GREATER LONDON AUTHORITY

GLA/2021/0685/App Cons

5 July 2021

Riverside Resource Recovery Facility, Belvedere

In the London Borough of Bexley

Variation of consent under section 36C Electricity Act 1989 - Written representation
Section 36C of the Electricity Act 1989 (inserted by section 20 of the Growth and Infrastructure Act 2013)

Proposed development
An application under section 36C of the Electricity Act 1989 to:

- amend the power generation description of RRRF in the 2015 s.36 Variation to change the energy generation limit from 'up to 72MW' to 'up to '80.5MW';
- request that the Secretary of State then gives a direction under section 90(2) of the Town and Country Planning Act 1990 varying the conditions attached to the 2017 Permission, to increase the maximum waste throughput from 785,000 tonnes per annum ('tpa') to 850,000 tpa; and
- amend the s.36 Variation and to incorporate into the new deemed planning permission the amendments authorised by the Secretary of State in the REP DCO regarding the ash storage area for RRRF and use of the jetty by both RRRF and REP.

Strategic impacts and summary

- **Energy:** The proposed development would result in an increase in carbon emissions, contrary to Government's and Mayor's net zero targets, including the Government's new accelerated 78% reduction by 2035 target, and would not use renewable energy sources. Progress on establishing and connecting the CHP plant to a local heat network has been slow and much greater commitment, funding and action is required to establish and then extend this network to help decarbonise this part of south east London. In any case, the heat demand in the local area would be sufficiently served by the RRRF and so the GLA objects to the additional capacity provided by the ROP as it is not required and would be contrary to London Plan policy. If the ROP cannot meet the net zero carbon target it should be refused.
- **Waste:** Modelling indicates that if the Mayor achieves his recycling and reduction targets, London will have surplus energy from waste capacity by 2030, when considering all existing and permitted incinerators. Permitting further energy from waste capacity will undermine achievement of the Mayor's recycling and reduction targets. The GLA objects to the ROP as it would not comply with relevant policy, including the London Plan, the London Environment Strategy and NPS EN-1 as it is likely that it would incinerate recyclable waste and would thereby not effectively implement the waste hierarchy.
- **Carbon:** The GLA objects to the ROP as it will not meet the Carbon Intensity Floor as required by the London Plan. The proposed ROP operating in power-only mode would be a net carbon producer, and not a carbon reducer.
- **Air quality:** The EIA chapter on air quality is fundamentally flawed and incorrect. Where the assessment has been carried out correctly, it shows that the development has a significant negative impact on air quality and is contrary to the London Plan.
- **Biodiversity:** The proposed changes are not expected to give rise to any significant impacts to statutory or non-statutory biodiversity sites. Biodiversity offsets must be secured to ensure there is no overall loss of habitat for species of conservation concern.
- **Transport:** The installation of new infrastructure and equipment at the site are not expected to give rise to significant numbers of vehicle trips. The ratio in favour of river transport should be maintained in the event the variation is approved.

In **summary**, the GLA opposes the proposed variation to the consent for the Riverside Resource Recovery Facility under s. 36C of the Electricity Act 1989 (the "ROP") on the grounds that the development does not accord with the duty under Regulation 12 of the Waste Regulations 2011 and with relevant strategic and national policy on energy, waste, carbon, air quality and biodiversity.

1. Context

1.1. In accordance with the Greater London Authority Acts 1999 and 2007 and the Town and Country (Mayor of London) Order 2008 the Mayor of London ("Mayor") acts as the strategic planning authority for London. The Mayor heads the executive of the Greater London Authority ("GLA"), and is responsible for strategic transport matters in London. Transport for London ("TfL") is the Mayor's strategic transport body and is concerned with effects on the strategic road network ("SRN"). TfL and the GLA have worked together to produce these written representations.

1.2. The Mayor is being consulted on an application to vary a consent granted under s. 36C of the Electricity Act 1989 for the Riverside Resource Recovery Facility ("RRRF") in Belvedere in the London Borough of Bexley. The project has been called the Riverside Optimisation Project ("ROP").

1.3. Section 36C of the Electricity Act 1989 allows for the Secretary of State to vary a s. 36 consent. The process for an applicant to seek a variation is set out in the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 ("Regulations").

1.4. The relevant guidance note, 'Varying consents granted under s.36 of the Electricity Act 1989 for generating stations in England and Wales' (July 2013) ("Guidance") confirms that that the Secretary of State has the power to make "such variations as appear to be appropriate". Of particular relevance the Guidance states:

- Paragraph 17: "[The variation process] is not intended to relax the standards to which a consent must conform";
- Paragraph 23 provides that the determination of appropriateness potentially requires determination of whether the variation is of a kind for which it would be reasonable to exercise the power in s. 36C, and whether from a planning or energy policy point of view the variation should in fact be made.
- Paragraph 24 states that "It will be necessary for applicants to make a case for the changes in planning and energy policy terms, and to engage with interested parties both before and after making an application to address concerns that they may have about what is proposed."
- Paragraph 26 notes that the variation procedure is not intended as a way of authorising any change to a developer's plans that would result in development that would be "fundamentally different in character or scale from what is authorised by the existing consent".

- Paragraph 27 advises any applicant that "[i]n order to help speed up the application process and identify issues of concern at any early stage, developers are also strongly encouraged to discuss proposed project changes with the statutory consultative … and other interested parties, in advance of preparing and submitting any variation application and supporting environmental information."

- Paragraph 41 details the consequences of inadequate environmental information: "If the information provided with an application is deficient, DECC [the former Department for Energy and Climate Change] or the MMO [the Marine Management Organisation] may require the deficiencies to be made good, either before the application is published (under regulation 4), or before reaching a decision on it (under the provisions of the 2000 Regulations). In cases where it appears that it will take a significant amount of time to remedy such deficiencies (for example, where information about the impacts on a protected animal species are missing and these cannot be collected for several months because of the behavioural patterns of that species), DECC or the MMO may suggest that the application to be withdrawn (without prejudice to its being re-submitted with the missing information supplied at a later date)."

1.5. Paragraph 8(1) Regulations confirms that the Secretary of State has discretionary power to hold a public inquiry to consider a variation application and in considering whether to hold such an inquiry the Secretary of State must consider any representations submitted by the relevant planning authority or any other person where those representations are not withdrawn. On behalf of the Mayor, the GLA objects to the ROP as it has identified conflicts with the policies of the London Plan and the London Environment Strategy. It has clearly set out its objections on the grounds that the development does not accord with the duty under Regulation 12 of the Waste Regulations 2011 and with relevant strategic and national policy on energy, waste, carbon, air quality and biodiversity. If, despite those objections, the Secretary of State determines to grant the variation, the GLA provides conditions which it submits ought to be imposed on that variation.

2. Site description

2.1. The ROP would be located in the RRRF in Belvedere in the London Borough of Bexley. The site is bounded to the north by the River Thames, into which the Middleton Jetty which serves the development extends. To the south and west of the site is open land, including the Crossness Nature Reserve, and further to the west is the Crossness Sewage Treatment Works and the Thames Water sewage sludge incinerator. The site is adjoined to the east by industrial and distribution warehouses in Isis Reach and the Belvedere Industrial Area.

2.2. The RRRF site is around 6 hectares in size and comprises the existing energy recovery facility at the eastern end of the site, with ancillary equipment, service roads and parking on the western side of the plant. The recently consented but not yet constructed Riverside Energy Park ("REP") will occupy the western part of the site.

