Riverside Energy Park

Applicant's response to Greater London Authority's Deadline 8b Submission

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Contents

1 Introduction

1.1.1 This document provides a response to the documentation submitted by the Greater London Authority (GLA) at Deadline 8b. This includes the following documents:

- Comments on the Applicant's final draft Development Consent Order (DCO) (**REP8b-019**);
- Appendix A DCO mark-up (**REP8b-020**);
- Appendix B Brent Cross DCO (**REP8b-021**);
- Appendix C TfL Bus Mitigation Process (**REP8b-022**); and
- Appendix D Silvertown Tunnel DCO (**REP8b-023**).

1.1.2 GLA (and Transport for London (TfL) in respect to transport matters) have commented on the following themes within their Deadline 8b documents:

- Primacy of the NPS;
- Combined Heat and Power (CHP);
- Renewable Energy;
- Carbon;
- Waste;
- Waste Transfer Stations;
- Traffic;
- Air Quality;
- Biodiversity; and
- Draft Development Consent Order.

1.1.3 This document covers each of the themes in turn below and refers to specific section numbers in the GLA's Deadline 8b documents.

2 Primacy of the NPS

2.1.1 This section responds to Paragraph 3 of the GLA's Comments on the Applicants final draft Development Consent Order (**REP8b-019**).

Paragraph Reference	GLA's Comment at Deadline 8b	Applicant's Response
3	Energy generation projects over a defined size should be determined in accordance with the National Policy Statements (NPSs) unless the statutory exemption set out in section 104(7) of the Planning Act 2008 applies. The GLA's submissions have demonstrated to the Examination that the proposed REP, in particular the Energy Recovery Facility (ERF), would result in adverse impacts from the development which outweigh the stated benefits, and therefore the statutory exemption should be applied. Where the statutory exemption applies, the primacy of the NPSs no longer exists and the presumption in favour of granting consent does not apply. The NPS is relegated to an important and relevant consideration, rather than determinative. The GLA considers that development consent should not be granted for the reasons set out below. Note: the references provided below refer to the GLA's most recent applicable submission.	As set out in the **Applicant's Closing Statement (8.02.92, REP8b-011)** the Applicant submits that the Application is in accordance with the NPSs EN-1, EN-3 and EN-5. Consideration has been given to the exception in section 104(7) of the PA 2008 and the Applicant considers that the benefits of REP outweigh the potential adverse impacts of REP. Therefore, the Application must be determined in accordance with the relevant NPSs and the presumption in favour of granting development consent applies. Submissions made during the course of the Examination relevant to the legislative and policy requirements with respect to the balancing exercise to be undertaken are set out in **Section 3.4** of the **Applicant's response to GLA Deadline 4 submission (8.02.46, REP5-017).** The GLA responded to this in its Deadline 7 Submission (REP7-021) and the Applicant responded to this submission at Deadline 8 in **Section 4.3** of its **Applicant's response to the GLA's Deadline 7 and 7a Submissions (8.02.78, REP8-019)**. **Section 1.18** of the **Applicant's Closing Statement (8.02.92, REP8b-011)** sets out the factors to be taken into account in the balancing exercise pursuant to section 104(7) and determines that the adverse impacts of the Proposed Development do not outweigh its benefits. As such, the exception at section 104(7) does not apply and the Application must be determined in accordance with the NPS. The application of the presumption in favour of granting consent under NPS EN-1 has recently been considered by the Secretary of State in her decision on the Drax Power (Generating Stations) Order 2019. The interpretation of EN-1 was discussed during the Examination of the application, with the Examining Authority agreeing with the applicant that "*s104(7) does not disapply NPS EN-1. NPS policies have guided us in deciding what weight to give to planning issues*." This is the correct approach and the approach we advocate here. In that case, however, the Examining Authority went on to erroneously interpret that NPS EN-1 gave no support for a particular energy NSIP (Drax applied for a 3.8GW gas fired generating station with battery storage). The Secretary of State disagreed with the Examining Authority's interpretation of NPS EN-1 on the "need" identified in NPS EN-1. In her decision letter ("Decision Letter") at paragraph 6.1, the Secretary of State says, "*In taking a decision on whether to grant or refuse development consent under the terms of the Planning Act 2008 in cases where an NPS has effect, section 104(3) of the Act requires the Secretary of State to determine the Application in accordance with any relevant NPS except to the extent that one or more of the exceptions set out in section 104(4)-(8) applies. In particular, section 104(7) of the Act provides an exception where the Secretary of State is satisfied that the adverse impacts of the Development outweigh its benefits. The Secretary of State, therefore, needs to consider the impacts of any proposed development and weigh these against the benefits of any scheme*." Paragraph 6.2 of the Decision Letter states, "*First of all, the Secretary of State needs to consider whether the proposed Development is in accordance with EN-1*." The Applicant agrees that this is the starting point for decision making. REP is a generating station of a type that is identified in NPSs EN-1 and EN-3 and, as the Secretary of State says at paragraph 6.6 of the Decision Letter, "*the NPSs support the case for new energy infrastructure in general…"* The Application has demonstrated, and no other interested parties have demonstrated to the contrary, that there are no more specific and more relevant NPS policies which clearly indicate that consent should be refused and therefore REP accords with the relevant NPSs and should benefit from the presumption in favour of granting consent. Turning to the planning balance in section 104(7), the ExA, and the Secretary of State, must therefore

Paragraph Reference	GLA's Comment at Deadline 8b	Applicant's Response
		apply substantial weight to the need for new energy infrastructure and balance this with REP's other benefits and any negative impacts. The Applicant submits that this balancing exercise shows that the exception in section 104(7) is not engaged, as REP's benefits clearly outweigh its limited residual effects. REP's benefits are explained in **Section 2** of the **Project and its Benefit Report (7.2, APP-103).** The Applicant also notes that the Secretary of State concluded (at paragraphs 6.11, 6.12 and 6.13 of the Decision Letter) that Drax, a 3.8GW gas fired generating station with battery storage, would not lead the Secretary of State to breach the UK's international obligations (section 104(4)) or a breach of the duty set out in the Climate Change Act 2008 (section 104(5)) or would otherwise be unlawful (section 104(6)). The Applicant submits that the same applies to REP.

3 Combined Heat and Power (CHP)

3.1.1 This section responds to Paragraph 4 of the GLA's Comments on the Applicant's final draft Development Consent Order (**REP8b-019**).

Paragraph Reference	GLA's Comment at Deadline 8b	Applicant's Response
4a	There is insufficient commitment to heat offtake delivery from the ERF within a reasonable timescale, including a lack of focus on exploring market potential (Deadline 7, Appendix A, para. 32 - 35).	The Applicant has and continues to go beyond the commitments made in equivalent projects that have been approved under the NSIP process, most notably as follows: • 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 key stakeholders, including the potential primary off taker of heat, The Peabody Trust. 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. • 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 ongoing commitment. **Requirement 24** of the **dDCO (3.1, Rev 5, REP8b-004)** fully secures commitments to CHP operation by requiring the Applicant to: • construct the ERF and the CHP equipment area (Work No. 1A (and, if applicable, Work No.2 (b)) and Work No.3) to include steam pass–outs and the preservation of space for the future provision of water pressurisation, heating and pumping systems; • first submit a CHP review prior to final commissioning of the ERF and then at three yearly intervals; • establish a working group, to include the GLA, to drive forward CHP ambitions and agree the scope of CHP reviews; • undertake CHP reviews to consider potential commercial opportunities that reasonably exist within a 10km radius, and assess performance against CHPQA requirements, in line with EA guidance; and • deliver actions which are technically and commercially viable. In addition, **Requirement 2** of the **dDCO (3.1, Rev 5, REP8b-004)** necessitates detailed design approval for the space required to install the heat export system. These commitments go considerably further than comparative orders.
4b	RRRF has not developed any heat offtake in eight years of operation and the two projects would be competing for the same heat users (GLA's Written Representations WR1).	The operational configuration of RRRF is not a matter which should attract negative weight in respect of the DCO application for REP. The Bexley District Heating Partnership Board was established in 2018 (which includes the GLA) and meaningful progress has been made since this time including the Bexley Energy Masterplan. As demonstrated by the **Applicant's Combined Heat and Power Assessment (5.4, APP-035)** and **Supplementary Combined Heat and Power Report (5.4.1, REP2-012)**, which are underpinned by and support the requirements of national, regional and local policy position in relation to the provision and/or

