

From: [Doug Simpson](#)
To: [Riverside Energy Park](#)
Cc: [Esther Thornton](#); [Vanessa Harrison](#)
Subject: FW: GLA Deadline 8B submission - Reference clarification
Date: 06 October 2019 16:00:44
Attachments: [GLA Deadline 8B submission App B BC DCO.pdf](#)
[GLA Final Deadline 8B submission App A DCO mark-up.pdf](#)

Dear Liam, Sara I wish to make the ExA aware of an incorrect reference made in two of the documents that formed part of the GLA's Deadline 8B submission that I sent last Friday (4 October). I have attached the relevant documents and state the corrections required in bold below

GLA Deadline 8B App A – Comment D56 on page 13 should refer to the “Brent Cross Partners **Section 106 agreement**” and not “DCO”

GLA Deadline 8B App B – The Filename should read “ BC **s106**” and not “DCO”

These document reference corrections do not affect the GLA's stated position on the REP application and draft DCO as set out in our Deadline 8B Cover Note.

Could you kindly make the ExA aware of this, and by way of return email please acknowledge receipt of both this email and our full submission made last Friday

Kind regards
Doug

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Doug

Doug Simpson
Principal Policy and Programme Officer
Circular Economy and Major Projects
Development, Enterprise and Environment Department

Greater London Authority

Ph: 02079834288

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STATUTORY INSTRUMENTS

202[*] No.

INFRASTRUCTURE PLANNING

Riverside Energy Park Order 202[]

Made - - - - - ***

Coming into force - - - - - ***

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An application under section 37(a) of the Planning Act 2008 (the “2008 Act”) has been made to the Secretary of State for an order granting development consent.

The application has been examined by the Examining Authority appointed by the Secretary of State pursuant to Chapter 3 of Part 6 of the 2008 Act and carried out in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010(b). The Examining Authority has submitted a report and recommendation to the Secretary of State under section 83(c) of the 2008 Act.

The Secretary of State has considered the report and recommendation of the Examining Authority, has taken into account the environmental information in accordance with regulation 4(d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and has had regard to the documents and matters referred to in section 104(2) of the 2008 Act.

(a) 2008 c.29. The relevant provisions of the 2008 Act are amended by Chapter 6 of Part 6 of, and Schedule 13 to, the Localism Act 2011 (c.20) and by sections 22-27 of the Growth and Infrastructure Act 2013 (c.27). Transitional provisions are contained in S.I. 2013/1124.

(b) S.I. 2010/103, amended by S.I. 2012/635.

(c) 2008 c.29. Section 83 was amended by paragraphs 35(2) and 35(3) of schedule 13(1) and paragraph 1 of section 25(20) to the Localism Act 2011 (c.20).

(d) S.I. 2017/572.

The Secretary of State, having decided the application, has determined to make an order giving effect to the proposals comprised in the application on terms that in the opinion of the Secretary of State are not materially different from those proposed in the application.

In accordance with section 127(a) of the 2008 Act, the Secretary of State has applied the relevant tests and is satisfied that they have been met.

In accordance with section 132(3) of the 2008 Act, the Secretary of State is satisfied, having considered the report and recommendation of the Examining Authority, that the parcels of open space comprised within the Order land, when burdened with a new right created under this Order, will be no less advantageous than they were before the making of this Order to the following persons: (a) the persons in whom it is vested; (b) other persons, if any, entitled to rights of common or other rights; and (c) the public.

Accordingly, the Secretary of State, in exercise of the powers in sections 114, 115, 120, 122 and 123 of the 2008 Act, makes the following Order—

(a) 2008 c.29. Section 127 was amended by sections 23, (2)(a), 23(2)(b) and 23(2)(c) of the Growth and Infrastructure Act 2013 (c.27) and by paragraphs 64(1) and (2) of Schedule 13(1) and paragraph 1 of Schedule 25 to the Localism Act 2011 (c.20).

