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# North Lincolnshire Green Energy Park

Volume 8

8.2.6 Draft Statement of Common  
Ground with AB Agri Limited

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## **Disclaimer**

A Draft SoCG relates to a SoCG that has mainly been agreed between both parties, but there are a number of issues still outstanding, and it is yet to be signed off.

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## GLOSSARY

Acronym	Full term / Description
2008 Act	Planning Act 2008
AGI	Above Ground Installations
CCTV	Closed Circuit Television
CBMF	Concrete Block Manufacturing Facility
CCUS	Carbon Capture, Utilisation and Storage
CO2	Carbon Dioxide
CoPA	Control of Pollution Act
DCO	Development Consent Order
DHPWN	District Heating and Private Wire Network
EV	Electric Vehicle
ERF	Energy Recovery Facility
ES	Environmental Statement
FRA	Flood Risk Assessment
FGTr	Flue Gas Treatment Residue
H2	Hydrogen
HGV	Heavy Goods Vehicles
NSIP	Nationally Significant Infrastructure Project
NLGEP	North Lincolnshire Green Energy Park
PRF	Plastic Recycling Facility
RHTF	Residue Handling and Treatment Facility
SoS	Secretary of State
SoCG	Statement of Common Ground
SuDS	Sustainable Drainage Systems

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## 1.0 INTRODUCTION

### 1.1 Overview

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared on behalf of North Lincolnshire Green Energy Park Limited ('the Applicant'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under Section 37 of 'The Planning Act 2008' (the '2008 Act').
- 1.1.2 The Proposed Development is an Energy Recovery Facility (ERF) capable of converting up to 760,000 tonnes of non-recyclable waste into 95 MW of electricity and a carbon capture, utilisation and storage (CCUS) facility which will treat a proportion of the excess gasses released from the ERF to remove and store carbon dioxide (CO<sub>2</sub>) prior to emission into the atmosphere. It is described in Chapter 3: Project Description and Alternatives of the Environmental Statement (ES).
- 1.1.3 The Proposed Development meets the criteria to be considered as an NSIP under the 2008 Act as a 'generating station' under section 15(2). Section 15(2) defined an NSIP as a proposed generating station which would be located within England, would not be offshore, and would have a total generating capacity of more than 50MW.

### 1.2 The Proposed Development

- 1.2.1 The North Lincolnshire Green Energy Park (NLGEP), located at Flixborough, North Lincolnshire, comprises an ERF capable of converting up to 760,000 tonnes of non-recyclable waste into 95 MW of electricity and a CCUS facility which will treat a proportion of the excess gasses released from the ERF to remove and store CO<sub>2</sub>. Prior to emission into the atmosphere. The design of the ERF and CCUS will also enable future connection to the Zero Carbon Humber pipeline, when this is consented and operational, to enable the possibility of full carbon capture in the future.
- 1.2.2 The NSIP incorporates a switchyard, to ensure that the power created can be exported to the National Grid or to local businesses, and a water treatment facility, to take water from the mains supply or recycled process water to remove impurities and make it suitable for use in the boilers, the CCUS facility, concrete block manufacture, hydrogen production and the maintenance of the water levels in the wetland area.
- 1.2.3 The Project includes the following Associated Development to support the operation of the NSIP:
- a bottom ash and flue gas residue handling and treatment facility (RHTF);
  - a concrete block manufacturing facility (CBMF);

