# Riverside Energy Park

## Applicant's response to Greater London Authority's Deadline 8 and Deadline 8A Submissions

VOLUME NUMBER:

**08**

PLANNING INSPECTORATE REFERENCE NUMBER:

**EN010093**

DOCUMENT REFERENCE:

**8.02.97**

October 2019 | Revision 0 (Deadline 8B) | APFP Regulation 5(2)(q)

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

CORY
RIVERSIDE ENERGY

# Contents

# 1 Introduction

1.1.1 This document sets out the Applicant's response to the matters raised by the Greater London Authority (GLA) at Deadline 8 and 8a. This includes a response to the following documents:

### GLA Deadline 8 Submissions

- Post Hearing Submission (**REP8-029**);
- Appendix 2 – Secretary of State (SoS) RRRF Decision Letter (**REP8-030**);
- Appendix 3 – DECC Approval Explanatory Memorandum (**REP8-031**); and
- Appendix 4 – Planning permission conditions (**REP8-032**)

### GLA Deadline 8a Submissions

- Comments on any additional information/submissions received by the previous deadline (**REP8a-021**); and
- Appendix B – Response to Applicant's proposed removal of suggested Development Consent Order (DCO) Requirements 15: Emission Limits Work Number 1A (**REP8a-022**).

# 2 Applicant's response to Greater London Authority's Deadline 8 Submissions

2.1.1 **Table 1** below responds to the GLA's '*Deadline 8 Submission – Post Hearing Submission'* (**REP8-029**). The Applicant has also taken into consideration the content raised in the GLA's Deadline 8 *Appendix 2* (**REP8-030**), *Appendix 3* (**REP8-031**) and *Appendix 4* (**REP8-032**) submissions when drafting the responses set out in **Table 1.**

| Reference | GLA's Deadline 8 Submission Comment | Applicant's Response to GLA's Deadline 8 Submission |
|---|---|---|
| | **DCO Articles** | |
| 4 | Article 6 purports to modify both the s36 consent and the planning permission relating to RRRF under Section 120 of the Planning Act 2008 ('PA 2008'). The Applicant submits that s.120(5)(c) encompasses s36 consents and planning permissions. This requires the Secretary of State to accept a broad interpretation of the word "provisions". The GLA understands, and the Applicant confirmed at the ISH, that no previous DCO has amended planning permissions by way of s.120(5) PA 2008. Moreover, the GLA is not aware of any environmental assessment which has been carried out in respect of the environmental impact of modifying the RRRF planning permission and s36 consent. On the assumption that conditions on any planning permission are necessary, relevant to the development permitted, precise and reasonable, removing or editing such conditions should require proper assessment of the implications of that modification or removal in circumstances where the condition was deemed necessary to mitigate environmental harm and to make another development acceptable. | Section 120(5)(a) provides that an order granting development consent may apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the Order. The term 'statutory provision' is defined in section 120(6) of the 2008 Act as meaning "*a provision of an Act or of an instrument made under an Act*". Therefore, section 120(5) is wide enough to exclude statutory provisions under an Act and Regulations and modify conditions contained in a consent granted under the Electricity Act 1989 and a planning permission granted under the Town and Country Planning Act 1990. This is further explained in the **Explanatory Memorandum** (**3.2, Rev 5**).<br><br>The Applicant at Deadline 8 accepted that no land is removed from the section 36 consent or the RRRF planning permission; the modifications are in respect of the inconsistency between the permissions only. Where those conditions have been modified in respect of the inconsistency, it has been assessed as part of the Environmental Impact Assessment of the Proposed Development. |
| 5 | GLA noted the Applicant's submissions regarding Schedule 14. At the ISH, the Applicant agreed to provide a note to the London Borough of Bexley ('LBB') and GLA relating to the effect of a jetty outage in the absence of bottom ash storage at the RRRF facility. The GLA reserves comment until it has the opportunity to review that note. | The GLA confirmed in its Deadline 8a submission that the conclusions set out in the **Supplementary Note to the Temporary Jetty Outage Review (8.02.86, REP8-027)** *"appear acceptable".* |
| 6 | Work 1A (a) – The GLA is pleased that the Applicant has accepted a cap for Work 1A and a cap of 40,000 for Work 1B. | Noted. |
| 7 | However, the GLA consider that this does not go far enough, given the assessments which the Applicant has provided to the Examination. The Applicant has proposed a cap of 805,920 for Work 1A; however, the GLA consider that this should be a throughput of 655,000 tonnes per annum to ensure that the facility does not exceed the basis of the Carbon Assessment. | The carbon benefit of REP would improve if it processed the maximum throughput of 805,920 tonnes per annum (tpa) rather than the nominal throughput of 655,000 tpa and therefore the nominal waste throughput provided a conservative assessment. This is further explained in the **Maximum Waste Throughput Carbon Note (8.02.85, REP8-026**). |
| 8 | If tonnage is only limit to 805,920 tonnes, the carbon impact of the development will not have been properly assessed. As the GLA has set out in earlier submissions, this would mean that the carbon savings (and hence the overall benefits) provided by REP would have been overstated. | Given the carbon benefit of REP would increase with 805,920 tonnes per calendar year, had the Applicant only assessed this figure then it is likely that the GLA would have raised a question whether the Applicant was overstating the carbon benefits of the facility. The Applicant, in its **Carbon Assessment (8.02.08; REP2-059),** was presenting a conservative assessment which still showed a carbon benefit.<br><br>Furthermore, there is no justification in the National Policy Statement for a cap to be imposed, particularly one that is below the throughput assessed in the Environmental Statement (ES). EN-3 at paragraph 2.5.13 states that throughput limits are a matter for the Applicant, particularly as the Proposed Development is privately funded and the ES has demonstrated that there are no significant adverse effects arising from the Proposed Development at 805,920 tonnes per calendar year with the mitigation secured through the **dDCO** (**3.1, Rev 5**). |
| 9 | The Applicant disagrees with the GLA's analysis and has committed to providing an updated carbon assessment note at Deadline 8. The GLA will review this note and will respond to the note in its Deadline 8A submission. | The Applicant provided the **Maximum Throughput Carbon Assessment Note (8.02.85, REP8-026),** to the GLA on 24th September 2019. The Applicant's response to the GLA's comments of this note (see **REP8a-021**) is provided in **Table 2** below. |

