

South Humber Bank Energy Centre Project

Planning Inspectorate Reference: EN010107

South Marsh Road, Stallingborough, DN41 8BZ

The South Humber Bank Energy Centre Order

7.9 - Statement of Common Ground with Royal Mail



Applicant: EP Waste Management Ltd
Date: December 2020

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GLOSSARY

| Abbreviation | Description |
|---------------------|--|
| ACC | Air-cooled condenser. |
| AIL | Abnormal indivisible load |
| CCGT | Combined Cycle Gas Turbine. |
| CTMP | Construction Traffic Management Plan |
| 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. |
| 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. |

CONTENTS

1.0 INTRODUCTION..... 1

1.1 Overview 1

1.2 The Applicant 1

1.3 The Proposed Development Site 1

1.4 The Proposed Development 2

1.5 Purpose of this Document..... 3

1.6 Status of this Version..... 3

2.0 THE ROLE OF ROYAL MAIL4

3.0 CONSULTATION SUMMARY5

4.0 MATTERS AGREED.....7

4.1 Construction Works to Public Highways..... 7

4.2 Abnormal Indivisible Loads 7

4.3 Site Access, Working Hours and Traffic Routing (Construction and Operation) 8

4.4 Revision to Framework CTMP 10

4.5 Protective Provisions 10

4.6 Summary 10

5.0 MATTERS NOT YET AGREED12

1.0 INTRODUCTION

1.1 Overview

- 1.1.1 This Statement of Common Ground with Royal Mail (Document Ref. 7.9) 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.
- 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.

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- 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 as effects on the performance of Royal Mail's obligations as a Universal Service Provider, effects on the highway network, and protective provisions, based on the information available at this time, which principally comprises the draft DCO (Document Ref. 2.1) and accompanying ES Volumes I to III (Document Refs. 6.2 to 6.4).

1.6 Status of this Version

1.6.1 The SoCG was prepared in November 2020 and subsequently was agreed as suitable and including all of the relevant matters, to be submitted at Deadline 1.

1.6.2 Section 2 of this document summarises the role of Royal Mail, Section 3 summarises consultation with Royal Mail 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 to be agreed.

2.0 THE ROLE OF ROYAL MAIL

- 2.1.1 Under section 35 of the Postal Services Act 2011 (the “Act”), Royal Mail has been designated by Ofcom as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom.
- 2.1.2 Pursuant to the Act, Ofcom must secure provision of the Universal Postal Service and therefore imposes regulatory conditions on Royal Mail, including a set of minimum standards for Universal Service Providers.
- 2.1.3 Royal Mail is of the view that:
- These conditions represent some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project;
 - Royal Mail’s postal sorting and delivery operations rely heavily on road communications and Royal Mail’s ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network.
 - Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail’s operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail’s business.

3.0 CONSULTATION SUMMARY

3.1.1 The consultation that has taken place with Royal Mail in relation to the issues raised within this SoCG is summarised in Table 3.1 below.

Table 3.1: Consultation Summary

| Date | Details |
|--|--|
| September 2019 (consultation on EIA Scoping Opinion for the Proposed Development) | Royal Mail Group was consulted by PINS in respect of a request made by the Applicant for an EIA Scoping Opinion in respect of the Proposed Development. No response was received. |
| Consultation with Royal Mail under Schedule 1 of the APFP Regulations. | Royal Mail Group as a relevant statutory undertaker was consulted on the 29 th October 2019. No response was received. |
| Relevant Representation made by BNP Paribas on behalf of Royal Mail on 16 July 2020. | <p>Royal Mail’s Relevant Representation states:</p> <ul style="list-style-type: none"> • <i>“Royal Mail is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project.</i> • <i>Royal Mail’s postal sorting and delivery operations rely heavily on road communications. Royal Mail’s ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network. Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail’s operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail’s business. There are three operational facilities within 9 miles, Grimsby VSC, Immingham DO, and Grimsby DO.</i> • <i>Both the construction and operational traffic may present risk of impact / delays to Royal Mail’s road based operations on the surrounding road network. Every day, in exercising its statutory duties Royal Mail vehicles use all the main roads that may</i> |