- a plastic recycling facility (PRF);
  - a hydrogen production and storage facility;
  - an electric vehicle (EV) and hydrogen (H2) refuelling station;
  - battery storage;
  - a hydrogen and natural gas above ground installation (AGI);
  - a new access road and parking;
  - a gatehouse and visitor centre with elevated walkway;
  - railway reinstatement works including; sidings at Dragonby, reinstatement and safety improvements to the 6km private railway spur, and the construction of a new railhead with sidings south of Flixborough Wharf;
  - a northern and southern district heating and private wire network (DHPWN);
  - habitat creation, landscaping and ecological mitigation, including green infrastructure and 65 acre wetland area;
  - new public rights of way and cycle ways including footbridges;
  - Sustainable Drainage Systems (SuDS) and flood defence; and
  - utility constructions and diversions.
- 1.2.4 The Project will also include development in connection with the above works such as security gates, fencing, boundary treatment, lighting, hard and soft landscaping, surface and foul water treatment and drainage systems and CCTV.
- 1.2.5 The Project also includes temporary facilities required during the course of construction including site establishment and preparation works, temporary construction laydown areas, contractor facilities, materials and plant storage, generators, concrete batching facilities, vehicle and cycle parking facilities, offices, staff welfare facilities, security fencing and gates, external lighting, roadways and haul routes, wheel wash facilities, and signage.
- 1.2.6 The overarching aim of the Project is to support the UK's transition to a low carbon economy as outlined in the Sixth Carbon Budget (December 2020), the national Ten Point Plan for a Green Industrial Revolution (November 2020) and the North Lincolnshire prospectus for a Green Future which is currently being developed. It will do this by enabling circular resource strategies and low-carbon infrastructure to be deployed as an integral part of the design (for example by re-processing ash, wastewater and carbon dioxide to manufacture concrete blocks) and capturing waste-heat to supply local homes and businesses with heat via a district heating network.

### **1.3 Parties to this Statement of Common Ground**

- 1.3.1 This Statement of Common Ground is between North Lincolnshire Green Energy Park ('the applicant') and AB Agri Ltd.

1.3.2 AB Agri Ltd owns and operates ABN, a British manufacturer of animal compound feed, in Flixborough Industrial Estate.

## 1.4 The Purpose and Structure of this Document

1.4.1 The purpose of this document is to summarise clearly the agreements reached between the parties on matters relevant to the examination of the Application and to assist the Examining Authority in their determination of the Application. It has been prepared with regard to the guidance in 'Planning Act 2008: examination of application for development consent' (Department for Communities and Local Government, March 2015).

1.4.2 The document is structured as follows:

- Section 2 – sets out the key correspondence and engagement between the parties up until the submission of the Application; and,
- Section 3 – sets out the matters agreed and matters outstanding between the parties during the pre-application stage in respect of the Application.

## 2.0 SUMMARY OF ENGAGEMENT

2.1.1 The below Table 2.1 contains a record of key correspondence and engagement between the Applicant and AB Agri Ltd pertinent to this SoCG.

**Table 2.1: Summary of Correspondence and Engagement**

Date	Relevant Parties	Topics Covered
19/03/2021	Associated British Foods (ABF) for AB Agri and Ardent acting for the Applicant	A call seeking clarification of the proposed acquisition of the site
March – July 2021	ABF for AB Agri	Numerous contacts made to Ardent in response to the proposed acquisition of AB Agri's site.
03/09/2021	ABF for AB Agri and DDM acting for the Applicant	A call to discuss the proposed acquisition of AB Agri's site
19/10/2021	AB Agri Ltd, Solar 21	Response to AB Agri letter dated 22/07/2021 - biosecurity, access, flood mitigation and construction impact. Additional points on a tertiary access to the Port denied by the Port
3/12/2021	AB Agri Ltd (ABF, Rapleys and Arcadis),	Workshop to address agenda items

<b>Date</b>	<b>Relevant Parties</b>	<b>Topics Covered</b>
	NLGEP (Buro Happold / Fichtner/LDA/ERM),	
14/12/2021	Rapleys on behalf of AB agri	A letter from AB Agri to Solar 21, setting out AG Agri's concerns.
14/02/2022	Solar 21	Solar 21's response to AB Agri
25/04/2022	Rapleys on behalf of AB Agri	A response letter from AB Agri to Solar 21.
24/05/2022 – 03/06/2022	JLL on behalf of AB Agri	Requested meeting via DDM acting for the Applicant
14/11/2022	JLL on behalf of AB Agri and DDM on behalf of the Applicant	Meeting to discuss the CPO matters.
9/12/2022	AB Agri, NLGEP	Meeting to discuss Relevant Representation responses and SoCG progress
14/12/2022	Arcadis and Rapleys acting for AB Agri and Buro Happold acting for NLGEP and Solar 21	Meeting to discuss specific matters regarding flood modelling

### 3.0 MATTERS

3.1.1 The below Table 3.2 contains a list of 'matters agreed' correct at the date of Deadline 2 (15 December 2022) along with a concise commentary of what the item refers to and how it came to be agreed between the two parties.