| Reference | GLA's Deadline 8 Submission Comment | Applicant's Response to GLA's Deadline 8 Submission |
|---|---|---|
| 10 | In any event, the GLA considers that limiting the throughput to 655,000 tonnes is also necessary to minimise the amount of waste managed at the ERF, which could otherwise be recycled, and to minimise the likelihood of surplus incineration capacity. The GLA's case on surplus ERF capacity is set out in its Local Impact Report and Written Representation submitted at Deadline 2. | As set out in the Applicant's response to Reference 8 above, there is no justification in the National Policy Statement for a cap to be imposed, particularly one that is below the throughput assessed in the ES. The only argument left for the GLA is its assertion over surplus capacity. However, as set out in **The Project and its Benefits Report (7.2, APP-103)** and **the Supplementary Report to the Project and its Benefits Report (7.2.1, REP2-045)**, the Applicant has clearly demonstrated the need for the Proposed Development even when the Mayor's waste reduction and recycling targets are fully met. |
| 11 | Work 1A – The Applicant accepted the GLA's suggested amends, with the addition of the word "at least" in (v). The GLA agrees with this amendment. | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |
| 12 | The GLA supported LBB's position that an additional point should be added as point (viii), requiring that a dedicated bottom ash storage area be provided where bottom ash containers must be stored. At the ISH, it was confirmed that LBB had agreed to remove this and the Applicant noted that it could not be included because as a storage area was not applied for. The GLA will provide the ExA with its comments once it has reviewed the relevant note. | The Applicant reiterates its previous position that there will not be an amendment in Schedule 1 to include a dedicated bottom ash storage area. This is because the Applicant has not applied for a bottom ash storage area or assessed the provisions of one in its Environmental Statement. The Applicant can confirm that in the design of Work No. 1A, there is an ash storage bunker with a volume of 1,900m$^3$ capacity. Taking a conservative assessment approach, this volume represents a minimum of 5 days storage. In addition, the **dDCO (3.1, Rev 5)** contains a restriction that bottom ash must be transported by river, save where there is a jetty outage which has been agreed can only commence after four days. As such, there is no justification for the Proposed Development to have a contingency for a contingency.<br><br>Furthermore, the GLA confirmed in its Deadline 8a submission that the conclusions set out in the **Supplementary Note to the Temporary Jetty Outage Review (8.02.86, REP8-027)** *"appear acceptable".* |
| 13 | Work 1B **–** The inclusion of a throughput capacity of 40,000 tonnes per annum was accepted. The GLA is neutral as to whether this a referenced in Schedule 1 or Schedule 2. | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |
| 14 | Work 2B **–**The GLA agrees with the amended the wording of stream turbine to include at least a 30MW heat offtake. | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |
| | **Schedule 2 Requirements** | |
| *Requirement 11 – Code of Construction Practice* | | |
| 15 | The GLA's amendments to the Requirement, set out in its track change DCO submitted at Deadline 7a at points (f) and (g) were accepted by the Applicant, which is welcomed. | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |
| 16 | The GLA's suggested clauses (3) and (4) regarding Non-Road Mobile Machinery ('NRMM') were not accepted by the Applicant, on the basis that the Applicant had included appropriate provision for NRMM in the Code of Construction Practice ('CoCP'), which references the GLA Control of Dust and Emissions during Construction and Demolition SPG. At the ISH, the Applicant committed to strengthening the wording in the CoCP to make the NRMM point explicit. The GLA is content with this, provided that the wording is acceptable. Once it has had an opportunity to review the wording in the CoCP, the GLA will provide further comments if required. The Applicant confirmed that a commitment to the NRMM Register was included in the CoCP. | The GLA confirmed in its Deadline 8a submission that they accept the approach as to how the Applicant will mitigate against adverse effects of Non-Road Mobile Machinery (NRMM).<br><br>Furthermore, the Applicant has strengthened the wording of **Paragraphs 4.3.4** to **4.3.5** of the **Outline Code of Construction Practice (CoCP) (7.5, REP8a-015)** to ensure the GLA's comments on NRMM and online register are clear. The Applicant accepts the GLA's suggestions in its Deadline 8a submission and can confirm that the wording of Revision 5 of the **Outline CoCP (7.5, REP8a-015)** submitted at Deadline 8a states:<br><br>*"Non-Road mobile machinery (NRMM) of net power between 37kW and 560kW used during construction of the Proposed Development will comply with the emissions standards set out in the London Mayor's SPG on 'The Control of Dust and Emissions During Construction and Demolition', July 2014 (or the applicable guidance at the time of construction) unless an exemption has been granted in accordance with the exemption policy published on the NRMM register website.*<br><br>*An up to date list of all NRMM shall be kept on the online register throughout the construction of the Proposed Development.* |

| Reference | GLA's Deadline 8 Submission Comment | Applicant's Response to GLA's Deadline 8 Submission |
|---|---|---|
| | | *NRMM refers to mobile machines, transportable industrial equipment or vehicles which are fitted with an internal combustion engine and **not** intended for transporting goods or passengers on roads."* |
| 17 | The Applicant agreed to include LBB's proposed sub-paragraph (1)(p), regarding a vehicle booking system, as (i) in Requirement 13. | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |
| *Requirement 13 – Construction Traffic Management Plan(s)* | | |
| 18 | The Applicant accepted the GLA's proposed deletion of the words "for streets within the London Borough of Bexley" in (1). | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |
| 19 | The GLA's proposed amendment to clause (1) introduced a statement that the plan should include measures to maximise the use of the river for construction materials and waste. The Applicant refused this amendment on the basis that, it submitted, the jetty is used for the delivery of waste to RRRF and this could not be jeopardised. The Applicant's case was that the jetty is a working facility for RRRF and RRRF had priority for use of the jetty, and so the GLA's proposed amendment would conflict with RRRF's use. The Applicant also stated that the commitment to maximising river usage is included within the CTMP. | The Applicant does not contend that there is no spare capacity at the jetty. Rather, the jetty is a working jetty, so the priority is to allow movements of waste to, and bottom ash from, that jetty for RRRF and the wording suggested by TfL/GLA would conflict with this. The Applicant has amended the CTMP to include an assessment of the opportunities for river use during construction and actions identified requiring implementation will be set out by the Principal Contractor and presented in the detailed CTMP. Therefore, the Applicant does not consider these additions necessary.<br><br>With regards to transport movements associated with operation of REP, these have been demonstrated within the ES, and agreed with TFL, to be Not Significant. Despite this, to demonstrate their commitment to the use of the River, within **Requirement 14 of the dDCO (3.1, Rev 5)**, the Applicant has included a cap on vehicle movements associated with the movement of waste by road. |
| 20 | The GLA found the Applicant's argument to be surprising, as it appeared to contradict the Applicant's case at earlier ISHs. The ExA has previously been told that the jetty has sufficient capacity to be used for the existing RRRF operations, as well as the proposed operations of the REP, which is expected to be approximately 500,000 tonnes of waste per annum by river. At paragraph 1.15 of the Applicant's Project Benefits Report states that *'REP will optimise the use of Cory's existing energy and river infrastructure in London, including its operational jetty, tugs and barges;* and at paragraph 5.4.3 *'…'the Applicant would seek to make use of the jetty during construction, providing another opportunity to minimise the impacts associated with road transport'.* If, as the Applicant now contends there is no spare capacity at the jetty which could be used for the import/export of construction materials/waste, then the corollary must be that the jetty does not have sufficient capacity for the operational needs of REP, which has been stated as one of the benefits of the scheme and would, without the cap on waste delivered by road (as set out in paragraph 26 below), significantly increase the transport movements, with associated air quality impacts On the Applicant's current contention, it appears to be over-stating the benefits of REP. | |
| 21 | With regard to the CTMP, the Applicant submitted that the measures for using the river are set out in paragraph 10.3.1. The GLA does not consider that the text is sufficient to maximise the use of river-based transport, and submits that the Applicant should be required to maximise river usage for the transport of waste and materials. Riverine transportation of waste to the site is one of REP's purported benefits. Without an explicit commitment to maximising such transportation, the ExA should not place any significant weight on the purported benefits of it. | The Applicant has amended the wording at **Paragraph 10.3.1 to 10.3.3** of the **Outline CTMP (6.3, REP8a-011)** to state:<br>*"The REP site lies within 100 m of the River Thames and has an existing jetty for the movement of standard containers as part of RRRF's present operations. Where practicable, water transport would be adopted as a mode for inbound materials and outbound construction waste streams. The precise details on the use of waterborne transport are to be made in accordance with 10.1.3 above.*<br><br>*It is proposed that the contract for ready mixed concrete would require that supplier to explore the use waterborne or rail deliveries as part of their transport chain for some, or all of the raw materials to their batch plant. The supply of batched concrete from the plant would be by road.*<br><br>*An assessment of the opportunities for river use during construction with actions identified requiring implementation will be set out by the Principal Contractor and presented in the detailed CTMP."*<br><br>The Applicant considers the measures set out at **Paragraphs 10.3.1** and **10.3.3** of the **Outline CTMP (6.3, REP8a-011)** to be sufficient to maximise the use of river-based transport. |
| 22 | The GLA also suggested amendments to the Requirement to include a mechanism for the review and | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |

