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NORTH LONDON WASTE AUTHORITY  
NORTH LONDON HEAT AND  
POWER PROJECT  
EN10071

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STATEMENT OF COMMON GROUND:  
ENVIRONMENT AGENCY

The Planning Act 2008 The Infrastructure  
Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009  
Regulation 5 (2) (q)

AD03 . 04

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June 2016

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## **1 Introduction**

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### **1.1 Purpose of this document**

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared jointly by the North London Waste Authority (the Applicant) and the Environment Agency (EA) in relation to the application (the Application) for a Development Consent Order (DCO) for the North London Heat and Power Project (the Project).
- 1.1.2 The Project comprises the construction, operation and maintenance of an Energy Recovery Facility (ERF) capable of an electrical output of around 70 megawatts (MW<sub>e</sub>) at the Edmonton EcoPark in north London with associated development, including a Resource Recovery Facility (RRF). The proposed ERF will replace the existing Energy from Waste (EfW) facility at the Edmonton EcoPark.
- 1.1.3 This SoCG sets out the matters on which the parties agree and any areas where agreement has not yet been reached in order to ensure that evidence at the examination of the Application focuses on the material differences between the Applicant and the EA regarding the Application for development consent.
- 1.1.4 This SoCG has been agreed and signed by both the Applicant and EA. It represents the position as of 05 May 2016.

### **1.2 Parties to the SoCG**

- 1.2.1 This SoCG has been prepared jointly by the Applicant and the EA.
- 1.2.2 Established in 1986, the Applicant is a statutory authority whose principal statutory responsibility is the disposal of waste collected by the seven north London boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest (the Constituent Boroughs). Since 1994 the Applicant has managed its waste arisings predominantly through its waste management contract with LondonWaste Limited (LWL) and the use of the EfW facility at the existing Edmonton EcoPark and landfill outside of London. The Applicant is seeking permission for the Project to replace the existing EfW.
- 1.2.3 The EA is statutory consultee under the Planning Act 2008 (as amended). The EA is also the regulator responsible for determining a separate application for an Environmental Permit required under the Environmental Permitting Regulations 2010 for the operation of the Project.

### **1.3 Structure of the SoCG**

- 1.3.1 This SoCG has been structured to reflect matters and topics of interest to the EA in relation to the Project. The remainder of the SoCG is structured as follows:

- Section 2: provides an overview of consultation to date between the Applicant and EA;
- Section 3: provides a summary of areas that have been agreed;
- Section 4: provides a record of areas still under discussion; and
- Section 5: contains signatures to this SoCG.

## **2 Overview of Engagement Undertaken**

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### **2.1 Pre-Submission Engagement**

2.1.1 The Applicant and EA have engaged during the pre-application period in respect of the potential effects of the proposed development on the environment and in respect of the application for an Environmental Permit.

2.1.2 11 meetings have been held between the Applicant and EA between March 2014 and October 2015. Meeting agendas were issued to the EA in advance of each technical meeting in order to provide the opportunity for the EA to amend or add to meeting items. There have also been a number of regular telephone calls between the Applicant and the EA to date.

2.1.3 In addition numerous correspondence was exchanged in the form of e-mails and letters. A number of technical background documents prepared to inform the development of the Project were sent to the EA for review and comment, these covered hydrological risk, bunker capacity, geotechnical design, noise assessment and modelling, air quality modelling of technology options and the EIA Scoping Report (contained in Vol 1 Appendix 1.1 of the ES (AD06.02)).

### **2.2 Public Consultation and Publicity**

2.2.1 The Applicant consulted the EA, as a prescribed consultee in accordance with section 42 of the Planning Act 2008 (as amended), about the Project as part of the formal pre-application consultation and publicity process. This process afforded the EA the opportunity to provide formal responses to the information presented at the following specific stages of the pre-application process:

- Phase One Consultation;
- Phase Two Consultation and Section 48 publicity.

2.2.2 The EA responded to the Applicant's Phase One and Two Consultation in its capacity as statutory consultee, as reported in the Consultation Report (AD05.01).

### **2.3 Other Consultation**

2.3.1 The EA were also consulted, as a consultation body under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, by the Planning Inspectorate on the Environmental Impact Assessment Scoping Report submitted by the Applicant in October 2014.

### **3 Matters Agreed**

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3.0.1 The following matters have been agreed between the Applicant and EA at the time of submission of this SoCG.

