

NORTH LONDON WASTE AUTHORITY

REPORT TITLE:

DEVELOPMENT CONSENT ORDER APPLICATION PROCESS UPDATE

REPORT OF:

MANAGING DIRECTOR

FOR SUBMISSION TO:

NORTH LONDON WASTE AUTHORITY

DATE:

17 June 2016

SUMMARY OF REPORT:

This report provides an update on the process of the Authority's application for a Development Consent Order for a replacement Energy Recovery Facility at the Edmonton EcoPark.

RECOMMENDATIONS:

That this report be noted.

SIGNED: **Managing Director**

DATE: 8 June 2016

1. BACKGROUND

- 1.1 The Authority's application for a Development Consent Order (DCO) for the North London Heat and Power Project (the Project) is an application for permission to construct and operate an Energy Recovery Facility (ERF) to replace the existing Energy from Waste facility at the Edmonton EcoPark in Enfield. The application includes a new Resource Recovery Facility, which would cover bulky waste received to the site and preparation of waste for treatment in the ERF, and also a new Reuse and Recycling Centre (RRC) for public use. There are two new proposed access points to the site, from the north via Ardra Road, and from the east via Lee Park Way.
- 1.2 On 11 November 2015 the Application was accepted by the Planning Inspectorate (PINS), acting on behalf of the Secretary of State. Examination of the Application commenced on 25 February 2016 and is proceeding in line with a six month timetable set out by PINS.

2. EXAMINATION PROCESS

- 2.1 Examination is primarily conducted through written submissions. The timetable sets out eight deadlines at which submissions from the Authority and other interested parties are due. It also includes hearings presided over by the inspector, Paul Hudson, at which oral submissions can be made. To date five deadlines for written submissions have passed, and a single hearing has been held.
- 2.2 For Deadline 1 on 9 March 2016 the Authority submitted its comments on the relevant representations received by PINS between acceptance of the Application and commencement of examination. These representations were an early opportunity for interested parties to express their views on the Application, enabling the inspector to establish the issues that needed to be addressed during examination.
- 2.3 An accompanied site visit was conducted by the Authority on 17 March 2016 to help the inspector familiarise himself with the Edmonton EcoPark and surrounding area.
- 2.4 On 18 March 2016 an issue specific hearing on issues relating to the draft DCO was held, at which specific drafting points were discussed. This meeting was attended by Transport for London, the Environment Agency, and LB Enfield; points made by them in the meeting were taken into account in the updated draft of the DCO which was submitted for Deadline 3 on 6 April. A particular point of concern for both Transport for London and the Environment Agency was the process for consulting with them on detailed development of the design if the DCO is granted, and this has been addressed in revised drafting.
- 2.5 Deadline 2 on 23 March 2016 required no submission from the Authority. Interested parties were invited to submit further written representations, either updating their previously established positions if they had submitted relevant representations, or setting them out for the first time if they had not.
- 2.6 For Deadline 3 on 6 April 2016 the Authority made a number of submissions:
- a brief written summary of oral submissions made by the Authority at the issue specific hearing on the draft DCO;

- responses to the Inspector's first set of written questions, which related to topics including the Project's environmental impacts and how these will be mitigated, traffic and transport, and the draft DCO;
- statements of common ground requested by the Inspector, further details of which appear below; and
- an updated draft DCO taking account of the points discussed at the issue specific hearing on the draft DCO, as mentioned above.

Also due at Deadline 3 were local impact reports from the local planning authority and surrounding boroughs. These were received from LBs Enfield, Haringey, and Barnet. The local impact report from LB Enfield covered all aspects of the Project and environmental statement. The report is largely supportive, but notes that further work is required on specific issues to provide comfort to LB Enfield, including the observation platform, the treatment of the vacant site once the existing EfW is demolished, and the management of surface water. Further discussions have taken place with LB Enfield on all issues raised.