SCHEDULES

SCHEDULE 1

Article 3

AUTHORISED DEVELOPMENT

A nationally significant infrastructure project as defined in section 14(1)(a) (nationally significant infrastructure projects: general) and section 15 (generating stations) of the 2008 Act being a generating station with a capacity of over 50 megawatts but below 300 megawatts and associated development under section 115(1) (development for which development consent may be granted) of the 2008 Act comprising all or part of—

In the London Borough of Bexley

Work No. 1 — Works to construct an integrated energy park—

- (a) Work No. 1A — an energy recovery facility including—
 - (i) fuel reception and storage facilities consisting of a tipping hall and vehicle ramp(s), shredder, solid fuel storage bunker, cranes and handling equipment;
 - (ii) waste processing lines, each line including a feed hopper, ram feed, air cooled moving grates, a boiler and steam systems, combustion air systems and flue gas treatment facilities including residue and reagent storage silos and tanks;
 - (iii) associated induced fans and emissions control monitoring systems;
 - (iv) up to two emission stacks;
 - (v) a steam turbine incorporating at least 30 megawatts heat off-take for district heating and electrical generator (if not constructed and installed as part of Work No. 2);
 - (vi) an integrated protection system and uninterruptable power supplies; and
 - (vii) bottom ash conveyors, including storage bunker, crane and ash collection bay.
- (b) Work No. 1B — an anaerobic digestion system including—
 - (i) fuel reception and storage facilities as constructed for Work No. 1A;
 - (ii) conveyor and feed system;
 - (iii) anaerobic digester, dryers and integrated heating system;
 - (iv) solid digestate treatment equipment, handling and storage;
 - (v) ventilation and air collection system;
 - (vi) emission stack;
 - (vii) gas flare;
 - (viii) combined heat and power plant, including combined heat and power engine;
 - (ix) an electrical switchyard, including switchgear and transformer;
 - (x) gas storage and upgrading equipment; and
 - (xi) associated gas and process heat pipes.
- (c) Work No. 1C — solar photovoltaic panels on all or part of Work No. 1E and, should a steam turbine building be constructed as part of Work No. 2, on all or part of the steam turbine building forming part of Work No. 2, on all or part of the steam turbine building forming part of Work No. 2, switchgear, inverters, transformers and permanent equipment for maintenance.
- (d) Work No. 1D — a battery storage facility including—
 - (i) battery energy storage cells;
 - (ii) transformers;

Commented [DS1]: Supported

- (iii) protection cabinets; and
- (iv) switch gear and ancillary equipment.
- (e) Work No. 1E — a building with roof enclosing and/or supporting all or part of Work Nos. 1A, 1B, 1C and 1D.

Work No. 2 — Works to construct—

- (a) a cooling system comprising air-cooled condensers; and
- (b) if not constructed and installed as part of Work No. 1A, a steam turbine incorporating at least 30 megawatts heat off-take for district heating and electrical generator and a steam turbine building to house all or part of the same.

Commented [DS2]: Supported

Work No. 3 — Works to construct and install combined heat and power equipment including heat exchangers, pipework (including flow/return pipework, valving, pumps, pressurisation and water treatment systems).

Work No.4 — Works to construct an electrical substation including switchgear, and transformer, busbar sections, integrated protection scheme and uninterruptable power supplies.

Work No. 5 — Works to construct or install supporting buildings and facilities, including—

- (a) diesel storage tanks;
- (b) a process effluent storage tank;
- (c) a demineralised water treatment plant;
- (d) fire water tank, pump room(s) and fire protection facilities;
- (e) a control room;
- (f) administration block(s);
- (g) a fully integrated distributed control system;
- (h) workshop(s) and associated stores;
- (i) spare parts storage facilities;
- (j) security gatehouses and barriers;
- (k) weighbridges;
- (l) a heavy goods vehicle holding area;
- (m) an external fuel container storage area;
- (n) emergency stand-by generator(s);
- (o) infrastructure for the transmission and/or storage of compressed natural gas;
- (p) an outage contractor compound; and
- (q) a permanent contractor laydown area.

