

Medworth Energy from Waste Combined Heat and Power Facility

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Revision 7.0
Deadline 7
August 2023



Statement of Commonality of Statements of Common Ground: (Deadline 7)

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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. This document includes the *List of matters not agreed where SoCG could not be finalised*.
- 1.2.2 This document summarises the position reached as at Deadline 7.

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 – Status of SOCG
 - Section 4 – Overview of Agreement and List of matters not agreed where SoCG could not be finalised.



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 the SOCGs will provide the Examining Authority (ExA) with a clear overview of the level of common ground between both parties. The Final SOCG documents are submitted to the examination at Deadline 7 unless otherwise referenced within this document.

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 7)

- Network Rail.

2.3 Progress of SoCG submissions at Deadline 7

2.3.1 The Applicant has prepared draft and final SOCGs which it has submitted to each of the parties listed in Section 2.2 above. The status with each party is shown in **Table 3.1 Status of SoCGs at Deadline 7**.



3. Status of Statements of Common Ground

Table 3.1 Status of SOCGs at Deadline 7

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	As Deadline 1	As Deadline 1	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	Rev 2 issued for comment 28/04/2023. Comments received 19/05/2023	Rev 2.1 Draft	Rev 3.1 Draft	Rev 4 Draft
9.4	Norfolk County Council*	Rev 1 Issued for comment 16/02/2023	As Deadline 1	As Deadline 1	Rev 2 issued for comment 28/04/2023	Rev 2.1 Draft	Rev 3.1 Draft	Rev 4 Final (signed)
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	Rev 2 issued for comment 28/04/2023	Rev 2.1 Draft	Rev 3.1 Draft	Rev 4 Final (signed)
9.4	Fenland District Council*	Rev 1 Issued for comment 16/02/2023	As Deadline 1	As Deadline 1	Rev 2 issued for comment 28/04/2023. Comments received 19/05/2023	Rev 2.1 Draft	Rev 3.1 Draft	Rev 4 Draft
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	Rev 2 issued for comment 17/05/2023	Rev 2 Final (signed)	-	-
9.6	Wisbech Town Council	Rev 0.0 issued for comment on 09/02/2023	As Deadline 1	As Deadline 1	Rev 2 issued for comment 11/05/2023	As Deadline 4	Rev 3 Final (signed)	
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	Rev 3 Final (signed)	-	-	-
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	Rev 2 Final (signed)	-	-	-
9.10	Anglian Water	Rev 1.1 following comments 02/03/2023	As Deadline 1	As Deadline 1	As Deadline 1	Rev 2	Rev 3 Final (signed)	-
9.11	East of England Ambulance Service Trust	Rev 1 issued for comment 01/02/2023	Rev2 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
9.12	Historic England	Rev 1 issued for comment 21/02/2023	Rev2	Rev3 Final (signed)	-	-	-	-
9.13	Hundred of Wisbech Internal Drainage Board	Rev 1 issued following meeting 08/03/2023	As Deadline 1	As Deadline 1	Rev2 issued for comment 07/05/2023	As Deadline 4	As Deadline 4	Rev 2.2 (Final) (signed)
9.14	Kings Lynn Internal Drainage Board	Rev 1 issued following meeting 07/03/2023	As Deadline 1	As Deadline 1	Rev2 issued for comment 07/05/2023	Rev 2	As Deadline 5	Rev 3 Final (signed)
9.15	National Highways	Rev 1 issued following correspondence	As Deadline 1	As Deadline 1	As Deadline 1	As Deadline 1	As Deadline 1	Rev 2 (Final) (signed)
* joint SoCG between host authorities								



4. Overview of Agreement and List of Matters not agreed where SoCG could not be finalised.

- 4.1.1 The section of the statement of commonality provides a broad summary of the main topics covered in the SOCG at Deadline 7. 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 7.



