

# South Humber Bank Energy Centre Project

Planning Inspectorate Reference: EN010107

South Marsh Road, Stallingborough, DN41 8BZ

The South Humber Bank Energy Centre Order

## 7.8 - Statement of Common Ground with Anglian Water

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Applicant: EP Waste Management Ltd  
Date: December 2020

## DOCUMENT HISTORY

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<b>Signed</b>		<b>Date</b>	December 2020
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## GLOSSARY

Abbreviation	Description
ACC	Air-cooled condenser.
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.
Main Development Area	The part of the Site that is defined by Work No. 1 in the DCO, within which the proposed energy from waste power station itself will be constructed. The Main Development Area is located to the east of the existing SHBPS.
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 Anglian Water (Document Ref. 7.8) 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').
- 1.1.1 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').
- 1.1.2 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.
- 1.1.3 The DCO, if made by the SoS, would be known as the 'South Humber Bank Energy Centre Order' ('the Order').
- 1.1.4 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)).

### **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.

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- 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 matters such effects on existing infrastructure, water environment effects including flooding effects and risks to drainage, water quality, and protective provisions, based on the information available at this time, which are principally the draft DCO (Document Ref. 2.1) and accompanying Environmental Statement Volumes I to III (Document Refs. 6.2 to 6.4) as well as the Environmental Permit for the Consented Development.

## **1.6 Status of this Version**

1.6.1 The SoCG was prepared in October 2020 and subsequently was agreed in December as suitable and including all of the relevant matters.

1.6.2 Once finalised, it 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 Anglian Water, Section 3 summarises consultation with Anglian Water to date and Section 4 sets out what has been agreed in relation to the above matters. Section 5 sets out any areas of disagreement/ matters yet to be agreed.

## **2.0 THE ROLE OF ANGLIAN WATER**

- 2.1.1 Anglian Water is the supplier of water and water recycling services to customers in the east of England from the Humber Estuary to Thames Estuary, and Hartlepool.
- 2.1.2 Anglian Water is the statutory water and sewerage undertaker for the area within which the Proposed Development Site is situated.

### 3.0 CONSULTATION SUMMARY

- 3.1.1 The consultation that has taken place with Anglian Water in relation to the issues raised within this SoCG is summarised in Table 4.1 below.
- 3.1.2 Consultation has been ongoing with Anglian Water since the EIA 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 4.1.

**Table 4.1: Consultation Summary**

Date	Details
August-September 2018 (consultation on EIA Scoping for Consented Development)	<p>Anglian Water consulted by NELC in respect of a request made by the Applicant for an EIA Scoping Opinion for the Consented Development.</p> <p>Letter response provided by Anglian Water to NELC on 15 August 2018. The following was noted by Anglian Water.</p> <ul style="list-style-type: none"> <li>- Clarification of the requirement for wastewater services during the construction phases of the Proposed Development.</li> <li>- Recommendation that reference is made to the existing foul sewerage networks and sewerage treatment within the ES.</li> <li>- The use of sustainable drainage systems for the Proposed Development was encouraged.</li> <li>- Early engagement with Anglian Water recommended in order to address any foul water infrastructure issues.</li> </ul>
September 2019 (consultation on EIA Scoping Opinion for Proposed Development)	<p>Anglian Water was 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 18/09/2019 (AW ref. EN010107) within Appendix 2 of the EIA Scoping Opinion received 02/10/2019. Comments made by Anglian Water were considered as part of the EIA. In summary these comments were in relation to requirement for wastewater services during construction, use of SUDs, consideration of sources of flooding including foul drainage, sewage treatment and water services.</p>