- 2.7 For Deadline 4 on 27 April 2016 the Authority submitted comments on written representations, local impact reports, and responses from other parties to the inspector's first set of written questions.
- 2.8 The most recent deadline was Deadline 5 on 5 June 2016, for which the Authority submitted responses to the Inspector's second set of written questions. These questions were considerably fewer in number than those asked in the Inspector's first set of written questions, and related to issues including traffic and transport, the temporary construction laydown area and use of Lee Park Way, and the draft DCO.
- 2.9 The next deadline will be on 19 June 2016, for which the Authority is required to provide an updated draft DCO. This is being prepared taking into account the detailed comments and issues raised in the examination process.
- 2.10 The Authority has been informed by PINS that there will be four further hearings in the summer. These will take place on 5 and 6 July, and will comprise:-
- an issue specific hearing on the draft DCO;
 - two open floor hearings, at which any interested party or member of the public can speak; and
 - a compulsory acquisition hearing, at which the Authority will make its case for being granted the compulsory acquisition powers in the draft DCO.
- 2.11 There will be two further deadlines for written submissions in July and August, and dates are reserved in August for additional hearings on the draft DCO if required.
- 2.12 The six month timetable for Examination will conclude on 24 August 2016, after which the inspector will have three months to produce a report on the Application, including a recommendation on whether to grant the DCO, for the Secretary of State. The Secretary of State will then have three months to come to a decision, which is expected in February 2017.
- 2.13 All submissions relating to examination of the Application can be found on the Project's page of the PINS website:

<http://infrastructure.planninginspectorate.gov.uk/projects/london/north-london-heat-and-power-project/?ipcsection=overview>

3. PROPERTY MATTERS

- 3.1 There has been continued engagement with land owners on property interests that would be affected by the Project, for example rights of way for utilities that may need to be moved or that would be temporarily interfered with during construction. Property negotiations continue on the additional plots of land that would be required to deliver the Project, such as the temporary construction laydown area to the east of the Edmonton EcoPark.

4. STAKEHOLDER ENGAGEMENT

- 4.1 As noted above, the Authority has submitted, as part of examination, a number of statements of common ground setting out the points agreed and still to be agreed between the Authority and key stakeholders, including the GLA, LB Enfield (as the local planning authority), Transport for London, Natural England and the Lea Valley Regional Park Authority. There are no outstanding matters with the GLA or Natural England. Outstanding matters with other stakeholders are as follows:

- **LB Enfield:** proposed reinstatement of the laydown area; EfW plot after demolition of the existing EfW; connection to Lee Valley Heat Network; section 106 agreement detail; provision of observation platform; surface water discharge rates; and the design codes principles, where LB Enfield is concerned to ensure that cost management is not achieved at the expense of quality. Discussions have taken place on all of these issues, and both parties are working towards a revised statement of common ground covering these issues.
- **Transport for London:** enforcement of mitigation measures in the Transport Assessment; liaison over use of TfL land as part of the Project (it falls within the area which is proposed to be landscaped as part of the Project).
- **Lee Valley Regional Park Authority:** wish to be engaged in final design of landscaping and access to the park; note that the land transactions have not yet been agreed. Both matters are subject to ongoing discussions and are expected to be resolved.

- 4.2 Discussions continue between the Authority and LB Enfield on a section 106 agreement that will cover issues such as transport monitoring, local heat supply and local employment and training.

- 4.3 The Environment Agency has confirmed that the Authority's application for an environmental permit relating to the Project was duly made, and this will be progressed during Examination with a view to giving comfort to the Inspector that the permit will be forthcoming. The permit application and any approval would be subject to detailed design at a later stage.

5. CONCLUSION

- 5.1 Members are asked to note the update contained in this report.

6. FINANCIAL ADVISER'S COMMENTS

- 6.1 The Financial Adviser has been consulted and has no comments to add.

7. LEGAL ADVISER'S COMMENTS

- 7.1 The process for consideration of an application for Development Consent Order is set out in the Planning Act 2008, as amended. The statutory process includes set time limits for the examination and reporting stage, and the examination phase will end on 24 August 2016, in line with those time limits.

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