| Reference | GLA's Deadline 8 Submission Comment | Applicant's Response to GLA's Deadline 8 Submission |
|---|---|---|
| | updating of the CTMP (included as point (i) and in clause (4) in the GLA's mark-up). The CTMP does not include details of monitoring nor how that process would happen. Whilst construction may only take a couple of years, the GLA's concern relates to buses and road delays. The Applicant accepted the amendment and will include in the next draft DCO. The GLA reserves the right to comment on the amended wording. | |
| 23 | GLA reiterated that the construction works, especially the laying of electrical cables, will impact bus services and the Applicant ought to contribute to mitigating the disruption caused to Londoners' journeys as a result of construction. The GLA's position remains that a financial contribution to pay for mitigation measures should be included as an obligation in proposed section106 agreement, as set out in paragraph 3.4 of Deadline 7. | The Applicant's position has not changed. There is no entitlement to compensation if a business, including bus services, is affected by roadworks undertaken by statutory undertakers or the highway authority and the circumstances in this case are no different. Therefore, there could be no claim for compensation against the Applicant or UKPN. However, the Applicant has agreed to undertake junction appraisals as secured in **Requirement 13(2)** of the **dDCO (3.1, Rev 5)**, with mitigation to be provided via the CTMP, if demonstrated to be required. That mitigation will be funded by the Applicant, but there is no justification for any additional compensation in relation to any temporary impact arising as a result of the Electrical Connection works to be undertaken by UKPN. |
| *Requirement 13A – Delivery and Servicing Plan (LBB Proposed Requirement)* | | |
| 24 | LBB proposed an additional requirement for a Delivery and Servicing Plan at 13(a) of their marked up DCO. The GLA support this addition. The Applicant committed to partially accepting this text as a new requirement in the next draft DCO. The GLA will provided further comments if necessary once it has been provided with the relevant text. | It is agreed with LBB 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 **Requirement 31** of the **dDCO (3.1, Rev 5)**. The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5).**<br><br>It is agreed with LBB 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. |
| *Requirement 14 – Heavy commercial vehicle movements delivering waste* | | |
| 25 | The Applicant agreed to reduce the cap on two-way vehicle movements to 75 vehicles in/out, which the GLA welcomes. | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |
| 26 | The Applicant also agreed to a cap of 130,000 tonnes of waste delivered to Work 1A by road and a cap of 40,000 to Work 1B, with the remainder delivered by river. The GLA estimates that, if REP operates at its nominal level of 655,000 tonnes per annum, this would equate to 20% of the total throughput, which is supported. | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |
| 27 | A commitment to usage of at least Euro VI vehicles is necessary to secure air quality benefits and comply with the Mayor's London Plan air quality policies. The Applicant argue that this would not be practical to stipulate such a condition on suppliers to the REP. The GLA disagrees and notes that it is not an unusual provision to require suppliers to comply with certain items through contracts with providers. | This issue was discussed in detail at the Issue Specific Hearing on 19th September 2019 (see **Oral Summaries for the Issue Specific Hearing on draft Development Consent Order (8.02.77, REP8-018)**). Whilst the Applicant does not operate or own any vehicles operating heavy duty engines, it supports the GLA's aspirations towards fossil fuel free heavy duty vehicles by 2030. |
| 28 | The Applicant expressed a concern that the amended Requirement would restrict which providers the Applicant could work with, as waste authorities procure for 7 years and, therefore, such a requirement would prevent waste coming from those which are not using Euro VI vehicles. However, Policy 7.3.1 of the London Environment Strategy requires all London waste contracts to be using Euro VI compliant HGVs, and that it would be reasonable for the same policy to be applied to the REP. The GLA considers that the concerns the Applicant raised at the Hearing could be addressed through an amendment to the proposed text of the Requirement, which contractually obliges those suppliers who are not yet using Euro VI to use these vehicles as a minimum for their next commissioning/contracting. | The Applicant will receive waste from both waste collection authorities and commercial waste contractors/ hauliers. The Applicant receives waste from waste authorities but does not specify the contracts for those authorities' waste collection services. The GLA will be in a position to encourage waste collection authorities to specify within their contracts that hauliers operate vehicles that both meet the standards of the Ultra Low Emission Zone (ULEZ) and move towards being fossil free by 2030.<br><br>Incinerator Bottom Ash (IBA) would only be moved by road vehicles during a jetty outage scenario. In that instance those vehicles would likely deliver to the processing plant in Essex. REP is situated within the Low Emissions Zone boundary and therefore vehicles accessing REP will meet the |

| Reference | GLA's Deadline 8 Submission Comment | Applicant's Response to GLA's Deadline 8 Submission |
|---|---|---|
| | | prevailing standards for London (including any extension to the ULEZ in due course) otherwise the operator will be required to pay the penalty charges as set by the GLA / TfL. As previously stated, the Applicant's operation will comply with the prevailing emissions standards at REP, but the Applicant does not accept that it is appropriate, necessary or proportionate for a requirement of the type suggested by the GLA to be imposed on the operation of REP. |
| 29 | On jetty outages, the GLA agrees with LBB that the worst case scenario has not been properly assessed. The Applicant states that there is no impact of the 300 movements in/out for both the REP and RRRF in a jetty outage situation and have committed to providing a note on this to LBB. The GLA requested to receive the note at the same time to enable a review. The Applicant confirmed that, save in jetty outage, 100% of bottom ash would be delivered by river. The GLA will review the Applicant's Deadline 8 note and provide further comments once submitted. The GLA consider that quarterly reporting on jetty outages, number of vehicle movements and the volume of waste on those vehicles is not sufficient and reporting should be monthly. The Applicant confirmed that reporting would include both volume of waste on vehicles as well as the vehicle movements. | Following the Issue Specific Hearing on the dDCO held on 19th September 2019, the GLA has since confirmed that the conclusions set out in the **Supplementary Note to the Temporary Jetty Outage Review (8.02.86, REP8-027)** *"appear acceptable"* and that they accept quarterly reporting. This has been agreed by the GLA through the drafting of the SOCG and at Paragraph 10 of the GLA's D8a Submission (**REP8a-021**). |
| *Requirement 15 – Emissions Limits – Work Number 1A* | | |
| 30 | The Applicant and LBB have agreed to the deletion of this Requirement. The GLA will respond on this point more fully at Deadline 8a, as it needs to consider the position. | The GLA has stated in its Deadline 8a Submission that it *"maintains that this condition with the amendments set out in the GLA's Deadline 7a submission is necessary and effective to mitigate against the adverse effects of oxide of nitrogen and other emissions".*<br>The Applicant maintains its position that, because of the overall tonnage cap within **Requirement 33** of the **dDCO (3.1, Rev 5)**, Requirement 15 is not required. **Table 2** below provides the Applicant's response to the GLA's concerns. |
| *Requirement 16 – Emission Limits – Work Number 1B* | | |
| 31 | The Applicant accepted the GLA's proposed amendments. | The wording proposed by the Applicant is "*oxides of nitrogen (nitric oxide and nitrogen dioxide expressed as nitrogen dioxide)*", so as to avoid any inconsistency between the dDCO and the Environmental Permit during the operational phase of REP. The Applicant considers that this minor but necessary revision would deliver the clarity which the GLA is seeking. This has been agreed with the GLA through the drafting of the SOCG. |
| *Requirement 17 – Ambient air quality monitoring* | | |
| 32 | Applicant has agreed with LBB to fund monitoring for an agreed period, so that Requirement 17 can be deleted. The GLA agreed in principle, subject to seeing the s106 agreement. The Applicant confirmed that the S106 agreement would be provided to the GLA. | The Applicant has provided a draft copy of the S106 agreement between the Applicant and LBB to the GLA on 28th September 2019. The wording of that S106 agreement is now agreed between the Applicant and LBB and the final draft of that agreement is provided with the Applicant's deadline 8b submission (**8.02.93**). The GLA did not comment on this in its Deadline 8a submission. |
| *Requirement 18 – Waste Hierarchy Scheme* | | |
| 33 | The Applicant accepted the GLA's proposed amendment to (1), which states that the GLA will be consulted on the waste hierarchy scheme but noted that the duty to consult is on LBB, not on the Applicant. | The Applicant does not accept the addition of wording to require consultation with the GLA. It is for LBB to consult with the GLA, should they deem it necessary and appropriate, in the context of their approval of the scheme as the relevant Local Planning Authority. |
| 34 | The Applicant accepted the GLA's proposed amendments to (2)(a) with regard to material composition analysis but rejected the remainder of the amendments on the basis that the Applicant did not want to police waste providers. The GLA agrees with LBB that Requirement 18 as drafted does not go far enough for the waste hierarchy scheme to be effectively implemented and maintains that the amendments suggested to this Requirement are necessary and effective for reasons set out in the GLA's 7a submission. | The Applicant has provided a detailed response to the GLA's 7a submission in the **Applicant's response to GLA's comments on the draft Development Consent Order from Deadline 7 and 7a (8.02.89, REP8a-017)**. However, in summary, **Requirement 18 (now Requirement 16)** of the **dDCO (3.1, Rev 5)** is about giving confidence to the GLA that the existing process as described in **Section 3** of **Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014)** is being implemented, rather than providing an inappropriate level of scrutiny regarding the |