2.3. In terms of relevant strategic policy designations, the site falls within a safeguarded waste site and safeguarded wharf and is situated within the Bexley Riverside Opportunity Area, the Belvedere Industrial Area Strategic Industrial Location ("SIL") and the Thames Policy Area. The site is surrounded by Sites of Importance for Nature Conservation ("SINCs") on all sides, including the River Thames and tidal tributaries, Erith Marshes and Belvedere Dykes. The development site falls within Flood Zone 3.

3. Planning history

Riverside Resource Recovery Facility

3.1. A detailed planning history is provided in the applicant's Planning Statement. The GLA does not disagree with that history. For this application, the most pertinent planning history is:

- **15 June 2006:** The Secretary of State for the former Department of Trade and Industry granted consent for the RRRF under s. 36 of the Electricity Act 1989 and made a direction under s. 90(2) of the Town and Country Planning Act 1990. He granted consent for the construction and operation of an energy facility generating 72MW of electricity with a maximum throughput of 670,000 tonnes per annum ("tpa") of waste.

- **13 March 2015:** A variation under s. 36C of the Electricity Act 1989 was granted by the Secretary of State for the former Department of Energy and Climate Change, which allowed for an increase in the annual waste throughput from 670,000 tpa to 785,000 tpa and for the transfer of waste by river from the Port of Tilbury ("2015 Variation"). This was also accompanied by a direction under s. 90(2) of the Town and Country Planning Act 1990.

- **4 October 2017:** A separate consent under s. 73 of the Town and Country Planning Act 1990 was granted which restricts the volume of waste that can be transported by road and the HGV movements on the site, except in the case of jetty outage. The RRRF currently operates under this consent and the 2015 consent.

Riverside Energy Park

- **9 April 2020:** The Secretary of State granted development consent by way of a Development Consent Order ("DCO") under the Planning Act 2008. The Riverside Energy Park Generating Station Order 2020 approves the

construction, operation and maintenance of an energy recovery facility; an anaerobic digestion facility enabling infrastructure for combined heat and power ("CHP"); solar voltaic panels; a battery storage facility; and associated development.

3.2. The GLA maintained an objection to the REP throughout the examination held by the Planning Inspectorate that took place between 10 April 2019 and 9 October 2019.

4. Details of the proposal

4.1. Cory Riverside Energy Ltd has submitted an application under s. 36C of the Electricity Act 1989 to:

- amend the power generation description of RRRF in the 2015 s. 36 Variation to change the energy generation limit from 'up to 72MW' to 'up to '80.5MW';
- request that the Secretary of State then gives a direction under s. 90(2) of the Town and Country Planning Act 1990 varying the conditions attached to the 2017 Permission, to increase the maximum waste throughput from 785,000 tpa to 850,000 tpa; and
- amend the 2015 s.36 Variation and to incorporate into the new deemed planning permission the amendments authorised by the Secretary of State in the REP DCO regarding the ash storage area for RRRF and use of the jetty by both RRRF and REP.

5. Strategic planning issues and relevant policies and guidance

5.1. For the purposes of s. 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the Bexley Core Strategy (2012), Saved Policies of the Unitary Development Plan (2007) and the London Plan 2021.

5.2. The following are also relevant material considerations:

- The National Planning Policy Framework ("NPPF") and National Planning Practice Guidance ("NPPG");
- National Planning Policy for Waste ("NPPW");
- National Policy Statement for Overarching Energy ("EN-1");
- National Policy Statement for Renewable Energy ("EN-3");
- The Bexley Draft Local Plan Proposed Submission Document Regulation 19 Stage (May 2021).

5.3. The relevant issues, corresponding strategic policies and guidance (supplementary planning guidance ("SPG") and London Plan guidance ("LPG")), are as follows:

- Opportunity Area *London Plan;*
- Strategic Industrial Location *London Plan;*
- Safeguarded wharves *London Plan;*
- Utilities infrastructure *London Plan;*
- Waste *London Plan; the London Environment Strategy;*
- Sustainable development *London Plan; the London Environment Strategy;*
- Air quality *London Plan; the London Environment Strategy; Control of dust and emissions during construction and demolition SPG;*
- Transport and parking *London Plan; the Mayor's Transport Strategy;*
- Waterways *London Plan.*

6. The Mayor's representations

Increased energy output

Policy background

6.1. NPPF paragraph 153 states that in determining planning applications, local planning authorities should expect new development to "comply with any development plan policies on local requirements for decentralised energy supply". Paragraph 154 states that local planning authorities should also "not require applicants to demonstrate the overall need for renewable or low carbon energy" and "approve the application if its impacts are (or can be made) acceptable".

6.2. NPS EN-1 states at paragraph 3.4.3 that future large scale renewable energy generation is likely to come from a range of sources, including onshore and offshore wind, biomass, energy from waste and wave and tidal. At paragraph 3.4.4 it notes that the ability of energy from waste "to deliver predictable, controllable electricity is increasingly important in ensuring the security of UK supplies".

6.3. NPS EN-1 makes clear that the UK cannot afford for new electricity capacity to be based on fossil fuels. At paragraph 3.3.16 it states that, due to the long life of energy infrastructure, "failure to decarbonise and diversify our energy sources now could result in the UK becoming locked into a system of high carbon generation, which would make it very difficult and expensive to meet our 2050 carbon reduction target".

6.4. Section 3.4 of NPS EN-1 addresses the role of renewable energy generation and the sources that are likely to be developed. In considering the contribution from various renewable energy sources, the Government position set out in

paragraph 3.4.3 of the NPS is that only the biodegradable fraction of waste is renewable.

6.5. NPS EN-3, paragraph 2.5.27 states that "Given the importance which Government attaches to CHP, for the reasons set out in EN-1, if an application does not demonstrate that CHP has been considered the IPC[1] should seek further information from the applicant. The IPC should not give development consent unless it is satisfied that the applicant has provided appropriate evidence that CHP is included or that the opportunities for CHP have been fully explored".

6.6. London Plan Policy E4 supports the provision of a sufficient supply of land and premises to meet the varied operational needs of industrial type activities in London, including utilities infrastructure. London Plan Policy E5 supports the development of such utilities infrastructure within SILs.

6.7. London Plan Policy SI2 includes a requirement for all major development to be net zero carbon in line with the energy hierarchy in which the priority is to minimise energy demand, and then address how energy will be supplied and renewable technologies incorporated. Paragraph 9.2.3 encourages all developments to maximise opportunities for on-site electricity and heat production.

6.8. London Plan Policy SI3 includes a requirement for boroughs and developers "to establish the future energy requirements and infrastructure arising from large-scale development proposals such as Opportunity Areas, Town Centres, other growth areas or clusters of significant new development". The policy is largely focused on planning for onsite energy infrastructure for new developments but in general terms the London Plan is supportive of opportunities for energy generation, energy storage and heating and cooling networks. Paragraph 9.3.3 sets out that existing heat networks will need to establish decarbonisation plans, including the identification of low- and zero-carbon heat sources that may be identified in the future.

6.9. London Plan Policy SI8 paragraph 9.8.15 states that "waste to energy facilities should be equipped with a heat off-take from the outset such that a future heat demand can be supplied without the need to modify the heat producing plant in any way or entail its unplanned shut-down".

