

South Humber Bank Energy Centre Project

Planning Inspectorate Reference: EN010107

South Marsh Road, Stallingborough, DN41 8BZ

The South Humber Bank Energy Centre Order

7.3 - Statement of Common Ground with the Environment Agency



Applicant: EP Waste Management Ltd
Date: October 2020

DOCUMENT HISTORY

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Document Owner	AECOM		

GLOSSARY

Abbreviation	Description
ACC	Air-cooled condenser.
BAT	Best Available Technique.
CEMP	Construction Environmental Management Plan.
CCGT	Combined Cycle Gas Turbine.
CHP	Combined Heat and Power.
DCO	Development Consent Order: provides a consent for building and operating an NSIP.
DEFRA	Department for Environment Food and Rural Affairs.
EA	Environment Agency.
EfW	Energy from Waste: the combustion of waste material to provide electricity and/ or heat.
EIA	Environmental Impact Assessment.
EPR	Environmental Permitting Regulations.
EPUKI	EP UK Investments Ltd.
EPWM	EP Waste Management Limited ('The Applicant').
ES	Environmental Statement.
IEMA	Institute of Environmental Management and Assessment.
mAOD	Metres Above Ordnance Datum.
MW	Megawatt: the measure of power produced.
NELC	North East Lincolnshire Council.
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.
PINS	Planning Inspectorate.
Q2	Quarter 2.

RDF	Refuse derived fuel.
SHBEC	South Humber Bank Energy Centre.
SHBPS	South Humber Bank Power Station.
SoS	Secretary of State.

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1.0 INTRODUCTION

1.1 Overview

- 1.1.1 This Statement of Common Ground with the Environment Agency ('EA') (Document Ref. 7.3) has been prepared on behalf of EP Waste Management Limited ('EPWM' or the 'Applicant'). It relates to 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').
- 1.1.2 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').
- 1.1.3 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.
- 1.1.4 The DCO, if made by the SoS, would be known as the 'South Humber Bank Energy Centre Order' ('the Order').
- 1.1.5 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. The Consented Development was also incorporated into the existing Environmental Permit for SHBPS through a variation to that permit, which was issued by the EA in March 2020. 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)).

1.2 The Applicant

- 1.2.1 The Applicant is a subsidiary of EP UK Investments Limited ('EPUKI'). EPUKI owns and operates a number of other power stations in the UK and is a subsidiary of Energetický A Průmyslový Holding ('EPH'). EPH owns and operates energy generation assets in the Czech Republic, Slovak Republic, Germany, Italy, Hungary, Poland, Ireland, and the United Kingdom.

1.3 The Proposed Development Site

- 1.3.1 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.

- 1.3.2 The Site is located on the South Humber Bank between the towns of Immingham and Grimsby; both over 3 km from the Site.
- 1.3.3 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.
- 1.3.4 The existing SHBPS was constructed in two phases between 1997 and 1999 and consists of two Combined Cycle Gas Turbine (CCGT) units fired by natural gas, with a combined gross electrical capacity of approximately 1,400 MW. It is operated by EP SHB Limited.
- 1.3.5 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).
- 1.3.6 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).

1.4 The Proposed Development

- 1.4.1 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;
 - 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.
- 1.4.2 Various types of ancillary development further required in connection with and subsidiary to the above works are detailed in Schedule 1 of the DCO.
- 1.4.3 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 summarised below.
- a larger air-cooled condenser ('ACC'), with an additional row of fans and heat exchangers;
 - a greater installed cooling capacity for the generator;

- an increased transformer capacity; and
- ancillary works.

1.4.4 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). Three representative construction scenarios (timescales) 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').

1.5 Purpose of this Document

1.5.1 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).

1.5.2 This version of the document summarises the agreements regarding the matters listed below and is based on the information available at this time, which principally comprises the draft DCO and accompanying Environmental Statement Volumes I to III as well as the Environmental Permit for the Consented Development.