| | |
|--|--|
| | <p><i>potentially be affected by additional traffic arising from the construction of the proposed Portishead Branch Line.</i></p> <ul style="list-style-type: none"> • <i>Any periods of road disruption / closure, night or day, have the potential to impact operations.</i> • <i>Royal Mail does not wish to stop or delay South Humber Bank Energy Centre from coming forward for development. However, Royal Mail does wish to ensure the protection of its future ability to provide an efficient mail sorting and delivering service.</i> • <i>In order to do this, Royal Mail requests that: 1. the DCO includes specific requirements that during the construction phase Royal Mail is consulted by EP Waste Management Limited or its contractors at least one month in advance on any proposed road closures / diversions / alternative access arrangements, hours of working, and the content of the final CTMP, and 2. the final CTMP includes a mechanism to inform major road users (including Royal Mail) about works affecting the local highways network (with particular regard to Royal Mail's distribution facilities in the vicinity of the DCO application boundary as listed above).</i> • <i>Royal Mail reserves its position to object to the DCO application if the above requests are not adequately addressed."</i> |
|--|--|

4.0 MATTERS AGREED

4.1 Construction Works to Public Highways

- 4.1.1 The Proposed Development includes (as Work No. 4 in the Draft DCO, Document Ref. 2.1) the creation of a new site entrance at the eastern end of South Marsh Road, and works to improve an existing access on South Marsh Road. The creation of the new site entrance will require work within the public highway, whereas the improvement of the existing access will not. These works could also be undertaken under the existing Planning Permission, and are currently planned to take place in early 2020 under the Planning Permission.
- 4.1.2 South Marsh Road (east of Hobson Way) is a 'dead end' road providing access to South Humber Bank Power Station, NEWLincs waste management facility, Synthomer polymer manufacturing site and the Environment Agency maintained Humber Estuary flood defences. As stated in paragraph 5.3.24 of ES Volume I Chapter 5: Construction Programme and Management (Document Ref. 6.2.5), *"Third party access will be maintained along South Marsh Road throughout the construction period."*
- 4.1.3 It is therefore agreed that the works to create and improve access to the Site will not affect Royal Mail's operations as third party access will be maintained.

4.2 Abnormal Indivisible Loads

- 4.2.1 As outlined in paragraphs 9.6.8 to 9.6.9 of ES Chapter 9: Traffic and Transport (Document Ref. 6.2.9) *"a number of Abnormal Indivisible Load (AIL) movements are expected during the construction programme associated with the delivery of large items of plant and equipment. The ports of Immingham, Hull and Goole are situated near to the Proposed Development. Detailed consideration will be given to the appropriate port and AIL routes during detailed design when details of the size of loads and timing of deliveries are known. However, it is a reasonable expectation that major ports are able to accommodate abnormal loads and that adequate access to the strategic network is achievable. NELC (and others as appropriate) will be consulted via the usual procedures regarding the route, dates and any traffic management requirements for AIL deliveries."*
- 4.2.2 A Framework Construction Traffic Management Plan (CTMP) is provided as Annex 28 to the Transport Assessment (ES Volume III, Appendix 9A, Document Ref. 6.4.12), which includes a description at Section 4.0 on the procedure for planning AIL routes and timing, including consultation with North East Lincolnshire Council and raising awareness of the public using social media, local radio and local press, and information at Section 6.0 on the process for liaison between the relevant parties (Principal Contractor, North East Lincolnshire Council Highways and Highways England).
- 4.2.3 The submission and approval of the final CTMP is secured by draft DCO Requirement 16, which states:
- "16.—(1) No part of the authorised development may commence until a construction traffic management plan for that part has been submitted to and approved by the relevant planning authority."*

(2) The plan submitted and approved under sub-paragraph (1) must be in accordance with the framework construction traffic management plan included as annex 28 of appendix 9A of the environmental statement.

(3) The plan submitted and approved under sub-paragraph (1) for Work No. 1 must include—

(a) details of the routes to be used for the delivery of abnormal indivisible loads and procedures for the notification of these to the local highway authority and, if the route includes railway assets, Network Rail; and

(b) a construction worker travel plan (which must be in accordance with the framework construction worker travel plan included as annex 27 of appendix 9A of the environmental statement).

(4) The plan must be implemented as approved unless otherwise agreed with the relevant planning authority.