6.10. Under s.351A of the Greater London Authority Act 1999 the Mayor is required to prepare and publish the London Environment Strategy ("LES"). Section 351A(3) obliges the Mayor to detail the policies and proposals in relation to various

[1] The "Infrastructure Planning Commission". This was abolished by the Localism Act 2011 and applications for development consent are now dealt with by the Planning Inspectorate.

environmental matters, including municipal waste management, air quality, and climate change mitigation and energy.

6.11. The Greater London Authority Act 2007 imposes a statutory duty on the Mayor to contribute towards the mitigation of, and adaptation to, climate change in the UK. For this reason, the LES is concerned with how London can best contribute to the national climate change agenda.

6.12. The LES sets out to re-establish London's position as a leader in tackling climate change by setting an ambition for London to become zero carbon. This will involve changes to the way in which Londoners travel, work and live, including how energy is sourced and generated, including use of fossil fuels being replaced by renewable sources.

6.13. LES Objective 6.2 is concerned with the need to transform the energy system so that power and heat for buildings and transport is generated from clean, local and renewable sources, such as solar and waste heat. The LES commits to delivering more decentralised energy in London and recognises that there is the opportunity to increase this type of energy supply to 15 per cent of demand by 2030. Increasing decentralised energy is an important part of the Mayor's pathway to achieving a zero carbon city.

Provision of utilities infrastructure

6.14. The proposed development would provide utilities infrastructure on a site within a SIL in line with London Plan Policy E5. However, the GLA has significant concerns about the nature, scale and impacts of this utilities infrastructure as detailed below.

Meeting net zero carbon emissions

6.15. The applicant suggests that the development would increase the efficiency of energy generated from a low carbon/renewable source through the use of new technology to process the waste. However, the GLA contends that the proposed development is not low carbon and would not use renewable fuel sources.

6.16. The proposed ROP will lead to an increase in carbon emissions compared to the existing RRRF of approximately 10,000t/CO_2 (or 9 per cent of the RRRF's current emissions).

6.17. The applicant makes reference to the national target to achieve net zero by 2050, as also set out in the London Plan and the LES. It is unclear if the applicant is accelerating activity to meet these targets, particularly in light of the Government's new target to achieve a 78% reduction in carbon emissions by 2035, as set out in the Sixth Carbon Budget. This is notable on the matter of establishing a heat network which, as discussed in the 'potential for combined heat and power' section of this response, is at the very earliest stages of

initiating a heat network and with no clear additional investment (beyond Heat Networks Investment Project ("HNIP") funding) or plan to build a heat network despite being CHP-enabled since 2011. Given the lack of progress it is not clear to the GLA how the applicant will meet even the national target of net zero carbon by 2050. This district heat network must be built out to meet the heat demand that is currently available and unused from the RRRF, as well as the additional capacity provided by the ROP, in order for the development to have the possibility of meeting national and strategic net zero carbon targets. If the ROP cannot achieve this, it cannot meet the net zero carbon target and so should be refused. In the event that the Secretary of State disagrees with this position, an obligation to this effect is suggested in paragraph 6.28 below.

6.18. This is notwithstanding that the Mayor now has an increased ambition to achieve net zero carbon for London by 2030 as a key part of London's Green New Deal.[2] This shows that the GLA's emerging policy direction is to achieve net zero ahead of the statutory obligation in the Climate Change Act 2008 and ROP as currently proposed is incompatible with this emerging ambition.

6.19. The NPS support for additional capacity at the RRRF also needs to be considered in light of net zero carbon requirements at a Mayoral and national level. Although the Mayor accepts that case authority means that the NPS's cannot be challenged in the context of a DCO examination, the NPS's are only material considerations and not determinative in a s. 36C decision. On that basis, the Secretary of State must take into account that the relevant NPS's are significantly out of date: EN-1 and EN-3 have not been updated since 2011 meaning they were set against the Government's climate target of an 80% reduction in greenhouse gas emissions, not the 100% reduction which took effect in 2019 through the amendment to the Climate Change Act 2008. It also does not take into account the Government's more recent acceleration of progress towards net zero, with a 78% reduction in emissions by 2035. This means the Government aims to achieve almost the same level of reductions in carbon emissions 15 years earlier than the previous target, representing a significant change in context compared to the when the NPS's were first published.

6.20. Therefore, any weight placed on the NPS's for this variation application must take into account the fact that the requirements and policy set out within them do not meet the UK's updated legally binding climate targets which will require a significant step change across the UK economy, not least its energy infrastructure.

[2] https://www.london.gov.uk/coronavirus/londons-recovery-coronavirus-crisis/recovery-context/green-new-deal

6.21. Based on the previous evidence submitted as part of the DCO for REP and the GLA's analysis of this in its Written Statement,[3] the GLA considers that a significant proportion of the energy generated by the proposed ROP is unlikely to be renewable. That would mean that the ROP would not contribute to decarbonisation of electricity capacity when operating as a power-only plant, without any prospect of CHP, and would therefore not comply with the national policy objectives set out in NPS EN-1 – even though, as set out, those national policy objectives ought to be seen weaker than the current policy direction of travel.

Potential for combined heat and power

6.22. To comply with London Plan Policy SI3, the RRRF is expected to operate efficiently as a CHP plant by capturing waste heat and exporting it to homes in the vicinity through the development of a heat network. Through connection to a local heat network, this waste heat source can be used to either establish new low carbon networks or decarbonise existing networks as part of an area-wide approach to decarbonisation of heat, helping to meet both London Plan Policy SI3 and the national and the Mayor's targets for net zero carbon.

6.23. The existing RRRF and approved REP are not connected to a district heat network. As such, currently the RRRF is not operating as a CHP plant or exporting waste heat to a heat network. The proposed increase in waste incineration from the application will also result in an increase in the amount of waste heat produced through the process and there is a policy expectation that this should be supplied into a local heat network. A recently completed heat network study (May 2019) carried out for Bexley Council[4] and funded by the GLA concluded that the anticipated heat demand in the Thamesmead and Belvedere area could be met entirely by the existing RRRF. The study looked at the current and forecast heat loads within a feasible distance of the RRRF plant and concluded that the projected heat demand in the area could be met entirely by the existing RRRF. Any additional capacity and subsequent heat is unnecessary, particularly when the additional approved capacity and waste heat available from the REP is included in the calculation.

6.24. The RRRF was CHP-enabled in 2011. Whatever the applicant might now assert, the fact is that for a decade the RRRF has not been operating in a way that complies with current policy by capturing and exporting waste heat to a local heat network. The GLA is also concerned that the working group to support the delivery of a heat network for the recently approved REP as per the DCO has not yet been set up.

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[3] https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010093/EN010093-000499-GLA%20Written%20Representation.pdf

[4] https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010093/EN010093-000501-Appendix%202%20to%20GLA%20WR.pdf

6.25. The applicant's Planning Statement explains that the RRRF has recently been successful in securing £12 million of Heat Network Investment Programme (HNIP) funding to initiate the construction of a district heat network. This bid was informed by the detailed Thamesmead and Belvedere Heat Network Feasibility Study: Work packages 1 and 2, that was funded by the Mayor's Decentralised Energy Enabling Project (DEEP) and completed in December 2018 and August 2019 respectively. This is a welcome development that should enable the existing RRRF to begin to meet current policy requirements. However, significant investment and commitment will be needed to expand and grow the network so that it can supply heat to 10,500 homes in line with the applicant's aims.

