



NORTH LINCOLNSHIRE GREEN ENERGY PARK

Planning Act 2008

Infrastructure Planning
(Applications
Prescribed Forms and
Procedure) Regulations
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North Lincolnshire Green Energy Park

Volume 8

8.2.8 Draft Statement of Common
Ground with Environment Agency

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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
BNG	Biodiversity Net Gain
CCTV	Closed Circuit Television
CBMF	Concrete Block Manufacturing Facility
CEMP	Construction Environmental Management Plan
CCR	Carbon Capture Readiness
CCUS	Carbon Capture, Utilisation and Storage
CO2	Carbon Dioxide
CoCP	Code of Construction Practice
CoPA	Control of Pollution Act
DCO	Development Consent Order
DEFRA	Department for Environment, Food & Rural Affairs
DFE	Design Flood Event
DHPWN	District Heating and Private Wire Network
EA	Environment Agency
EIA	Environmental Impact Assessment
EN-1	Overarching National Policy Statement for Energy
EN-3	National Policy Statement for Renewable Energy Infrastructure
EN-5	National Policy Statement for Electricity Networks Infrastructure
EPC	Engineering, procurement and construction
EPR	Environmental Permitting Regulations
EV	Electric Vehicle

ERF	Energy Recovery Facility
ES	Environmental Statement
FRA	Flood Risk Assessment
FGTr	Flue Gas Treatment Residue
GBR	General Binding Rules
H2	Hydrogen
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
NLC	North Lincolnshire Council
NLGEP	North Lincolnshire Green Energy Park
PRF	Plastic Recycling Facility
PEIR	Preliminary Environmental Information Report
RHTF	Residue Handling and Treatment Facility
SoS	Secretary of State
SoCG	Statement of Common Ground
SoCC	Statement of Community Consultation
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 (CO₂) prior to emission into the atmosphere. It is described in Chapter 3: Project Description and Alternatives of the Environmental Statement (ES) (APP-051).
- 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 CO₂. 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 the North Lincolnshire Green Energy Park and the Environment Agency.

1.3.2 The Environment Agency is an executive non-departmental public body, the purpose of which is 'to protect or enhance the environment taken as a whole', so as to contribute to 'the objective of achieving sustainable development' (Environment Act 1995).

1.3.3 The Environment Agency is a statutory consultee in respect of all DCO applications that are likely to affect land in England. Annex D of Advice Note 11 'Working with Public Bodies' produced by the Planning Inspectorate sets out in detail the role of the Environment Agency in the DCO process, including the level of input and agreement that might be expected from the Environment Agency.

1.3.4 The Environment Agency's role covers various topics including:

- managing the risk of flooding from main rivers, reservoirs, and the sea;
- regulating major industry and waste;
- treatment of contaminated land;
- water quality and resources;
- fisheries;
- inland river, estuary and harbour navigation; and
- conservation and ecology of the aquatic environment.

1.3.5 The Environment Agency also has a role as the regulator for the Environmental Permitting regime and is responsible for granting, regulating and enforcing Environmental Permitting requirements for any installation that requires a permit under the Environmental Permitting (England and Wales) Regulations 2016 (as amended).

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 the Environment Agency pertinent to this SoCG.

Table 2.1: Summary of Correspondence and Engagement

Date	Attendance	Topics Covered
26/09/2019	PINS/Natural England/MMO/Environment Agency/NLC, NLGEP	Core development and associated development; flood risk requirements; S35 direction programme; land referencing
05/08/2020	Environment Agency; Buro Happold (on behalf of the Applicant)	Hydraulic Models; Ground investigations; flood defences
27/11/2020	Environment Agency, Buro Happold (on behalf of the Applicant)	Baseline flood risk; flood risk management strategy; baseline assessment; hydraulic modelling results; next steps
13/01/2021	Environment Agency; Buro Happold (on behalf of the Applicant)	Amended red line - flood risk; compensation
17/10/2022	Environment Agency, EA National and Regional ERF Team, NLGEP	Current status is agreement from EA to progress with Permitting Application for all NLGEP project elements including: ERF, Concrete block Manufacturing, Plastics Recycling and Hydrogen Generation. It is recognised that IF project structure includes SPV's for separate elements EPR could be segregated accordingly – we need to be clear on how this is interpreted in the DCO examination process.
22/11/2022	Environment Agency, NLGEP	Discussed approach to SoCG matters to date, agreed approach to SoCG going forward