#### **3.1 Abstraction of water from Deephams Sewage Treatment Works Outflow Channel**

3.1.1 It is agreed that because currently cooling water and in future, raw water will be drawn from the Deephams Sewage Treatment Works outflow channel, and not from Salmons Brook, an abstraction license is not required.

#### **3.2 Bunker Design**

3.2.1 The principle of the ERF bunker design, including capacity, single bunker as well as proposed approach to inspection and maintenance of the bunker, has been discussed during pre-application meetings. Currently the EA has some concerns over the single bunker design. The information on the design, capacity and the approach to inspection and maintenance has been included within the Environmental permit application. The EA are unable to confirm at this stage that the single bunker design will be acceptable for the purposes of the environmental permit application.

#### **3.3 Demolition of existing bunker**

3.3.1 The approach to treatment of the existing EfW facility bunker to manage potential effects on groundwater and flooding is agreed. The existing EfW facility bunker would be fully excavated and the void backfilled with clean clay and a raised cap fitted to prevent flooding.

#### **3.4 Matters which can be agreed as part of the Environmental Permit**

3.4.1 It is agreed that the following matters, relating to the commissioning and operational phases of the site, are to be addressed as part of the Environmental Permit application and no further details are required as part of the DCO application:

- a. checking of air quality modelling;
- b. checking of noise modelling;
- c. methodology for inspection and cleaning of the ERF bunker; and
- d. fire water management within the boundary of the proposed permit.

3.4.2 It is understood that the EPR permit will not cover the construction phase or any part of the site once it is de-polluted and decommissioned, i.e. the demolition/site clearance phase.

3.4.3 Any part of the fire water management infrastructure outside of the proposed permit boundary, will be addressed within the Code of Construction Practice (CoCP) document (AD05.12).

### **3.5 Hydrogeological Risk Assessment**

- 3.5.1 The EA is satisfied that the Hydrogeological Risk Assessment (Vol 2 Appendix 7.2 of the Environmental Statement AD06.02) uses the correct methodology and data sources.

### **3.6 Permits from the EA**

- 3.6.1 It is agreed that an Environmental Permit is required from the EA before the proposed RRF and ERF can operate. This is being sought in parallel to the DCO application. The Environmental Permit application was received by the EA on the 27<sup>th</sup> November 2015.
- 3.6.2 It is agreed that a Flood Risk Activity Permit is required under the terms of the Environmental Permitting Regulations for works within 8m of Enfield Ditch, Salmon's Brook and/or the River Lee Navigation. These will be sought prior to works commencing.

### **3.7 Noise monitoring and baseline data**

- 3.7.1 The principles of noise monitoring and the methodology used to obtain background LA90 noise levels, has been reviewed and feedback has been provided. Raw data for the derived baseline LA90 background levels has been provided and assumptions have also been reviewed.

### **3.8 Noise modelling**

- 3.8.1 The approach to obtaining LA90 background levels has been the subject to extensive correspondence between the Applicant and the EA.
- 3.8.2 The EA has indicated it is generally satisfied with the approach taken to obtain the LA90 background noise levels. Relevant detailed assessment of the noise model including control measures will be undertaken as part of the Environmental Permit application, for the operational phase of the activities. It will not cover the construction phase nor any demolition phase associated noise.

### **3.9 Approach to Flood Risk Assessment**

- 3.9.1 A Flood Risk Assessment (FRA) (AD05.14) has been submitted as part of the Application. The scope, methodology, and data sources of the FRA are agreed. It is agreed that the flood risk can be adequately mitigated. The detailed design of all works must account for flood risk and this will be agreed at the detailed design stage.

### **3.10 Groundwater monitoring**

- 3.10.1 Groundwater monitoring of the secondary aquifer is ongoing and results have previously been supplied to the EA including:
- a) Edmonton Site Protection and Monitoring Programme Report 2012 (Year 1 of 2); and

b) Edmonton Site Protection and Monitoring Programme Report 2013 (Year 2 of 2).

- 3.10.2 During a meeting with the EA on 27 March 2014, it was agreed that the results of this study would be used to inform the trigger levels for future groundwater monitoring, which would move from a quarterly frequency to a biannual frequency.
- 3.10.3 A further Edmonton Site Protection and Monitoring Programme Report for 2014 was provided to the EA in March 2015.
- 3.10.4 Subsequent groundwater monitoring results will be reported to the EA when available. These results will be used to inform any updates proposed to the EA in relation to trigger levels for future groundwater monitoring.

