

Date: 23 April 2021
Your Ref: EN010107
Our Ref: 14079



Liam Fedden
Case Manager
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol BS1 6PN



By e-mail: SouthHumberBank@planninginspectorate.gov.uk

Dear Mr Fedden

SOUTH HUMBER BANK ENERGY CENTRE PROJECT - APPLICATION FOR AN ENERGY FROM WASTE POWER STATION AND ASSOCIATED DEVELOPMENT - LAND AT THE SOUTH HUMBER BANK POWER STATION SITE, SOUTH MARSH ROAD, STALLINGBOROUGH, DN41 8BZ

THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

We write in response to the 'Rule 8' letter dated 17 November 2020 in which the Examining Authority has requested; finalised SoCGs; the final Application Guide; signed and dated s106 Agreement; comments on the RIES; comments on the ExA's schedule of proposed changes to the dDCO (if applicable); comments on any responses/ information submitted for Deadline 5; the Applicant's Final Preferred DCO in the SI template validation report format; and responses to any further information required by the ExA (if applicable).

Finalised SoCGs

A signed and dated position statement with NELC (Document Ref 8.18) is submitted at Deadline 6. This document is submitted jointly by North East Lincolnshire Council ('NELC') and EP Waste Management Limited ('the Applicant') to record the status of agreement in relation to matters that have arisen in the examination since Deadline 4, the point at which the parties agreed a signed Statement of Common Ground (Document Ref. 7.1 / REP4-006).

A National Grid SoCG is not being submitted at Deadline 6 as there is no substantive change in position from that set out in the Applicant's Deadline 4 submitted SoCG and the Applicant's response to ExQ2 (Document Ref. 8.16 / REP5-005).

For clarity the response provided was as follows:

"In response to Question B.1.6, The Applicant provided comments to National Grid on the protective provisions on 23 February and has since asked National Grid to confirm its response or any further comments, but has not received a response on them. The issues noted in the draft Statement of Common Ground at Deadline 4 therefore remain the same. The Applicant has provided a set of protective provisions within the draft DCO which it considers provide adequate protection for National Grid, and notes that National Grid has not provided alternative drafting at any point. Whilst

Partners

R J Greeves BSc (Hons) MRICS
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A Vickery BSc MRICS IRRV (Hons)
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A R Holden BSc (Hons) FRICS
G Denning B.Eng (Hons) MSc MRICS
B Murphy BA (Hons) MRUP MRTPI
A Meech BSc MRICS

S Page BA MA (Cantab) MSc MRTPI
P Roberts FRICS CEnv
T Lodeiro BA (Hons) PGDip MSc MRICS
A Pilbrow BSc (Hons) MRICS IRRV(Hons)



the Applicant will continue to discuss the protective provisions with National Grid, it considers that the Examining Authority has everything required, in the form of the protective provisions included in the draft DCO.”

Whilst the Applicant and National Grid have had further exchanges on the terms of the protective provisions, agreement has not yet been reached. The Applicant’s position on adequate protection being in place for National Grid remains as set out in response to second question B.1.6 above.

Statement of Commonality of SoCG

No update to the Statement of Commonality of SoCG document is submitted as no updated SoCGs are submitted at Deadline 6.

Updated Guide to the Application

All of the above documents are referenced in the enclosed updated Application Guide (Document 1.2 – Application Guide – Revision 7.0).

Signed and dated Section 106 Deed of Variation

A Section 106 deed of variation has been signed by NELC and by the Applicant and completed, dated 19 April 2021. An electronic copy (original signed and sealed by EP SHB Limited and NELC) has been submitted by the Applicant to the Examining Authority in advance of Deadline 6. As well as carrying over to the DCO the substantive provisions of the existing Section 106 agreement for the Consented Development, this stipulates that a notice may not be issued pursuant to Article 5 of the DCO (i.e. preventing development) until a confirmatory deed with the mortgagee has been signed (or evidence provided that there is no longer a mortgagee).

Comments on the RIES and any responses/ information submitted for Deadline 5

All comments on the Deadline 5 submissions are included within the ‘Applicant’s response to D5 submissions and comments on the RIES’ document (Document Ref. 8.17).

This includes providing an updated Biodiversity Strategy (Document Ref 5.11, Revision 2.0) at Deadline 6. This has additional wording in section 7 in order to demonstrate beyond doubt that the commitment referred to in the RIES and previously agreed with Natural England regarding piling mitigation is secured.

Applicant’s Final Preferred DCO

The Applicant’s Final Preferred DCO (Document Ref. 2.1) is enclosed in PDF. Alongside this a Schedule of Changes to the dDCO (Document Ref. 8.7) and a Comparison of the dDCO (Document Ref. 8.6) are enclosed. Under separate cover we have also provided a Word version in the SI template accompanied by the SI template validation report.

We note that no ‘ExA’s proposed schedule of changes to the dDCO’ has been provided and no further information is required by the ExA.

Should you have any questions regarding the Application, please do not hesitate to contact Colin Turnbull at this office using the details provided.

Yours sincerely,



DWD

Cc.

Simon Bate, Project Manager – EP UK Investments

Encs.

- SHBEC DCO – 1.2 Application Guide – Deadline 6
- SHBEC DCO - 2.1 Draft Development Consent Order - Deadline 6
- SHBEC DCO – 5.11 Biodiversity Strategy – Deadline 6
- SHBEC DCO - 8.6 Comparison Draft Development Consent Order - Deadline 6
- SHBEC DCO - 8.7 Schedule of Changes to the Draft DCO - Deadline 6
- SHBEC DCO – 8.17 Applicants Response to D5 and RIES - Deadline 6
- SHBEC DCO 8.18 - NELC and EPWM Position Statement Signed - Deadline 6
- SHBEC DCO - Deed of Variation to S106 - 19 April 2021 - Deadline 6