

Medworth Energy from Waste Combined Heat and Power Facility

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Deadline 8
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Statement of Commonality of Statements of Common Ground: (Deadline 8)

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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 final position reached as at Deadline 8.

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 up to and including Deadline 8.

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
- Network Rail.



4 Statements of Commonality of SOCG (Deadline 8)

2.3 Progress of SOCG submissions at Deadline 8

- 2.3.1 During the Examination, 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 of each SOCG at the successive Examination deadlines is shown in **Table 3.1 Status of SOCGs at Deadline 8**.
- 2.3.2 Initially, the Applicant progressed a single joint SOCG with the four host local authorities. At Deadline 7 it was agreed that this should be separated into two volumes; one with Cambridgeshire County Council (CCC) and Fenland District Council (FDC) and the other with Norfolk County Council (NCC) and the Borough Council of King's Lynn and West Norfolk (BCKLWN). It was agreed that this would better reflect their respective roles and positions relative to the Proposed Development. On this basis, the Applicant has negotiated a total of 14 SOCGs for the purpose of the Examination.
- 2.3.3 By Deadline 8, all SOCG have been concluded, signed and submitted into the Examination.



3. Status of Statements of Common Ground

Table 3.1 Status of SOCGs at Deadline 8

Vol. No.	Party	Status Deadline 1	Status Deadline 2	Status Deadline 3	Status Deadline 4	Status Deadline 5	Status Deadline 6	Status Deadline 7	Status Deadline 8
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	Rev 3 Final (signed)
9.4a	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)	-
9.4a	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 b	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	Rev 5 Final (signed)
9.4b	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	Rev 5 Final (signed)
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)	-	-	-	-	-	-
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 NCC and BCKLWN ** joint SOCG between CCC and FDC									



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 8. It demonstrates commonality on the matters discussed between the Applicant and the parties or where common ground could not be reached.
- 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 8.



Table 4.1: Summary of commonality with each party

Status	
	Matters agreed
	Matters partially agreed
	Matters not agreed
	Matter not relevant to the party
	Matter reserved for Environmental 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 & 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



4.2 Summary of positions on SOCG at Deadline 8

4.2.1 At Deadline 7, SOCGs had been finalised with all the parties requested in the Examining Authority's (ExA) Rule 8 Letter, except for CCC, FDC and Network Rail. Since then, the Applicant has been continuing discussions with these three parties, enabling matters to be concluded and SOCGs finalised and agreed for Deadline 8. This means that all SOCGs requested by the ExA have now been completed by Deadline 8.

4.2.2 Of the fourteen signed SOCGs, most confirm that common ground had been agreed on all relevant matters. The SOCGs with the host local authorities and parish councils indicate varying degrees of difference between the parties. A summary of the position is set out below.

Signed SOCGs with All Matters Agreed

4.2.3 The SOCGs listed below have been signed with all relevant matters agreed and no outstanding points of disagreement between the parties.

UK Health Security Agency

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

East of England Ambulance Service NHS Trust

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

Historic England

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

Environment Agency

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

Natural England

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

Anglian Water

4.2.9 Agreed and signed; submitted at Deadline 6 [REP6-021].

Hundred of Wisbech Internal Drainage Board

4.2.10 Agreed and signed; submitted at Deadline 7 [REP7-018].

King's Lynn Internal Drainage Board

4.2.11 Agreed and signed; submitted at Deadline 7 [REP7-019].



National Highways

4.2.12 Agreed and signed; submitted at Deadline 7 [REP7-020].

Network Rail

4.2.13 Agreed and signed, submitted at Deadline 8 (Rev 3.0) (Volume 8.2).

4.2.14 The draft SOCG with Network Rail was first submitted into Examination [PDA-002]. Since then, 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 the access improvements would not impede, if required, a future road bridge crossing at New Bridge Lane and that the CHP Connection along the route of the Disused March to Wisbech Railway would not prevent the reopening of the railway at some future date. Furthermore, the Applicant has ensured that the concerns raised by CCC about the retention of permissive access for NMUs and access rights for properties at New Bridge Lane have been addressed, see Table 3.5 in the **SOCG (Rev 3.0) (Volume 8.2)**.

4.2.15 The agreed Heads of Term for the Access Improvements and the Framework Agreement include provisions to ensure that the Proposed Development will not prevent the reopening of the March to Wisbech Railway in the future, for example, a requirement for the Applicant to pay for an adoptable standard of bridge/crossing, see Section 2.2.6 and Table 3.3 in the **SOCG (Rev 3.0) (Volume 8.2)**.

