

South Humber Bank Energy Centre Project

Planning Inspectorate Reference: EN010107

South Marsh Road, Stallingborough, DN41 8BZ

The South Humber Bank Energy Centre Order

7.1- Statement of Common Ground with North East Lincolnshire Council (Pre application version)

Regulation 5(2)(q)



Applicant: EP Waste Management Ltd
Date: April 2020

DOCUMENT HISTORY

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GLOSSARY

Abbreviation	Description
ACC	Air-cooled condenser.
AGI	Above Ground Installation.
BEIS	Department for Business, Energy and Industrial Strategy.
CCGT	Combined Cycle Gas Turbine.
DCO	Development Consent Order: provides a consent for building and operating an NSIP.
EfW	Energy from Waste: the combustion of waste material to provide electricity and/or heat.
EIA	Environmental Impact Assessment.
EPUKI	EP UK Investments Ltd.
EPWM	EP Waste Management Limited ('The Applicant')
ES	Environmental Statement.
ExA	Examining Authority: An inspector or panel of inspectors appointed to examine the application.
LIR	Local Impact Report.
mAOD	Metres Above Ordnance Datum.
MW	Megawatt: the measure of power produced.
NELC	North East Lincolnshire Council.
NPS	National Policy Statement.
NSIP	Nationally Significant Infrastructure Project: for which a DCO is required.
PA 2008	Planning Act 2008.
PEIR	Preliminary Environmental Information Report - summarising the likely environmental impacts of the proposed development.
Q2	Quarter 2
RDF	Refuse derived fuel.
SHBEC	South Humber Bank Energy Centre.
SHBPS	South Humber Bank Power Station.

EP Waste Management Ltd

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SoCC	Statement of Community Consultation: sets out how a developer will consult the local community about a proposed NSIP.
SoS	Secretary of State.

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EP Waste Management Ltd

7.1- Statement of Common Ground with North East Lincolnshire Council (Pre application version)

1.0 EXECUTIVE SUMMARY

- 1.1.1 This Statement of Common Ground (SoCG) with North East Lincolnshire Council is intended to summarise clearly the agreements reached between the Applicant and the relevant planning authority ('the parties') on matters relevant to the examination of the Application and assist the Examining Authority. It has been prepared with regard to the guidance in 'Planning Act 2008: examination of applications for development consent' (Department for Communities and Local Government, March 2015).
- 1.1.2 The SoCG was shared with NELC six weeks before the submission of the Application and subsequently was agreed between the parties as suitable to accompany the Application.
- 1.1.3 This pre-application version of the document summarises the agreements regarding matters such as the planning and environmental context (Sections 4, 5 and 9), the need for and principle of the Proposed Development (Sections 6 and 7), adequacy of consultation (Section 8) and the approach to DCO requirements and obligations (Section 9). It is based on the information available at this time, which principally comprises the consultation materials (including the Preliminary Environmental Information Report or PEIR) issued during the statutory consultation period held by the Applicant between October and December 2019.
- 1.1.4 In particular, this version records agreement between the parties as to:
- the adequacy of consultation carried out for the Proposed Development
 - the need for and key benefits of the Proposed Development;
 - the conformity of the Proposed Development with the North East Lincolnshire Council Local Plan (2018); and
 - the approach of aligning DCO requirements and obligations with the equivalent conditions and obligations attached to the planning permission for the Consented Development.
- 1.1.5 Section 11 of this document summarises any matters that are still to be agreed between the parties.
- 1.1.6 It is intended that one or more further versions (revised drafts) will be agreed between the parties during the pre-examination and examination periods, and submitted to the Examining Authority to assist the examination of the Application.

EP Waste Management Ltd

7.1- Statement of Common Ground with North East Lincolnshire Council (Pre application version)

2.0 INTRODUCTION

2.1 Overview

- 2.1.1 This Statement of Common Ground with North East Lincolnshire Council (Document Ref. 7.1) has been prepared on behalf of EP Waste Management Limited ('EPWM' or the 'Applicant'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under section 37 of 'The Planning Act 2008' (the 'PA 2008').
- 2.1.2 EPWM is seeking development consent for the construction, operation and maintenance of an energy from waste ('EfW') power station with a gross electrical output of up to 95 megawatts (MW) including an electrical connection, a new site access, and other associated development (together 'the Proposed Development') on land at South Humber Bank Power Station ('SHBPS'), South Marsh Road, near Stallingborough in North East Lincolnshire ('the Site').
- 2.1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under sections 14 and 15(2) of the PA 2008.
- 2.1.4 The DCO, if made by the SoS, would be known as the 'South Humber Bank Energy Centre Order' ('the Order').
- 2.1.5 Full planning permission ('the Planning Permission') was granted by North East Lincolnshire Council ('NELC') for an EfW power station with a gross electrical output of up to 49.9 MW and associated development ('the Consented Development') on land at SHBPS ('the Consented Development Site') under the Town and Country Planning Act 1990 on 12 April 2019. Since the Planning Permission was granted, the Applicant has assessed potential opportunities to improve the efficiency of the EfW power station, notably in relation to its electrical output. As a consequence, the Proposed Development would have a higher electrical output (up to 95 MW) than the Consented Development, although it would have the same maximum building dimensions and fuel throughput (up to 753,500 tonnes per annum (tpa)).

2.2 The Applicant

- 2.2.1 The Applicant is a subsidiary of EP UK Investments Limited ('EPUKI'). EPUKI owns and operates a number of other power stations in the UK. These include SHBPS and Langage (Devon) Combined Cycle Gas Turbine ('CCGT') power stations, Lynemouth (Northumberland) biomass-fired power station, and power generation assets in Northern Ireland. EPUKI also owns sites with consent for new power stations in Norfolk (King's Lynn 'B' CCGT) and North Yorkshire (Eggborough CCGT).
- 2.2.2 EPUKI is a subsidiary of Energetický A Prumyslový Holding ('EPH'). EPH owns and operates energy generation assets in the Czech Republic, Slovak Republic, Germany, Italy, Hungary, Poland, Ireland, and the United Kingdom.

