

# Medworth Energy from Waste Combined Heat and Power Facility

PINS ref. EN010110  
Document Reference: 9.16  
Revision 3.0  
Deadline 3  
April 2023



## Statement of Commonality of Statements of Common Ground: (Deadline 3)

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with energy.**



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# 1. Introduction

## 1.1 Introduction

- 1.1.1 The preparation of SOCG is encouraged by The Planning Inspectorate (PINS) *Advice Note 11: Working with public bodies in the infrastructure planning process*. It encourages a proactive approach to reaching agreement on the approach and the conclusions of the Environmental Impact Assessment (EIA), and the approach to consents, licences and authorisations.
- 1.1.2 The aim of a Statement of Common Ground (SoCG) is to agree factual information and to inform the Examining Authority and all other parties by identifying where there is agreement and where the differences lie at an early stage in the Examination process.
- 1.1.3 The SoCG should be agreed between the Applicant and the other relevant Interested Party or parties.

## 1.2 Purpose of the Document

- 1.2.1 This document summarises the progress which the Applicant has made with the parties listed within the Rule 6 letter dated 24 January 2023 and an overview of where the areas of agreement and dispute between the Interested Parties are.

## 1.3 Structure of the Document

- 1.3.1 The structure of the document is as follows:
- Section 1 – Introduction.
  - Section 2 – Commonality of Statement of Common Ground.
  - Section 3 – Summary of Agreement and Disagreement.
  - Section 4 – Conclusion.



## 2. Commonality of Statements of Common Ground

### 2.1 Introduction

2.1.1 Statements of Common Ground have been prepared between Medworth CHP Limited ('the Applicant') and identified parties to set out the areas of agreement and/or disagreement between the parties in relation to the proposed Development Consent Order (DCO) Application for the Medworth CHP EfW Facility.

2.1.2 It is the intention that SOCGs will facilitate further discussions between the Applicant and the parties, and will provide the Examining Authority (ExA) with a clear overview of the level of common ground between both parties. The SOCG documents will be updated throughout the application process.

### 2.2 List of Statements of Common Ground

2.2.1 The Rule 6 letter provided a list of SoCGs requested by the Examining Authority to be prepared between the Applicant and relevant stakeholders.

2.2.2 The Examining Authority requested SOCGs are prepared between the Applicant and:

- Cambridgeshire County Council;
- Norfolk County Council;
- Borough Council of King's Lynn and West Norfolk;
- Fenland District Council;
- Walsoken Parish Council;
- Wisbech Town Council;
- Environment Agency;
- UK Health Security Agency;
- Natural England;
- Anglian Water;
- East of England Ambulance Service NHS Trust;
- Historic England;
- Hundred of Wisbech Internal Drainage Board;
- King's Lynn Internal Drainage Board;
- National Highways; and



## 4 Statements of Commonality of SoCG (Deadline 3)

- Network Rail.

### 2.3 Progress of SoCG submissions at Deadline 1

The Applicant has prepared draft and final SoCGs which it has submitted to each of the parties listed in Section 2.2 above. The current status with each party is shown in **Table 3.1 Status of SoCGs at Deadline 2.**



### 3. Status of Statements of Common Ground

Table 3.1 Status of SoCGs at Deadline 3

Doc Ref (Vol)	Party	Status Deadline 1	Status Deadline 2	Status Deadline 3	Status Deadline 4	Status Deadline 5	Status Deadline 6	Status Deadline 7
8.2	Network Rail	Submitted as PDA-002 10/02/2023	As Deadline 1	As Deadline 1				
9.4	Cambridgeshire County Council*	Rev 1 Issued for comment 16/02/2023	As Deadline 1	As Deadline 1				
9.4	Norfolk County Council*	Rev 1 Issued for comment 16/02/2023	As Deadline 1	As Deadline 1				
9.4	Borough Council of King's Lynn* and West Norfolk	Rev 1 Issued for comment 16/02/2023	As Deadline 1	As Deadline 1				
9.4	Fenland District Council*	Rev 1 Issued for comment 16/02/2023	As Deadline 1	As Deadline 1				
9.5	Walsoken Parish Council	Rev 1 issued for comment and draft agreed at a meeting on 08/03/2023	As Deadline 1	As Deadline 1				
9.6	Wisbech Town Council	Rev 0.0 issued for comment on 09/02/2023	As Deadline 1	As Deadline 1				
9.7	Environment Agency	Rev 1 following initial comments 06/03/2023	As Deadline 1	Rev 2 following further comments 05/04/2023 and 21/04/2023				
9.8	UK Health Security Agency Environment Agency	Rev 1 issued for comment 08/02/2023	Rev2 Final (signed)					
9.9	Natural England	Rev 1 following comments 02/03/2023	As Deadline 1	As Deadline 1				
9.10	Anglian Water	Rev 1.1 following comments 02/03/2023	As Deadline 1	As Deadline 1				
9.11	East of England Ambulance Service Trust	Rev 1 issued for comment 01/02/2023	Rev2 Final (signed)					
9.12	Historic England	Rev 1 issued for comment 21/02/2023	Rev2	Rev3 Final (signed)				