3.0 MATTERS

3.1.1 The below Table 3.2 contains a list of 'matters agreed' correct at the date of Deadline 5 (21 February 2023) 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

ENVIRONMENT AGENCY POSITION	APPLICANT POSITION	STATUS
Development Consent Order		
<p>The Applicant does not wish to remove the requirement for a prescribed consent or authorisation to be granted by the Environment Agency (under section 150 of the Planning Act 2008). Therefore, the Environment Agency does not require the inclusion of any Protective Provisions within the DCO.</p>		Agreed
<p>Requirements (contained in Schedule 2, Part 1) of current interest to the Environment Agency are: Requirement 4: Environmental management Requirement 7: Landscape and ecology management Requirement 8: Surface water drainage Requirement 9: Foul water drainage Requirement 12: Flood risk</p> <p>The Environment Agency is satisfied that the drafting of these Requirements, as included in Revision 3 of the dDCO (submitted at Deadline 4 [REP4-004]) adequately resolves all concerns expressed in its previous Relevant and Written Representations.</p>	<p>This is noted, the Applicant will continue engagement with the EA on these requirements.</p>	Agreed
<p>The Environment Agency has requested the inclusion of an additional Requirement to secure investigation/details in respect of piling. This is discussed in detail in the section on Land Contamination and Groundwater below.</p> <p>The EA reviewed the revised Outline Piling & Foundation Works Management Plan, submitted in Appendix K of the Code of Construction Practice [REP3-015]. This document,</p>	<p>The Applicant has added Appendix K – Outline Piling and Foundation Works Management Plan to the CoCP. Requirement 4 has also been amended to include ‘piling and foundation works management plan’ within the list of documents that the construction environmental management plan should be submitted and approved in accordance with.</p>	Agreed

<p>together with the amendment to the DCO (Schedule 2, Part 1) Requirement 4 [REP2-005] adequately addresses concerns raised in respect of controlled waters.</p>	<p>The Applicant notes that in its Deadline 4 submission the EA confirms the above-mentioned document, together with the amendment to the Development Consent Order (Schedule 2, Part 1 [REP2-005]) Requirement 4, adequately addresses the concerns previously raised in respect of controlled waters</p>	
<p>Water environment effects, including flood risk and effects on flood alleviation and storage schemes, watercourses and waterbodies, and foul and surface water drainage matters, including ensuring all assessments have been made using the most up to date data available.</p>		
<p>Water - assessment of water environment approach satisfactory. Measures to mitigate adverse impacts on all watercourses should be provided</p> <p>The approach outlined in chapter 8 to assess risks to the water environment appears satisfactory with additional work planned in relation to establishing the land contamination situation. We would like to emphasise that ditches provide vital connecting habitat that delivers for climate change resilience and culverting should be avoided wherever possible. Where it is unavoidable, suitable measures to mitigate against adverse impacts on all watercourses should be provided in the EIA. This extends to their geomorphological properties and habitat in addition to those associated with water quality.</p>	<p>We note that the EA consider the assessment of water environment approach as satisfactory. We can confirm that culverts will be required - methodology for temporary crossings will vary.</p> <p>The aim of the Indicative Drainage Strategy in Annex 5 of the Environmental Statement (Document Reference 6.3.5) (APP-072) is to minimise the impact on existing ditches. New buildings are not proposed to cross existing ditches. Where the new access road needs to cross existing ditches, culverts or bridge structures will be incorporated. The design solution will be to avoid culverting existing drainage ditches where possible to minimise impact on existing habitats and geomorphology. If the design includes any potential impact on existing habitats and connectivity, mitigation measures will be investigated as part of the next stage of design. Where ditches are being diverted, piped/culverted sections will be kept to a minimum.</p> <p>Chapter 10: Ecology and Nature Conservation of the Environmental Statement (Document Reference 6.2.10) (APP-058) includes pollution prevention measures for working close to and within watercourses, to ensure</p>	