Paragraph Reference	GLA's Comment at Deadline 8b	Applicant's Response
		opportunity for CHP, there is sufficient demand to warrant heat supply from both REP and RRRF. In addition, Ramboll's independent feasibility study '*Thamesmead & Belvedere Heat Network Feasibility Study: Work Package 2*' (commissioned by London Borough of Bexley) states that if more aggressive build out scenarios are considered, it is likely that further heat sources (beyond RRRF) would be required. The Applicant has set out in detail how Ramboll's core scheme omits a significant volume of publicly announced and existing development which, if adequately accounted for, would warrant heat supply from both REP and RRRF, see **Table C.3** of **Appendix C** of the **Applicant's Response to the GLA Deadline 3 Submissions (8.02.35, REP4-014)**. Given the Mayor's desire to tackle London's housing crisis and the Mayor's own assessment conceding that build out rates need to rapidly increase, the Applicant is surprised that the GLA does not recognise this independent conclusion that heat sources beyond RRRF are likely to be required and the opportunity that REP presents.
4c	The proposed arrangements for setting up district heating are poorly developed with regard to the essential involvement of stakeholders and partnership working (Deadline 5, Schedule 1, paras 34-42).	Proposals were developed taking account of stakeholder engagement undertaken by the Applicant. This has included discussions with local planning authorities (London Borough of Bexley and Royal Borough of Greenwich), the GLA, housing developers (The Peabody Trust and Orbit Homes), and local industry partners. The Applicant is proud to have been a founding member of the Bexley District Heating Partnership Board. These discussions have been used to inform the technical design and commercial parameters for the proposed heat network. The proposals are therefore robust and represent a realistic and achievable ambition. The level of detail adopted within the basis of proposals is fully aligned with relevant Environment Agency guidance and is appropriate, and consistent with recent decisions, given the development stage of the Proposed Development. The Applicant has set out in **Paragraph 2.2.14** of the **Applicant's Response to the GLA Deadline 4 Submissions (8.02.46, REP5-017)** an audit trail comprising the GLA meeting minutes from Bexley District Heating Partnership Board meetings held on 29 May 2018 and 09 January 2019 (provided in **Appendix B** to that document). **Paragraph 2.3.1** of the same document sets out further liaison between the Applicant and the public sector in respect of heat export. Additionally, Peabody's letter of support dated 17 April 2019, provided as **Appendix A** to the **Supplementary Combined Heat and Power Report (5.4.1, REP2-012)**, evidences earlier dialogue and meaningful progression with regards to heat export. 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)**. It should also be noted that the Applicant has been successful in the first stage of their application for HNIP funding. This means that the Applicant has successfully demonstrated to BEIS that the project is 'sufficiently technically and commercially developed' to enable progress into the next stage.
4d	The Applicant's unsubstantiated position is that the ERF would in any case meet the Mayor's carbon intensity floor (CIF) level operating in power-only mode. Given the shortcomings of the CHP reviews, the GLA is concerned that the Applicant would have little or no intention of committing to CHP so would not achieve the stated carbon saving benefits. The Applicant providing a strong commitment towards implementing a heat off-take would displace the use of carbon intensive fuels to meet the heating demand of the connected customers. This would result in carbon emission reductions to the extent that the REP would become a carbon-reducer.	It is overwhelmingly evident that the Applicant has demonstrated compliance with CIF policy. As set out in **Section 4.2** of the **Combined Heat and Power Supplementary Report (5.4.1, REP2-012)**, the Applicant has assessed CIF performance using GLA approved methodology within its Ready Reckoner tools dated October 2011 and November 2018 (both formally published), and two versions submitted to the Applicant in April 2019 (not consulted on or published by the GLA). The Applicant has been agreeable in complying with the GLA's requests to recalculate carbon performance using these later versions and has demonstrated that REP will comply with the requirements of the CIF in all load cases and using any of the ready reckoner versions issued to the Applicant by the GLA during the course of discussions. It can be further noted that the Applicant's reported CIF performance does not take account of the benefit of energy generated from the Anaerobic Digestion Facility which the Applicant would be allowed to claim, therefore the Applicant's assessment and reported CIF scores are conservative.

Paragraph Reference	GLA's Comment at Deadline 8b	Applicant's Response
		Eunomia, on behalf of the GLA, has confirmed this per **Section 3.2** of **Appendix 1 (Analysis of Carbon Intensity Floor Calculations)** to **Greater London Authority's Written Representation (REP2-072)**, which states "*Calculations submitted by Cory using Eunomia's Ready Reckoner tool – and undertaken with a gross electrical generation efficiency of 34% for power-only mode - confirm the facility just meets the current CIF target of 400 g CO2e per kWh of electricity when generating only electricity.*" The policy metric is binary and the Applicant has demonstrated compliance with GLA policy across all foreseeable operational scenarios including varying levels of heat export and using a number of published and unpublished Ready Reckoner tools at the GLA's request. As clearly demonstrated in the Applicant's **Carbon Assessment (8.02.08, REP2-059)** and its **Maximum Throughput Carbon Assessment Note (8.02.85, REP8-026)**, REP would have a carbon benefit in all operational scenarios, under both nominal and maximum throughput scenarios, across all modelled waste compositions and in both power only and CHP configurations. The assessment methodology, and in particular the assumptions around marginal power generation source and credit for landfill displacement, are in line with relevant guidance, extensively supported by DEFRA per '*Energy from Waste – A guide to the debate 2014*', the Secretary of State, an overwhelming majority of preceding DCOs and planning permissions, and a very recent decision; Ratty's Lane in Hoddesdon (ref 7/0067-17).

4 Renewable Energy

4.1.1 This section responds to Paragraph 5 of the GLA's Comments on the Applicant's final draft Development Consent Order (**REP8b-019**).

Paragraph Reference	GLA's Comment at Deadline 8b	Applicant's Response
5a	The projected content of the feedstock would be less than 50 per cent biogenic and therefore the ERF would not principally be a renewable energy generator. This does not comply with EN-1 and EN -3 Renewable Energy policies in the Energy NPS, or support the UK's urgent need to move to a low carbon economy (Deadline 7, Appendix A, para. 36). The GLA does not accept the Applicant's case as stated at Deadline 7 and in its Maximum Carbon Throughput Note at Deadline 8 in which it attempts to demonstrate that the biogenic content of the waste has been understated. The GLA's own assessment set out in its Deadline 8A submission to the Applicant's document 8.02.67 'GLA response to Applicant's submissions at Deadline 7' shows that the Applicant's modelling has overstated the amount of degraded carbon, thereby overstating the benefits when a comparison between landfill and REP is made.	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.*" The Applicant rejects the GLA's assertion in its Deadline 8A submission and notes that nowhere in this submission does the GLA show that the Applicant's modelling has overstated the amount of degraded carbon.
5b	The GLA has consistently demonstrated to the Examination that less than 50 per cent of the feedstock for the ERF is likely to be biogenic. Moreover, it is important to note that the calorific value of biogenic materials (e.g. food waste) is typically lower than that of non-biogenic (fossil carbon) materials (e.g. plastic waste). As a result, even in the event that feedstock is 50 per cent biogenic, the proportion of energy output from the ERF generated by this biogenic material is significantly less than 50 per cent - undermining any claim that the ERF is a predominant source of renewable energy.	The Applicant has consistently demonstrated that the bioenergy content of the feedstock is likely to be more than 50%. See **Section 3.2** of the **Applicant's Response to GLA Deadline 4 Submission (8.02.46, REP5-017)** for further details.
5c	Burning biogas (from the AD facility) on site would have an adverse effect on air quality and be an inefficient use of a valuable fuel that should be used as a replacement for grid gas in existing heating appliances or as a vehicle fuel (Deadline 7, Appendix A, paras. 16 and 39).	Combusting biogas (from the Anaerobic Digestion Facility) would not have an adverse effect on air quality, as demonstrated in the **Anaerobic Digestion Facility Emissions Mitigation Note (8.02.42, REP7-010)**. As a result of the Applicant's commitment to install 'cutting-edge' selective catalytic reduction (SCR) technology on the CHP engine (biogas engine), which goes beyond the Environment Agency (EA) best available technique (BAT) requirement, the impact from NOx emissions on human health exposure is Negligible, and impact on terrestrial biodiversity is insignificant. This commitment is secured through **Requirement 15** of the **dDCO (3.1, Rev 5, REP8b-004)** and represents an emission concentration which is significantly lower than that stipulated by relevant legislation (enactment of the Medium Combustion Plant Directive through the Environmental Permitting (England and Wales) Regulations 2016). 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. **Schedule 1** of the **dDCO (3.1, Rev 5, REP8b-004)** fully facilitates the implementation of these proposals, and the Applicant has engaged third parties in further development of which option to progress. Regarding conversion efficiencies, the onsite combustion option would not be inefficient, since this has been presented to the EA as part of the Environmental Permit for REP, and the EA considers that the engine performance represents BAT. The Applicant has presented an assessment of each option in **paragraphs 1.7.2** and **1.7.3** of the **Applicant's Response to the London Borough of Bexley Deadline 5 Submission (8.02.66, REP7-014)**. The Applicant notes the GLA is supportive of the Anaerobic Digestion element of REP within the agreed SOCG that will be submitted before the close of Examination.