6.26. The Government's commitment to achieve net zero carbon by 2050, with a 78% reduction by 2035, requires a much more urgent response than this, notwithstanding the increased ambition shown by the Mayor to achieve zero carbon in 2030. The Secretary of State should require assurances that the applicant has credible plans to achieve the highest possible efficiency levels by ensuring the waste heat produced by the ROP is supplied into a heat network and delivered to local homes and businesses, and those plans need to work in conjunction with the RRRF and REP.

6.27. As it stands, the RRRF is not complying with the Mayor's climate and energy policies. The GLA is supportive of the applicant's ambition to develop a district heat network and expand that to heat even more homes in the area. However, a clear plan and the necessary investment (beyond the HNIP funding) for doing so is missing. In this respect, the development fails to meet NPS EN-3 as the opportunities for CHP have not been fully explored. This is notwithstanding the fact that until the local heat network which the applicant has already committed to for RRRF and REP is established and expanded, the additional heat provided by the ROP is unnecessary.

6.28. As such, should consent be granted contrary to the GLA's objections, the GLA would wish to see an obligation attached to any consent restricting any development from taking place until the district heat network is being actively built out. This should be over and above the heat which is currently available and unused from the RRRF, so that the additional capacity provided by the ROP can be justified. The condition should stipulate that implementation of the district heat network should demonstrably decrease the Carbon Intensity Floor of the development to achieve the level set out in London Plan Policy SI8. The GLA also considers that obligations requiring details of the heat offtake from the site and a commitment to investment in a heat main to deliver heat from the ROP to a local heat network are required. Without these obligations then there would be no need for the heat generated by the development, and so the ROP would be contrary to London Plan policy requirements.

Summary

6.29. The proposed development would result in an increase in carbon emissions and would not use renewable energy sources. Progress on establishing and connecting the RRRF CHP plant to a local heat network has been slow and much greater commitment, funding and action is required to establish and then extend this network to include ROP and to help decarbonise this part of south east London, as required by the London Plan. The heat demand in the local area could be sufficiently served by the RRRF without the need for additional capacity and this highlights the importance of a long-term strategic vision for the expansion of the network.

Expansion of waste management capacity

Policy background

6.30. NPPW paragraph 7 states that when determining applications, waste planning authorities should "only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan". In addition, it states that where such proposals, including incinerators, are not in line with the Local Plan, applicants are required to demonstrate that the facility "will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy".

6.31. NPS EN-1 at paragraph 5.14.3 states that the "disposal of waste should only be considered where other waste management options are not available or where it is the best overall environmental outcome". Paragraph 3.4.3 states that, with respect to energy from waste facilities "only waste that that cannot be re-used or recycled with less environmental impact and would otherwise go to landfill should be used for energy recovery".

6.32. London Plan Policy SI7 sets out how the Mayor will achieve resource conservation, waste reduction, re-use, recycling and reductions in waste going for disposal, working with waste planning authorities and industry. In particular, it promotes a more circular economy that aims to keep products and materials at the highest use for as long as possible by minimising and preventing waste.

6.33. London Plan Policy SI8 part A sets out how London's waste should be managed sustainably, through the achievement of net self-sufficiency by 2026, safeguarding existing waste management sites, optimising the capacity of existing sites, providing new waste management sites and creating environmental, social and economic benefits from waste and secondary materials management.

6.34. London Plan Policy SI8 part D states that development proposals for materials and waste management sites will be encouraged where they, amongst other

criteria, contribute towards renewable energy generation and are linked to low emission combined heat and power and/or combined cooling heat and power.

6.35. London Plan Policy SI8 part E sets out criteria against which development proposals to increase the capacity of existing waste sites should be assessed. These comprise: the nature of the activity, its scale and location; the effective implementation of the waste hierarchy and contribution to London's circular economy; achieving a positive carbon outcome; the impact on amenity in surrounding areas; and the transport and environmental impacts of all vehicle movements. The policy further states that job creation and social value benefits, local need and the accessibility of services should also be considered.

6.36. London Plan Policy SI9 states that existing waste sites should be safeguarded and retained in waste management use.

6.37. LES Chapter 7 is concerned specifically with waste, and sets out objectives and proposals for reducing waste, increasing recycling rates and transitioning towards a circular economy. Objective 7.2 sets out the Mayor's ambition to achieve a 65 per cent municipal waste recycling rate by 2030 and sets out detailed interventions to achieve this.

6.38. The LES is clear that no further energy from waste capacity is needed to manage London's non-recyclable waste beyond the Edmonton and Beddington Lane facilities approved by Government. London Plan Policy SI7 Paragraph 9.7.5 also clearly states that once the new Edmonton and Beddington Lane facilities are operational, London will have sufficient energy from waste capacity to manage its non-recyclable municipal waste. It is understood that the Beddington Lane facility is now operational.

Waste management use

6.39. The development would safeguard and retain the waste management use on the site, in accordance with London Plan Policy SI9.

Waste hierarchy

6.40. Modelling[5] supporting the London Plan suggests that if London achieves the Mayor's reduction and recycling targets, it will have sufficient energy from waste capacity to manage London's non-recyclable municipal waste, once the new Edmonton and Beddington Lane facilities are operational. Additional incineration capacity in London is therefore not needed and, contrary to the assertion made by the applicant, will jeopardise the achievement of the Mayor's recycling targets. It is therefore contrary to London Plan Policy SI7.

[5] https://www.london.gov.uk/what-we-do/planning/london-plan/london-plan-technical-and-research-reports

6.41. There is no evidence of a clear causal link between high incineration rates and high recycling rates, both internationally and locally as suggested by the applicant. Instead the applicant has highlighted correlation in European countries which is likely brought about by other influencing factors such as waste market maturity, resident education and participation and existing infrastructure. The applicant has based its local argument on the example of a single London borough which cannot be extrapolated across 32 London boroughs as well as the City of London. If London's targets to reduce food waste and associated packaging waste by 50 per cent per head and reach 65 per cent recycling by 2030 are met, and there is no reason why they should not be met, then new incineration capacity in London will not be needed. This is as demonstrated by modelling undertaken for the London Environment Strategy which was used as the basis for the London Plan which has been through an Examination in Public.

6.42. The applicant does not consider that the development is incompatible with meeting the above recycling targets, making reference to its London Waste Strategy Assessment ("LWSA") carried out in support of the DCO for the REP. Paragraph 5.2.21 of the Examining Authority's report on the DCO notes that there was disagreement between the GLA and the applicant on the capacity gap and that this disagreement was not resolved. The Examining Authority considered that a range of projections of waste management capacity should be considered, and that the GLA's modelling was just one such projection.

6.43. The GLA maintains that its modelling is robust and does not agree with the LWSA's finding that there is a need for around 1 million tonnes per annum of residual waste management capacity in London. Furthermore, the GLA's current modelling was developed before the REP DCO application was approved. When REP is operational, it will add 650,000 tpa – and up to 805,920 tpa as a maximum – to London's overall incineration capacity, so creating surplus incineration capacity within London by GLA estimates. Adding up to 805,920 tpa at the REP to the additional 65,000 tpa proposed for ROP, there would be a significant additional waste incineration capacity of up to 870,920 tpa, an increase of over 38 per cent. This is a very significant excess of capacity on the GLA's assessment, additional capacity that is demonstrably not required.