2.3 The Proposed Development Site

- 2.3.1 The Proposed Development Site (the 'Site' or the 'Order limits') is located within the boundary of the SHBPS site, east of the existing SHBPS, along with part of the carriageway within South Marsh Road. The principal access to the site is off South Marsh Road.
- 2.3.2 The Site is located on the South Humber Bank between the towns of Immingham and Grimsby; both over 3 km from the Site. The surrounding area is characterised by industrial uses dispersed between areas of agricultural land with the nearest main settlements being the villages of Stallingborough, Healing and Great Coates. The Site lies within the parish of Stallingborough although Stallingborough village lies over 2 km away.
- 2.3.3 The Site lies within the administrative area of NELC, a unitary authority. The Site is owned by EP SHB Limited, a subsidiary of EPUKI, and is therefore under the control of the Applicant, with the exception of the highway land on South Marsh Road required for the new Site access.
- 2.3.4 The existing SHBPS was constructed in two phases between 1997 and 1999 and consists of two CCGT units fired by natural gas, with a combined gross electrical capacity of approximately 1,400 MW. It is operated by EP SHB Limited.
- 2.3.5 The Site is around 23 hectares ('ha') in area and is generally flat, and typically stands at around 2.0 m Above Ordnance Datum (mAOD).
- 2.3.6 The land surrounding the Site immediately to the south, west and north-west is in agricultural use with a large polymer manufacturing site, Synthomer, and a waste management facility, NEWLINCS, both located to the north of the Site and also accessed from South Marsh Road. The estuary of the River Humber lies around 175 m to the east of the Site.
- 2.3.7 Access to the South Humber Bank is via the A180 trunk road and the A1173. The Barton railway line runs north-west to south-east between Barton-on-Humber and Cleethorpes circa 2.5 km to the south-west of the Site and a freight railway line runs north-west to south-east circa 300 m (at the closest point) to the Site.
- 2.3.8 A more detailed description of the Site is provided at Chapter 3: Description of the Proposed Development Site in the Environmental Statement ('ES') Volume I (Document Ref. 6.2).

2.4 The Proposed Development

- 2.4.1 The main components of the Proposed Development are summarised below:
- Work No. 1— an electricity generating station located on land at SHBPS, fuelled by refuse derived fuel ('RDF') with a gross electrical output of up to 95 MW at ISO conditions;
 - Work No. 1A— two emissions stacks and associated emissions monitoring systems;
 - Work No. 1B— administration block, including control room, workshops, stores and welfare facilities;

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- Work No. 2— comprising electrical, gas, water, telecommunication, steam and other utility connections for the generating station (Work No. 1);
 - Work No. 3— landscaping and biodiversity works;
 - Work No. 4— a new site access on to South Marsh Road and works to an existing access on to South Marsh Road; and
 - Work No. 5— temporary construction and laydown areas.

2.4.2 Various types of ancillary development further required in connection with and subsidiary to the above works are detailed in Schedule 1 of the DCO. A more detailed description of the Proposed Development is provided at Schedule 1 'Authorised Development' of the Draft DCO and Chapter 4: The Proposed Development in the ES Volume I (Document Ref. 6.2) and the areas within which each of the main components of the Proposed Development are to be built is shown by the coloured and hatched areas on the Works Plans (Document Ref. 4.3).

2.5 Relationship with the Consented Development

2.5.1 The Proposed Development comprises the works contained in the Consented Development, along with additional works not forming part of the Consented Development ('the Additional Works'). The Additional Works are set out below along with an explanation of their purpose.

- a larger air-cooled condenser (ACC), with an additional row of fans and heat exchangers – this will allow a higher mass flow of steam to be sent to the steam turbine whilst maintaining the exhaust pressure and thereby increasing the amount of power generated;
- a greater installed cooling capacity for the generator – additional heat exchangers will be installed to the closed-circuit cooling water system to allow the generator to operate at an increased load and generate more power;
- an increased transformer capacity – depending on the adopted grid connection arrangement the capacity will be increased through an additional generator transformer operating in parallel with the Consented Development's proposed generator transformer or a single larger generator transformer. Both arrangements would allow generation up to 95 MW; and
- ancillary works – the above works will require additional ancillary works and operations, such as new cabling or pipes, and commissioning to ensure that the apparatus has been correctly installed and will operate safely and as intended.

2.5.2 The likely construction scenario is for work on the Consented Development (pursuant to the Planning Permission) to commence in Quarter 2 ('Q2') of 2020 and to continue for around three years. Following grant of a DCO for the Proposed Development (approximately halfway through the three-year construction programme), the Applicant would initiate powers to continue development under the Order instead of the Planning Permission. The Order includes appropriate powers and notification requirements for the 'switchover' between consents, to provide clarity for the relevant planning authority

regarding the development authorised and the applicable conditions, requirements, and other obligations. Once the Order has been implemented the additional works would be constructed and the Proposed Development would be built out in full. The Proposed Development would commence operation in 2023.

- 2.5.3 Alternative construction scenarios, involving construction entirely pursuant to the Order, are also possible. Accordingly, three representative scenarios are described within Chapter 5: Construction Programme and Management in the ES Volume I (Document Ref. 6.2) and assessed in the Environmental Impact Assessment ('EIA').

2.6 Purpose of this Document

- 2.6.1 This document is intended to summarise clearly the agreements reached between the parties on matters relevant to the examination of the Application and assist the Examining Authority. It has been prepared with regard to the guidance in 'Planning Act 2008: examination of applications for development consent' (Department for Communities and Local Government, March 2015).
- 2.6.2 This pre-application version of the document summarises the agreements regarding matters such as the planning context, pre application engagement, statutory consultation, and the need and principle of the Proposed Development, based on the information available at this time, which principally comprises the consultation materials (including the Preliminary Environmental Information Report or PEIR) issued during the statutory consultation period held by the Applicant between October and December 2019.

2.7 Status of this Version

- 2.7.1 The SoCG was shared with NELC six weeks before the submission of the Application and subsequently was agreed as suitable to accompany the Application.
- 2.7.2 It is intended that one or more further versions (revised drafts) will be agreed between the parties during the pre-examination and examination periods, and submitted to the Examining Authority to assist the examination of the Application.
- 2.7.3 Section 11 of this document summarises any matters that are still to be resolved between the parties and which require further discussion.

3.0 THE ROLE OF NELC

- 3.1.1 The Site is located wholly within the administrative area of NELC.
- 3.1.2 As a unitary authority NELC falls within the definition of a local authority ('LA') for the purposes of sections 43 and 56A of the PA 2008 and is the 'host local authority' for the purposes of the Application.
- 3.1.3 The Applicant understands that NELC will prepare a Local Impact Report ('LIR') for the purposes of the Examination of the Application.
- 3.1.4 It is agreed that NELC will be the relevant planning authority for the purposes of discharging the requirements that are to be contained within the Order.
- 3.1.5 It is agreed that article 28, which provides that the requirements in Schedule 2 of the Order are to be treated as planning conditions under the Town and Country Planning Act 1990 for certain specified purposes, including applications to discharge them and appeals, is appropriate and provides a mechanism for the consideration and approval of details of the Proposed Development which is consistent with that which applies to the Consented Development.

