 September 2019, the LBB AGREED to the Applicant's position.
Schedule 14			
43.	Paragraph 1 Removal of paragraph 1	LBB object to the removal of any land from the section 36 consent or the RRRF planning permission. There is no justification for the removal of the shaded land from the section 36 consent or the RRRF planning permission.	The Applicant is content with this deletion. This is reflected in the dDCO (3.1, Rev 4) submitted at Deadline 8a.
44.	Paragraph 8	Part 12, RRRF Planning Permission: LBB seek retention of an ash storage area on the site to help maximise use of the river and reduce road transport, in the event of a jetty outage.	Please see reference 7 above.