| Reference | GLA's Deadline 8 Submission Comment | Applicant's Response to GLA's Deadline 8 Submission |
|---|---|---|
| | | outcome of that process and placing the burden of increased recycling activities on facilities such as REP. This requirement goes above and beyond any other requirements/ conditions set within other ERF DCOs/ permissions. |
| 35 | The GLA submits that quarterly assessments are required to ensure that all waste moving through the ERF is truly non-recyclable. If the review happens less frequently, there is more time for error and incorrect burning of recyclables, which is particularly significant given the scale of the facility's throughput. | Through the drafting of the SOCG, the GLA now seeks a bi-annual waste composition analysis. However, the Applicant considers a bi-annual or quarterly assessment is not appropriate. It is not included in any of the conditions/requirements that are incorporated into other consents and is not required by the Environment Agency. The relevant data is provided to the EA, which, as set out in **Section 3** of the **Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014**) is the appropriate regulator for the waste hierarchy. **Figure 2** of the **Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014**) demonstrates the role of REP in the waste hierarchy and how it is just one element of the overall infrastructure network needed in London to ensure that waste is managed appropriately. As such, the Applicant does not accept the GLA's request for a bi-annual waste composition analysis and has agreed with LBB the requirement to undertake annual waste composition analysis.<br><br>In addition, the Applicant is content to include in **Requirement 16** (formally 18) that it will look at contractual measures to encourage as much reusable and recyclable waste being removed as far as possible. This is reflected in the **dDCO (3.1, Rev 5)** submitted at Deadline 8b and has been agreed with LBB. |
| 36 | It was noted that LBB want the 65% recycling rate baseline obligations regarding written environment management systems ('EMS'), set out at (2)(c), to be a requirement on the Applicant. The GLA's submits that this clause should be amended to refer to 65% as the baseline for recyclable and reusable waste, as it is necessary to both implement the waste hierarchy scheme effectively and to comply with the Mayor's 65% municipal waste recycling by 2030. The same target has been set by Government for 2035. It was argued by the Applicant that the proposed amendments were too onerous and would difficult to monitor or enforce. The ERF intends to operate for at least 25 years and without proper safeguards to maximise recycling has the potential to incinerate significant tonnages of recyclable waste over a long-time frame. | The Applicant reiterates its position made in the **Applicant's response to GLA's comments on the draft Development Consent Order from Deadline 7 and 7a (8.02.89, REP8a-017).**<br><br>Regarding the suggestion that maximum allowable limits on recyclable material content should be included in contracts and a target of 65% should be placed on suppliers, again, this is neither reasonable nor appropriate. The bullets below outline the variety of recycling targets being discussed within policy.<br><br>• Circular Economy Policy targets seek MW recycling of 55% by 2025; 60% by 2030; and 65% by 2035, alongside packaging recycling of 65% by 2025; and 70% by 2030;<br>• The London Environment Strategy sets LACW recycling target of 50% by 2025 and aspires to achieve: 45% household waste recycling rate by 2025; and 50% household waste recycling rate by 2030. The ability to meet a municipal waste recycling target of 65% by 2030 is reliant upon C&I waste recycling.<br><br>Whilst Government has said it will implement Circular Economy Policy recycling targets, it has not specified how as yet; it is likely not to be a single/standard recycling rate applied across all authorities, but will recognise the relative ability of different areas to meet different levels.<br><br>Currently the UK and local authorities are working to a 50% target by 2020, but many local authorities are likely not to meet this target. LACW recycling across London has hovered around the 30% level over the past 10 years; Household waste recycling across London has hovered around 33% over the past 10 years. The London Environment Strategy (page 276 and 307) states a current municipal waste recycling rate within London of 41%.<br><br>Within the **Project and it's Benefits Report (7.2, APP-103)** the Applicant has modelled a range of scenarios. These all assume that the GLA's recycling targets are achieved. The ERF element of REP will recover value for the residual waste that is left after recycling has occurred. |
| 37 | In Annex A of the Projects Benefits Report (Table 6.1 at page 68) the Applicant applies a 70% recycling rate by 2026 for commercial and industrial waste in all of its four waste forecast scenarios assessed in setting out its case for need and benefits of the ERF. Paragraph 6.1.17 of its Project Benefits Report states a key benefit: *'It [the REP] is futureproofed to take waste out of landfill and away from export, not to detract from credible recycling initiatives'.* In the absence of a minimum 65 per cent recycling baseline level, to meet London and national recycling targets as a minimum, the REP will not operate within the parameters of the Applicant's modelled waste scenarios, it will not deliver fully on stated benefits, and the waste hierarchy scheme will not achieve its purpose. | |

| Reference | GLA's Deadline 8 Submission Comment | Applicant's Response to GLA's Deadline 8 Submission |
|---|---|---|
| | | The GLA appears to be suggesting that any waste supplier should take the waste it receives or collects and recycle 65% of it. This ignores the composition of the waste and whether any separation has taken place before the waste supplier receives it. This further ignores the regulatory responsibility of the Environment Agency and the fact that only waste that is permitted in the Environmental Permit can be managed at REP. Commercial waste companies, in particular, may only take the residual waste from their customers, with the separately collected recyclable materials being collected by a different company. There is no way for the waste company collecting the residual waste to know what the overall recycling rate could be for the waste producer, and certainly no way that this can be determined by looking at a compositional analysis for the residual waste when it is delivered to REP.<br><br>As demonstrated at **Figure 2** of **the Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014)**, REP is just one element of the overall waste management infrastructure network in London. It needs additional infrastructure in London to achieve increased recycling; the London Environment Strategy identifies a recycling capacity gap of 1.4 million (page 325).<br><br>What the above all demonstrates, is that it is not reasonable, or indeed possible, to place the burden of increased recycling activities on facilities such as REP. |
| *Requirement 19 – Operational Worker Travel Plan* | | |
| 38 | The Applicant agreed to provide an updated CTMP to the Examination, and the GLA will comment as necessary once it has reviewed that document. | The Applicant submitted an updated **Construction Traffic Management Plan (6.3REP8a-011)** and **Operational Worker Travel Plan (6.3REP8a-013)** at Deadline 8a. |
| *Requirement 23 – Community Benefits* | | |
| 39 | The GLA considers that the Applicant should commit to the Mayor's Good Work Standard in order to demonstrate leadership in best employment practices. | This is not required by planning policy and would apply to the whole company, not just the Proposed Development. Whilst the Applicant maintains that many of those employed on the site will be highly skilled jobs above the London Living Wage, there is no justification for the scheme to be subject to a requirement that is not required by planning policy. Therefore, the Applicant cannot accept additional wording on this in the DCO. |
| *Requirement 25 – Phasing of Construction and Commissioning of Work Number 1* | | |
| 40 | The Applicant is content to refer to Work 2B in the second paragraph of (1), but notes that it should say 'if applicable', noting that Work 2B only occurs if the it was not included in Work 1A. The GLA agrees with this approach. | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |
| 41 | With regard to the second part of (1), the Applicant accepts the GLA's insertion of the text regarding a phasing programme but cannot accept that Work 1C and Work 1D will be in the same phase as Work 1A, as advancements in technology mean the Applicant requires flexibility. The GLA accepts the removal of "and in any event in the same phase as Work Number 1A" from the proposed amendment. | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |
| 42 | The Applicant also stated that it could not accept the amendments to (2) for commercial reasons in that contracts may not be in place for Work 1V by the time the facility is operational. The Applicant is proposing to build the REP in the absence of any secured waste supply contracts identified in documents submitted to the Examining Authority and has not raised any challenges for securing such contracts for the ERF. The GLA sees no reason why the Applicant would not be equally successful in securing contracts for composting the digestate from the anaerobic digestion facility, for which there is an established market. The GLA will consider the points raised by the Applicant and will respond further in relation to this proposed amendment in full at Deadline 8A. | The Applicant has to secure contracts for Work No. 1A and Work No. 1B and therefore the Applicant needs the ability to stagger the commissioning and operation of those elements of the Proposed Development. Thus, the Applicant wishes to maintain flexibility over the integration, commissioning and operation of these technologies, within the parameters already set by this Requirement. |
| 43 | The Applicant confirmed acceptance of the GLA's proposed amendments to (3). | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |

| Reference | GLA's Deadline 8 Submission Comment | Applicant's Response to GLA's Deadline 8 Submission |
|---|---|---|
| | | |
| *Requirement 26 – Combined Heat and Power* | | |
| 44 | The Applicant accepted the GLA's amendments to the first sentence of (1), and an amended version of the GLA's proposed second sentence, stating "prior to the final commissioning", rather than "prior to the operation". The GLA agrees with the proposed amendment. | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |
| 45 | The Applicant proposed a new clause at (2) stating that prior to establishing the working group, the undertaker must submit the terms of reference for the working group, including the list of organisations attending that group, to LBB for approval. The GLA agrees with this in principle, but the GLA should be included explicitly within the working group, given the GLA's remit, experience and expertise in this area. | The Applicant has amended the requirement to require the Applicant to submit the terms of reference of the working group to LBB for approval. As part of the terms of reference, the Applicant is to include a list of organisations who would be invited to the working group, including the GLA. This is reflected in the **dDCO (3.1, Rev 5)** submitted at Deadline 8b. |
| 46 | The Applicant proposed an addition, (d) to the terms of reference which would require the Applicant to identify the likely site connection point on site boundary as a result of the CHP review. The Applicant's position was that it could not commit to safeguarding the route now. The GLA considers that the exact nature of the route could be defined later but that a commitment to safeguarding the potential route should be required. | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |
| 47 | The GLA does not accept the Applicant's proposed amendment to the frequency of the CHP review from five to three years and maintains that that the CHP review should occur every two years. This is because the London housing market changes rapidly and, therefore, waiting three to five years for a CHP review will result in lost opportunities. | The Applicant considers, given the length of time it takes to undertake such reviews, that three years is a reasonable time period, which is agreed with the relevant local planning authority. |
| 48 | The GLA also considers that space for the CHP plant and equipment should be recorded on a drawing, as the equipment will not be installed until after the REP is complete; this is necessary to ensure certainty regarding the delivery of the CHP and to ensure the space required for the plant is provided It was noted that the Applicant has identified a notional area for the CHP on the Work Plans, so the GLA consider that this should be followed through in a Requirement for safeguarding. If space for the CHP plant and equipment is not safeguarded and is then used for other purposes, the costs associated with providing alternative space could render the district heating scheme uneconomic and preclude its development. | **Requirement 2(2)** of the **dDCO (3.1, Rev 5)** has been amended to include the provision of Works Number 1A and 3. |
| 49 | The GLA welcome the Applicant's confirmation that they would accept the deletion of 'without material costs'. The GLA agreed to the Applicant's proposals to include text to Requirement 2, stating that no works should commence in Work 1A until the heat export system equipment arrangement has been submitted and approved. GLA await the detailed wording to comment. | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |
| *Requirement 27 – Use of compost material and gas from Work Number 1B* | | |
| 50 | The Applicant accepted the GLA amendments to (1) and (2)(c ). | The Applicant confirms that this amendment is reflected in the **dDCO (3.1, Rev 5)**. |
| 51 | The Applicant proposed to change the Anaerobic Digestion ('AD') review from every four years, to every two years. The GLA considers that this is still too long a period, and the review should be annual in order to limit the risk of the digestate material produced from the AD facility being burned in the ERF or sent to landfill. | The Applicant considers two years to be a reasonable time period, which is agreed with the relevant local planning authority. |
| 52 | The Applicant also proposed to include text that pauses the AD review if the AD process ceases for 2 years before the reviews resume. LBB does not consider such an amendment to be necessary. The GLA agrees. | Agreed. |

| Reference | GLA's Deadline 8 Submission Comment | Applicant's Response to GLA's Deadline 8 Submission |
|---|---|---|
| 53 | The GLA's view is that its proposed amendment at (7) would be suitable and effective to replace (6), and that (8) and (9) are necessary to ensure that the outputs from the AD facility (digestate and biogas) will be used to maximise recycling and renewable energy benefits, and that the undertaker's position would be sufficiently protected. The Applicant accepted the GLA's amendment at (8), and at (9) with a further amendment to include the words 'electricity generation'. | The Applicant has not deleted or replaced **Requirement 25(6)** as suggested by GLA as the review outlets for gas only exists for the first review as this is a binary decision, where the plant will either be built as a CHP engine or for the gas to grid injection. However, the Applicant has amended **Requirement 25(7)** of the **dDCO (3.1, Rev 5)** to state:<br>*"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."*<br><br>The Applicant confirms that paragraphs (8) and (9) have been included in the **dDCO (3.1, Rev 5)**. |
| *Requirement 28 – Decommissioning* | | |
| 54 | The GLA will provide comments as required once it has reviewed the relevant provisions of the proposed s106 agreement. | The Applicant has provided a draft copy of the S106 agreement between the Applicant and LBB to the GLA on 28th September 2019. The wording of that S106 agreement is now agreed between the Applicant and LBB and the final draft of that agreement is provided with the Applicant's Deadline 8b submission (**8.02.93**). The GLA did not comment on this in its Deadline 8a submission. |
| *Requirement 33 – Waste Tonnage Cap (GLA's proposed Requirement)* | | |
| 55 | The Applicant accepts the principle of a tonnage cap; however, there remains disagreement as to the cap figure. The Applicant's position, as set out at the Hearing, was that there is a need for the project, as it set out in its Project Benefits Report, and that the conditions on the RRRF permission do not represent a tonnage (UK) import cap. The basis of this submission was that, in the Applicant's view, a cap was only imposed on the amount of waste that can be transported from the Port of Tilbury. | Noted, but to confirm, it is not just 'the Applicant's view' that the conditions on the RRRF permission do not represent a tonnage import cap. The RRRF permission includes an overall limit on the tonnage throughput per annum. Within the overall tonnage cap, the source of waste is not restricted to London. Condition 6 specifically only limits the amount of waste from outside London that can be delivered to RRRF from the Port of Tilbury. There are no other restrictions relating to the source of waste being delivered to RRRF either directly or via any of the other riparian waste transfer stations. Unlike RRRF, REP is a Nationally Significant Infrastructure Project. REP's location is strategically important. Its location on the edge of London and adjacent to the River, means that it can, and should, play an important role in serving both London and the surrounding administrative areas in the recovery of residual waste. |
| 56 | The Applicant has maintained its position throughout the Examination that the ERF would help to meet a claimed 662,000 -900,000 tonnes per annum ERF capacity gap range for managing London's residual waste by 2036, as set out in its modelled scenarios in: 'The Project and Its Benefits Report, Document Ref. 7.2, Table 6.1, page 68. Paragraph 1.1.5 of the Benefits Report states '*REP will help meet London's pressing need for further waste management, resource recovery and energy generation infrastructure*'. The Applicant has also maintained that London has sufficient capacity at London's four riparian waste transfer stations to effectively service the ERF. | The Applicant has clearly demonstrated within the Application and throughout the Examination that even when the GLA's waste reduction and recycling targets are met, there is still a need for ~900,000 tonnes of residual waste management capacity within London. |
| 57 | The GLA remains of the view that a cap on waste received from outside London is necessary and effective to ensure that the development remains a strategic facility to meet London's waste management needs, supports the sustainable transport of waste by river, and helps to support the achievement of the Mayor's 100% net waste self-sufficiency target by 2026 (London Plan Policy 5.17). | The Applicant has included an overall tonnage cap in the **dDCO (3.1, Rev 5)** submitted at Deadline 8b. However, the Applicant does not agree with the additional requirement restricting the amount of waste imports from outside London.<br><br>As set out **in The Project and its Benefits Report (7.2, APP-103)** and the **Supplementary Report to the Project and its Benefits Report (7.2.1, REP2-045)** there is a need for the Proposed Development in London and the regions surrounding London. Given the nature of REP as a nationally significant infrastructure project, its strategic location on the River and in light of the cap on vehicle movements by road proposed in **Requirement 14** of the **dDCO (3.1, Rev 5)**, there is a clear emphasis on the use of the river which justifies why there should not be regional cap. The cap on the RRRF planning permission in condition 6 only states that no more than 115,000 tonnes of waste arising from outside Greater London shall be delivered to the plant from the Port of Tilbury. This is a |
| 58 | Requiring such a cap would be consistent with the planning conditions placed on the RRRF, whereby LBB, as instructed by the Secretary of State ('SoS'), granted planning permission to extend the waste processing capacity of the RRRF from 670,000 tonnes to 785,000 tonnes per annum. The SoS's RRRF Decision Letter appended at Appendix 2 sets out the SoS's considerations in granting the extension. Additional information is set out in the Approval Explanatory Memorandum appended at Appendix 3. | |
| 59 | In granting the extension, the Secretary of State accepted the GLA's position that the GLA would | |