	<p>Anglian Water reconfirmed that they fully supported the use of SuDS as an alternative to discharging surface water to the public sewerage network and welcomed further details of the proposed method of surface water disposal including the SuDS attenuation feature.</p>
<p>October-December 2019 (Section 42 consultation)</p>	<p>Anglian Water was consulted in accordance with Section 42 of the PA 2008 including on the PEI Report.</p> <p>Anglian Water noted the following:</p> <ul style="list-style-type: none"> <li>- Pre-application discussions have been carried out and Anglian Water wish to continue to have discussion with the Applicant.</li> <li>- Anglian Water noted that the FRA (Appendix 14A of the ES Volume III, Document Ref. 6.4) does not incorporate nor does it make any reference to Foul Water Drainage. Anglian Water wishes to be part of any further discussion regarding the preparation in of a Foul Water Strategy as part of a detailed FRA.</li> <li>- Anglian water supported the inclusion of SUDs and expressed their wish for further consultation with the Applicant at the detailed design stage to obtain Anglian Waters approval of the SUDs scheme.</li> </ul>
<p>April 2020 – October 2020</p>	<p>The Applicant and Anglian Water continued to engage on matters relating to the DCO; specifically the drafting of the proposed Protective Provisions and articles 15, 20 and 27 of the draft DCO.</p>
<p>16 July 2020</p>	<p>Anglian Water submitted a Relevant Representation to the Planning Inspectorate in respect of the following issues:</p> <ul style="list-style-type: none"> <li>• the proposed Protective Provisions;</li> <li>• the drafting of articles 15, 20 and 27 of the DCO;</li> <li>• that the foul and surface water drainage strategy does not appear to interact with Anglian Water's operated assets but if a connection to the public sewerage network is required then Anglian Water would wish to be consulted.</li> </ul>

## 4.0 MATTERS AGREED

### 4.1 Surface and Foul Water Drainage Strategy

- 4.1.1 The EIA for the Proposed Development includes an Outline Drainage Strategy within Appendix 14B of ES Volume III (Document Ref. 6.4) which outlines how surface and foul water will be dealt with to be appropriate for the nature and scale of the Proposed Development.

#### Surface Water Drainage Strategy

- 4.1.2 Surface water runoff is to be collected on Site and conveyed to a surface water attenuation pond SuDS feature via the use of gullies and drainage ditches/ swales where possible. Discharge of surface water from the Main Development Area to an existing ditch will be restricted to the existing greenfield runoff rates and volumes to prevent an increased risk of flooding downstream.
- 4.1.3 The bed levels of the local land drains into which the attenuation solution will discharge will be confirmed at the detailed design stage, to ensure they are positively drained by gravity (i.e. to confirm that no additional pumping is required).
- 4.1.4 The detailed design will also confirm the storage volumes required once the exact impermeable area of the proposed land use is confirmed, and it will confirm the exact location and feasibility of the proposed outfall from the attenuation pond into the existing land drainage network.
- 4.1.5 The Applicant will be responsible for the operation and maintenance of all on Site plant and apparatus over the life of the Proposed Development.
- 4.1.6 It is agreed that the measures outlined within the Outline Drainage Strategy (ES Volume III, Appendix 14B, Document Ref. 6.4) for managing surface water are appropriate and no further measures are deemed necessary.
- 4.1.7 It is agreed that the Outline Drainage Strategy accords with the surface water disposal hierarchy set out in the Anglian Water Surface Water Drainage Policy).
- 4.1.8 It is agreed that the inclusion of draft DCO Requirement 13 (Surface water drainage), reproduced from Schedule 2 of the Draft DCO (Document Ref. 2.1) below, will ensure that the identified mitigation measures are applied. It has been further agreed, following on from discussions on the drafting of the DCO, that Anglian Water will be added as a consultee for this Requirement, as follows (the following is the text from Schedule 2 to the Draft DCO (Document Ref. 2.1) with underlining showing the agreed amendment).

*“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, after consultation with Anglian Water 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.”*