	<p>pollution caused by siltation and fuel/chemicals is avoided. Precise methodology for temporary crossings along the southern district heat network ditches will vary.</p>	
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<p>Foul Drainage: Chapter 9, Paragraph 8.2.4.9 outlines the Applicant’s intention to connect to a mains sewage system, though it is not specifically stated whether the sewerage undertaker has agreed to this and has capacity available to accommodate the development. On the basis that the sewerage undertaker agrees, this proposal is acceptable. We note that the detailed scheme is to be submitted post consent and this is secured through Requirement 9 in Schedule 2, Part 1, of the DCO.</p> <p>The Environment Agency has received confirmation from Severn Trent Water that it does have capacity to accept foul water for disposal from the ‘domestic’ aspects of this Project, and it is the Applicant’s intention to utilise this.</p> <p>The Applicant has advised the Environment Agency that all ‘trade’ effluent will be reused on site and there will be no discharges to watercourses required in respect of this.</p> <p>The Environment Agency acknowledges that the Applicant has also added it as a specific consultee to the discharge of Requirement 9, which will enable it comment on issues relevant to its function, at the detailed design stage.</p>	<p>A developer enquiry was sent to Severn Trent and a hydraulic model has been undertaken to identify if there is capacity in the existing network to accommodate proposed foul water flows from the site. Severn Trent have informed that the hydraulic results of their modelling shows that the network already has some capacity issues without adding proposed flows. If domestic foul water flows cannot be accommodated within the Severn Trent network, as it currently has very limited capacity, a separate system will be required to treat the water via an on-site package treatment plant followed by discharge to the wetland area. It is envisaged that the total daily flows will be in excess of the limits detailed within the DEFRA General Binding Rules (GBR) for small sewage discharges and therefore, an appropriate EA Discharge Permit will be required.</p> <p>In recent conversations with Severn Trent Water, it was confirmed that the flow that will be removed as part of the buildings that are going to be demolished can be replaced to accommodate domestic flows from the Project. Thus meaning, an on-site package treatment solution and an EA Discharge Permit will no longer be required. With regards to the trade effluents, they will be re-used on site after being treated.</p>	<p>Agreed</p>
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<p style="text-align: center;">The Applicant's Flood Risk Assessment, with particular reference to climate change allowances and the flood emergency plan.</p>		
<p>6.3.3 Annex 3: Flood Risk Assessment The Flood Risk Assessment (FRA) indicates that the development will have an impact on flood risk during flood events which exceed the current standard of protection of the adjacent flood defences and in the event of a breach of these defences. The FRA identifies measures to manage and mitigate this increase in risk and provided the measures identified in the FRA are followed the Environment Agency has no objection to the proposals.</p>	<p>We welcome the confirmation that the EA have no objection to the Projects flood risk management proposals provided the measures identified in the FRA are followed.</p>	<p>Agreed</p>

<p>We can also confirm that the Environment Agency has undertaken a review of the hydraulic model, which underpins the FRA work. This model utilised the latest UK Climate Projections, as required by paragraph 4.8.6 of the Overarching National Policy Statement for Energy (EN-1), and it is our view that it is fit for purpose. Accordingly, it is also our view that the FRA is proportionate to the risk and appropriate to the scale, nature and location of the project as required by paragraph 5.8.7 of EN-1.</p>	<p>We note the EAs support of the hydraulic modelling undertaken to date. The hydraulic modelling was undertaken in consultation with the EA during August 2020 to December 2021 when the final review undertaken of the hydraulic modelling was completed by the EA. It also took into account the latest EA guidance on climate change allowance and sea level rise as described in Appendix B of the Flood Risk Assessment (Document Reference 6.3.3) (APP-070). Further modelling will be required during the next stage of design and this will continue to be undertaken in consultation with the EA to agree methodology and discuss refinements to the proposed flood mitigation measures if required.</p>	<p>Agreed</p>
<p>Park Ings Store: This property is located at grid reference SE8633113749, it is not explicitly referred to within the flood risk assessment (FRA) but the location does appear to be impacted significantly during the range of flood events modelled. Could you please confirm if this property will be removed as part of the development proposals? If the property will remain post development, the site specific flood risks will require further investigation and mitigation may be necessary.</p>	<p>We confirm that the building is planned to be removed as part of this development. Therefore, site specific flood risks and mitigation will not be required.</p>	<p>Agreed</p>
<p>Detailed Design: We are supportive of the general design principles for the development outlined within the FRA and, when appropriate, the final design should confirm that: the development is able to remain operational during the design flood event; finished floor levels for all buildings and essential equipment within the development are raised above the design flood event, including climate change and appropriate freeboard; access and egress is available to and</p>	<p>We note the EAs support of the general design principles for the development outlined in the FRA. Development levels and equipment levels will be set above the design flood event (DFE) level with allowance for freeboard and climate change to ensure the site remains operational during the DFE. Likewise, safe access and egress routes will be set above the DFE. This information is available as part of the Flood Risk Assessment in Annex 3 of</p>	<p>Agreed</p>