(5) In this requirement, "Network Rail" means Network Rail Infrastructure Limited (Company No. 02904587) whose registered office is at 1 Eversholt Street, London NW1 2DN."

4.2.4 It is agreed that these measures ensure that other road users are taken into account by the Applicant and the local highway authority when planning ALL deliveries, and that prior notification will take place. Provided that the Draft DCO is amended to reference Royal Mail after 'local highway authority' in Requirement 16(3)(a), and the Framework CTMP is amended as set out in section 4.4 below, ALL deliveries will not affect Royal Mail's ability to fulfil its obligations as a Universal Service Provider.

4.3 Site Access, Working Hours and Traffic Routing (Construction and Operation)

4.3.1 As described in paragraphs 5.3.21 and 5.3.21 of ES Volume I Chapter 5: Construction Programme and Management (Document Ref. 6.2.5), construction traffic for the Proposed Development will use the new site access and the improved existing access on South Marsh Road, and may also use the existing South Humber Bank Power Station site entrances on South Marsh Road and Hobson Way, if necessary. As stated at paragraph 5.3.25 of ES Volume I Chapter 5, construction working hours are generally expected to be between 07:00 and 19:00 Monday to Saturday.

4.3.2 As shown on Figure 4.1 in ES Volume II (Document Ref. 6.3.5), operational traffic will use the new site entrance at the eastern end of South Marsh Way. As described at paragraph 4.6.1 in ES Volume I Chapter 4: The Proposed Development (Document Ref. 6.2.4), the Proposed Development will operate 24 hours a day, seven days a week, with fuel deliveries also taking place 24 hours a day, seven days a week (except Christmas Day, Boxing Day and New Year's Day).

4.3.3 As described in Section 6.4 of the Transport Assessment (ES Volume III, Appendix 9A, Document Ref. 6.4.12) and paragraph 5.3.23 of ES Volume I Chapter 5: Construction Programme and Management (Document Ref. 6.2.5), all construction and operational Heavy Goods Vehicle (HGV) traffic will access the Site from the strategic road network (A180 at Stallingborough Interchange)

via the A1173, Kiln Lane, Hobson Way and South Marsh Road. This designated route will ensure all HGVs keep to the strategic and principal road network and avoid the use of minor local roads. The designated route has been agreed with the local planning authority in consultation with the local highways authority for the Consented Development and consulted upon by the Applicant in relation to the Proposed Development.

- 4.3.4 The traffic and transport assessment presented in the Transport Assessment (ES Volume III, Appendix 9A, Document Ref. 6.4.12) and ES Volume I Chapter 9: Traffic and Transport (Document Ref. 6.2.9) is based on worst case assumptions with regards to the number of HGV movements and impacts on the local highway network during peak hours. The TA concludes that there will be no significant effects on road users, including consideration of accidents, safety and driver delay.
- 4.3.5 Construction HGV and staff traffic will be managed as set out in the Framework CTMP and the Framework Construction Worker Travel Plan (Annexes 28 and 27 of the Transport Assessment, Appendix 9A of ES Volume III, Document Ref. 6.4.12), as secured by draft DCO Requirement 16 (quoted at paragraph 4.2.3 above) subject to the amendments shown at 4.2.4 above.
- 4.3.6 Operational HGV and staff traffic will be managed as set out in the Delivery and Servicing Plan and the Framework Operational Travel Plan (Annexes 26 and 7 of the Transport Assessment, Appendix 9A of ES Volume III, Document Ref. 6.4.12), as secured by draft DCO Requirements 24 and 25, reproduced below:

“24.—(1) The authorised development must not come into operation until an operational delivery and servicing plan for all operational HGVs entering and leaving the site has been submitted to and approved in writing by the relevant planning authority.

(2) The plan submitted and approved under sub-paragraph (1) must be in accordance with the operational delivery and servicing plan within annex 26 of appendix 9A of the environmental statement unless otherwise agreed by the relevant planning authority.

(3) The plan approved under sub-paragraph (1) must be implemented as approved throughout the operation of the authorised development unless otherwise agreed by the relevant planning authority.”

“25.—(1) The authorised development must not come into operation until an operational travel plan has been submitted to and approved in writing by the relevant planning authority.

