

NORTH LONDON WASTE AUTHORITY

REPORT TITLE: DEVELOPMENT CONSENT ORDER CONSULTATION

REPORT OF:

MANAGING DIRECTOR

FOR SUBMISSION TO:

EXTRAORDINARY AUTHORITY MEETING

DATE:

27TH MARCH 2015

SUMMARY OF REPORT:

This report provides the outcomes of phase 1 consultation on the Authority's proposals for a replacement energy recovery facility (ERF) with associated works, and asks for approval of the proposed responses, to be taken into account in the finalisation of the scheme for submission, subject to the outcomes of phase 2 consultation.

It then sets out the approach to phase 2 consultation in preparation for finalisation of the scheme for submission to the Planning Inspectorate, for a Development Consent Order permitting the construction of a replacement Energy Recovery Facility at the EcoPark site, and associated development.

RECOMMENDATIONS:

The Authority is recommended to:

- (a) note the issues raised in consultation and agree the responses as set out in Appendix A to this report
- (b) agree the proposed themes for consultation, and the draft questions for finalization for phase 2 consultation, starting on 18 May 2015
- (c) comment on and note the groups which officers intend to contact to offer a presentation or further information
- (d) note that it is proposed to arrange a session in mid-April for Members to review the consultation materials and comment, prior to finalization of those materials.
- (e) agree to consultation phase 2 being carried out on the basis set out in this report.



SIGNED:

Managing Director

DATE: 18 March 2015

1. BACKGROUND

- 1.1 The Authority has decided to progress an application for permission to build a replacement energy from waste facility (ERF) at the EcoPark in Edmonton together with other facilities needed for waste management, and associated works and landscaping. This will be an application to the Secretary of State, through the Planning Inspectorate (PINS) for a Development Consent Order, as the energy output from the proposed ERF will exceed 50MW. The proposals were initially presented for public consultation starting in November 2014. That consultation ended on 27 January 2015, and this report presents the outcomes of that consultation and the proposed responses for agreement. The Authority has agreed to carry out two phases of public consultation, and the second phase will be on the scheme the Authority proposes to submit. That phase of consultation is scheduled to start on 18 May and to last for just over six weeks to 30 June 2015. This report seeks agreement to the start of that consultation.
- 1.2 Members received a report at the Authority meeting on 12 February on the outcomes of the first phase of public consultation on the proposed Development Consent Order application for a. An oral update supplemented the report, and informed Members that 68 responses had been received, of which about two thirds were received from individuals and the remainder from organisations (such as regulatory authorities, other local authorities, and local Friends of the Earth). Analysis of the responses was taking place at the time of the meeting, and it has now been completed.
- 1.3 Comments received in response to the consultation fell into broad themes covering Need, Landscape and Design, Environment, the Cooling System, Transport and Traffic, Community Benefits, Consultation and Other. These themes reflect the questions raised in consultation, and the information provided. Overall, the analysis covered over 700 comments on specific topics and there is a general level of support for the project, with no apparent fundamental objection to the principal of the proposals in the responses.
- 1.4 This report sets out the issues and proposed Authority responses to those issues. A "phase 1 consultation feedback report" is being prepared which will detail the process followed in phase 1, including consultation on the Statement of Community Consultation, and will include tables showing issues raised in consultation and the proposed responses. Those tables, in draft, are set out in Appendix A to this report. It is intended that this will be published prior to the start of phase 2 consultation.
- 1.5 This report sets out the proposed approach to phase 2 consultation, and it covers the proposed questions to be asked at phase 2 consultation, incorporating responses to issues raised at phase 1. It also sets out the proposed approach to communications in the lead up to and during phase 2 consultation.
- 1.6 This report has the following Appendices:
 - A. Consultation Response Themes and Authority Response

- B. Draft questions for phase 1 consultation
- C. Proposed groups for specific presentation/outreach contact
- D. Statutory Consultees

2. COMMENTS RECEIVED AND RESPONSES

- 2.1 This section sets out the main issues raised under each theme, and the proposed responses. As part of the Development Consent Order process, the Authority will need to demonstrate how it has taken account of the responses it receives to consultation. All comments received have been read and considered as part of the preparation of the draft response tables in Appendix A.

Environment

- 2.2 Common themes in the responses are (a) environmental impacts are assessed in the environmental impact assessment, and a preliminary environmental impact assessment will be available for phase 2 consultation; and (b) Environment Agency/regulation requirements will be complied with. The environmental impact assessment work is ongoing at present.

- 2.3 Concerns raised in consultation are categorised under nine headings, which are set out together with key issues, or examples of concerns, and the proposed response by the Authority. Members are referred to the tables in Appendix A for fuller description of the issues and proposed responses, and are able to access the full responses if they wish.

