NORTH LONDON WASTE AUTHORITY

REPORT TITLE:
DEVELOPMENT CONSENT ORDER APPLICATION

REPORT OF:
Managing Director

FOR SUBMISSION TO:	**DATE:**
NORTH LONDON WASTE AUTHORITY	25 SEPTEMBER 2015

SUMMARY OF REPORT:

This report provides a description of the scheme for which the Authority is preparing an application for a Development Consent Order, including details of the aspects that require Member decisions. It sets out the application documents, and the proposed approach to the DCO and the process and timescale for the examination process.

RECOMMENDATIONS:

That Members:-

(i) agree the scheme as set out in this report as the scheme for which an application for Development Consent Order will be made;
(ii) approve the air cooling system option; and
(iii) approve the submission of the application for Development Consent for the scheme;
(iv) note the timescale proposed for submission, and the process for the application thereafter

SIGNED: .....**Managing Director**

DATE: 16 September 2015

1. BACKGROUND

1.1 At the Authority meeting on 12 December 2013, Members agreed that the Authority would launch the North London Heat and Power Project, which comprises the construction, operation and maintenance of an Energy Recovery Facility (ERF) to replace the existing Energy from Waste (EfW) facility at the Edmonton EcoPark in north London in 2025, when the EfW facility is expected to reach the end of its operational life.

1.2 As the ERF would generate more than 50 megawatts of electricity, in planning terms it would be a Nationally Significant Infrastructure Project. An application for this kind of project takes the form of an application for a Development Consent Order (DCO) which is made to the Planning Inspectorate (PINS) for decision by the Secretary of State for Energy and Climate Change.

1.3 Two phases of public consultation have been carried out, and the report on those consultations is presented for approval elsewhere on this agenda. The scheme has developed to take account of comments received in consultation. In addition, there has been informal engagement with statutory bodies, including LB Enfield, the GLA, the Environment Agency and Transport for London. These discussions have informed the development of the Project.

1.4 This report sets out the details of the proposed scheme, taking account of responses to consultation as set out in the report on the outcomes of phase 2 consultation also on this agenda. It then provides an overview of the documentation required for the submission, with the key purpose of each highlighted. Drafts of these documents are available for Members if they wish to see them, and the full application will be available through the website of the planning inspectorate (PINS) on acceptance of the application.

1.5 The report then sets out the next steps in the application process and the anticipated timetable.

1.6 The report has the following appendices:

Appendix A: Draft Development Consent Order including at Schedule 1 the description of the scheme for which the application is being made.

Appendix B: list of documents to be submitted.

Appendix C: plan showing the application site, which includes the Edmonton EcoPark and land nearby which is needed in order to deliver the project.

Appendix D: a list of the design features which have been incorporated into the design, or which will be incorporated in the detailed design, which have been assumed in carrying out the environmental impact assessments, to which the Authority will be bound in implementing the DCO, if granted.

2. THE SCHEME

2.1 The main element of the scheme is the ERF, an energy generating facility which would have two process lines, each with a capacity of 350,000 tonnes per annum, generating around 70 megawatts electricity. In accordance with previous decisions made by the Authority, the facility will have selective catalytic reduction technology for the management of NOx emissions. The flue gas treatment technology will be either a wet or a combined system, both of which have been assessed in the

environmental impact assessment, and have similar environmental impacts. The technology for cooling is the subject of a recommendation in this report.

2.2 In addition, the DCO application will cover the following:-

- a Resource Recovery Facility (RRF) including a Reuse and Recycling Centre (RRC), a relocated transfer hall and a bulky waste/fuel preparation facility;
- EcoPark House, which on top of accommodating the Edmonton Sea Cadets would be a visitors' centre where people could learn about recycling, waste, heat and power;
- new site access points from Lee Park Way and Deephams Farm Road;
- new internal weighbridges, roads and parking areas;
- hard and soft landscaping; and
- the decommissioning and demolition of the existing EfW facility.

2.3 The full detail of the proposed scheme is set out in Schedule 1 to the draft DCO, which is in Appendix A. This Schedule also describes the stages of development which would be proposed, namely site preparation and the laydown area; construction of the RRF; construction of the ERF; and demolition of the existing EfW following a commissioning hand over period.