Doc Ref (Vol)	Party	Status Deadline 1	Status Deadline 2	Status Deadline 3	Status Deadline 4	Status Deadline 5	Status Deadline 6	Status Deadline 7
9.13	Hundred of Wisbech Internal Drainage Board	Rev 1 issued following meeting 08/03/2023	As Deadline 1	As Deadline 1				
9.14	Kings Lynn Internal Drainage Board	Rev 1 issued following meeting 07/03/2023	As Deadline 1	As Deadline 1				
9.15	National Highways	Rev 1 issued following correspondence	As Deadline 1	As Deadline 1				
* joint SoCG between host authorities								



## 4. Overview of Agreement and Disagreement

4.1.1 The section of the statement of commonality provides a broad summary of the main topics covered in the SoCG at Deadline 2. It demonstrates commonality on the matters discussed between the Applicant and the parties or where matters have reached a position of 'not agreed' following discussions.

4.1.2 **Table 4.1** lists the topics covered across the SoCG in the Applicant's discussions with the parties and summarises commonality at Deadline 2.





Table 4.1: Summary of commonality with each party

Status	
	Matters agreed
	Matters subject to further discussion
	Matters not agreed
	Matter not relevant to the party

SoCG Party	Topic																																					
	EIA and adequacy of Assessment	Description of the Proposed Development	Alternatives considered	Traffic and Transport	Noise and Vibration	Air Quality	Health	Landscape and Visual	Design	Historic Environment	Biodiversity	Biodiversity Net Gain	Habitat Regulations assessment NSER	Hydrology	Hydrogeology and Contaminated Land	Climate change	Scio-Economics	Accidents and Disasters	Cumulative Effects	Schedule of Mitigation and Monitoring	Construction Management Plans	Operational Management Plans	Employment & skill & community benefits	March to Wisbech railway	Waste Fuel Availability and waste hierarchy	Planning Policy	Water Supply	Draft DCO (Requirements)	Draft DCO (Protective Provisions)	DCO (Articles)	Compulsory Acquisition	Other consents and licences	Statutory Nuisance					
Network Rail																																						
Host Authorities																																						
Walsoken Parish Council																																						
Wisbech Town Council																																						
UK Heath Security Agency																																						
Environment Agency																																						
Natural England																																						
Anglian Water																																						
EoE Ambulance Trust																																						
Historic England																																						
Hundred of Wisbech IDB																																						
King's Lynn IDB																																						
National Highways																																						



## 4.2 Summary of positions on SoCG at Deadline 2

4.2.1 The following section summarises the position reached in each draft SoCG at Deadline 3. The Applicant intends to engage with the parties through the Examination on matters that require further discussion.

### Cambridgeshire County Council, Norfolk County Council, Fenland District Council and Borough Council of Kings Lynn West Norfolk

4.2.2 The Applicant submitted its first draft SOCG to the host authorities on 16 February 2023 and received a response on 22 March 2023. The Applicant is in the process of updating the SOCG and intends to share the revised document with the host authorities on or around 28 April 2023. Following comments received it will submit an updated SOCG for Deadline 4. Topics to be discussed with a view to reaching common ground include traffic and transport, including the approach to the assessment and its conclusions together with the measures to be included within the relevant management plans. Similar discussions regarding the approach to assessment and conclusions reached on a number of other ES chapters will also continue to be discussed.

### Walsoken Parish Council

4.2.3 The Applicant submitted its first draft SOCG to the parish council and has discussed and agreed with them the wording of the draft document submitted at Deadline 1 [REP1-039]. A significant number of matters included within the draft SOCG are shown as being subject to further discussion. However, the Parish Council has informed the Applicant that it does not consider it has the relevant expertise and resources to comment upon many of the assessments reported within the ES. Whilst the Applicant is continuing to engage with Walsoken Parish Council, there is therefore some uncertainty as to the prospects of reaching agreement on outstanding matters and it may be that the draft document submitted at Deadline 1 is as far as the Applicant and Parish Council can progress. A version of the draft SOCG will be submitted at Deadline 4 (25 May 2023) in accordance with the Examining Authority's Rule 8 letter.

### Wisbech Town Council

4.2.4 The Applicant submitted its first draft SOCG to the town council for comment and a copy of this was submitted to the Examination at Deadline 1 [REP1-040]. Whilst the Applicant had hoped that an updated version of the draft SOCG could be provided at Deadline 2, Wisbech Town Council advised that it did not wish to comment until it has had the opportunity to review the Applicant's updated Waste Fuel Availability Assessment that was subsequently submitted at Deadline 2. There are a significant number of matters that are outstanding between the Applicant and Wisbech Town Council. Topics to be discussed with a view to reaching common ground include the need for the Proposed Development and compliance with national policy together with the need for the Proposed Development and the requirements within the Draft DCO. With regard to the ES discussions on the consideration of alternatives, the baseline, methodology and assessment conclusions contained within ES Chapter 6



Traffic and Transport and other ES Chapters such as Landscape and Visual, Air Quality, 10 Historic Environment, 11 Biodiversity, 13 Geology Hydrogeology and Contaminated Land and 14 Climate will be progressed. The Applicant will continue to engage with Wisbech Town Council with a view to providing an updated version of the draft SOCG at Deadline 4 (25 May 2023).