6.44. The applicant identifies that London Plan Policy SI7 seeks to ensure that there is zero biodegradable or recyclable waste to landfill by 2026. However, the applicant has overlooked the stated objective of London Plan Policy SI7, which is to meet or exceed the 65 per cent municipal waste recycling target by 2030.

6.45. The proposed expansion of waste incineration capacity by the ROP is unlikely to decrease waste to landfill on the basis that there will be excess capacity. Moreover, the unnecessary excess waste capacity would create a perverse incentive to incinerate waste, which would be likely to compromise waste recycling targets. Not adhering to the waste hierarchy would be contrary to

Regulation 12 of the Waste Regulations 2011 and would not be in accordance with NPPW paragraph 7.

6.46. In the absence of pre-treatment, waste delivered to the proposed ROP is almost certain to include materials that should be re-used or recycled with less environmental impact. The expansion in waste incineration capacity also runs contrary to the need to transition to a circular economy, where waste is minimised and prevented. As such, the ROP would not comply with NPS EN-1 as without clear control it is likely that it would incinerate recyclable waste and would thereby not effectively implement the waste hierarchy; recycling sits above energy recovery.

6.47. As such, the Secretary of State should require the applicant to demonstrate there is a need for the additional capacity and that it will not prejudice movement up the waste hierarchy in accordance with NPPW paragraph 7 and the applicant's duty under Regulation 12 of the Waste Regulations 2011.

6.48. The GLA considered that the REP breached the principles of the waste hierarchy. This application would compound the problem. Nonetheless if this application is granted, the GLA contends that any variation should at least be subject to a condition matching Condition 16 of the REP DCO which sets out how the waste hierarchy must be implemented. In his report, the Examining Authority noted his concern "that the level of future waste arising should not result in the operation of the Proposed Development breaching the principles of the waste hierarchy".[6] The Secretary of State in his decision letter considered that with the introduction of a condition on the implementation of the waste hierarchy the development would "not breach the principals [sic] of the waste hierarchy".[7]

6.49. However, a requirement should be added to this condition which would oblige the applicant to regularly (the GLA would suggest quarterly) undertake physical checks of the waste it is receiving to ensure that non-recyclable waste has been removed. Protocols should be developed by the applicant for returning waste and refusing further deliveries from identified suppliers until effective pre-treatment and removal of recyclable materials is achieved. The applicant should be expected to report on the number of checks it has undertaken, its findings and actions on at least a yearly basis. The GLA does not consider this an onerous expectation as spot checks on waste composition are commonplace across the waste industry. This is the only way to protect compliance with policy, and to confirm that it is only residual waste which is incinerated.

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[6] https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010093/EN010093-001043-Riverside%20Energy%20Park%20recommendation%20report%20final%20version.pdf

[7] https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010093/EN010093-001388-Final%20Decision%20Letter%20-%20Riverside%20Energy%20Park%20PA08%20Application.pdf

Impact on waste transfer stations

6.50. The GLA has significant concerns regarding the nature of the applicant's approach to increasing waste throughput capacity at the RRRF. In 2006, the Original s. 36 consent allowed for 670,000 tpa of waste throughput. The 2015 s. 36 consent raised the tonnage to 785,000 tpa and the current application seeks to add a further 65,000 tpa. In effect, this is an increase of 180,000 tpa (nearly 27 per cent) over the original s. 36 consent. This is in addition to the consent to the REP, which is to be located immediately adjacent to the RRRF, which allows for an additional 655,000 tpa (with a maximum throughput of 805,920 tpa), thereby resulting in a 125 per cent increase accounting for both the REP and ROP since 2006 (and potentially up to 147 per cent based on the maximum capacity of the REP). This piecemeal approach disguises the significance of the size and capacity of the incinerators being developed at this location. The GLA contends that this application should not be treated as a minor variation, and the Secretary of State should make certain to consider the application in this context.

6.51. Furthermore, there is no evidence that the waste transfer stations ("WTSs") identified in the s. 36 consent (the Port of Tilbury and the four riparian WTS in Greater London) have sufficient capacity to provide support the increased waste throughput. This was a matter raised at the REP DCO. The GLA's understanding is that the four riverside Greater London WTSs run by Cory (Northumberland Wharf, Cringle Dock, Smugglers Way and Walbrook Wharf) are already at, or near, full operational capacity. The GLA's concerns expressed in the REP DCO examination remain: the GLA does not consider that the WTSs are equipped to manage large additional volumes of waste.

6.52. There has been no assessment in this application of the environmental impacts of the addition of a further 65,000 tpa in addition to the REP tpa on and around the WTSs. Nor has the application considered the local impacts of additional waste managed at the WTSs in Greater London or the Port of Tilbury.

6.53. Furthermore, Condition 6 of the s. 36 consent limits the quantity of waste to be delivered to the RRRF to no more than 115,000 tonnes of waste arising from outside Greater London in any calendar year. The applicant has not sought to vary this condition, and this is further evidence that the proposed additional waste capacity is likely to compromise the Mayor's waste strategy.

6.54. The applicant has not made it clear where it expects the additional waste to be sourced from, or provided evidence that the four existing Greater London WTSs and the WTS at the Port of Tilbury can manage the additional waste for onward management at the RRRF, particularly when the capacity of the REP is taken into consideration. The GLA is concerned that should consent be granted for this application it will lead to further applications from Cory for increased capacity at the four riverside WTSs in Greater London and an amendment to Condition 6 of

the s. 36 consent. As previously noted, piecemeal applications are unhelpful as a number of what appear to be relatively minor applications can disguise significant environmental and planning impacts.

6.55. In terms of meeting the criteria set out in London Plan Policy SI8, the GLA agrees that the development would not undermine net self-sufficiency by 2026 and would optimise the waste management capacity of the site as set out in part A of the policy. However, the development would not accord with part D of Policy SI8, in that it would not use renewable fuel sources. In addition, as set out above, the development is not currently connected to a district heating network and it is not clear that the excess heat from the development is required to meet local demand.

Waste capacity and net self-sufficiency

6.56. The development would not accord with the requirements of part E of London Plan Policy SI8. As set out above, the nature and scale of the activity is not required and so is contrary to London Plan Policy SI7. The ROP would be contrary to the waste hierarchy and undermine the transition to a circular economy. As detailed in the "Carbon Intensity Floor" and "Air Quality" sections of these submissions, the ROP would not achieve a positive carbon outcome and would have a negative impact on air quality in the surrounding area. The development does not raise significant concerns with respect to the transport and environmental impacts of vehicle movements.

6.57. It is not clear if the proposal would achieve any of the benefits set out in London Plan Policy SI8 part F in terms of job creation, social value benefits, local need and accessibility of services. These are key priority areas for the Mayor and cannot be overlooked in this or any application. Although not a policy requirement, should any jobs be created then the applicant should seek accreditation through the Mayor's Good Work Standard,[8] which includes payment of the London Living Wage, as requested under the GLA's Local Impact Report submission to the REP DCO Examination.[9] However, compliance with this part of the policy is not considered by the GLA to outweigh the non-compliance with other elements of this policy and London Plan Policy SI7.

6.58. Should appropriate commitments be made to ensure the feedstock does not include recyclable material and to provide a connection to a district heat network then the GLA considers that the development could meet some of the requirements of London Plan Policy SI8 part D. However, the proposed

[8] https://www.london.gov.uk/what-we-do/business-and-economy/supporting-business/what-mayors-good-work-standard
[9] https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010093/EN010093-000502-GLA%20Local%20Impact%20Report%20.pdf

development would remain non-compliant with the other parts of this policy, as well as London Plan Policy SI7.

