

NORTH LONDON WASTE AUTHORITY

REPORT TITLE:
DEVELOPMENT CONSENT ORDER APPLICATION PROCESS UPDATE

REPORT OF:
MANAGING DIRECTOR

FOR SUBMISSION TO:
NORTH LONDON WASTE AUTHORITY

DATE:
11 February 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.

RECOMMENDATION:

That the Authority
(a) notes the update on the Development Consent Order Application
(b) agrees to the use of the contingency budget for the DCO on the basis set out in paragraph 5.1

SIGNED: **Managing Director**

DATE: 2 February 2016

1. BACKGROUND

- 1.1 The Authority has submitted an application for a Development Consent Order for a replacement Energy Recovery Facility at the Edmonton EcoPark, with associated plant and operations. Following submission of the application, the Authority was notified on 11 November 2015 that the application had been accepted for examination.
- 1.2 The Authority has been notified that the Examining Authority for this application will be a single inspector, and that the appointed inspector is Paul Hudson.

2. EXAMINATION PROCESS

- 2.1 A draft timetable for examination has been prepared by PINS (the Planning Inspectorate), and will be finalised at the preliminary meeting for the examination which will take place on 24 February, in the Artzone in Edmonton Green Shopping Centre. The draft timetable for examination is contained in Appendix A, and the letter providing these details, as with all correspondence with PINS, is set out on their website. Interested parties include all those who made representations (see list at Appendix C) to PINS following acceptance and also others who are interested parties automatically, for example LB Enfield as the local planning Authority. The representations can be seen in full on the PINS website under the North London Heat and Power Project page. <http://infrastructure.planninginspectorate.gov.uk/projects/london/north-london-heat-and-power-project>
- 2.2 The examination period starts the day after the preliminary hearing and will run for six months. During that time, the process is carried out largely on paper, but key issues will be covered in hearings. There will be hearings on specific topics which the inspector determines, on matters relating to compulsory acquisition of property interests, and there will be an open floor hearing if one is requested by an “interested party” or the inspector thinks it is necessary. Once the details of which hearings are required is established, the draft timetable provides for hearings to take place, during the fortnight starting 27 June 2016, with additional dates in mid-August should they be needed. At this point, it is not possible to predict the number or complexity of questions the inspector will raise in writing, nor the number of hearings which will be necessary, but the inspector has provided an initial assessment of principal issues for examination, and a copy of this is contained in Appendix B to this report. The inspector has the ability to vary the timetable during the period of examination. In discussion with the Authority’s planning and legal consultants, an estimate of the amount of time required has been included in the budget for 2016/2017.

3. PROPERTY MATTERS

- 3.1 The DCO application includes a plan showing the Edmonton EcoPark and the land surrounding it which is included in the scheme, and the property interests which are affected by the scheme. The interests involved include a number of rights of way for utilities (for example, gas, water, electricity), which may need to be moved or which may temporarily not be available for inspections during the works. In addition, there are requirements which fall broadly into the following categories:
- Freehold acquisition: the private road at the north of the EcoPark, leading from the site to Ardra Road and then to Meridian Way; and land adjoining it where a water pumping station used in operations is situated.

- Leasehold acquisition: land to the east of the EcoPark, within the Lee Valley Regional Park, which is needed for construction laydown and supplementary parking during the works.
 - Rights of access along Lee Park Way to provide access to the east of the EcoPark for staff, visitors, and users of the RRC.
 - Ability to maintain land within the Lee Valley Regional Park to a suitable landscaped standard, which has been adapted to take account of comments received during consultation and the development of the scheme, in particular from the Canal and River Trust and from the Lee Valley Regional Park Authority.
- 3.2 The Authority has formally notified all property owners, in accordance with statutory requirements, and detailed negotiations are taking place with those owners who have freehold interests to be acquired, or who will provide a lease for land needed for the scheme. Advice on the compensation payable is being obtained, and taken into account in negotiations. As with all compulsory acquisition, it is vital to seek to negotiate an agreed basis for acquiring the necessary interest in land, and officers are progressing these negotiations. If all interests were to be acquired through the compulsory route, then any payments would fall due in the period after grant of the DCO, expected to be in February 2017, and therefore would largely fall into financial year 2017/18. However, if negotiations progress and are recommended to the Authority during the course of 2016/17 then any payment in this period would be brought to the Authority for consideration and agreement. If there is no agreement through negotiations, then following the grant of the DCO, the decision on the value is referred to the Lands Tribunal for determination.

