

# Riverside Energy Park

---

## Statement of Common Ground: London Borough of Bexley

---

VOLUME NUMBER:

**08**

PLANNING INSPECTORATE REFERENCE NUMBER:

**EN010093**

DOCUMENT REFERENCE:

**8.01.14**

October 2019

Revision 0 (Deadline 8B)

Planning Act 2008 | Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009



## **Riverside Energy Park Belvedere**

### **Statement of Common Ground between the Applicant and London Borough of Bexley**

**03 October 2019**

## Statement of Common Ground

Statement of Common Ground between the Applicant and the London Borough of Bexley

---

Revision	Date	Description
Draft	31/05/2019	Draft for discussion
Draft v2	04/06/2019	Draft for discussion – updated 10/06/2019
Draft v3	30/07/2019	Draft for discussion – updated 30/07/2019
Draft v4	23/08/19	Draft for discussion – updated 23/08/2019
Draft v5	10/09/19	Draft for discussion – updated 10/09/2019
Draft v6	24/09/2019	Draft for discussion – updated 24/09/2019
Draft v7	03/10/2019	Final

# 1 Introduction

## 1.1 Purpose of this Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SOCG) has been prepared by Cory Environmental Holdings Limited (trading as Cory Riverside Energy ('the Applicant')) and the London Borough of Bexley (LBB). For the purposes of this SOCG, the Applicant and (LBB) will jointly be referred to as 'the Parties'.
- 1.1.2 The Applicant has applied to the Secretary of State under the Planning Act 2008 for powers to construct, operate and maintain an integrated Energy Park, to be known as Riverside Energy Park (REP). The principal elements of REP comprise energy generating development and an associated Electrical Connection (together referred to as the 'Proposed Development').
- 1.1.3 Preparation of this SOCG has been informed by discussions between the Parties. The purpose of this SOCG is to set out agreed information about the submitted Application and subsequent submissions to the Examining Authority to facilitate an efficient examination process.
- 1.1.4 This SOCG relates to the following topics/issues:
- Planning Policy: Waste;
  - Transport;
  - Air Quality;
  - Noise and Vibration;
  - Townscape and Visual Impact;
  - Historic Environment;
  - Terrestrial Biodiversity;
  - Hydrology, Flood Risk and Water Resources;
  - Ground Conditions;
  - Socio-economics; and
  - Other Considerations: Climate, Lighting, Human Health, Waste Management.
- 1.1.5 Overall, this SOCG is intended to give a clear position of the state and extent of agreement between the Parties at the date on which this SOCG is signed and submitted to the Secretary of State.
- 1.1.6 All defined terms and abbreviations, if not defined or explained in this SOCG are defined or explained in the **Project Glossary (1.6, APP-006)**.

## 1.2 The Application

- 1.2.1 The Application was submitted on 16<sup>th</sup> November 2018 and accepted by the Secretary of State on 14<sup>th</sup> December 2018. The Application was accompanied by the **Environmental Statement (ES) (6.1-6.4, Rev 1)** (submitted at Deadline 2)) and a **Habitats Regulations No Significant Effects Report (6.5, Rev 1)** (updated at Deadline 2)).

## Statement of Common Ground

### Statement of Common Ground between the Applicant and London Borough of Bexley

- 1.2.2 The Parties agree that the **ES** and subsequent assessment, submitted to the Examining Authority forms the full and complete Environmental Impact Assessment (EIA) for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) and it is further agreed that the **ES** and subsequent assessment submitted to the Examining Authority contains sufficient environmental information to enable the Secretary of State to make their determination. The parties agree that the further jetty outage assessments including the **Jetty Outage Review (8.02.31, REP3-036)** and the **Supplementary Note to the Temporary Jetty Outage Review (8.02.86, REP)** submitted to the Examining Authority form part of the Transport Assessment.

## 1.3 The Examination

- 1.3.1 An examination (the Examination) of the Application commenced on 19 April 2019 pursuant to Chapter 4 of Part 6 of the Planning Act 2008 (the Act) and the Infrastructure Planning (Examination Procedures) Rules 2010 (the EP Rules).

## 1.4 Description of the Proposed Development

- 1.4.1 The Proposed Development comprises REP and the associated Electrical Connection. These are described in turn, together with the anticipated REP operations, below. **Chapter 3 of the ES (6.1, Rev 1)** (submitted at Deadline 2)) along with the **Environmental Statement supplementary report (6.6, REP2-044)** provides further details of the Proposed Development. At the submission of the Application, the Applicant's description of development was as follows:

### REP

- 1.4.2 REP would be constructed on land immediately adjacent to Cory's existing RRRF, within LBB and the Applicant consider REP would complement the operation of the existing facility. It would comprise an integrated range of technologies including: waste energy recovery, anaerobic digestion, solar panels and battery storage. The main elements of REP would be as follows:

- **Energy Recovery Facility (ERF):** to provide thermal treatment of Commercial and Industrial residual (non-recyclable) waste with the potential for treatment of residual (non-recyclable) Municipal Solid Waste;
- **Anaerobic Digestion facility:** to process food and green waste. The Applicant proposes that outputs from the Anaerobic Digestion facility would be transferred off-site for use in the agricultural sector as fertiliser or as an alternative, where appropriate, used as a fuel in the ERF to generate electricity;
- **Solar Photovoltaic Installation:** to generate electricity. Installed across a wide extent of the roof of the Main REP building;
- **Battery Storage:** to store and supply additional power to the local distribution network at times of peak electrical demand. This facility would be integrated into the Main REP building; and
- **On Site Combined Heat and Power (CHP) Infrastructure:** to provide an opportunity for local district heating for nearby residential developments and businesses. REP would be CHP Enabled with necessary on site infrastructure included within the REP site.

### Electrical Connection

- 1.4.3 REP would be connected to the electricity distribution network via a new 132 kilovolt (kV) predominantly underground electricity cable connection. The route for the Electrical Connection is shown on the **Works Plans (2.2, Rev 1)** submitted at Deadline 2.

## 2 Matters agreed between the Parties

### 2.1 Introduction

- 2.1.1 The Parties are agreed on all matters set out in this section (**Section 2**). As all outstanding matters have been resolved, addressed or suitably controlled, LBB confirms that it unconditionally supports the application.

#### Planning Policy: Waste

- 2.1.2 REP will generate low carbon / renewable energy in accordance with national, regional and local policy. It is agreed that the Proposed Development is in accordance with the Overarching National Policy Statement (NPS) for Energy (EN-1) and the NPS for Renewable Energy Infrastructure (EN-3).
- 2.1.3 The need for additional energy generation capacity is established in NPS EN-1 and NPS EN-3.
- 2.1.4 The Parties acknowledge that the energy recovered by REP's ERF is a partially renewable energy source, sometimes referred to as a low carbon energy source. The Parties agree that the other complementary electricity generation elements of REP, the Anaerobic Digester and solar panels, are properly described as wholly renewable.
- 2.1.5 In accordance with local policy, REP will lead to a diversion of waste from landfill in accordance with the waste hierarchy. The parties are agreed that REP will make a positive contribution towards nationally, regional and local waste management objectives and strategies. In accordance with the waste hierarchy the ERF element of REP should only treat residual wastes. This is achieved through the controls set out in the **draft Development Consent Order (dDCO)**, in particular Requirement 16 titled 'Waste Hierarchy Scheme'.
- 2.1.6 The Parties are agreed that Requirement 16 titled 'Waste Hierarchy Scheme' as set out in **Appendix A** requires the Applicant to undertake appropriate annual waste composition analysis and reporting. The proposed wording will be adopted in Schedule 2 of the **dDCO** submitted to the Examination at Deadline 8a.
- 2.1.7 The Parties are agreed that the digestate produced from the Anaerobic Digestion plant should, at the top level of the waste hierarchy, be exported off-site for use as a fertiliser. They are agreed that Requirement 25 as set out in **Appendix A** requires an Anaerobic Digestion Review that considers the viable opportunities that reasonably exist for:
- export of compost material from the Anaerobic Digestion facility for use as fertiliser;
  - export of gas produced from the Anaerobic Digestion facility to the gas grid network; and
  - actions that the undertaker can reasonably carry out in order to progress the identified opportunities together with the timescales of such actions.
- 2.1.8 The Parties are agreed that in relation to the compost material that the Applicant should be placed under a duty to review all viable markets that may exist.
- 2.1.9 The parties are agreed that the ERF and Anaerobic Digestion elements of REP should be subject to separate waste throughput caps of 805,920 tonnes per annum (tpa) and 40,000 tpa respectively. The Applicant agrees to include a Requirement to this effect in Schedule 2 of the **dDCO** submitted to examination by the Applicant at Deadline 8a. The wording of the proposed requirement is set out in **Appendix A**, Requirement 32 titled 'Tonnage cap'.

## Statement of Common Ground

### Statement of Common Ground between the Applicant and London Borough of Bexley

- 2.1.10 The potential for delivery of Combined Heat and Power (CHP) from REP, and the demand for CHP, is set out in the **Combined Heat and Power Assessment (5.4, APP-035)** submitted with the DCO Application and subsequent submission at Deadline 2, **Combined Heat and Power Supplementary Report (5.2.1, REP2-012)**. REP will be 'CHP Enabled' (exceeding the minimum Environment Agency requirements). LBB has no comment to make on the Carbon Intensity Floor (CIF) and consider that this is a matter between the Applicant and the Greater London Authority. The Parties are agreed that pursuing heat export opportunities from REP will support the objectives set out in LBB Core Strategy Policies CS03 and CS08. The Applicant will continue to actively engage in local working groups with LBB, which are exploring future export opportunities. This engagement will continue, in accordance with **dDCO Requirement 24** titled 'Combined Heat and Power'. The undertaker is then only required to carry out and submit a further CHP review every 5 years.
- 2.1.11 The Parties are agreed that CHP review should be undertaken on a three year basis and in the event that the export of heat is provided pursuant to any CHP review, the Applicant should only be required to carry out and submit any further CHP reviews every five years. This agreement is reflected in the wording in **Appendix A Requirement 24** titled 'Combined Heat and Power' which will be included in the **dDCO** submitted to Examination by the Applicant at Deadline 8a.
- 2.1.12 Locating REP at the riverside location, with its ability to be served via the River Thames, enables it to accept waste from a wider area; the Parties are agreed that, in accordance with LBB Core Strategy Policy CS01, locating REP at the Belvedere site would provide waste co-location benefits.
- 2.1.13 Furthermore, the use of the River Thames during the operation of REP accords with LBB Core Strategy Policy CS09 which references the sustainable use of resources including encouraging the use of the River Thames to carry freight and material.
- 2.1.14 REP will support economic benefits and employment opportunities within LBB's area; the Parties are agreed that the mechanism for identification and delivery of mitigation measures, as set out in Section 2.10 below (in respect of an Employment and Skills Plan), have been identified to help deliver benefits to LBB from the positive socio-economic outcomes of REP. It is agreed that the Applicant and LBB seek the delivery of economic benefits within the local area.

## 2.2 Transport

- 2.2.1 The scope of the **Transport Assessment** is defined within **Section 6.1, Chapter 6** of the **ES (Document Reference 6.1, Rev 1)**, the **Transport Assessment, Appendix B.1** of the **ES (6.3, APP-066)**, and the **Environmental Statement Supplementary Report (6.6, REP2-044)**. The **Temporary Jetty Outage Review (8.02.31, REP3-037)**, and the **Supplementary Note to the Temporary Jetty Outage Review (8.02.86)** submitted at Deadline 8, have regard to further considerations in the event of a jetty outage. The Parties agree these assessments use suitable parameters in relation to the potential transport impacts arising from construction, operation and decommissioning of the Proposed Development as well as impacts that may arise in the event of a jetty outage.

### Legislation, Policy Context, Guidance and Standards

- 2.2.2 The policy context, legislation, guidance and standards considered in the **Transport Assessment** are noted in **Chapter 2** of the **ES** and **Section 6.2, Chapter 6** of the **ES**.
- 2.2.3 The policy context, legislation, guidance and standards considered to inform the Transport Assessment, include TfL's Transport Assessment Guidance, and are appropriate.

### Consultation

- 2.2.4 Consultation undertaken with regards to Transport is summarised in **Section 6.3, Chapter 6** of the **ES**.