Work No. 6 — Works to construct and install supporting infrastructure, including—

- (a) pipework (including flow/return pipework), cables, telecommunications, other services and associated infrastructure;
- (b) site drainage, waste management, water, wastewater, other services and associated infrastructure;
- (c) new or alteration to accesses, a vehicular access road and internal vehicular access road, vehicle turning, waiting and parking areas; and
- (d) vehicle parking.

Work No. 7 — Works to construct and install from Work No. 6 pipes and cables.

Work No. 8 — Works to construct temporary construction compounds including—

- (a) hard standing;
- (b) vehicle parking;

- (c) accommodation block(s);
- (d) new or alteration to accesses; and
- (e) construction fabrication areas.

In the London Borough of Bexley and the Borough of Dartford

Work No. 9 — Works to construct and install an electrical connection including—

- (a) 132kV electrical underground and overground cables and associated telemetry and electrical cabling;
- (b) cable trenches, ducting and jointing pits;
- (c) above ground cable trough structures which are either freestanding or attached to highway structures;
- (d) temporary construction compounds; and
- (e) new or alteration to accesses.

In the Borough of Dartford

Work No. 10 — Works to connect the electrical connection (Work No. 9) to the Littlebrook substation and associated improvements.

In connection with and in addition to Work Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 and, to the extent that it does not otherwise form part of those Work Nos., further associated development within the Order limits including—

- (a) external lighting infrastructure, including perimeter lighting columns;
- (b) fencing, boundary treatment and other means of enclosure;
- (c) demolition of existing buildings and structures;
- (d) signage;
- (e) CCTV and other security measures;
- (f) surface and foul water drainage facilities;
- (g) potable water supply;
- (h) new telecommunications and utilities apparatus and connections;
- (i) hard and soft landscaping;
- (j) biodiversity enhancement measures and environmental mitigation measures;
- (k) works permanently to alter the position of existing telecommunications and utilities apparatus and connections;
- (l) works for the protection of buildings and land; and
- (m) site establishment and preparation works, including site clearance (including temporary fencing and vegetation removal), earthworks (including soil stripping and storage and site levelling) and excavations, the creation of temporary construction access points and the temporary alteration of the position of services and utilities apparatus and connections,

and such other buildings, structures, works or operations and modifications to, or demolition of, any existing buildings, structures or works as may be necessary or expedient for the purposes of or in connection with the construction, operation and maintenance of the works in this Schedule 1, but only within the Order limits and insofar as they are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

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.

Commented [DS3]: Supported

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	1D, 2(b), 3, 4, 5, 6 and	111	116	38	—	—

process buildings and structures	7					
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;

Commented [DS4]: Supported

- (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.

Commented [D55]: Supported

(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.

Commented [DS6]: The GLA's position remains that a financial contribution to pay for mitigation measures to reduce the adverse impact on bus services from the laying of electrical cables should be included as an obligation. This should be secured in the DCO or in the Construction Traffic Management Plan. Such a requirement would match that secured in the Brent Cross Partners DCO attached at Appendix B to the GLA's Deadline 8B Submission.

Heavy commercial vehicle movements delivering waste

14. (1) Subject to sub-paragraphs (2) and (3) 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.

Commented [DS7]: Supported provided that the amendments to para 10.1.3 of the CTMP suggested by the GLA at Deadline 7A are adopted. The amendments are necessary and effective to maximise use of sustainable transport of waste and materials by river.

(3) Save in the event of a jetty outage, 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.