- Requirement for an Environmental Permit;
- Effects on air quality, noise and other emissions;
- Flood risk;
- Water resources (including surface and foul water drainage);
- Contaminated land and groundwater;
- Construction environmental management plan and pilling requirements;
- Combined heat and power (CHP) readiness; and
- Biodiversity.

1.6 Status of this Version

1.6.1 The SoCG was prepared during the pre-examination stage and subsequently was agreed as suitable and including all of the relevant matters.

1.6.2 Once finalised, this Statement of Common Ground ('SoCG') will be submitted to the Examining Authority to assist the examination of the Application.

1.6.3 Section 2 of this document summarises the role of the EA, Section 3 sets out details of consultation with the EA to date, Section 4 sets out what has been agreed in relation to the above matters and Section 5 sets out any areas of disagreement/ matters to be agreed.

2.0 THE ROLE OF THE ENVIRONMENT AGENCY

- 2.1.1 The EA is a non-departmental public body, the purpose of which is 'to protect or enhance the environment taken as a whole', so as to contribute to 'the objective of achieving sustainable development' (Environment Act, 1995).
- 2.1.2 The EA is a statutory consultee in respect of all DCO applications that are likely to affect land in England. Annex D of Advice Note 11 'Working with Public Bodies' produced by the Planning Inspectorate ('PINS') sets out in detail the role of the EA in the DCO process, including the level of input and agreement that might be expected from the EA.
- 2.1.3 The EA's role covers various topics including:
- managing the risk of flooding from main rivers, reservoirs and the sea;
 - regulating major industry and waste;
 - treatment of contaminated land;
 - water quality and resources;
 - fisheries;
 - inland river, estuary and harbour navigation; and
 - conservation and ecology of the aquatic environment.
- 2.1.4 The EA also has a role as the regulator for the Environmental Permitting regime and is responsible for granting, regulating and enforcing Environmental Permitting requirements for any installation that comes under the Environmental Permitting (England and Wales) Regulations 2016 (as amended).

3.0 CONSULTATION SUMMARY

- 3.1.1 The consultation that has taken place with the EA in relation to the issues raised within this SoCG is summarised in Table 3.1 below.
- 3.1.2 Consultation has been ongoing with the EA since the scoping stage for the Consented Development (August 2018). Consultation comments received for the Consented Development are considered to be relevant to the Proposed Development and therefore a summary of all consultation comments received to date for the Consented Development and Proposed Development is presented in Table 3.1.

Table 3.1: Consultation Summary

Date	Details
September 2018 (consultation EIA Scoping for Consented Development)	EA consulted by NELC in respect of a request made by the Applicant for an EIA Scoping Opinion for the Consented Development. Letter response provided by the EA to NELC on 3 August 2018 (EA Ref. AN/2018/127698/01-L01). In summary, the EA considered the content of the EIA for the Consented Development appropriate in relation to issues within the EA’s remit. In addition advice was provided on the Environmental Permitting requirements and also requirements of the Flood Risk Assessment (FRA).
January/ February 2019 (consultation on Consented Development planning application)	On the basis of the information submitted with the planning application for the Consented Development the EA raised no objections. The EA provided informative advice in relation to consenting and permitting regimes and planning conditions recommended by the EA were attached to the planning permission.
September 2019 and October 2019 (consultation on Proposed Development FRA)	Email responses to AECOM’s request for updated data to inform the Proposed Development assessment and the FRA. The Environment Agency confirmed that there was no change to the baseline data since the original request in June 2018 (for the Consented Development). The peak flood water level for the Site from the Northern Area Tidal Modelling study was provided (having not previously been available to inform the Consented Development assessment). The EA also reconfirmed the requirement for raising critical equipment above the 2115 0.1% (1 in 1000) modelled breach level.