Summary

6.59. The ROP is contrary to London Plan Policies SI7 and SI8 in proposing additional waste incineration capacity where this is not required. It does not comply with the EN-1, as it is likely that it would incinerate recyclable waste and would thereby not effectively implement the waste hierarchy.

6.60. Modelling indicates that if the Mayor achieves his recycling and reduction targets, London will have surplus energy from waste capacity by 2030, when considering all existing and permitted incinerators. The GLA's modelling did not include the capacity provided by the REP DCO which was subsequently approved by the Secretary of State. The GLA does not consider that London requires any additional waste incineration capacity. However, despite the Mayor's objections, the DCO granted for REP has provided an additional 655,000 tpa energy from waste capacity in London. It follows that the GLA now considers that the oversupply of waste incineration capacity is now significant, and any additional waste capacity is unnecessary and more significant in that context. As has been set out, additional waste incineration capacity will undermine achievement of the Mayor's recycling and reduction targets.

Carbon Intensity Floor (CIF)

Policy background

6.61. London Plan Policy SI8 sets out the carbon intensity floor ("CIF") policy for new waste management capacity setting a maximum level of 400 grams of CO2 equivalent emissions per kilowatt hour of electricity produced. Part E3 of Policy SI8 requires development proposals for new waste sites or to increase the capacity of existing sites to achieve a positive carbon outcome (i.e. re-using and recycling high carbon materials) resulting in significant greenhouse gas savings. It notes that "all facilities generating energy from waste will need to meet, or demonstrate that steps are in place to meet, a minimum performance of 400g of CO2 equivalent per kilowatt hour of electricity produced".

6.62. LES Proposal 7.3.2.b also states that "waste authorities must demonstrate how solutions generating energy from waste (EFW) meet the carbon intensity floor (CIF), or put in place demonstrable steps to meet it in the short-term". It confirms that the CIF will be reviewed in 2025 "with a view to tightening it to around 300 grams per kWh of electricity produced".

6.63. London Plan Policy SI8 paragraph 9.8.14 describes how, to support the shift towards a low-carbon economy, all facilities generating energy from waste are required to meet, or demonstrate that they can meet in future, the CIF. It states

that "achieving the CIF effectively rules out traditional mass burn incineration techniques generating electricity only. Instead, it supports techniques where both heat and power generated are used, and technologies are able to achieve high efficiencies, such as when linked with gas engines and hydrogen fuel cells".

6.64. London Plan Policy SI8 paragraph 9.8.15 states that "waste to energy facilities should be equipped with a heat off-take from the outset such that a future heat demand can be supplied without the need to modify the heat producing plant in any way or entail its unplanned shut-down. It should be demonstrated that capacity of the heat off-take meets the CIF at 100 per cent heat supply".

6.65. LES Proposal 7.3.2a states that "Waste authorities, in delivering their waste management functions, are expected to demonstrate how they can meet the greenhouse gas Emissions Performance Standard (EPS)". In performing their waste functions, the GLA expects waste authorities to set out how their waste activities achieve the following EPS targets:

- "-0.069 tonnes CO2e per tonne of waste managed by 2020/21
- *-0.084 tonnes CO2e per tonne of waste managed by 2024/25*
- *-0.167 tonnes CO2e per tonne of waste managed by 2030/31*".

6.66. To meet the above targets, any waste collected by waste authorities should not be delivered to the proposed energy recovery facility unless it can be shown that this would meet the CIF.

Assessment

6.67. As detailed above, the GLA considers that the development will result in a net contribution to carbon emissions where the ROP generates electricity only.

6.68. The applicant's Planning Statement confirms that the ROP does not enable the RRRF to meet the set CIF value required by London Plan Policy SI8. Without the ROP, the RRRF has a CIF value of 454 and with the addition of the ROP this would reduce to 446, above the 400g of CO_2 equivalent emissions per kilowatt hour set out in Policy SI8. The applicant suggests that this is acceptable on the basis that the RRRF was approved in June 2006, five years before the CIF was introduced in the Mayor's Municipal Waste Management Strategy. However, this application should be assessed against current policy, not against policy in place at the time of the original approval for the RRRF.

6.69. The applicant notes that in 2020 the RRRF was fitted with an updated operational control system that allows it to be operated more efficiently than when first built. The Planning Statement states that "increased efficiency and the consequent carbon reductions achieved through ROP are exactly the outcomes sought to be achieved in policy". However, if the efficiency improvements have

already been made then by the applicant's suggestion above the RRRF should already be performing better in terms of its CIF value. It is not clear why the CIF would only be reduced with the additional capacity provided by the ROP. The Secretary of State should require the applicant to explain this.

6.70. In any case, the GLA would expect that with the claimed improvements to efficiency the uplift in waste throughput would result in a much greater decrease in the CIF value for the overall development. Instead it results in a very minor reduction of 8g of CO_2 equivalent emissions per kilowatt hour. As such, the development makes little progress towards meeting the CIF value set out in London Plan Policy SI8 and towards the potential decrease in the CIF value at the next review in 2025 as set out in LES Proposal 7.3.2.b. The applicant has also failed to set out how the development can meet the required CIF value in future, as required by London Plan Policy SI8 paragraph 9.8.14, in the absence of connection to a district heat network.

6.71. The applicant has suggested that the implementation of the district heat network scheme would enable RRRF to substantially exceed the stated CIF target and deliver all net zero carbon policy priorities. However, as noted above, despite having the capability to do so for almost ten years, the development still does not export heat to a local heat network.

6.72. As such, should the Secretary of State approve this application, then as detailed in paragraph 6.28 above, a condition should be required restricting the development from taking place until a district heat network is being implemented and this connection demonstrably decreases the CIF to the 400g of CO_2 equivalent emissions per kilowatt hour set out in London Plan Policy SI8.

6.73. In addition, a condition requiring a management plan showing how the applicant will reduce the CIF of the RRRF and ROP over time should be secured, along with monitoring provisions, in line with paragraph 9.8.14 of the London Plan and noting the anticipated reduction in the CIF in 2025.

6.74. The GLA would also request that compliance with the Emissions Performance Standard targets set out in LES Policy 7.3.2a is a condition of any consent.

Summary

6.75. The ROP will not meet the CIF as required by London Plan Policy SI8. The proposed ROP operating in power-only mode would be a net carbon producer, and not a carbon reducer. The efficiency improvements do not appear to result in a reduction in the CIF for the existing RRRF and the ROP does not connect the development to a district heat network or clearly set out how the development can meet the CIF in the future.

Air Quality

Policy background

6.76. NPPF paragraph 181 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account Air Quality Management Areas and Clean Air Zones and cumulative impacts form other local sites.

6.77. London Plan Objective GG3 states that "to improve Londoner's health and reduce health inequalities, those involved in planning and development must… seek to improve London's air quality, reduce public exposure to poor air quality [emphasis added], and minimise inequalities in levels of exposure to air pollution".

6.78. London Plan Policy SI1 on air quality states that development proposals should not lead to a further deterioration of existing poor air quality, create any new areas that exceed air quality limits, or delay future compliance with legal limits, reduce any air quality benefits from the Mayor's or boroughs' activities and create unacceptable risk of high levels of exposure to poor air quality.