| Reference | GLA's Deadline 8 Submission Comment | Applicant's Response to GLA's Deadline 8 Submission |
|---|---|---|
| | support the extension, providing that a restriction was placed on waste received from outside London to satisfy concerns about London's strategic waste management needs being compromised in the absence of such a restriction. This is set out in paragraphs 17-19 of the SoS's Decision Letter. At paragraph 19, the SoS noted:<br><br>*19. The Secretary of State agrees that the proposal to increase the throughput of waste is acceptable as it will help to optimise the utilisation of the Development. However, noting that the Development was originally consented on the basis that, except for 85,000 tonnes of waste per year, it should process only waste from Greater London or waste transported to it from riparian waste transfer stations in Greater London, the Secretary of State considers that limiting the amount of waste that can be received from the Port of Tilbury is reasonable in order to protect the position of London as a major supplier of waste to this Development. The Secretary of State has therefore decided to include a condition (new condition 5), as drafted by the Applicant, to address the GLA's concerns.* | restriction on the Port of Tilbury, not a general restriction on waste delivered to the plant.<br><br>The Applicant support's the GLA's policy ambitions for net self-sufficiency and with the current exports of ~7 million tonnes of waste from London per year to landfill or recovery outside of London, this is a substantial ambition. REP will be a key part of providing the waste recovery infrastructure required to support meeting this ambition. However, waste is not constrained by administrative boundaries. The source of waste into REP will depend on the market at the time.<br><br>The Applicant has, where appropriate, included requirements restricting the overall tonnage delivered to REP and the delivery of waste by road, despite this not being required by the ES. The Applicant has done this to demonstrate its commitment to using the river.<br><br>However, unlike RRRF, REP is a Nationally Significant Infrastructure Project. REP's location is strategically important. Its location on the edge of London and adjacent to the River, means that it can, and should, play an important role in serving both London and the surrounding administrative areas in the recovery of residual waste. A restriction relating to the source of waste is not justified or appropriate. |
| 60 | The planning permission, granted by LBB (reference: 16/02167/FUL), is appended at Appendix 4 and contains the conditions imposed on the RRRF and the reasons for those conditions. To assist the ExA, the relevant conditions and reasons relating to the restriction on waste delivered to the RRRF are set out below:<br>*4 The total tonnage of waste received at the site shall not exceed 785,000 tonnes in any calendar year.*<br>*Reason: To ensure the development is operated generally in accordance with the environmental impact assessed in the supporting documents*<br><br>*5 The plant shall process only waste transported to it from a riparian waste transfer station in Greater London and the Port of Tilbury, other than the waste specified in condition 26 below.*<br>*Reason: To maximise the use of the river for transport of waste to the site.*<br><br>*6 No more than 115,000 tonnes of waste arising from outside Greater London shall be delivered to the plant from the Port of Tilbury in any calendar year.*<br>*Reason: To maximise the processing of waste produced within the Greater London area.*<br><br>*26 Except in the case of jetty outage:-*<br>*(a) not more than 195,000 tonnes of waste shall be delivered to the development by road in any calendar year; and*<br>*(b) no more than 85,000 tonnes of the waste transported to the development by road in any calendar year shall be transported from outside Greater London.*<br>*Reason: To limit the amount of traffic using the highway network in the vicinity of the site.* | |
| 61 | The effect of Condition 5 is that RRRF can process only waste transported to it by river from outside of London via the Port of Tilbury, subject to Condition 26. Condition 6 imposes a cap of 115,000 tonnes per annum on the amount of waste delivered to RRRF from the Port of Tilbury. Combining the limits set out in Condition 6 and Condition 26, the total amount of waste which is permitted to be transported to the RRRF from outside London is 200,000 tonnes per annum. This equates to 25 per cent of the total tonnage (785,000) that can be received per annum. | |
| 62 | The GLA considers that the DCO requires similar waste import restrictions to help secure London's strategic waste management needs as has previously been accepted by the SoS. The GLA submits that Requirement 33 should be included within the DCO as set out below.<br><br>*(1) The tonnage of waste delivered to work number 1A from the Port of Tilbury must not exceed 163,750 tonnes per annum, or exceed more than 25 per cent of the operational tonnage waste of the approved development, whichever is greater.* | |

# 3 Applicant's response to Greater London Authority's Deadline 8a Submissions

3.1.1 **Table 2** below responds to the GLA's '*Deadline 8a Submission – Comments on any additional information/submissions received by the previous deadline'* (**REP8a-021**) and *Appendix B* (**REP8a-022**).

| Reference | GLA's Deadline 8a Submission Comment | Applicant's Response to GLA's Deadline 8a Submission |
|---|---|---|
| 1 | The GLA maintains its objection to the principle of the development and remains of the view that the adverse effects of the proposed development have been underreported and its potential benefits overstated by the Applicant. The adverse effects of the development, in particular the Energy Recovery Facility (ERF), would outweigh the purported benefits of the proposed REP. | The Applicant has addressed GLA's concerns throughout the Examination, most recently in its **Closing Statement** submitted at Deadline 8b (**8.02.92**) In summary:<br>• NPS EN-1, as reaffirmed by NPS EN-3, establishes the need for the Proposed Development;<br>• NPS EN-1 requires that substantial weight be given to the contribution that the Proposed Development would make towards satisfying the identified need;<br>• There is a presumption in favour of granting consent for the Proposed Development; and<br>When considering the Proposed Development's adverse impacts against its benefits (as per EN-1 paragraph 4.1.3, the latter includes the substantial weight that must be given to the Proposed Development's contribution to satisfying the identified need), it is clear that the benefits substantially outweigh any adverse impacts. Consequently, none of the exceptions within s.104 of the Planning Act 2008 apply, and the Application must be determined in accordance with the NPS, and the urgent need for new energy generation identified. Furthermore, the **Project and its Benefits Report** (**7.2, APP-103**) demonstrates that REP is wholly in compliance with policy and delivers substantial environmental, economic and social benefits. |
| 2 | Notwithstanding the above, the GLA acknowledges the concessions made by the Applicant on the draft Development Consent Order (DCO) which have been included since the 2nd Issue Specific Hearing (ISH) in an attempt to address the concerns raised by the GLA and London Borough of Bexley (LBB). This Written Representation has been prepared by the GLA to assist the Examining Authority in understanding the GLA's outstanding concerns. However, it is not an exhaustive list and should be read in tandem with the GLA's Deadline 7, 7a and 8 submissions. The GLA reserves the right to make further submissions once it is able to review the Applicant's final DCO to be submitted at Deadline 8B. | Noted. |
| *Applicant's Maximum Throughput Carbon Assessment Note* | | |
| 3 | The GLA considers that the methodology used to demonstrate the carbon performance of the ERF treating the nominal waste throughput of 655,000 tonnes per annum compared with the upper limit of 802,905 tonnes per annum are flawed, and therefore the conclusions are erroneous. The rationale for this position is explained in paragraphs 3 to 6 below. The GLA maintains that it is necessary and effective for the tonnage cap in the DCO on the ERF be set at 655,000 tonnes per annum to ensure that the ERF does not exceed the basis of the assessments presented in the Carbon Assessment (Ref 8.02.08). | The Applicant rejects this position, for the reasons explained in responses to paragraphs 4-6 below. As a point of clarification, the GLA's statement "upper limit of 802,905 tonnes per annum" is inaccurate. The maximum throughput is 805,920 tonnes per annum as assessed within the Environmental Statement. |
| 4 | **Para 1.3.2:** The GLA considers that it is unrealistic to assume that the ERF operates 8760 hours per year, i.e. continuously, which is the underlying assumption. ERFs are shutdown each year for maintenance and inspections. Availabilities are expressed in terms of operating hours. Table 17 on page 9 of Tolvik's UK Energy from Waste Statistics 2018 report states a capacity weighted average figure of 89.8% availability per year. This equates to (if rounded to 90%) 0.9 x 8,760 =.7,884 hours per year. The carbon savings for the Applicant's 805,902 tonnes per annum case are therefore overstated. The Tolvik Report can be found at Appendix A. | The GLA is refuting the prerequisites of the maximum throughput scenario (i.e. that the ERF would have to operate continuously) rather than the approach to the carbon assessment. The derivation of the maximum throughput scenario is consistent with the approach taken on an overwhelming majority of preceding DCOs and planning permissions. The Applicant explained this approach at Deadline 2 in the response to ExA Written Question Reference Q1.0.2 in **Applicant responses to ExA First Written Questions (8.02.04, REP2-055)** and the GLA has raised no concerns until now.<br>For the very reasons discussed, the Applicant's **Carbon Assessment (8.02.08, REP2-059)** was |