4. STAKEHOLDER ENGAGEMENT

- 4.1 In addition to property negotiations, discussions are continuing with stakeholders in the project. LB Enfield, as the local planning authority, has an interest in any potential benefits for the local area which could be captured in a section 106 agreement. While most of the potential impacts of the scheme are mitigated through the scheme design, for example the visual impact of a facility of the size required, the section 106 agreement will cover matters such as the local employment and training aspirations of LB Enfield.
- 4.2 The new facility and other activities on site will require an environmental permit from the Environment Agency. The application for this permit has been submitted, and the application will be progressed during the examination, with a view to giving comfort to the inspector that the permit will be forthcoming. The permit application and any approval will be subject to detailed design at a later stage.
- 4.3 The GLA and Transport for London have been consulted in connection with the Scheme, and they have made comments which are supportive of it. The GLA is concerned to ensure that the potential for local heat supply is maintained, and this is enshrined in the design, as required by national planning policy. Transport for London wish to be involved in ongoing monitoring of any traffic impacts.

5. RESOURCES

- 5.1 As set out in this report, the draft timetable for the DCO examination has been received. It indicates the time when questions will be received from the Inspector and when responses will be due, and also the time allocated for hearings. Based on the draft timetable, the precise level of activity which will be required cannot yet be assessed, and it is clear that any preparation time for hearings would take place

between the scheduled Authority meetings in April and June. It is therefore recommended that if the level of advice and engagement needed from external advisers is such that a call on the contingency budget is required, that budget may be used for this purpose, subject to a report back to the next Authority meeting on the amount and purpose of that expenditure. If it is possible to seek approval in advance through the timing of the Authority meetings and the DCO examination activity, then that would be done.

6. CONCLUSION

- 6.1 Members are asked to note the update contained in this report, and to agree to the use of the contingency budget identified in the Financial Adviser's comments on the basis set out in paragraph 5.1.

7. FINANCIAL ADVISER'S COMMENTS

- 7.1 Within the DCO budget for 2016/17, £0.393m has been identified to progress the DCO application through the examination process. In addition, £1.000m has been included in the contingency budget for DCO related work.
- 7.2 Funding for land acquisitions has been included in the capital programme in future years.

8. LEGAL ADVISER'S COMMENTS

- 8.1 The Legal Adviser has been consulted in the preparation of this report and comments have been incorporated into the report.

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Appendix A – Draft timetable for examination of the application

Draft timetable for examination of the application

The Examining Authority (ExA) is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.

Item	Matters	Due Dates
1	Preliminary Meeting	Wednesday 24 February 2016
2	Issue by the ExA of: <ul style="list-style-type: none"> • Examination timetable • ExA's first written questions 	Wednesday 2 March 2016
3	<p>Deadline 1</p> <p>Deadline for receipt by the ExA of</p> <ul style="list-style-type: none"> • Summaries of all relevant representations (RR) submitted by 23 December 2015 exceeding 1500 words • Comments on RRs • Notification by statutory parties of wish to be considered as an interested party • Notification by persons within certain categories of interests on the land of wish to become an interested party • Notification by interested parties of wish to make oral representations at the issue specific hearing on the draft Development Consent Order (DCO) to be held on 18 March 2016 • Notification by affected persons of wish to speak at a compulsory acquisition hearing • Notification by interested parties of wish to speak at an open floor hearing • Submissions from interested parties recommending locations or items for the itinerary for the accompanied site inspection on 	Wednesday 11.59pm 9 March 2016

	<p>17 March 2016</p> <ul style="list-style-type: none"> Any further information requested by the ExA for this deadline 	
4	Accompanied site inspection	Thursday 17 March 2016
5	<p>Issue specific hearing dealing with matters relating to the draft DCO</p> <p><i>Agendas for each hearing will be published on the project page of our website seven calendar days before the hearing is due to take place but will not otherwise be published or circulated. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.</i></p>	Friday 18 March 2016
6	<p>Deadline 2</p> <ul style="list-style-type: none"> Written representations (WRs) by all interested parties <p><i>All parties should submit their full written case and supporting evidence at this stage, as any representations to be heard at a hearing should be based on RR or WR.</i></p> <ul style="list-style-type: none"> Summaries of all WRs exceeding 1500 words 	11.59pm Wednesday 23 March 2016
7	<p>Deadline 3</p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> Written summaries of oral submissions put at the issue specific hearing dealing with matters relating to the draft DCO held on 18 March 2016 Responses to the ExA's first written questions Local Impact Reports (LIR) from local authorities Statements of Common Ground (SoCG) requested by the ExA Updated draft DCO from the applicant Any further information requested by the ExA for this deadline 	11.59pm Wednesday 6 April 2016
8	Deadline 4	11.59pm

