

30 July 2018

Riverside Energy Park, Belvedere

In the London Borough of Bexley

Pre-application consultation for proposed Development Consent Order

Statutory consultation response

Development Consent Order, Section 42 of Planning Act 2008 and regulation 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

The proposal

An integrated multi-technology energy generation park including an Energy Recovery Facility, Anaerobic Digestion Facility, Solar Panels, Battery Storage and electrical connection route.

As the Riverside Energy Park would have an electricity generating capacity over 50MWe, it is classified as a Nationally Significant Infrastructure Project under section 14(1)(a) and section 15(2) of the Planning Act 2008.

The applicant

The applicant is **Cory Environmental Holdings Limited**.

Principle of development

The primary energy generating element of the proposed Riverside Energy Park is the Energy Recovery Facility, an energy from waste plant which produces energy through the incineration of waste. The ERF cannot be supported as it **does not contribute to the circular economy** and will likely **supress efforts to achieve recycling targets**, as set out in draft London Plan SI7, London Plan Policy 5.3 and the Mayor's London Environment Strategy (LES).

The applicant has **not demonstrated that there is any demand for the proposed facility**. Further, if London is to meet its reduction and recycling targets, there will be 153,000 tonnes of surplus EfW capacity by 2030; therefore, there is no need for additional EfW plants to process London's waste. It is considered that the proposals would prejudice the Government's core objective of sustainable development with regard to waste as set out in the revised NPPF. Approving the ERF would also be detrimental to the Government's approach for meeting new ambitious recycling targets agreed to under the EU Circular Economy Policy package.

Whilst the development is described as 'CHP-ready', and given the existing energy from waste facility has not yet utilised heat off-take after 15 years of operation, it is **not considered that the proposed ERF could meet the Carbon Intensity Floor**, as required by draft London Plan SI8 and the LES, or could demonstrate demand for the heat produced. Furthermore, the incineration of waste would have unacceptable **air quality impacts** on existing residents and on future residents in the London Riverside and Bexley Riverside Opportunity Areas.

The anaerobic digestion facility, battery storage and PV panels are supported in principle as they allow the generation and storage of entirely renewable energy.

Context

The applicant, Cory Environmental Holdings Limited (hereafter, ‘the applicant’), is applying for a Development Consent Order under the Planning Act 2008 for the development of Riverside Energy Park. A Development Consent Order is required where a scheme is considered to be a Nationally Significant Infrastructure Project (NSIP). The NSIP threshold for energy generating facilities is 50 megawatts. The proposed facility will have an electrical output of greater than 96 megawatts (MW) and as such exceeds the threshold to qualify as an NSIP. NSIP applications are assessed by the Planning Inspectorate, on behalf of the Secretary of State, who will issue a decision on the application.

On 12 June 2018, the Mayor of London received documents from Peter Brett Associates, on behalf of Cory Environmental Holdings Limited (hereafter ‘the applicant’), notifying him of their intention to submit a Development Consent Order application for a Nationally Significant Infrastructure Project, under the Planning Act 2008, and asking him for his comments as a statutory consultee, in advance of the formal application to the Planning Inspectorate. This report sets out information for the Mayor’s consideration in deciding what form the consultation response should take.

Section 42 of the Planning Act provides details of the Duty to consult, stating that “the applicant must consult the following about the proposed application –

- a) any persons as may be prescribed,
- aa) The Marine Management Organisation, in any case where the proposed development would affect, or would be likely to affect, any of the areas specified in subsection (2)
- b) each local authority that is within section 43,
- c) the Greater London Authority if the land is in Greater London, and
- d) each person who is within of or more of the categories set out in section 44”.

Section 49 of the Act requires the applicant to have regard to any response received during consultation. Once an application has been submitted to and accepted by the Inspectorate the applicant must consult the GLA again (Section 56 (2) (c) of the Act). The GLA can then make representations to the Inspectorate. The Inspectorate is also required to invite the GLA to submit a local impact report (Section 60 (2) (b) of the Act). If the GLA makes representations it may request to appear at a hearing to examine the application.

The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

The site of the proposed Riverside Energy Park is located adjacent to the existing Riverside Resource Recovery (RRR), which is also owned and operated by the applicant. The site is bound to the north by the River Thames, industrial land and Norman Road to the south, industrial buildings to the east and, beyond the immediately adjacent Crossness Nature Reserve, lies the Crossness Sewage Treatment Works.

The site lies within Strategic Industrial Land and is served by a safeguarded wharf, known as Borax Wharf / Manor Wharf. The adjacent Crossness Nature Reserve is designated Metropolitan Open Land.



Figure 1 – Google aerial view of the site, with existing Resource Recovery Facility to the east.
Source: Google Maps



Figure 2 – Illustrative image, showing existing RRR (to east) and proposed REP (to west).
Source: Cory Riverside Energy

The site itself is comprised of the existing RRF, an access ramp connecting the wharf to Norman Road, temporary containers, hardstanding and scrub land. In addition, planning permission was granted in 2015 for a Data Centre on land to the west of Norman Road, just south of the existing RFF (LPA reference: 15/02926/OUTM). Whilst this has not been constructed, it remains extant. Figure 1 illustrates the existing site. It is proposed to locate the Energy Park on the west of the site, in place of the temporary containers and hardstanding.

The site is located within the Belvedere Industrial area and is bounded to the north by the River Thames and to the south by the A2016, Picardy Manorway. The A2016, Picardy Manorway, forms part of the Strategic Road Network (SRN) for which TfL has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on its operation. The nearest section of the Transport for London Road Network (TLRN) is the A2 Rochester Way, located over 5km south from the site.

Three bus routes (180, 401, 601), providing services into Lewisham, Thamesmead and Bexleyheath, serve the area with bus stops located within 150 metres of the Norman Road / Picardy Manorway junction. Belvedere rail station, on the Dartford to London line, is located approximately 1 kilometre to the south of the site on Station Road. Abbey Wood station is located approximately 3.5 kilometre to the southwest of the site. The site currently records a variation in Public Transport Accessibility Level (PTAL), with the southeast of the site recording a PTAL 2; however, on average the majority of the site records a very poor PTAL of 0 (on a scale of 1-6, where 6 is excellent).

Details of the proposal

The applicant is seeking a Development Consent Order (DCO) from the Secretary of State as the scheme is considered a Nationally Significant Infrastructure Project. The proposed development would be known as Riverside Energy Park ("REP") and is comprised of the following:

- Energy Recovery Facility, which would process non-recyclable commercial and industrial waste and would have the potential to accept municipal solid waste, to generate electricity through combustion. It is proposed that the ERF would have a maximum throughput of 805,920 tonnes per annum (t/pa), with the nominal throughput being 655,000 t/pa.
- Anaerobic Digestion Facility, which would generate biogas through the degradation of food and green municipal waste by natural organisms. It would also create a digestate bi-product, which could be used as agricultural fertiliser, subject to suitable treatment. It is anticipated that this element of the scheme would have a throughput of 40,000 t/pa.
- Solar Photovoltaic Installation on the roof of the main Riverside Energy Park building, which would generate electricity from solar radiation.
- Battery Storage, which would store and supply additional power to the offsite distribution network at times of peak electrical demand.

The REP would be Combined Heat and Power ready, with enabling infrastructure for it to provide a potential district heat pipe connection in the future. This would be able to export up to 30 thermal megawatts (MWt) to local offsite consumers, which could serve approximately 10,500 homes and businesses.

In addition, it is proposed to connect REP to the existing electrical distribution network at Littlebrook, to the south east of the site. The electrical connection would be laid beneath the existing road network, except for where it connects with the REP itself and at the point of connection into the existing substation at Littlebrook.

During construction two temporary construction compounds are required: one for the construction of the REP site and would be located south of the REP site, and would be used as a laydown area, including a delivery reception; and a second to serve the construction of the cable route.

Case history

GLA officers provided initial pre-application advice on a proposal for the redevelopment of the site on 5 June 2018 at a meeting, with an additional site visit undertaken on 20 June 2018. The advice given primarily related to the land use designations. Given the tight timescales, it was agreed that the consultation response would follow instead of a written pre-application response.

The applicant also met with members of the GLA's Environment Team on 23 November 2017 to brief officers on the project. The applicant was advised that the proposed facility would conflict with the Mayor's waste policies.

Strategic planning issues and relevant policies and guidance

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises Bexley Core Strategy (2012), Saved Policies of the Unitary Development Plan (2007) and the 2016 London Plan (Consolidated with Alterations since 2011). The NPPF states that planning applications must be determined in accordance with the development plan in each LPA. The London Plan legally forms part of each London Borough's development plan. It is, however, acknowledged that Development Consent Orders are determined under the Planning Act 2008, using National Policy Statements but regard should be had to the development plan and the policies and evidence contained within.

The following are relevant material considerations:

- National Policy Statement for Energy (2011);
- National Policy Statement for Renewable Energy (2011);
- National Planning Policy for Waste (2014);
- Revised National Planning Policy Framework (2018);
- National Planning Practice Guidance;
- Draft London Plan (consultation draft, December 2017).