4.2.16 A form of private agreement to regulate ongoing arrangements between the parties has been agreed. This makes provision for the Applicant and Network Rail to enter into a voluntary agreement to grant the Applicant the land and rights necessary to deliver the Proposed Development. Engrossments of the private agreement are being prepared, subject to final formal approvals and sign off from Network Rail. Once the private agreement has been completed, Network Rail will be able to withdraw its objection to the Proposed Development and will update the ExA accordingly. Consequently, the SOCG between Network Rail and the Applicant (Rev 3.0) (Volume 8.2) provided at Deadline 8, confirms an “Agreed” position.

Signed SOCGs With Some Matters Not Agreed

4.2.17 Common ground could not be reached on all matters with the two parish councils and the four host local authorities. A summary of the position and matters which could not be agreed are set out for each relevant SOCG below.

Walsoken Parish Council

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

4.2.19 Matters of disagreement are:

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



Wisbech Town Council

- 4.2.20 Agreed and signed at Deadline 6, document reference Volume 9.6 **[REP6-020]**.
- 4.2.21 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 host local authorities and statutory environmental bodies, notably Natural England, the Environment Agency and Historic England.
- 4.2.22 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.

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

- 4.2.23 Agreed and signed at Deadline 7, document reference **Volume 9.4a [REP7-016]**.
- 4.2.24 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.

Cambridgeshire County Council and Fenland District Council

- 4.2.25 Agreed and signed at Deadline 8, SOCG document reference **Rev 5.0 Volume 9.4b**.
- 4.2.26 Since Deadline 7, the Applicant, CCC and FDC have reached agreement on several matters, including:
- the design for the signalisation of the New Bridge Lane/Cromwell Road junction and for the provision of dropped kerbs at the Salter Way/New Bridge Lane junction;



- that there are sufficient powers within the DCO to enable the Applicant to deliver the access improvements, including Work No. 4A;
- that the Proposed Development would be compliant with Policies 3 and 4 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (MWLP) 2036 (adopted July 2021); and
- that the terms of the section 106 (including the section 278) and section 111 agreements are agreed (and engrossments are being prepared for signature).

4.2.27 Whilst most matters in the SOCG are agreed, there are three points that have been partially agreed and remain shown as 'amber' in the SOCG:

- **SOCG Ref 6.3.8 March to Wisbech Railway reopening:** The effect upon the reopening of the March to Wisbech Railway (issue 6.3.8 in the **SOCG (Rev 5.0) (Volume 9.4B)**, submitted at Deadline 8). Whilst CCC/FDC accept that the Proposed Development will not compromise the reopening of the railway, the authorities have asked for further assurance as to the status of agreements reached with Network Rail. The Applicant confirms that it has addressed these concerns with Network Rail, see **sections 4.2.14 to 4.2.16** above, and that private agreements are being concluded to secure the necessary access arrangements and commitments to pay for a bridge/crossing at New Bridge Lane. The signed Statement of Common Ground between Network Rail and the Applicant (**Rev 3.0) (Volume 8.2)** is provided at Deadline 8.
- **SOCG Ref 15.3.2 Assessment Conclusion (socio-economics, tourism, recreation and land use):** Whilst CCC and FDC agree that beneficial effects would arise, they consider the scale of potential benefits to be uncertain and hence cannot agree the matter entirely. The Applicant has agreed to the additional package of mitigation measures requested by CCC and FDC, to be delivered by the Community Fund and secured by a Section 111 agreement. The Applicant stands by its assessment that the Proposed Development will deliver significant positive benefits in relation to local employment and the local supply chain during construction.
- **SOCG Ref 20.1.8 Policy Compliance (Local Policy):** Reflecting their position on visual impact and climate matters, as a whole, CCC and FDC could only confirm part compliance with associated local planning policy. When read as a whole the Applicant considers the Proposed Development is in accordance with local planning policy.

4.2.28 The four matters where common ground could not be reached are:

- **SOCG Ref 5.1.1 Alternatives:** Alternative sites were not considered.
- **SOCG Ref 9.3.5, 9.3.7 to 9.3.9 Landscape and Visual:** The assessment of effects and embedded mitigation;
- **SOCG Ref 14.3.3 to 14.3.5 Climate:** The approach and conclusions to assessing GHG emissions and the proposed embedded environmental measures; and



- **SO CG Ref 21.1.6 Impact of the Proposed Development other Waste Planning Authority Areas:** Impact on the deliverability of recovery capacity outside Cambridgeshire.

4.2.29

CCC/FDC and the Applicant's position on these matters is summarised in the relevant sections of the SOCG.