#### Foul Water Drainage Strategy

- 4.1.9 As stated within the Outline Drainage Strategy (ES Volume III, Appendix 14B, Document Ref. 6.4) options for the disposal of foul drainage from the Proposed Development comprise: discharge to foul sewer; septic tank and tankering off Site; or treatment on Site using a package treatment plant discharging with the surface water.
- 4.1.10 At this stage, a connection to foul sewer appears to be unfeasible due to the distance from the Site to the nearest existing foul sewer (over 1 km). As septic tanks are not favoured by the Environment Agency due to the potential risk of soil and groundwater pollution, it is currently considered that an on Site package treatment plant is the most likely preferred solution for foul drainage. Treated flows would be discharged to one of the surface water ditches on Site, and ultimately to the Humber Estuary. The volume contribution is expected to be too small to require a Permit. The package treatment plant would be located within the Main Development Area.
- 4.1.11 The details of the final foul drainage design will be developed and agreed at the detailed design stage.
- 4.1.12 The Applicant will be responsible for the operation and maintenance of all on Site plant and apparatus over the life of the Proposed Development.
- 4.1.13 It is agreed that the measures outlined within the Outline Drainage Strategy (ES Volume III, Appendix 14B, Document Ref. 6.4) for managing foul water are appropriate and no further measures are deemed necessary.
- 4.1.14 It is agreed that the inclusion of draft DCO Requirement 14 (Foul water drainage) below will ensure that the identified mitigation measures are applied. It has been further agreed, following on from discussions on the drafting of the DCO, that Anglian Water will be added as a consultee for this Requirement, as follows (the following is the text from Schedule 2 to the Draft DCO (Document Ref. 2.1) with underlining showing the agreed amendment):

*“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, after consultation with Anglian Water, 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 by the relevant planning authority."*

#### **4.2 Water Environment Effects (including Flood Risk, Drainage and Water Quality)**

4.2.1 The assessment of effects of the Proposed Development in terms of flood risk, drainage and water quality is 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 Anglian Water has provided comments on the scope of the EIA and supports the use of SuDS, but Anglian Water considers that potential impacts of the Proposed Development on the water environment and proposed mitigation as set out the submitted application are within the remit of other parties, such as the Environment Agency as they are responsible for commenting on proposals for non-mains drainage including package treatment plants.

#### **4.3 Effects on Existing Anglian Water Apparatus and Infrastructure and Protective Provisions**

4.3.1 Existing Anglian Water water mains are present within the boundary of the Site. It is agreed that the Applicant currently does not have a requirement to divert any existing Anglian Water assets.

4.3.2 The Proposed Development will require a connection to the water supply network and it is agreed that this can be provided from an existing Anglian Water water main, as per the pre-application report produced by Anglian Water in response to the enquiry submitted by the Applicant subject to confirmation post approval when formally applying to make a water connection.

#### **4.4 Protective Provisions**

4.4.1 As part of its response to the Section 42 consultation, Anglian Water provided the Applicant with a copy of its preferred form of Protective Provisions.

4.4.2 Since April 2020, the parties have been in discussions regarding the drafting of the Protective Provisions.

4.4.3 In October 2020, the parties agreed the form of the Protective Provisions which should be included in the DCO. The parties have agreed alternative wording for paragraph 9 of the Protective Provisions relating to mitigation of costs. This revised wording as set out below will be reflected in a revised Draft DCO to be submitted by the Applicant.

4.4.4 The revised wording for Paragraph 9 is as follows:

4.4.5 *"To the extent (but not greater) that Anglian Water has not used its reasonable endeavours to mitigate and minimise in whole or in part any costs, expenses, loss, demands, and penalties to which the provisions of this Part 1 apply, that amount of such costs, expenses, loss, demands and penalties shall not be recoverable from the undertaker."*

4.4.6 The parties agree that this concludes discussions on the Protective Provisions.

**4.5 Draft Development Consent Order**

4.5.1 Since April 2020, the Applicant and Anglian Water have been in discussions regarding the drafting of articles 15, 20 and 27 of the Draft DCO.

4.5.2 In December 2020, the parties reached agreement on the drafting of the Draft DCO.

4.5.3 It has been agreed that no amendments are required to be made to the articles in the Draft DCO, however Anglian Water will be consulted as part of the discharge of Requirements 13 and 14 (please refer to paragraphs 4.1.13 and 4.1.14 above for the revised Requirement wording).

4.5.4 The parties agree that this concludes discussions on the wording of the Draft DCO articles.

## 5.0 MATTERS NOT YET AGREED

5.1.1 No matters have been identified that are not agreed between the parties.

Signed:  Stewart Patience

**On behalf of: Anglian Water**

Date: 8<sup>th</sup> December 2020

Signed: 

**On behalf of: EP Waste Management Ltd**

Date: **8.12.20**