5 Carbon

5.1.1 This section responds to Paragraph 6 of the GLA's Comments on the Applicant's final draft Development Consent Order (**REP8b-019**).

Paragraph Reference	GLA's Comment at Deadline 8b	Applicant's Response
6a	The Applicant has failed to demonstrate how the claimed electrical efficiencies meet the Mayor's CIF level in electricity-only mode would be achieved (Deadline 5, Schedule 1, para. 46).	The Applicant has clearly set out how the proposed level of efficiency would be achieved in practice in **Appendix A** of the **Applicant's responses to Written Representations (8.02.14, REP3-022), Section 5.2** of the **Applicant's Response to the GLA Deadline 3 Submissions (8.02.35, REP4-014)** and S**ection 2.8** of the **Applicant's Response to the GLA Deadline 5 and 6 Submissions (8.02.67, REP7-015).** The Applicant has maintained from the outset of the application that the ERF would be of high efficiency and has stated since Deadline 3 that it would be the most efficient ERF delivered in the UK to date.
6b	The current CIF level is planned to be reduced progressively to reflect the ongoing carbon reduction of UK energy generation capacity. The ERF would not meet lower CIF values by the time it is commissioned and would be a 'carbon producer' (Deadline 7, Appendix A, para. 38).	As set out in **Section 4.2** of the **Combined Heat and Power Supplementary Report (5.4.1, REP2-012),** the Applicant has assessed CIF performance using GLA approved methodology within its Ready Reckoner tools dated October 2011 and November 2018 (both formally published), and two versions submitted to the Applicant in April 2019 (not consulted on or published by the GLA). The Applicant has been agreeable in complying with the GLA's requests to recalculate carbon performance using these later versions and has demonstrated that REP will comply with the requirements of the CIF in all load cases and using any of the ready reckoner versions issued. The Applicant does not agree that it should be required to comply with the GLA's aspirations for future policy, which have not been consulted on nor confirmed within any policy.
6c	Comparison with UK energy mix – the Applicant's assessment of carbon benefit is based on historical values that do not take account of the UK's accelerating transition to a low carbon mix with a high proportion of renewable energy generation stated in government policy. The Applicant continues to assume that the electricity generated at the ERF will offset electricity generated at a CCGT plant. The GLA has disputed this assumption in its previous submissions to the ExA. Current grid generation is already of a lower carbon intensity than CCGT, and the carbon intensity of electricity on the grid will decline further a result of stated Government policy on grid decarbonisation. As a result the ERF will continue to perform increasingly worse in carbon terms over its lifetime as the carbon intensity of grid electricity declines. (Deadline 5, Schedule 1, paras. 49-51; Deadline 8A paras 3-6).	The Applicant continues to maintain its position. This was set out in full in **Section B.2** of **Appendix B to Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014).** In particular, the Applicant draws attention to the analysis in **Paragraph B.3.5** of **Appendix B to Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014)** which shows "*that the REP ERF has a lower effective carbon intensity than the UK Grid in every year until 2050 in electricity-mode*." Hence, even if the GLA's view on CCGT is correct, REP continues to have a positive carbon benefit. In **Section 2.9** of the **Applicant's Response to the GLA Deadline 5 and 6 Submissions (8.02.67, REP7-015),** the Applicant emphasised that the use of CCGT as the counter-factual was supported by the Secretary of State very recently in his decision on the application made by Veolia for an ERF at Ratty's Lane in Hoddesdon (ref 7/0067-17), issued on 19 July 2019. The Applicant also notes that the recent decision to grant a DCO to the Drax Power Station Re-Powering Project suggests that CCGT will continue to form part of the generating mix for many years, further supporting the use of CCGT as a counter-factual.
6d	Approving the ERF operating in power-only mode would slow the transition to a zero carbon economy. This would prejudice a key government objective stated in the NPS for Energy (Deadline 7, Appendix A, para. 38).	See 6c above.

6 Waste

6.1.1 This section responds to Paragraph 7 of the GLA's Comments on the Applicant's final draft Development Consent Order (**REP8b-019**).

Paragraph Reference	GLA's Comment at Deadline 8b	Applicant's Response
7a	The Applicant has overestimated the demand for residual waste treatment capacity in London as a result of overestimating both the quantity of residual waste available after pre-treatment; and the amount that is physically suitable for incineration, i.e. combustible (Deadline 7, Appendix A, para. 47). The GLA has demonstrated that London is expected to have 300,00 tonnes per annum surplus ERF capacity by 2036 if the Mayor's reduction and recycling targets are met (Deadline 2 Local Impact Report para 7.30 and Table 3).	Paragraph 2.5.13 of NPS-EN -3 makes clear that '*throughput volumes are not, in themselves, a factor in IPC decision making*', while Paragraph 2.5.64 goes on to make clear that waste combustion generating stations '*need not disadvantage reuse or recycling initiative where the proposed development accords with the waste hierarchy'*. The Applicant has made clear throughout its submissions, most notably the London Waste Strategy Assessment at **Annex A** of the **Project and its Benefits Report (7.2, APP-103)** and the **Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014)**, a demonstrated need for residual waste management capacity within both London and the South East. The assessments, using both GLA data and the application of the GLA's policy priorities within the London Plan, the draft new London Plan and the London Environment Strategy, have consistently shown the remaining level of need for residual waste treatment capacity within London is c. 900,000 tpa. This is before any consideration is given to the South East (c. 1.5 million tpa) and surrounding areas. The need remains even when the GLA's waste reduction and recycling targets are achieved. REP is just one element of the infrastructure needed in London. The Applicant has not overestimated demand for residual waste treatment in the South East region and provided a response to the GLA's concerns on this matter at **Section 2.2** of the **Applicant's Response to the Greater London Authority's Deadline 5 and 6 Submissions (8.02.67, REP7-015)**. 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 and conservative approach. The Applicant has also addressed the GLA's criticisms of the Applicant's approach from **Paragraph 5.3.20** onwards of the **Applicant's response to GLA Deadline 4 Submission (8.02.46, REP5-017)**. Within the **Project and its Benefits Report (7.2, APP-103)** and **Section 3** of the **Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014)** the Applicant has clearly set out how the ERF element of REP is the right scale and technology type so as to not disadvantage the waste hierarchy. The new recovery capacity within REP will complement the Circular Economy, working alongside recycling activities in London to divert residual waste from landfill. Furthermore, the Applicant has introduced **Requirement 16** of **dDCO (3.1, Rev 5, REP8b-004)** which goes above and beyond any other requirements/conditions set within other ERF DCOs/permissions. This Requirement is about giving confidence to the GLA and other interested parties, that the existing process described in Section 3 of the **Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014)** to ensure compliance with the waste hierarchy is being implemented. Furthermore, REP is a privately funded development which is being developed by the Applicant's in depth understanding of the waste market, supported by bankable and financeable market due diligence.
7b	Even on the Applicant's own projections of London waste arisings, the ERF would have more than double the capacity required (GLA's WR4 Deadline 1, para 3.79)	
7c	The Applicant has overestimated the demand for residual waste treatment capacity in the South East region due to miscalculating the capacity demand statements made in local planning documents (Deadline 5, Schedule 1, paras. 13 – 15)	
7d	Waste hierarchy – unless the waste hierarchy is correctly applied the ERF would incinerate recyclable waste. This would not comply with NPS EN-1 and undermine national and local recycling targets for moving towards a circular economy (Deadline 7, Appendix A, para. 8).	

