

Medworth Energy from Waste
Combined Heat and Power Facility



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June 2023



**Statement of Common Ground
between Medworth CHP Limited
and King's Lynn Internal Drainage
Board (DRAFT)**

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Revision History

Revision number	Date	Details
0.0	02 September 2022	Draft produced by Medworth CHP Ltd for comment
1.0	06 March 2023	Rev 0.0 updated by Medworth CHP Ltd following comments from the WMA on 04 November 2022.
2.0	14 June 2023	Rev 1.0 updated by Medworth CHP Ltd following comments from the WMA on 14 June 2023.

Signatories

Applicant

Signed

On behalf of

Name

Position

Date

Kings Lynn Internal Drainage Board

Signed

On behalf of

Name

Position

Date



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1. Introduction

1.1 Purpose of Statement of Common Ground

1.1.1 This Statement of Common Ground (SoCG) has been prepared between Medworth CHP Limited ('the Applicant') and the King's Lynn Internal Drainage Board (KLIDB) 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.

1.1.2 KLIDB is a member of the Water Management Alliance (WMA), a group of six IDBs operating in the Anglian Region of the United Kingdom. KLIDB has been represented by the WMA in discussions with the Applicant.

1.1.3 The preparation of SOCG is encouraged by PINS. Advice Note 11: Working with public bodies in the infrastructure planning process, encourages a proactive approach to reaching agreement on the approach and the conclusions of the Environmental Impact Assessment (EIA), and on the approach to consents, licences and authorisations.

1.1.4 This SoCG covers the following topics:

- General;
- Draft DCO;
- ES Chapter 12 – Hydrology;
- ES Technical Appendix 12F Outline Drainage Strategy;
- Outline Construction Environmental Management Plan; and
- Other consents and licences.

1.1.5 It is the intention that this document will facilitate further discussions between the Applicant and the WMA on behalf of KLIDB and will provide the Examining Authority (ExA) with a clear overview of the level of common ground between both parties. This document will be updated throughout the application process.

1.2 Approach to Statement of Common Ground

1.2.1 The structure of this SoCG is as follows:

- Section 1: The parties to the SoCG;
- Section 2: Agreement on Common Ground;
- Section 3: Summary.



2. The parties to the Statement of Common Ground

2.1 The Applicant and Party to the Statement of Common Ground

2.1.1 The parties to this SoCG are:

- Medworth CHP Limited, the Applicant for the Proposed Development; and
- King's Lynn Internal Drainage Board.

2.2 Role of King's Lynn IDB and Consultation

2.2.1 The Order limits of the Proposed Development intersect a number of drainage channels (Ordinary Watercourses) within the KLIDB area, primarily along the route of the Grid Connection (see **Overview of the Proposed Development** in **Section 3.2**).

2.2.2 A summary of the pre-application consultation with the WMA on behalf of KLIDB is set out in **Table 2.1** below. A summary of consultation with the WMA following the submission of the DCO Application on 7 July 2022 is set out in **Table 2.2**.

Table 2.1: Summary of pre-application consultation with KLIDB/WMA

Date	Form of consultation	Statutory/Non-Statutory	Summary
15/07/2020	Virtual meeting	Non-Statutory	Discussion of consents required for works to ordinary watercourses (Section 23 of the Land Drainage Act, 1991 and Byelaw 4), and for works within 9m of IDB maintained watercourses and flood risk management infrastructure (Byelaw 10).
22/07/2020	Email	Non-Statutory	KLIDB provided a standard culvert design and confirmed the need to agree the final culvert design. Byelaw distances and cable depths were confirmed.
06/04/2021	Virtual meeting	Non-Statutory	Project update in advance of Statutory Consultation and publication of the PEIR including discussion around construction techniques to cross IDB maintained watercourses, and bylaw consents required and updated on ecological surveys.
15/11/2021	Email	Non-Statutory	KLIDB issued a copy of their Protective Provisions template.
26/11/2021	Virtual meeting	Non-Statutory	KLIDB confirmed that works within 9m of a Board maintained watercourse would require prior consent (Byelaw 10). KLIDB stated that applications for works up to 5m from the Board maintained watercourses may be considered, depending upon the watercourse in question and other factors.