## Statement of Common Ground

### Statement of Common Ground between the Applicant and London Borough of Bexley

- 2.2.5 The summary of consultation presented is correct so far as it provides an accurate record of consultation with LBB on transport matters up to the time of the DCO Application submission.

### Reasonable Worst-Case Parameters Used for Assessment

- 2.2.6 The reasonable worst-case parameters used for the assessment of Transport are presented in **Section 6.4, Chapter 6** of the **ES**, the **Transport Assessment, Appendix B.1** of the **ES (6.3)**, the Environmental Statement Supplementary Report. The **Temporary Jetty Outage Review (8.02.31, REP3-037)** and the **Supplementary Note to the Temporary Jetty Outage Review (8.02.86)** submitted at Deadline 8 have been submitted in support of the application, and have regard to further considerations in the event of a jetty outage.
- 2.2.7 The Parties agree that the reasonable worst-case parameters that have been used for assessment of potential Transport impacts arising from the Proposed Development, in the ES or supporting information submitted to the Examination, and are considered appropriate.

### Assessment Methodology and Significance Criteria

- 2.2.8 The methodology for the assessment of Transport is presented in **Section 6.5, Chapter 6** of the **ES**. The assessment methodology is considered appropriate.
- 2.2.9 The cumulative assessment methodology for Transport is presented in **Section 4.10, Chapter 4** of the **ES**, **Section 4.10, Chapter 4** of the Preliminary Environmental Information Report (PEIR), and **Section 6.9, Chapter 6** of the PEIR. Additional information is provided in the **Temporary Jetty Outage Review (8.02.31, REP3-037)** and the **Supplementary Note to the Temporary Jetty Outage Review (8.02.86)** submitted at Deadline 8 which have been submitted in support of the application. The cumulative assessment methodology included in the **ES** or supporting information submitted to the Examination is considered appropriate.

### Assumptions and Limitations

- 2.2.10 Assumptions made with regards to the assessment of Transport are summarised in **Section 6.6, Chapter 6** of the **ES** and the **Environmental Statement Supplementary Report**. Further assumptions are set out in The **Temporary Jetty Outage Review (8.02.31, REP3-037)** and the **Supplementary Note to the Temporary Jetty Outage Review (8.02.86)** submitted at Deadline 8.
- 2.2.11 The assumptions presented in the **ES** and associated supporting information submitted to the Examination are considered appropriate.

### Baseline Conditions and Receptors

- 2.2.12 The baseline conditions and receptors for Transport are presented in **Section 6.7, Chapter 6** of the **ES**.
- 2.2.13 The baseline conditions and receptors presented are considered appropriate.

### Embedded Mitigation

- 2.2.14 The embedded mitigation which is that designed to be an inherent part of the scheme for which development consent is sought or that which would be undertaken to meet existing legislative requirements for potential Transport effects is set out in **Section 6.8, Chapter 6** of the **ES** the **Environmental Statement Supplementary Report**, the **Outline CTMP (6.3, Rev 5)** and the **Outline Operational Worker Travel Plan, Appendix M** to the **TA (6.3)**. Embedded mitigation is also included in proposed Requirements 8 titled 'Highway Access', 13 titled 'Construction traffic management plan', 14 titled 'Heavy commercial vehicle movements delivering waste', 17



## Statement of Common Ground

Statement of Common Ground between the Applicant and London Borough of Bexley

'Operational worker travel plan' and 31 'Delivery and Servicing Plan', set out in **Appendix A** which will be included within the **dDCO** submitted at Deadline 8a.

- 2.2.15 It is agreed that the existing jetty is configured for the transfer of bulk ISO containers (as used for waste import and ash export by RRRF and in future REP) and will remain in use for the RRRF whilst REP is under construction. It is agreed that to receive other types of deliveries of exports may require changes to craneage, but that where items can be safely and efficiently transported this will be explored and where viable implemented. It is also agreed that the Applicant will undertake an assessment of the opportunities for river use during construction with actions identified requiring implementation as secured in the **Outline Construction Traffic Management Plan** submitted at Deadline 8a.
- 2.2.16 The Parties are agreed that a separate cap on the tonnage of waste that can be delivered to the ERF and Anaerobic Digestion facilities as set out in Requirement 14 in **Appendix A**. The Parties are also agreed that the level of traffic movements serving the ERF plant during normal operations and during a jetty outage should be consistent with the limits set out in Requirement 14 in **Appendix A**.
- 2.2.17 The Parties are agreed that the inclusion of Requirements 13 and 14 as set out in **Appendix A** supports the use of the River Thames during the operation of REP. The **dDCO** submitted at Deadline 8a will include the amendments set out in **Appendix A**.
- 2.2.18 The Parties agree that the level of service deliveries will be comparably low relative to the level of Heavy Commercial Vehicle (HCV) waste deliveries that may be permitted to the REP site, and that the effects of service deliveries will be appropriately managed through the addition of a delivery and servicing plan (DSP) requirement within Schedule 2 of the **dDCO** to be submitted to the examination by the Applicant at Deadline 8a. It is agreed that the proposed DSP requirement will not impose a cap on service deliveries (or other vehicle types) however it will include measures to maximise the efficiency of service deliveries and approaches to ensure adoption of best practice. The wording of the proposed Requirement 31 is set out in **Appendix A**, Requirement titled 'Delivery and Servicing Plan'.
- 2.2.19 Provided the **dDCO** submitted at Deadline 8a includes the proposed amendments set out **Appendix A**, the embedded mitigation is considered appropriate and adequate, in terms of their nature and scale, to address potential Transport effects.

## Assessment of Likely Effects

- 2.2.20 The assessment of effects during construction and decommissioning for Transport is presented in **Section 6.9, Chapter 6** of the **ES** and the **Environmental Statement Supplementary Report**. The Parties are agreed that junction appraisals should be submitted within the CTMP in accordance with the Outline CTMP and Requirement 13 as set out in Appendix A. Provided the dDCO and Outline CTMP submitted at Deadline 8a reflects the amendments set out in Appendix A Requirement 13, the Parties are agreed that the assessment of Transport effects during construction of the Proposed Development are considered appropriate.
- 2.2.21 The assessment of effects during operation for Transport is presented in **Section 6.9, Chapter 6** of the **ES** and the **Environmental Statement Supplementary Report**. Further information is provided in the **Temporary Jetty Outage Review** and the **Supplementary Note to the Temporary Jetty Outage Review (8.02.86)** submitted at Deadline 8. The Parties are agreed that the assessment of Transport effects during operation associated with the Proposed Development are considered appropriate.

## Cumulative Assessment

- 2.2.22 The assessment of cumulative effects for Transport is presented in **Section 6.10, Chapter 6** of the **ES** and the **Environmental Statement Supplementary Report**.

## Statement of Common Ground

Statement of Common Ground between the Applicant and London Borough of Bexley

2.2.23 The cumulative effects from transport are set out in the **Transport Assessment (Appendix B.1 Chapter 6 of the ES)**, the **Temporary Jetty Outage Review** and the **Supplementary Note to the Temporary Jetty Outage Review (8.02.86)** submitted at Deadline 8.

2.2.24 The cumulative effects presented are considered appropriate.

### Further Mitigation and Enhancement

2.2.25 The consideration of further mitigation and enhancement measures for Transport are presented in **Section 6.11, Chapter 6 of the ES** and the **Environmental Statement Supplementary Report**. Further mitigation and enhancement measures are included in the CTMP submitted at Deadline 8a and Requirements 8,13, 14, 17 and 31 as set out in **Appendix A**.

2.2.26 Provided the Outline CTMP submitted at Deadline 8a includes details of the highways baseline surveys and reinstatement works scope and process to be undertaken in accordance with discussions held between both Parties since the DCO hearing on 19<sup>th</sup> September 2019 and the **dDCO** submitted at Deadline 8a reflects the proposed amendments set out in **Appendix A** the Parties are agreed that the further mitigation and enhancement measures during construction and operations are considered appropriate.

### Residual Effects and Monitoring

2.2.27 The summary of residual effects and monitoring for Transport is presented in **Section 6.12, Chapter 6 of the ES** and the **Environmental Statement Supplementary Report**.

2.2.28 A schedule of mitigation and monitoring is presented in **Chapter 17 of the ES**.

2.2.29 The summary of residual effects and monitoring are agreed.

## 2.3 Air Quality

2.3.1 The scope of the Air Quality assessment is defined within **Section 7.1, Chapter 7 of the ES (Document Reference 6.1, Rev 1)** and the **Environmental Statement Supplementary Report (6.6)**. This description of the topic is an appropriate basis upon which to produce the **ES Chapter**.

### Legislation, Policy Context, Guidance and Standards

2.3.2 The policy context, legislation, guidance and standards considered in the assessment of Air Quality are noted in **Chapter 2 of the ES** and **Section 7.2, Chapter 7 of the ES**.

2.3.3 The policy context, legislation, guidance and standards considered to inform the Air Quality assessment are appropriate.

### Consultation

2.3.4 Consultation undertaken with regards to Air Quality is summarised in **Section 7.3, Chapter 7 of the ES**.

2.3.5 The summary of consultation presented is correct so far as it provides an accurate record of consultation with LBB on Air Quality matters up to the time of the DCO Application submission.

### Reasonable Worst Case Parameters Used for Assessment

2.3.6 The reasonable worst-case parameters used for the assessment of Air Quality are presented in **Section 7.4, Chapter 7 of the ES**.

## Statement of Common Ground

### Statement of Common Ground between the Applicant and London Borough of Bexley

- 2.3.7 The reasonable worst-case parameters used for the assessment are considered appropriate for the robust assessment of potential Air Quality impacts arising from the Proposed Development. LBB do not propose to pursue issues relating to stack height further.

## Assessment Methodology and Significance Criteria

- 2.3.8 The methodology for Air Quality is presented in **Section 7.5, Chapter 7** of the **ES**. The assessment methodology is considered appropriate.
- 2.3.9 The cumulative assessment methodology for Air Quality is presented in **Section 4.10, Chapter 4** of the **ES**, **Section 4.10, Chapter 4** of the Preliminary Environmental Information Report (PEIR) and in **Section 7.9, Chapter 7** of the PEIR. The cumulative assessment methodology, is considered appropriate.

## Assumptions and Limitations

- 2.3.10 Assumptions made with regards to Air Quality are summarised in **Section 7.6, Chapter 7** of the **ES**.

## Baseline Conditions and Receptors

- 2.3.11 The baseline conditions and receptors for Air Quality are presented in **Section 7.7, Chapter 7** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.3.12 The baseline conditions and receptors presented and as subsequently amended in the **Applicant's response to the GLA Deadline 4 submission (8.02.46)**, as submitted by the Applicant at Deadline 5 (section 7.3.2), are considered appropriate.

## Embedded Mitigation

- 2.3.13 The embedded mitigation which is that designed to be an inherent part of the scheme for which development consent is sought or that which would be undertaken to meet existing legislative requirements for potential Air Quality effects is set out in **Section 7.8, Chapter 7** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.3.14 The embedded mitigation is considered appropriate and adequate, in terms of their nature and scale, to address potential Air Quality effects.

## Assessment of Likely Effects

- 2.3.15 The assessment of effects during construction and decommissioning for Air Quality is presented in **Section 7.9, Chapter 7** of the **ES** and the **Environmental Statement Supplementary Report** and in further information submitted in the Applicant's response to Air Quality Matters (8.02.70). The assessment of effects during construction and decommissioning presented is considered appropriate, provided the full range of all mitigation measures specified in the guidance used as the basis for the assessment are adopted in the Code of Construction Practice.
- 2.3.16 The assessment of effects during operation for Air Quality is presented in **Section 7.9, Chapter 7** of the **ES** and in further information submitted in the **Applicant's response to Air Quality Matters Rev 1 (REP7A-002)**. The assessment of effects during operation presented is considered appropriate, although LBB considers that the assessment of dioxin and furan emissions could have been improved by more fully accounting for background sources of exposure to dioxins and furans.

### Cumulative Assessment

2.3.17 The assessment of cumulative effects for Air Quality is presented in **Section 7.10, Chapter 7** of the **ES** and in the **Environmental Statement Supplementary Report**.