Date	Details
September 2019 (consultation on EIA Scoping Opinion for Proposed Development)	EA consulted by PINS in respect of a request made by the Applicant for an EIA Scoping Opinion in respect of the Proposed Development. Letter response to the Planning Inspectorate dated 17/09/2019 (EA ref. AN/2019/129417/01-L01) within Appendix 2 of the EIA Scoping Opinion issued by PINS on 2 nd October 2019. Advice was provided by the EA relating to permissions that must be obtained from the EA for any proposed activities which will take place over, on or within 8 m of a flood defence structure, culvert or Main River within the floodplain, and within 16 m of a sea defence.
October-December 2019 (consultation on Preliminary Environmental Information (PEI) Report for Proposed Development)	EA consulted in accordance with Section 42 of the PA 2008 and with consultation documents including copy of the PEI Report. In summary the S42 response from the EA noted it welcomed the inclusion of a Construction Environment Management Plan, that the Proposed Development will require a permit to operate under the Environmental Permitting Regulations 2016, it welcomed the application of the Institute of Environmental Management and Assessment (IEMA) 2011 approach as part of the assessment of the impact on the water environment, and welcomed the recommendations made in the FRA. The EA also welcomed that additional mitigation strategies will be considered, including development of a Flood Emergency Response Plan through consultation with NELC, and supported future occupants of the Site signing up to the EA's Floodline Warnings Direct service.
April 2020 (pre-application consultation on Proposed Development FRA)	At a meeting regarding the Application on 17 March 2020, PINS made reference to the updated Climate Change Allowances guidance (December 2019) published by the EA. Subsequent discussion was carried out with the EA to discuss this in relation to the FRA for the Proposed Development. A letter prepared by the Applicant and which has been signed on behalf of the EA was presented in Annex 1 of the FRA for the Proposed Development (see Appendix 14A in ES Volume III, Document Ref. 6.4.26). The letter provides a summary of the points raised and how these have been addressed within the Application. In summary, it was agreed that the FRA to be

Date	Details
	submitted with the Application has used the latest available data.
July 2020 (EA Relevant Representation)	<p>The Relevant Representation submitted to PINS by the EA (which is available on the PINS website) includes in summary comments on the matters listed below and that are covered and agreed within in this SoCG:</p> <ul style="list-style-type: none"> • impacts on air quality; • appropriateness of the flood risk assessment; • the EA’s position on the proposed flood emergency response procedures; • land contamination and risk to controlled waters; • drainage strategy, including foul water; • appropriateness of the Construction Environmental Management Plan; and • securing of the draft DCO Requirements in relation to the above matters.
August 2020 (email from AECOM on behalf of the Applicant to EA)	<p>The Applicant confirmed:</p> <ul style="list-style-type: none"> • agreement to naming EA as a consultee in the key DCO requirements; and • that the ground investigations have concluded (including groundwater monitoring) and recently submitted to NELC to discharge part 2 of condition 13 for the Consented Development, and are available to view on the NELC website.

4.0 MATTERS AGREED

4.1 Environmental Permit (Energy efficiency, Noise and Emissions to Air, use of BAT)

- 4.1.1 It is agreed that the Proposed Development will be subject to the environmental permitting regime under the Environmental Permitting (England and Wales) Regulations 2016 (as amended) ('EPR'). The proposed combustion installation requires an operating permit from the EA under Schedule 1 of the EPR. An environmental permit has been granted by the EA for the Consented Development as part of the SHBPS permit and the approach to varying that permit to increase the electrical output for the Proposed Development and transfer the Proposed Development into a new separate permit has been agreed between the Applicant and the EA.
- 4.1.2 It is agreed that the SoS must be satisfied that potential releases from the Proposed Development can be adequately regulated under the EPR, as outlined in paragraph 4.10.7 of EN-1. In this case, as a permit has already been granted for the Consented Development, and an approach to vary that permit has been agreed, there is no reason to suppose that a permit will not be issued (this agreement is given without prejudice to any decision the EA make on the EPR application).
- 4.1.3 It is understood by both parties that emissions to air could arise from the operation of the Proposed Development, primarily from combustion sources within the plant, principally via the main emissions stacks. It is agreed that, based on ES Volume I, Chapter 7: Air Quality (Document Ref. 6.2.7) and ES Volume III, Appendix 7A: Air Quality Dispersion Modelling Assessment (Document Ref. 6.4.5), the proposed stack heights and the measures proposed to control these emissions are appropriate and represent Best Available Techniques (BAT) for the Proposed Development.
- 4.1.4 Furthermore, it is agreed that as concluded by the Air Quality Dispersion Modelling Assessment (Appendix 7A in ES Volume III, Document Ref. 6.4.5), the Additional Works would improve the efficiency of the Consented Development without resulting in significant air quality effects. It is agreed that there would therefore be no significant additional effect on human or ecological receptors due to predicted ground level concentrations of air pollutants from stack emissions associated with the Proposed Development compared to the Consented Development stack emissions.
- 4.1.5 Similarly, based on Volume I, Chapter 8: Noise and Vibration (Document Ref. 6.2.8) it is agreed that the proposed measures to control noise are appropriate and represent BAT for the Proposed Development.