The relevant strategic issues and corresponding policies are as follows:

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|---------------------------|--|
| • Air Quality | <i>London Plan; London Environment Strategy.</i> |
| • Energy | <i>London Plan; London Environment Strategy.</i> |
| • Sustainable development | <i>London Plan; Sustainable Design and Construction SPG;; London Environment Strategy.</i> |
| • Transport | <i>London Plan; the Mayor's Transport Strategy; Land for Industry and Transport SPG.</i> |
| • Urban Design | <i>London Plan</i> |
| • Waste | <i>London Plan.</i> |

Scope of report

As noted in the context section, this report presents the Mayor's initial view on the proposed Riverside Energy Park, noting that the application is at the pre-application consultation stage. The Mayor will submit further representations once the application has been accepted by the Planning Inspectorate, in accordance with the DCO process.

Principle of proposed development

The ERF, an energy from waste plant, is the primary element of the proposed REP, with the anaerobic digester, battery storage and potential CHP being secondary in terms of energy generation, storage and transfer. The principle of an additional energy from waste (EfW) plant is not supported by the Mayor as it fails to accord with London Plan and draft London Plan policies on energy generation, energy from waste, the circular economy and air quality.

It is acknowledged that the Planning Inspectorate will have regard to the National Policy Statements. In line with the National Policy Statement for Energy, National Policy Statement for Renewable Energy, and the National Planning Policy for Waste (NPPW), it is considered that the proposals would prejudice both London's reduction and recycling targets as well as the Government's core objectives for sustainable development for waste, as set out in the revised NPPF¹.

Specifically, NPPW sets out what waste planning authorities should consider in determining waste planning applications²:

- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
- recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy; and
- consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B (Locational criteria) of the NPPW and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;

¹ See

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728643/Revised_NPPF_2018.pdf

² See

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf

The Government has also indicated that despite leaving the EU, it will agree the EU Circular Economy Policy package adopted by the European Council in May this year³ and transpose into UK law at a later date. The CE package sets ambitious waste targets for EU Member States including 65% municipal waste recycling by 2035, 70% recycling for packaging waste by 2030, and that separate collections for biowaste (food waste) are in place by December 2023. Approving the ERF would also be detrimental to the Government's approach for meeting these new targets.

Energy from waste

Mayoral policy context

In terms of Mayoral policy, new waste management sites will be assessed against various criteria, in accordance with draft London Plan Policy SI8 and London Plan Policy 5.17, including: locational suitability; nature of the activity; proximity to source of waste; achieving a positive carbon outcome, where the demonstrable steps of this include a commitment to source truly residual waste (non-recyclable waste), a commitment to delivering the necessary means for heat supply infrastructure to meet the minimum CO2 standard known as the 'carbon intensity floor' or CIF; the impact on surrounding amenity, including air quality, odour and noise; environmental impact of transportation, with use of river and rail networks supported; and social benefits.

The draft London Plan introduces a policy, Policy SI7, on the circular economy, which aims to keep materials in their highest value for as long as possible, resulting in minimal levels of residual waste; this builds on London Plan Policy 5.3 which seeks to maximise reuse and recycling. Draft London Plan Policy SI7 also seeks to meet the Mayor's recycling targets: recycling 65% of municipal waste by 2030 and 95% of all construction, demolition and excavation waste by 2020.

Need for additional energy from waste capacity in London

Energy from waste (EfW) is the least desirable form of waste disposal after landfill, as it destroys materials and releases greenhouse gases. Within the waste hierarchy, as noted in the Mayor's London Environment Strategy and within the Government's 2011 guidance note on the waste hierarchy⁴, the primary aim is to 'prevent' (using fewer materials and keeping products in their highest value for longer), followed by 'preparing for re-use' and 'recycling' (refurbishing materials for re-use as a whole or through turning waste into a new product). It should be noted that commercial waste can also be considered municipal waste, if similar in composition, even if it is not collected by a local authority. Commercial waste can, therefore, also contribute towards recycling targets.

Whilst the proposed ERF may reduce the export of waste to landfill, it does not contribute to the transition to the circular economy, in accordance with draft London Plan Policy SI7, as it does not promote the retention of materials in their highest value, as per the waste hierarchy. In line with the waste hierarchy, commercial and industrial waste must be kept in its highest value for as long as possible and then considered for recycling, before it is would be appropriate to dispose of this waste via incineration. Further, with regard to black bag rubbish, whilst much is considered to be non-recyclable, many recyclable products are incorrectly disposed of in black bags and many local authorities still do not provide separate food waste bins; as such, EfW plants also burn recyclables or green waste that could contribute to the circular economy and recycling targets in London.

³ See <https://www.letsrecycle.com/news/latest-news/eu-council-adopts-circular-economy-package/>

⁴ See <https://www.gov.uk/government/publications/guidance-on-applying-the-waste-hierarchy>

Modelling used to develop the Mayor's London Environment Strategy and inform the draft London Plan showed that achieving the Mayor's reduction and recycling targets will mean that no new EfW facilities (defined as incineration, gasification and pyrolysis) in London will be needed, with an expected 153,000 tonnes surplus EfW capacity by 2030. The new facility, together with the neighbouring RRR incinerator facility would result in approximately 1.5 million tonnes of waste being burned on the site (670,000 t/pa in the existing facility and up to 805,000 t/pa in the proposed facility) and increase London's incineration capacity to nearly three million tonnes (representing nearly 50 per cent of London's total municipal waste arisings). Simultaneously, London is expected to need, or need access to, an additional 1.4 million tonnes of recycling infrastructure (in addition to existing capacity) to meet the self-sufficiency target and recycling targets, set out in London Plan 5.17, draft London Plan SI8 and the LES. The Mayor's net self-sufficiency target should not encourage the import of waste from other regions, but should encourage less of London's waste being exported in order to preserve the benefits for London and Londoners.

The current municipal recycling rate is 41%, where considerable improvement is needed to reach the Mayor's 65% target by 2030. London and the UK's local authority collected waste recycling rate has stalled over the past five years, whilst its incineration rate has doubled (from 900,000 tonnes to 2 million tonnes in London, and from 4.8 million tonnes to 9 million tonnes nationally). Additional thermal EfW capacity would likely stifle growth in recycling rates, because they require large volumes of waste to treat in order to be cost effective and to operate efficiently. Whilst thermal EfW plants deliver energy generation benefits, they do so by destroying waste materials along with their intrinsic value, prejudicing movement up the waste hierarchy, and creating harmful air pollutants and greenhouse gases. Approving the facility will have a detrimental impact on London and the UK achieving its recycling targets, and also counters measures that the Government will need to take for the UK to meet ambitious recycling targets under the EU Circular Economy Policy Package.

The applicant has not identified a clear need for the EfW facility, either locally or nationally, or identified where the waste will come from, noting only that waste will be "sourced from the waste market in London, and the surrounding area, once operational". It is considered, therefore, that the proposals will artificially increase demand, through creating additional speculative capacity. At the same time, expanding the capacity for London's incineration will likely suppress recycling rates, as waste that could otherwise be recycled may be redirected to the incinerators and thereby prejudice movement up the waste hierarchy. In addition, without an identification of the key sources, it is not possible to ascertain whether the waste could be used higher up the waste hierarchy, as required by paragraph 3.4.3 of the National Policy Statement for Energy.

Impact on locality

The applicant stresses the social economic benefits of the scheme, in accordance with the requirements of London Plan Policy 5.17 and draft London Plan Policy SI8, stating that, once operational, the development could create 75 permanent jobs; however, it is not clear whether these are additional jobs or whether the two plants would share staff. It is also argued that the REP operation would provide approximately £16.87 million and £24.9 million per annum to the local and national economies respectively; however, financial and employment benefits could also be achieved through the creation of a waste plant that aligns with Mayoral policies on the circular economy and recycling. The economics of the EfW plant further suggests that the provision of the facility would financially disincentivise recycling and reuse of materials, due to the length of contracts between LPAs and energy providers.

As discussed further below, it is considered the ERF could have an adverse impact on local air quality, primarily within Rainham, on the north side of the river, due to the direction of prevailing winds, and could limit the success of London's Opportunity Areas. Further, the air quality report already represents the 'best case scenario', as such, it is not considered that there is scope for any additional mitigation measures to limit or reduce these impacts. GLA officers will thoroughly investigate air quality once the full technical details are available at the next stages of consultation and examination. The air quality impact is considered to be contrary to draft London Plan Policy SI8 and London Plan Policy 5.17, which specifically discuss energy from waste.

Carbon intensity floor

The Mayor expects all of London's EfW facilities to only manage truly non-recyclable waste, and maximise the use of both the heat and power generated. To support this, and in addition to developing the EPS, a minimum carbon emissions performance standard has been set, known as the Carbon Intensity Floor (CIF). The CIF was first introduced in 2011 and was developed to help decarbonise London's energy supply by encouraging clean, efficient and local energy generation from London's nonrecycled waste. The CIF works to ensure that any energy generated from London's municipal waste is no more polluting in carbon terms than the source of energy generation it displaces

Waste going to EfW plants often contains large amounts of recyclable materials that are high carbon and high value, as noted above. Reducing the amount of high carbon materials particularly plastics and metals going to EfW plants will deliver GHG savings, and reduce the reliance on fossil fuels. This will drive change and investment within boroughs and with facility operators, to ensure that truly residual waste is used to generate both heat and power for the benefit of Londoners.