Commented [DS8]: Supported

(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) The undertaker must ensure that any Heavy Commercial Vehicle servicing the REP must comply with the Euro VI emissions limits or with equivalent (or better) emissions standards

(7)(8) 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

Commented [DS9]: GLA maintains that a requirement for Heavy Commercial Vehicles servicing the REP meet EURO VI emission standards as a minimum. This is necessary and effective to secure maximum air quality and CO2 mitigation benefits, and to effectively comply with the London Emission Zone and London Environment Strategy Policy 7.3.1. Such a Requirement would match that applied in the Silvertown Tunnel development DCO. See GLA Deadline 8B Cover Note and Appendix D for more information.

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

Emission limits – Work No. 1A

15.—(1) During the operational period of Work No. 1A, the average emission concentration of ~~nitric oxide~~ and nitrogen dioxide, expressed as oxides of ~~nitrogen oxides~~, of the combustion emissions discharged through the emissions stack comprised in Work No. 1A for each day must not exceed a limit value of 120mg/Nm³ (expressed at 11% oxygen, dry flue gas, 273.15K), except in such exceptional circumstances as agreed by the Environment Agency.

(2) During the operational period of Work No. 1A, the annual mass emission of ~~nitrogen oxide and nitrogen dioxide, expressed as nitrogen oxides~~ air pollutants in ~~of the combustion emissions~~ discharged through the emissions stack comprised in Work No. 1A must not exceed the ~~a~~ limit values in the following table: ~~of 451 tonnes per annum~~.

Pollutant	Limit
Ammonia	37.5 tonnes per annum
Benzene	37.5 tonnes per annum
Benzo[a]pyrene	0.78 kilograms per annum
Carbon Monoxide	188 tonnes per annum
Dioxins and Furans	0.225 grams per annum
Hydrogen Chloride	22.4 tonnes per annum
Hydrogen Fluoride	3.78 tonnes per annum
Oxides of Nitrogen	451 tonnes per annum
Particulate matter (PM ₁₀)	18.9 tonnes per annum
Particulate Matter (PM _{2.5})	18.9 tonnes per annum
Sulphur Dioxide	113 tonnes per annum
Mercury	0.075 tonnes per annum
Cadmium	0.075 tonnes per annum
Thallium	0.075 tonnes per annum
Antimony	0.043 tonnes per annum
Arsenic	0.094 tonnes per annum
Chromium (total)	0.346 tonnes per annum
Chromium III	1.135 tonnes per annum
Chromium IV	0.488 kilograms per annum
Cobalt	0.021 tonnes per annum
Copper	0.109 tonnes per annum
Lead	0.189 tonnes per annum
Manganese	0.255 tonnes per annum
Nickel	0.819 tonnes per annum
Vanadium	0.026 tonnes per annum

(3) In sub-paragraph 1, “day” means a period of twenty-four hours beginning at midnight.

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

Commented [E10]: GLA maintains Requirement Emission limits – Work no 1A be re-instated with these amendments as GLA submitted in its Deadline 7A Submission. This Requirement is necessary and effective to ensure that the development as built does not exceed the impacts on air quality described in the Environmental Statement annual mass emission limits and should be imposed for all assessed pollutants. Further detail on the GLAs reasoning is provided in Appendix B to our deadline 8A submission.

GLA consider that as the term “Nitric Oxide” is the more common chemical name for NO and “Oxides of Nitrogen” is the more frequently used descriptor for NO_x they should be used. This change has been made in respect of the Emission limits for Works No 1B.

Commented [E11]:
The limits in the table are calculated from the Applicant’s ES table 7.17.

dioxide expressed as nitrogen dioxide) of the combustion emissions discharged through Work No. 1B must not exceed 125mg/Nm3 (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.

Commented [SI12]: Supported

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 securing limits on recyclable material content 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 achieving 65 per cent 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 a six monthly waste composition analysis undertaken by the undertaker, with the findings submitted to the relevant planning authority within one month of the sampling being undertaken;
- (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.