**Table 3.2: List of Matters**

AB AGRILTD POSITION	APPLICANT POSITION	STATUS
<p>Relevant Representation –</p> <p>Biosecurity: The raw materials intake of ABN plant is located in close proximity to the proposed ERF and the RDF delivery route. Risks to the biosecurity of the ABN’s plant, particularly potential salmonella contamination from waste handling, are of significant concern. The Applicant’s response to AB Agri’s concern is stated in ‘Regard had to consultation responses’ document (ref: 7.2.18) but the details set out in the Application do not provide adequate mitigations, as it confirms that not all RDF materials will be delivered in sealed containers, and materials to be delivered by HGV will be in bales on curtain sided trucks/tippers (which goes against assurances made in their pre- application correspondence). We note that the delivery routes to the ERF are on the southern face of the building, away from AB Agri, but it does not preclude HGVs passing AB Agri on First Avenue with RDF materials in bales and/or uncleaned vehicles. The Applicant states that they are continuing to engage with AB Agri to resolve all outstanding technical issues, but there has been no engagement from the Applicant since February 2022.</p> <p>We consider that the following mitigation measures are necessary:</p> <ul style="list-style-type: none"> <li>- A condition requiring RDF to exclude no material of animal origin;</li> <li>- A condition requiring all RDF to be delivered in sealed containers and wrapped/sealed bales;</li> <li>- A condition requiring an Operational Environmental Management Plan to include wheel washing and disinfectant regime for RDF delivery vehicles, and</li> </ul>	<p>The Applicant intends to engage closely with AB Agri to understand their concerns in more detail and establish suitable means to address them which can then be incorporated into the operational procedures for the Project and set out in a revised outline Operational Environmental Management Plan (APP-075). The discussions will cover the matters raised by AB Agri and related matters as follows:</p> <ul style="list-style-type: none"> <li>- The manner in which RDF will arrive at the Project by river rail and road in terms of containment and avoidance of biosecurity risks to AB Agri’s operations.</li> <li>- All RDF will be unloaded into the reception pit in a building under negative pressure</li> <li>- Potential (residual) risk pathways between the Applicant’s operations and those of AB Agri and additional measures that could be taken to avoid, minimise or reduce risks and included in the Operational Environmental Management Plan</li> <li>- Routing of operational RDF deliveries to the Applicant’s site, albeit noting that             <ul style="list-style-type: none"> <li>a) the Applicant will only transport RDF in sealed containers up First Avenue from vessels unloading at the wharf; and,</li> <li>b) all deliveries by road and rail will not use First Avenue (see Table 22 of ES Chapter 13: Traffic and Transport (APP-061)).</li> </ul> </li> </ul>	

<p>- A routing agreement that HGVs do not drive past ABN.</p> <p>If these measures are not applied, then AB Agri's operations will be substantially prejudiced and a knock on effect on the supply chain as described above will arise, unless wide ranging and costly measures are applied on site to mitigate the biosecurity risk that would rise otherwise.</p>		
<p>9 December 2022 – AB Agri reiterated the seriousness of the biosecurity risks to the animal feed production facility and consequential impact on the food supply chain. AB Agri understand the controls in proposed factory e.g. negative pressure, and that these do work – it is the additional road traffic activity associated with the transportation of waste and potential impact of bird/rodent activity, both of which increase biosecurity risks for the AB Agri's facility that is of significant concern to them.</p>	<p>The applicant will continue engagement with AB Agri to address these concerns. It is proposed that a Working Group be pulled together to manage this, the Applicant is arranging this.</p>	
<p>Relevant Representation</p> <p>Flood Risk: We note that the flood model used to inform the Flood Risk Assessment is coarse and is only able to predict flooding to an accuracy of <math>\pm 25</math>mm. In addition, the model does not appear to be representing a potential key flood route (overtopping of the wharf). Therefore, as we raised at the pre-application stage, we do not consider that the model is appropriate for a detailed assessment of flood risk, which gives rise to a concern whether the proposed flood defence options are adequate to ensure development does not result in an increased flood risk to the AB Agri site.</p>	<p>The hydraulic flood model used for the Flood Risk Assessment was obtained from NLC as the latest most appropriate model for the site. This model was developed by NLC in 2017 as part of the Lincolnshire Lakes Flood Defence Scheme. The model and its accuracy and appropriateness for use in the NLGEP project was discussed and agreed in consultation with the Environment Agency. The EA reviewed and approved the flood model in December 2021.</p> <p>Based on the information to date on the topography at the wharf and the estimated future flood levels, the wharf is not considered to be overtopped, whereby the NLGEP proposed development may alter flow paths and therefore increase the flood risk to the AB Agri site during the tidal DFE overtopping scenario.</p> <p>However, the Applicant is currently in discussions with AB Agri's Flood Risk Consultant to provide further information on the flood modelling outputs to demonstrate the impact during the overtopping scenario.</p>	