6.79. In order to meet these requirements, part B2 of London Plan Policy SI1 states that development proposals should as a minimum use design solutions to prevent or minimise increased exposure to existing air pollution and address local problems of air quality and be submitted with an Air Quality Assessment. Part B3 of the Policy states that large-scale development proposals subject to an Environmental Impact Assessment should consider how local air quality can be improved as part of an air quality positive approach.

6.80. London Plan Policy SI1 paragraph 9.1.6. states that assessment of the impacts of a scheme on local air pollution should include fixed plant, such as boilers and emergency generators, as well as expected transport-related sources. Impact assessments should always include all relevant pollutants. Industrial, waste and other working sites may need to include on-site vehicles and mobile machinery as well as fixed machinery and transport sources.

6.81. London Plan Policy SI1 paragraph 9.1.4 states "Where this policy refers to 'existing poor air quality' this should be taken to include areas where legal limits for any pollutant, or World Health Organization targets for Particulate Matter, are already exceeded and areas where current pollution levels are within 5 per cent of these limits."

6.82. Chapter 4 of the LES is focused on air quality and sets out the Mayor's proposals to improve air quality in London. Two pollutants remain a specific concern. These are particulate matter (PM_{10}, black carbon and, predominately $PM_{2.5}$) and nitrogen dioxide ("NO_2"). The LES states that London is failing to

meet the legal limit for NO_2. Particulate matter is damaging to health at any level and must be reduced.

6.83. The LES notes that improving air quality also offers an opportunity to also address climate change. It states: “In the past the lack of an integrated approach has resulted in unintended consequences, like encouraging the use of diesel, the promotion of biomass boilers, and gas-engine Combined Heat and Power (CHP) systems being installed in areas of poor air quality. Instead this strategy is seeking to design integrated policies that deliver multiple benefits”. This relationship is noted in Proposal 4.3.3.b “The London Plan includes policies on energy provision to make sure CO_2 and pollution targets are achieved in a coordinated way with no air quality dis-benefits”.

6.84. LES Proposal 4.1.1c states that the “London Plan will encourage new developments to take into account local air quality so they are suitable for their use and location”. Proposal 4.2.3.e states that the “London Plan includes policies to reduce the impact of new industrial and waste sites on local air quality”.

6.85. The GLA also recognises that cleaning up London’s air is about more than just meeting legal compliance and is therefore setting a course to achieve new ambitious targets, in line with current WHO health-based guidelines, particularly for $PM_{2.5}$, as set out in Objective 4.3.

Assessment

6.86. The applicant’s EIA chapter on Air Quality provides a summary of local, strategic and national policy which, broadly, summarises the key points of London Policy. However, the GLA takes issue with two points:

- At paragraph 5.2.4 in the main EIA report, the description of the National Plan for NO_2 fails to note the special provisions for London (see paragraph 139 of the Plan[10]), specifically the requirement at sub-paragraph (j) which relates to planning:

  “j. Setting emission requirements for non-road mobile machinery through the planning system and developing tighter air quality planning requirements for Opportunity Area Planning Frameworks and Housing Zones”

  The area north of the river Thames, where the most significant air quality impacts of the ROP are likely to occur, is identified as an Opportunity Area.

10 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/633270/air-quality-plan-detail.pdf

- At paragraph 5.2.11 and subsequent paragraphs of the EIA the applicant claims on the basis of the DEFRA guidance TG(19) that air quality standards should only be applied at specific locations. It should be noted that TG(19) is not planning guidance. The London Plan does not restrict its definition of poor air quality to specific locations or times.[11]

6.87. In general, the applicant's assessment of air quality considers the pollutants the GLA would expect, and the modelling input parameters appear appropriate. However, the choice of specified receptors for the purposes of describing impacts is poor, the impact of this on the interpretation is discussed in more detail below.

6.88. Although the EIA acknowledges that for the purposes of the London Plan the relevant limit for $PM_{2.5}$ in London is the WHO target of 10 $\mu g/m^3$, as opposed to the legal limit of 20 $\mu g/m^3$ the applicant appears to have reverted back to using the legal limit as the Environmental Assessment Level ("EAL") throughout (see for example the footnotes to table 5.10, table 5.14 and most importantly tables 5.20, 5.22 and 5.27 which report the impact of emissions as percentages of the legal limit rather than the London Plan/WHO target).

6.89. This is a critical error which results in an incorrect assignment of the "negligible" descriptor to impacts that should properly be described as moderate or even substantial adverse. The same error is carried over into table B.2.2 in appendix B.2 which gives a detailed breakdown for the specified receptors.

6.90. On Oxides of Nitrogen table 5.6 shows that the overall emissions rate for NO_x is expected to increase, however table 5.22 shows a decrease in the maximum NO_2 process contribution. This result is counter-intuitive and is not explained.

6.91. The "discrete receptor locations" for human health are shown on the maps in appendix B.1. Of the 31 locations chosen, only 4 are within the area shown by the overlaid isopleths to be worst affected by pollution. No receptors at all are positioned within the industrial area between the River Thames and the B135, meaning the exposure of workers to pollution from the plant is not accounted for.

6.92. Whilst it is common practice to utilise individual receptors as an aid to the interpretation of air quality models this not only requires the correct siting of the receptors to exemplify the reasonable worst cases but also requires care in the interpretation to explain how many individuals or properties would be similarly affected. For instance, receptor R21 (Rainham Village Children's Centre) is likely similar to the neighbouring nursery and dozens of surrounding homes.

[11] The NPPF also does not recognise the restrictions on "relevant receptors" included in TG(19). The purpose of TG(19) is solely to assist and guide Local Authorities in discharging their duties in respect of the Local Air Quality Management regime.

6.93. The flaws in the interpretation of the $PM_{2.5}$ modelling, the unexplained NO_2 result, the failures in the selection and interpretation of discreet receptors all mean that the EIA in its present form is not adequate to allow for conclusions to be drawn either on the significance of the impacts in their own right or on whether the proposal is in accordance with the London Plan with respect to the two main pollutants of concern.

6.94. Nevertheless, the GLA notes that the impacts from nickel are described as "slight adverse" at receptors R20, R20A and R22 in the RRRF-post ROP scenario.

6.95. In the cumulative (i.e. realistic) scenario there are slight adverse impacts from Arsenic at receptors R20, R20A, R21, R22, R23 and R26, moderate adverse impacts from hexavalent chromium at receptors R20, R20A, R21 & R22, slight adverse impacts from Nickel at receptors R03, R04, R18, R18A, R19, R21, R22, R23 & R26 with moderate adverse Nickel at receptors R20 & R20A.

6.96. Receptors R20, R20A, R22 and R21 appear frequently in this list. Between them they represent the whole of Rainham town centre, including dozens, if not hundreds, of homes. The inclusion of receptors such as R04 in this list show the geographical extent of the impacts even against the prevailing wind direction.

6.97. It is simply not credible to describe these impacts as "not significant". On that basis, even in the absence of the ability to draw a conclusion with respect to NO_2 and $PM_{2.5}$, the proposal is not in accordance with London Plan Policy SI1 and the LES.

6.98. Prior to any formal decision on the application it is essential that the defects in the air quality chapter of the EIA are made good in a revised EIA submission as set out in paragraph 41 of the Guidance. Without this it is not possible to form a correctly informed opinion on the significance of the air quality impacts of the development and identify how the development could address these impacts.