Notwithstanding the Mayor's view that London does not need further EfW plants, if the Secretary of State grants permission for the REP, a requirement to meet the CIF from the start of the proposed plant's operation, in addition to monitoring, should be secured within a Section 106 agreement.

Any new EfW facility must meet the minimum greenhouse gas performance from 'day 1' of operation. As set out in London Plan Policy 5.16 and draft London Plan Policy SI8. The CIF is set at 400grams of CO₂ equivalent per kilowatt hour of electricity produced. In order to achieve this, the facility must commit to implementing all demonstrable steps as a minimum, as set out in paragraph 9.8.13 of the draft London Plan, namely:

- committing to source truly residual waste. The use of a pre-treatment facility may be necessary to recover all materials for recycling before treatment via the REP;
- commit to invest in and deliver the necessary means for infrastructure via the CIF, this should include investment in the development of a heat distribution network beyond the site boundary. The heat network should be installed and operational from first operation of the new facility; and
- an agreed timeline for the implementation of the proposed measures.

Heat offtake and CHP-readiness

The 2013 Department of Environment and Rural Affairs (DEFRA) publication⁵ on the incineration of municipal waste identified the key issues affecting energy recovery from incinerators. While electricity can easily be supplied into the national grid, once an appropriate connection is established, heat will need to be used locally and will be dependent on identifying and establishing a local need by using a district heating system for buildings/housing and/or supply of heat to a factory for industrial use. To date this has required significant public sector involvement to address.

The difficulty in establishing district heating in the UK was attributed to not having a substantial history in the use of district heating systems, having relied on indigenous fossil fuel reserves, unlike in Scandinavian countries where it is common place to use locally available resources such as wood and peat. With increasing energy costs and the need to move away from the use of fossil fuels, the DEFRA report stated that district heating may become attractive in the UK, and that the Government (at the time of publication) had incentivised the use of heat through the development of the Renewable Heat Incentive (RHI) and Renewables Obligation Certificates (ROCs), where a good quality CHP is in place.

The 2009 Department of Energy and Climate Change (DECC) paper⁶ on the potential of district heating networks identified three key barriers, economic, project costs and institutional issues, to the deployment of district heating in the UK:

- The key economic barrier was the cost of capital (rate of return) required to invest in the heat network and its connections and that this was a core driver of the cost competitiveness of any scheme that reflected the risk (actual or perceived) of investing in the project.
- The project cost drivers are structural and relate to the mix of the housing stock in the UK, which increases the unit cost of building a network compared to, for example, Finland, where there are a higher proportion of flats and apartments, which increases the heat density and makes the district heating network more cost effective.
- Institutional issues are based on the example of European countries that have successfully developed extensive DHNs which strongly suggested that any drive to deploy district heating must be led by the public sector. Otherwise potential private sector investors in heat networks will be looking for underwriting of the identified project risks by the public sector.

⁵ See <https://www.gov.uk/government/publications/incineration-of-municipal-solid-waste>

⁶ See

<http://webarchive.nationalarchives.gov.uk/20121205193015/http://www.decc.gov.uk/assets/decc/what%20we%20do/uk%20energy%20supply/energy%20mix/distributed%20energy%20heat/1467-potential-costs-district-heating-network.pdf>

The two long-established incinerators in London, the Edmonton EcoPark in Enfield and the South East London Combined Heat and Power (SELCHP) in Bermondsey, operated in electricity-only mode for many years. Edmonton is now in the advanced stages of constructing a heat off-take as a result of the local borough's response to the Mayor's Upper Lea Valley Opportunity Area Planning Framework, Mayor's previous Climate Change Strategy and development support. Owned by Veolia, the SELCHP heat off-take was finally established after some 15 years and was led by Southwark Council (and now serving 2,500 homes). Southwark Council's waste Private Finance Initiative contract with Veolia fell short of the carbon reductions required by the waste policy targets. Southwark Council required Veolia to deliver the carbon savings by supplying heat to Southwark housing from SELCHP to displace the use of gas.

A recent example of public sector involvement is the new Viridor incinerator, which is under construction at Beddington in the London Borough of Sutton. The plant was consented under the previous Mayoral administration. Both GLA planners and the Environment team worked closely with Sutton to ensure that the plant was procured with an efficient heat off-take and that Viridor worked closely with Sutton Council to establish the heat supply arrangements, make financial contributions to associated initiatives and form a heat network working group. The GLA provided Sutton Council with development support for the first phase of the heat network that has been procured, with the first connections to be made in the next year. The GLA is currently supporting the development of the second phase of the heat network.

Furthermore, as set out in a 2007 Department of Energy & Climate Change note, which provides guidance on Section 36 of the Electricity Act, and also set out in National Policy Statement for Energy, applicants are advised to engage with planning authorities to ensure that existing and future heat customers are identified as well as contact DEFRA's Good Quality CHP team to ensure that they have fully explored incentives for CHP and the economic benefits of Good Quality CHP.

The applicant has not provided sufficient detail on the heat offtake potential of the proposed REP, noting only that it is CHP-ready; this is particularly important in the context of the existing EfW plant which is also equipped with heat offtake as a planning requirement, as there is no heat network at present which transfers this to homes. The GLA is currently supporting Bexley Council, Peabody and the applicant to study the feasibility of supplying heat from the existing RRR to the Thamesmead and Abbey Wood Opportunity Area. As such, given experience of previous schemes throughout London, the applicant's proposed EfW plant would not establish a heat off-take without the involvement of the public sector, and without a heat network, it would be unlikely to achieve the CIF. For the avoidance of doubt, an EfW facility that generates electricity only is not acceptable; it must also capture heat.

Further, given the untapped capacity of the neighbouring EfW plant and the number of years that it has been active for, it would be many years, if not decades, before the local heat demand exceeded the existing supply capacity. The site lies in close proximity to the Thamesmead & Abbey Wood Opportunity Area and the Bexley Riverside Opportunity Area, where the Mayor is seeking a minimum of 6,000 and 8,000 new homes respectively. Homes have begun to be constructed in the Thamesmead OA, whereas Bexley Riverside OA is approximately 5 years behind this. Whilst this evidences that significant growth is projected in the area, the existing RRR is expected to be able to provide heat to in excess of 26,000 homes. Given the potential heat off-take capacity of the existing RRR, it is not considered that there is currently demand for the heat from the proposed ERF and there will not be for a significant period of time. The proposal would therefore not accord with the requirements of the NPS for Energy, relating to identifying existing and future heat customers.

Finally, proposals must be consistent with the Government's energy policy and its goals of reducing carbon emissions, maintaining the reliability of energy supply and promoting competitive markets as well as ensuring that every home is adequately and affordably heated.

Air quality

The London Plan, draft London Plan and London Environment Strategy (LES) do not differentiate between different types of emissions, as the impact upon human health is dependent on the content rather than the source of emissions. London Plan Policy 7.14 and draft London Plan Policy S11 seek to improve air quality across London and limit exposure to poor air. Draft London Plan Policy S11 provides further details, stating that development proposals should not: lead to further deterioration of existing poor air quality; create new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits; reduce air quality benefits that result from the Mayor's or borough's activities to improve air quality; or create unacceptable risk of high levels of exposure to poor air quality.

For energy-from-waste sites, however, there are additional pollutants to be considered compared to a normal gas-fired energy centre: incineration of solid waste can lead to emissions of toxic heavy metals, dioxins, furans and other substances that are detrimental to human health and biodiversity.

Prior to the consultation period, the applicant received written comments GLA officers regarding air quality, the scope and the content of the assessment. The PEIR has not incorporated GLA officers' recommendations into the assessment; specifically, it does not fully assess the cumulative impacts of both traffic and operational emissions, nor was it accepted that the requirement to restrict CHP emissions would apply to their development.

The emissions from the ERF have been modelled based on the expected requirements of the current draft European Best Available Technique Reference (BREF). BREF notes, and in particular the emerging BREF notes, set out the best that can be achieved in practice in terms of emissions, including using all available mitigation and abatement measures. Given the use of the BREF notes, the air quality assessment within the PEIR is optimistic and represents the 'best case scenario', and it should not be anticipated that the emissions could be further improved in order to make the plant acceptable.

The site's location benefits from prevailing wind, generally blowing towards the river, meaning that the most significant impacts occur over the water; however, this does not mean that there are no impacts on existing receptors. The impact is particularly clear north of the river in Rainham, in the London Borough of Havering.

Nitrogen Dioxide impacts from the plant are described within the PEIR as negligible at all receptors that were considered; however, the isopleth maps appear to show that there would be at least a risk of more significant impacts on Rainham town centre, including a potential risk to compliance with legal limits. The overarching NPS for Energy states that in the event that a project will lead to non-compliance with a statutory limit the IPC should refuse consent. More concerning than Nitrogen Dioxide are the Arsenic and Nickel impacts, which are shown to be "minor adverse" at a number of explicitly modelled receptors. Again, the isopleth maps in the PEIR showed that these impacts could be relatively widespread across Rainham. In addition to these impacts on human receptors, the assessment also shows non-negligible impacts of biodiversity receptors at Crossness Nature Reserve, as well as Ingreborn and Inner Thames Marches. The NPS for Renewable Energy states that these particulates should be a consideration when the Planning Inspectorate assesses the application, and the overarching NPS for Energy also indicates that air quality considerations will also be important where substantial changes in air quality levels are expected, even if this does not lead to any breaches of national air quality limits

The air quality impact does not just impact existing residents. The site lies within the Bexley Riverside Opportunity Area, near Thamesmead & Abbey Wood Opportunity Area and across the river from the London Riverside Opportunity Area. The impacts of the proposed incinerator would, therefore, likely impact the future delivery of housing growth in these areas, and, as such, would run contrary to London Plan Policy 2.13 and draft London Plan SD1. The development does not comply with the emphasis on 'good growth' which is central to the draft London Plan Policy. One such good growth policy, Policy GG3, states that development in London should improve Londoners' health and reduce health inequities. The ERF facility is clearly contrary to these policies.