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
	Matter reserved for Env Permit

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	Habitats Regulations assessment	Hydrology	Hydrogeology and Contaminated Lane	Climate change (GHG)	Socio-Economic and Health	Major Accidents and Disasters	Cumulative Effects	Scheme 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)	Draft DCO (Articles)	Compulsory Acquisition	Other consents and licences	Statutory Nuisance	Decommissioning				
Network Rail																																						
CCC and FDC																																						
NCC**																																						
BCKLWN**																																						
Walsoken Parish Council**																																						
Wisbech Town Council**																																						
UK Health Security Agency**																																						
Environment Agency**																																						
Natural England**																																						
Anglian Water**																																						
EoE Ambulance Trust**																																						
Historic England**																																						
Hundred of Wisbech IDB**																																						
Kings's Lynn IDB**																																						
National Highways**																																						

*New Bridge Lane

** Signed SOCG



4.2 Summary of positions on SOCG at Deadline 7

4.2.1 The following section summarises the position reached in each SoCG at Deadline 7. Whilst the Examining Authority's Rule 8 Letter and accompanying Examination Timetable (Annex A) requested final SoCGs by Deadline 6, the Applicant remains in continued discussion with the Cambridgeshire County Council (CCC) and Fenland District Council (FDC) (Local Host Authorities) and with Network Rail. The Applicant is confident that a final signed SoCG with CCC/FDC will be achieved by Deadline 7A and continues its endeavours to reach agreement with Network Rail.

Signed SOCG at Deadline 7

Historic England

4.2.2 Agreed and signed; submitted at Deadline 3 [REP3-027].

Natural England

4.2.3 Agreed and signed; submitted at Deadline 4 [REP4-011].

Environment Agency

4.2.4 Agreed and signed; submitted at Deadline 4 [REP4-010].

UK Health Security Agency

4.2.5 Agreed and signed; submitted at Deadline 2 [REP2-013].

East of England Ambulance Service NHS Trust

4.2.6 Agreed and signed; submitted at Deadline 2 [REP2-014].

Walsoken Parish Council

4.2.7 Agreed and signed; submitted at Deadline 5 [REP5-024].

4.2.8 Matters of disagreement are:

- Traffic and Transport;
- Air Quality;
- Health;
- Landscape and Visual; and
- DCO Requirements.

Wisbech Town Council

4.2.9 Agreed and signed at Deadline 6, document reference Volume 9.6. The Applicant engaged and liaised extensively with Wisbech Town Council, however agreement could not be reached on the majority of matters discussed, including matters relating



to the robustness of the assessments contained in the Environmental Statement otherwise acceptable to the local host authorities and statutory environmental bodies, notably Natural England, the Environment Agency and Historic England.

4.2.10 The principal areas of disagreement are:

- Alternatives;
- Traffic and Transport;
- Noise and Vibration;
- Air Quality;
- Landscape and Visual;
- Historic Environment;
- Biodiversity
- Hydrology and Hydrogeology;
- Climate
- Waste Fuel (Need) and
- the DCO requirements.

4.2.11 Further information on the specific matters of disagreement can be found within the SOCG (Volume 9.6).

Anglian Water

4.2.12 Agreed and signed at Deadline 6, document reference **Volume 9.10**. All matters have been agreed.

4.2.13 The Applicant and Anglian Water have an agreed position on water supply availability for the Proposed Development and no outstanding objections remain.

Hundred of Wisbech Internal Drainage Board

4.2.14 Agreed and signed at Deadline 7, document reference **Volume 9.13**. All matters have been agreed.

4.2.15 Paragraph 4.6.2 of the Environmental Statement **Chapter 12 Hydrology Appendix 12F: Outline Drainage Strategy (Volume 6.4)** has been updated at Deadline 7 as requested by the Hundred of Wisbech Internal Drainage Board during discussions on finalising the SoCG.