4.2 Flood Risk

- 4.2.1 The assessment of effects of the Proposed Development in terms of flood risk and surface water are set out in ES Volume I, Chapter 14: Water Resources, Flood Risk and Drainage (Document Ref: 6.2.14) and ES Volume III, Appendix 14A: Flood Risk Assessment (Document Ref: 6.4.26).
- 4.2.2 It is agreed that the assessment undertaken is appropriate for the scale, nature and location of the Proposed Development and makes appropriate

recommendations for mitigation, which are included in draft Requirements 22 (Flood risk mitigation) and 23 (Flood warning and evacuation plan) in the draft DCO (Document Ref. 2.1). Therefore it is agreed that sufficient information has been provided by the Applicant in relation to flood risk and no further mitigation is necessary beyond that set out in the DCO application.

4.2.3 It is agreed that there will be no Flood Alleviation/Storage Schemes affected by the Proposed Development.

4.2.4 It is agreed that the FRA submitted with the DCO Application has been undertaken using the EA's published Tidal Climate Change Allowances, which at that time, for the Humber Estuary were the UKCP09 projections. Climate Change Allowances have been updated since production of the FRA (to UKCP18) however, it is agreed that hydraulic modelling outputs (hazard maps) used in the FRA are still considered 'best available information' and fit for purpose in the assessment.

4.2.5 It is agreed that:

- flood resilience and resistance measures will be incorporated into the Proposed Development;
- critical equipment will be positioned above 4.6 m above Ordnance Datum (AOD) where possible, or alternative mitigation such as localised flood resistance and resilience or storage of critical spares will be implemented;
- an appropriate place of safe refuge will be provided for the occupiers of the Proposed Development and this will be elevated above a level of 4.6 m AOD; and
- a flood warning and evacuation plan will be developed.

4.2.6 It is agreed that the inclusion of draft Requirement 22(1) in the draft DCO (Application Document Ref. 2.1), which requires the submission and approval of a flood risk mitigation scheme, and draft Requirement 22(2), which sets out that the scheme must be in accordance with the principles set out in Appendix 14A: Flood Risk Assessment (Document Ref: 6.4.26) of the ES, are appropriate to ensure that appropriate mitigation is included in the Proposed Development and subsequently maintained throughout the lifetime of the Proposed Development. The wording of draft Requirement 22 is agreed as follows:

"22. (1) No part of the authorised development may be commissioned until a scheme for the mitigation of flood risk during operation has, for that part, been submitted to and approved by the relevant planning authority.

(2) The scheme submitted and approved under sub-paragraph (1) must be in accordance with appendix 14A of the environmental statement unless otherwise approved in writing by the relevant planning authority after consultation with the Environment Agency.

(3) The scheme submitted and approved under sub-paragraph (1) must provide for critical equipment assets to be elevated to no lower than 4.60m AOD or, alternatively, adequately protected through flood resistance and

resilience measures, and a place of safe refuge to be provided at a level no lower than 4.60m AOD.