### UK Health Security Agency Environment Agency

- 4.2.5 The Applicant submitted its first draft SOCG to the UKHSA following a meeting held to discuss the Proposed Development. The UKHSA responded to the Applicant on 14 March 2023 to confirm that it agreed with the contents of the SOCG. UKHSA also confirmed subsequently (within an email dated 22 March 2023) that it does not sign third party agreements, but that its response provided on 14 March 2023 confirms that it is in agreement with the points contained within the SOCG.
- 4.2.6 The Final SOCG which is unsigned by UKHSA, but which includes a copy of the letter dated 14 March 2023, was submitted for Deadline 2 [REP2-013].

### Environment Agency

- 4.2.7 The Applicant submitted its first draft SOCG to the Environment Agency on 06 March 2023. Whilst an initial response was received, the Agency requested additional time to provide a detailed response. The detailed response was therefore received on 05 April 2023. The Agency requested that it be referenced within certain DCO Requirements and that Flood Risk Activity Permits are not disapplied within the Draft DCO. It also stated that because an Environmental Permit application had been submitted but as not yet been determined, that it did not wish to prejudice the outcome of that process through comments and agreements reported within the SOCG under noise and vibration and air quality. As such it asked that the RAG status reflect this position by showing a purple colour.
- 4.2.8 The Applicant updated the draft SOCG to reflect the comments received and it was reissued to the Environment Agency. Agreement to the revised draft was received from the Agency on 21 April 2023 and the document submitted at Deadline 3 therefore represents the current position between the parties. Following the submission of the Applicant's Deadline 3 documents, most notably the Draft DCO Rev 3 (Volume 3.1) which incorporates the Agency's requests, it is anticipated that a signed SOCG will be submitted at Deadline 4.

### Natural England

- 4.2.9 The Applicant submitted its first draft SOCG to the Natural England on 02 March 2023 which responded that it was in agreement with the common ground identified. The single area of future discussion concerns the means by which Biodiversity Net Gain would be delivered. The Applicant has been in contact with Natural England on this matter and has met with the relevant host authorities to discuss a strengthening of the commitments given within ES Chapter 11 Biodiversity Appendix 11M Biodiversity Net Gain (Volume 6.4) [AS-009] to include a commitment to deliver 10% net gain. This revised document will be submitted at Deadline 3 and the Applicant is confident that common ground can then be reached with Natural



England. The Applicant anticipates the submission of a signed SOCG at Deadline 4.

### Anglian Water

4.2.10 The Applicant submitted its first draft SOCG to Anglian Water which responded. Topics for further discussion include the Works and Protective Provisions set out within the Draft DCO and the requirements for potable water and water demand.

### East of England Ambulance Service NHS Trust

4.2.11 The Applicant submitted its first draft SOCG to EEAST following a meeting held to discuss the Proposed Development. EEAST together with CPICS responded to the Applicant on 21 March 2023 to confirm that it agreed with the contents of the SOCG. The Final signed SOCG was submitted for Deadline 2 [REP2-014].

### Historic England

4.2.12 The Applicant submitted its first draft SOCG to Historic England and a received a response on 10 March 2023. The Applicant has clarified and agreed Historic England's position with regard to the potential for effects upon 15 South Brink. The Final, unsigned SOCG was submitted for Deadline 2. The Applicant has now a signed (typed) final SOCG with Historic England and this is submitted at Deadline 3.

### Hundred of Wisbech Internal Drainage Board

4.2.13 The Applicant submitted its first draft SOCG to HWIDB and discussed its contents. Further meetings continue to be held to discuss the Outline Drainage Strategy and the Access Improvements to New Bridge Lane together with the measures contained within the Outline Construction Environmental Management Plan.

### Kings Lynn Internal Drainage Board

4.2.14 The Applicant submitted its first draft SOCG to KLIDB and discussed its contents. Further meetings continue to be held to discuss the Draft DCO, the embedded measures to address effects upon the IDB drainage network, the Outline Drainage Strategy and the measures contained within the Outline Construction Environmental Management Plan.

### National Highways

4.2.15 The Applicant submitted its first draft SOCG to National Highways and discussed its contents. Discussions continue between the parties with a view to agreeing common ground on matters including Part 5 of Schedule 11 of the Draft DCO and compulsory acquisition.



## Network Rail

4.2.16 The Applicant submitted its first draft SOCG to Network Rail. It will continue to engage with Network Rail in order to reach common ground concerning the design and layout of the Proposed development such that it would not impede a future road bridge embankment and the ability to accommodate the CHP Connection along the route of the Disused March to Wisbech Railway.