| Reference | GLA's Deadline 8a Submission Comment | Applicant's Response to GLA's Deadline 8a Submission |
|---|---|---|
| | | based on nominal throughput as a reasonable and conservative assessment. It is only at the GLA's request that a sensitivity on the carbon assessment (see **Maximum Throughput Carbon Assessment Note (8.02.85, REP8-026)**) has been undertaken to assess the maximum throughput scenario, which requires a shift of the ERF operational availability to 8,760 hours per year. |
| 5 | **Tables 1 and 2:** The net carbon emission benefits from the ERF as set out in Table 2 arising from operating longer hours are derived solely from the comparison with landfill. The GLA disagrees that landfill is the correct comparator. The correct comparator should be alternative energy generation that is displaced, which the Applicant assumes to be electricity generated from Combined Cycled Gas Turbine (CCGT) plant. If the avoidance of landfill emissions is excluded, there is no benefit (in climate change terms) from the plant, as the benefits from electricity generation (-182,498 tCO2e) are insufficient to outweigh the emissions from the ERF in all scenarios modelled. This is the case even though the Applicant is calculating the energy generation benefits using CCGT carbon intensity for the calculation of the credit from electricity generation. This is undisputable even in the best case from the perspective of the highest applied biogenic content fractions of the waste set out in Table 1. As such, the higher the throughput, the higher the emissions. | The Applicant has responded to the GLA's views on landfill displacement on multiple occasions. The Applicant continues to state that REP will displace landfill and that this is the correct approach to a carbon assessment for ERFs, with the approach adopted by the Applicant being applied on an overwhelming majority of preceding DCOs and planning permissions.<br><br>The Applicant explained in detail in **Paragraphs 4.4.1** and **4.4.2**, and **Section B.2** of **Appendix B** to **Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014)**, that the approach of considering the benefit associated with diversion of waste from landfill is justified in the Department for the Environment Farming and Rural Affairs (DEFRA) report titled '*Energy from Waste – A guide to the debate 2014*', paragraphs 35 to 46. The Applicant also notes that this approach was taken in the carbon assessment supporting the application made by Veolia for an ERF at Ratty's Lane in Hoddesdon (ref 7/0067-17) and that the inspector and Secretary of State supported this approach. |
| 6 | The Applicant continues to assume that the electricity generated at the plant will offset electricity generated at a CCGT plant. The GLA has disputed this assumption in its previous submissions to the ExA. Current grid generation is already of a lower carbon intensity than CCGT, and the carbon intensity of electricity on the grid will decline further a result of stated Government policy on grid decarbonisation. As a result the ERF will continue to perform increasingly worse in carbon terms over its lifetime as the carbon intensity of grid electricity declines. | The Applicant has responded to the GLA's position on electricity displacement on multiple occasions. The Applicant continues to state that electricity generated from REP will displace electricity generated from CCGTs. The Applicant's principal argument is set out in **Appendix B** of the **Applicant's response to Greater London Authority Deadline 3 Submission (8.02.35, REP4-014)**.<br><br>Combining paragraphs 5 and 6, the GLA is claiming that operating the ERF will lead to an increase in carbon emissions and that, if the ERF were to process more waste, then the increase in carbon emissions would be higher. The Applicant continues to state that operating the ERF will lead to a reduction in carbon emissions and that, if the ERF were to process more waste, then the carbon reduction would be higher. In other words, while the GLA and the Applicant disagree over the direction of the carbon impact of the ERF, the GLA and the Applicant agree that the magnitude of the impact (whether positive or negative) will be higher if the throughput increases. This means that, contrary to paragraph 3, the GLA accepts the methodology used to demonstrate the carbon performance of the ERF treating the nominal waste throughput of 655,000 tonnes per annum compared with the upper limit of 805,920 tonnes per annum, even if the GLA does not accept the assumptions in the original **Carbon Assessment (8.02.08, REP2-059)**. |
| *Outline Construction Traffic Management Plan (CTMP)* | | |
| 7 | The updated CTMP appears acceptable in recognising the likely adverse effect on bus routes requiring mitigation measures. The GLA maintains that the Applicant still needs to provide a commitment in Requirement 13 of the DCO to secure such mitigation measures. Further assessment and appraisal must be secured in order to understand the impacts of construction on buses and the proposed mitigation will need to be included in the detailed CTMP for each phase. The GLA understands that the Applicant intends to amend Requirement 13 to this effect. The GLA reserves the right to comment on the final wording of Requirement 13. | As noted above, there is no entitlement to compensation if a business, including bus services, is affected by roadworks undertaken by statutory undertakers or the highway authority and the circumstances in this case are no different. Therefore, there could be no claim for compensation against the Applicant or UKPN. However, the Applicant has agreed to undertake junction appraisals as secured in **Requirement 13(2)** of the **dDCO (3.1, Rev 5)**, with mitigation to be provided via the CTMP, if demonstrated to be required. That mitigation will be funded by the Applicant, but there is no justification for any additional compensation in relation to any temporary impact arising as a result of the Electrical Connection works to be undertaken by UKPN. |
| 8 | The GLA has set out in its Deadline 7A and Deadline 8 submissions its position that financial contributions from the Applicant are necessary and appropriate to mitigate the adverse effects of REP's construction. The GLA considers that the Applicant should be required to enter into a planning obligation. Local residents and businesses rely on the local public transport network, including buses, and TFL expects that it will be required to run additional services and divert buses as a result of the proposed electrical connection construction. TFL consider that a financial contribution to cover the cost of these measures via a Section 106 agreement is appropriate and necessary. | |

| Reference | GLA's Deadline 8a Submission Comment | Applicant's Response to GLA's Deadline 8a Submission |
|---|---|---|
| 9 | To secure maximum use of sustainable transport of materials and waste by river, the GLA suggests the following amends to para 10.1.3 (suggested changes in track): The Applicant will maximise opportunities for transport of waste and materials by river. *The Applicant will appraise and reasonably implement opportunities for using the existing jetty facilities for 10.1.3 the construction of REP particularly the technical feasibility and economic viability of using ISO containers for transporting construction materials and waste. This appraisal will need to take into account, for example, the overriding priority that must be afforded to the operations of RRRF, the timing of when construction materials and waste need to arrive/depart at REP vis a vis the timings of waste deliveries / ash exports from RRRF, the suitability of the cranes, configuration of the jetty itself, and health and safety considerations. In addition, consideration will need to be given to convenient pre-existing water interface availability at the starting point of that waste or material's journey. The final CTMP will set out the conclusions of that written appraisal and identify reasonable opportunities for construction materials and waste that can feasibly and economically be transported to REP via River. The operation of marine activities would be managed by Cory's existing marine logistics teams, who are highly trained in the operations on the River Thames and would co-ordinate vessel movements with those for the continuing operation of RRRF.* | At Deadline 8, the Applicant amended the wording of **Paragraph 10.1.3** in the **Outline CTMP (6.3, REP8-008)** to state:<br><br>*"The Applicant will appraise opportunities for using the existing jetty facilities for the construction of REP particularly the technical feasibility and economic viability of using ISO containers for transporting construction materials. This appraisal will need to take into account, for example, the overriding priority that must be afforded to the operations of RRRF, the timing of when construction materials need to arrive at REP vis a vis the timings of waste deliveries / ash exports from RRRF, the suitability of the cranes, configuration of the jetty itself, and health and safety considerations. In addition, consideration will need to be given to convenient pre-existing water interface availability at the starting point of that material's journey. The final CTMP will set out the conclusions of that written appraisal and identify reasonable opportunities for construction materials that can feasibly and economically be transported to REP via River. The operation of marine activities would be managed by Cory's existing marine logistics teams, who are highly trained in the operations on the River Thames and would co-ordinate vessel movements with those for the continuing operation of RRRF."*<br><br>Whilst, the Applicant does not accept the GLA's suggestion to **Paragraph 10.1.3** in its Deadline 8a Submission, the Applicant has strengthened the wording of **Paragraphs 10.3.1** to **10.3.3**:<br><br>*"The REP site lies within 100 m of the River Thames and has an existing jetty for the movement of standard containers as part of RRRF's present operations. Where practicable, water transport would be adopted as a mode for inbound materials and outbound construction waste streams. The precise details on the use of waterborne transport are to be made in accordance with 10.1.3 above.*<br><br>*It is proposed that the contract for ready mixed concrete would require that supplier to explore the use waterborne or rail deliveries as part of their transport chain for some, or all of the raw materials to their batch plant. The supply of batched concrete from the plant would be by road.*<br><br>*An assessment of the opportunities for river use during construction with actions identified requiring implementation will be set out by the Principal Contractor and presented in the detailed CTMP."*<br><br>The Applicant considers the measures set out at **Paragraphs 10.1.3 and 10.3.1 to 10.3.3** of the **Outline CTMP (6.3, REP8a-011)** to be appropriate to maximise the use of river-based transport. |
| *Supplementary Note to the Jetty Outage Assessment* | | |
| 10 | The conclusions of the Jetty Outage Technical Note appear acceptable, provided that HGVs are capped during the peak as presented in the Note i.e. 80 movements during the peak periods (40 movements in and 40 movements out). The Note shows no significant impacts on network capacity during the peaks. The number of movements over a 24- hour period is significant but the worst impacts are during the peaks and the GLA considers that this is not significant. | Noted. |
| *Updated Outline Code of Construction Practice* | | |
| 11 | The GLA accepts the approach set out at para 4.3.4 of the CoCP as to how the Applicant will mitigate against adverse effects of Non-Road Mobile Machinery (NRMM). For appropriateness and for the benefit of the Applicant, the GLA suggests the following amendments to paragraph 4.3.4 (in track change): *Non-Road mobile machinery (NRMM) of net power between 37kW and 560 kW used during construction of the Proposed Development will comply with the emissions standards set out in the* | The Applicant has strengthened the wording of **Paragraphs 4.3.4** to **4.3.5** of the **Outline CoCP (7.5, REP8a-015)** to ensure the GLA's comments on NRMM and online register are clear. The Applicant accepts the GLA's suggestions in its Deadline 8a submission and can confirm that the wording of Revision 5 of the **Outline CoCP (7.5, REP8a-015)** states: |