7 Waste Transfer Stations

7.1.1 This section responds to Paragraph 8 of the GLA's Comments on the Applicant's final draft Development Consent Order (**REP8b-019**).

Paragraph Reference	GLA's Comment at Deadline 8b	Applicant's Response
8a	Despite historical permissions at the riparian transfer stations there is real concern over the operational and environmental capacity at these locations in central London (Deadline 7, Appendix A, para. 38).	The Applicant responded in detail to the GLA on this issue at Deadline 3 (see **Section 2.1** of **The Applicant's Response to the GLA's Written Representation (8.02.14, REP3-022)**) and at Deadline 5 (see **Section 6** of **The Applicant's response to GLA Deadline 4 Submissions (8.02.46, REP5-017)).** The Applicant has also provided a comprehensive response to East London Waste Authority on these matters at Deadline 8 (see **Sections 1.3** to **1.5** of the **Applicant's response to East London Waste Authority Deadline 7 Submission (8.02.79, REP8-020)).** These responses clearly explain the Applicant's rationale for its assumptions relating to the transfer of waste. They explain that in the 100% by road scenario, the Applicant makes reasonable worst-case assumptions and considers the transfer of waste to REP from the riparian Waste Transfer Stations at Smugglers Way, Cringle Dock, Wallbrook Wharf, Northumberland Wharf and the Port of Tilbury. No significant effects were identified. A 100% by river scenario was also assessed as part of the **ES Appendix B.2 - Navigational Risk Assessment (6.3, APP-067**), no significant effects were identified. Consideration of methods of transport *to* the WTSs is not necessary as each of these has already been granted planning and Environmental Permit consents which have considered the impacts of transporting waste to them. The Applicant can confirm these consents do not have any limits placed on them regarding total daily vehicle movements which would prejudice the permitted tonnage levels. These consents have in turn already considered the environmental and traffic impacts associated with the delivery of waste material to these facilities irrespective of the destination of that material. As stated throughout its submissions, the Applicant is wholly committed to REP being primarily a river fed facility. This commitment has been further demonstrated in **Requirement 14** of the **dDCO** (**3.1, Rev 5, REP8b-004**) which commits to a waste tonnage cap of 130,000 tpa being transported to the facility by road per calendar year.
8b	The environmental effects of using the existing river transport system including existing riparian transfer stations for waste transfer have not been assessed as part of the EIA (Deadline 5, Schedule 1, paras. 25 – 27).	
8c	The REP should seek to maximise the transportation of waste and materials in order to justify its location adjacent to the river and comply with national and London policies for maximising use of sustainable transport (Deadline 7, Appendix A, para. 2).	

8 Traffic

8.1.1 This section responds to Paragraph 9 of the GLA's Comments on the Applicants final draft Development Consent Order (**REP8b-019**). The Applicant has also taken into consideration the content raised in the GLA's Deadline 8b *Appendix B* (**REP8b-021**), *Appendix C* (**REP8b-022**) and *Appendix D* (**REP8b-023**) submissions when drafting the responses set out in this section.

Paragraph Reference	GLA's Comment at Deadline 8b	Applicant's Response
9a	The impacts on bus services arising from construction of the electrical connection have not been fully assessed and suitable mitigation on disruption to local bus services has not been proposed (Deadline 7, Appendix A, para. 27).	The assessment of the installation of the Electrical Connection is presented in **Paragraphs 6.9.61 – 6.9.89** of **Chapter 6 Transport** of the **ES** (**6.1, REP2-017**). The assessment reports that there would be no significant effects (including effects to driver delay) from the installation of the Electrical Connection other than temporary severance of bus service. Measures to mitigate the temporary effects from the construction of the Electrical Connection would be detailed as part of the Construction Traffic Management Plan (CTMP) and subject to junction appraisals to provide supplementary data prior to the commencement of construction (as is usual). The Applicant updated the **Outline Construction Traffic Management Plan (CTMP)** (**6.3, Appendix L to B1, REP5-008)** at Deadline 5. This included, at **Paragraphs 6.22-6.2.10**, a methodology to mitigate and minimise effects on buses during the construction of the Electrical Connection. Furthermore, in response to LBB submissions relating to more general effects on traffic, the Applicant agreed an approach to junction appraisals, as per **Paragraph 2.2.20** of the **Statement of Common Ground between the Applicant and the London Borough of Bexley** (**8.01.14, REP8b-009**). This was included in the updated **Outline CTMP** (**6.3, REP8a-010**) submitted at Deadline 8a. Within the more constrained corridor of the Fastrack route in Dartford Borough Council (DBC), the Applicant has been able to advance and agree detailed mitigation measures with both DBC and Kent County Council (KCC), as set out in the Applicant's respective Statements of Common Ground with those parties (see **REP3-018** and **REP8-014**) and secured through the **Outline CTMP** (**6.3, REP8a-010**). The junction appraisals approach will afford the same opportunity for detailed consideration of cable alignment and traffic management measures within the remainder of the Electrical Connection corridor as detailed design progresses. It therefore remains the Applicant's position that the processes set out in the **Outline CTMP** (**6.3, REP8a-010**), as secured by **Requirement 13** of the **dDCO (3.1, Rev 5, REP8b-018)**, are adequate and proportionate to secure adequate mitigation to be funded by the Applicant and to explore further opportunities where they arise at the detailed design stage. Furthermore, 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, REP8-006)**. 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 above, 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.

9 Air Quality

9.1.1 This section responds to Paragraph 10 of the GLA's Comments on the Applicant's final draft Development Consent Order (**REP8b-019**).