In addition to the direct impacts of combustion there are potential impacts from road and river transport. Although the PIER asserts that these will be acceptable a more detailed assessment would be expected in the EIA to accompany any full application.

The applicant has not demonstrated that the development would be acceptable in air quality terms. The modelling is optimistic in terms of emissions and GLA officers do not consider that the proposals could be made acceptable through additional mitigation. The development and the air quality assessment does not, and cannot, comply with London Plan Policy 7.14 and draft London Plan Policy SI1 and SI3 or NPS requirements.

In order to show that the development could be acceptable the applicant would need to show:

- That there is no risk to compliance with legal air quality limits (noting that all possible abatement technologies have already been assumed); and
- That impacts from road and river transport are acceptable.

Although the Renewable Energy NPS suggests that the health impacts of pollutants such as heavy metals can be ignored where Waste Incineration Directive emission limits are met, we would also recommend that, given the sensitivity of the receptors and the scale of the predicted impact, the applicant also has a moral duty to demonstrate the impact of these emissions on the health of nearby residents.

Given the size of the ERF and its dominance in the proposals, the above comments primarily relate to air quality impacts from incineration. The proposed Anaerobic Digestion plant, if providing gas to the grid, would be acceptable in air quality terms for the following reasons: whilst grid gas use in domestic and commercial boilers do emit Nitrogen Dioxide, the emission source is pre-existing and so there would be no additional impact on local air quality at the point of use; and the PEIR seems to show that the impacts from traffic emissions from vehicles, associated only with the AD facility, serving the site would be acceptable.

River freight

Draft London Plan Policy SI14 promotes the transportation of freight by river and states that proposals which increase the use of safeguarded wharves for such a use will be supported.

Whilst the ERF element of the proposed development would utilise the river and maximise the use of the existing wharf, which is supported, it is considered that the site's wharf and the river could be also be utilised in a scheme which accords with the aims of the circular economy or contributes to meeting the Mayor's recycling targets. Should the Secretary of State permit the proposed development, the applicant should be conditioned to exclusively bringing waste to the site by river, as is required in the existing RRR.

Metropolitan Open Land

London Plan Policy 7.17 affords Metropolitan Open Land (MOL) the strongest possible protection, whilst Policy G3 of the draft London Plan states that MOL should be protected from inappropriate development and proposals that harm MOL should be refused. Both policies state that national Green Belt policies, set out within the NPPF, apply to MOL and therefore MOL is offered the same protection as Green Belt. Chapter 9 of the NPPF is entitled 'protecting Green Belt land' and applies equally to MOL. Paragraph 79 states that the fundamental characteristic of the Green Belt is its openness and its permanence and a key purpose of the Green Belt is to prevent encroachment that would reduce green space, as per paragraph 80.

The site lies adjacent to Crossness Nature Reserve, which is designated MOL. One of the proposed options for the electrical cable connection route to Littlebrook runs via the western edge of the Nature Reserve. Cables would be laid in ditches on the western edge of MOL, before the land would be made good on top. The applicant should pursue the electrical connection route via Norman Road, to avoid any direct impact on the MOL.

Notwithstanding the above, the scheme, due to its design and size, will cause harm to the openness of the MOL and a negative impact upon the views out of the nature reserve towards the river. It is acknowledged that the existing Riverside Resource Recovery facility lies to the north east of the nature reserve, whilst the Thames Water plant lies to the north west, but at present there remains a strip of land where views toward the river are not terminated or punctuated by a large plant. The applicant should fully explore the impact of the plant on MOL and the aspect of harm.

Furthermore, there are concerns, as discussed above, that the air quality impacts of the development would have a non-negligible impact on the biodiversity of the nature reserve, which could fundamentally change its character.

Flood risk

London Plan Policy 5.12 and draft London Plan Policy SI12 state that development proposals should ensure that flood risk is minimised and mitigated against. Any proposals be designed to remain operational under flood conditions. London Plan Policy 5.13 and draft London Plan Policy SI3 provide guidance on sustainable drainage, stating that development should aim to achieve greenfield run off rates and ensure that surface water is managed as closely as possible to its source and in ways that use water efficiently.

The proposed development is located within Flood Zone 3; therefore, sequential and exception tests are required by the NPPF in any application. The applicant proposes to set the level of power generation and related infrastructure above flood levels arising from any breach of the River Thames tidal defences, which is supported in line with London Plan Policy 5.12 and draft London Plan Policy SI12. However, given that the proposed building envelope appears to be within 16 metres of the River Thames flood defences, the applicant will need to agree works with the Environment Agency.

With regard to drainage, in accordance with draft London Plan Policy SI13 and London Plan Policy 5.13, the applicant should limit all post-development discharge rates to the greenfield value and should maximise the use of SuDS measures. In terms of water quality, the applicant is proposing a SuDS treatment train approach to manage water quality which is supported as an approach.

The applicant provides no details on the water demands of the development or how they would be supplied and it is noted that the Secretary of State's scoping opinion requires that water source and quantity information be provided. The applicant should use alternative sources of water for process requirements to reduce the reliance on 'wholesome water' and it is considered that the proximity to the Crossness Sewage Treatment Works would present a unique opportunity to work with Thames Water to source treated effluent for non-potable uses, with the dual benefit of reducing effluent discharge into the Thames and reduce reliance on these 'wholesome water'. Notwithstanding the lack of support for the principle of the proposal, given that London is 'water stressed', should the ERF be approved by the Secretary of State, the Mayor will expect the applicant to commit to the use of alternative water from Crossness Sewage Treatment Works.

Transport

A dedicated transport related pre-application meeting was held between the applicant and Transport for London on 1 May 2018. The applicant has circulated two documents to TfL officers: the first being a transport assessment scoping note which sets out the approach to assessment, the proposed trip generation methodology and the assumptions involved in the assessment; and the second document is a PEIR, which cover similar aspects in relation to the transport but covers more detail relating to the requirements for Environmental Impact Assessment and initial findings. The comments here relate to both documents.

Trip generation

In terms of trip generation in the scoping note, TfL confirm that the approach appears to be reasonable; however, further information should be provided with regard to routing and the distribution of operational vehicles as there are different assignment patterns based on two scenarios. In addition, for the proposed construction vehicle distribution, predicted to be 50% using Eastern Way and 50% using Bronze Age Way, further evidence should be provided to justify the expected distribution. Given that the origins and destinations of construction material generally fall outside the M25 and that Normal Way is left in / left out only, it is likely that a greater proportion of the construction vehicles will be routing eastward towards the M25. It would also be useful to provide graphical route maps to aid the understanding of the vehicle movements for all scenarios.

The proposed mode share for operational staff is based upon 'Journey to Work' data from the 2011 census; however, given the adjacent and comparable Riverside Resource Facility, it would be more appropriate to survey existing staff to understand their current travel patterns and mode share. An understanding for where staff live would also provide a more accurate account of trip distribution for assignment purposes. This information should be available from the RRR travel plan monitoring.

Highway and Public Transport impact

The scale and extent of highway modelling required can be confirmed once the baseline surveys have been undertaken and presented alongside the agreed proposed trip generation for the site. Where areas are highlighted from the baseline surveys and impact assessment, mitigation may be required. Improvements could potentially comprise possible junction improvements, such as new signals or signal alterations in order to optimise their operation.

The PEIR suggests that driver delay is only likely to be an issue that requires mitigation where junctions are operating beyond capacity. However, in London, practical operational capacity should not exceed 85% as junction operation can deteriorate quickly beyond this point as there is no spare capacity to deal with localised spikes in demand. The applicant should also consider total delay to all vehicles, and the mean delay per vehicle on each of the approaches. Both James Watt Way / Queens Road signalised junction and Lerner Road / Northend Road / Boundary Street roundabout are not included as transport sensitive receptors in the PIER and should be included.

Crucially, the cumulative development in the area will be a key consideration and all development sites in the immediate locality will need to be considered and taken into account.

Site access and design

Good quality pedestrian and cyclist access into the site should be provided in the detailed design of works to Norman Road and relevant junctions. As part of this, the applicant should undertake an assessment of the local cycle infrastructure and routes, particularly to the closest stations. A Cycle Level of Service (CLOS) assessment should be completed for the junction of A2016 Picardy Manorway / Norman Road as a minimum and should deficiencies be found, mitigations and improvements should be suggested. Whilst a full PERS audit is not required, an assessment should be undertaken for footways immediately outside of the site and routes towards local bus stops.