<p>from the proposed development during a design flood (Planning Practice Guidance, ID:7-039-20140306).</p>	<p>Chapter 3: Project Description of the Environmental Statement (Document Reference 6.3) (APP-051).</p>	
<p>Flood Risk Mitigation Measures - confirmation of long term ownership and maintenance must be in place</p> <p>The EA reviewed the amendments to Requirement 12 in the dDCO (Revision 3) submitted at Deadline 4 [REP4-005] and is satisfied that these adequately secure the submission and consultation on the detail mitigation scheme requested, before the authorised development may commence.</p>	<p>We can confirm that maintenance plans are to be developed at detailed design stage and that the flood defences proposed as part of the flood risk management strategy will be managed and maintained by the Applicant. This is secured by requirement 12 of the dDCO.</p> <p>The Applicant has amended Requirement 12 to address the EAs concerns in the dDCO submitted at Deadline 4 (7th February 2023). As agreed with the EA, Requirement 12 now includes a new sub-paragraph that makes reference to agreeing the maintenance arrangements are submitted to and approved by the EA before any of the authorised development may commence.</p>	<p>Agreed</p>
<p>The detailed design of the culverts conveying flood flows beneath the raised road should demonstrate that there is sufficient capacity to convey flows and include appropriate levels of freeboard where necessary. It may also be necessary to undertake an assessment of the impact of blockage of the culverts to understand the impact on flood risk. Flood Risk Mitigation Measures: The flood risk mitigation measures proposed are essential to ensure that the scheme does not increase flood risk to third parties and the appropriateness of the scheme rests on the successful functioning of these measures. Therefore confirmation of the long term ownership, and having a robust maintenance plan in place to ensure these measures function as designed for the lifetime of the development is critical to ensure that</p>	<p>The further hydraulic flood modelling proposed to be undertaken during the next stage of design post planning will confirm culvert sizes to provide sufficient capacity with sensitivity tests undertaken to understand impacts of blockage. Maintenance plans will also be developed at the detailed design stage to ensure appropriateness of measures, as per requirements written by the EA.</p> <p>The Applicant has amended Requirement 12 to address the EAs concerns in the dDCO submitted at Deadline 4 (7th February 2023). As agreed with the EA, Requirement 12 now includes a new sub-paragraph that makes reference to agreeing the detailed flood mitigation strategy and maintenance arrangements are submitted to and approved by the EA before any of the authorised development may commence.</p>	<p>Agreed</p>

<p>the development is safe and doesn't increase flood risk to others.</p>		
<p>Paragraph 9.1.1.3 of the assessment identifies a significant effect on a single receptor, a commercial building to the north of Flixborough Wharf. Further analysis within the Flood Risk Assessment determines that the increased risk to this building because of the development is limited to a breach of the flood defences immediately to the west of the development: in which event the commercial building experiences a depth increase of 117mm. This depth increase does not result in a change to the flood hazard rating (as defined in "Flood Risk Assessment Guidance for New Development: R&D Technical Report FD2320/TR2" [Defra/Environment Agency, 2005] Table 13.1) which is primarily 'very low hazard', and peaks at 'danger to some' immediately to the south of the building.</p> <p>Paragraph 9.1.1.3 proposes to manage this impact via a Flood Management Plan. We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. In all circumstances where warning and emergency response is proposed to manage flood risk, we advise the Planning Inspectorate to take advice from the relevant emergency planning authority (North Lincolnshire Council) to assist with determining whether this proposal is acceptable and safe.</p>	<p>A Flood Management Plan and evacuation route plan and flood resilience implementation plan will be developed with North Lincolnshire Council in consultation with the Environment Agency as part of the next stage of design. This is secured in requirement 12 of the dDCO.</p> <p>The Applicant has amended Requirement 12 to address the EAs concerns in the dDCO submitted at Deadline 4 (7th February 2023).</p>	<p>Agreed</p>