- Air quality – pollutants; cumulative impact with traffic; particulates

Issues raised included concern about emissions, and about emissions and dust during construction; cumulative impact with north circular road pollution; there was recognition of the Authority's decisions on flue gas treatment to manage emissions.

The Authority's proposed response covers the following: the impact on air quality is being considered as part of the environmental impact assessment, and the preliminary environmental impact report will be available for phase 2 consultation; stakeholders including the Environment Agency have been consulted; the proposed ERF will use the best currently available technology to clean flue gas and reduce NOx emissions.

- Visual impact

Concerns included the high visibility of the facility, and its impact on the green belt and regional park adjoining.

The Authority's proposed response covers the following: a visual assessment will be included in the environmental impact assessment, using representative viewpoints; the scheme design takes into account visual impact and landscaping;

- Ecology/wildlife

Issues raised included loss of habitat in the north/east of the site and impact on the Lee Navigation Corridor and Lee Park Way; there was concern about light pollution and its impact on wildlife.

The Authority's proposed response covers the following: the impact of the scheme on ecology will be considered in the environmental impact assessment, and a Habitats Regulation Assessment screening is being carried out and will be available at phase 2 consultation; appropriate ecological measures will be included in the scheme design, including in the Code of Construction Practice; there will be consideration of light pollution effect on wildlife/ecology.

- Noise pollution

Specific concerns related to traffic noise, and construction.

The Authority's proposed response covers the following: the impact of the proposed development on noise will be considered within the environmental impact assessment, including an assessment of construction and operational road traffic noise and noise during construction.

- Water pollution/flood risk

Issues raised included concern about contamination of water courses; drainage issues and flood risk.

The Authority's proposed response covers the following: in addition to the consideration of the impact of the proposed development on water resources in the environmental impact assessment, the code of construction practice will include measures to protect surface and ground water during construction, and a flood risk assessment is being undertaken.

- Impact on health/safety

Concerns related to electrical safety, and compliance with regulations, in particular with regard to hazardous substances.

The Authority's proposed response covers the following: electrical equipment will comply with regulations, and safety on site will be assisted by the separation of public access areas from the operational zone; best available technology will be used to ensure emissions are reduced as far as practicably possible.

- Odour

There was support for the removal of the composting facility, and a request for odour assessment.

The Authority's proposed response covers the following The impact will be assessed in the environmental impact assessment. Odour controls will be fitted to the site, and the compost facility will be removed from the site. It is expected that there will be a considerable improvement in odour conditions at the site.

- Climate change

Issues related to carbon emissions, and the need for analysis of impact.

The Authority's proposed response covers the following: the Authority is carrying out assessments based on the WRATE methodology, an Environment Agency tool for assessing the environmental impact of proposed developments or facilities. The assessment will consider the impacts of the proposed ERF, which will include carbon impact assessments.

General comments on Scheme and need for a replacement facility

2.4 A number of comments gave general support for the proposal including the need case presented, and this support is welcomed. Concerns are categorised as below, and these are set out with the headline proposed response by the Authority:

- Negative impact on recycling/re-use/waste/ prevention

The Authority's proposed response covers the following: the Authority is committed to the waste hierarchy, and has active programmes to encourage waste prevention, re-use and recycling. The need case is based on the central recycling scenario of 50%, which is considered to be an appropriate target for modelling purposes, and consistent with existing strategy. The forecasting methodology gives a lower estimate of residual waste arisings over the period than if we had used population growth (which is the basis of the GLA estimates).

- Consideration of alternatives

The Authority's proposed response covers the following An alternatives assessment report, detailing the Authority's decisions which have led to a proposal for advanced moving grate technology at the Edmonton EcoPark will be available at phase 2 consultation.

- Flaws in waste forecasting approach

The Authority's proposed response covers the following: the waste forecasting is based on estimates of residual waste which will be collected by the north London boroughs over the years to 2051, allowing for a 50% recycling rate for household waste. The methodology is clearly set out in the need case document, which will be available at phase 2 consultation, and based on a range of data and compiled by nationally recognised external advisers. In considering the forecasts various scenarios were considered.

- Lack of integration with other strategies; inconsistency with North London Waste Plan

The Authority's proposed response covers the following: The North London Waste Plan is a separate process, and is a land use Plan, agreed by the seven boroughs in their capacity as local planning authorities. It is understood, through liaison with the NLWP process, in which the Authority is

a key stakeholder, that the NLWP data studies will take into account the forecasting carried out for this project. The NLWP is due for consultation in the summer of 2015, and the EcoPark, as a protected waste management site, is expected to be listed in that plan. The scheme proposed is consistent with the Joint Waste Strategy of the Authority and seven north London Boroughs.