Paragraph Reference	GLA's Comment at Deadline 8b	Applicant's Response
10a	The Applicant has underestimated the levels of adverse effects including underestimating the number of receptors affected. The GLA believes that effects may be significant. Indeed, the Applicant has confirmed in Section 1.7 Applicant's response to air quality matters (Document Reference 8.02.70) submitted at Deadline 7) that emissions of Nickel would result in significant effects. The GLA notes the Applicant's calculation that 791 properties would be exposed to large increases in nickel concentrations, a "minor adverse" at each property and their concession that this should be considered a "significant" effect (paragraph 1.7.8). In previous submissions the Applicant has not acknowledged a significant effect. The Applicant seeks to downplay this effect by suggesting that the worst case scenario presented in the Environmental Statement would not occur in practice. Similar arguments have been made before by the Applicant in regard to the impacts of NOx and other pollutants. The GLA's position remains that the proper basis for assessing the impacts of the scheme remains the worst case represented in the Environmental Statement.	The GLA has misrepresented the Applicant's position in **Section 1.7** of the **Applicant's Response to Air Quality matters** (**8.02.70**, **REP7a-002**). The Applicant did not concede that the number of minor adverse impacts means that this should be considered a significant effect. The exact quote is at the end of **Paragraph 1.7**: *'This would correspond to the 'many hundreds' of properties within the guidance, where minor adverse impacts could be considered significant if the other elements of the assessment approach were not applied'*. The important phrase here is that the impacts *'…could be considered significant if the other elements of the assessment approach were not applied.*' The Applicant has consistently emphasised that under the guidance there is more than one element to take into account when considering the significance of an effect, and these are repeated in **Paragraph 1.7.3** of the **Applicant's response to Air Quality Matters** (**8.02.70, REP7a-002**), with the subsequent paragraphs elaborating on the response. When taking into account the other elements of the assessment criteria, as set out in **Paragraph 1.7.12** of the **Applicant's response to Air Quality Matters** (**8.02.70, REP7a-002**), then the likely impacts of nickel will be Negligible and therefore there will be no significant effects from emissions from the ERF.
10b	Arguing, as the Applicant has done, that the impacts described in the Environmental Statement (or supplementary documents) should be ignored *because* they are a worst-case scenario is not an acceptable approach and one which, ultimately, frustrates the purpose of undertaking an Environmental Impact Assessment in the first place. There is nothing in either the DCO (as drafted) or the Environmental Permit that would, or could, prevent the significant impacts described from occurring in practice.	The Applicant has at no point suggested that the impacts described in the Environmental Statement be ignored because they are worst case. Rather, the Applicant has considered the impacts in the context of the assessment methodology which requires that '*The influence and validity of any assumptions adopted when undertaking the prediction of the impacts*' is taken into account when considering significance (**Paragraph 1.7.3** of the **Applicant's response to Air Quality Matters** (**8.02.70, REP7a-002**). It is the GLA who are misapplying the assessment methodology in considering only the 2nd bullet point of the assessment methodology as set out in **Paragraph 1.7.3** (**8.02.70, REP7a-002**), i.e. the extent of current and future population exposure. When applied correctly, there are no significant effects.
10c	The GLA has previously requested that a similar calculation of the number of homes affected by non-negligible NO2 impacts is presented by the Applicant. This has not been done and therefore the Applicant has failed to demonstrate whether or not the NO2 impacts are significant (GLA Deadline 5, Schedule 1, paras. 56 - 62).	The GLA refers to a request to provide the number of homes affected by non-negligible impacts. **Section 1.4** of **Applicant's response to Air Quality Matters** (**8.02.70, REP7a-002**) describes how annual mean NO_2 concentrations have been assessed at locations where baseline NO_2 concentrations are likely to be highest and where the impact of emissions from the ERF are likely to be greatest (at residential properties where the annual mean NO_2 objective applies). The results of the assessment are presented in **Table C.2.2.9** of **Appendix C.2 – Stack Modelling** of the **ES** (**6.3, REP2-038**) and all predicted impacts at the representative receptor locations are Negligible. As all of the predicted impacts are Negligible there are no non-Negligible NO_2 impacts, and it has been demonstrated that there are no significant NO_2 impacts.
10d	Both the Mayor and the affected boroughs have a statutory duty to work to achieve compliance with legal air quality limits and more broadly to take steps to reduce ambient pollutant concentrations. If the DCO and permit are granted for the development, it would not be possible for the Mayor or affected Boroughs to secure further additional mitigation measures from the Applicant. It would fall to the Mayor and Boroughs to undertake compensatory measures from their own resources, which may include significant investment to reduce emissions from unrelated sources such as transport. For some of the relevant pollutants, such as Nickel, where there are few other local sources except for the existing RRRF it is likely to be the case that there are no compensatory measures available to the Mayor or Boroughs.	The Applicant has demonstrated that there will be no exceedances of National Air Quality Strategy Objectives (for which the Mayor and affected boroughs have responsibility), nor EU Limit Values (**Paragraphs 1.4.17** to 1.4.19 of the **Applicant's response to Air Quality Matters** (**8.02.70, REP7a-002**). In the case of Nickel, the maximum Predicted Environmental Concentration is less than 25% of the assessment level and therefore the assessment level will not be exceeded (**Paragraph 1.7.7** of the **Applicant's response to Air Quality Matters** (**8.02.70, REP7a-002**)). As there are no exceedances of National Air Quality Strategy Objectives from emissions from REP, nor of relevant pollutants such as Nickel, there would be no requirement for the Mayor or affected Boroughs to undertake compensatory measures from their own resources.
10e	The Applicant has failed to take proper account of important changes in the future baseline including prevalence of high-rise buildings in nearby Opportunity Areas (GLA Deadline 5, Schedule 1, paras. 68 –	The GLA has misunderstood the information provided in the Applicant's submissions. The locations of the tall buildings that have been assessed are numbered TBR1 to TBR6 on **Figures 1a** to **5** of the

Paragraph Reference	GLA's Comment at Deadline 8b	Applicant's Response
	77). The maps showing receptor locations and expected tall buildings were provided separately from the narrative description of the results and were provided as figures 1a to 5 of the Applicant's Deadline 7a submission "Applicant's response to Air Quality Matters (with track changes)." Assuming that the maps are correct none of the receptors (R1 to R6) relied upon to demonstrate "negligible" impacts are located within the Beam Park Opportunity Area, indeed only R4 and R6 are even on the same side of the river. Receptor R15 was relied on by the Applicant as representative of potential tall building locations within the Opportunity Area, and the map shows that this is indeed located close to a potential tall building site (TBR1). However, this location is well outside the expected centre line of the pollutant plume whereas TBR6 is almost in the centre of the plume. TBR6 has not been modelled or assessed.	**Applicant's response to Air Quality Matters** (**8.02.70, REP7a-002**). These locations are the same as the receptor locations numbered 1 to 6 (apart from the prefix 'TB') that are included in **Section 6.1** of the **Applicants Response to the GLAs Deadline 3 submission** (**8.02.35, REP4-014**). In particular TBR1 is located in the eastern end of the Beam Park Opportunity Area closest to the expected centre line of the plume. The impacts at TBR1 and TBR6 are included in **Table 6.1** of the **Applicants Response to the GLAs Deadline 3 submission** (**8.02.35, REP4-014**) and it is therefore not correct to suggest that the impacts within Beam Park or at receptor TBR6 have not been assessed. As shown in **Table 6.1** and discussed in **Paragraphs 6.5.16** to **6.5.23** of the **Applicants Response to the GLAs Deadline 3 submission** (**8.02.35, REP4-014**), all of the impacts at tall buildings are not significant.
10f	In summary the Applicant's assessment, and supplementary documents, has shown significant impact from at least one air pollutant (Nickel) which may have consequences on human health. The Applicant has not provided sufficient information to understand whether they may be significant impacts from other pollutants on existing homes and workplaces (particularly from NO2), nor have they shown that the impacts of the ERF will not have a constraining impact on the delivery of Opportunity Areas.	The Applicant disagrees with the GLA's conclusion that the impact of Nickel is significant, and that it could have consequences for public health as the Predicted Environmental Concentration (PEC) is less than 25% of the assessment level. The Applicant has provided information demonstrating that there will not be significant impacts on existing homes and that workplaces are not relevant for annual mean impacts and therefore workplaces will not be subject to significant impacts or effects (**Paragraphs 1.9.2** to **1.9.4** of the **Applicant's response to Air Quality Matters** (**8.02.70, REP7a-002**)). The reason why workplaces are not relevant locations for annual average concentrations is set out in **Section 7.2** of the **Applicant's response to the GLA Deadline 4 Submission** (**8.02.46, REP5-017**). In essence, workplaces are not considered to be relevant locations for annual average exposure as workers will not be present at their workplaces for the annual averaging period of the objective, and therefore they will not be subject to significant impacts. The Applicant has also demonstrated that the impacts of the ERF will not be a constraint on delivery of Opportunity Areas (**Paragraph 1.6.2** of the **Applicant's response to Air Quality Matters** (**8.02.70, REP7a-002**)).

10 Biodiversity

10.1.1 This section responds to Paragraph 11 of the GLA's Comments on the Applicant's final draft Development Consent Order (**REP8b-019**).