Compliance with the Water Framework Directive		
<p>It was agreed that a WFD compliance assessment was no longer required for the physical development. This does not preclude the need for a WFD compliance assessment should there be any significant discharge or pollution to any receiving waterbody, or likely significant impacts on the water quality of any receiving waterbody. We strongly recommend that drainage systems to collect on-site surface water runoff are designed and maintained in a way which enhance biodiversity and actively improves the water quality.</p> <p>The EA is aware that the project does not include any new direct surface water discharge connections to Winterton Beck or the River Trent. However, we are of the view that whilst the intention to use SuDS is welcome, it is premature for reliance to be placed on their use. Surface water drainage into the ground by soakaway or infiltration SuDS on land affected by contamination will not be permitted unless it is demonstrated that there would be no resultant unacceptable risk to controlled waters. At this stage the use of SuDs is not a given and further detailed consideration of these will need to be undertaken when the details of the full remediation strategy are known. Although it is likely that the Local Planning Authority will consult the EA in respect of this, for the avoidance of doubt we request being included as a specific consultee to Requirement 8 (Surface water drainage).</p>	<p>Winterton Beck is the only Water Framework Directive waterbody with hydraulic connection to any of the proposed works. This water body will not be directly affected by any physical works and will not be affected by any construction or operational aspects of the Project that could affect its water quality.</p> <p>The Project does not include any new direct surface water discharge connections to Winterton Beck or the River Trent. SuDS will be used to manage surface water runoff and new wetlands will help improve the water quality before discharge to Lysaght drain and pumped to the River Trent. The proposed flood risk mitigation measures do not have direct impact to existing watercourses or Water Framework Directive waterbodies. As set out in the Consents and Licenses Document (Document Reference 5.8) (APP-042), any construction activities proposed near a watercourse or existing flood defence will obtain the relevant Environmental Permit before commencement of works. This will demonstrate preventative measures that will be put in place to reduce potential pollution.</p> <p>The Applicant notes that in its Deadline 4 submission, the Environment Agency confirmed that it has no outstanding concerns in respect of the Water Framework Directive.</p>	<p>Agreed</p>

<p>The EA was included as a specific consultee to Requirement 8 to facilitate the review of the detailed permanent surface water drainage system for matters related to its function, i.e. pollution prevention and acknowledged this in its Deadline 3 submission [REP3-047].</p>		
<p>Biodiversity</p>		
<p>We welcome the monitoring and control of invasive mink (paragraph 9.1.4.7), as this will provide ongoing benefit (protecting water vole populations in particular) rather than allowing them to recolonize</p>	<p>We note the EA’s comments on the monitoring and control of invasive mink.</p>	<p>Agreed</p>
<p>We welcome the inclusion of the biodiversity net gain assessment, which concludes the overall percentage increase will be greater than 10%. We particularly welcome the benefits to be achieved for watercourse units but defer to Natural England to comment on the acceptability of the assessment details for this.</p>	<p>We can confirm that Natural England is satisfied with the use of the Defra Biodiversity Metric 3.0 and the demonstration of at least 10% net-gain.</p>	<p>Agreed</p>
<p>Although Schedule 2, Part 1, Requirement 7 secures a Landscape and Biodiversity Management and Monitoring Plan (LBMMP), which must accord with the principles in the Outline LBMMP, we are concerned that this does not adequately secure 10% biodiversity net gain delivery based on any final plans. Neither does it specifically secure the required 30 years of management and monitoring within the DCO. We request that the Applicant discusses this issue further with Natural England and considers how both can be adequately secured.</p>	<p>The outline LBMMP (APP-041) sets out the principles for the management of existing retained habitats and established vegetation, as well as those that will be enhanced and newly created within the Order Limits during construction and operation of the Project. Habitat creation and enhancement reflects the proposals captured by the Biodiversity Net-Gain (BNG) assessment, which quantifies a net-gain exceeding 10%. The final LBMMP will build on the principles within the outline LBMMP, and in terms of habitats will set out measures required to ensure new and enhanced habitats achieve their target condition determined within the BNG Metric. The final LBMMP will</p>	<p>Agreed</p>