4.0 RELEVANT PLANNING HISTORY

4.1.1 It is agreed that the information in the following table correctly identifies the planning history relevant to the Site (and in italics, planning history relevant to the access works part of the Site only) at the date of this document. This information has been based upon the NELC online planning search function.

Table 4.1: Planning History

REFERENCE	DESCRIPTION	DECISION
DM/1117/19/CND	Details in discharge of Condition 18 (Delivery and Servicing) pursuant to DM/1070/18/FUL	Condition Complied With 31/01/2020
DM/0713/19/CND	Details in discharge of Condition 10 (Construction Management Plan - Phase 1) pursuant to DM/1070/18/FUL	Condition Part Complied With 27/09/2019
<i>DM/0664/19/FUL</i>	<i>Development of a sustainable transport fuels facility, including various stacks up to 80m high, creation of new accesses, installation of pipe lines, rail link, associated infrastructure and ancillary works</i>	<i>Pending Consideration Validated 09/08/2019</i>
DM/0486/19/CND	Details in discharge of Condition 13, Part 1 (Contamination - investigation) DM/1070/18/FUL	Condition Part Complied With 12/06/2019
DM/1070/18/FUL	Construction of an energy from waste facility of up to 49.9MWe gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge	Approved 12/04/2019

REFERENCE	DESCRIPTION	DECISION
	facility, and drainage infrastructure, on land at South Humber Bank Power Station Land Rear Of Power Station Hobson Way Stallingborough North East Lincolnshire	
DM/0575/18/SCO	Request for Scoping Opinion - Construction and operation of an energy from waste power station with a maximum gross electrical output of 49.9 MW	Opinion Issued 03/09/2018
DM/1184/16/FUL	Erection of new gatehouse/induction centre with air conditioning units, installation of bio disk tank, security barriers, car parking, new fencing, new parking bays, relocation of flag poles and other associated works.	Approved 04/04/17
DC/1088/10/IMM	Erect two storey portal framed storage building & transformer storage bund	Approved 14/02/11
DC/759/09/IMM	Erection of a parts storage building to existing power station in accordance with amended plans received on 16th December 2009	Approved 22/12/09
DC/1001/05/IMM	Prior determination application to erect 12m high antenna	Approved 11/10/05
DC/436/98/IMM	Erect complex of clad portal frame building to house power generation plant and equipment	Approved 23/09/98
08950050	Application for approval siting and	Approved 28/10/96

REFERENCE	DESCRIPTION	DECISION
	design of Power Station	
DC/835/98/IMM	Erection of storage buildings and gatehouse. Retention of car park area and associated access from Hobson Way	Approved 25/06/99
DC/190/96/IMM	Radio antennae to a pole at 12 metres above ground level	Approved 17/06/96
08940461	Extension of the South Humber Bank Power Station site & creation of 2 temporary accesses from South Marsh Road & the South Humber Bank Link Road	Approved 12/01/95
08930204	Extension of the South Humber Bank Power station site for the construction and operation of a continuous cooling water system plus ancillary works	Approved 21/12/93
08910439	Construction and generation of combined cycle gas turbine power plant	Approved 01/08/92
08900006	Construction of plant for the manufacture of straw pulp	Approved 03/01/91

5.0 RELEVANT PLANNING POLICY

5.1 National planning policy

5.1.1 It is agreed that the following National Policy Statements ('NPSs') are particularly relevant to the Application:

- The Overarching NPS for Energy (EN-1); and
- The NPS for Renewable Energy Infrastructure (EN-3).

5.1.2 It is agreed that the above NPSs provide the primary basis for decisions by the SoS in relation to the Application pursuant to section 104(3) of the PA 2008, which states that the Application must be determined in accordance with them, unless one of the matters set out in sub-sections 104(4) to (8) applies.

5.1.3 It is agreed that the following planning policy documents may also be 'important and relevant' to the consideration of the Application:

- National Planning Policy Framework (February 2019); and
- Planning Practice Guidance.

5.1.4 It is agreed that section 104 of the PA 2008 states that the SoS must have regard to other matters that are 'important and relevant', and it is agreed that this includes adopted local development plan documents. It is also agreed that EN-1 is clear that in the event of any conflict between a NPS and a local development plan document, the NPS prevails for the purpose of SoS decision-making given the national significance of the infrastructure concerned.

5.2 Local development plan policy

5.2.1 It is agreed that the recently adopted North East Lincolnshire Local Plan 2013 to 2032 (Adopted March 2018) is the most relevant NELC document.

5.2.2 It is agreed that the following policies are relevant to the Proposed Development:

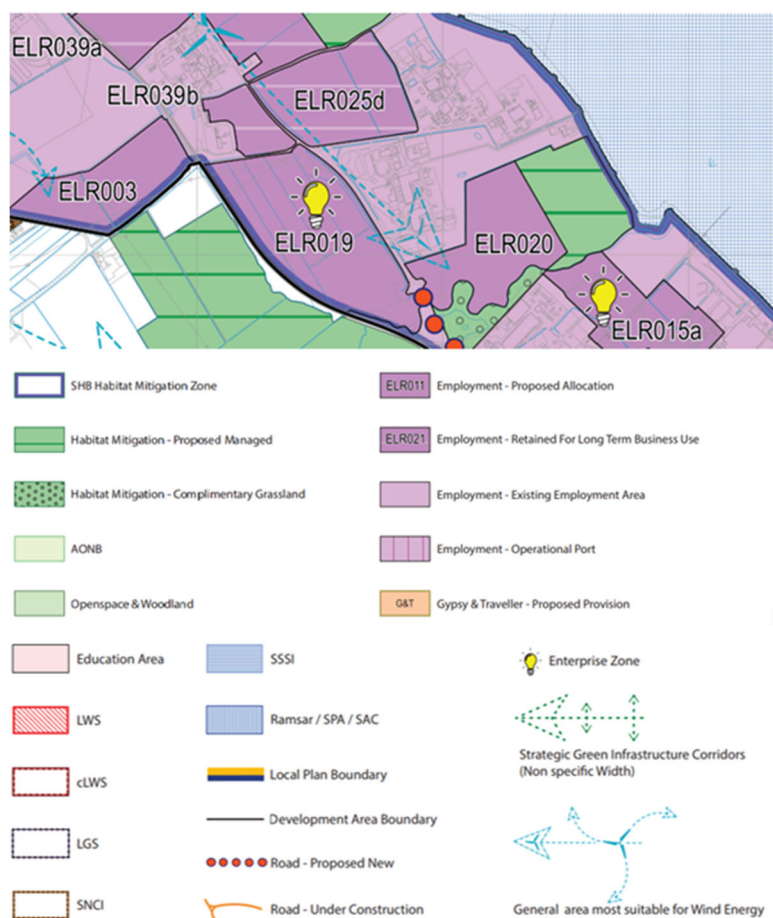
- PO1 - Employment land supply
- PO5 - Development boundaries
- PO6 - Infrastructure
- PO8 - Existing employment areas
- PO9 - Habitat Mitigation - South Humber Bank
- PO22 - Good design in new developments
- PO31 - Renewable and low carbon infrastructure
- PO32 - Energy and low carbon living
- PO33 - Flood risk
- PO34 - Water management
- PO36 - Promoting sustainable transport