2.4 The DCO is enclosed at Appendix A, and is described in more detail below.

Cooling System

2.5 At phases 1 and 2 of the consultation on the project, the two possible cooling system technologies were set out, and views sought from consultees. Members decided to await the outcome of phase 2 consultation before making a decision on the cooling technology. The comments received in phase 2 consultation are set out in the report on consultation on this agenda.

2.6 A cooling system is required at all power facilities to condense exhaust steam (at the back of the generating turbine) back to boiler feed water. The heat from condensing the steam can be removed using either air cooled condensers or a wet cooling tower, with the choice of system dictating the turbine exhaust pressure, which in turn dictates the allowable inlet steam pressure and therefore maintenance and efficiency levels.

2.7 The current EfW utilises a wet cooling tower, drawing treated water from the adjacent Thames Water facility. This results in a visible vapour plume during cold weather which is sometimes mistaken by the public for smoke.

2.8 The benefits and costs of both options are as follows:-

- **Visual Impact:** A wet cooling tower would, as in the case of the existing EfW facility, result in a visible vapour plume during cold weather. Air cooled condensers generate no plume. The presence of a water vapour plume exacerbates the industrial nature of the development in an area that will become increasingly mixed use but with higher concentrations of residential development and this effect can be minimised by using an air cooled condenser system

- **Noise:** An air cooled condenser would rely on the operation of large cooling fans, resulting in some low level noise. This would not be an issue with a wet cooling tower.

- **Communications:** It is clear from the communications received by LondonWaste Ltd, and from responses to consultation, that in the absence of explanation there

is a tendency to assume that the steam issuing from a wet cooling tower is smoke, and therefore potentially harmful. In order to manage this perception, if there were a wet cooling tower, ongoing and regular communication on the nature of the emissions would be needed to ensure that the harmless nature of the plume is understood. An air cooled condenser would not require this.

- **Maintenance:** A wet cooling tower would require more maintenance in the form of dosing the water used with chlorine to ensure there is no Legionella or other pathogens present, plus additional maintenance to minimise corrosion caused by the vapour plume. It would also depend upon the operator's ability to draw treated water from the adjacent Thames Water facility, Deephams Sewage Treatment Works. Thames Water has indicated that its intended upgrade to this facility will not result in any change to water flows required for the current or future operation. The fact of the steam also means that dust is collected, and settles on surrounding buildings, thus adding to the external cleaning requirements for the ERF and other onsite buildings. An air cooled condenser system would require none of these considerations.

- **Efficiency:** A wet cooling tower would be more efficient than an air cooled condenser, generating a higher net power output of approximately 1MWe over an air cooled system.

- **Cost:** An air cooled condenser would have higher initial capital expenditure of approximately £6m greater than of a wet cooling tower system. In addition, the wet cooling tower system allows a higher energy output, which is estimated to have a potential value of £3.5m over 20 years.

- **Consultation:** As noted in the report on the DCO consultation, there were a number of comments on the specific question relating to the cooling system. These comments were, on balance, in favour of avoiding the plume because of its visual impact and the potential for considering it to be smoke. Taking account of these factors, and in particular that the local area has hosted an energy from waste facility for many years, and will continue to do so under this scheme, it is recommended that Members choose to incorporate an air cooled condenser system into the scheme.

3. THE DRAFT DCO

3.1 The draft DCO is based on a model Development Consent Order which sets out the expected structure and likely provisions required. Where the drafting departs from the model, we are required to explain what it is that is different. An example is the approach to enforcement of the DCO provisions explained under the "Requirements" heading below. The departures from the model DCO will be contained in the Explanatory Memorandum, which must accompany the application, and which describes the DCO in non-legal language. The draft DCO will be considered during the examination part of the process, and changes may be made as a result of issues raised then.

3.2 The draft DCO contains sections as set out in the contents list in Appendix A. The following paragraphs highlight sections which particularly describe the scheme and the structure of the document:

(a) Articles: these set out the development which is permitted by the DCO. This will provide permission to carry out the authorised development in schedule 1. The articles contain a number of wide ranging powers, including the ability to carry out

street works, temporarily stop up works, carry out protective works – works to protect the property of others which may be affected, eg by dust during construction.