			Requirements for crossing culverted watercourses underneath the A47 need to be discussed with the Highways as well as the KLIDB as highways are the riparian owners. . Any proposal to discharge surface water into watercourses within the district of the KLIDB would require IDB consent.
27/01/2022	Email	Non-Statutory	Issuing KLIDB A47 culvert details and organising a meeting with National Highways to discuss the Grid Connection cable underneath the A47.
02/02/2022	Virtual meeting	Non-Statutory	Meeting between the Applicant, KLIDB and National Highways to discuss the proposals for the Grid Connection where it was agreed that, subject to suitable protective measure/provisions in case of future capacity needs (e.g. larger culverts needed) the cable would be placed above the culverts using an open cut installation method, subject to Byelaw 10 consent from the KLIDB. All parties agreed a SoCG would reflect this agreement and they will maintain a dialogue to co-ordinate implementation of the Proposed Development.

Table 2.2: Summary of post application submission consultation with KLIDB/WMA

Date	Form of consultation	Statutory/Non-Statutory	Summary
12/07/2022	Email	Non-statutory	Issued KLIDB the draft DCO Protective Provisions for comment and highlighting a SoCG would be drafted in due course.
15/07/2022	Email	Non-statutory	KLIDB agreed to review the final draft Protective Provision and provide comments. Request for shapefile (issued).
03/08/2022	Email	Non-statutory	KLIDB provided initial comments on the draft Protective Provision and requested a meeting with themselves and the Hundred of Wisbech Internal Drainage Board to discuss the draft.
02/09/2022	Virtual meeting	Non-statutory	Project update provided by MVV, confirming DCO Application was Accepted for Examination 02/08/2022. Draft SoCG to be issued to KLIDB for comment.
02/09/2022	Email	Non-statutory	Draft SoCG issued to KLIDB for comment. KLIDB highlighted they overlooked the need to include protective measures for the relocation of the cables in the event the culverts underneath the A47 need replacing/repair etc. within the protective provisions as discussed during the virtual meeting dated 02/02/2022. MVV agreed to do this upon receipt of MLC's comments.
04/11/2022	Email	Non-statutory	KLIDB provided comments on the draft SoCG.



09/11/2022	Email	Non-statutory	Applicant provided an update on discussions with the MLC, highlighting that once comments on the draft protective provision have been received, it is anticipated that a joint meeting with MLC and KLIDB would be arranged.
20/02/2023	Email	Non-statutory	To progress the draft SoCG and protective provisions, the Applicant requested an update on discussions held between the MLC and KLIDB.
01/03/2023	Email	Non-statutory	KLIDB confirmed the MLC and KLIDB met to review the draft SoCG and protective provisions. The MLC were currently reviewing the protective provisions. In advance of deadline 1, reissued the draft SoCG, including KLIDB's comments.
06/03/2023	Virtual meeting	Non-statutory	Meeting with the Applicant and KLIDB to review and update the draft SoCG (Rev 0.0) for submission at Deadline 1.
06/03/2023	Email	Non-statutory	Draft SoCG (Rev 1.0) issued to KLIDB for comments.
08/03/2023	Email	Non-statutory	KLIDB comments on the draft SoCG (Rev 1.0) issued to the Applicant.
[Xx]/03/2023	Email	Non-statutory	Applicant issued KLIDB with a clean version of the draft SoCG (Rev 1.0); submitted at Deadline 1.
[to be updated]			

2.3 Summary of Current Position

2.3.1 The first draft of the SoCG (Rev 0.0) was shared with the KLIDB for comment on 2 September 2022. Comments on the draft were received from KLIDB on 4 November 2022 and 08 March 2023.

2.3.2 Outstanding points for discussion raised in KLIDB comments included:

- Collective agreement with the KLIDB and MLC on the protective provisions (including asset protection) and how the powers of the DCO work alongside the KLIDB Bylaws; and
- Finalise details for the proposed embedded mitigation and specifications.