- PO38 - Parking
- PO39 - Conserving and enhancing the historic environment
- PO41 - Biodiversity and Geodiversity
- PO42 – Landscape
- PO48 - Safeguarding waste facilities and related infrastructure

5.3 Local Planning Designations

5.3.1 It is agreed that the Site is allocated as an ‘existing employment’ site within the Local Plan Map (see figure 5.1).

Figure 5.1: NELC Policies Plan Area



5.3.2 It is agreed that the local planning policy context relevant to the Proposed Development remains the same as for the Consented Development.

5.3.3 It is agreed that the Proposed Development is in accordance with the Development Plan.

6.0 THE NEED FOR THE PROPOSED DEVELOPMENT AND PRINCIPLE OF THE USE

6.1.1 Section 3.3 of Part 3 of NPS EN-1 (DECC, 2011) sets out a number of key reasons why there is an urgent need for new electricity generating infrastructure, including:

- Meeting energy security and carbon reduction objectives;
- The need to replace closing electricity generating capacity;
- The need for new electricity capacity to back up the increased contribution of intermittent forms of renewable generation; and
- Future increases in electricity demand.

6.1.2 Paragraph 2.2.20 of EN-1 states that in order to manage the risks to achieving security of supply the UK needs sufficient electricity capacity to meet demand at all times including a safety margin of reserve capacity, reliable associated supply chains to meet demand as rises, and a diverse mix of technologies and fuels.

6.1.3 Paragraphs 3.3.15 – 3.3.24 of EN-1 deal with the urgency of the need for new electricity generating capacity. Paragraph 3.3.15 states that in order to secure energy supplies that enable the UK to meet its climate change obligations to 2050, there is an urgent need for new energy infrastructure to be brought forward as soon as possible, and certainly within the next 10-15 years (from 2011).

6.1.4 The role of Energy from Waste (EfW) in addressing the UK's energy needs is outlined in paragraphs 3.4.3 – 3.4.5 of NPS EN-1. Paragraph 3.4.3 explains that EfW is a type of renewable generation, as the principal purpose of the combustion of waste is to reduce the amount of waste going to landfill in accordance with the Waste Hierarchy and to recover useful energy from that waste. Paragraph 3.4.4 explains that EfW can provide 'dispatchable' power, constituting an increasingly important contribution to the security of UK electricity supplies. Paragraph 3.4.5 explains that it is necessary to bring forward new renewable electricity generating projects as soon as possible and that the need for new renewable electricity generation projects is therefore urgent.

6.1.5 Our Waste, Our Resources: A Strategy for England' (Defra, 2018) ('the Strategy') is the current waste strategy for England. Chapter 3 of the Strategy, entitled 'Recovering Resources and Managing Waste' states that: "we will work closely with industry to secure a substantial increase in the number of EfW plants that are formally recognised as achieving recovery status, and will ensure that all future EfW plants achieve recovery status." The Strategy also sets out projections for residual waste arisings and states "given our projections we continue to welcome further market investment in residual waste treatment infrastructure". The Proposed Development will have recovery status, complying with the R1 Energy Efficiency formula in Annex II of the Waste Framework Directive 2008/98/EC. The Proposed Development would, once consented, represent an 8% increase over the current England

wide capacity of permitted recovery facilities, measured by throughput (R1 facility list dated 17 June 2019, Environment Agency).

- 6.1.6 It is agreed that EN-1 and 'Our Waste, Our Resources' individually and together establish a substantial need for projects of the same type as the Proposed Development, while not directing the location of such developments.
- 6.1.7 It is agreed that the principle of EfW use at this location is well established due to the existence of a valid, implementable, EfW consent namely the Planning Permission, which was determined by NELC to be acceptable in relation to Local Plan Policies 1 and 5 and the NPPF in terms of the principle of development.
- 6.1.8 It is agreed the Site is suitable for the proposed use for the same reasons set out in the Council's report relating to the Planning Permission, namely:
- The site forms part of a larger 'development area' within the applicant's control;
 - The location makes effective use of existing employment land under Policy 7;
 - Alternative sites have been appropriately considered; and
 - The location is also suitable against Policy 36 (promoting sustainable transport) and 47 (future sites for waste facilities) and would not affect sites safeguarded under Policy 48.

7.0 THE BENEFITS OF THE PROPOSED DEVELOPMENT

7.1.1 It is agreed that the Proposed Development would have a number of very clear benefits, including the following:

- EN-1 confirms the urgent need that exists for all types of nationally significant energy infrastructure. It is clear that the SoS should assess applications on the basis that this need and its scale and urgency has been proven. The Proposed Development, with a gross output capacity of up to 95MW, is capable of responding to this urgent need in a timely manner.
- The Proposed Development would make a material contribution to the UK's fleet of energy recovery facilities and will assist in delivering England's Waste Strategy.
- The Proposed Development would have significant benefits for the local economy, in terms of employment during the construction phase and permanent employment during operation, and is consistent with the industrial character of the area and the aims of the South Humber Industrial Investment Programme.
- The Proposed Development would make use of vacant employment allocated land within and is located immediately adjacent to the SHBPS and already benefits from utilities connections, and other infrastructure. This assists in minimising the impact of the Proposed Development upon the environment.
- The Proposed Development would contribute an appropriate sum to off site strategic habitat mitigation under Policy 9 of the LDP, thereby contributing substantially towards the project to develop bird habitat at Cress Marsh.