- Reduced availability of land

The Authority's proposed response covers the following: the EcoPark will continue to be used for waste management purposes. Once the ERF is commissioned and operational, other waste management uses will be considered for the area on which the existing plant now stands, which will then be vacant, taking account of waste management needs at that time but subject to separate planning process if pursued in future.

- Insufficient feedstock

The Authority's proposed response covers the following: the ERF will process residual waste collected by the seven north London boroughs from households, business and other sources (eg fly-tipping). Should there be spare capacity, then other waste could be taken in, to ensure that the facility is managed efficiently, and could include waste from other public authorities as currently done at the existing facility.

- Facility too close to residents

The Authority's proposed response covers the following: the facility will be located at the EcoPark which is an existing waste site safeguarded for future waste use in the London Plan. Regional policies promote self-sufficiency of waste management within London, and therefore because of the density of development in London, waste management sites will not be set in open space. The nearest residential properties are 600m to the east and west of the site. The impact will be considered as part of the environmental impact assessment.

Traffic and Transport

- 2.5 The issues raised under this heading are set out below. The outcomes of a traffic assessment will be available in full for the application and outlined at phase 2 consultation. The increase in traffic levels is very low during operations, and the increase during construction will be less than 10% against current levels, and will be managed through different access points to the site for construction and operational traffic, as well as ensuring that heavy traffic is on the roads during the daytime. Other respondents supported the proposal and considered that the proposed mitigation measures related to traffic are sufficient. There is also support for the new access points to relieve traffic congestion.

- Issues raised about the scheme impact on road traffic levels and residents

A full assessment is being carried out, and this will include assessment of the cumulative effects of these proposals in combination with other projects, including the upgrade of the Deepphams Sewage Treatment Plant. Water

transport is not being proposed, as the overall cost outweighs the benefits, making it not viable. The water transport study will be available at phase 2 consultation.

- Issues raised about the impact on other road users and pedestrians

Safety procedures will be in place for the driving of the construction vehicles. New cycle facilities will be provided along Lee Park Way.

- Issues raised about the impact on existing infrastructure and nearby development

The potential impact on Lee Navigation Corridor and Lee Park way is being assessed, and the outcomes will be set out in the Preliminary Environmental Information Report (PEIR), which will be available for phase 2 consultation. The use of Lee Park Way will be new, as it is currently closed to traffic, but this is only a 200m stretch of the road, and the route would only be used by light vehicles. New pedestrian and cycle facilities would be provided along Lee Park Way to ensure its continued safe operation as a pedestrian and cycle route.

Landscape, design and appearance

2.6 Again, a number of comments gave general support for the approach to landscape and design, and these comments are welcomed. Specific comments relate to the external appearance, the stack and landscaping.

- External appearance

Comments ranged from a wish for the facility to be impressive and become a tourist attraction to a wish for it to blend in with the environment, and look better than the current facility. The proposed response states that the ERF has been designed to respond to the surrounding context, and to minimise the visual impact of the building from the Lee Valley Regional Park. The ERF will be a new flagship facility for London and employ high quality design.

- Chimney Stack

Comments were in favour of both an incorporated stack and an independent stack; both two separate flues and a single flue. The proposed response is that on balance it is considered that a single chimney stack incorporating both flues is the least visually intrusive.

- Landscape

Landscaping was acknowledged to be essential to mitigate any visual and ecological impacts. Specific comments suggested that landscaped corridors should be maintained on the eastern and western boundaries, with, and that landscaping should enhance the setting of the development. The proposed response sets out the proposals relating to landscaping, to create a green edge along the eastern boundary and high quality waterside areas with tree and scrub planting along the Enfield Ditch and meadow planting along the western boundary. The proposals include habitat enhancement and creation.

There is support for green roofs and brown roofs, and modified support for green walls because of maintenance issues. The proposed responses indicates plans to include green and brown roofs in the design, but not green walls.

Cooling system

- 2.7 For phase 1 consultation, the comparative benefits of cooling through an air cooled and a water cooled system were set out, and views sought. The responses show support for both systems. Energy efficiency and cost efficiency are both welcomed; the plume is considered by some to be a concern, and it is important to those responding that it should be clear to all that the plume is water vapour only.
- 2.8 The Authority response will be prepared once a decision on which cooling system is being proposed has been made. This will form part of the scheme description for phase 2 consultation.

Community Benefits

- 2.9 Generally, those responding welcomed the suggested visitors' centre, and proposals for tours of the site. There was a wish expressed for education facilities. There were no clear suggestions for other benefits.

- **Visitors' centre**

The proposed response is that EcoPark House would provide accommodation for the Edmonton Sea Cadets to remain on site, office accommodation, office and meeting space, and flexible space which can be used for education and community uses. The use of the area for educational purposes has been developed in response to comments raised in consultation.

