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Ms Katie Kerr

Your Ref: 235271/10

Arup (by email)

Our Ref: EN010071

Date: 24 April 2015

Dear Ms Kerr

Thank you for your email of 10 April 2015 which included a technical note on the general principles of the proposed methodology for the Environmental Impact Assessment (EIA) in respect of the North London Heat and Power Project (the Project).

## **Planning Inspectorate comments on the proposed EIA methodology for the Project**

### *Overview*

The Planning Inspectorate does not generally conduct detailed reviews of ES methodology prior to the submission of applications, but when possible we are able to provide some advice on the proposed approach. The comments provided below are in addition to those already provided as part of our formal Scoping Opinion issued on 20 November 2014 and our advice on the proposed cumulative impact assessment issued on 24 February 2015.

### *Section 2*

We note the reference to the decommissioning and demolition of the existing energy from waste facility as being included as associated development within the draft Development Consent Order (dDCO). Colleagues in the case team at the Planning Inspectorate are considering this matter in detail and may provide specific Section 51 advice to you on this separately.

### *Section 3*

The note confirms that the design of the proposed development is unlikely to be fixed by the time the application is made and therefore some flexibility in the design will be sought in the dDCO. The note explains that the Rochdale Envelope assessment approach will be used for the EIA and undertaken in accordance with advice provided in the Planning Inspectorate's Advice Note 9. To support this approach the application will include submission of parameter plans and other supporting plans. The plans will

be categorised as 'for approval' (which will provide the basis for the EIA), 'for information' and 'illustrative'. The distinction being drawn between these plans, in particular 'for information' and 'illustrative' is not obvious to the Planning Inspectorate. An example of these plans has not been provided and in absence of this, it is difficult to comment on the adequacy of the approach and therefore, the implications for the EIA. The applicant may wish to discuss this further with the Planning Inspectorate so that we can better understand the intended approach. However, in any event it will be important that the ES clearly explains (with sufficient detail) the relationship between the parameter plans used for the assessment and work permissible in the dDCO. It is imperative that the design parameters defined within the dDCO are consistent with those assessed within the ES.

The note states that the plans to be submitted 'for information' (not for approval) will show details of the existing site layout. It is not clear why such an approach is proposed however, given that approval for the decommissioning and demolition of the existing energy from waste (EfW) facility is to be sought through the DCO. The approach could mean, for example, that those involved in the consultation and examination processes may not be clear on what is proposed to be demolished, what the potential environmental impacts of these works may be and whether these have been assessed in the ES. There should be a clear relationship between what is proposed in the dDCO and what has been assessed.

It is proposed that the plans referred to above will be supported by a set of design principles and a Code of Construction Practice (CoCP) which will be relied upon in the EIA. The CoCP will be secured through requirements in the dDCO. The Planning Inspectorate recommends that draft versions of these documents are discussed and agreed with the local planning authority and other relevant consultees prior to submission. In the case of the CoCP this will help to ensure it includes sufficient detail to mitigate the likely adverse effects of the proposed development.

#### *Section 4*

The note states that construction of the project would be phased over a number of years 'in' 2019. The Planning Inspectorate assumes this is a typo and should instead read 'from 2019'. This notwithstanding it will be important that the ES clearly describes in detail the approach to the phasing of the proposed development and the detailed characteristics of the works involved with each phase. This should include reference to the description of works in the dDCO and the proposed works plans so it is possible to clearly understand the characteristics of the development during each phase.

The note identifies the main development phases proposed. These are:

- Phase 1: Clearance/demolition works and construction of the ERF, RRF and EcoPark House.
- Phase 2: Commissioning of ERF alongside operation of the existing EfW (i.e. transition period).
- Phase 3: Operation of ERF, RRF and EcoPark House. Demolition of the existing EfW.
- Phase 4: Operation of ERF, RRF and EcoPark House (i.e. final operational situation).