(4) The scheme approved under sub-paragraph (1) must be implemented as approved and maintained throughout the operation of the authorised development unless otherwise agreed with the relevant planning authority.”

4.2.7 It is understood that the EA does not normally comment on or approve the adequacy of proposed flood emergency response procedures, which are covered by draft Requirement 23 (Flood warning and evacuation plan).

4.3 Land Contamination and Water Resources (including Water Framework Directive Assessment)

4.3.1 It is agreed between the Applicant and the EA that the ES provides a satisfactory assessment of the potential pollution risks to surface water (including waterbodies classified under the Water Framework Directive), groundwater and land quality during construction and operation of the Proposed Development and that the mitigation measures identified are appropriate.

4.3.2 Furthermore, it is agreed that the inclusion of draft DCO Requirements 13 (Surface water drainage), 14 (Foul water drainage), 17 (Piling) and 19-21 (Investigation and remediation of contamination) would ensure that the identified mitigation measures are applied and that this would prevent impacts on surface water and groundwater.

4.3.3 The wording of draft Requirement 13 is agreed as follows:

“13.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until details of the permanent surface water drainage systems, including a future maintenance plan, have been submitted to and approved in writing by the relevant planning authority.

(2) The details submitted and approved under sub-paragraph (1) must be in accordance with the principles set out in the relevant part of the outline drainage strategy.

(3) The scheme approved under sub-paragraph (1) must be implemented as approved prior to the development coming into operation and maintained as approved throughout the operation of the authorised development unless otherwise agreed with the relevant planning authority.”

4.3.4 It is agreed that the wording of Requirements 14, 17 and 19-21 will be amended as follows to include the EA as a named consultee (amendments underlined):

“14.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until details of the permanent foul water drainage systems, including a future maintenance plan, have been submitted to and approved in writing by the relevant planning authority after consultation with the Environment Agency.

(2) The details submitted and approved under sub-paragraph (1) must be in accordance with the principles set out in the relevant part of the outline drainage strategy.

(3) The scheme approved under sub-paragraph (1) must be implemented as approved prior to the development coming into operation and maintained as approved throughout the operation of the authorised development unless otherwise agreed by the relevant planning authority.

“17.—(1) No part of the authorised development comprised within Work No. 1 may commence until a written specification of the type of piling to be used to support the building and structures has been submitted to and approved by the relevant planning authority after consultation with the Environment Agency.

(2) The written specification submitted to and approved under sub-paragraph (1) must include a scheme to mitigate the effects of the piling with regard to noise to ecological receptors (which shall be in accordance with section 7 of the biodiversity strategy) and a scheme to mitigate the effects of the piling with regard to groundwater resources (which must be in accordance with the results of the site investigation carried out, and the remediation strategy submitted, pursuant to requirement 19).

(3) All piling works must be carried out in accordance with the approved written specification unless otherwise agreed with the relevant planning authority after consultation with the Environment Agency.”

“19.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until a scheme for an investigation of the nature and extent of any contamination on the site, whether or not it originates on the site, has been submitted to and approved in writing by the relevant planning authority, after consultation with the Environment Agency.

(2) The scheme submitted and approved under sub-paragraph (1) must be in accordance with the principles set out in chapter 12 and appendix 12A of the environmental statement, and must be undertaken by competent persons.

(3) The scheme submitted and approved under sub-paragraph (1) must include—

(a) a survey of the extent, scale and nature of contamination;

(b) a risk assessment taking into account—

(i) human health;

(ii) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;

(iii) adjoining land;

(iv) groundwaters and surface waters;

(v) ecological systems; and

(vi) archaeological sites and ancient monuments (if applicable); and

(c) an appraisal of the need for remediation to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and (if applicable) historical environment.

(4) If the appraisal under sub-paragraph (3)(c) identifies the need for remediation then a remediation scheme must be submitted together with the scheme submitted pursuant to sub-paragraph (1).