(b) Development Description (Schedule 1). This section contains the detail of the works for which approval is sought. The level of detail in this schedule is sufficient to allow environmental impact assessments to have taken place, and to form the basis of the detailed design to follow. In proposing the detailed design following the decision on the DCO, the Authority would be required, through the Requirements mentioned in the next paragraph, to ensure that the core features of the scheme are maintained, and these will be set out in the documents describing the design, the environmental mitigation and the Code of Construction Practice (CoCP). Approval will be needed from LB Enfield as the local planning authority to the detailed design, and the process of considering the detailed design will be framed by the documents which are certified in the DCO.

(c) Requirements (Schedule 2). Like planning conditions, these set out specific obligations which must be met in implementing the DCO both for construction and demolition, and on an ongoing basis during operations. The drafting of the Requirements incorporates the following documents, which will set the boundaries for the detailed design of the ERF and the rest of the development;

- The design principles. These set out the approach to be followed to achieve the look and functionality of the buildings and site, as presented for consultation;

- The Code of Construction Practice. This describes the good practice that will be followed in the period of construction and demolition. The Authority's contractors will be required to sign up to this;

- The Environmental Mitigation Measures Document. This sets out the measures which were assumed when the environmental impact assessments were carried out, which are either incorporated into the design, or to be incorporated in the detailed design. This document shows where each measure is secured. Appendix D to this report highlights the measures which are incorporated into the design, to demonstrate that environmental matters were taken into account at this stage of design, and not left to be managed through mitigation measures determined later. The precise detail will be subject to detailed design and an approvals process with the local planning authority.

(d) Other schedules list in detail the streets and land to be affected, in different categories depending on whether there will be a temporary interference while works are carried out (eg on Advent way for the widening of the main access to the site) or permanent acquisition (eg Deephams Farm road).

4. PROPERTY INTERESTS

4.1 Red line boundary (attached at Appendix C) showing the application site was fixed before Phase Two Consultation and includes the entirety of the area which is expected to be used for the scheme, both on a temporary basis (e.g. the laydown area within the Lee Valley Regional Park) and permanently (e.g. the new road accesses to the north and east of the EcoPark).

4.2 It is possible to include in the DCO rights affecting other property interests, including compulsory acquisition and the ability to interfere permanently or temporarily with the rights of others (e.g. rights of way or access), but reaching agreements with property owners is preferable. The rights required to implement the Project are included in the draft DCO. Officers are progressing agreements with those affected, and any

agreements entered into will be documented. It is hoped that a number of these agreements will be finalised before the start of the examination.

4.3 We have, as far as is possible, completed title investigations on the plots with which we may need to interfere. Letters have been sent out to property owners whose rights may be affected to inform them of this possibility and chaser letters have been sent to those who have not responded. We are seeking settlement agreements with those who have responded.

5. APPLICATION DOCUMENTS

5.1 The application documents required are prescribed by statute. Drafts of a number of the documents were made available for phase 2 consultation. In addition to the draft DCO, with its Explanatory Memorandum, particular attention is drawn to the following:

(a) The Environmental Statement, with non-technical summary. This contains, in three volumes, the assessments carried out into the areas of Air Quality, Archaeology, Daylight, Ecology, Environmental Wind, Ground conditions and Contamination, Noise, Socio-economics, Transport, Water The Scope of the Environmental Statement (that is, the topics covered within it) were agreed with the statutory consultees in the autumn of 2014.

(b) The Need Assessment contains the waste modelling which informed the Authority's decision on the sizing of the facility. In addition, it includes the relevant policy relating both to energy generation and waste management, and shows how the approach to sizing is consistent with the waste hierarchy and ongoing recycling in the north London area.

(c) The Planning Statement sets out the policies relevant to this project, and lists the benefits of the project.

(d) The Alternative Assessment Report provides the background to the Authority's decision to seek a development consent order for a replacement facility, including setting out the options work carried out in connection with the procurement, as this forms the background to the technology views taken in 2014 based on updated technology reporting, and describes the change in planning policy applicable to the Edmonton EcoPark.

