

NORTH LONDON WASTE AUTHORITY

REPORT TITLE:
DEVELOPMENT CONSENT ORDER CONSULTATION

REPORT OF:
MANAGING DIRECTOR

FOR SUBMISSION TO:
NORTH LONDON WASTE AUTHORITY

DATE:
25 SEPTEMBER 2015

SUMMARY OF REPORT:

This report summarises the Authority's activities with regard to consultation for the Authority's Development Consent Order application, and provides the latest draft Consultation Report which will be submitted as part of that application. The consultation outcomes and proposed Authority responses are highlighted in this report, and the full table of issues raised in consultation and the proposed responses is contained in Appendix A.

RECOMMENDATIONS:

That the Authority
(a) notes the Consultation Report at Appendix A; and
(b) agrees the responses to comments received during Phase Two Consultation including proposed changes to the Scheme as a result of those comments.



SIGNED: **Managing Director**

DATE: 16 September 2015

1. BACKGROUND

- 1.1 The Authority has decided to prepare an application for a Development Consent Order for a replacement Energy Recovery Facility at the Edmonton EcoPark, with associated operations. The detail of the Scheme is described in a report on this agenda seeking approval to the submission of that application. This report provides the draft Consultation Report which must be submitted with the Application. A key requirement for acceptance of the Application by the Planning Inspectorate (PINS) on behalf of the Secretary of State for Energy and Climate Change is demonstration that the required pre-application consultation has been carried out in accordance with the legal requirements.
- 1.2 In line with the SoCC, which the Authority agreed prior to the start of phase 1 of the consultation, as required. the Authority conducted a two phase consultation process to gather feedback on our proposals.

2. PHASE ONE CONSULTATION

- 2.1 Phase One Consultation took place between 28 November 2014 and 27 January 2015 and the outcomes of that consultation and the Authority's responses were reported to the Authority meeting on 27 March. A Phase One Consultation Feedback Report was agreed at that meeting, and published on the Authority's website before the start of Phase Two Consultation.

3. PHASE TWO CONSULTATION

- 3.1 Phase Two Consultation took place between 18 May and 30 June 2015. The information provided for this consultation period was more detailed than in Phase One. The scheme had been developed since Phase One, taking into account the outcome of the first phase of consultation as well as further technical work.
- 3.2 In total 123 responses were received to Phase Two Consultation (from 116 different respondents, as some chose to submit more than one response), which covered over 1,700 individual comments. Among those who responded were statutory bodies who are consultees (statutory consultees) LB Enfield, the Environment Agency, the Greater London Authority, Thames Water and Lee Valley Regional Park Authority.
- 3.3 The comments, broken down by theme and with suggested Authority responses, are in section 6 of the Consultation Report which is at Appendix A to this report. The version in Appendix A is a near final draft of the report. It does not contain the response tables for Phase One consultation, as these were approved by the Authority at the meeting on 27 March, and are available through the Phase One Consultation Feedback Report which is available through the Authority's website. The Consultation Report also does not include appendices and so the consultation materials are not included; these can be made available on request.
- 3.4 The format of consultation comment and proposed response is the same as for Phase One responses, and is set out in tables in the themes: environment; landscape; design and appearance; need for replacement facility; construction and demolition; traffic and transport; visitor centre; cooling technology; consultation process. At the end of each theme, there is a summary of the account taken of phase two comments on that topic. In this section, "comments" means comments received from consultees, and "responses" are the Authority's proposed responses to those comments. The main issues are set out below, on a theme by theme basis:
 - 3.4.1 Environment (Section 6.4): comments covered air quality, noise, ecology, socio-economic impacts, visual impact and water resources. The Authority's proposed

responses largely provide information on where to find commentary in the application documents, largely in the Environmental Statement. As a result of comments received, cyclists were added as general road users in the transport assessment in the Environmental Statement. There is reference in the Authority's responses to some matters being subject to detailed design. Such detailed design will be informed by the Design Code Principles which will be submitted to PINS as part of the application. Other matters of concern related to the period of construction, and the responses refer to the Code of Construction Practice which will bind the Authority in constructing this Project and contains measures to mitigate the impact of construction activity on the local area.

- 3.4.2 Landscape (section 6.5): a number of comments were supportive of the landscaping proposals. More detailed comments referred to the type of habitat to be created, or type of planting. The Authority's proposed response makes clear that these are matters for detailed design, but that the landscaping proposals as presented for consultation will provide a framework for that detailed design which will bind the Authority in implementing the Project. The Authority's responses note that the landscaping scheme takes account of the Lee Valley Regional Park and the protected area in the north east of the EcoPark, and also of the need to design a safe and effective operational site.
- 3.4.3 Design and appearance (section 6.6): a number of comments welcomed the approach to appearance of the proposed ERF. Comments that the viewing platform above the tipping hall was too large have been addressed and led to a change in scale and location of the platform. Comments that EcoPark House was too high, with three storeys, have been addressed, and the proposal now includes a two storey design. This reflects the comments that the original proposal was too imposing in its location. The specific requirements for EcoPark House can be accommodated in a two storey building.

Some comments asked for changes which have been considered in the development of the design of the ERF, as set out in both phases of consultation. For example, the design of the chimney stack was consulted on in principle in phase one, and again on the proposed design in phase two. In keeping with the view that it is preferable for the building's visual impact to be minimised, the cladding proposals for the ERF and stack remain as set out at phase two, with the detailed design to follow the principles set out in the Design Code Principles. Comments suggesting that the buildings could be lowered into the ground have been responded to by reference to the site's location within a groundwater Source Protection Zone, which makes this proposal inappropriate.