6.99. It is unclear from the application material if any significant refurbishment activity is proposed, for instance to uprate the emissions control systems to meet contemporary BAT (as assumed in the EIA). Should such activity take place then as well as the impacts of the completed development there are potential impacts on air quality specific to the refurbishment phase. Should consent be granted by the Secretary of State, the GLA contends that a condition should be imposed requiring the creation of, and compliance with, a Construction Code of Practice that conforms to the GLA SPG on the "Control of Dust and Emissions During Construction and Demolition". This should include compliance with London's Non-Road Mobile Machinery Low Emission Zone.

6.100. If consent is granted, the GLA would support any recommendations or conditions for further monitoring in the boroughs affected by emissions from the development or for requirements to control traffic serving the development.

Summary

6.101. The Air Quality chapter of the EIA requires revision to ensure that all the necessary information is before the decision maker.

6.102. Notwithstanding the need for revision, the EIA shows that the ROP will not meet the air quality policies in the London Plan.

Biodiversity

Policy background

6.103. London Plan Policy G6 states that SINCs should be protected. It states that development proposals should mitigate their impacts on a SINC where harm is unavoidable, following a mitigation hierarchy. Proposals should first seek to avoid damaging the significant ecological features of the site, then minimise the overall spatial impact and mitigate it by improving the quality or management of the site and finally deliver off-site compensation of better biodiversity value. Development proposals should also manage the impacts on biodiversity and aim to secure biodiversity net gain.

6.104. The site is surrounded by SINCs on all sides, including the River Thames and tidal tributaries Site of Importance for Nature Conservation, Erith Marshes and Belvedere Dykes.

Assessment

6.105. The amendments in this proposal will not result in the direct loss of any statutory or non-statutory sites of importance for nature conservation.

6.106. The impacts of increased deposition have been modelled following the methodology required by statutory agencies and show that the amendments will not result in damage to sites.

6.107. The existing REP DCO approval will result in the loss of habitats within the footprint of the scheme, some of which were provided as compensatory habitat for a previous development and now support national and London Priority Species for conservation. This remains an issue for this proposal. To ensure compliance with London Plan Policy G6 any biodiversity offsetting plan imposed by the existing RRRF and the REP DCO permission must be extended to include this application to secure compensatory habitats. This should provide a measurable overall gain of similar types and quality of habitat as that lost as close to the site as possible, as well as a contribution or other suitable mechanism to secure the long-term management of the new habitat.

Transport

Policy background

6.108. London Plan Policy SI8 expects proposals for new waste infrastructure to take account of transport and environmental impacts of all vehicle movements related to the proposal. The policy also supports use of river transport.

6.109. London Plan Policy SI15 also supports the use of water transport including the transportation of freight on London's waterways. It states that safeguarded wharves should only be used for waterborne freight-handling use and that development proposals which increase this use will be supported.

6.110. London Plan Policy T2 on Healthy Streets states that development proposals should reduce the dominance of vehicles on London's streets whether stationary or moving.

6.111. London Plan Policy T4 requires development proposals to reflect and be integrated with current and planned transport access, capacity and connectivity and to provide mitigation to address any identified adverse transport impacts. Paragraph 10.4.1 states that "Transport assessments are therefore necessary to ensure that planning applications can be reviewed and assessed for their specific impacts and for their compatibility with the Healthy Streets Approach".

6.112. LES Proposal 4.2.1.e refers specifically to freight, stating that "the Mayor aims to reduce emissions from freight through encouraging a switch to lower emission vehicles, adopting smarter practices and reducing freight movements through better use of consolidated trips".

6.113. LES Proposal 4.2.2 is concerned with reducing emissions from non-road transport, including by phasing out fossil fuels. The Mayor supports increased use of waterways for freight and passenger services, as well as leisure uses. However, the LES explains that emissions need to be carefully managed to ensure the problem does not just shift from one source to another.

6.114. Proposal 7.3.1 of the LES requires all local authority waste deliveries to transition their waste fleets to low or zero carbon, prioritising the phasing out of diesel, in line with the LES objective for London to be net zero carbon.

Assessment

6.115. The ROP does not consider the transport implications of increasing the power generation of RRRF. Nevertheless, the installation of new infrastructure and equipment at the site is not expected to give rise to vehicle trips of significant numbers, and this is not expected to be consequential in terms of impacts on the Transport for London Road Network. It is unclear whether there is the potential for abnormal loads during the installation of new equipment. However,

transporting abnormal loads requires special approval from the relevant highway authorities and will be dealt with accordingly if it arises.

6.116. The current limits on road movement (a maximum of 195,000 tpa by road and maximum 90 two-way HGV movements per day) imposed by the 2017 RRRF permission will ensure that the proposed increase in waste throughput by 65,000 tpa (from 785,000 tpa to 850,000 tpa) will have to be transported by river. This ratio in favour of river transport should be maintained in the event the variation is approved. In summary, the site must continue to operate within the limits to road movements imposed by the 2017 permission.

6.117. In line with the GLA's Local Impact Report on the DCO for the REP, the GLA considers that it would be appropriate to impose a condition requiring that all transport used for deliveries of waste and export of ash within London to be zero carbon.

6.118. The development would continue the use of the safeguarded wharf for waterborne freight-handling in line with London Plan Policy SI15.

7. Conclusion

7.1. The GLA considers that consent should not be granted for the s. 36C variation for the proposed ROP on the grounds that on energy, waste, carbon, air quality and biodiversity matters the ROP is not in accordance with strategic or national policy, including the London Plan, the London Environment Strategy, the NPPF, the NPPW, the relevant NPSs and the applicant's duty under Regulation 12 of the Waste Regulations 2011. The key issues are:

- **Energy:** The proposed development would result in an increase in carbon emissions and would not use renewable energy sources. Progress on establishing and connecting the CHP plant to a local heat network has been slow and much greater commitment, funding and action is required to establish and then extend this network to help decarbonise this part of south east London, as required by the London Plan. The heat demand in the local area is sufficiently served by the RRRF without the need for additional capacity and this highlights the importance of a long-term strategic vision for the expansion of the network.

- **Waste:** Modelling indicates that if the Mayor achieves his recycling and reduction targets, London will have surplus energy from waste capacity by 2030, when considering all existing and permitted incinerators. Permitting further energy from waste capacity will undermine achievement of the Mayor's recycling and reduction targets. The ROP would not comply with relevant policy, including the London Plan, the London Environment Strategy and NPS EN-1 as it is likely that it would incinerate recyclable waste and would thereby not effectively implement the waste hierarchy.

- **Carbon:** The ROP will not meet the Carbon Intensity Floor as required by the London Plan. The proposed ROP operating in power-only mode would be a net carbon producer, and not a carbon reducer.

- **Air quality:** The EIA chapter on air quality is flawed, having been carried out incorrectly. It therefore provides a false assertion that the impacts will be "negligible" when they should properly be described as moderate or even substantially adverse. Where the assessment has been carried out correctly, it shows that the development has a significant negative impact on air quality and is therefore not in accordance with the London Plan.

- **Biodiversity:** The proposed changes are not expected to give rise to any significant impacts to statutory or non-statutory biodiversity sites. Biodiversity offsets must be secured to ensure there is no overall loss of habitat for species of conservation concern.

- **Transport:** The installation of new infrastructure and equipment at the site are not expected to give rise to significant numbers of vehicle trips. The ratio in favour of river transport should be maintained in the event the variation is approved.

For further information, contact GLA Planning Unit (Development Management Team):
[redacted]