### 3.11 Contaminated land and groundwater protection

- 3.11.1 The draft DCO submitted with the application (AD03.01) includes Requirement 14, which addresses contaminated land and groundwater issues. Requirement 14 requires that before any stage of development commences, the Applicant must submit an investigation and assessment report to the relevant planning authority for approval. The relevant planning authority must consult with the EA before reaching a decision. The investigation and assessment report must identify any pre-existing contamination, set out remedial measures and be accompanied by a management plan setting out long term measures to deal with contaminants remaining on the order land. Finally, Requirement 14 requires that remediation must be carried out in accordance with the approved scheme. The EA has now identified additional measures it would like included in the DCO Requirements in relation to the water environment. NLWA is supportive of this in principle and both parties have agreed the amendment of Requirement 14, as set out at Appendix A to this Statement (both parties note that the amendments to Requirement 14 are subject to the final approval of the Secretary of State). The amendments to Requirement 14 cover the following agreed principles (for the avoidance of doubt, the labels used and the way the documents are separated out below do not necessarily need to be used in the amended drafting of requirement 14):
- 3.11.2 **Verification plan** – production and agreement of a verification plan (the details to be covered by the verification plan are to form part of the investigation and assessment report) prior to any remediation works, providing details of the data to be collected to demonstrate that the works set out in any remediation strategy (to be prepared based on the verification plan) are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action (these requirements are to be contained in the management plan referred to in requirement 14(2)).
- 3.11.3 **Verification report** – production of a verification report to demonstrate the completion of works set out in any approved remediation strategy and the effectiveness of remedial works including results of sampling and



- monitoring carried out in accordance with the approved investigation and assessment report.
- 3.11.4 **Long-term monitoring** – long-term monitoring and maintenance plans in respect of contamination include a timetable of monitoring and the submission of reports along with details of any necessary contingency action arising from the monitoring. On completion of the monitoring specified in the verification plan a final report demonstrating that all long-term remediation works have been carried out and confirming the achievement of remedial targets.
- 3.11.5 **Unsuspected contamination** – procedures for the remediation of contamination not previously identified in relation to ongoing work.
- 3.11.6 **Piling** – consultation with the EA will be undertaken on the piling risk assessments and piling method statements for the Energy Recovery Facility, Resource Recovery Facility, and EcoPark House. After such consultation, the piling risk assessments and piling method statements for the Energy Recovery Facility, Resource Recovery Facility, and EcoPark House shall be submitted to and approved by the relevant planning authority prior to the commencement of piling. The approved piling method statement shall form the basis of the piling designs for the authorised development.
- 3.11.7 Lateral and vertical limits of deviation to piling depths will not exceed the elevations and extents identified within the piling risk assessments and piling method statements, such assessments to be submitted to and approved in writing by the relevant planning authority in consultation with the Environment Agency as part of detailed design.
- 3.11.8 Weekly in situ groundwater monitoring is recommended during the deep ground works as part of a watching brief (for turbidity and migration of pollution). The requirement for a piling risk assessment and method statements is already included within the Environmental Commitments and Mitigation Schedule, (AD06.03).
- 3.12 Details of works within 8m of any main river**
- 3.12.1 The EA agrees that Flood Risk Activity Permit(s) will be required for any landscaping or other works within 8m of any main river and that prior to seeking such permit(s), the Applicant will provide sufficient information in line with the outline information contained within the DCP (AD02.02\_Design\_Code\_Principles) for such permits(s) to be determined.

## **4 Matters Still to be Agreed**

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4.1.1 The following matters are yet to be agreed between the Applicant and EA at the time of submission of this SoCG.

- a) Details of bridge designs which will be produced at the detailed design stage.

## 5 Agreement of this SoCG

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5.1.1 This Statement of Common Ground has been jointly prepared and agreed by:

Name: URSULA TAYLOR

Signature: 

Position: Head of Legal and Governance

On behalf of: North London Waste Authority

Date: 1 June 2016

Name: ANDY GOYMER

Signature: 

Position: PLANNING ADVISOR

On behalf of: Environment Agency

Date: 1 JUNE 2016

## **Appendix A – Amendments agreed between the Applicant and the Environment Agency in relation to Requirement 14 of the draft Development Consent Order**

## **Amendments agreed between the Applicant and the Environment Agency in relation to Requirement 14 of the draft Development Consent Order**

14.—(1) No stage may commence until a written scheme applicable to that stage to deal with any pre-existing contamination of land, including groundwater, within the Order limits which is likely to cause significant harm to persons or pollution of controlled waters or the environment has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The undertaker must consult the Environment Agency in relation to the details of the written scheme before submitting it to the relevant planning authority for approval.