(5) The scheme submitted under sub-paragraph (4) must contain an appraisal of the remedial options available and a description of the proposed remediation works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The remediation scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(6) The scheme submitted and approved under sub-paragraphs (1) and (4) must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

"20.—(1) The relevant part of the authorised development must not commence, save for the permitted preliminary works, until the schemes approved under requirement 19 have been implemented as approved, unless otherwise agreed in writing by the relevant planning authority, after consultation with the Environment Agency.

(2) Following the implementation under sub-paragraph (1), a verification report that demonstrates the effectiveness of the remediation scheme must be submitted to, and approved by the relevant planning authority after consultation with the Environment Agency, prior to the development coming into operation."

"21.—(1) At any time during construction or operation, in the event that contamination is found that was not expected in the scheme submitted and approved under sub-paragraph (1) of requirement 19, the unexpected contamination must be notified in writing to the relevant planning authority before the end of the following working day.

(2) Within three months of the notification made under sub-paragraph (1) all details required by sub-paragraphs (1) and (4) of requirement 19 must be submitted to the relevant planning authority in respect of the unexpected contamination.

(3) Within three months of the approval by the relevant planning authority, after consultation with the Environment Agency, of the schemes submitted under sub-paragraph (2), the schemes must be implemented as approved.

(4) Within three months of the implementation of the schemes under sub-paragraph (3) a verification report must be prepared in accordance with the requirements of requirement 20 and submitted to the relevant planning authority, for approval after consultation with the Environment Agency."

4.4 Construction Environmental Management Plan

4.4.1 It is agreed that the mitigation, management and enhancement measures outlined within the Construction Environmental Management Plan (CEMP) (Document Ref. 6.4.4) that accompanies the DCO application includes the

necessary principal controls to adequately manage environmental risks associated with the construction of the Proposed Development including but not limited to pollution control measures and waste management. It is also agreed that draft Requirement 15 (Construction environmental management plan) of the draft DCO securing the need to prepare and agree a detailed CEMP prior to construction of the Proposed Development is appropriate for controlling the environmental effects of construction. The wording of draft Requirement 15 is agreed as follows:

“15.—(1) No part of the authorised development may commence until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority.

(2) The plan submitted and approved must be in accordance with appendix 5A of the environmental statement and the biodiversity protection plan and incorporate—

(a) visitor and contractor parking areas;

(b) a materials management plan;

(c) materials storage areas;

(d) wheel cleaning facilities;

(e) noise, vibration and dust mitigation measures;

(f) lighting details;

(g) waste management in accordance with chapter 16 of the environmental statement; and

(h) pollution control.

(3) All construction works associated with the authorised development must be carried out in accordance with the approved construction environmental management plan unless otherwise agreed with the relevant planning authority.”

4.5 Combined Heat and Power

4.5.1 It is agreed that the CHP Assessment submitted as part of the DCO Application (Document Ref. 5.6) adequately demonstrates the ‘CHP-Ready’ status of the Proposed Development in accordance with NPS EN-1 paragraph 4.6. Furthermore, it is agreed that draft Requirement 35 (Combined heat and power), adequately ensures that space has been secured for the provision of CHP over the lifetime of the Proposed Development (should CHP become economically viable in the future).

4.6 Biodiversity

4.6.1 Measures to protect biodiversity and indicative biodiversity mitigation and enhancement measures are set out in the Biodiversity Strategy (Document Ref. 5.11). However, there are no issues relating to biodiversity, which fall within the Environment Agency’s remit, that require agreement. The Environment Agency defers to Natural England on all biodiversity matters relating to this application.

4.7 Protective Provisions

4.7.1 It is agreed that no protective provisions are required for the Environment Agency.

5.0 MATTERS NOT AGREED

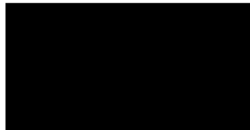
5.1.1 There are no matters that are not agreed.



Signed: Annette Hewitson

On behalf of: Environment Agency

Date: 21st October 2020



Signed: Richard Lowe

On behalf of: EP Waste Management Ltd

Date: 21st October 2020