(2) The plan submitted and approved under sub-paragraph (1) must be in accordance with business travel plan guidance published by the local highway authority and in accordance with the framework operational travel plan within annex 7 of appendix 9A of the environmental statement unless otherwise agreed in writing by the relevant planning authority.

(3) The plan approved under sub-paragraph (1) must be implemented as approved throughout the operation of the authorised development unless otherwise agreed by the relevant planning authority.”

4.3.7 It is therefore agreed that subject to the revision to DCO Requirement 16(3)(a) set out in 4.2.4 above and the revision to the Framework CTMP set out in section 4.4 below, the Proposed Development will not result in any significant effects on major road users during construction or operation, including Royal Mail in carrying out its obligations as a Universal Service Provider.

4.4 Revision to Framework CTMP

4.4.1 Notwithstanding the above agreements, it is agreed that advance notification of Royal Mail is appropriate. This will comprise adding the following text to the Framework CTMP (Annex 28 of ES Volume III, Appendix 9A, Document Ref. 6.4.12) which will be submitted into the examination:

"7.1.1 Royal Mail will be provided with a copy of each CTMP approved pursuant to this Framework CTMP, along with information on working hours and proposals for traffic management or works on the highways network (including any road closures, diversions or alternative access arrangements) that have potential to affect vehicle movements to and from Royal Mail's distribution facilities in Grimsby and Immingham as identified below, at least one month before the relevant works are anticipated to commence.

Grimsby Vehicle Service Centre, Unit 18, Estate Road 8, Grimsby DN31 2TG

Immingham Delivery Office, Middleplatt Road, Immingham DN40 1BL

Grimsby Delivery Office, Fotherby Street, Grimsby DN31 8AR

7.1.2 Notifications should be addressed to the Delivery Office Manager and to the Operations Manager at each address above, and also to:

*Special Events Planner - Special Events Planning Team North,
Tyneside Mail Centre, Gateshead NE11 0YY*

BNP Paribas Real Estate – Portwall Place, Portwall Lane, Bristol BS1 6NA (Attention Daniel Parry-Jones / Alice Stephens)"

4.4.2 Royal Mail wishes to record that prior notification only (i.e. without the requirement for pre-consultation) is acceptable to Royal Mail in this case only following solely on the basis of the considerations of and the specific risk profile attributed to the Proposed Development. The risk presented by any DCO application is considered by Royal Mail on a case by case basis.

4.5 Protective Provisions

4.5.1 It is agreed that no protective provisions are required to protect Royal Mail.

4.6 Summary

4.6.1 It is agreed that the Proposed Development will not result in any significant effects on major road users during construction or operation, including Royal Mail in carrying out its obligations as a Universal Service Provider, because:

- the construction of the Proposed Development will involve limited works to public highways associated with the creation of the new site access on

South Marsh Road (east of Hobson Way), which will not require road closures or diversions;

- AIL movements will be required to deliver large items of plant and equipment to the Site during construction (which may involve short temporary road closures or diversions), and these will be planned and agreed in advance with North East Lincolnshire Council (in accordance with standard procedures for AILs) and notified at least one month in advance to Royal Mail ;
- a designated HGV route has been defined for all construction and operational HGVs to ensure HGVs use the strategic and principal road network and no significant effects on road users have been identified;
- construction and operational traffic will be managed in accordance with plans secured by draft DCO Requirements 16, 24 and 25, and an amendment to the draft DCO to reference Royal Mail after 'local highway authority' in Requirement 16(3)(a) will be submitted into the examination;
- Royal Mail will be notified of all CTMPs approved pursuant to the Framework CTMP (Annex 28 of ES Volume III, Appendix 9A, Document Ref. 6.4.12) before relevant works commence, which will be secured via an amendment to the Framework CTMP (Annex 28 of ES Volume III, Appendix 9A, Document Ref. 6.4.12) in accordance with the text in section 4.4 above, to be submitted into the examination.

5.0 MATTERS NOT YET AGREED

5.1.1 No outstanding matters have been identified.

Signed: 
On behalf of: Royal Mail

Date: *11 December 2020.*

Signed: 
On behalf of: EP Waste Management Ltd

Date: *16.12.20*