(e) The Combined Heat and Power Strategy covers the policy requirement that new ERF must be capable of supplying heat, and further describes the Authority's consideration of other potential users of heat, in addition to the LB Enfield sponsored Lee Valley Heat Network.

5.2 A list of application documents with brief descriptions can be found at Appendix B. These documents are now at the stage of advanced draft, and are being finalised. They would be made public on acceptance of the application for the development consent order, through the website of the planning inspectorate. The drafts are available for Members in conjunction with this report.

6. LOCAL PLANNING AUTHORITY AND OTHER STAKEHOLDERS

6.1 Officers have been in discussions with LB Enfield about a section 106 agreement to accompany the DCO. This would cover any matters of local impact not included in the DCO. The scope of the section 106 agreement drafted takes account of relevant LB Enfield policies, including the Special Planning Document for the EcoPark site. The draft covers local employment, travel plans, and the provision of heat. The

ability to provide heat is a matter of national policy, which is covered in the DCO, but the section 106 will reflect the LB Enfield policy that heat should be provided to the Lee Valley Heat Network by accepting the principle, subject to commercial negotiations. The Scheme design allows space for the District Heating Energy Centre at the south of the EcoPark, if a separate planning application for this is successfully made to LB Enfield, and for pipe routes either for LVHN or for other heat off-takers, from the ERF to the south and north of the site.

6.2 Officers have agreed with a number of stakeholders that Statements of Common Ground will be prepared and agreed. This enables PINS to see what issues are outstanding, and to use this to consider what may be covered in oral hearings during examination. Statements of Common Ground are proposed with the London Borough of Enfield, Thames Water, and Lee Valley Regional Park Authority, among others.

7. APPLICATION PROCESS AND TIMELINE

7.1 The application would be finalised and submitted following the decisions at this meeting is made to the Planning Inspectorate (PINS) who will take it through the formal examination process before making a recommendation to the Secretary of State. From the date of submission, PINS has 28 days to determine whether the application meets the criteria for acceptance.

7.2 Following acceptance of the application, there is a pre-examination period during which anyone who wishes to make representations during the examination of the application must register with PINS. The Authority must advertise the acceptance of the application, and the time for registering with PINS.

7.3 Immediately before the examination starts, there is a pre-examination meeting, following which PINS will issue the timetable for the examination, including topics for hearings and dates of hearings. There is no statutory timeframe for the period between acceptance and the start of examination, although the PINS website indicates a period of three months. The examination itself lasts for up to six months during which time the examining authority on behalf of the Secretary of State will consider the application in detail, raise questions, and hold hearings.

7.4 The final decision from Secretary of State is expected in early 2017.

8. CONCLUSION

8.1 The draft DCO sets out a scheme which would enable the Authority to continue to provide residual waste management at the EcoPark for the next generation, with associated waste management activity. The documentation supporting the application has been prepared in accordance with the statutory requirements and guidance. In accordance with the Authority's decision in December 2013 and subsequent decisions to progress the planning process for a new energy recovery facility at the EcoPark, it is recommended that the application be approved for submission.

9. FINANCIAL ADVISER'S COMMENTS

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

10. LEGAL ADVISER'S COMMENTS

10.1 The application for Development Consent Order is being made pursuant to the Planning Act 2008 (as amended). The process for applying for consent for a Nationally Significant Infrastructure Project is laid down in detail in statute and regulation. External legal advisers and counsel have been involved at all stages to ensure compliance with the legal requirements.

10.2 Once the application is submitted, PINS will review the application for acceptance, in particular taking into account the required assessments, and the consultation. The consultation report and Environmental Statement will form a key part of the review of the application for acceptance.

10.3 PINS offer a service of review of documents prior to submission, and officers have supplied documents for review. The comments from PINS (which are available through their website) have been incorporated into updated versions of the documents which are now being finalised for submission.

10.4 The draft Development Consent Order has also been reviewed by PINS. It represents the Authority's preferred approach to the description of the scheme and the associated requirements, which will bind the Authority in implementing the DCO if granted. As required, the reasons for the drafting, and any departures from the model DCO draft, are set out in an Explanatory Memorandum which accompanies the application. The draft DCO will be considered in detail during examination.

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REPORT ENDS