Car and operational parking

The documents provided do not set out the proposed car and operational parking provision; however, due to the potential future improvements to public transport and the pressures on the local highway network, the applicant should provide a low level of car parking, aiming for lower than the maximum standards allowed within the draft London Plan. A review of the provision of parking and the usage of this parking at the adjacent and comparable RRR should form part of the evidence base to justify appropriate parking levels for the Riverside Energy Park. In addition, 10% of the overall parking spaces should be provided as Blue Badge compliant parking spaces. The details of the management of car parking spaces should be included in the TA as part of a Car Park Design and Management Plan. In accordance with draft London Plan standards, TfL requests that all car parking spaces be fitted with Electric Vehicle Charging Points.

Short distance cycle trips will be crucial to link the development to the public transport interchanges at Belvedere and Abbey Wood stations as well as the surrounding residential areas and the Belvedere growth area. Cycle parking should be provided in accordance with draft London Plan Policy T5 standards and it should be designed to be easy, safe and convenient to use.

All cycle parking should be designed in accordance with the London Cycling Design Standards (LCDS) and the location described in the TA. The LCDS recommends that at least 5 per cent of all spaces should be capable of accommodating a larger cycle. There should also be provision for showers and storage facilities as part of the development.

Construction

TfL has concerns regarding the level of potential disruption caused by the construction of the proposed development, including the laying of the Electrical Connection Route. It is likely that the volume of construction vehicles and number of construction workers will be far in excess of what is anticipated during the normal operating conditions of the REP. Although the construction phase is temporary, it could cause significant impacts to the local highway network and public transport capacities. Further work is required as part of the Transport Assessment to assess the full impact of construction on the local transport network. It is encouraging that formal parking for construction workers is going to be minimal, but it is unclear how the 1,097 construction workers are going to travel to the site on a daily basis; further assessment of the impacts is required. The incorporation of a Construction Staff Travel Plan into the Construction Traffic Management Plan is welcomed; this should provide additional information on specific measures to restrict informal parking and encourage sustainable travel.

The applicant should provide TfL with the UKPN assessment of the Electrical Connection Route (ECR) to understand the extent of road closures that may be required as part of this construction and the anticipated duration of these closures. As both the construction of the REP and ECR is envisaged to be undertaken simultaneously, the construction impact assessment should consider any road closures and route diversions. Depending on the scale, length of closures and construction phasing details, it may be necessary to undertake microsimulation analysis of the impacted area.

The applicant should provide a draft Construction Logistics Plan, a Delivery and Servicing Plan and an Employee Travel Plan.

Local council position

It is understood that Bexley Council's response is primarily going to focus on a review of the details of the proposals, rather than the principle itself, as well as the impact of the proposal on views looking toward the river.

Conclusion

The primary energy generating element of the proposed Riverside Energy Park is the Energy Recovery Facility, an energy from waste plant which produces energy through the incineration of waste. The ERF cannot be supported as it does not contribute to the achievement of sustainable development as set out in the revised NPPF and does not accord with various NPSs. It will not contribute to the circular economy and does not support achieving high recycling rates, as set out in draft London Plan SI7, London Plan Policy 5.3 and the Mayor's London Environment Strategy (LES).

The applicant has not demonstrated that there is any need for the proposed facility. Further, if London is to meet its reduction and recycling targets, there will be a surplus of EfW capacity by 2030; therefore, there is no need for additional EfW plants to process London's waste.

Whilst the development is described as 'CHP-ready' (and given the existing energy from waste facility has not yet utilised heat off-take), it is not considered that the proposed ERF could meet the Carbon Intensity Floor, as required by draft London Plan SI8 and the LES. Furthermore, given that a heat off-take has not yet been established from the adjacent RRR, it is considered that there is unlikely to be any demand for the heat from the proposed facility for many years. It would, therefore, essentially be operating as an incinerator and contrary to the NPS for Energy, which requires applicants to identifying existing and future heat customers.

The incineration of waste would have unacceptable air quality impacts on existing residents and on future residents in the London Riverside and Bexley Riverside Opportunity Areas.

The anaerobic digestion facility, battery storage and PV panels are supported in principle as they allow the generation and storage of entirely renewable energy.

for further information, contact GLA Planning Unit:

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All Interested Parties, Statutory Parties
and Other Persons

Your Ref:

Our Ref: EN010093

Date: 13 March 2019

Dear Sir/ Madam

Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 6 etc

Application by Cory Riverside Energy for an Order Granting Development Consent for the Riverside Energy Park

Notice of appointment of the Examining Authority and date, time and place of the Preliminary Meeting

I write to you following my appointment by the Secretary of State as the Examining Authority (ExA) to carry out an examination of the above application. A copy of the appointment notice can be viewed at:

<https://infrastructure.planninginspectorate.gov.uk/projects/london/riverside-energy-park/?ipcsection=docs&stage=3&filter1=Appointment+of+Examining+Authority>

I would like to thank those of you who submitted Relevant Representations. These representations have assisted me when preparing my proposals regarding how to examine this application.

Invitation to the Preliminary Meeting

This letter is an invitation to the Preliminary Meeting to discuss the Examination procedure. It contains a number of important supporting annexes.

Date of meeting: Wednesday, 10 April 2019

Seating available from: 9.30am

Meeting begins: 10.00am

Venue: Slade Green and Howbury Community Centre
Chrome Road, Erith, DA8 2EL

Access and parking: The venue is close to bus stops and Slade Green Railway Station. There is free customer car parking available.

Note: Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email wherever possible as electronic communication is more environmentally friendly and cost effective for the Inspectorate as a government agency. If you have received a postcard but are able to receive communications by email, please confirm this with the Case Team using the contact details at the top of this letter, as soon as possible.

Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to me about the way in which the application is to be examined. At this stage I am looking at the procedure and not the merits of the application. The merits of the application will only be considered once the Examination starts; which is after the Preliminary Meeting has closed.

I wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, I strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

The agenda for the meeting is at **Annex A**. This has been set following my Initial Assessment of Principal Issues arising from my reading of the application documents and the Relevant Representations received. That assessment is set out in **Annex B**. As a result of this assessment I wish to hear at the meeting from the Applicant, Interested Parties, Statutory Parties and local authorities where they consider changes may be needed to the draft Examination Timetable set out in **Annex C**.

Up-to-date information about the project and the Examination can be obtained from: <https://infrastructure.planninginspectorate.gov.uk/projects/london/riverside-energy-park>. This is the address for the project webpage on the National Infrastructure Planning website, from which the Planning Inspectorate will make copies of all Examination Documents available to the public. As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with this resource.

Attendance at the Preliminary Meeting

If you wish to attend the Preliminary Meeting please contact the Case Team using the details set out at the top of this letter. Please confirm this **no later than 5 April 2017**.

It will help the management of the meeting and benefit everyone if as part of the above confirmation you also:

- tell us whether you wish to speak at the meeting and on which agenda items, listing points you wish to make;
- notify us of any special requirements you may have (eg disabled access, hearing loop etc).

The Preliminary Meeting provides a useful introduction to the Examination process. I will use it to make Procedural Decisions that will affect everyone participating in the Examination. The meeting provides you with an opportunity to have your say about procedural issues before these decisions are finalised. If you intend to play an active part in the Examination or you have questions about procedure it is useful to attend the meeting.

However, please note that **you are not required to attend the Preliminary Meeting in order to participate in the Examination**. If you are an Interested

Party you will still be able to make a Written Representation and comments on the Written Representations made by other Interested Parties. You will also be able to participate in any hearings that are arranged. Should you no longer wish to be an Interested Party and do not wish to be involved in the Examination process, you can notify the Case Team of this in writing.

After the Preliminary Meeting

After the Preliminary Meeting you will be sent a letter setting out the finalised Examination Timetable. An audio recording and a note of the meeting will also be published on the project webpage on the National Infrastructure Planning website.

Interested Parties have the right to request an Open Floor Hearing and those persons affected by any request for Compulsory Acquisition or Temporary Possession of their land or rights may request a Compulsory Acquisition Hearing. Any other Issue Specific Hearings are held at the discretion of the Examining Inspector and will be arranged if I feel that consideration of oral representations would ensure an issue is adequately examined. My Examination will comprise of Written Representations about the proposal and oral representations made at any hearings, in addition to consideration of the application documents, policy and legal positions, site inspections and any other matters I consider to be relevant and important.

All relevant and important matters will be taken into account when I make a recommendation to the Secretary of State for Business, Energy and Industrial Strategy, who will take the final decision in this case.

Procedural decisions made by the ExA under ss89(3) and 93(1) of the Planning Act 2008

I have made some preliminary procedural decisions. These include requests for Statements of Common Ground. These procedural decisions are all set out in full at Annex E.

Your status in the Examination

This letter has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of the Planning Act 2008 (PA2008).

If you have made a Relevant Representation, have a legal interest in the land affected by the application, or are a relevant Local Authority where the development is proposed within your boundary (reference numbers beginning with 'RVSD-AFP or APL', 'RVSD57' or '200'), you have a formal status as an Interested Party in the Examination.

Interested Parties will receive notifications from the Planning Inspectorate about the Examination throughout the process and may make written and oral submissions regarding the application.