2.3.3 The Applicant is confident the outstanding matters will be resolved and a signed SoCG issued at Deadline 6 (14 July 2023).

2.4 Status of the Statement of Common Ground

2.4.1 The current version of the SoCG (Rev 2.0) is in draft form.



3. Agreement on Common Ground

3.1 Overview

3.1.1 The following sections of this SoCG set out the level of agreement between the parties for each relevant topic. In order to easily identify whether a matter is 'agreed' or 'not agreed', a RAG within the 'position' column with red illustrating no agreement, amber that agreement is yet to be reach, and green, agreement.

3.1.2 The following section of this SoCG summaries the level of agreement between Medworth CHP Ltd and KLIDB on all relevant matters.

3.2 General

Application elements relating to KLIDB

3.2.1 The element of the Proposed Development which may affect the interests of KLIDB is work number 8. This is detailed in Part 1 (Authorised Development) of Schedule 1 (Authorised Development) of the draft DCO (**Volume 3.1: Draft DCO**). KLIDB is identified as a statutory undertaker in the draft DCO and is responsible for regulating any drainage work affecting ordinary watercourses within the Internal Drainage District (IDD) of the KLIDB.

Overview of the Proposed Development

3.2.2 The Proposed Development comprises the following key elements:

- The EfW CHP Facility Site;
- CHP Connection;
- Temporary Construction Compound (TCC);
- Access Improvements;
- Water Connections; and
- Grid Connection (underground cable and Walsoken Substation).

3.2.3 A summary description of each Proposed Development element is provided below. A more detailed description is provided in **Chapter 3: Description of the Proposed Development (Volume 6.2)** of the ES. A list of terms and abbreviations can be found in **Chapter: 1 Introduction, Appendix 1F Terms and Abbreviations (Volume 6.4)**.

- EfW CHP Facility Site: A site of approximately 5.3ha located south-west of Wisbech, located within the administrative areas of Fenland District Council and Cambridgeshire County Council. The main buildings of the EfW CHP Facility would be located in the area to the north of the Hundred of Wisbech Internal Drainage Board (HWIDB) drain bisecting the site and would house many development elements including the tipping hall, waste bunkers, boiler house,



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turbine hall, air cooled condenser, air pollution control building, chimneys and administration building. The gatehouse, weighbridges, 132kV switching compound and laydown maintenance area would be located in the southern section of the EfW CHP Facility Site.

- **CHP Connection:** The EfW CHP Facility would be designed to allow the export of steam and electricity from the facility to surrounding business users via dedicated pipelines and private wire cables located along the disused March to Wisbech railway. The pipeline and cables would be located on a raised, steel structure.
- **TCC:** Located adjacent to the EfW CHP Facility Site, the compound would be used to support the construction of the Proposed Development. The compound would be in place for the duration of construction.
- **Access Improvements:** includes access improvements on New Bridge Lane (road widening and site access) and Algores Way (relocation of site access 20m to the south).
- **Water Connections:** A new water main connecting the EfW CHP Facility into the local network will run underground from the EfW CHP Facility Site along New Bridge Lane before crossing underneath the A47 (open cut trenching or horizontal directional drilling (HDD)) to join an existing Anglian Water main. An additional foul sewer connection is required to an existing pumping station operated by Anglian Water located to the north-east of the Algores Way site entrance and into the EfW CHP Facility Site.
- **Grid Connection:** This comprises a 132kV electrical connection using underground cables. The Grid Connection route begins at the 132kV switching compound in the EfW CHP Facility Site and runs underneath New Bridge Lane, before heading north within the verge of the A47 to the Walsoken Substation on Broadend Road. From this point the cable would be connected underground to the Walsoken DNO Substation. The Grid Connection would cross watercourses within the district of the King's Lynn IDB.