Paragraph Reference	GLA's Comment at Deadline 8b	Applicant's Response
11a	The GLA maintains that the adverse effects on biodiversity have not been fully addressed and understood. The GLA supports LBB's response to the ExA concerning the adverse effects on biodiversity submitted at Deadline 7a. The GLA acknowledges that LBB has accepted the Applicant's concession to deliver a 10 per cent biodiversity net gain secured through the Development Consent Order. The GLA acknowledges that the Friends of Cross Ness Nature Reserve remain opposing the REP concerning the adverse effects on biodiversity stated in their submissions to the ExA.	The Applicant has made an extensive effort to engage and consult with the GLA throughout the Examination. At no point, until this comment at Deadline 8b, has the GLA raised concerns or questions relating to the Application's potential adverse effects on biodiversity, The Applicant has carried out a thorough assessment of the effects of REP on terrestrial biodiversity in **Chapter 11 – Terrestrial Biodiversity** of the **ES (6.1, REP2-023)**. As confirmed at **Paragraphs 11.12.2** to **11.12.4** of **Chapter 11 – Terrestrial Biodiversity** of the **ES (6.1, REP2-023**), no likely residual significant effects are anticipated on terrestrial biodiversity receptors, as a result of construction, operation or decommissioning of the Proposed Development, provided appropriate mitigation measures secured in the **dDCO (3.1, Rev 5, REP8b-004)**, the **Outline Code of Construction Practice (CoCP) (7.5, REP8a-014)** and **Outline Biodiversity Landscape Mitigation Strategy (OBLMS) (7.6, REP8-012)** are implemented. The assessment, which followed the biodiversity hierarchy, identified a need for compensation following the loss of habitats of ecological value within the REP site. This will be delivered through the **OBLMS (7.6, REP8-012)** and final Biodiversity Landscape Management Scheme (BLMS) which is secured by **Requirement 5** of the **dDCO (3.1, REP8b-004). Requirement 5(c)** of the **dDCO (3.1, Rev 5, REP8b-004)** has provided the commitment to a minimum of 10% biodiversity net gain. As set out **Section 2.7** of the **Statement of Common Ground between the Applicant and London Borough of Bexley (8.01.14, REP8b-009)**, both parties agree that with the provision of the biodiversity off-setting in accordance with the site selection priority as set out in the **OBLMS (7.6, REP8-012)**, including the 10% net gain, there would not a be a significant adverse effect in terms of biodiversity as a result of the Proposed Development.

11 Development Consent Order

11.1.1 This section responds to Paragraphs 12 to 29 of the GLA's Comments on the Applicant's final draft Development Consent Order (**REP8b-019**). The Applicant has also taken into consideration the content raised in the GLA's Deadline 8b *Appendix A* (**REP8b-020**) submission when drafting the responses set out in this section.

11.1.2 The Applicant considers that the final **dDCO (3.1, Rev 5, REP8b-004)** submitted at Deadline 8b should be the final DCO. However, should the Secretary of State be minded to amend the dDCO in line with GLA's comments submitted at Deadline 8b, the Applicant has clearly set out below where it is content with such amendments.

DCO Article / Requirement		GLA comment	Applicant's response
Schedule 1			
1.	Work No. 1(a)(v)	Supported	Noted
2.	Work No. 2(b)	Supported	Noted
Schedule 2			
3.	Requirement 2(2)	Supported	Noted
4.	Requirements 11(f) and (g)	Supported	Noted
5.	Requirement 13(h)	Supported	Noted
6.	Requirement 13(2)	The GLA's position remains that a financial contribution to pay for mitigation measures to reduce the adverse impact on bus services from the laying of electrical cables should be included as an obligation. The aim should be to minimise delay and only seek compensation where delay is unavoidable. Providing extra bus capacity is a benefit to bus users. This should be secured in the DCO or in the Construction Traffic Management Plan. Such a requirement would match that secured in the Brent Cross Partners DCO attached at Appendix B to the GLA's Deadline 8B Submission. TFL's 'Bus Mitigation Process' (attached at Appendix C) is the mechanism to measure reasonable and proper costs to mitigate bus impacts and is linked to the temporary traffic management notification process applied in the Brent Cross development. The methodology to assess delay aims to incentivise the contractor to minimise delay to buses in keeping with their statutory duties. This is also in keeping with the Traffic Management Act, which regulates utility companies through permits and lane rental charges. The DCO could override the permit scheme. The GLA suggests inclusion of the Bus Mitigation Process into the CTMP.	The Applicant has clearly set out why a financial contribution to pay for compensation for any potential bus delays is not necessary or reasonable. Please refer to the **Applicant's response to Greater London Authority Deadline 5 and 6 Submissions (8.02.67, REP7-015).** GLA's reference to the Brent Cross Partners Section 106 Agreement should have no weight in relation to the Proposed Development. Brent Cross is an entirely different scheme, of a different magnitude, duration, and with different impacts. Therefore, Brent Cross cannot be used as a project to match the requirements that should be imposed on the Proposed Development, particularly as the impacts in this instance are arising from the construction of the Electrical Connection being implemented by a statutory undertaker through a connection agreement under the Electricity Act 1989. These works are no different to the installation of other strategic utility connections which could be delivered by statutory undertakers under their existing powers, which TfL would need to manage on a regular occurrence across London. The Applicant will be funding the mitigation measures set out in the final CTMP, which includes mitigation measures to reduce impacts on buses. The final CTMP must be approved by the relevant planning authority (in consultation with the relevant highway authority and TfL).
7.	Requirement 13(4)	Supported provided that the amendments to para 10.1.3 of the CTMP suggested by the GLA at Deadline 7A are adopted. The amendments are necessary and effective to maximise use of sustainable transport of waste and materials by river.	Whilst the Applicant does not accept GLA's suggestion to paragraph 10.1.3, the Applicant has strengthened the wording at **Paragraph 10.3.1** and **10.3.3** of the **Outline CTMP (6.3, REP8a-011)** and considers these measures are sufficient to maximise the use of river-based transport.
8.	Requirements 14(1) and (2)	Supported	Noted
9.	Requirement 14(7) – insertion	Insertion of the following text "*The undertaker must ensure that any Heavy Commercial Vehicle servicing the REP must comply with the Euro VI emissions limits or with equivalent (or better) emissions standards*" GLA maintains that a requirement for Heavy Commercial Vehicles (HCVs) servicing the REP meet EURO VI emission standards as a minimum. The Mayor has statutory duties to reduce carbon emissions and air pollution. This requirement is necessary and	As stated in **Section 2.16** of the **Applicant's Response to Greater London Authority's Deadline 5 submissions (8.02.76, REP7-015),** the Applicant has committed to meeting the prevailing emissions standards for its own vehicles and will encourage other companies to do the same, where possible and appropriate. The Applicant does not propose to introduce contractual requirements for third party fleet operators to meet the prevailing emission standards. At best, all the Applicant, as a private company, can do is to encourage third parties to meet those standards or pay the required fees. It is notable that the GLA/TfL