Commented [DS13]: GLA agrees with LBB that Req 16 as drafted does not offer sufficient controls or safeguards to ensure that the waste hierarchy is followed. The GLA considers that the amendments to these paragraphs are necessary and effective to ensure that: Work 1A manages waste that could not otherwise be reused or recycled to comply with NPS EN-1

Commented [DS14]: Supported with amendments. The absence of any identified baseline or maximum limits on recyclable content undermines effective implementation and reporting of the waste hierarchy scheme.

GLA maintains that a 65 per cent recycling level baseline is appropriate and necessary for the REP to meet the Mayor's 65% municipal waste recycling target and 70% commercial and industrial waste target complying with the London Plan, draft London Plan, and the Mayor's London Environment Strategy.

Commented [DS15]: GLA considers six monthly is a more appropriate timeframe to ensure early action can be taken to identify and reduce recyclable material entering the ERF.

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 subparagraph (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 include the undertaker's accreditation to the Mayor's Good Work Standard including payment of the London Living wage for London-based employment activities and must be implemented as approved by the relevant planning authority.

Commented [E16]: The GLA consider the amendment is necessary to ensure that the development will effectively deliver social value and best practice employment practice in line with the Mayor's Good Work Standard. The Good Work Standard, launched on 29 July 2019 sets the benchmark for every London employer to work towards and achieve, including payment of the London Living Wage.

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).

Commented [DS17]: Supported

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 Work No.3. 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;

Commented [DS18]: Supported with amendments. The Applicant's wording falls short of describing the entire combined heat and power plant and equipment that comprises Work No.3 for which the space must be preserved.

- (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~~ at the locations established in the CHP review 2 (e) 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 feasible and commercially viable.

(5) The undertaker must take such actions (which are technically feasible 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~~ two 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.

Commented [DS19]: Supported

Commented [DS20]: The CHP review, and not the work plan will set out the location of a heat network to the site boundary. The DCO places no requirement for such detail to be set out in the work plan. This was discussed at the ISH. The GLA understood that the Applicant would amend to this effect.

Commented [DS21]: Amendment necessary to ensure consistent use of 'technically feasible and commercially viable' throughout the DCO

Commented [DS22]: Supported with amendment. The GLA maintains that ensuring that the frequency of the CHP review should be two years is necessary as any longer period would undermine the delivery of CHP. This is because the London housing market changes rapidly and, therefore, waiting three to five years for a CHP review will result in lost opportunities to deliver CHP

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.

Commented [DS23]: Supported

(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.

Commented [DS24]: Supported

(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 one 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.

Commented [DS25]: Supported with amendment. Under the Applicant's draft DCO wording, circa 100,000 tonnes of compost output could potentially be lost to incineration or landfill over a five year period. If the claimed benefits of the REP anaerobic digester are to be realised, it is necessary that the Applicant works on a continuing basis to secure outlets for use of compost output on land. An annual report to the relevant local planning authority is therefore considered effective to demonstrate commitment to achieving recycling of the AD output.

(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.~~

Commented [DS26]: GLA consider that the undertaker's position is already sufficiently protected by the qualification of 'technically feasible and commercially viable' at Requirement 27 (3)

~~(7)(6)~~ 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)(7)~~ 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)(8)~~ 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

Commented [DS27]: Supported

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~~655,000 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.

~~(2)(3) 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.~~

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

Commented [DS28]: The GLA maintains that the inclusion of this maximum waste throughput is necessary to ensure that the operation of the development does not exceed the basis of the climate change assessment presented in the Applicant's Carbon Assessment (document 8.02.08 submitted at Deadline 2). The Carbon Assessment does not include the climate change impact of the proposed ERF managing any more than 655,000 tonnes per year.

Commented [DS29]: The GLA maintains that the DCO requires similar waste import restrictions to those on the RRRF is necessary and effective to help secure London's strategic waste management needs as has previously been accepted by the Secretary of State. See GLA Submission 8A paras 55-62 for more explanation

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.