2.3.18 The cumulative effects presented are considered appropriate.

### Further Mitigation and Enhancement

2.3.19 The consideration of further mitigation and enhancement measures for Air Quality are presented in **Section 7.11, Chapter 7** of the **ES** and the **Environmental Statement Supplementary Report**.

2.3.20 The parties agree that the **outline Code of Construction Practice (CoCP)** submitted at Deadline 8 is extended to include the implementation of all relevant measures specified in the SPG and IAQM guidance associated with the control of dust at low risk construction sites.

2.3.21 The consideration of further mitigation and enhancement measures are appropriate.

### Residual Effects and Monitoring

2.3.22 The summary of residual effects for Air Quality is presented in **Section 7.12, Chapter 7** of the **ES**.

2.3.23 A schedule of mitigation and monitoring is presented in **Chapter 17** of the **ES**.

2.3.24 The summary of residual effects and monitoring is considered appropriate, on the basis that the Applicant and LBB enter into a s106 agreement that provides for the contribution of funds for ambient air quality monitoring in Bexley. The monies would be spent on the operation and maintenance of ambient air quality monitoring laboratories in the LBB area and the independent reporting of annual results from such laboratories. The sum and duration of funding is agreed by both parties. The parties are agreed that Requirement 17 titled 'Ambient air quality monitoring' is not required with the s106 agreement in place.

## 2.4 Noise and Vibration

2.4.1 The scope of the Noise and Vibration assessment is defined within **Section 8.1, Chapter 8** of the **ES (6.1)** as well as the **Environmental Statement Supplementary Report (6.6)**. This description of the topic is an appropriate basis upon which to produce the **ES** Chapter.

### Legislation, Policy Context, Guidance and Standards

2.4.2 The policy context, legislation, guidance and standards considered in the assessment of Noise and Vibration are noted in **Chapter 2** of the **ES** and **Section 8.2, Chapter 8** of the **ES**.

2.4.3 The policy context, legislation, guidance and standards considered to inform the Noise and Vibration assessment are appropriate.

### Consultation

2.4.4 Consultation undertaken with regards to Noise and Vibration is summarised in **Section 8.3, Chapter 8** of the **ES**.

2.4.5 The summary of consultation presented is correct so far as it provides an accurate record of consultation with LBB on Noise and Vibration matters up to the time of the DCO Application submission.

### Reasonable Worst Case Parameters Used for Assessment

- 2.4.6 The reasonable worst-case parameters used for the assessment of Noise and Vibration are presented in **Section 8.4, Chapter 8** of the **ES**.
- 2.4.7 The reasonable worst-case parameters used for the assessment are considered appropriate for the robust assessment of potential Noise and Vibration impacts arising from the Proposed Development.

### Assessment Methodology and Significance Criteria

- 2.4.8 The methodology for Noise and Vibration is presented in **Section 8.5, Chapter 8** of the **ES**. The assessment methodology is considered appropriate.
- 2.4.9 The cumulative assessment methodology for Noise and Vibration is presented in **Section 4.10, Chapter 4** of the **ES**, **Section 4.10, Chapter 4** of the Preliminary Environmental Information Report (PEIR) and in **Section 8.9, Chapter 8** of the PEIR. The cumulative assessment methodology, is considered appropriate.

### Assumptions and Limitations

- 2.4.10 Assumptions made with regards to Noise and Vibration are summarised in **Section 8.6, Chapter 8** of the **ES**, the **Environmental Statement Supplementary Report** and the **night-time noise impact validation assessment (8.02.12)**.
- 2.4.11 The assumptions presented are considered on the whole to be appropriate.

### Baseline Conditions and Receptors

- 2.4.12 The baseline conditions and receptors for Noise and Vibration are presented in **Section 8.7, Chapter 8** of the **ES**.
- 2.4.13 The baseline conditions and receptors presented are considered on the whole to be appropriate. However, LBB considers that due to the limited duration of baseline noise measurements, there is a degree of uncertainty in the assessment of likely effects. However, it is agreed that Schedule 2 Requirement 19 Control of Operational Noise of the **dDCO** proposed by the Applicant at Deadline 8a overcomes LBB's concerns on this matter.

### Embedded Mitigation

- 2.4.14 The embedded mitigation which is that designed to be an inherent part of the scheme for which development consent is sought or that which would be undertaken to meet existing legislative requirements for potential Noise and Vibration effects is set out in **Section 8.8, Chapter 8** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.4.15 The embedded mitigation is considered appropriate and adequate, in terms of their nature and scale, to address potential Noise and Vibration effects.

### Assessment of Likely Effects

- 2.4.16 The assessment of effects during construction and decommissioning for Noise and Vibration is presented in **Section 8.9, Chapter 8** of the **ES**, the **Environmental Statement Supplementary Report** and the **night-time noise impact validation assessment**. The assessment of effects during construction and decommissioning presented is considered on the whole to be appropriate.

## Statement of Common Ground

Statement of Common Ground between the Applicant and London Borough of Bexley

- 2.4.17 The assessment of effects during operation for Noise and Vibration is presented in **Section 8.9, Chapter 8** of the **ES**, the **Environmental Statement Supplementary Report** and the **night-time noise impact validation assessment**. The assessment of effects during operation presented is considered appropriate. LBB considers that there is a degree of uncertainty in the assessment of likely effects in the **ES** due to the limited duration of baseline noise measurements, the noise emission levels of the operational plant and equipment and in the performance of the sound insulation of the buildings. However, it is agreed that Schedule 2 Requirement 19 Control of Operational Noise of the **dDCO** proposed by the Applicant at Deadline 8a overcomes LBB's concerns on this matter.

### Cumulative Assessment

- 2.4.18 The assessment of cumulative effects for Noise and Vibration is presented in **Section 8.10, Chapter 8** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.4.19 The cumulative effects presented are considered appropriate.

### Further Mitigation and Enhancement

- 2.4.20 The consideration of further mitigation and enhancement measures for Noise and Vibration are presented in **Section 8.11, Chapter 8** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.4.21 LBB considers that there is a degree of uncertainty in the assessment of likely effects in the **ES** due to the limited duration of baseline noise measurements, the noise emission levels of the operational plant and equipment and in the performance of the sound insulation of the buildings. However, it is agreed that Schedule 2 Requirement 19 Control of Operational Noise of the **dDCO** proposed by the Applicant at Deadline 8a overcomes LBB's concerns on this matter.

### Residual Effects and Monitoring

- 2.4.22 The summary of residual effects for Noise and Vibration is presented in **Section 8.12, Chapter 8** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.4.23 A schedule of mitigation and monitoring is presented in **Chapter 17** of the **ES**. The summary of residual effects and monitoring is considered appropriate having regard to Requirement 19 to Schedule 2 of the **dDCO** proposed by the Applicant at Deadline 8a.

## 2.5 Townscape and Visual Impact Assessment

- 2.5.1 The scope of the Townscape and Visual Impact Assessment is defined within **Section 9.1, Chapter 9** of the **ES (6.1, Rev 0)** and the **Environmental Statement Supplementary Report (6.6)**. This description of the topic is an appropriate basis upon which to produce the **ES** Chapter.

### Legislation, Policy Context, Guidance and Standards

- 2.5.2 The policy context, legislation, guidance and standards considered in the assessment of Townscape and Visual Impact are noted in **Chapter 2** of the **ES** and **Section 9.2, Chapter 9** of the **ES**.
- 2.5.3 The policy context, legislation, guidance and standards considered to inform the Townscape and Visual Impact Assessment are appropriate.

### Consultation

- 2.5.4 Consultation undertaken with regards to Townscape and Visual Impact is summarised in **Section 9.3, Chapter 9** of the **ES**.

## Statement of Common Ground

### Statement of Common Ground between the Applicant and London Borough of Bexley

- 2.5.5 The summary of consultation presented is correct so far as it provides an accurate record of consultation with LBB on Townscape and Visual matters up to the time of the DCO Application submission.

### Reasonable Worst Case Parameters Used for Assessment

- 2.5.6 The reasonable worst-case parameters used for the assessment of Townscape and Visual are presented in **Section 9.4, Chapter 9** of the **ES**.
- 2.5.7 The reasonable worst-case parameters used for the assessment are considered appropriate for the robust assessment of Townscape and Visual Impacts arising from the Proposed Development.

### Assessment Methodology and Significance Criteria

- 2.5.8 The methodology for Townscape and Visual is presented in **Section 9.5, Chapter 9** of the **ES**. The assessment methodology is considered appropriate.
- 2.5.9 The cumulative assessment methodology for Townscape and Visual is presented in **Section 4.10, Chapter 4** of the **ES**, **Section 4.10, Chapter 4** of the Preliminary Environmental Information Report (PEIR), **Section 9.10, Chapter 9** of the PEIR and **Section 3.6 of Appendix E.1** to the PEIR. The cumulative assessment methodology, is considered appropriate.

### Assumptions and Limitations

- 2.5.10 Assumptions made with regards to Townscape and Visual are summarised in **Section 9.6, Chapter 9** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.5.11 The assumptions presented are considered appropriate.

### Baseline Conditions and Receptors

- 2.5.12 The baseline conditions and receptors for Townscape and Visual are presented in **Section 9.7, Chapter 9** of the **ES**.
- 2.5.13 The baseline conditions and receptors presented are considered appropriate.

### Embedded Mitigation

- 2.5.14 The embedded mitigation which is designed to be an inherent part of the scheme for which planning permission is sought, is provided by the **Design Principles (7.4)**, **Section 9.8, Chapter 9** of the **ES** as well as the **Environmental Statement Supplementary Report**.
- 2.5.15 The embedded mitigation is considered appropriate although it is agreed that there are a limited number of remaining (moderate) significant effects that cannot be mitigated due to the nature and scale of the development and the undeveloped nature of the existing site.

### Assessment of Likely Effects

- 2.5.16 The assessment of effects during construction and decommissioning for Townscape and Visual is presented in **Section 9.9, Chapter 9** of the **ES** and the **Environmental Statement Supplementary Report**. The assessment of effects during construction and decommissioning presented is considered appropriate.
- 2.5.17 The assessment of effects during operation for Townscape and Visual is presented in **Section 9.9, Chapter 9** of the **ES** and the **Environmental Statement Supplementary Report**.



## Statement of Common Ground

### Statement of Common Ground between the Applicant and London Borough of Bexley

2.5.18 **Chapter 9** of the **ES** has identified some moderate adverse visual effects. However, it is agreed that the limited moderate adverse effects from the Proposed Development are unavoidable, and should be weighed in the balance against the need for this type of infrastructure and any positive benefits it introduces.

2.5.19 The assessment of effects during operation presented is considered appropriate.

### Cumulative Assessment

2.5.20 The assessment of cumulative effects for Townscape and Visual is presented in **Section 9.10, Chapter 9** of the **ES** and the **Environmental Statement Supplementary Report**.

2.5.21 The cumulative effects presented are considered appropriate.

### Further Mitigation and Enhancement

2.5.22 The consideration of further mitigation and enhancement measures for Townscape and Visual are presented in **Section 9.11, Chapter 9** of the **ES** and the **Environmental Statement Supplementary Report**. It is agreed that no further mitigation in relation to Townscape and Visual impacts is considered necessary beyond the design process that will be progressed in accordance with **Design Principles (7.4, APP-105)**, which are through Requirement 2 to the **dDCO** and the biodiversity and landscape mitigation strategy referred to in **Appendix A** Requirement 5 which will be reflected in the **dDCO** submitted to Examination at Deadline 8.

2.5.23 The Parties agree that the **Design Principles (7.4, APP-105)**, secured through Requirement 2 to the **dDCO**, can achieve a high quality final design.

2.5.24 The consideration of further mitigation and enhancement measures are appropriate.

### Residual Effects and Monitoring

2.5.25 The summary of residual effects for Townscape and Visual is presented in **Section 9.12, Chapter 9** of the **ES** and the **Environmental Statement Supplementary Report**. This is considered an accurate summary of the residual effects.

2.5.26 A schedule of mitigation and monitoring is presented in **Chapter 17** of the **ES**.

2.5.27 The summary of residual effects is appropriate.

## 2.6 Historic Environment

2.6.1 The scope of the Historic Environment Assessment is defined within **Section 10.1, Chapter 10** of the **ES (6.1)** and the **Environmental Statement Supplementary Report (6.6)**. This description of the topic is an appropriate basis upon which to produce the **ES** Chapter.