(2) The scheme must include an investigation and assessment report, prepared by a specialist consultant to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose (such remedial measures to include details of the data and sampling to be collected to demonstrate that the remedial measures are complete). The submission of the investigation and assessment report must be accompanied by the submission of a management plan which sets out long-term measures with respect to any contaminants remaining on the Order land (such management plan to include details of and a timetable and targets for long-term monitoring of pollutant linkages, the provision of regular reports, any maintenance measures of groundwater monitoring boreholes and equipment deemed necessary and arrangements for any contingency action deemed necessary as a consequence of the monitoring results).

(3) Remediation must be carried out in accordance with the approved scheme.

(4) If during any stage of the authorised development contamination not previously identified by the investigation and assessment report is found to be present which is assessed by the undertaker as likely to cause significant harm to persons or likely to cause pollution of controlled waters or the environment, then unless otherwise agreed by the relevant planning authority, no further development or works may be carried out in that part of the Order land in which contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.

(5) A verification report must be submitted to and approved by the relevant planning authority (in consultation with the Environment Agency) demonstrating compliance with the remedial measures set out in the approved scheme. The verification report must include results of the sampling required by the approved investigation and assessment report.

(6) A second verification report must be submitted to and approved by the relevant planning authority (in consultation with the Environment Agency) when all long term monitoring has been completed and contain the results of monitoring required by the approved management plan, details of any necessary contingency action required by the approved management plan that has been undertaken and confirmation that all long term remediation works have been carried out and that all long-term remedial targets have been met.

(7) The undertaker must consult the Environment Agency in relation to the details of the piling risk assessments and piling method statements required pursuant to requirement 4(1) before submitting them to the relevant planning authority for

approval. The undertaker must implement the piling design based on the approved piling risk assessments and piling method statements. Lateral and vertical limits of deviation relating to piling depths approved as part of the piling risk assessments and piling method statements submitted pursuant to requirement 4 must also be followed.

#### **Amendments agreed between the Applicant and the Environment Agency in relation to Requirement 4 of the draft Development Consent Order**

##### **Detailed design approval**

- 4.—(1) No stage is to be commenced until plans and written details of: the external appearance of all new buildings and structures (including details of the colour, materials and samples where relevant); piling risk assessments and piling method statements (both of which must include lateral and vertical limits of deviation for piling, such limits to not exceed those lines or situations shown on the works plans) relating to the electricity and heat generating station (Works No. 1a), the resource and recovery facility (Works No. 2) and Works No. 3; vehicular and pedestrian access; parking and circulation areas and hard surfacing materials; wayfinding signage outside the operational site; and external operational lighting and cctv on the boundary of the operational site, proposed within such stage where relevant have been submitted to and approved in writing by the relevant planning authority. The relevant planning authority must consult with the Environment Agency in reaching its decision with respect to the piling risk assessments and piling method statements. The approval of the relevant planning authority of the piling risk assessments and piling method statements may only be given where the approved investigation and assessment report (submitted pursuant to requirement 14(2)) has concluded there is no unacceptable risk to groundwater in the relevant part of the Order land.
- (2) The details submitted under sub-paragraph (1) must be in accordance with the design code principles.
- (3) The authorised development must be carried out in accordance with the details approved under sub-paragraph (1) unless otherwise approved by the relevant planning authority.

#### **Amendments agreed between the Applicant and the Environment Agency in relation to Article 4 of the draft Development Consent Order**

##### **Limits of deviation**

- 4— (1) The development authorised by this Order must be constructed, operated and maintained in the lines or situations shown on the works plans.
- (2) In constructing, operating and maintaining the authorised development, the undertaker may—
- (a) Subject to lateral limits of deviation relating to piling approved in piling risk assessments and method statements submitted pursuant to requirement 4 (Detailed design) deviate laterally from the lines or situations shown on the works plans to the extent of the limits of deviation shown on the works plans; and
- (b) deviate vertically from the levels shown for those works on the works plans—

- (i) subject to requirement 5 of Schedule 2 (requirements) to any extent upwards within the limits of deviation as is shown on the works plans; and
- (ii) subject to vertical limits of deviation relating to piling approved in piling risk assessments and method statements submitted pursuant to requirement 4 (Detailed design) any extent downwards as may be necessary, convenient or expedient.



Series 03 Draft Development  
Consent Order

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