7.1.2 The ES has not yet been published. However based on the assessment of effects of the Proposed Development, and the appropriate mitigation proposals set out, in the PEIR published for statutory consultation, it is agreed that the Proposed Development has clear and substantial benefits that outweigh the limited adverse effects identified.

7.1.3 NELC will provide specific comments on the balance of impacts and benefits in its LIR, and the Statement of Common Ground will be updated to reflect matters in the LIR as necessary.

8.0 ADEQUACY OF CONSULTATION AND OTHER PRE APPLICATION ENGAGEMENT

- 8.1.1 The Applicant consulted NELC on the draft Statement of Community Consultation between 10 September 2019 and 9 October 2019. The SoCC took account of the consultation methods employed prior to the application for the Consented Development and also took account of NELC's comments that were received on 18 September 2019. The Applicant took the comments received into account when finalising the SoCC, which was published on 17th October 2019. It is agreed that the Applicant took appropriate account of the comments received.
- 8.1.2 The Applicant published a PEIR for the purpose of statutory consultation, based on the ES prepared for the Consented Development and taking into account changed baseline conditions, the additional works required, and the comments received through the Secretary of State's EIA Scoping Opinion (Document Ref. 6.4). The Applicant also published plans and information on the Proposed Development. All materials were available at the three public exhibitions as well as public deposit locations and the project website (www.shbenergycentre.co.uk).
- 8.1.3 NELC's response to the consultation was received by the Applicant on 13 December 2019 which stated that, having regard to the published information which confirms that the maximum building dimensions or fuel throughput will not be altered, they had no comments to make.
- 8.1.4 It is agreed that the Applicant has carried out good quality pre-application consultation, carrying out its statutory consultation on the Proposed Development in line with the SoCC and using a variety of methods, and an appropriate level of information, for a period in excess of the statutory minimum of 28 days.
- 8.1.5 NELC considers that the Applicant's consultation was adequate in statutory terms, and is minded to confirm the same within the 'adequacy of consultation response' to the Examining Authority.
- 8.1.6 It is agreed that the quality and amount of other pre-application engagement by the Applicant with NELC has been good, and has included regular update meetings and calls and engagement with NELC highways, ecology, and environmental health officers on technical methodologies and detailed consideration by the Applicant of issues raised. Engagement between the Applicant and NELC in relation to the Proposed Development has taken place since summer 2019, and in relation to the Consented Development from spring 2018 to spring 2019.

9.0 SCHEMES SELECTED FOR THE CUMULATIVE EFFECTS ASSESSMENT

- 9.1.1 Schemes of potential relevance to the cumulative effects assessment (CEA) have been selected with regard to knowledge of the area, checks of local authority planning registers, and the approaches set out in 'Planning Act 2008: guidance on the Pre-application process' (Department for Communities and Local Government, March 2015) and Advice Note 17 'Cumulative effects assessment' (Planning Inspectorate, August 2019, version 2).
- 9.1.2 The general rationale was to consider schemes that, if unbuilt are committed in planning terms, therefore are the subject of either an EIA screening/ scoping request or have a planning permission likely to be valid (i.e. granted within the three years to February 2020), or have received planning permission; and have potential cumulative impacts within a 10 km radius. Schemes were therefore selected based on either having 10 or more residential units, the creation of 10 or more car parking spaces, creating an additional flow of people as a result of a change of use, creating over 1,000 m² of floor space, all applications situated on the A1173, Kiln Lane, Hobson Way and South Marsh Road, tall structures (over 10 m) within 5 km of the Site, and major sources of air emissions (i.e. industrial developments) within 10 km of the Site. Local plan designations in the vicinity did not of themselves represent schemes for assessment as specifics as to use and design are not contained within the Local Plan. It is agreed that this rationale is appropriate for the CEA of the Proposed Development.
- 9.1.3 It is agreed that the list in Appendix 1 represents the schemes with potential cumulative effects.

10.0 DCO REQUIREMENTS AND PLANNING OBLIGATIONS

10.1.1 It is agreed that the wording of the requirements in Schedule 2 of the Order should in general closely follow the conditions attached to the Planning Permission, because:

- the relevant environmental parameters (the maximum built dimensions and maximum fuel throughput) of the Proposed Development are no greater than the Consented Development;
- the mitigation proposed in the PEIR (and secured through conditions / requirements where necessary) is appropriate to the findings of the PEIR, and it is anticipated that the findings and the mitigation proposed in the ES will be similar;
- taking the above into account it is also appropriate for reasons of clarity that the controls which apply to the Order are consistent with those in the Planning Permission.

10.1.2 It is agreed that the ground investigation rationale and specification approved pursuant to Condition 13 for the Consented Development (NELC reference DM/0486/19/CND, dated 12 June 2019) is acceptable for the Proposed Development

10.1.3 It is agreed that the Delivery and Servicing Plan approved pursuant to Condition 18 for the Consented Development is acceptable for the Proposed Development.

10.1.4 It is agreed that the obligation applicable to the Consented Development in respect of potential impacts on water birds, namely a Section 106 agreement requiring the sum of £105,378.00 to be payable to NELC in return for creating wetland habitat at Cress Marsh on South Marsh Road suitable for birds that use the Humber Estuary Special Protection Area and Ramsar site, will carry over to the Proposed Development and will be achieved by entering into a deed of variation.

10.1.5 The Applicant has provided NELC with appropriate opportunities to comment on the drafting of the DCO before the submission of the Application and NELC will provide specific comments in the next version of this Statement of Common Ground.

11.0 MATTERS NOT YET AGREED

11.1.1 The following matters are not yet agreed:

- Local impacts and benefits
- DCO Articles and Schedules relating to highways matters, the switchover from the Planning Permission to the Order, and Requirements

Signed: C Jarvis

On behalf of North East Lincolnshire Council:

Date: 6 April 2020

Signed: **DWD LLP**

On behalf of EP Waste Management Ltd:

Date: **3 April 2020**

APPENDIX 1: LIST OF SCHEMES FOR CONSIDERATION IN THE CUMULATIVE EFFECTS ASSESSMENT

NO	AUTHORITY	REFERENCE	DECISION DATE/VALIDATED DATE	OUTCOME	SITE ADDRESS	DESCRIPTION
1	North East Lincolnshire Council	DM/0067/20/SC R	Validated 23 January 2020. Not yet determined.	Pending Consideration	East Gate Port of Immingham Queens Road Immingham North East Lincolnshire	Screening opinion for the construction of an industrial unit (Class B2) with associated access, parking, manoeuvring space and storage.
2	North East Lincolnshire Council	DM/0033/20/SC O	Validated 14 January 2020	Pending Consideration	Immingham Railfreight Terminal Scandinavian Way Stallingborough Grimsby North East Lincolnshire DN41 8DT	Request for EIA Scoping opinion - proposed development of 2 x 20MW waste to energy plants
3	North East Lincolnshire Council	DM/0748/19/FU L	Decision Date 10 December 2019	Approved	Unit 14 Estate Road 8 Grimsby North East Lincolnshire DN31 2TG	Change of Use from Light Industrial (B1) u.p.v.c. window and conservatory manufacturing to (B2) Fish Processing and Cold Storage
4	North East Lincolnshire Council	DM/0664/19/FU L	Validated 9th August 2019	Pending Consideration	Land at Hobson Way Stallingborough North East Lincolnshire	Development of a sustainable transport fuels facility, including various stacks up to 80m high, creation of new accesses, Installation of pipe lines, rail link, associated infrastructure and ancillary works

5	North East Lincolnshire Council	DM/0158/19/FU L	Decision Date 25 October 2019	Approved	Phoenix House Manby Road Immingham North East Lincolnshire DN40 2LG	Change of use from plant hire (B2) to Sui Generis End of Life Vehicle (ELV) and Waste Electrical and Electronic Equipment (WEEE) processing plant
6	North East Lincolnshire Council	DM/0651/19/RE M	Decision Date 11 October 2019	Approved	Land Off Stallingborough Road Healing North East Lincolnshire	Reserved matters application for the erection of 50 dwellings to consider appearance, landscaping, layout and scale and details in discharge of conditions 5 (Phasing Plan), 6 (Landscaping), 8 (Site Levels), 9 (Design Principles), 11 (Phasing Drainage Details), 12 (Foul Drainage Details), 17 (Construction Management Plan), 19 (Site Clearance), 20 (Archaeology) and 21 (Lighting) following application DM/0378/15/OUT
7	North East Lincolnshire Council	DM/0699/19/SC R	Decision Date 5 August 2019	EIA Not Required	Phoenix House Manby Road Immingham North East Lincolnshire DN40 2LG	Request for EIA screening opinion for proposed change of use from plant hire (B2) to Sui Generis End of Life Vehicle (ELV) and Waste Electrical and Electronic Equipment (WEEE) processing plant
8	North East Lincolnshire Council	DM/0328/19/SC R	Decision Date 23 July 2019	EIA Required	Land Off Stallingborough Interchange Kiln Lane Stallingborough North East Lincolnshire	Request for EIA screening opinion for tyre recycling facility.

9	North East Lincolnshire Council	DM/0468/19/SC R	Decision Date 19 July 2019	EIA Not Required	Plot E - Former Blue Star Fibres Humber Gate Moody Lane Grimsby North East Lincolnshire DN31	Request for EIA screening opinion for proposed industrial development for zinc oxide processing
10.	North East Lincolnshire Council	DM/0198/19/SC R	Decision Date 27 June 2019	EIA not required	Mauxhall Farm Immingham Road Stallingborough Grimsby North East Lincolnshire DN41 8BS	Request for EIA screening opinion for a proposed energy park including 32h solar farm (18mw) and battery storage (24mw).
11	North East Lincolnshire Council	DM/0327/19/SC O	Decision Date 12 June 2019	Scoping Opinion Given	Land Adjoining Hobson Way Stallingborough North East Lincolnshire	Request for EIA Scoping opinion - Waste to fuels project
12	North East Lincolnshire Council	DM/0108/19/SC R	Decision Date 7 August 2019	EIA Required	Immingham Railfreight Terminal Scandinavian Way Stallingborough Grimsby North East Lincolnshire DN41 8DT	Screening request for the siting of 10 x 2MW flexible gas generation plant (total of 20MW)
13	North East Lincolnshire Council	DM/0111/19/SC R	Decision Date 7 August 2019	EIA Required	Immingham Railfreight Terminal Scandinavian Way Stallingborough Grimsby North East Lincolnshire DN41 8DT	Screening request for the siting of 10 x 2MW flexible gas generation plant (total of 20MW)

					Ward Immingham	
14	North East Lincolnshire Council	DM/0120/19/RE M	Decision Date 30 May 2019	Approved	Land at Genesis Way Healing North East Lincolnshire Ward Wold	Reserved matters application following DC/323/12/WOL (Development of remaining plots on Europarc)
15	North East Lincolnshire Council	DM/0110/19/SC R	Decision Date 7 August 2019	EIA Required	Immingham Railfreight Terminal Scandinavian Way	Screening request for the siting of 10 x 2MW flexible gas generation plant (total of 20MW)
16	North East Lincolnshire Council	DM/0107/19/SC R	Decision Date 7 August 2019	EIA Required	Immingham Railfreight Terminal Scandinavian Way Stallingborough Grimsby North East Lincolnshire DN41 8DT	Screening request for the siting of 10 x 2MW flexible gas generation plant (total of 20MW)
17	North East Lincolnshire Council	DM/1133/17/OU T	Decision Date 5 August 2019	Approved	Land Field Head Road Laceby Grimsby North East Lincolnshire DN37 7SS	Outline application for 152 dwellings with means of access to be considered, including an emergency vehicular access onto Charles Avenue. (amended Transport Assessment and Travel Plan 13th April 2018).
18	North East Lincolnshire Council	DM/0804/18/FU L	Decision Date 03 May 2019	Approved	Waterworks Street Land Waterworks Street Immingham	Erection of 38 dwellings with car parking, alterations to existing vehicular access, boundary

					North East Lincolnshire	treatments and associated works (amended plans January 2019)
19	North East Lincolnshire Council	DM/0080/19/SC R	Decision Date 8 March 2019	EIA Not Required	Land at Eastside Road Grimsby Docks Grimsby North East Lincolnshire DN31 3NN	Screening opinion for the installation of operation and maintenance buildings for the Triton Knoll wind farm (wind farm is within the north sea)
20	North East Lincolnshire Council	DM/0004/19/FU L	Decision Date 24 April 2019	Approved	Ashtead Plant Hire Middleplatt Road Immingham North East Lincolnshire DN40 1AH	Change of use of a plant hire depot to transport yard to include full demolition of existing buildings and siting of 1 welfare cabin (amended description and site plan)
21	North East Lincolnshire Council	DM/0902/18/FU L	Decision Date 6 February 2019	Approved	Land Off Pelham Road Immingham North East Lincolnshire Ward Immingham	Erection of 3 storey office building and facilities block with associated car parking, access and landscaping
22	North East Lincolnshire Council	DM/0745/18/SC R	Decision Date 11 February 2019	EIA not Required	Immingham Landfill Site Queens Road Immingham North East Lincolnshire DN40 1QR	Request for EIA Screening opinion - Immingham Landfill Site
23	North East Lincolnshire Council	DM/0329/18/FU L	Decision Date 30 January 2019	Approved	Vireol Plc Energy Park Way Grimsby North East Lincolnshire DN31 2TT	Erection of industrial building and adjoined three storey office/control room to create power plant (18MW Energy From Waste)