Comments on the colour are met by the colour palette in the Design Code Principles which will allow for a final decision at detailed design stage, and this is set out in the response.

A comment was made that there should be solar panels. The response is that roof area has been safeguarded on the ERF and/or the RRF for photovoltaic panels, subject to feasibility and cost benefit analysis at detailed design stage. This is a change arising from consultation comment.

- 3.4.4. Need for replacement facility (section 6.7): a number of comments recognised the need for the facility, and accepted the proposals for size. The reduction in waste to landfill was welcomed. Some comments acknowledged the importance of recycling in the approach to sizing; others thought that the proposal failed to encourage recycling. The Authority's response refers to the Need Assessment, which contains

the reasoning for the assumption of a 50% recycling rate for municipal waste from 2020 to 2051. The Authority's commitment to following the waste hierarchy is stated. Some comments welcomed the possibility of local heat provision from the ERF. The response acknowledges the potential for heat supply, clarifying that the LVHN, referred to specifically by some applicants, would be subject to a separate planning application.

Comments refer to the choice of site and to the need for assessment of alternatives. The response refers to the Alternatives Assessment Report, which describes the options analyses carried out, and the site criteria followed, in leading to this Project.

- 3.4.5 Construction and demolition: (section 6.8): comments included concern about the potential for adverse impact on the local community arising from traffic, and air pollutants; some detailed comments on managing construction to reduce impacts were made. The Authority's response referred to the Code of Construction Practice, which will cover these areas, and which proposes a Community Liaison Group to be established by the Authority prior to the start of construction, which was supported. The Environmental Statement includes assessments relating to the construction and demolition period, and which cover the entirety of the Application Site, including the temporary laydown area.

- 3.4.6 Traffic and transport (section 6.9): comments provided support for the additional access points to the EcoPark, which is welcomed. the Authority's proposed response refers to the Traffic Assessment, which assessed the impact in both the construction and demolition periods, and during operations. Travel plans for both the construction/demolition and operational periods are proposed to assist in managing impacts from traffic movements.

Comments supporting water transport were made, and the Authority's response is that an analysis of the cost and benefit of using waste transport has been undertaken. As a result of that, water transport is not proposed in this Project (for either the construction/demolition or operation periods).

- 3.4.7 Visitor centre (section 6.10): there was general support for a Visitor Centre, with particular aspects of education and support to the Sea Cadets being welcomed. There was some concern that there was insufficient community need for this to be necessary, which is responded to by stating that visitor space is required for those attending EcoPark tours, or visiting the facility, in addition to potential community use.

- 3.4.8 Cooling technology (section 6.11): the responses in this section will be finalised once Members have taken a decision on the cooling system at this meeting. The comments received are set out by reference to the nature of the comment made. 40 comments supported the air cooled system, of which the greatest number either gave no reason or stated that the support was because there was no plume. In addition, a comment expressed concern about water vapour because it (a) can be a distraction to drivers and (b) exacerbates negative perceptions on the current site. 27 comments supported the water cooled system, of which the largest number (13) gave no specific reason, and 10 stated it was because of the higher energy output.

In commenting on the criteria to be used in reaching a decision, 10 comments were made. 2 comments were that cost should not be the main factor; 3 that the cheaper option should be chosen; 5 stated that the most environmentally friendly option should be chosen. The Authority's decision on the cooling technology will take account of these comments.

3.4.9 Consultation process (section 6.12): these comments covered a wide range of topics, including comments on the level of detail and quality of information available. Some felt that the level of detail and quality was satisfactory, whereas others that the materials were not user friendly or difficult to find. The response sets out the variety of forms in which information was available, including consultation booklet, and information through the website. A number of requests for additional information were made; much of this information is contained in the application documents which are referenced in the responses.

3.5 Members are asked to consider the responses set out in the tables and approve those as the Authority responses to consultation comments.

4 CONSULTATION REPORT

4.1 The consultation report covers both phases of consultation, and includes the consultation detail and response tables which were included in the Phase One Consultation Feedback Report. The report includes consultation detail which has taken place in Phase Two, as well as information relating to informal engagement, both with community groups and with statutory consultees. The appendices to the report will contain the statutory notices, other advertisements, consultation booklets and leaflets.

4.2 Section 2 of the Consultation Report, "Approach to Consultation" sets out the statutory requirements for consultation, and provides details of the way in which these requirements were met. Section 2.5 and Table 2.4 in the Consultation Report demonstrate compliance with the SoCC.

4.3 Following the detailed sections on the two phases of consultation, section 7 provides information about informal engagement carried out in the formation of the scheme for application, including with local community groups and statutory consultees.

5 CONCLUSION

5.1 Members are recommended to agree the proposed responses to comments received set out in the response tables, as well as the consultation report as a whole.

5.2 Members are also recommended to note the consultation responses on the issues of the ERF's cooling system, the height of the viewing platform, and the size of EcoPark House.

6 FINANCIAL ADVISER'S COMMENTS

6.1 The Financial Adviser has been consulted in the preparation of this report, and comments have been incorporated into the report.

7 LEGAL ADVISER'S COMMENTS

7.1 The Planning Act 2008 (the "Act") contains statutory requirements for DCO projects. Section 42 of the Act places a duty on the applicant to consult certain statutory persons, statutory bodies, local authorities, landowners and significantly affected persons. Section 47 places a duty on the applicant to consult people living in the vicinity of the proposed project.

7.2 Before consultation can take place, the applicant must prepare a Statement of Community Consultation which sets out their approach to consultation, and in particular to the proposed public engagement. They must then conduct the

consultation in line with this, and the attached Consultation Report demonstrates that this has been done.

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