- **Communications**

The Authority agrees that communication and transparency are important. We are proposing to set up a Community Liaison Group for the construction period, and would welcome ongoing engagement with local residents, businesses and community groups.

- **Other issues raised were the creation of job opportunities, including apprenticeships; provision of leisure facilities; improvement of surrounding areas; use of heat and electricity to supply local homes and businesses**

The proposed response would be that there will be increased job opportunities during construction, and ongoing employment during the operation of the new facility and the site; consideration will be given to apprenticeships as new job opportunities arise; it is not possible to envisage greater leisure activity on site, because of the need to maintain operational area and because of safety considerations, but the site is being opened up through the proposed EcoPark house and its uses; the Authority is working closely with LB Enfield and Lee Valley Heat Network to develop proposals for the heat from the ERF to be used as part of the proposed local heat network.

Views on the Consultation process

- 2.9 Support for the process came from some responding, who said it was open and accountable, and welcomed the various feedback mechanisms. Challenges were that there was no or limited opportunity to influence, and that the second phase of consultation was not necessary. Comments on the events included support, with the view that the exhibition materials were of high quality and easy to understand; and challenge that there were insufficient exhibitions and not enough locations.
- 2.10 Comments on the amount of information supplied were divided between those satisfied with the level of information and those who wanted more. Specific information was sought on climate change, emissions, electricity and heat use, the timeline and alternatives considered. This information will be supplied at phase 2. Where that information is already available, the cross reference will be included in the response.

3 CONSULTATION QUESTIONS FOR PHASE 2

- 3.1 At phase 2, the proposed scheme will be presented for consultation. As in phase 1, it is proposed to ask open questions so that those responding are free to make any comment they wish. Appendix B contains a list of draft questions. The precise wording will be reviewed in conjunction with the development of consultation materials, but it is proposed to cover the topics of:
- The scheme, including the need for the facilities;
 - External appearance and design principles
 - Landscaping
 - The Preliminary Environmental Impact Report (PEIR)
 - Traffic
 - New access points and laydown area
 - Water Transport
 - Code of Construction Practice
 - Public Benefit
 - The consultation process
- 3.2 This range of questions covers expressly the need for the facilities, which gave rise to most comments in phase 1. It also covers those aspects of the proposal which were not presented in phase 1, including the PEIR, new access points and laydown area, and external appearance.
- 3.3 Members are asked to agree these topics for consultation, and that the wording of the questions will be further developed prior to finalisation for consultation.

4 COMMUNICATION AND OUTREACH

- 4.1 During Phase 1 consultation, officers made presentations to two area forums within LB Enfield, and responded to requests for presentations from [] groups. For phase 2, liaison with LB Enfield will continue and groups identified will be contacted to ask if a presentation would be welcome. Members are asked to consider whether they are aware of any groups which should be contacted for a presentation, and to inform officers.

- 4.2 As in phase 1, a newsletter will be delivered to over 28,000 properties, where people live and businesses operate within the local area, as identified, and leaflets will be made available in community centres, providing information about the website and the exhibitions, and advertisements will be placed in local papers. The website will be live shortly before the start date, and prior briefing on the consultation, including consultation packs, will be made available for Members by email. As in phase 1, details will be provided to Members for them to send on to other Members within their boroughs, unless Members indicate that they wish officers to distribute the information direct to other Members in their boroughs.
- 4.3 The statutory consultees (details set out in Appendix [D]) will receive a formal letter notifying them of the consultation process, as required by the DCO process, together with the documents on which the consultation is based.

5.0 CONCLUSION AND RECOMMENDATION

- 5.1 The comments received in phase 1 consultation reveal a wide ranging set of issues and questions. This is in part a result of the high level information available at phase 1, and at phase 2 the design, including external appearance, will be presented for comment, together with a considerable amount of additional and more developed information.
- 5.2 Members are recommended to agree the proposed responses to consultation set out in the response tables, and to agree the themes for consultation, and draft questions, the wording of which will be developed in conjunction with the consultation materials.

6.0 COMMENTS OF THE LEGAL ADVISER

- 6.1 There are statutory consultation requirements for DCO projects in the Planning Act 2008 (the "Act"). 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 of the Act places a duty on the applicant to consult people living in the vicinity of the proposed project. Before consultation can take place, the applicant has a statutory duty to prepare a Statement of Community Consultation ("SoCC") and then to conduct its consultation in line with that SoCC. The proposed approach to phase 2 consultation set out in this report will meet the requirements of the Act and the SoCC.

7.0 COMMENTS OF THE FINANCIAL ADVISER

- 7.1 The Financial Adviser has been consulted in the preparation of this report and has no comments to add.

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**APPENDIX A: CONSULTATION RESPONSE THEMES AND AUTHORITY
RESPONSE**

On following pages