24	North East Lincolnshire Council	DM/0505/16/FU L	Decision Date: 11 January 2019	Approved	Healing Manor Stallingborough Road Healing Grimsby North East Lincolnshire DN41 7QF	Retrospective application for change of use and alterations of outbuildings/stables to hotel bedrooms, function room with office over and public house in association with existing hotel.
25	North East Lincolnshire Council	DM/0628/18/FU L	Decision Date 20 December 2018	Approved	Immingham Railfreight Terminal Scandinavian Way Stallingborough Grimsby North East Lincolnshire DN41 8DT	Partially demolish existing building and erect 20MWE waste to energy power generation facility, 65m stack and associated plant, machinery, parking and external works
6	North East Lincolnshire Council	DM/0105/18/FU L	Decision Date 12 October 2018	Approved	Land Off Stallingborough Interchange Kiln Lane Stallingborough North East Lincolnshire	Hybrid application seeking outline consent with access, landscaping and scale to be considered for the development of a 62ha Business Park
27	North East Lincolnshire Council	DM/0608/18/SC R	Decision Date 14 September 2018	EIA not required	Former Swallow Stevedores Ltd Alexandra Road South Immingham Docks Immingham North East Lincolnshire DN40 2QW	Request for EIA Screening for demolition of existing buildings and for container terminal rationalisation works at Port of Immingham

28	North East Lincolnshire Council	DM/0728/18/OUT	Validated 3 September 2018	Pending Decision	Highfield House Stallingborough Road Immingham North East Lincolnshire DN40 1SW	Outline planning application for the development of up to 525 residential dwellings together with an extra care facility for the elderly with up to 80 units with access to be considered.
29	North East Lincolnshire Council	DM/0670/18/SCR	Decision Date 29 August 2018	EIA not required	On Line Design and Engineering Ltd Pelham Road Immingham North East Lincolnshire DN40 1AB	Screening opinion for office block
30	North East Lincolnshire Council	DM/0184/18/FUL	Decision Date 12 July 2018	Approved	1 Energy Park Way Grimsby North East Lincolnshire	Retrospective application for change of use from private car park to private HGV trailer park with ancillary facilities to include shower, WC and mess room, erect 1.8m high fencing to perimeter to include access gates and create new vehicular access
31	North East Lincolnshire Council	DM/0449/18/SCR	Decision Date 22 June 2018	EIA not required	Novartis Moody Lane Grimsby North East Lincolnshire DN31 2SY	EIA Screening Request for proposed Thermox pipework installation works
32	North East Lincolnshire Council	DM/0333/17/FUL	Decision Date 4 December 2017	Approved	Immingham Railfreight Terminal Scandinavian Way Stallingborough Grimsby North East	Develop waste tyre to energy pyrolysis plant at disused

					Lincolnshire DN41 8DT	
33	North East Lincolnshire Council	DM/0771/17/FU L	Decision Date 3 rd October 2017	Approved	Spar Stores (Laceby Lodge Services) Barton Street Laceby North East Lincolnshire	Planning permission for enlargement of existing car park.
34	North East Lincolnshire Council	DM/0997/16/OU T	Decision Date 14 September 2018	Approved	Address Land at Bradley Road Waltham North East Lincolnshire	Outline application to erect 66 dwellings including drainage strategy with access and landscaping to be considered (Amended plans June 2017).
35	North East Lincolnshire Council	DM/0560/17/FU L	Decision Date 18 August 2017	Approved	Manor Golf Course Barton Street Laceby Grimsby North East Lincolnshire DN37 7LD	Change of use of land for the siting of 26 timber lodges.
36	North East Lincolnshire Council	DM/0195/17/FU L	Decision Date 1 August 2017	Approved	Vireol Plc Energy Park Way Grimsby North East Lincolnshire DN31 2TT	Erection of industrial building and adjoined two storey office/control room to create power plant (18MW Energy From Waste) including construction of associated access, hardsurfacing, erection of 55m chimney stack and installation of necessary plant and machinery
37	North East Lincolnshire Council	DM/0378/15/OU T	Decision Date 31 July 2017	Approved	Land At Stallingborough Road Healing North East Lincolnshire Ward Wold	Outline planning application with means of access to be considered for the construction of up to 250 residential dwellings

38	North East Lincolnshire Council	DM/0065/17/FU L	Decision Date: 19 th May 2017	Approved	Lenzing Fibers Ltd Energy Park Way Grimsby North East Lincolnshire DN31 2TT	Extension to existing car parking arrangement to create 38 extra spaces to include installation of two drop kerbs.
39	North East Lincolnshire Council	DM/0390/16/FU L	Decision Date 18 May 2017	Approved	Manor Golf Course Barton Street Laceby Grimsby North East Lincolnshire DN37 7LD	Erection of an ancillary spa, gym, offices and a wardens flat to include parking, access and landscaping.
40	North East Lincolnshire Council	DM/0782/16/OU T	Decision Date 6 April 2017	Approved	Address Land Station Road Stallingborough North East Lincolnshire	Outline application to erect 4 detached bungalows with attached garages, 2 pairs of semi-detached bungalows with attached garages, 2 pairs of link semi-detached houses, two with garages and 2 detached houses
41	North East Lincolnshire Council	DM/0922/16/OU T	Decision Date 21 September 2016	Approved	Land at Buddleia Close Healing North East Lincolnshire Ward Wold	Outline application to erect 10 dwellings, associated garages, gardens, driveways and access roads with access and layout to be considered.
42	North East Lincolnshire Council	DM/0460/16/FU L	Decision Date 23 August 2016	Approved	Address East Trans Trondheim Way Stallingborough Grimsby North East Lincolnshire DN41 8FD	Erection of warehouse with vehicle drive through canopy with 2 storey office extension, drainage ditch vehicle crossing and hard standing.

