

South Humber Bank Energy Centre Project

Planning Inspectorate Reference: EN010107

South Marsh Road, Stallingborough, DN41 8BZ

The South Humber Bank Energy Centre Order

7.2- Statement of Common Ground with North Lincolnshire Council



Applicant: EP Waste Management Ltd
Date: July 2020

DOCUMENT HISTORY

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GLOSSARY

Abbreviation	Description
ACC	Air-cooled condenser.
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.
HRA	Habitats Regulations Assessment.
mAOD	Metres Above Ordnance Datum.
MW	Megawatt: the measure of power produced.
NELC	North East Lincolnshire Council.
NLC	North Lincolnshire Council.
NPS	National Policy Statement.
NSIP	Nationally Significant Infrastructure Project: for which a DCO is required.
PA 2008	Planning Act 2008.
PEI Report	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 North Lincolnshire Council ('NLC') (Document Ref. 7.2) 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').
- 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. 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 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; 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).

1.6 Status of this Version

1.6.1 The SoCG was prepared during the pre-examination period to assist the Examining Authority in understanding the level of agreement reached between the Applicant and NLC in relation to matters raised in NLC's response to the Applicant's Section 42 consultation, the adequacy of pre-application consultation carried out by the Applicant, the acceptability of the proposals in key respects, and the environmental impact assessment findings and residual impacts.

2.0 THE ROLE OF NLC

- 2.1.1 As a unitary authority NLC falls within the definition of a local authority ('LA'), and is a neighbouring local authority, or 'A' authority, for the purposes of sections 43 and 56A of the PA 2008.
- 2.1.2 At its closest point, the administrative boundary of NLC lies around 5 km from the Site.
- 2.1.3 It is agreed that North East Lincolnshire Council (NELC) will be the relevant planning authority for the purposes of discharging requirements that are to be contained within the Order.
- 2.1.4 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. It would also allow NELC to consult bodies in line with its own procedures when considering an application to discharge a given requirement.

3.0 SUMMARY OF CONSULTATION

3.1.1 The consultation that has taken place with NLC in relation to the issues raised within this SoCG is summarised in Table 4.1 below.

Table 3.1: Consultation Summary

Date	Details
August 2019	NLC was consulted by PINS in respect of a request made by the Applicant for an EIA Scoping Opinion for the Proposed Development. An acknowledgement was received from NLC.
December 2019	<p>NLC was consulted in accordance with Section 42 of the PA 2008 and with consultation documents including a copy of the Preliminary Environmental Information (PEI) Report. In summary the S42 response from NLC comprised the following:</p> <ul style="list-style-type: none">• No objection to the project in principle.• A request for clarification about the operational noise assessment as to where the proposed maximum noise level is to be achieved, in order to avoid an adverse noise impact.• Agreement to the proposed approach to Habitats Regulations Assessment ('HRA') and the proposed approach to protected and priority species. Support for the contribution towards SPA/Ramsar waterbird mitigation. Recommended that HRA information is provided with the DCO application.• Confirmation that the correct schemes in North Lincolnshire have been considered in the cumulative environmental assessment.• Confirmation that the project is unlikely to have significant road or heritage impacts in North Lincolnshire. <p>A response to these points was provided by letter dated 18 February 2020 (sent by e-mail).</p>

4.0 MATTERS AGREED

- 4.1.1 It is agreed that the pre-application consultation carried out was adequate and acceptable.
- 4.1.2 It is agreed that the list of schemes of relevance to the cumulative effects assessment in Chapter 17 of ES Volume 1 (Document Ref. 6.2) is comprehensive with respect to those within NLC's area.
- 4.1.3 It is agreed that the comments included in the Section 42 consultation response by NLC dated 13 December 2019 have been resolved. In particular, comments have been resolved by the response provided by the Applicant in its letter dated 18 February 2020:
- To the comments regarding the operational noise assessment, the Applicant's response explained that in accordance with BS 4142, the noise assessment presented in the Preliminary Environmental Information (PEI) Report considered impacts due to changes in noise levels at the closest residential receptors to the Site, which are located approximately 1 km away. Given this distance, the assessment of operational noise concluded that impacts on these receptors will be of very low magnitude and effects will therefore be negligible (not significant) during both the daytime and night time. The assessment findings are set out in Tables 8.27 - 8.29 of the ES Volume I, Chapter 8: Noise and Vibration.
 - To the comments regarding Habitats Regulations Assessment (HRA) information, the response explained that HRA information will be provided with the DCO application to allow the assessment by the competent authority. This information is contained in the HRA Signposting Report (Document Ref. 5.8).
 - NLC stated its support for the proposal to contribute towards strategic mitigation for SPA/ Ramsar waterbirds. The Applicant has proposed that the delivery of this would be secured in the Development Consent Obligation (Document Ref. 5.13) and therefore this is adequately secured.
- 4.1.4 The findings of the EIA as set out in the ES Volumes 1-3 (Document Ref. 6.2 – 6.4) are accepted, and therefore with the mitigation identified within the ES as set out in Chapter 20 of the ES Volume 1 (Document Ref. 6.2) and secured within the draft DCO (Document Ref. 2.1) no significant adverse residual effects are expected within the administrative area of NLC.

5.0 MATTERS NOT AGREED

5.1.1 At the present time there are no pertinent matters that are not agreed with.

Signed:



On behalf of: North Lincolnshire Council

Date: 26/08/2020

Signed:



On behalf of: EP Waste Management Ltd

Date: 26 August 2020