If you are a statutory party (ie body specified in the relevant regulations supporting the PA2008) or a Local Authority bordering the Local Authorities in which the development is proposed; but have not made a Relevant Representation (reference number beginning with 'RVSD-SP') you will not automatically be an Interested Party. However, following the Preliminary Meeting, you will have a further opportunity to notify the ExA that you wish to be treated as an Interested Party.

If you are not an Interested Party or a statutory party (ie body specified in the relevant regulations supporting the PA2008), you have received this letter because we wish to invite you to the Preliminary Meeting as an 'Other person' because it appeared

to us that the Examination could be informed by your participation. 'Other persons' have a reference number beginning with 'RVSD-OP'.

If you are not sure whether you are an Interested Party, please contact the Case Manager using the details at the top of this letter. Information regarding the formal status of Interested Parties and how you can get involved in the process is set out in the Planning Inspectorate Advice Note 8 Series on the National Infrastructure Planning website: <https://infrastructure.planninginspectorate.gov.uk/legislation-andadvice/advice-notes/>

Award of costs

I also draw your attention to the possibility of the award of costs against Interested Parties who behave unreasonably. You should be aware of the relevant costs guidance 'Awards of costs; examinations of applications for development consent orders' which applies to Nationally Significant Infrastructure Projects. This guidance is available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>

Management of information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the Examining Authority) and a record of any advice which has been provided by the Planning Inspectorate, is published at: <https://infrastructure.planninginspectorate.gov.uk/projects/london/riverside-energy-park/>

All Examination Documents can also be viewed electronically at the locations listed in **Annex D**.

Please note that in the interest of facilitating an effective and fair Examination, I consider it necessary to publish some personal information. To find out how we handle your personal information, please view our [Privacy Notice](#).

I look forward to working with all parties in the examination of this application.

Yours faithfully

Jonathan Green

Examining Authority

Annexes

- A** Agenda for the Preliminary Meeting
- B** Initial Assessment of Principal Issues
- C** Draft Examination Timetable
- D** Availability of Examination Documents
- E** Other Procedural Decisions made by the Examining Authority

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

Agenda for the Preliminary Meeting

Date: 10 April 2019
Seating available from: 9:30am
Meeting start time: 10:00am
Venue: Slade Green Community Centre
 Chrome Road, Erith, DA8 2EL

9:30am	Seating available
Item 1	Welcome and introductions
Item 2	The Examining Authority's (ExA's) remarks about the examination process
Item 3	Initial Assessment of Principal Issues – see Annex B
Item 4	Deadlines for submission of: <ul style="list-style-type: none"> • Written Representations • Local Impact Reports • Responses to the ExA's Written Questions • Statements of Common Ground • Notifications relating to hearings
Item 5	Hearings and Accompanied Site Inspection (ASI): <ul style="list-style-type: none"> • Date of ASI to application site and surrounding area • Date of Issue Specific Hearing on draft Development Consent Order • Dates reserved for Open Floor Hearing(s) • Time period reserved for Issue Specific Hearings • Time period reserved for Compulsory Acquisition Hearing
Item 6	Procedural decisions taken by the ExA. Any remaining submissions regarding procedural matters not set out in the agenda that have been submitted to the Planning Inspectorate in advance of the Preliminary Meeting or by 5 April 2017 .
Item 7	Any other matters
Close of the Preliminary Meeting	

Please note: Please be available from the start and throughout the meeting. The agenda is subject to change at the discretion of the ExA. The ExA will conclude the meeting as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time the ExA may change the order of the agenda items and may introduce breaks in the proceedings.

Initial Assessment of Principal Issues

This is the initial assessment of the Principal Issues arising from consideration by the Examining Authority (ExA) of the application documents and Relevant Representations received. It is not a comprehensive or exclusive list of all relevant matters; regard will be had to all important and relevant matters in reaching a recommendation after the Examination is concluded. A number of these Principal Issues set out below have an interrelationship and overlap and this will be reflected in the Examination.

The Principal Issues are listed in alphabetical order and should not be taken to imply an order of importance.

Air quality including issues related to:

- Emissions from the Energy from Waste (EfW) plant
- Cumulative effects on air quality in combination with other existing and proposed developments
- Stack height assessment

Compulsory Acquisition, including issues related to:

- The need for the land to be subject to compulsory acquisition
- The need to establish a compelling case in the public interest
- Inclusion of alternative routes for underground cables
- Financial arrangements

Design, layout and visibility, including issues related to:

- The design of the energy recovery facility, anaerobic digester and solar panels
- Capacity of the proposed development
- Provision for combined heat and power
- Landscaping

Development Consent Order (DCO), including issues related to:

- Description of the authorised development
- Powers acquired through the DCO
- Requirements
- Protective provisions
- Inclusion of land within the River Thames

Economic and social impacts, including issues related to:

- The impact on the local economy
- The impact on local services and facilities
- The impact on housing and employment

Habitats, ecology and nature conservation, including issues related to:

- Impacts on European and other protected sites and species

- Impacts on habitats and biodiversity, in particular Crossness Nature Reserve
- Biodiversity offsetting
- Habitat created within REP site to be lost to the development

Historic environment, including issues related to:

- Impacts on heritage assets and historic landscapes

Landscape and visual impact, including issues related to:

- Visual impact during construction and operation on designated and other local sites including Crossness Conservation Area, Crossness Nature Reserve, Erith Marshes and the Thames Path

Noise, lighting, dust and vibration, including issues related to:

- Impacts during construction
- Impacts during operation
- Impacts of lighting on designated sites and protected species

Transport and traffic, including issues related to:

- Construction traffic movement and routeing, including abnormal roads
- Operational traffic
- Split between road and river transport for delivery of waste
- Impact on traffic during installation of underground cabling
- Road safety

Water quality and flood protection

- Impact on water quality at Crossness Nature Reserve
- Flood protection

Draft Examination Timetable

The Examining Authority (ExA) is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Due Dates
1.	Preliminary Meeting	10 April 2019
2.	Issue by the ExA of: <ul style="list-style-type: none"> Examination timetable The ExA's written questions 	17 April 2019
3.	Deadline 1 Deadline for the receipt of: <ul style="list-style-type: none"> Notification of wish to speak at a Compulsory Acquisition Hearing Notification of wish to speak at an Issue Specific Hearing Notification of wish to speak at an Open Floor Hearing Notification of wish to attend an Accompanied Site Inspection (ASI), suggested locations and justifications Notification by statutory parties of wish to be considered as an Interested Party Notification of wish to have future correspondence electronically Responses to any further information requested by the ExA for this Deadline 	30 April 2019
4.	Deadline 2 Deadline for receipt of: <ul style="list-style-type: none"> Comments on Relevant Representations (RRs) Written Representations (WRs) Summaries of all WRs exceeding 1500 words Local Impact Reports (LIR) from any local authorities Statements of Common Ground(s) (SoCGs) requested by the ExA Responses to the ExA's Written Questions 	20 May 2019

	<ul style="list-style-type: none"> • Post hearing submissions including written submissions of oral case • Comments on any additional information/submissions received by previous deadline • Responses to any further information requested by the ExA for this Deadline 	
5.	Accompanied Site Inspection	4 June 2019
6.	Open Floor Hearing (if requested)	4 June 2019
7.	Issue Specific Hearing on environmental matters	5 June 2019
8.	Issue Specific Hearing on the draft Development Consent Order	6 June 2019
9.	Compulsory Acquisition Hearing (if required)	6 June 2019
10.	Deadline 3 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Comments on WRs and responses to comments on RRs • Comments on LIRs • Comments on responses to the ExA's First Written Questions • Revised draft DCO from Applicant • Post hearing submissions including written submissions of oral case • Responses to any further information requested by the ExA • Comments on any additional information/submissions received by previous deadline 	11 June 2019
11.	Publication by ExA of: <ul style="list-style-type: none"> • The ExA's Further Written Questions (if required) 	26 June 2019
12.	Deadline 4 Deadline for receipt of: <ul style="list-style-type: none"> • Responses to the ExA's Further Written Questions (if required) • Comments on Applicant's revised draft DCO (if required) • Comments on Post hearing submissions including written submissions of oral case • Responses to any further information requested by the ExA 	16 July 2019

	<ul style="list-style-type: none"> Comments on any additional information/submissions received by previous deadline 	
13.	Dates reserved for Issue Specific and any other Hearings (if required)	30 July – 1 August 2019
14.	Publication by ExA of: <ul style="list-style-type: none"> Report on the Implications for European Sites (RIES) 	5 August 2019
15.	Deadline 5 Deadline for receipt of: <ul style="list-style-type: none"> Comments on responses to the ExA's Further Written Questions (if required) Applicant's revised draft DCO Responses to further information requested by the ExA Post hearing submissions including written submissions of oral case Responses to any further information requested by the ExA Comments on any additional information/submissions received by previous deadline 	13 August 2019
16.	Dates reserved for Issue Specific and any other Hearings (if required)	27-29 August 2019
17.	Deadline 6 Deadline for receipt of: <ul style="list-style-type: none"> Comments on the draft DCO (if required) Comments on the RIES Responses to any further information requested by the ExA Comments on any additional information/submissions received by previous deadline 	3 September 2019
18.	Dates reserved for Issue Specific and any other Hearings (if required)	17-19 September 2019
19.	Deadline 7 Deadline for receipt of: <ul style="list-style-type: none"> Responses to comments on the draft DCO (if required) 	23 September 2019

	<ul style="list-style-type: none"> • Responses to further information requested by the ExA • Responses to any further information requested by the ExA • Comments on any additional information/submissions received by previous deadline • Final draft DCO to be submitted by the Applicant in the statutory instrument (SI) template with the SI template validation report 	
20.	The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.	9 October 2019

Publication dates

All information received will be published on the project webpage on the National Infrastructure Planning website as soon as practicable after the deadlines for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the 'Documents' tab on the project webpage. Each document will be given a unique reference. These references will be used by the ExA during the Examination:

<https://infrastructure.planninginspectorate.gov.uk/projects/london/riverside-energy-park/?ipcsection=docs>

Hearing agendas

Please note that for Issue Specific Hearings and Compulsory Acquisition hearings the ExA will aim to publish a detailed draft agenda on the project website at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

For Open Floor Hearings agendas will not be published unless, in consideration of the number of participants notified to the Planning Inspectorate, the ExA decides that establishing a running order will facilitate the process on the day.