3.2.4

The Proposed Development would be constructed in a manner consistent with that described within **ES Chapter: 3 Description of the Proposed Development (Volume 6.2)**. In summary:

- Work would commence with the establishment of the TCC together with any pre-commencement surveys and works to demolish existing structures and clear the EfW CHP Facility Site. The mobilisation and site set-up phase will last approximately 3-months.
- Access Improvements on New Bridge Lane will commence and take place over a 6-month period.
- Civil works comprising earthworks, piling and later the creation of external hardstanding areas, concrete structures and steelwork framing and the installation of the Water Connections will take place over a 34-month period.
- Overlapping with the erection of the structures at the EfW CHP Facility Site, mechanical, electrical and plant installation would take place over a period of 24-months followed by a 9-month period of commissioning and testing.

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- The construction of the CHP Connection and Grid Connection would follow a similar process of mobilisation, civils and commissioning.

3.2.5 Following the completion of commissioning and testing, the TCC site accessed from Algores Way would be restored to its former condition.

3.2.1 The Proposed Development is a Nationally Significant Infrastructure Project (NSIP) under Part 3, Section 14 of the Planning Act 2008 by virtue of the fact that the generating station is located in England and has a generating capacity of over 50MW (see section 15(2) of the 2008 Act). It, therefore, requires an application to be submitted to the Secretary of State for a Development Consent Order (DCO). The DCO application has been submitted by Medworth CHP Ltd (the Applicant); a wholly owned subsidiary of MVV Environment Ltd.

Table 3.1: Agreement Log: General

ID	Statement on which agreement is sought	Position (RAG)	Commentary
3.1.1	The summary of the Proposed Development provide in Section 3.2 above reflects KLIDB's understanding of the Proposed Development.		Agreed.

3.3 Draft DCO

Table 3.2: Agreement Log: Draft DCO

ID	Statement on which agreement is sought	Position (RAG)	Commentary
3.2.1	The wording of SCHEDULE 11 PROTECTIVE PROVISIONS PART 6 FOR THE PROTECTIVE OF INTERNAL DRAINAGE BOARD appropriately protects the interests of KLIDB and the responsibilities placed on KLIDB are achievable (Draft DCO Volume 3.1).		Matters agreed except for new wording for IDB and National Highways protective provisions covering asset replaceability/liability. Submitted at Deadline 5, the protective provisions are the latest working draft, see draft DCO Rev 4 (Volume 3.1) . The Applicant anticipates these matters can be resolved by Deadline 6.

3.4 ES Chapter 12 – Hydrology

3.4.1 **ES Chapter 12 Hydrology (Volume 6.2)** reports the assessment of potential significant effects on hydrology. **Table 3.3** below records the agreement on key



matters relating to the assessment of effects on watercourses within the district of the KLIDB reported in Chapter 12.

Table 3.3: Agreement Log: ES Chapter 12 – Hydrology

ID	Statement on which agreement is sought	Position (RAG)	Commentary
3.3.2	The IDB Drainage District Maps (ES Appendix 12D Volume 6.4) accurately reflect the drainage and infrastructure under the management of KLIDB.	Green	Agreed.
3.3.3	The underground cable route (Grid Connection) will only cross three KLIDB maintained watercourses. These are accurately illustrated on Figure 12.3i: Water environment (Proposed Development) (Volume 6.3) (paragraph 12.5.20 ES Chapter 12 Hydrology Volume 6.2).		Agreed.
3.3.4	<p><u>Mitigation</u></p> <p>The embedded mitigation measures proposed for the construction and operational phases of the Proposed Development outlined in Table 12.10 Summary of the embedded environmental measures and how these influence the Hydrology assessment (ES Chapter 12 Hydrology Volume 6.2) are appropriate to mitigate potential impacts on watercourses within the KLIDB district (insofar as it relates to KLIDB's statutory remit).</p>		Submitted at Deadline 5 Table 12.10 of the ES Chapter 12 Hydrology Rev 2 (Volume 6.2) has been updated to address the outstanding comments. Agreed.
3.3.5	The underground cable (Grid Connection) will be placed above three culverted drains within the KLIDB district using open cut installation method, subject to an asset protection agreement with the relevant authority. (paragraph 12.9.49 ES Chapter 12 Hydrology Volume 6.2).	Yellow	See 3.2.1.
3.3.6	A minimum distance from the edge of KLIDB maintained watercourses of 9m (on both sides of the drain) (referred to as the 'stand-off' in ES Chapter 12) will	Green	Agreed.