| Reference | GLA's Deadline 8a Submission Comment | Applicant's Response to GLA's Deadline 8a Submission |
|---|---|---|
| | *London Mayor's SPG on 'The Control of Dust and Emissions During Construction and Demolition', July 2014 (or the applicable guidance a the time of construction) unless an exemption has been granted by the GLA, in accordance with the exemption policy published on the NRMM register website.* ~~otherwise agreed with the relevant planning authority (for example, if it can be demonstrated that the machinery is not available or that a comprehensive retrofit for both PM and NOx is not feasible. In this situation every effort should be made to use the least polluting equipment available).~~ | *"Non-Road mobile machinery (NRMM) of net power between 37kW and 560kW used during construction of the Proposed Development will comply with the emissions standards set out in the London Mayor's SPG on 'The Control of Dust and Emissions During Construction and Demolition', July 2014 (or the applicable guidance at the time of construction) unless an exemption has been granted in accordance with the exemption policy published on the NRMM register website.*<br><br>*An up to date list of all NRMM shall be kept on the online register throughout the construction of the Proposed Development.*<br><br>*NRMM refers to mobile machines, transportable industrial equipment or vehicles which are fitted with an internal combustion engine and not intended for transporting goods or passengers on roads."* |
| 12 | The rationale for the proposed amendments to paragraph 4.3.4 is that the normal procedure is for exemptions to be granted by the GLA through the register rather than by the LPA. The LPA is not the correct body to do this and may not be able to provide the exemptions in a reasonable amount of time or in a consistent fashion. The LPA also would not be able to check if a specific piece of equipment is already exempt. In some cases an individual machine will be exempted for all sites for a period of a year. The GLA has an exemption policy that supports the implementation of the "Control of dust and emissions during construction and demolition" SPG to ensure that exemptions are granted fairly. This policy covers all the items listed by the applicant, such as non- availability of plant or appropriate retro-fit as well as emergencies and other cases. The exemption policy is published online at https://nrmm.london/content/nrmm-exemption-policy. | |
| 13 | The GLA understands that the Applicant proposes to add a further requirement to DCO Requirement 13 that commits the Applicant to act on all measures set out in the Outline Code of Construction Practice. The GLA reserves the right to comment on the final wording of Requirement 13. | The Applicant has not inserted a further requirement in **Requirement 13** of the **dDCO (3.1, Rev 5)** in relation to the Outline CoCP as **Requirement 13** relates to the Construction Traffic Management Plan. **Requirement 13(4)** requires the Construction Traffic Management Plan and any updated Construction Traffic Management Plan to be implemented as approved. **Requirement 11**, which relates to the Outline Code of Construction Practice, similar requires, at **Requirement 11(2)**, that all construction works must be undertaken in accordance with the approved code of construction practice. |
| *Other Items* | | |
| 14 | The GLA stated at the ISH that it would consider the Applicant's proposal to withdraw Requirement 15 Emissions Limits on Work 1A from the DCO. The GLA has considered this proposal and maintains that this condition with the amendments set out in the GLA's Deadline 7A submission is necessary and effective to mitigate against the adverse effects of oxide of nitrogen and other emissions. The GLA's position is set out in more detail in Appendix B to this Deadline 8B submission. | The Applicant wishes to reiterate that the Environment Agency (EA) is the regulator for emissions to air in England, and the EA deem it sufficient and appropriate to limit emissions to air on a concentration basis (without stipulating annual emission tonnage caps) in order to protect public health and the environment. As such, the GLA is attempting to go beyond the regulatory controls imposed by the EA under the Environmental Permit (EP), which is a clear and inappropriate overlap of the planning and permitting mechanisms.<br><br>In section 1 of Appendix B (**REP8a-022**), the GLA sets out the context for the removal of Requirement 15. The Applicant agrees with this context.<br><br>In section 2 of Appendix B (**REP8a-022**), the GLA accepts that the calculation of emission rates is correct, that the stack diameter is controlled by the DCO, that the emission limits are set in the EP and that moisture, temperature, pressure and oxygen content are accounted for in the normalisation of flue gas flows. Hence, the GLA's only concern is that the flue gas flowrate is not controlled by the DCO or the EP and hence the GLA considers that the emission rate is not controlled. The Applicant does not accept this point, for the reasons explained in response to section 4.<br><br>In section 3 of Appendix B (**REP8a-022**), the GLA confirms that it considers an annual limit on nitrogen oxides to be necessary and recommends that this is extended to other pollutants. The GLA's reason for this is its claim that the flue gas flowrate is not controlled by the DCO or the EP, which is addressed in section 4. |

| Reference | GLA's Deadline 8a Submission Comment | Applicant's Response to GLA's Deadline 8a Submission |
|---|---|---|
| | | In section 4 of Appendix B (**REP8a-022**), the GLA explains why it does not consider that a waste throughput cap is sufficient. The GLA quotes from the draft Waste Incineration BREF, which gives a range of flue gas flowrates (at reference conditions of dry gas, 0°C, 11% oxygen) per tonne of waste processed from 4,500 Nm3 to 6,000 Nm3 (based on the European Commission's review of numerous municipal waste incinerators operating across Europe) and notes that this depends on the Lower Heating Value (that is, the net calorific value, or NCV). This is correct but does not fully explain the relationship between NCV and flue gas flow. The dry flue gas is produced from the combustible material in the waste (i.e. the material which is not ash or water). Waste with a lower NCV contains, in general, more water and more ash per tonne of waste than waste with a higher NCV. Therefore, waste with a lower NCV produces less dry flue gas than waste with a higher NCV. This is important because the throughput of REP will depend on the NCV of the waste.<br><br>As the NCV decreases, the waste throughput increases (because each tonne of waste contains less energy and the processing capacity of the ERF is limited by thermal input) but the flue gas flowrate per tonne of waste decreases (for the reasons described above). At a higher waste throughput, REP would only have capacity to process lower NCV waste. Hence, these two effects act in opposite directions and tend to cancel each other out. The Applicant therefore sees no benefit of the reinstatement of Requirement 15 Emission limits on Work 1A based on the concern raised by the GLA. |