### Legislation, Policy Context, Guidance and Standards

2.6.2 The policy context, legislation, guidance and standards considered in the assessment of Historic Environment are noted in **Chapter 2** of the **ES** and **Section 10.2, Chapter 10** of the **ES**.

2.6.3 The policy context, legislation, guidance and standards considered to inform the Historic Environment assessment are appropriate.

### Consultation

2.6.4 Consultation undertaken with regards to Historic Environment is summarised in **Section 10.3, Chapter 10** of the **ES**.



## Statement of Common Ground

### Statement of Common Ground between the Applicant and London Borough of Bexley

- 2.6.5 The summary of consultation presented is correct so far as it provides an accurate record of consultation with LBB on Historic Environment matters up to the time of the DCO Application submission.

### Reasonable Worst Case Parameters Used for Assessment

- 2.6.6 The reasonable worst-case parameters used for the assessment of Townscape and Visual are presented in **Section 10.4, Chapter 10** of the **ES**.
- 2.6.7 The reasonable worst-case parameters used for the assessment are considered appropriate for the robust assessment of potential Historic Environment impacts arising from the Proposed Development.

### Assessment Methodology and Significance Criteria

- 2.6.8 The methodology for Historic Environment is presented in **Section 10.5, Chapter 10** of the **ES**. The assessment methodology is considered appropriate.
- 2.6.9 The cumulative assessment methodology for Historic Environment is presented in **Section 4.10, Chapter 4** of the **ES**, **Section 4.10, Chapter 4** of the Preliminary Environmental Information Report (PEIR) and in **Section 10.9, Chapter 10** of the PEIR. The cumulative assessment methodology, is considered appropriate.

### Assumptions and Limitations

- 2.6.10 Assumptions made with regards to Historic Environment are summarised in **Section 10.6, Chapter 10** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.6.11 The assumptions presented are considered appropriate.

### Baseline Conditions and Receptors

- 2.6.12 The baseline conditions and receptors for Historic Environment are presented in **Section 10.7, Chapter 10** of the **ES**.
- 2.6.13 The baseline conditions and receptors presented are considered appropriate.

### Embedded Mitigation

- 2.6.14 The embedded mitigation which is that designed to be an inherent part of the scheme for which development consent is sought or that which would be undertaken to meet existing legislative requirements for potential Historic Environment effects are set out in **Section 10.8, Chapter 10** of the **ES** and the **Environmental Statement supplementary Report**.
- 2.6.15 No mitigation is necessary to address potential Historic Environment effects.

### Assessment of Likely Effects

- 2.6.16 The assessment of effects during construction and decommissioning for Historic Environment is presented in **Section 10.9, Chapter 10** of the **ES** and the **Environmental Statement Supplementary Report**. The assessment of effects during construction and decommissioning presented is considered appropriate.
- 2.6.17 It has been acknowledged by both Parties that this matter is not related to any effects of significance.

## Statement of Common Ground

Statement of Common Ground between the Applicant and London Borough of Bexley

- 2.6.18 The assessment of effects during operation for Historic Environment is presented in **Section 10.9, Chapter 10** of the **ES** and the **Environmental Statement Supplementary Report**. The assessment of effects during operation presented is considered appropriate.

### Cumulative Assessment

- 2.6.19 The assessment of cumulative effects for Historic Environment is presented in **Section 10.10, Chapter 10** of the **ES**.
- 2.6.20 The cumulative effects presented are considered appropriate.

### Further Mitigation and Enhancement

- 2.6.21 The consideration of further mitigation and enhancement measures for Historic Environment are presented in **Section 10.11, Chapter 10** of the **ES**.
- 2.6.22 The consideration of further mitigation and enhancement measures are appropriate.

### Residual Effects and Monitoring

- 2.6.23 The summary of residual effects for Historic Environment is presented in **Section 10.12, Chapter 10** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.6.24 A schedule of mitigation and monitoring is presented in **Chapter 17** of the **ES**.
- 2.6.25 The summary of residual effects is appropriate.

## 2.7 Terrestrial Biodiversity

- 2.7.1 The scope of the Terrestrial Biodiversity assessment is defined within **Section 11.1, Chapter 11** of the **ES** (**Document Reference 6.1, Rev 1**) and the **Environmental Statement Supplementary Report** (6.6). This description of the topic is an appropriate basis upon which to produce the **ES** Chapter.

### Legislation, Policy Context, Guidance and Standards

- 2.7.2 The policy context, legislation, guidance and standards considered in the assessment of Terrestrial Biodiversity are noted in **Chapter 2** of the **ES** and **Section 11.2, Chapter 11** of the **ES**.
- 2.7.3 The policy context, legislation, guidance and standards considered to inform the Terrestrial Biodiversity assessment are appropriate.

### Consultation

- 2.7.4 Consultation undertaken with regards to Terrestrial Biodiversity is summarised in **Section 11.3, Chapter 11** of the **ES**.
- 2.7.5 The summary of consultation presented is correct so far as it provides an accurate record of consultation with LBB on Terrestrial Biodiversity matters up to the time of the DCO Application submission.

### Reasonable Worst Case Parameters Used for Assessment

- 2.7.6 The reasonable worst-case parameters used for the assessment of Terrestrial Biodiversity are presented in **Section 11.4, Chapter 11** of the **ES**.

## Statement of Common Ground

Statement of Common Ground between the Applicant and London Borough of Bexley

- 2.7.7 The reasonable worst-case parameters used for the assessment are considered appropriate for the robust assessment of potential Terrestrial Biodiversity impacts arising from the Proposed Development.

### Assessment Methodology and Significance Criteria

- 2.7.8 The methodology for Terrestrial Biodiversity is presented in **Section 11.5, Chapter 11** of the **ES**. The assessment methodology is considered appropriate
- 2.7.9 The cumulative assessment methodology for Terrestrial Biodiversity is presented in **Section 4.10, Chapter 4** of the **ES**, **Section 4.10, Chapter 4** of the Preliminary Environmental Information Report (PEIR) and in **Section 11.9, Chapter 11** of the PEIR. The cumulative assessment methodology, is considered appropriate.

### Assumptions and Limitations

- 2.7.10 Assumptions made with regards to Terrestrial Biodiversity are summarised in **Section 11.6, Chapter 11** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.7.11 The assumptions presented are considered appropriate.

### Baseline Conditions and Receptors

- 2.7.12 The baseline conditions and receptors for Terrestrial Biodiversity are presented in **Section 11.7, Chapter 11** of the **ES**.
- 2.7.13 The baseline conditions and receptors presented are considered appropriate.

### Embedded Mitigation

- 2.7.14 The embedded mitigation which is that designed to be an inherent part of the scheme for which development consent is sought or that which would be undertaken to meet existing legislative requirements for potential Terrestrial Biodiversity effects is set out in **Section 11.8, Chapter 11** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.7.15 The embedded mitigation is considered appropriate and adequate, in terms of its nature and scale, to address potential Terrestrial Biodiversity effects.

### Assessment of Likely Effects

- 2.7.16 The assessment of effects during construction and decommissioning for Terrestrial Biodiversity is presented in **Section 11.9, Chapter 11** of the **ES** and the **Environmental Statement Supplementary Report**. The assessment of effects during construction and decommissioning presented is considered appropriate.
- 2.7.17 The assessment of effects during operation for Terrestrial Biodiversity is presented in **Section 11.9, Chapter 11** of the **ES** and the **Environmental Statement Supplementary Report**. The assessment of effects during operation presented is considered appropriate.

### Cumulative Assessment

- 2.7.18 The assessment of cumulative effects for Terrestrial Biodiversity is presented in **Section 11.10, Chapter 11** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.7.19 The cumulative effects presented are considered appropriate.

### Further Mitigation and Enhancement

- 2.7.20 The consideration of further mitigation and enhancement measures for Terrestrial Biodiversity are presented in **Section 11.11, Chapter 11** of the **ES** and the **Environmental Statement Supplementary Report**. The further mitigation will include an agreement between the Applicant and the Environment Bank which will be entered into to secure biodiversity offsetting.
- 2.7.21 The Applicant submitted at Deadline 7 the **Environment Bank Site Selection for Biodiversity Offsetting Report (REP7-019) (the “Offsetting Report”)**, which sets out the worst case in terms of biodiversity units and linear units required to provide the necessary compensation plus minimum 10% net gain. Paragraph 1.3.5 of the **Offsetting Report** makes clear that the worst case calculation is indeed the “worst case” as it assumes the maximum parameters across the Proposed Development but within the assumptions made in the **ES**. The Parties agree that:
- the **Offsetting Report** provides the ExA and the Secretary of State with the likely maximum amount of biodiversity units (54.39) and linear units (3.97) that are required to deliver the compensation and the minimum 10% net gain;
  - the **Offsetting Report** estimates that a maximum land area of 12.5 ha will be required to compensate for this likely worst case amount of 54.39 biodiversity units; and
  - the **Offsetting Report** estimates that a maximum land area of 0.9 km of linear habitat will be required to compensate for this likely worst case amount of 3.97 linear units.
- 2.7.22 The **Offsetting Report** identifies 14 sites, equating to 114.62 ha, that have the potential to provide or contribute to the required compensation and the minimum 10% net gain. The Parties agree that the **Offsetting Report** therefore confirms that the estimated maximum land area of 12.5 ha and the estimated maximum 0.9 km of linear habitat can be compensated for. In addition, since the submission of the **Offsetting Report** to the Examination, the London Borough of Bexley has provided information on a 15<sup>th</sup> site which the London Borough of Bexley would like to be considered. This additional site is also within the London Borough of Bexley.
- 2.7.23 Out of these 15 sites, 9 are solely in the London Borough of Bexley, and one site is in the London Borough of Bexley and the Royal Borough of Greenwich. The Parties agree that the Offsetting Report demonstrates that the Applicant has identified sites based on the following criteria:
1. Prioritising sites in the London Borough of Bexley;
  2. Capability of providing appropriate habitat compensation, with an emphasis on like-for-like compensation;
  3. Capability of supporting ecological connectivity to the London Borough of Bexley;
  4. Capability of contributing to the nature conservation objectives of the London Biodiversity Action Plan and/or the target habits for the offset search.
- 2.7.24 The Parties agree that the draft **Outline Biodiversity Landscape Management Strategy** submitted at Deadline 8 sets out how the final site or sites for the offsetting will be identified:
- i. first, sites within the LBB will be prioritised;
  - ii. second, from the list of LBB sites, those owned by the LBB and which are able to provide the compensation will be reviewed;
  - iii. then, if there are no suitable LBB owned sites, sites within the LBB that are not owned by the LBB will be reviewed and those sites closest to the REP site and best able to provide the offset will be prioritised;

## Statement of Common Ground

### Statement of Common Ground between the Applicant and London Borough of Bexley

- iv. finally, if no sites within the LBB are able to provide the offset, sites outside the LBB will be reviewed.
- 2.7.25 The Parties agree that the DEFRA offsetting metric is the appropriate mechanism for calculating the required biodiversity compensation and that the metric includes consideration for the temporal loss of biodiversity (to take into account the time between loss of habitat and the offsetting) and enables the calculation of a minimum 10% net gain. The parties agree that the **Offsetting Report** demonstrates that there are likely to be sites available that can provide the compensation and minimum 10% net gain for the Proposed Development. The Parties are also agreed that the provision of the compensation and net gain can be adequately secured through amendment to the **dDCO** at Deadline 8a to align with Requirement 5, titled 'Biodiversity and landscape mitigation strategy' included in **Appendix A**.
- 2.7.26 The Parties agree that provided the amendments outlined above are incorporated in the **OBLMS** and **dDCO**, and through the **Offsetting Report**, that the biodiversity off-setting can be adequately secured and that there appear to be the sites that can deliver that off-setting.
- 2.7.27 The Parties agree that the Applicant, with the Environment Bank, will be continuing its site selection process during the DCO application process to identify the preferred site or sites to provide the biodiversity offsetting. The London Borough of Bexley will continue to input into the site selection process with the Applicant and the Environment Bank during this time, the London Borough of Bexley will seek the advice and support of other parties including the Friends of Crossness during this site selection process. Once the preferred site or sites have been identified, the Applicant will enter into the necessary legal agreements with the Environment Bank and the landowner (such agreements will be conditional on grant of the DCO). The Applicant has confirmed that it will work with the London Borough of Bexley to secure one or more sites within the Borough hopefully before the end of 2019.
- 2.7.28 LBB confirms that it is willing to enter into the necessary legal agreements in respect of the provision of biodiversity offsetting and the Parties agree that they will work together to seek to provide all of the biodiversity offsetting on a site or sites within the London Borough of Bexley, subject to the criteria above.
- 2.7.29 The Parties therefore agree that with the provision of the biodiversity off-setting in the London Borough of Bexley including for the 10% net gain there would not be a significant adverse effect in terms of biodiversity as a result of the Proposed Development.