DCO Article / Requirement	GLA comment	Applicant's response
	effective to help fulfil those duties and to secure maximum air quality and CO2 mitigation benefits. This requirement would enable the REP to effectively comply with the London Low Emission Zone (LEZ) and London Environment Strategy (LES) Policy 7.3.1,and help work towards the Mayor's overall ambition for all heavy vehicles to be fossil fuel free by 2030. Since the LES was published, eight London boroughs have stipulated requirements in their waste service contract specifications for contractors to use vehicles that comply with ULEZ/LEZ standards as a minimum. The Low Emission Zone and Ultra-Low Emission Zone are incorporated in the statutory national plan to achieve compliance with European legal limits for NO2 in the shortest time possible. In the recent *Client Earth* judgement Mr Justice Garnham ruled that compliance should be achieved as soon as possible, by a route that would reduce exposure as quickly as possible and which is likely to work. In order to meet these tests all sectors will need to achieve high levels of compliance with the ULEZ standards. Securing a minimum Euro VI standard via a Requirement will assist with this by preventing the operators' additional HCVs serving the new development choosing to "pay-and-stay" with non-compliant vehicles. The costs of "pay-and-stay" although high for an individual operator could potentially be passed on to customers, negating the incentive effect of the ULEZ. European emission limits for HCVs are expressed in g/kWh for both NOx and Particulate Matter. The Euro VI limits for NOx are 0.4 g/kWh, Euro V limits for NOx are 2 g/kWh. For Particulate Matter the Euro VI limits are 0.02 g/kWh and Euro V limits are 0.01 g/kWh. A Euro VI HCV therefore emits 80 per cent less NOx and 50 per cent less PM than the equivalent Euro V vehicle. Emissions reductions compared to earlier emissions limits are even greater. A requirement to use only Euro VI HCVs would therefore not only contribute to achieving overall compliance but would also significantly reduce exposure along affected road corridors, as required by the second of Justice Garnham's tests. Such a Requirement would be similar to that applied in the Silvertown Tunnel development DCO (attached at Appendix D). Schedule 2 Requirement 14 (3): Cross River bus services states: *"(3)TfL must ensure that any bus ordinarily using the Silvertown Tunnel as part of a London local service must comply with the Euro VI emissions limits or with equivalent emissions standards."* In the Silvertown case, TfL does not itself run the bus services, so the requirement has to be met through contracts and licensing. The Applicant argued at the 2nd ISH that it would not be practical to stipulate such a condition on suppliers to the REP. The Silvertown DCO demonstrates that a Euro VI condition could be secured through contracts and licensing arrangements agreed by the Applicant with its suppliers to the REP. To provide flexibility and supporting a phased approach, contractual obligations could be placed on those suppliers who are not yet using Euro VI to use these vehicles as a minimum for their next commissioning/contracting round. The GLA notes in Schedule 1 paras 7.4.1 – 7.4.3 of the Applicant's Deadline 7 Submission (Ref doc 8.02.67) regarding commitment to Euro VI standards *"The Applicant has committed to meet the prevailing emissions standards for its own vehicles and will encourage other companies to do the same, where appropriate*. However such a commitment is not set out in the DCO or the CTMP and should be to ensure that it is delivered.	acknowledges that it is down to local authorities themselves to stipulate this requirement. This was also discussed in detail at the Issue Specific Hearing on 19 September 2019 (see **Oral summaries for the Issue Specific Hearing on draft Development Consent Order (8.02.77, REP8-018)**) and in **Section 7.2** of **the Applicant's Response to the Greater London Authority's Deadline 7 and 7a Submissions (8.02.78, REP8-019).** Requirements set out in the Silvertown Tunnel DCO are not relevant requirements to attach to the Riverside Energy Park DCO. This is because TfL is the undertaker for the purposes of the Silvertown Tunnel, which is a public body running a public transport scheme. This is different to the Proposed Development where in these circumstances it would be the undertaker as a private company imposing contractual obligations on private parties.

	DCO Article / Requirement	GLA comment	Applicant's response
10.	Requirement 15 (deleted by the Applicant)	GLA maintains Requirement Emission limits – Work no 1A be re-instated with these amendments as GLA submitted in its Deadline 7A Submission. This Requirement is necessary and effective to ensure that the development as built does not exceed the impacts on air quality described in the Environmental Statement annual mass emission limits and should be imposed for all assessed pollutants. Further detail on the GLAs reasoning is provided in Appendix B to our deadline 8A submission. GLA consider that as the term "Nitric Oxide" is the more common chemical name for NO and "Oxides of Nitrogen" is the more frequently used descriptor for NOx they should be used. This change has been made in respect of the emission limits for Works No 1B. The limits in the table are calculated from the Applicant's ES table 7.17.	The deletion of Requirement 15 has been agreed with LBB. The Applicant does not agree to reinstate this requirement, as requested by the GLA, as the Environment Agency is the key regulator for air emissions in England. Please refer to **Table 2** of **the Applicant's Response to the Greater London Authority's Deadline 7 and 7a Submissions (8.02.78, REP8-019)** for further information. Paragraph 4.10.8 of NPS EN-1 makes it clear that the Secretary of State should not refuse consent on the basis of pollution impacts unless it has good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted. The Environment Agency has confirmed by letter dated 11 September 2019 that REP "*is of a type and nature that can be in principal regulated under the EPR [(Environmental Permitting (England and Wales) Regulations 2016]...*" and that "*at this stage we have not found any reason to refuse the application.*" (see **REP8-024**). The ExA and the Secretary of State can therefore be content that the Environmental Permit for REP will ensure that the emissions from REP would be controlled, and continually occurring at the limit set in the Industrial Emissions Directive /BReF conclusions / recommended ceiling. The term 'oxides of nitrogen' has been used to avoid any inconsistency between the dDCO and the Environmental Permit during the operational phase of REP. Please also refer to the **Anaerobic Digestion Facility Emissions Mitigation Note (8.02.42, REP4-021)** in relation to the errors in the limits in the table GLA suggested be inserted in Requirement 15.
11.	Requirement 15	Supported	Noted
12.	Requirement 16	GLA agrees with LBB that Req 16 as drafted does not offer sufficient controls or safeguards to ensure that the waste hierarchy is followed. The GLA considers that the amendments to these paragraphs are necessary and effective to ensure that: Work 1A manages waste that could not otherwise be reused or recycled to comply with NPS EN-1.	The Applicant has provided a detailed response to this point at **the Applicant's response to GLA's comments on the draft Development Consent Order from Deadline 7 and 7a (8.02.89, REP8a-017)**. The requirement is also now in agreed form with the London Borough of Bexley. As demonstrated in the evidence presented throughout Examination, REP will not compromise London's recycling ambitions. Requirement 16 also includes 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 requirement goes above and beyond any other requirements or conditions set out in other ERF DCOs / permissions.
13.	Requirement 16(2)(b)	Insertion of *"including contractual measures* ***securing limits on recyclable material content*** *to encourage"*	The Applicant does not consider this to be reasonable nor appropriate. This is explained further in **Reference 36** of **the Applicant's response to Greater London Authority's Deadline 8 and Deadline 8a Submission (8.02.97, REP8b-016).**
14.	Requirement 16(2)(c)	Insertion of *"which includes establishing a baseline* ***achieving 65 per cent*** *for recyclable and reusable waste"* Supported with amendments. The absence of any identified baseline or maximum limits on recyclable content undermines effective implementation and reporting of the waste hierarchy scheme. GLA maintains that a 65 per cent recycling level baseline is appropriate and necessary for the REP to meet the Mayor's 65% municipal waste recycling target and 70% commercial and industrial waste target complying with the London Plan, draft London Plan, and the Mayor's London Environment Strategy.	The Applicant has provided a detailed response in relation to the target of 65% in **Reference 36** of **the Applicant's response to Greater London Authority's Deadline 8 and Deadline 8a Submission (8.02.97, REP8b-016).** The Applicant does not consider this to be reasonable nor appropriate.