Report on the Implications for European Sites (RIES)

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA.

It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant Secretary of State. The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017 and/ or Regulation 28 of The Offshore Marine Regulations.

Availability of Examination Documents

The application documents and Relevant Representations are available on the project webpage on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/london/riverside-energy-park/>

All further documents submitted in the course of the Examination will also be published at the above location.

For ease of navigation, please refer to the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the project webpage is also provided. Please use the unique reference numbers applied in the EL when referring to any Examination Documents in any future submissions that you make. Documents can be viewed electronically, free of charge, at the following locations. Please note that you may need to bring a form of identification to use a computer at these locations.

Electronic deposit locations

Authority	Location	Opening hours		Printing/ copying
London Borough of Bexley	Slade Green and Howbury Community Library, Chrome Road Erith DA8 2EL	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	10am - 7pm 10am – 7pm 10am – 530 10am – 9pm 10am – 9pm 10am – 4pm 930am – 230	<ul style="list-style-type: none"> • Computer access • Don't need ID to access the building • 20p for B&W, 75P for colour
London Borough of Bexley	Upper Belvedere Community Library, Mitchell Close, Belvedere, DA17 6AA	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	8am – 10pm 8am – 10pm 8am – 10pm 8am – 10pm 8am – 11pm 8am – 11pm 8am – 10pm	<ul style="list-style-type: none"> • No computer access, free wifi • Don't need ID to access the building • 10p to copy
London Borough of Bexley	London Borough of Bexley Civic Offices, 2 Watling Street, Bexleyheath, Kent, DA6 7AT	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	9am - 5pm 9am - 5pm 9am - 5pm 9am - 5pm 9am - 5pm Closed Closed	<ul style="list-style-type: none"> • Free computer access • No ID required • £15.50 up to 10 sheets, 10p after that • £6 per plan
London Borough of Dartford	Dartford Library Central Park, Market Street, Dartford, Kent, DA1 1EU	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	830am – 6pm 830am – 6pm 830am – 6pm 830am – 6pm 830am – 6pm 9am - 5pm Closed	<ul style="list-style-type: none"> • Computers are free • Printing B&W 15p 50p colour A4 only

Other Procedural Decisions made by the Examining Authority (ExA)

The ExA has made the following Procedural Decisions under Section 89(3) of the PA2008:

1. Statements of Common Ground (SoCG)

In relation to some of the Principal Issues identified in **Annex B**, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex C** therefore provides a deadline for submission of SoCGs. This is **Deadline 2** on 20 May 2019.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. The reasons for the differences and interpretation of the implications of a difference can then be expanded in the evidence. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant Interested Party or parties and submitted by the Applicant.

SoCGs are requested to be prepared between the Applicant and the London Borough of Bexley and Dartford Borough Council covering issues raised in the Environmental Statement and the draft DCO. This request does not preclude SoCGs between the Applicant and other parties being submitted by the same deadline.

2. Post submission documents

The ExA has made a procedural decision to accept the following submissions as Additional Submissions.

- London Borough of Bexley
- ES Pipelines Limited

These submissions have been published on the Riverside Energy Park page of our website.

DELEGATED AUTHORITY RECORD (DAR)

- Should be used to record decisions by Managers (someone who reports to an AD or Head of) for expenditure of up to £10,000.
- Cannot be used for the approval of novel, contentious or repercussive proposals.
- Cannot be used if the total cost of this and inter-related decisions (previous or forthcoming) exceeds £10,000. Approval must then be sought at the appropriate overall level (ADD, DD or MD).
- Information in this form is subject to the FOI Act and other legislation.
- If you are seeking a decision to procure consultants / professional services (e.g. project managers, event managers), you must seek additional approval from Finance, by completing Section 2, to ensure you are compliant with new Intermediaries Legislation (IR35).

Section 1.

Title: Procurement of consultancy services: technical support for a national energy infrastructure planning application

This is a record of: Approval for SLR Consulting to undertake specific technical due diligence and modelling work. Specifically, work is required to assess, model and evaluate technical waste and energy information in a national energy Infrastructure planning application submitted by Cory Environmental, of which the GLA is a statutory consultee. This work is necessary to enable the GLA to make robust and well evidenced representations through the application Examination process.

1. Decision

To approve procurement of consultancy services (SLR) on a single source arrangement.

2. Equality comments

London's waste and energy policies for effective waste management, reducing greenhouse gas emissions (including CO₂), and efficient energy generation are set out in the London Environment Strategy and London Plan. Both of these statutory plans have been publicly consulted on. Undertaking the work set out in this DAR will enable the GLA to effectively test and defend its policies that seek to:

- mitigate the adverse effects of climate change caused by greenhouse gas emissions;
- drive up recycling which reduces the environmental impact and costs of sending waste to landfill or incineration; and
- protect human health through promoting generation of low carbon and low pollution energy from waste.

3. Cost and financial implications

The cost will be £9,995 (excluding VAT) and paid for out of the Environment Team's budget code GE.0330.008.06. Appendix 2 of GLA Code of Conduct¹ sets out that single source procurement of work of value less than £10k can be approved via a DAR providing justification for this approach and how it shows best value. The reasons for appointing SLR under a single source arrangement to undertake this work are:

- The GLA does not have the necessary resource or experience in-house to undertake the work. SLR developed the GLA's waste modelling tool that the GLA has used to review Cory's pre-application documents and present data and analysis supporting the GLA's representations made to the Planning Inspector based on the limited information provided.
- Cory have since lodged its full planning application that sets out extensive detailed work and modelling. SLR support is now necessary to undertake due diligence and research

¹ See http://intranet.london.gov.uk/sites/default/files/intranetfiles/contracts_funding_code_-_dec_18_update.pdf

work on the full planning application documents, and to use the GLA's tool to assess and model Cory's more detailed waste and energy elements.

- This will be the first time that the tool and its applications is used to help determine whether a national planning application aligns with Mayoral waste and energy policy.
- Given these circumstances, SLR are best placed to undertake this work and to effectively respond to any technical inquiries or challenges made by Cory.
- Appointing SLR would also present the most cost-effective solution, by avoiding costs, time and risks associated with other consultants having to familiarise themselves with the GLA's tool and test its application.

4. Timescale for implementation, completion and expected outcome

The work would commence w/c 19th of March and finish by the 31st of March 2019. The expected outcomes are:

- A comprehensive review of Cory's planning application documents related to the waste modelling outputs and assumptions elements. The GLA will use this information to determine alignment with the GLA's modelling outputs for effective waste management, and alignment with Mayoral waste and energy policies.
- Improved inhouse knowledge and understanding of the GLA's waste management tool when applied to a large scale energy from waste project. This will help to reduce dependency on consultancy support in the future.

ORIGINATING OFFICER DECLARATION:

Tick indicates approval (✓)

Doug Simpson has drafted this report in accordance with GLA procedures.

(✓)

AUTHORISING MANAGER:

Tick indicates approval (✓)

I am satisfied that this decision is:

- | | | |
|----|--|---|
| 1. | consistent with the Mayor's plans and priorities | ✓ |
| 2. | lawful; and not novel, contentious or repercussive | ✓ |
| 3. | within an identified and existing budget | ✓ |

I confirm that the above statements are correct and that this is within my financial delegation limit of £10,000 under the Scheme of Delegation for this matter. It has my approval.

Name Andrew Dunwoody

Position and Directorate Manager, Waste and Green Economy Team, DEE

Signature 

Date 14 March 2019

If section 2 not required, please send this form to your Business Accountant.

Section 2: Employment Status Check

Complete only if you procuring professional services, e.g. consultants, project managers, event co-ordinators etc.