## Residual Effects and Monitoring

- 2.7.30 The summary of residual effects for Terrestrial Biodiversity is presented in **Section 11.12, Chapter 11** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.7.31 A schedule of mitigation and monitoring is presented in **Chapter 17** of the **ES**.
- 2.7.32 The summary of residual effects is appropriate.

## 2.8 Hydrology, Flood Risk and Water Resources

- 2.8.1 The scope of the Hydrology, Flood Risk and Water Resource assessment is defined within **Section 12.1, Chapter 12** of the **ES (6.1, Rev 1)** and the **Environmental Statement Supplementary Report**. This description of the topic is an appropriate basis upon which to produce the **ES** Chapter.

## Legislation, Policy Context, Guidance and Standards

- 2.8.2 The policy context, legislation, guidance and standards considered in the assessment of Hydrology, Flood Risk and Water Resources are noted in **Chapter 2** of the **ES** and **Section 12.2, Chapter 12** of the **ES**.

## Statement of Common Ground

### Statement of Common Ground between the Applicant and London Borough of Bexley

- 2.8.3 The policy context, legislation, guidance and standards considered to inform the Hydrology, Flood Risk and Water Resource assessment are appropriate.

## Consultation

- 2.8.4 Consultation undertaken with regards to Hydrology, Flood Risk and Water Resource is summarised in **Section 12.3, Chapter 12** of the **ES**.
- 2.8.5 The summary of consultation presented is correct so far as it provides an accurate record of consultation with LBB on Hydrology, Flood Risk and Water Resource matters up to the time of the DCO Application submission.

## Reasonable Worst Case Parameters Used for Assessment

- 2.8.6 The reasonable worst-case parameters used for the assessment of Hydrology, Flood Risk and Water Resource are presented in **Section 12.4, Chapter 12** of the **ES**.
- 2.8.7 The reasonable worst-case parameters used for the assessment are considered appropriate for the robust assessment of potential Hydrology, Flood Risk and Water Resource impacts arising from all phases of the Proposed Development.

## Assessment Methodology and Significance Criteria

- 2.8.8 The methodology for Hydrology, Flood Risk and Water Resources is presented in **Section 12.5, Chapter 12** of the **ES**. The assessment methodology is considered appropriate.
- 2.8.9 The cumulative assessment methodology for Hydrology, Flood Risk and Water Resources is presented in **Section 4.10, Chapter 4** of the **ES**, **Section 4.10, Chapter 4** of the Preliminary Environmental Information Report (PEIR) and in **Section 12.9, Chapter 12** of the PEIR. The cumulative assessment methodology, is considered appropriate.

## Assumptions and Limitations

- 2.8.10 Assumptions made with regards to Hydrology, Flood Risk and Water Resources are summarised in **Section 12.6, Chapter 12** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.8.11 The assumptions presented are considered appropriate.

## Baseline Conditions and Receptors

- 2.8.12 The baseline conditions and receptors for Hydrology, Flood Risk and Water Resources is presented in **Section 12.7, Chapter 12** of the **ES**.
- 2.8.13 The baseline conditions and receptors presented are considered appropriate.

## Embedded Mitigation

- 2.8.14 The embedded mitigation which is that designed to be an inherent part of the scheme for which development consent is sought or that which would be undertaken to meet existing legislative requirements for potential Hydrology, Flood Risk and Water Resources effects is set out in **Section 12.8, Chapter 12** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.8.15 The embedded mitigation is considered appropriate and adequate, in terms of their nature and scale, to address potential Hydrology, Flood Risk and Water Resources effects. In particular LBB note that the CoCP, which is to be agreed in writing by LBB prior to pre-commencement

## Statement of Common Ground

### Statement of Common Ground between the Applicant and London Borough of Bexley

and commencement works, will contain measures to control impacts relating to flood risk and water resources and is to be secured through Schedule 2 requirement 11 of the DCO. Furthermore, potential impacts and maintenance of the river wall are to be secured through Schedule 2 requirement 20 titled 'River wall' of the **dDCO** submitted at Deadline 8.

### Assessment of Likely Effects

- 2.8.16 The assessment of effects during construction and decommissioning for Hydrology, Flood Risk and Water Resources is presented in **Section 12.9, Chapter 12** of the **ES** and the **Environmental Statement Supplementary Report**. The assessment of effects during construction and decommissioning presented, is considered appropriate.
- 2.8.17 The assessment of effects during operation for Hydrology, Flood Risk and Water Resources is presented in **Section 12.9, Chapter 12** of the **ES** and the **Environmental Statement Supplementary Report**. The assessment of effects during operation presented is considered appropriate.

### Cumulative Assessment

- 2.8.18 The assessment of cumulative effects for Hydrology, Flood Risk and Water Resources is presented in **Section 12.10, Chapter 12** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.8.19 The cumulative effects presented are considered appropriate.

### Further Mitigation and Enhancement

- 2.8.20 The consideration of further mitigation and enhancement measures for Hydrology, Flood Risk and Water Resources are presented in **Section 12.11, Chapter 12** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.8.21 Having regard to the requirements in Schedule 2 of the **dDCO** submitted at Deadline 8a in accordance with **Appendix A**, the further mitigation and enhancement measures are considered appropriate.

### Residual Effects and Monitoring

- 2.8.22 The summary of residual effects for Hydrology, Flood Risk and Water Resources is presented in **Section 12.12, Chapter 12** of the **ES** as well as the **Environmental Statement Supplementary Report**.
- 2.8.23 A schedule of mitigation and monitoring is presented in **Chapter 17** of the **ES**.
- 2.8.24 The summary of residual effects is considered appropriate.

## 2.9 Ground Conditions

- 2.9.1 The scope of the Ground Conditions assessment is defined within **Section 13.1, Chapter 13** of the **ES (6.1, Rev 1)** and the **Environmental Statement Supplementary Report (6.6)**. This description of the topic is an appropriate basis upon which to produce the **ES** Chapter.

### Legislation, Policy Context, Guidance and Standards

- 2.9.2 The policy context, legislation, guidance and standards considered in the assessment of Ground Conditions is noted in **Chapter 2** of the **ES** and **Section 13.2, Chapter 13** of the **ES**.



## Statement of Common Ground

### Statement of Common Ground between the Applicant and London Borough of Bexley

- 2.9.3 The policy context, legislation, guidance and standards considered to inform the Ground Conditions assessment is appropriate.

## Consultation

- 2.9.4 Consultation undertaken with regards to Ground Conditions is summarised in **Section 13.3, Chapter 13** of the **ES**.
- 2.9.5 The summary of consultation presented is correct so far as it provides an accurate record of consultation with LBB on Ground Conditions matters up to the time of the DCO Application submission.

## Reasonable Worst Case Parameters Used for Assessment

- 2.9.6 The reasonable worst-case parameters used for the assessment of Ground Conditions are presented in **Section 13.4, Chapter 13** of the **ES**.
- 2.9.7 The reasonable worst-case parameters used for the assessment are considered appropriate for the robust assessment of potential Ground Conditions impacts arising from the Proposed Development.

## Assessment Methodology and Significance Criteria

- 2.9.8 The methodology for Ground Conditions is presented in **Section 13.5, Chapter 13** of the **ES**. The assessment methodology is considered appropriate.
- 2.9.9 The cumulative assessment methodology for Ground Conditions is presented in **Section 4.10, Chapter 4** of the **ES**, **Section 4.10, Chapter 4** of the Preliminary Environmental Information Report (PEIR) and in **Section 13.9, Chapter 13** of the PEIR. The cumulative assessment methodology, is considered appropriate.

## Assumptions and Limitations

- 2.9.10 Assumptions made with regards to Ground Conditions are summarised in **Section 13.6, Chapter 13** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.9.11 The assumptions presented are considered appropriate.

## Baseline Conditions and Receptors

- 2.9.12 The baseline conditions and receptors for Ground Conditions are presented in **Section 13.7, Chapter 13** of the **ES**.
- 2.9.13 The baseline conditions and receptors presented are considered appropriate.

## Embedded Mitigation

- 2.9.14 The embedded mitigation which is that designed to be an inherent part of the scheme for which development consent is sought or that which would be undertaken to meet existing legislative requirements for potential Ground Conditions effects is set out in **Section 13.8, Chapter 13** of the **ES**.
- 2.9.15 The embedded mitigation is considered appropriate and adequate, in terms of its nature and scale, to address potential Ground Conditions effects, and includes a CoCP as stipulated by Schedule 2 Requirement 11 of the **dDCO**.



### Assessment of Likely Effects

- 2.9.16 The assessment of effects during construction and decommissioning for Ground Conditions is presented in **Section 13.9, Chapter 13** of the **ES** and the **Environmental Statement Supplementary Report**. The assessment of effects during construction and decommissioning presented is considered appropriate.
- 2.9.17 The assessment of effects during operation for Ground Conditions is presented in **Section 13.9, Chapter 13** of the **ES** and the **Environmental Statement Supplementary Report**. The assessment of effects during operation presented is considered appropriate.

### Cumulative Assessment

- 2.9.18 The assessment of cumulative effects for Ground Conditions is presented in **Section 13.10, Chapter 13** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.9.19 The cumulative effects presented are considered appropriate.

### Further Mitigation and Enhancement

- 2.9.20 The consideration of further mitigation and enhancement measures for Ground Conditions are presented in **Section 13.11, Chapter 13** of the **ES** and the **Environmental Statement Supplementary Report**. The requirement for further investigation, assessment and remediation is secured via Schedule 2 Requirement 10 of the **dDCO**, which also requires that the scheme be approved by LBB, and that a verification plan is submitted and approved by LBB. A protocol for addressing unforeseen contamination during the works is to be incorporated in the CoCP as required under Schedule 2 Requirement 11 of the **dDCO**.
- 2.9.21 Having regard to the above the consideration of further mitigation and enhancement measures are appropriate.

### Residual Effects and Monitoring

- 2.9.22 The summary of residual effects for Ground Conditions is presented in **Section 13.12, Chapter 13** of the **ES** and the **Environmental Statement Supplementary Report**.
- 2.9.23 A schedule of mitigation and monitoring is presented in **Chapter 17** of the **ES**. Requirements 10(2) and 11 provide adequate coverage in respect of a need for additional long term monitoring becoming evident or mitigation/monitoring to address unexploded ordnance.
- 2.9.24 Having regard to the above the summary of residual effects is appropriate.

## 2.10 Socio-economics

- 2.10.1 The scope of the socio-economics assessment is defined within **Section 14.1, Chapter 14** of the **ES (6.1, Rev 1)** and the **Environmental Statement Supplementary Report (6.6)**. This description of the topic is an appropriate basis upon which to produce the **ES** Chapter.

### Legislation, Policy Context, Guidance and Standards

- 2.10.2 The policy context, legislation, guidance and standards considered in the assessment of socio-economics are noted in **Chapter 2** of the **ES** and **Section 14.2, Chapter 14** of the **ES**.
- 2.10.3 The policy context, legislation, guidance and standards considered to inform the socio-economics assessment are appropriate.

### Consultation

- 2.10.4 Consultation undertaken with regards to socio-economics is summarised in **Section 14.3, Chapter 14** of the ES.
- 2.10.5 The summary of consultation presented is correct so far as it provides an accurate record of consultation with LBB on socio-economics matters up to the time of the DCO Application submission.

### Reasonable Worst Case Parameters Used for Assessment

- 2.10.6 The reasonable worst-case parameters used for the assessment of socio-economics are presented in **Section 14.4, Chapter 14** of the ES.
- 2.10.7 The reasonable worst-case parameters used for the assessment are considered appropriate for the robust assessment of potential socio-economic impacts arising from the Proposed Development.

