

**NORTH LONDON WASTE AUTHORITY**

**REPORT TITLE:** TRANSPORT YARD UPDATE

**REPORT OF:** PROGRAMME DIRECTOR

**FOR SUBMISSION TO:** PROGRAMME COMMITTEE

**DATE:** 29 OCTOBER 2019

**SUMMARY OF REPORT:**

To enable the North London Heat and Power Project to construct the new waste management facilities it is necessary to temporarily relocate LondonEnergy Ltd's (LEL) current transport yard off the EcoPark. Members have approved taking the lease of a site which can meet the operational requirements once some upgrade works have been carried out. Members have given authority to commence with the procurement of these works. This paper provides an update on the activities required to establish the transport yard

**RECOMMENDATIONS:**

The Programme Committee is recommended to note the contents of the report.

**SIGNED:**  ..... **Programme Director**

**DATE:** 17 October 2019

## **1. BACKGROUND**

- 1.1. This report relates to the North London Heat and Power Project (NLHPP), the Authority's project to provide a replacement Energy Recovery Facility (ERF) at the Edmonton EcoPark, which was authorised in February 2017 by a Development Consent Order (DCO). This report relates specifically to the need to relocate the LondonEnergy Ltd (LEL) transport yard off the EcoPark, which was not included in the DCO.
- 1.2. At the Programme Committee on 3 June 2019 Members authorised the Programme Director to proceed with the acquisition of a site on Hawley Road in the London Borough of (LB) Enfield
- 1.3. At the 22 July Programme Committee Members authorised the Programme Director to commence the procurement of the works. Members asked that the Programme Director review the timing of the award of the contract for the works. This was to ensure there would be no risk of wasted costs as a result of any delay to the decision by LB Enfield on the planning application for the necessary works. Members asked the Programme Director to provide an analysis of decision making by LB Enfield on planning applications, so that the risk of delay or refusal could be assessed. The schedule presented at the 22 July Programme Committee showed an award of contract prior to the outcome of the planning application.
- 1.4. This report provides an update to the schedule. It also explains that the risk of abortive costs from a contractor is now avoided.
- 1.5. In support of this update on the activities required to establish the transport yard this paper provides further details on:
  - 1.5.1. The schedule milestones leading up to completion of the works
  - 1.5.2. The progress towards a successful planning determination
  - 1.5.3. The progress towards agreeing a lease with LB Enfield

## **2. RE-SCHEDULE OF AWARD OF CONSTRUCTION WORKS**

- 2.1. Table 1 shows the revised milestone dates that support the timing of an award of contract to follow the successful determination of planning and agreement of the lease.
- 2.2. The award of the works has been re-scheduled to happen immediately after the planning determination provided that determination is positive.
- 2.3. The Programme Committee are asked to note that the timing of the procurement process as shown in Table 1 shows that the award of the works will now be made after the successful determination of planning thereby avoiding the risk of postponing or cancelling the works if planning were not granted. On this basis the Programme Director will award and manage the contract.
- 2.4. The completion of the works remains the same as reported previously despite rescheduling the contract award. This has been achieved by a shorter allowance for

the discharge of pre-commencement conditions which is expected to be achieved as a result of discussions with LB Enfield planning officers, and the responses to the planning application received from the LB Enfield Environment Health Officer and traffic officers, and Transport for London.

<b>Activity Milestones</b>	<b>Date</b>
Planning Application submission date	6 September 2019 (Actual)
Issue of invitation to tender for the works	15 October 2019 (Actual)
Complete evaluation of tenders for the works	22 November 2019
Planning determination (anticipated notification)	6 December 2019
Anticipated completion of lease	7 December 2019
Award contract award letter	9 December 2019
Complete discharge of pre-commencement conditions	6 March 2020
Construction works commence	9 March 2020
Construction works complete	6 July 2020

Table 1

### **3. LEASE**

- 3.1. As set out in the report to the Programme Committee on 3 June, Heads of Terms for the lease of the site by LB Enfield have been agreed. Officers have been notified that the necessary authorisation for the lease has been given by LB Enfield, and a draft is currently awaited.

### **4. PLANNING MATTERS**

- 4.1. A planning application was submitted to the LB Enfield on 6 September 2019
- 4.2. LB Enfield officers have indicated that the planning application will be included in the agenda of the Planning Committee meeting scheduled for 26 November 2019.
- 4.3. Dialogue with the LB Enfield planning team is on-going to monitor progress through the planning process towards a Planning Committee meeting on 26 November 2019. The formal period for consultation has closed, and the only responses received are from technical stakeholders as set out above, and contain comments that can be accommodated in the design of works or through acceptable planning conditions.
- 4.4. Constructive dialogue continues with Enfield's planning officers. Their timetable for consideration by the Planning Committee meets our project schedule.

- 4.5. To further understand the level of risk associated with the Planning Committee process a limited statistical analysis (relating to relevant applications, so not including housing development) showed that during the period 26 June 2018 to 27 August 2019 three applications were deferred for reconsideration at a later date. The reason for the deferral was primarily stated as policy departure and in the case of two of the applications further information was required regarding the detail of the applications including car park management proposals and CCTV details. Neither of these issues applies to the Authority's planning application for the Hawley Road site.

## **5. EQUALITIES IMPLICATIONS**

- 5.1. The contract for works will incorporate obligations on the contractor to comply with the Employment Relations Code of Practice, including equal opportunity and non-discrimination.

## **6. COMMENTS OF THE LEGAL ADVISER**

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

## **7. COMMENTS OF THE FINANCIAL ADVISER**

- 7.1. The project costs are in line with the costs presented to the Programme Committee in July 2019.

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