

Position statement between North East Lincolnshire Council and EP Waste Management Limited submitted in advance of Deadline 6

This position statement 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 [REP4-006]. This position statement is submitted in advance of Deadline 6 of the examination which falls on 23 April 2021. The matters are grouped under headings for convenience.

1. Wording of Article 5 and Schedule 3 of the Draft DCO

The Applicant submitted a revised draft DCO at Deadline 5 which added a new definition of "varied condition" and new sub-paragraphs (6), (7) and (8) to Article 5 to set out how Article 5 will deal with any varied condition(s).

NELC has engaged with the Applicant since Deadline 5 on the precise wording of Article 5 and is content with the wording included in the submission at Deadline 6. This includes recently agreed wording for Article 5(7)(b) and the definition of "varied condition".

NELC is content with the list of Requirements included in Schedule 3 (deemed approval of matters referred to in requirements).

2. Requirements in Schedule 2 of the Draft DCO

NELC is content with the minor wording changes to Requirement 8(4), Requirement 15(2)(g), and Requirement 16(3)(a) (and associated new definition of "Royal Mail"), in Schedule 2 (requirements) of the Draft DCO submitted in advance of Deadline 5.

Since Deadline 5, the Applicant has suggested minor clarifications to wording in Requirements 19(6) and 20 to clarify that these controls only apply in the event that a remediation scheme is identified as needed pursuant to Requirement 19(4). It is agreed that this provides additional precision and the updated wording set out in the Draft DCO submitted in advance of Deadline 6 is agreed to. For the avoidance of doubt, NELC considers that as these changes are of a drafting nature and immaterial in planning terms, and the deemed discharge procedure under Article 5 should continue to apply to these conditions/requirements in full.

NELC is content with the updated definition of Biodiversity Strategy in the Draft DCO submitted in advance of Deadline 6. The purpose of this is to link Requirement 17 to the version 2 Biodiversity Strategy that the Applicant will be submitting in advance of Deadline 6, the relevant section of which has been updated to reference a four week maximum duration of drop hammer piling, in the interests of ecology.

3. Other matters in the Draft DCO

NELC is content with the location for the deposit of certified documents (New Oxford House, Grimsby) proposed in the Draft DCO submitted in advance of Deadline 6.

4. 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 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).

5. Status of the Section 73 Application to Vary the PPW definition to remove Piling, and Vary Piling Condition Wording (NELC reference DM/0273/21/FUL)

Statutory publicity period for this application has concluded and non objections have been received from all key consultees. Accordingly the application is capable of being determined under delegated authority. While nothing can fetter the local planning authority's discretion in the determination of the application, planning officers are content and there are presently no grounds to refuse the application.

Signed:  Mark Nearney, Assistant Director of Housing, Highways and Planning

On behalf of North East Lincolnshire Council:

Date: 23rd April 2021

Signed: 

On behalf of EP Waste Management Ltd:

Date: 23 April 2021