### Assessment Methodology and Significance Criteria

- 2.10.8 The methodology for socio-economics is presented in **Section 14.5, Chapter 14** of the ES. The assessment methodology is considered appropriate.
- 2.10.9 The cumulative assessment methodology for socio-economics is presented in **Section 4.10, Chapter 4** of the ES, **Section 4.10, Chapter 4** of the Preliminary Environmental Information Report (PEIR) and in **Section 14.9, Chapter 14** of the PEIR. The cumulative assessment methodology, is considered appropriate.

### Assumptions and Limitations

- 2.10.10 Assumptions made with regards to socio-economics are summarised in **Section 14.6, Chapter 14** of the ES and the **Environmental Statement Supplementary Report**.
- 2.10.11 The assumptions presented are considered appropriate.

### Baseline Conditions and Receptors

- 2.10.12 The baseline conditions and receptors for socio-economics are presented in **Section 14.7, Chapter 14** of the ES.
- 2.10.13 The baseline conditions and receptors presented are considered appropriate.

### Embedded Mitigation

- 2.10.14 The embedded mitigation which is that designed to be an inherent part of the scheme for which development consent is sought or that which would be undertaken to meet existing legislative requirements for potential socio-economics effects is set out in **Section 14.8, Chapter 14** of the ES and the **Environmental Statement Supplementary Report**.
- 2.10.15 The embedded mitigation is considered appropriate and adequate, in terms of their nature and scale, to address potential socio-economics effects.

### Assessment of Likely Effects

- 2.10.16 The assessment of effects during construction and decommissioning for socio-economics is presented in **Section 14.9, Chapter 14** of the ES and the **Environmental Statement Supplementary Report**. Beneficial socio-economic effects, including the generation of 470 net

## Statement of Common Ground

### Statement of Common Ground between the Applicant and London Borough of Bexley

additional jobs during construction, are identified. The assessment of effects during construction and decommissioning presented is considered appropriate.

- 2.10.17 The assessment of effects during operation for socio-economics is presented in **Section 14.9, Chapter 14** of the **ES** and the **Environmental Statement Supplementary Report**. Beneficial socio-economic effects, including the generation of 198 net additional jobs during operation, are identified. The assessment of effects during operation presented is considered appropriate.

### Cumulative Assessment

- 2.10.18 The assessment of cumulative effects for socio-economics is presented in **Section 14.10, Chapter 14** of the **ES**.

- 2.10.19 The cumulative effects presented are considered appropriate.

### Further Mitigation and Enhancement

- 2.10.20 The consideration of further mitigation and enhancement measures for socio-economics are presented in **Section 14.11, Chapter 14** of the **ES**. LBB has requested an Employment and Skills Plan be implemented and secured in the DCO and it is agreed that Requirement 21 titled 'Community benefits' as set out in **Appendix A** and will be incorporated in the **dDCO** submitted to the Examination at Deadline 8a adequately provides for this.

### Residual Effects and Monitoring

- 2.10.21 The summary of residual effects for socio-economics is presented in **Section 14.12, Chapter 14** of the **ES**.
- 2.10.22 The summary of residual effects is appropriate in terms of delivery of community benefits from the agreement and implementation of the Employment and Skills Plan as secured in Requirement 21 titled 'Community benefits' in the **dDCO** submitted at Deadline 8 and additionally the provision of a decommissioning fund for the proposed facility which will be secured through a s106 with LBB.

## 2.11 Other Considerations

- 2.11.1 **Chapter 15** of the **ES (6.1)** described other issues which have been considered; and presents an assessment of those other issues.

### Climate

- 2.11.2 **Chapter 15, Section 15.2** and the Qualitative Greenhouse Gas Emissions Assessment **Appendix K.2** of the **ES (6.1)** present considerations given to likely effects of the Proposed Development upon climate change.
- 2.11.3 The considerations given, and the conclusions reached in relation to likely effects of the Proposed Development are considered appropriate.

### Lighting

- 2.11.4 **Chapter 15, Section 15.3** presents consideration given to likely effects of light intrusion from the Proposed Development.
- 2.11.5 The considerations given to likely effects of the Proposed Development are considered appropriate.

## Human Health

- 2.11.6 **Chapter 15, Section 15.4** and the Health Impact Assessment (**Appendix K.1, Chapter 15** of the **ES**) present considerations given to likely effects of the Proposed Development on the health and wellbeing of residential communities and other health-sensitive groups.
- 2.11.7 The considerations given, and the conclusions reached in relation to likely effects of the Proposed Development are considered appropriate.
- 2.11.8 Human health relating to potential Air Quality impacts is dealt with in **Chapter 7** of the **ES (6.1, Rev 1, REP2-019)** and the **Human Health Risk Assessment (HHRA)** at Appendix C.3 of **Chapter 7** of the **ES (6.3, Rev 1, REP2-040)**. The assessment of effects during operation presented is considered appropriate, although LBB considers that the assessment of dioxin and furan emissions could have been improved by more fully accounting for background sources of exposure to dioxins and furans.
- 2.11.9 The Parties are agreed that the matters of concern in relation to potential Air Quality effects have been adequately addressed through Requirement 15, 32 and the funding provided by the Applicant for ambient air quality monitoring as discussed in paragraph 2.3.24.

## Waste

- 2.11.10 **Chapter 15, Section 15.5**, and the **Outline Code of Construction Practice (CoCP) (7.5)** and the Waste Management Strategy (**Appendix K.3, Chapter 15**) present consideration given to likely effects of waste arising from the Proposed Development.
- 2.11.11 The considerations given, and the conclusions reached in relation to likely effects of the Proposed Development are considered appropriate.

## 2.12 Draft Development Consent Order (dDCO)

- 2.12.1 The Parties are agreed on the wording of the operative provisions of the **dDCO** (Articles 1 -43 (noting that Article 44 is being deleted) (**REP5-003**).
- 2.12.2 The Parties are agreed on the wording of the provisions in Schedule 1 of the **dDCO (REP5-003)**.
- 2.12.3 The Parties are agreed that Schedule 2 of the **dDCO** should be amended at Deadline 8a to adopt the wording of the requirements as set out in **Appendix A** of this SOCG. The Parties are also agreed on the procedure for the discharge of requirements contained in Schedule 12 of the **dDCO (REP5-003)**.

### 3 Confirmation of Agreement

This SOCG is prepared jointly and agreed by the Parties

Signed for and on behalf of the Applicant

Date:

3 OCTOBER 2019

Signed for and on behalf of London Borough  
of Bexley

Date:

3 OCTOBER 2019

Statement of Common Ground

Statement of Common Ground between the Applicant and London Borough of Bexley

## **Appendix A    Draft DCO Schedule 2 Extract**

## SCHEDULE 2

### REQUIREMENTS

Article 3

#### Time limits

1. The authorised development must not commence after the expiry of five years of the date on which this Order comes into force.

#### Detailed design approval

2.—(1) No part of Work No. 1A(iv), Work No. 1B(iv), Work No. 1C, Work No. 1E, Work No.2, Work No.3, Work No. 4, Work No. 5 and Work No. 6 may commence until details of the layout, scale and external appearance for that Work No. have been submitted to and approved by the relevant planning authority.

(2) No part of Work No. 1A and Work No. 3 may commence until a plan has been submitted to and approved by the relevant planning authority demonstrating that within Work No. 1A and Work No. 3 there is sufficient space to support a heat export system capable of providing at least 30 megawatts heat off-take for district heating.

(3) The details submitted for approval under sub-paragraph (2) must be submitted alongside the details submitted for approval under sub-paragraph (1).

(4) The details submitted for approval under sub-paragraph (1) must be in accordance with the design principles.

(5) The authorised development must be carried out in accordance with the approved details.

#### Parameters of authorised development

3.—(1) The elements of the authorised development listed in column (1) of the table below (design parameters) must not exceed the maximum dimensions and levels and, where applicable, the minimum dimensions, set out in relation to that element in columns (3) to (7) of that table.

**Table 1**

(1) <i>Element of authorised development</i>	(2) <i>Work No.</i>	(3) <i>Maximum length (metres)</i>	(4) <i>Maximum width (metres)</i>	(5) <i>Maximum height (metres) AOD</i>	(6) <i>Minimum height (metres) above surrounding ground level</i>	(7) <i>Maximum depth (metres) below AOD</i>
Main Riverside Energy Park Building	1A (excluding Work No.1A(iv), 1C and 1E)	200	102	65	—	—
Solid fuel storage bunker	Part of Work No. 1A(i)	—	—	—	—	8
Anaerobic digestion system	1B (excluding Work No. 1B(vi) and Work No. 1B(vii))	87	68	43	—	—

Other integral process buildings and structures	1D, 2(b), 3, 4, 5, 6 and 7	111	116	38	–	–
Emissions stacks(s)	1A(iv)	–	46	113	90	–
Emission stack	1B(vi)			11	8	
Gas Flare	1B(vii)			17	4	

(2) The above surrounding ground level in respect of Work No. 1 must comply with the following parameters: a minimum level of one metre AOD and maximum level of three metres AOD.

#### **Pre-commencement biodiversity mitigation strategy**

4.—(1) No part of the pre-commencement works may be carried out until a pre-commencement biodiversity mitigation strategy has been submitted to and approved by the relevant planning authority.

(2) The pre-commencement biodiversity mitigation strategy submitted pursuant to sub-paragraph (1) must contain details of mitigation measures required to protect protected habitats and species, non-statutory designated sites and other habitats and species of principal importance during the pre-commencement works.

(3) The pre-commencement biodiversity mitigation strategy must be implemented as approved under sub-paragraph (1).

#### **Biodiversity and landscape mitigation strategy**

5.—(1) No part of the authorised development may commence until a biodiversity and landscape mitigation strategy for that part has been submitted to and approved by the relevant planning authority. The biodiversity and landscape mitigation strategy must be substantially in accordance with the outline biodiversity and landscape mitigation strategy and include details of—

- (a) mitigation measures required to protect protected habitats and species, non-statutory designated sites and other habitats and species of principal importance during the construction of the authorised development;
- (b) mitigation measures required to protect protected habitats and species, non-statutory designated sites and other habitats and species of principal importance during the operation of the authorised development;
- (c) the results of the Defra biodiversity off-setting metric together with the off-setting value required, the nature of such off-setting and evidence that the off-setting value provides for the required biodiversity compensation, risk factors including temporal lag, long term management and monitoring (25 years) and a minimum of 10% net gain;
- (d) the site or sites on which the compensation off-setting required pursuant to (c) will be provided together with evidence demonstrating that the site or sites has/have been chosen in accordance with the prioritisation set out in the outline biodiversity and landscape mitigation strategy;
- (e) certified copies of the completed legal agreements with the Environment Bank securing the site or sites identified in (d) and which demonstrate that the off-setting value will be paid to the Environment Bank within 10 days of approval of the biodiversity and landscape mitigation strategy to enable enactment of the biodiversity off-setting management and monitoring plan as approved in the biodiversity and landscape mitigation strategy;



- (f) any hard and soft landscaping to be incorporated within Work Nos. 1, 2, 3, 4, 5 and 6 including location, number, species, size of any planting and the management and maintenance regime for such landscaping.
- (2) The biodiversity and landscape mitigation strategy must be implemented as approved under sub-paragraph (1).

#### **Replacement planting for Work No. 9**

- 6.—(1) No part of Work No. 9 may commence until details—
  - (a) of any trees, shrubs and hedgerows to be removed during the construction of Work No. 9; and
  - (b) of planting to replace any such identified trees, shrubs and hedgerows,have been submitted to and approved by the relevant planning authority.
- (2) The replacement planting must be carried out in accordance with the approved details and maintained for a period of 12 months.
- (3) Any tree, shrub or hedgerow planted as part of the approved details that, within the 12 month maintenance period, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted.

#### **Archaeology**

- 7.—(1) No part of Work Nos. 1, 2, 3, 4, 5 and 9 may commence until a written scheme of archaeological investigation for that part has been submitted to and approved by the relevant planning authority.
- (2) The scheme must—
  - (a) identify any areas where further archaeological investigations are required and the nature and extent of the investigation required in order to preserve by knowledge or in situ any archaeological features that are identified;
  - (b) provide details of the measures to be taken to protect, record or preserve any significant archaeological features that may be found; and
  - (c) identify any drilling or boring locations where a phased programme of geoarchaeological works and a phased programme of archaeological works are required.
- (3) Any archaeological investigations implemented and measures taken to protect record or preserve any identified significant archaeological features that may be found must be carried out—
  - (a) in accordance with the approved scheme; and
  - (b) by a suitably qualified person or organisation.