King's Lynn Internal Drainage Board

4.2.16 Agreed and signed at Deadline 7, document reference **Volume 9.14**. All matters have been agreed.



Norfolk County Council (NCC) and Borough Council of King's Lynn and West Norfolk (BCKLWN)

- 4.2.17 Agreed and signed at Deadline 7, document reference **Volume 9.4a**.
- 4.2.18 All matters have been agreed with both authorities, with the exception of the procedure for the discharge of requirements (see issue 4.2.3 of the SoCG) and the scope and outcome of the landscape and visual impact assessment (see issues 9.3.4 and 9.3.7 – 9.3.9 of the SoCG) where common ground could not be reached with NCC.

National Highways

- 4.2.19 Agreed and signed at Deadline 7, document reference **Volume 9.15**. All matters have been agreed.

Unsigned SOCG at Deadline 7

Cambridgeshire County Council and Fenland District Council

- 4.2.20 The Applicant and local host authorities have agreed to separate the Volume 9.4 SoCG in to two volumes: one for Norfolk County Council and the Borough Council of King's Lynn and West Norfolk (**Volume 9.4a**), which has now been signed (see paragraphs 4.2.17 – 4.2.18 above) and one for Cambridgeshire County Council (CCC) and Fenland District Council (FDC) (**Volume 9.4b**). The SoCG with CCC and FDC has yet to be finalised and signed and the version submitted at Deadline 7 remains in draft form.
- 4.2.21 However, good progress has been made and matters relating to the design of the New Bridge Lane/Cromwell Road junction, including signalisation, together with the associated powers in the DCO to deliver the highway improvement works have now been agreed subject to detailed design approvals (see items 6.3.6 and 6.3.7 of the SoCG). Agreement on the **Section 106 Heads of Terms (Volume 15.8) [REP6-031]** and the **Outline Community Benefits Strategy (Volume 7.14) [REP6-016]** have also been agreed (see item 15.3.5 of the SoCG). Discussions are now continuing on a limited number of issues relating to:
- Finalising the detailed provisions of the s.278 agreement for the highway works, including seeking a tri-partite meeting with Tesco to secure assurance on the delivery of the works,
 - Securing the necessary agreements with Network Rail to ensure that the future reopening of the former March to Wisbech Railway, is safeguarded;
 - Finalising the detailed provisions of the S.106 and S.111 agreements, to secure the comprehensive mitigation package which has been requested by CCC to mitigate the Proposed Development's socio-economic and community impacts; and
 - compliance with the local waste planning policy.
- 4.2.22 Matters of disagreement remaining with CCC/FDC are as follows:
- Alternative sites considered by the Applicant;



- Landscape and Visual –the Applicant’s assessment of effects and embedded mitigation;
- Climate change –the Applicant’s GHG emissions assessment approach, conclusions and mitigation.

4.2.23 The Applicant is confident that it will be able to agree a final signed SOCG by Deadline 8. The Applicant has also received written confirmation from CCC on 01 August 2023, that its Community Fund proposal ‘*will be greatly beneficial to the community, health and environment of Wisbech*’ and that the Council ‘*is delighted to agree it*’, so expects that negotiations on the associated legal agreements will be similarly concluded before the end of the Examination.

Network Rail

4.2.24 The draft SoCG was agreed with Network Rail and submitted into Examination **[PDA-002]**. The Applicant has been in ongoing discussions with Network Rail to reach common ground concerning the design and layout of the Proposed Development such that it would not impede, if required, a future road bridge and the ability to accommodate the CHP Connection along the route of the Disused March to Wisbech Railway.

4.2.25 A meeting between the Applicant, Network Rail and their respective solicitors took place on 4 August 2023 to discuss the outstanding points. The Framework Agreement is in the process of being finalised and the Applicant and Network Rail remain confident that it will be completed prior to the end of the Examination. It was also agreed that the SoCG will be updated to confirm access rights for the two properties located on the eastern side of the disused level crossing will be granted. The updated SoCG will be submitted prior to the close of the Examination.