	DCO Article / Requirement	GLA comment	Applicant's response
15.	Requirement 16(2)(e)	Amendment to *"the provision of **a six monthly** waste composition analysis"* GLA considers six monthly is a more appropriate timeframe to ensure early action can be taken to identify and reduce recyclable material entering the ERF.	The Applicant has provided a detailed response in relation to the bi-annual waste composition analysis in **Reference 35** of **the Applicant's response to Greater London Authority's Deadline 8 and Deadline 8a Submission (8.02.97, REP8b-016).** The Applicant does not consider this to be reasonable or appropriate.
16.	Requirement 21	Insertion of *"The employment and skills plan must **include the undertaker's accreditation to the Mayor's Good Work Standard including payment of the London Living wage for London-based employment activities and must** be implemented."* The GLA consider the amendment is necessary to ensure that the development will effectively deliver social value and best practice employment practice in line with the Mayor's Good Work Standard. The Good Work Standard, launched on 29 July 2019 sets the benchmark for every London employer to work towards and achieve, including payment of the London Living Wage.	The Applicant has provided a response in relation to the London Living wage in **Reference 39** of **the Applicant's response to Greater London Authority's Deadline 8 and Deadline 8a Submission (8.02.97, REP8b-016).** The Applicant considers that this is not a planning policy matter.
17.	Requirement 23(3)	Supported	Noted
18.	Requirement 24(1)	Amendment to *"the preservation of space for the future provision of **Work No.3**."* Supported with amendments. The Applicant's wording falls short of describing the entire combined heat and power plant and equipment that comprises Work No.3 for which the space must be preserved.	The Applicant does not accept this amendment as it does not make sense to refer to Work No. 3 being constructed to produce CHP through the preservation of space for the future provision of Work No. 3. The wording is clear that Work Numbers 1A, 2(b) (if applicable) and 3 must be constructed to produce CHP through the provision of stream pass-outs and the preservation of space for the future provisions of water pressurisation, heating and pumping systems. The wording that the Applicant has inserted into the final DCO was originally proposed by the GLA at Deadline 7a (**REP7a-006**) (indeed it was discussed orally at the ISH on the dDCO), who now keeps seeking to amend its own drafting.
19.	Requirement 24(4)(a)	Supported	Noted
20.	Requirement 24(4)(c)	Amendment to *"to the boundary of Work No. 6 **at the locations established in the CHP review 2(e)**"* The CHP review, and not the work plan will set out the location of a heat network to the site boundary. The DCO places no requirement for such detail to be set out in the work plan. This was discussed at the ISH. The GLA understood that the Applicant would amend to this effect.	The Applicant maintains that this additional wording inserted by GLA is not necessary. However, the Applicant is content to accept the insertion of "*at the locations established in the CHP review*" should the Secretary of State be minded to do so. Reference to 2(e) is not accepted by the Applicant as 2(e) is simply the terms of reference for the Working Group.
21.	Requirement 24(d)	Insertion of *"technical **feasible** and commercially viable"*	The deletion of 'feasible' has been agreed with LBB, as requested at Deadline 7.
22.	Requirement 24(5)	Insertion of *"technical **feasible** and commercially viable"* Amendment necessary to ensure consistent use of 'technically feasible and commercially viable' throughout the DCO.	The deletion of 'feasible' has been agreed with LBB, as requested at Deadline 7.

	DCO Article / Requirement	GLA comment	Applicant's response
23.	Requirement 24(6)	Amendment to *"**two years**"* rather than three years for the submission of a revised CHP review. Supported with amendment. The GLA maintains that ensuring that the frequency of the CHP review should be two years is necessary as any longer period would undermine the delivery of CHP. This is because the London housing market changes rapidly and, therefore, waiting three to five years for a CHP review will result in lost opportunities to deliver CHP.	Submission of a revised CHP review every three years has been agreed with LBB. Given the length of time it takes to undertake such reviews, and the Applicant's commitments to driving heat network delivery through the Bexley District Heating Partnership Board and/or the CHP working group, three years is a reasonable time period. The recently granted DCO for the Drax Power Station Re-Powering Project includes a CHP requirement which stipulates CHP reviews at four yearly intervals. This is for a generating station with a maximum heat export capacity of 454.8MW which, given its larger scale, is considerably more heat than that available from REP. On this basis, the Applicant's position of undertaking reviews at three yearly intervals is generous and goes beyond what would typically be secured for a facility of this type.
24.	Requirement 25(1)	Supported	Noted
25.	Requirement 25(2)	Supported	Noted
26.	Requirement 25(4)	Amendment to *"On each date during the operational period of Work No. 1B that is **one** year after"* and deletion of *"subject to sub-paragraphs (6) and (7)"* Supported with amendment. Under the Applicant's draft DCO wording, circa 100,000 tonnes of compost output could potentially be lost to incineration or landfill over a five year period. If the claimed benefits of the REP anaerobic digestor are to be realised, it is necessary that the Applicant works on a continuing basis to secure outlets for use of compost output on land. An annual report to the relevant local planning authority is therefore considered effective to demonstrate commitment to achieving recycling of the AD output.	The Applicant has agreed a two-year period with LBB. Every two years is entirely reasonable. The wording *"subject to sub-paragraphs (6) and (7)"* has not been deleted. This is explained below.
27.	Requirement 25(5)	Deletion of *"subject to sub-paragraphs (6) and (7)"*	The Applicant has not deleted this wording as: • Sub-paragraph (6) – as the decision on how to utilise the gas is a binary decision, see below, so only one review can be carried out to determine which infrastructure is installed. Sub-paragraph (7) – in the event that the export is provided, further Anaerobic Digestion digestate reviews are every three years (rather than every 2 years as set out in sub-paragraph (4))

	DCO Article / Requirement	GLA comment	Applicant's response
28.	Requirement 25(6)	Deletion of 25(6) GLA consider that the undertaker's position is already sufficiently protected by the qualification of *'technically feasible and commercially viable*' at Requirement 27(3)'	The Applicant is only required to undertake the review of export of gas once and then no further review is required. This is a binary investment decision as set out in **Reference 53** of **the Applicant's response to Greater London Authority's Deadline 8 and Deadline 8a Submission (8.02.97, REP8b-016).**
29.	Requirement 25(7) and (8)	Supported	Noted
30.	Requirement 26	Supported	Noted
31.	Requirement 32(1)	Amendment to *"**655,000** tonnes per calendar year"* The GLA maintains that the inclusion of this maximum waste throughput is necessary to ensure that the operation of the development does not exceed the basis of the climate change assessment presented in the Applicant's Carbon Assessment (document 8.02.08 submitted at Deadline 2). The Carbon Assessment does not include the climate change impact of the proposed ERF managing any more than 655,000 tonnes per year. The GLA in paras 3-6 in its Deadline 8A submission responds to the Applicant's Maximum Throughput Carbon Assessment Note submitted at Deadline 8, concluding that the Applicant's assessment is flawed in justifying the cap be set at the upper limit of 802,905 tonnes per annum. The GLA does not accept that increasing the throughput of the ERF increases the carbon benefits.	The Applicant has provided a response in relation to the requested tonnage cap in **Reference 7** of **the Applicant's response to Greater London Authority's Deadline 8 and Deadline 8a Submission (8.02.97, REP8b-016).** The Applicant does not accept a tonnage cap of 655,000 tonnes per calendar year which is below the 805,920 tested within the Environmental Statement The **Maximum Throughput Carbon Assessment Note (8.02.85, REP8-026)**, demonstrates that the carbon benefits associated with the ERF element of REP increase with an increase in throughput.
32.	Requirement 32(3)	Insertion of ***"The tonnage of waste delivered to work number 1A from the Port of Tilbury must not exceed 163,750 tonnes per annum, or exceed more than 25 per cent of the operational tonnage waste of the approved development, whichever is greater."*** The GLA maintains that the DCO requires similar waste import restrictions to those on the RRRF is necessary and effective to help secure London's strategic waste management needs as has previously been accepted by the Secretary of State. See GLA Submission 8A paras 55-62 for more explanation. The GLA maintains that a requirement setting a cap on waste imported to the REP from outside of London is necessary and effective to secure London's strategic waste management needs. The GLA has set at 32 (3) in the DCO a cap on waste delivered from the Port of Tilbury as has been previously accepted by the Secretary of State (SOS) in granting a tonnage extension to the RRRF. Paras 55-62 in the GLA's Deadline 8A submissions sets out more detail why this Requirement is necessary along with supporting evidence linked to the RRRF planning permission.	The Applicant has provided a response in relation to the waste delivered from Port of Tilbury in **Reference 57** of **the Applicant's response to Greater London Authority's Deadline 8 and Deadline 8a Submission (8.02.97, REP8b-016).** The Applicant does not accept the inclusion of a restriction on the waste delivered to Work No. 1A from the Port of Tilbury. REP is a Nationally Significant Infrastructure Project. REP's location is strategically important. Its location on the edge of London and adjacent to the River, 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. A restriction relating to the source of waste is not justified or appropriate.

12 Statement of Common Ground

12.1.1 This section responds to Paragraph 30 of the GLA's Comments on the Applicants final draft Development Consent Order (**REP8b-019**).

Paragraph Reference	GLA's Comment at Deadline 8b	Applicant's Response
30	The GLA continues to engage with the Applicant but has not yet agreed a SOCG. The GLA will continue engaging with the Applicant and intends to agree a SOCG that could be submitted by the close of the Examination.	A Statement of Common Ground has been agreed by both Parties and is expected to be submitted by the close of the Examination.