#### **Highway access**

- 8.—(1) No part of Work Nos. 6, 8, 9 and 10 may commence until written details of the siting, design and layout of any new permanent or temporary means of access to a highway in that part, or any alteration to an existing means of access to a highway in that part has been submitted to and approved by the relevant planning authority (in consultation with the relevant highway authority).
- (2) The highway accesses must be constructed or altered in accordance with the approved details.
- (3) The undertaker must not exercise the power in article 14(1) (permanent stopping up of streets) unless and until a plan showing the layout for the termination of the street (as specified in columns (1) and (2) of Schedule 6) has been submitted to and approved by the relevant planning authority, such plan to show the replacement turning head to facilitate a forward side–turn manoeuvre in forward and reverse gears by vehicles.

### **Surface and foul water drainage**

**9.**—(1) No part of Work Nos. 1, 2, 3, 4, 5, and 6 may commence until written details of the surface and foul water drainage strategy for that part have been submitted to and approved by the relevant planning authority. The written details submitted for approval must be substantially in accordance with the outline drainage strategy.

(2) The surface and foul water drainage system must be constructed in accordance with the approved details.

### **Ground conditions and ground stability**

**10.**—(1) No part of Work Nos. 1, 2, 3, 4, 5, 6, 7 and 8 may commence until an investigation and assessment report to identify ground conditions and ground stability has been submitted to and approved by the relevant planning authority.

(2) The report submitted pursuant to sub-paragraph (1) must identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site.

(3) In the event that the report submitted pursuant to sub-paragraph (1) identifies necessary remedial measures, no part of Work Nos. 1, 2, 3, 4, 5, 6, 7 and 8 may commence until a remediation verification plan for that part has been submitted to and approved by the relevant planning authority.

(4) The authorised development must be carried out in accordance with the approved report.

### **Code of construction practice**

**11.**—(1) No part of the pre-commencement works may be carried out and no part of the authorised development may commence until a code of construction practice for that part has been submitted to and approved by the relevant planning authority. The code of construction practice submitted for approval must be substantially in accordance with the outline code of construction practice to the extent that it is applicable to that part and must include the following—

- (a) the construction and phasing programme;
- (b) liaison procedures;
- (c) complaints procedures;
- (d) nuisance management including measures to avoid or minimise the impacts of construction works (covering dust, wheel washing, damping of stockpiles, sheeting materials, lighting, noise and vibration);
- (e) reference to undertaking construction activities in accordance with the recommendations of BS 5228 ‘Noise and Vibration Control on Construction Open Sites’ Part 1 Noise and Part 2 Vibration;
- (f) construction, demolition and excavation waste management effectively meeting 95% reuse or recycling rates as a minimum;
- (g) statement demonstrating how the development will deliver circular economy outcomes and aim to be net-zero waste. This includes measures for the maintenance of construction equipment and other measures in the development design and construction that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible;
- (h) temporary storage of soils and other material of value to be in accordance with best practice;
- (i) installation of hoardings and/or fencing;
- (j) safe storage of polluting materials;
- (k) protocol for flood warning and a flood incident management plan;

- (l) methods to prevent water pollution and adverse impacts upon surface water drainage;
  - (m) restoration of site following completion of construction;
  - (n) measures to deal with contamination which is likely to cause significant harm to persons or significant pollution of controlled waters or the environment; and
  - (o) appropriate procedures to address any unexploded ordnance that may be encountered.
- (2) All construction works must be undertaken in accordance with the approved code of construction practice.

### **Construction Hours**

**12.**—(1) Construction works relating to Work Nos. 1, 2, 3, 4, 5 and 6 must not take place on Sundays, bank holidays nor otherwise outside the hours of—

- (a) 0700 to 1900 hours on Monday to Friday; and
  - (b) 0700 to 1300 hours on a Saturday.
- (2) The restrictions in sub-paragraph (1) do not apply to construction works where these—
- (a) are carried out within existing buildings or buildings constructed as part of the authorised development;
  - (b) are carried out with the prior approval of the relevant planning authority;
  - (c) are associated with an emergency; or
  - (d) are associated with slip form working.

(3) In this requirement “emergency” means a situation where, if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public (whether individual classes or generally as the case may be) of taking that action.

### **Construction traffic management plan(s)**

**13.**—(1) No part of the pre-commencement works may be carried out and no part of the authorised development may commence until a construction traffic management plan for that part has been submitted to and approved by the relevant planning authority (in consultation with the relevant highway authority and Transport for London). A construction traffic management plan(s) must be substantially in accordance with the outline construction traffic management plan and must include the following (as applicable for the part of the authorised development to which the construction traffic management plan relates)—

- (a) construction vehicle routing plans in respect of both workers and deliveries;
- (b) proposals for the scheduling and timing of movements of delivery vehicles including details of abnormal indivisible loads;
- (c) site access plans;
- (d) where practicable, temporary diversions of any public rights of way;
- (e) measures to ensure the protection of users of any footpath within the Order limits which may be affected by the construction of the authorised development;
- (f) proposals for the management of junctions to and crossings of highways and other public rights of way;
- (g) a construction logistics plan;
- (h) a procedure for reviewing and updating the construction traffic management plan(s);
- (i) a construction worker travel plan, including details of the temporal distribution of workers at Work Nos. 5(q), 8 and 9(d), the likely number of worker vehicle movements and the management of workforce parking; and
- (j) appropriate procedures to provide for a vehicle booking management system.

(2) The construction traffic management plan submitted pursuant to sub-paragraph (1) must be accompanied by a statement and associated junction appraisals (as defined in the outline construction traffic management plan) demonstrating how the likely construction traffic impacts identified in the environmental statement are addressed through the measures contained in the construction traffic management plan(s).

(3) The construction traffic management plan(s) submitted pursuant to sub-paragraph (1) that relate to Work Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 must be accompanied by a highways base condition survey (as defined in the outline construction traffic management plan).

(4) The construction traffic management plan(s) and any updated construction traffic management plan(s) submitted following any review must be implemented as approved by the relevant planning authority.

### **Heavy commercial vehicle movements delivering waste**

**14.**—(1) Subject to sub-paragraph (4) the number of two-way vehicle movements made by heavy commercial vehicles delivering waste to Work Nos. 1A and 1B during commissioning and the operational period must not exceed a maximum of 75 two-way vehicle movements per day (75 vehicles in and 75 vehicles out).

(2) Save in the event of a jetty outage, the volume of waste delivered by road to Work No. 1A during commissioning and the operational period must not exceed 130,000 tonnes per calendar year.

(3) The volume of waste delivered by road to Work No. 1B during commissioning and the operational period must not exceed 40,000 tonnes per calendar year.

(4) In the event of a jetty outage, the number of two-way vehicle movements made by heavy commercial vehicles delivering waste to Works Nos. 1A and 1B during commissioning and the operational period must not exceed a maximum of 300 two-way vehicle movements per day (300 vehicles in and 300 vehicles out) and must not exceed—

- (a) between the hours of 0730–0900, a maximum of 30 two-way Heavy Commercial Vehicle movements (30 vehicles in and 30 vehicles out); and
- (b) between the hours of 1630–1800, a maximum of 30 two-way Heavy Commercial Vehicle movements (30 vehicles in and 30 vehicles out).

(5) Save in the event of a jetty outage, 100% of incinerator bottom ash produced by the operation of Work No. 1A must be transported from it by river to a riparian facility.

(6) On a quarterly basis during commissioning and the operational period, and following any reasonable request by the relevant planning authority, the undertaker must provide the relevant planning authority with a record of the following for the preceding period—

- (a) confirmation whether or not a jetty outage occurred; and
- (b) the number of two-way vehicle movements made by heavy commercial vehicles delivering waste as well as the tonnages of waste delivered both to Work No. 1A and Work No. 1B in that period, such number to be split out clearly so that the number of movements and waste tonnages to the authorised development during any jetty outage can be ascertained.

(7) In this article—

“heavy commercial vehicle” has the meaning given by section 138 (meaning of “heavy commercial vehicle”) of the Road Traffic Regulation Act 1984;

“jetty outage” means circumstances caused by factors beyond the undertaker’s control in which waste has not or could not be received at the jetty or ash containers have not been or could not be despatched from the jetty for a period in excess of four consecutive days; and

“two-way vehicle movements” means a movement to and a movement from the authorised development.

### **Emission limits – Work No. 1B**

**15.**—(1) In the event that gas is utilised in the CHP engine, during the operational period of Work No. 1B, the average emission limit value for oxides of nitrogen (nitric oxide and nitrogen dioxide expressed as nitrogen dioxide) of the combustion emissions discharged through Work No. 1B must not exceed 125mg/Nm<sup>3</sup> (expressed at 5% oxygen, dry flue gas, 273.15K).

(2) In the event that gas is utilised in the CHP engine, during the operational period of Work No. 1B, the annual mass emissions for oxides of nitrogen (nitric oxide and nitrogen dioxide expressed as nitrogen dioxide) of the combustion emissions discharged through Work No. 1B must not exceed three tonnes per calendar year.

### **Waste hierarchy scheme**

**16.**—(1) Prior to commissioning, the undertaker must submit to the relevant planning authority for approval a scheme setting out arrangements for maintenance of the waste hierarchy in priority order, which aims to minimise recyclable and reusable waste received at the authorised development during the commissioning and operational period of the authorised development (the “waste hierarchy scheme”).

(2) The waste hierarchy scheme must include details of—

- (a) the type of information that must be collected and retained on the sources of the residual waste after recyclable and reusable waste has been removed;
- (b) the arrangements that must be put in place for ensuring that as much reusable and recyclable waste as is reasonably possible is removed from waste to be received at the authorised development, including contractual measures to encourage as much reusable and recyclable waste being removed as far as possible;
- (c) the arrangements that must be put in place for ensuring that commercial suppliers of residual waste operate a written environmental management system which includes establishing a baseline for recyclable and reusable waste removed from residual waste and specific targets for improving the percentage of such removed reusable and recyclable waste;
- (d) the arrangements that must be put in place for suspending and/or discontinuing supply arrangements from commercial suppliers who fail to retain or comply with any environmental management systems;
- (e) the provision of an annual waste composition analysis undertaken by the undertaker, with the findings submitted to the relevant planning authority within one month of the sampling being undertaken; and
- (f) the form of records that must be kept for the purpose of demonstrating compliance with (a) to (e) and the arrangements in place for allowing inspection of such records by the relevant planning authority.

(3) The waste hierarchy scheme must be implemented as approved.

### **Operational worker travel plan**

**17.**—(1) Prior to commissioning of any part of Work Nos. 1, 2, 3, 4 and 5, an operational worker travel plan for those working at the authorised development must be submitted to and approved by the relevant planning authority (in consultation with the relevant highway authority and, for streets within the London Borough of Bexley, Transport for London). The operational worker travel plan must be in substantial accordance with the outline operational worker travel plan and set out measures to encourage staff working at Work Nos. 1, 2, 3, 4 and 5 to use sustainable modes of transport.

(2) The operational worker travel plan must be implemented as approved.

### **Operational lighting strategy**

**18.**—(1) No part of Work Nos. 1, 2, 3, 4, 5 and 6 may commence until a written scheme for the management and mitigation of operational external artificial light emissions for that part has been submitted to and approved by the relevant planning authority. The written scheme must be substantially in accordance with the outline lighting strategy.

(2) The approved scheme for the management and mitigation of operational external artificial light emissions must be implemented as approved.

### **Control of operational noise**

**19.**—(1) Prior to commissioning of any part of Work No. 1, a written noise monitoring scheme must be submitted to and approved by the relevant planning authority, such scheme must specify—

- (a) each location from which noise is to be measured;
- (b) the method of noise measurement, which must be in accordance with British Standard 4142:2014;
- (c) the maximum permitted levels of noise at each monitoring location must not exceed 5dB below the background LA90; and
- (d) provision requiring the undertaker to take noise measurements as soon as possible following a reasonable request by the relevant planning authority and to submit the measurements to the relevant planning authority as soon as they are available.