	<p>also secure the 30 year management period required for BNG.</p>	
<p>If roosting bats found, works can not proceed until a Protected Species Licence has been obtained from NE Please be aware that if roosting bats are found and direct impacts cannot be avoided through appropriate timing, works will not be able to proceed until a Protected Species Licence has been obtained from Natural England.</p>	<p>We will undertake further bat surveys which are required 1 year in advance of works. This mitigation will be secured in the Construction Environmental Management Plan (CEMP). Bat surveys have a short lifespan and a further survey is usually required 1 year in advance of works; this form of mitigation is secured by a CEMP and will be applied to the small number of features (trees) which have suitability for roosting bats, as well as undertaking checks for new features. The need for pre-works ecological checks is also outlined in the Code of Construction Practice (CoCP) in Annex 7 of the Environmental Statement (Document Reference 6.3.7) (APP-074) and requirement 4 of the dDCO provides that the CEMP to be approved must be in accordance with the CoCP.</p>	<p>Agreed</p>

<p>Propose additional measures to enhance biodiversity value - these could include utilising raingardens alongside road verges to create pollinator habitat whilst simultaneously filtering out pollutants from surface water runoff before entering the drainage and river system.</p>	<p>We acknowledge the proposal of additional measures requested to enhance biodiversity value. These will be developed at the detailed design stage. Ditch enhancements are proposed in the outline LBMMP. Rain gardens could potentially be feasible within the Project, alongside naturalistic swale creation and enhancement of existing ditches. The Applicant is working with the Lincolnshire Wildlife Trust to identify what elements could be supported. These will be developed as part of the detailed design stage.</p>	<p>Agreed</p>
<p>Ditch enhancement should be considered including long term maintenance - Consideration should be given to the potential to enhance the ditches currently on and adjacent to the site to extend the habitat availability for otter and water vole. This includes a suitable long-term maintenance plan.</p>	<p>Ditch enhancements are proposed in the outline LBMMP - a wide buffer is recommended to optimise habitat connectivity. Enhancement of the Lysaght drain will target habitat improvements for water vole. Ponds and associated wetland habitat will be created within the Order Limits and their management outlined in the Outline Landscape and Biodiversity Management and Monitoring Plan (LBMMP) submitted with the application (Document Reference 5.7) (APP-041). Requirement 7 of the dDCO provides that the LBMMP must be based on the outline LBMMP and requirement 7 provides that the plan must include monitoring and maintenance activities.</p>	<p>Agreed</p>
<p>Land contamination and groundwater, including source protection zones and groundwater dependent ecosystems</p>		
<p>Land contamination - this issue has been reviewed from the perspective of protection of controlled waters only and is considered appropriate in that respect.</p>	<p>We note that the EA consider land contamination approach as satisfactory.</p>	<p>Agreed</p>