Contractor's name and email address:

SLR Consulting Ltd
3rd Floor, Brew House
Jacob Street, Bristol

GREATER LONDON AUTHORITY

BS2 OEQ

Ensure you:

- Advise the contractor that the GLA may ask them to undertake an employment status assessment
- Send completed DAR to the Chief Accountant for sign off below

AUTHORISING FINANCE MANAGER:

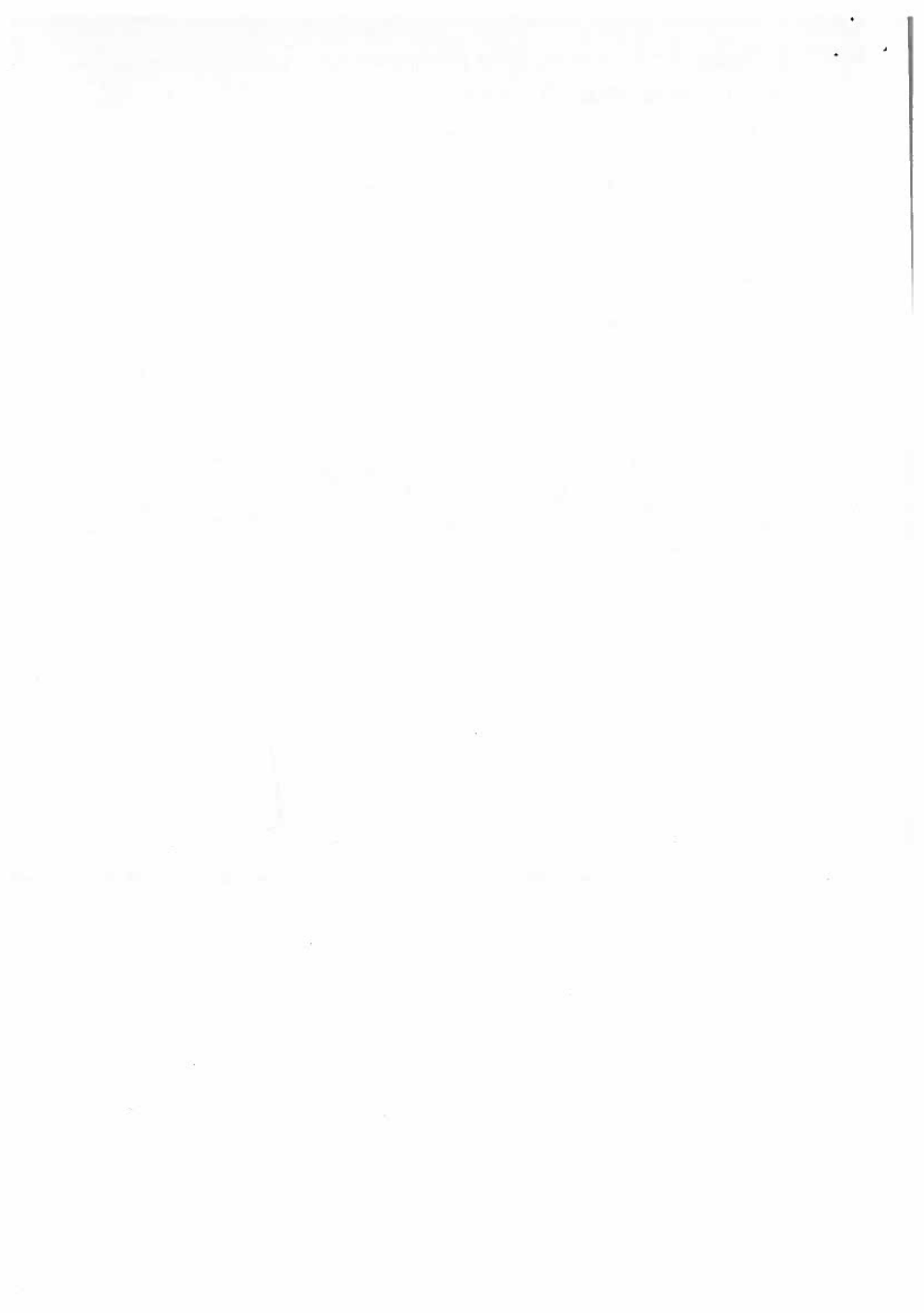
Tick indicates approval (✓)

The services provided under this engagement

- are not subject to tax and NI deductions
- are subject to tax and NI deductions



Name (Type in name)	Position and Directorate (Chief Accountant)
Frances Narene	
Signature	Date
	15/3/2019



Greater London Authority

Single Source Request

SUBJECT	CONSULTANCY SERVICES FOR NATIONAL PLANNING APPLICATION ADVICE AND SERVICES – SLR CONSULTING		Date: 12/12/2018
Originating Department: Planning, DE&E			Cost Centre / WBS code No: GE. XXXXXXX
Submitted By (Budget Holder): Juliemma McLoughlin		Prepared By: Doug Simpson	
<i>Signature</i>		<i>Signature</i>	
<i>Print</i>	Juliemma McLoughlin	<i>Print</i>	Doug Simpson
The Budget Holder accepts that in submitting this single source request it may be subject to challenge as “anti competitive” by an external third party under the EC Treaty of Rome.			

Consultees/Procurement Comments	
<i>Add details as appropriate e.g. Legal Specialist, Sponsor, other staff etc.</i>	
<i>Consultees may indicate agreement or dissent or make other comments if appropriate.</i>	
Procurement signature (only if approved)	
<i>Signature</i>	Date
<i>Print</i>	<i>Shopping Cart No.</i>
<i>Single Source Request Value</i>	<i>PO No.</i>

1 Purpose of Goods / Services

To extend SLR Consultancy services to produce evidence and guidance supporting the Mayor's representations on a Riverside Energy Park (REP) national energy infrastructure planning application in Bexley. The planning applicant is Cory Environmental – a waste management company.

The outputs will cost the GLA up to £10,000.

2 Background

SLR Consulting have been providing consultancy services and advice under a DAR arrangement (£10k, attached) to support the Mayor in preparing his representations to oppose an energy from waste facility as part of the REP planning application. The Mayor is opposing the new EFW on the grounds that it conflicts with his ability to effectively implement his Energy, Waste and AQ quality policies set out in his London Environment Strategy and London Plan. This will likely be a high profile planning application with the Hearings starting in the first week of June 2019.

SLR to date have provided advice and guidance supporting the GLA to navigate the national planning process and to develop a Written Representation setting out the Mayor's position opposing the EFW facility. It has become apparent that additional support is required to continue supporting GLA Officers to effectively participate through the Planning Examination process (April to October 2019). Specifically, additional consultancy support is needed for producing the following work to meet a 20 May 2019 Deadline:

- A Local impact Report – not previously anticipated as being necessary due to the GLA not being a local authority. It has since transpired that this document is fundamental for supporting the Mayor's representations
- Producing Written Representations, drawing on additional evidence beyond what the GLA has to support the Mayor's opposition case in the context of national energy policy
- Providing responses to other stakeholder representations as required.
- Responding to questions asked by the Planning Examiner

Additional support is also necessary to:

- Support GLA Officers to participate in stakeholder and public hearings as part of the Examination process (w/c 4 June)
- Provide on-going guidance and advice for making further representations through the remainder of the Examination process to October 2019.

3 Alternatives

i) Open tender exercise – It is imperative that this work is tendered and completed before the deadline of 20 May 2019 to ensure that the GLA puts forward effective representations to the Hearings. Given SLR's existing involvement in the project, they already have the knowledge and expertise to support the Mayor in a timely and effective way. SLR also provide specialist advice across three of the four main areas where consultancy support is needed. They have experience in effective participation in national EFW planning applications, and expertise in demonstrating non-compliance with national energy and with national waste planning policy. SLR also helped to develop the GLA's evidence base and modelling supporting the Mayor's London Environment Strategy and current and draft London Plan. This makes them well placed to effectively respond to potential challenges from the applicant on the credibility of the evidence base supporting the Mayor's policy position. Appointing SLR would present the most cost-effective solution, by avoiding costs, time and risks associated with other consultants having to familiarise themselves with the work required, and with the Mayor's environmental policy evidence base.

ii) Undertake this in-house – It is the first time since 2003 that the GLA has been involved in opposing a DCO planning application for an Energy from Waste facility. Only parts of the work can be done in house because it requires specialist knowledge and resources that are not currently available to the GLA.

4 Reason Request has been raised after commitment (if applicable)

N/A

5 Impact on Funds

The maximum value of this additional work will be up to £10,000. It will come from the corporate programme budget over the course of this financial year, 2018/19. Approval for

this budget is being sought as part of ADD2329. This will take the total value of the work including work done already to £20k.

6 Recommendation(s)

Officers acknowledge that because the value of the contract exceeds £5,000 section 3.8 of the GLA's Contracts and Funding Code ("Code") such contracts should be competitively procured by the seeking of three or more written quotations or the call off from an accessible framework. However, section 5 of the Code also allows the approval of exemptions from this requirement where to do so provides compatibility with an existing service and/or there are a limited number of suitable suppliers.

Given the circumstances outlined above, SLR are considered best placed to undertake this work.

7 Disclaimer (for Budget Holder)

I, the client, am fully aware of the requirements of the Transport for London Business Ethics policy.

I, and any other persons involved in the selection of this supplier, declare that I/we have no existing financial or other interests in the recommended supplier for this transaction and I/we am/are not aware that any close relative or friend has any such interests.

I, and any other persons involved in the selection of this supplier, declare that I/we have not received in the last 12 months any offer of gifts or hospitality from the recommended supplier for this transaction other than those I/we have already disclosed.

I understand that nothing I have signed seeks to circumvent the provisions of the Public Interest Disclosure Act 1998.