43	North East Lincolnshire Council	DM/0470/16/FU L	Decision Date 21 July 2016		Address Land Off Healing Road Stallingborough North East Lincolnshire	Erection of Gospel Hall with associated car parking and landscaping (Re-submission of DM/0304/15/FUL).
44	North East Lincolnshire Council	DM/0308/16/FU L	Decision Date 30 June 2016	Approved	Land At Catch Kiln Lane Stallingborough North East Lincolnshire	Erect new two storey building to provide additional training facilities including offices, workshops and a first floor viewing area with associated car parking.
45	North East Lincolnshire Council	DM/0147/16/FU L	Decision Date 9 June 2016	Approved	Rear of Paragon House Kiln Lane Stallingborough North East Lincolnshire	Engineering works and use of land for external car parking, internal site access works, boundary works, and other associated works.
46	North East Lincolnshire Council	DM/0848/14/FU L	Decision Date 1 April 2016	Approved	Decision Date 1 April 2016	Development of a renewable power facility for the production of electricity using pre-treated fuel feedstocks including tyres and carpets processed on site with ancillary storage, lorry and car provision and widening of existing access off Europa Way
47	North East Lincolnshire Council	DM/1143/15/FU L	Decision Date 31 March 2016	Approved	Unit 1 Pegasus Way Healing Grimsby North East Lincolnshire DN37 9TS	Erect detached single storey packaging store.
48	North East Lincolnshire Council	DM/0439/15/FU L	Decision Date 22 March 2016	Approved	Land R/O 74-76 Stallingborough Road Healing North East Lincolnshire	Erection of ten dwellings & garages with associated boundary treatments, landscaping & vehicle

						access from Hornbeam Drive, Healing.
49	North East Lincolnshire Council	DM/0339/15/FU L	Decision Date 6 November 2015	Approved	77 Caistor Road Laceby Grimsby North East Lincolnshire DN37 7JA	Proposed erection of Gospel Hall with associated car parking and landscaping.
50	North East Lincolnshire Council	DM/0304/15/FU L	Decision Date 11 th September 2015	Approved	Land Off Healing Road Stallingborough North East Lincolnshire	Proposed erection of Gospel Hall with associated car parking and landscaping.
51	North East Lincolnshire Council	DM/0325/15/FU L	Decision Date 20 July 2015	Approved	Decision Date 20 July 2015	Alterations and extension to existing factory.
52	North Lincolnshire Council	PA/2019/1545	Decision Date 18 December 2019	Approved	Dawson Poultry, Killingholme Airfield, Crook Mill Lane, Immingham South, East Halton, Doncaster, DN40 3JY	Planning permission to erect 5 silos including associated biomass boilers and associated works
53	North Lincolnshire Council	PA/SCR/2019/7	Validated 21 August 2019	Pending Consideration	Humber International Terminal, Humber Road, South Killingholme, DN40 3LX	EIA Screening request for a proposed new transit/storage shed
54	North Lincolnshire Council	PA/2018/1703	Decision Date 27 September 2019	Approved	Land at east end of Lancaster Approach, North Killingholme	Planning permission for change of use of land to erect a workshop, office accommodation, palisade fencing and proposed lorry park

55	North Lincolnshire Council	PA/2018/114	Decision Date 4 January 2019	Approved	Land East of Rosper Road, South Killingholme	Planning permission to change the use of land for car storage and distribution for a temporary period, the construction and operation of an electricity substation and the construction of new access along Station Road, including a new junction with Rosper Road.
56	North Lincolnshire Council	PA/2018/918	Decision Date 7 September 2018	Approved with EIA	VPI Immingham Energy Park A Limited, Rosper Road, Immingham, North Lincolnshire, DN40 3DZ	Planning permission to construct a new gas-fired power station with a gross electrical output of up to 49.9 megawatts Major Application
57	North Lincolnshire Council	PA/2017/2141-	Validated 17 January 2018	Pending Decision:	Land North of Marsh Lane, South Killingholme	Planning permission for a car storage and distribution facility, port related storage, engineering works, pre-delivery inspection facility building, other minor buildings, lighting columns and other minor works
58	North Lincolnshire Council	PA/SCO/2017/3	Validated 20 December 2017	Pending Decision	Land north of VPI Power Station, Rosper Road, South Killingholme, DN40 3DZ	Scoping opinion for VPI-Immingham Energy Park 'A' Power Station
59	North Lincolnshire Council	PA/2017/535	Decision Date 28 July 2017	Approved	Post Office House & Stores, Town Street, South Killingholme, DN40 3HR	Planning permission for the construction of two new buildings comprising two retail outlets and a flat at ground floor, and two duplex and one flat on first floor (including

						demolition of existing building) (re-submission of PA/2016/1350).
60	North Lincolnshire Council	PA/2017/27-	Decision Date 8 May 2017	Approved	Land East of Rosper Road, South Killingholme	Planning permission for temporary use of land for car storage, erection of lighting and fencing and positioning of office. Major Application
61	North Lincolnshire Council	PA/2015/1271	Decision Date 11 January 2016	Approved	Land adjacent to Unit 3, Manby Road, South Killingholme	Planning permission to erect two engineering workshops with associated offices (B2) and a secure store.
62	North Lincolnshire Council	PA/2015/0724	Decision Date 18 December 2015	Approved	Former Site of Cross Keys Inn, 6 Top Road, South Killingholme, DN40 3JD	Planning permission to erect 12 affordable dwellings.
63	North Lincolnshire Council	PA/2015/0990	Decision Date 21 October 2015	Approved	Dsv, Eastfield Road, South Killingholme, DN40 3DR	Planning permission to erect two-storey offices, relocation of access and associated alterations to existing warehouse and hard standings.
64	East Riding of Yorkshire Council	18/00574/PLF	Decision Date 8 June 2018	Approved	West Farm, Stone Creek Road, Sunk Island, East Riding Of Yorkshire, HU12 0AP	Erection of a 2000 place pig finishing building and installation of a slurry acidification processing plant including slurry separator building and acid storage tank with concrete bunded wall.
65	Nationally Significant Infrastructure Planning	EN010097	Decision Date N/A – Application Received 11 April 2019	Development Consent Granted	VPI Immingham OCGT	

EP Waste Management Ltd

7.1- Statement of Common Ground with North East Lincolnshire Council (Pre application version)

66	Nationally Significant Infrastructure Planning	EN060004	Decision Date 25 August 2016	Development Consent Granted:	River Humber Gas Pipeline Replacement Project	
67	Nationally Significant Infrastructure Planning	TWA 8/1/13	Decision Date 4 February 2015	Development Consent Granted:	A160 – A180 Port of Immingham Improvement	