<p>DCO does not appear to include any requirement that secures investigation/details in respect of piling. The EA requests the inclusion of the following within Schedule 2 of the DCO: Requirement (1) No piling or any other foundation designs using penetrative methods shall be permitted, until a written piling and penetrative foundation design method statement, informed by a risk assessment, for that part, has been submitted to and, after consultation with the Environment Agency, approved by the relevant planning authority. (2) All piling and penetrative foundation works must be carried out in accordance with the approved method statement. Reason To ensure the development does not cause pollution to groundwater.</p> <p>The EA reviewed the revised Outline Piling & Foundation Works Management Plan, submitted in Appendix K of the Code of Construction Practice [REP3-015]. This document, together with the amendment to the DCO (Schedule 2, Part 1) Requirement 4 [REP2-005] adequately addresses concerns raised in respect of controlled waters.</p>	<p>The Applicant has added Appendix K – Outline Piling and Foundation Works Management Plan to the CoCP. Requirement 4 has also been amended to include ‘piling and foundation works management plan’ within the list of documents that the construction environmental management plan should be submitted and approved in accordance with. The Applicant notes that in its Deadline 4 submission the EA confirms the above mentioned document, together with the amendment to the Development Consent Order (Schedule 2, Part 1 [REP2-005]) Requirement 4, adequately addresses the concerns previously raised in respect of controlled waters.</p>	<p>Agreed</p>
<p>Environmental permits, consents and licences</p>		
<p>The Environment Agency wants to understand how the Project intends to secure Environmental Permits through DCO</p>	<ol style="list-style-type: none"> 1. NLGEP have appointed WSP to provide EPR expertise and input into environmental permit Pre-Application Strategy. 2. NLGEP have developed and produced an EPR Permitting Strategy, 3. NLGEP have developed and shared Prescribed Activities and Directly Associated Activity diagram with the EA, 4. EA EPR Pre Application payment is completed, 	<p>Agreed</p>

	<p>5. NLGEP and EA have completed a Pre-Application meeting on the 17th October 2022, and followed up from this meeting with an email on 8th November setting out their responses to key points discussed at the Pre-application meeting.</p> <p>6. It is agreed that NLGEP should now progress EPR Application for main tranche of project facilities.</p>	
<p>The Applicant has correctly identified that the proposed operation of the plant(s) will require a permit(s) from the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2016 for Part A(1) activities.</p> <p>The EA has undertaken a high-level review of the Air Quality assessment (ES Chapter 4), which appears to assess the risk in line with EA guidance and relevant methodologies. A detailed review of air quality modelling will be undertaken when we determine the permit application to operate the site.</p>	<p>We welcome the confirmation from the EA that the proposed operation of the plant will require a permit. We will continue to engage with the permitting team to progress these applications.</p>	Agreed
<p>Paragraph 8.2.1.1 states that “no water abstractions will be required” during the construction phase. However, should this change then 20m3 of water per day can be abstracted without requiring an abstraction licence. If the Applicant wishes to abstract more than this volume, they must contact the Environment Agency to obtain a licence.</p>	<p>We note the requirement for a permit should we need to undertake water abstractions above the amount stated.</p>	Agreed
<p>Paragraph 8.2.1.3 states that “Construction activities could require the disposal of water” and acknowledges this will require the agreement of the Environment Agency. A permit would be required to discharge dirty water to surface waters</p>	<p>The Consents and Licences Document (Document Reference 5.8) [APP-042] identifies the need for a bespoke permit to discharge to surface waters. This will be sought</p>	Agreed

and this would need to be applied for in advance of the commencement of the project as the permitting process can take a several months to complete.	prior to construction if required by the EPC contractor in consultation with EA.	
Flood Risk Activity Permit: The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which take place within 16m of a flood defence on a Tidal Main River or for activities which are likely to divert or obstruct flood waters from Main River, this may include the defences constructed as part of the schemes flood risk mitigation measures. The scheme includes the proposal to construct several new flood defences. These will require a permit from the Environment Agency under the Environmental Permitting Regulations 2016, along with any other construction activities which take place within 16m of the Environment Agency maintained flood defences. Permitting requirements are acknowledged in document 5.8 (Consents and Licences Document).	Permits will be applied for before construction if any works within 16m of existing EA defences or the new defences are proposed (once construction methodologies are developed).	Agreed
Mitigation, risk management and enhancement measures, including Construction Environmental Management Plan/ Code of Construction Practice		
Outline Landscape and Biodiversity Management and Monitoring Plan - has been reviewed and is satisfactory	We note that the EA have reviewed the Outline Landscape and Biodiversity Management and Monitoring Plan (APP-041) and that they consider this satisfactory.	Agreed
Indicative Landscape and Biodiversity Plans- has been reviewed and is satisfactory	We note that the EA have reviewed the Indicative Landscape and Biodiversity Plans (APP-024) and that they consider these satisfactory.	Agreed
The DCO appears to cover the need for a remediation strategy to be submitted through the Construction Environment Management Plan and Code of Construction	DCO Requirement 4 requires that a Construction Environmental Management Plan (CEMP) is produced in accordance with the Code of Construction Practice (CoCP)	Agreed