<p>Relevant Representation</p> <p>Temporary Acquisition: ABN's operation at Flixborough is a nationally critical animal feed mill site. As such, AB Agri cannot agree to any of the site being released on a temporary basis, as operationally ABN requires full access around all buildings and temporary land take would be a disturbance to the business. There are also inconsistencies in the DCO application, in that it is identified as needed for temporary construction purposes (including potential works, signage and utilities) in Schedule 12 of the draft DCO and for the construction of a flood defence in the document ref: 7.2.18 and the Environmental Statement. We request the applicant's clarification on the matter. Fundamentally, the Applicant has not engaged with AB Agri's agent (JLL) on this issue to date and therefore AB Agri does not have the necessary information to ascertain the impact on the business from the proposed temporary acquisition. In this context, AB Agri has no choice but to reserve its position until further information is made available.</p>	<p>The Applicant is seeking temporary possession of Plot 5-54. Schedule 12 of the draft DCO (AS-006) contains the Plots within the Order Land over which the Applicant is seeking temporary possession. Schedule 12 (both parts 1 and 2) makes clear that the Applicant is seeking temporary possession over Plot 5-54 for the purpose of facilitating construction and carrying out the authorised development, carrying out the authorised development and for access for carrying out the authorised development. However, the Applicant does note that there is an error in respect of the reference to Work Nos 10 and 11 for which Plot 5-54 is required. For clarity, Plot 5-54 is required on a temporary basis for carrying out Work No 13 (construction of flood defences) as shown on Works Plan A11 (AS-009). The Applicant will correct this error in the updated draft DCO to be submitted at Deadline 2.</p> <p>Notwithstanding this typo, the other documents referred to by AB Agri are correct.</p> <p>The Applicant is not intending to interfere with or disrupt the ongoing operations of AB Agri's access via First Avenue and Second Avenue. The Applicant's understanding is that Plot 5-54 is an area of non-operational grassland, part of which falls within the fence line of AB Agri's land, occupation of which should not cause interference to AB Agri's operations.</p> <p>In response to an email from JLL acting for AB Agri on 27 October 2022, a meeting was held between the Applicant's agent (DDM) and JLL on 14 November 2022. The Applicant will be seeking to agree the practical effects of the use of Plot 5-54 on a temporary basis with AB Agri and discussions are ongoing.</p> <p>Following the call on 9 December, the Applicant will share additional plans with AB Agri to help support understanding.</p>	
<p>Access: It is requested that the phasing of the construction works ensures that access to ABN for all vehicles is maintained for the duration of the works. We therefore wish to reserve our right to submit a full representation on the basis of the above during the</p>	<p>Construction road traffic will primarily use the new access road, diverting construction traffic away from the Stather Road and the Neap House constraint. Once construction requires the Stather Road closure, traffic for the Flixborough Industrial Estate will then use the</p>	

<p>Examination process.</p>	<p>new access road. The railway will be used where possible for construction traffic. Traffic flow and construction planning will include liaison with businesses on the Flixborough Industrial Estate. Construction of the Project will not disrupt the 24/7/364 operation of the AB Agri facility. [AB Agri's comments – could these measures and assurance be included in the construction traffic management plan to be secured by way of a condition? We request that AB Agri is engaged in the traffic flow and construction planning. ]</p>	
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## 4.0 SIGNATURES

4.1.1 This Statement of Common Ground is agreed:

**On behalf of **Insert Name Here**:**

**Name: XXXX**

**Signature: XXXX**

**Date: XX**

**On behalf of the Applicant:**

**Name: XXXXX**

**Signature: XXXX**

**Date: XXXXX**