<p>be provided where possible along the Grid Connection.</p> <p>The Applicant must apply for consent under Byelaw 10 from the KLIDB for any proposed infrastructure within the 9m IDB byelaw distance, see ID17 stand-off from IDB maintained drains (construction phase) in Table 12.10 Summary of the embedded environmental measures and how these influence the Hydrology assessment (ES Chapter 12 Hydrology Volume 6.2)</p>		
<p>3.3.7 <u>Assessment conclusion</u></p> <p>There will be no significant effects on the three KLIDB drains crossed by Grid Connection as a result of the construction and operation of the Proposed Development (insofar as it relates to KLIDB's statutory remit). (Table 12.19 Summary of significance of adverse effects ES Chapter 12 Hydrology Volume 6.2)</p>		<p>See 3.2.1.</p>

3.4.2 **ES Appendix 12F: Outline Drainage Strategy ES Chapter 12 Hydrology (Volume 6.4)** sets out the strategy for managing surface water runoff from the Proposed Development. **Table 3.4** below records the agreement on key matters relating to the Outline Drainage Strategy.

Table 3.4: Agreement Log: Outline Drainage Strategy

ID	Statement on which agreement is sought	Position (RAG)	Commentary
3.4.1	<p>The Outline Drainage Strategy, ES Appendix 12F (Volume 6.4) appropriately reflects the drainage measures required to manage surface water run-off into watercourses within the KLIDB district (insofar as it relates to KLIDB's statutory remit).</p>		<p>One matter to be resolved:</p> <p>1) Asset protection – See 3.2.1.</p>

3.5 Outline Construction Environmental Management Plan

3.5.1 The **Outline Construction Environmental Management Plan (Outline CEMP) (Volume 7.12)** sets out the working methods to protect surface water and



groundwater from pollution and other adverse impacts including change to flow and water levels during the construction phase of the Proposed Development. **Table 3.5** below records the agreement on key matters relating to the Outline CEMP.

Table 3.5: Agreement Log: Outline Construction Environmental Management Plan

ID	Statement on which agreement is sought	Position (RAG)	Commentary
3.5.1	The Outline Water Management Plan (Appendix B Outline CEMP (Volume 7.12)) appropriately reflects the measures required to mitigate potential impacts on KLIDB drains (insofar as it relates to KLIDB's statutory remit).		Embedded mitigation – Submitted at Deadline 5 the Outline Drainage Strategy, Appendix 12F Rev 3 (Volume 6.4) has been updated to address the outstanding comments. Agreed.

3.6 Other consents and licences

3.6.1 The **List of Other consents and Licences (Volume 5.4)** the other consents that may be required to enable the construction and/or operation of the Proposed Development. **Table 3.6** below records the agreement on key matters relating to other consents and licences.

Table 3.6: Agreement Log: Other consents and licences

ID	Statement on which agreement is sought	Position (RAG)	Commentary
3.6.1	The Applicant recognises that multiple works within the KLIDB district will require Land Drainage Consent from the IDB, and will require to be supported by designs and information to an appropriate level of detail.		<ol style="list-style-type: none"> 1) See 3.2.1. 2) The Board requests that the relevant section of List of Other Consents and Licences (Volume 5.4) [APP-026] be updated so that it does not reference the legislation which the Applicant is disapplying (S23 and S66 of LDA) but rather that it references the protective provision, as this will be the instrument through which any consents are issued. An updated version of List of Other Consents and Licences (Volume 5.4) will be submitted for Deadline 6.



4. Summary

- 4.1.1 This SoCG has outlined the consultation that has taken place between the Applicant and the KLIDB during the pre-application and pre-examination phases of the DCO process. The agreement presents the current position reached prior to the commencement of examination.
- 4.1.2 This SoCG will be updated as discussions progress and made available to PINS as requested through the DCO examination phase.

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