The phases do not appear to include a potential period between Phase 2 and Phase 3 when the ERF, RRF, EcoPark House and the existing EfW plant could all be operational (i.e. following commissioning of the ERF). If such a scenario is a genuine and realistic possibility then the potential impacts during this period should be described and assessed in the ES. If this scenario is not expected then the ES should explain the measures proposed (and secured through the dDCO) which prevent this from occurring.

The Planning Inspectorate considers that the phased approach to the proposed development is an important element of the assessment process and will require careful consideration to ensure a robust assessment is undertaken. For example the ES should consider and assess the potential impacts each phase of the proposed development may have on the quality and efficacy of mitigation measures attached to the preceding phase (e.g. how demolition of the existing EfW facility in Phase 3 could adversely affect any landscaping/ecological measures delivered in Phase 2).

The note states that assumptions have been made regarding the likely timescales for each development phase. These assumptions should be clearly described in the ES and explain the extent to which they affect the outcomes of the assessment.

The note also states that the phasing of the project will not form part of the consent and that the EIA will be undertaken on the 'most likely scenario' for each phase based on a worst case. In order to explain the worst case for each phase the Planning Inspectorate requests that the likely construction programme for each phase is provided including likely activities and timescales. The Planning Inspectorate reiterates the need for the ES to clearly explain the extent to which assumptions used affect the outcomes of the assessment. For example, if timescales assumed for each phase of the development are not secured by the dDCO it will be necessary to consider and address if any longer or shorter period of time required for each phase would result in an increased worst case scenario. Provision of this information will help all of those involved in the consultation and examination processes to understand the likely duration of each phase and ensure responses to consultations or examination questions are more informed.

## *Section 5*

It is explained that the baseline conditions used for the assessment will include the existing operational facility and that there are not expected to be extensive significant adverse effects as the proposal is for a new and modernised facility. The ES should describe and justify the use of the current baseline conditions for the assessment. The Planning Inspectorate notes that given the nature of the proposed development the applicant's ES may also wish to address the 'future baseline' scenario which would describe the baseline environmental conditions at the site and the surrounding area should the development not go ahead (i.e. the 'do nothing' scenario). If this approach is taken it should have regard to any approved decommissioning plans for the existing plant, any relevant plan policies/allocations which will guide the future development of the site/surroundings and other relevant growth forecasts (e.g. in respect of traffic or air quality)..

In respect of 'scoping out' assessment topics the note states that this would be supported by the PEIR assessment and any updated engagement with relevant stakeholders/consultees being appended to the ES. As stated in the Secretary of

State's Scoping Opinion a justification on why topics are scoped out should also be provided in the ES, however, matters are not formally scoped out unless specifically addressed and justified by the applicant and confirmed as being scoped out by the Secretary of State.

## *Section 6*

The proposed structure for the ES is explained in Section 6 of the note and is understood and acknowledged.

In addition to the comments provided elsewhere in this letter the following comments on the proposed structure should also be taken into account:

- Engagement: the ES should reference where copies of any agreements regarding the assessment scope, conclusions or effectiveness of mitigation measures are provided within the application documents (either within the ES or elsewhere).
- Assessment: the note states that each topic will assess the reasonable worst case. A description of this worst case should be provided in each topic chapter of the ES.
- Supplementary mitigation: the ES should include a table which lists the mitigation measures proposed and relied upon against how they are to be delivered through requirements in the DCO. In cases where measures are to be implemented through certain documents (e.g. a Code of Construction Practice) the table should reference specific measures within submitted draft versions of these including the minimum measures necessary to mitigate the effects.

Further information on the recommended approach to the presentation of the ES is provided within Appendix 3 of the Scoping Opinion.

I hope you find these comments helpful. Please note that they are provided without prejudice to any questions that a future Examining Authority may choose to ask regarding the adequacy of the assessment undertaken.

Please do not hesitate to contact me should you have any queries regarding the comments provided.

Yours sincerely

*Will Spencer*

Will Spencer  
EIA and Land Rights Adviser

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.