	<p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WRs and any responses to comments on RRs • Comments on LIR • Comments on responses to the ExA's first written questions • Any further information requested by the ExA for this deadline 	<p>Wednesday 27 April 2016</p>
9	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Second written questions <p><i>A banner on the North London Heat and Power Project webpage will be updated on this day to detail the documents containing the list of questions.</i></p>	<p>Wednesday 11 May 2016</p>
10	<p>Deadline 5</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Responses to the ExA's second written questions • Any further information requested from the ExA for this deadline 	<p>11.59pm Sunday 5 June 2016</p>
11	<p>Deadline 6</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on responses to the ExA's second written questions • Any further information requested by the ExA for this deadline 	<p>11.59pm Sunday 19 June 2016</p>

12	<p>Dates reserved for:</p> <ul style="list-style-type: none"> • Second issue specific hearing dealing with matters relating to the draft DCO • Any issue specific hearing(s) on other matters that may be required • Any open floor hearing(s) (if required, from any requests received by Deadline 1) • Any compulsory acquisition hearing(s) that may be requested or required • A second accompanied site inspection (if required) <p><i>Agendas for each hearing will be published on the project page of our website seven calendar days before the hearing is due to take place but will not otherwise be published or circulated. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.</i></p>	Period between 27 June and 8 July 2016
13	<p>Deadline 7</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Written summaries of oral submissions put at any hearings held between 27 June and 8 July • Any further information requested by the ExA for this deadline 	11.59pm Monday 18 July 2016
14	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Report on Implications for European Sites (RIES) if required <p><i>A banner on the North London Heat and Power Project webpage will be updated on this day to detail the documents published.</i></p>	Tuesday 26 July 2016
15	<p>Dates reserved for:</p> <ul style="list-style-type: none"> • Any further hearings including third issue specific hearing dealing with matters relating to the draft DCO (if required) 	Wednesday and Thursday 17 and 18 August 2016
16	Deadline 8	11.59pm Monday

	<p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Written summaries of oral submissions put at any hearings held on 17 and 18 August • Applicant's final draft DCO and Explanatory Memorandum • Comments on the ExA's RIES (if required) • Any further information requested by the ExA for this deadline 	<p>22 August 2016</p>
<p>17</p>	<p>The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.</p>	<p>Wednesday 24 August 2016</p>

Appendix B – Initial Assessment by the Inspector of principal issues

Initial assessment of principal issues

This is the initial assessment of the principal issues arising from consideration by myself as the Examining Authority of the application documents and relevant representations received.

It is not a comprehensive or exclusive list of all relevant matters.

Combined Heat and Power

- Compliance with the National Policy Statements and the London Plan policies

Need

- Compliance with the waste hierarchy
- Consistency with the emerging North London Waste Plan

Traffic and transport

- Construction impacts on neighbouring Eley industrial estate
- Implications of proposed compulsory acquisition of Deephams Farm Road and Ardra Road for users currently using this access

Green Belt

- Justification for temporary use of a Green Belt site for construction purposes, and impacts on the Lee Valley Regional Park

Water resources

- Groundwater protection and possible contamination of the chalk aquifer
- Flood risk and mitigation

Visual impact

- Visual impacts during construction

Compulsory acquisition

- Justification for new public access road to the eastern side of the proposed development site
- Justification for loss of open space and arguments for exemption

Draft Development Consent Order

- Adequacy of the draft DCO, including protection of statutory undertaker assets and interests, heritage assets and archaeological interests
- Adequacy of the Code of Construction Practice to provide sufficient protection for ecological etc interests, recreational use and general amenity

Appendix C – List of those who made representations to PINS

No.	Received from
1	KTI Energy Ltd
2	Marine Society and Sea Cadets
3	Malcolm Roberts on Behalf of E Roberts Timber Ltd
4	David Arweny
5	Karen Crowder-James on behalf of Bestway Cash and Carry Ltd
6	Greater London Authority
7	National Grid Electricity Transmission Plc and National Grid Gas Plc
8	Natural England
9	Biffa Waste Services Ltd
10	Monika Weglarz on behalf of Transport for London
11	Andy Goymer on behalf of the Environment Agency
12	The Canal and River Trust
13	Lea Valley Regional Park Authority
14	John Bosworth on behalf of Kennet Property Ltd
15	John Bosworth (of Ashfords Solicitors?) on behalf of Thames Water Utilities Ltd
16	London Borough of Enfield
17	Sandy Kidd on behalf of the Greater London Archaeological Advisory Service operating within Historic England
18	Edmonton Residents
19	North London Waste Plan
20	Public Health England

REPORT ENDS