(2) The level of noise at each monitoring location must not exceed the maximum permitted level specified for that location in the scheme, except—

- (a) in the case of an emergency (as defined in the noise monitoring scheme);
- (b) with the prior approval of the relevant planning authority; or
- (c) as a result of steam purging or the operation of emergency pressure relief valves or similar equipment of which the undertaker has given notice in accordance with sub-paragraph (3).

(3) Except in the case of an emergency, the undertaker must give the relevant planning authority 48 hours' notice of any proposed steam purging or operation of emergency pressure relief valves or similar equipment.

(4) So far as reasonably practicable, steam purging and the operation of emergency pressure relief valves or similar equipment may only take place:

- (a) between 0900 and 1700 hours on weekdays (excluding bank holidays); and
- (b) between 0900 and 1300 hours on Saturdays (excluding bank holidays).

(5) Where the level of noise at a monitoring location exceeds the maximum permitted level specified for that location in the approved scheme because of an emergency—

- (a) the undertaker must, as soon as possible and in any event within two business days of the beginning of the emergency, submit to the relevant planning authority a statement detailing—
  - (i) the nature of the emergency;
  - (ii) why it is necessary for the level of noise to have exceeded the maximum permitted level;
- (b) if the undertaker expects the emergency to last for more than 24 hours, it must inform local residents and businesses affected by the level of noise at that location of—
  - (i) the reasons for the emergency; and
  - (ii) how long it expects the emergency to last.

### **River wall**

**20.**—(1) No part of Work No. 1 may commence until a river wall condition survey on those parts of the river wall within the order limits has been submitted to and approved by the Environment Agency (in consultation with the relevant planning authority).

(2) The river wall condition survey submitted pursuant to sub-paragraph (1) must, where appropriate, identify any remedial works required to bring the tidal flood defence up to a good standard considering a design life of 100 years.

(3) The remedial works required to bring the defence up to a good standard identified pursuant to sub-paragraph (2) must be carried out within two years of the date that the condition survey is approved under sub-paragraph (1).

### **Community benefits**

**21.**—(1) No part of the authorised development may commence until an employment and skills plan has been submitted to and approved by the relevant planning authority.

(2) The employment and skills plan must be implemented as approved by the relevant planning authority.

### **Notice of start of commissioning and notice of date of final commissioning**

**22.**—(1) Notice of the intended start of commissioning of Work No. 1A must be given to the relevant planning authority prior to such start and in any event within seven days from the date that commissioning is started.

(2) Notice of the intended start of commissioning of Work No. 1B must be given to the relevant planning authority prior to such start and in any event within seven days from the date that commissioning is started.

(3) Within seven days of completing final commissioning of each of Work Nos. 1A and 1B, the undertaker must provide the relevant planning authority with notice of the date upon which such commissioning was duly completed.

### **Phasing of construction and commissioning of Work No. 1**

**23.**—(1) Subject to sub-paragraph (2), no part of the authorised development may commence until a phasing programme setting out the commencement of construction and the anticipated start of commissioning and the anticipated date of final commissioning for each of Work Nos. 1A, 1B, 1C, 1D and (if applicable) 2(b) has been submitted to and approved by the relevant planning authority. The phasing programme must provide for the anticipated date of final commissioning of Work No. 1C and Work No. 1D as soon as reasonably practicable. The phasing programme must be implemented as approved.

(2) Work No. 1B must commence construction in the same phase as Work No. 1A.

(3) The steam turbine incorporating at least 30 megawatts heat off-take for district heating forming part of the authorised development must be completed at the anticipated date of final commissioning of Work No. 1A and, if applicable, Work No. 2(b).

### **Combined heat and power**

**24.**—(1) Work No. 1A (and, if applicable, Work No. 2(b)) and Work No. 3 must be constructed to produce combined heat and power through the provision of steam pass-outs and the preservation of space for the future provision of water pressurisation, heating and pumping systems. Prior to the date of final commissioning of Work No. 1A the undertaker must submit to the relevant planning authority for its approval a report (“the CHP review”) updating the CHP statement.

(2) Prior to establishing the working group pursuant to sub-paragraph (3), the undertaker must submit to the relevant planning authority for approval the terms of reference for the working group

together with a list of the organisations, to be invited (such list to include the Greater London Authority) to attend the working group, such terms of reference to include—

- (a) agree the scope of each CHP review;
- (b) agree a list of CHP consultants put forward by the undertaker;
- (c) engage with the Department for Business, Energy & Industrial Strategy (or such successor government department with responsibility for energy) and the Heat Network Investment Programme (or any such equivalent government funding programme) to identify funding for any financial shortfall identified by any CHP review;
- (d) progress the actions in each approved CHP review and to monitor and report on the progress of those actions to the relevant planning authority;
- (e) identify the likely connection point at the site boundary for any district heating;
- (f) identify working practices of the working group; and
- (g) confirmation that any approvals and agreements of the working group must not be unreasonably withheld or delayed.

(3) Work No. 1A must not start commissioning until the undertaker has established a working group pursuant to the approved terms of reference under sub-paragraph (2), that may combine with the working group established in respect of combined heat and power opportunities from RRRF.

(4) The CHP review under sub-paragraph (1) must be undertaken by a competent CHP consultant appointed by the undertaker from the approved list agreed by the working group in sub-paragraph (2)(b) and must be in accordance with the scope agreed by the working group established under sub-paragraph (3) and—

- (a) assess potential commercial opportunities that reasonably exist within a 10 kilometre radius for the export of heat from Work No. 1 as at the time of submission of the CHP review;
- (b) assess how the opportunities in (a) meet the Combined Heat and Power Quality Assurance requirements;
- (c) state whether or not there is sufficient certainty about the likely district heat network to enable the undertaker to install the necessary combined heat and power pipework (Work No. 6(a)) to the boundary of Work No. 6 as shown on the works plans and, if so, the undertaker must install such pipework to the boundary of Work No. 6 in the timeframe agreed in the CHP review or any revised CHP review; and
- (d) include a list of actions (if any and in addition to (b)) that the undertaker is required to take to increase the potential for the export of heat from Work No. 1 and which are technically and commercially viable.

(5) The undertaker must take such actions (which are technically and commercially viable) as are included within the timescales specified in the approved CHP review and where the working group identifies the likely connection point at the site boundary for any district heating to safeguard a pipework route from Work No. 3 to that point.

(6) Subject to sub-paragraph (8), on each date during the operational period of Work No. 1A that is three years after the date on which it last submitted the CHP review or a revised CHP review to the relevant planning authority, the undertaker must submit to the relevant planning authority for its approval a revised CHP review.

(7) Sub-paragraphs (4) and (5) apply in relation to a revised CHP review submitted under sub-paragraph (6) in the same way as they apply in relation to the CHP review submitted under sub-paragraph (1).

(8) In the event that the export of heat from the authorised development is provided pursuant to any CHP review, the undertaker is only required to carry out and submit any further CHP reviews every five years.



## **Use of compost material and gas from Work No. 1B**

**25.**—(1) Prior to the date of final commissioning, the undertaker must submit to the relevant planning authority for its approval a report (“the Anaerobic Digestion review”) on the potential use of the compost material and gas produced from Work No. 1B.

(2) The Anaerobic Digestion review must—

- (a) consider the opportunities that reasonably exist for the export of the compost material produced from Work No. 1B for use as a fertiliser;
- (b) consider the opportunities that reasonably exist for the export of the gas produced from Work No. 1B to the gas grid network; and
- (c) identify any technically and commercially viable actions that the undertaker can reasonably carry out in order to progress the identified opportunities together with the timescales of such actions, including measures to ensure that the quality of the compost material and gas is optimised to the prevailing technical standards to allow beneficial use.

(3) The undertaker must carry out any identified technically and commercially viable actions within the timescales specified in the approved Anaerobic Digestion review.

(4) Subject to sub-paragraphs (6) and (7), on each date during the operational period of Work No. 1B that is two years after the date on which it last submitted the Anaerobic Digestion review or a revised Anaerobic Digestion review to the relevant planning authority, the undertaker must submit to the relevant planning authority for its approval a revised Anaerobic Digestion review.

(5) Subject to sub-paragraphs (6) and (7), sub-paragraphs (2) and (3) apply in relation to a revised Anaerobic Digestion review submitted under sub-paragraph (4) in the same way as they apply in relation to the Anaerobic Digestion review submitted under sub-paragraph (1).

(6) The undertaker is only required to consider the technically and commercially viable opportunities that reasonably exist for the export of the gas produced from Work No. 1B to the gas grid network in the first Anaerobic Digestion review submitted on the date that is 12 months after the date of final commissioning of Work No. 1B.

(7) In the event that the export of compost material produced from Work No. 1B is provided pursuant to any Anaerobic Digestion review or any revised Anaerobic Digestion review, the undertaker is only required to carry out and submit any further Anaerobic Digestion reviews every three years.

(8) Compost material produced from Work No. 1B must be used for compost where it meets the necessary quality standards and where a technically and commercially viable market exists.

(9) Gas produced from Work No. 1B must be used for electricity generation, heating or as a vehicle fuel (save in the case of emergency) where it meets the necessary quality standards and where a technically and commercially viable market exists.

## **Decommissioning**

**26.**—(1) Within 24 months of the permanent cessation of the operation of Work No. 1, details of a scheme for the restoration and aftercare of the land for Work Nos. 1, 2, 3, 4 and 5 must be submitted to and approved by the relevant planning authority. The scheme must include details of structures and buildings to be demolished or retained, details of the means of removal of materials following demolition, phasing of demolition and removal, details of restoration works and phasing thereof.

(2) The scheme as approved must be implemented in accordance with the phasing set out therein.

## **Amendments to approved details**

**27.**—(1) With respect to the documents certified under article 40 (certification of plans etc) the parameters specified in the table in requirement 3 and any other plans, details or schemes which require approval by the relevant planning authority pursuant to any requirement (together “Approved Documents, Plans, Parameters, Details or Schemes”), the undertaker may submit to the

relevant planning authority for approval any amendments to the Approved Documents, Plans, Parameters, Details or Schemes and following any such approval by the relevant planning authority the Approved Documents, Plans, Parameters, Details or Schemes are to be taken to include the amendments approved by the relevant planning authority pursuant to this paragraph.

(2) Approval under sub-paragraph (1) for the amendments to Approved Documents, Plans, Parameters, Details or Schemes must not be given except where it has been demonstrated to the satisfaction of the relevant planning authority that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

#### **Flood Risk Activity Permit Area**

28. No building will be erected within the area defined by the red dotted line annotated as '16m FRAP Line' on the FRAPA drawings and no material will be stored, within the area defined by the red dotted line annotated as '16m FRAP Line' on the FRAPA drawings, which could create a risk of damage to the integrity of the flood defence structure within this area.

#### **Finished Floor Levels**

29. The finished floor levels of Work Nos 1, 2, 3, 4, 5 and 6 must be set a minimum of 2.97 metres AOD.

#### **Metropolitan Open Land**

30. No building will be erected on any part of the land hatched orange on the MOL plan.

#### **Delivery and Servicing Plan**

31.—(1) No part of the authorised development may be commissioned until a delivery and servicing plan (relating to all deliveries to the authorised development other than for deliveries within requirement 14 (Heavy commercial vehicle movements delivering waste)) has been submitted to and approved by the relevant planning authority. The delivery and servicing plan must include the following—

- (a) measures to ensure efficiency of the site and reduction in vehicle numbers as far as possible; and
  - (b) an assessment of how the authorised development accords with the best practice guidance published by Transport for London.
- (2) The delivery and servicing plan must be implemented as approved.

#### **Tonnage cap**

32.—(1) The total amount of waste to be received at Work No. 1A must not exceed 805,920 tonnes per calendar year.

(2) The total amount of waste to be received at Work No. 1B must not exceed 40,000 tonnes per calendar year.

#### **Notification from the undertaker**

33. Prior to the pre-commencement works, Cory Environmental Holdings Limited or Riverside Energy Park Limited (as applicable) must notify the relevant planning authority that they are the undertaker for the purposes of this Order and as the undertaker has the benefit of the provisions of this order pursuant to article 8 as well as the liabilities and obligations under this Order.