<p>Practice (Schedule 2, Part 1, Requirement 4). We welcome being included as a named consultee to the discharge of this Requirement, as we wish to review all additional site investigations, remediation proposals, which may have the potential to create flow paths between potentially contaminated soils and the water environment.</p>	<p>(which includes the need for a remediation strategy at requirement 4(3)) (Document Reference 6.3.7) [APP-074] to be reviewed and approved by North Lincolnshire Council in consultation with the EA and others.</p>	
<p>The final design details for the flood risk mitigation measures are yet to be agreed and we welcome the opportunity to work further with the Applicant on this. Accordingly, we welcome the inclusion of the Environment Agency as a specific consultee to the flood resilience implementation plan secured by Requirement 12 in Schedule 2, Part 1 of the DCO.</p> <p>The EA also welcomes the further amendments to Requirement 12 of the dDCO submitted at Deadline 4 [REP4-005], which makes reference to the flood mitigation strategy and adequately resolves the outstanding issues in respect of flood risk.</p>	<p>As per Requirement 12 in Schedule 2 of the draft DCO (AS-006) we will engage with the EA on the next stage of design regarding the emerging design for flood mitigation and resilience before they are finalised. The Applicant has amended Requirement 12 to address the EAs concerns in the dDCO submitted at Deadline 4 (7th February 2023). As agreed with the EA, Requirement 12 now includes a new sub-paragraph that makes reference to agreeing the detailed flood mitigation strategy submitted to and approved by the EA before any of the authorised development may commence.</p>	<p>Agreed</p>
<p>The potential impact on watercourses such as the Lysaght Drain is acknowledged in the plans and although no specific plans have been submitted for mitigation, the document discusses the need for water quality monitoring and treatment through methods such as settlement ponds and interceptors. We expect these types of issues to be discussed in detail in the Construction Environmental Management Plan (CEMP) to be submitted post consent, as secured through Requirement 4 in Schedule 2, Part 1, of the DCO. Measures to reduce the impact on watercourses must be considered at each stage of construction. Only clean</p>	<p>DCO Requirement 4 (AS-006) requires that a Construction Environmental Management Plan (CEMP) is produced in accordance with the Code of construction Practice (CoCP) (Document Reference 6.3.7) [APP-074] to be reviewed and approved by North Lincolnshire Council in consultation with the EA and others. The CEMP will include provisions to deal with the potential impact on watercourses (see Appendix A to the CoCP and also Appendix D Outline Spill Response Plan and Appendix J Outline Soil Management Plan [APP-074]), including Lysaght Drain.</p>	<p>Agreed</p>

<p>water should be discharged to a watercourse and any dirty water discharge requires a permit. If a pollution incident should occur, this should be reported to the Environment Agency immediately.</p>		
<p>Code of Construction Practice, Appendix F: Outline Construction Flood Management Plan (March 2022) An outline Construction Flood Management Plan is provided. We note that the matters that will be covered (but will not necessarily be limited to) are listed in paragraph 3.1.1.2. For the avoidance of doubt, we request that the final version of this plan should detail how access for flood defence inspection and maintenance purposes will be retained for Environment Agency staff and contractors throughout the construction process. The final version of the plan should also identify all flood defence infrastructure within or adjacent to the development boundary and put in place measures to ensure that construction activities do not directly damage these assets, nor do works in the vicinity of these assets endanger their stability or operational performance.</p>	<p>Further information on access to existing and proposed flood defences will be developed and included in the final Outline Construction Flood Management Plan (included as Appendix F to the CoCP (APP-074)) and secured by requirement 4 in the dDCO. This will be developed into detailed documents, plans and procedures as the Project progresses through the Front-End Engineering and Design (FEED) process and will be adopted and further developed, monitored and maintained by the Engineering Procurement and Construction (EPC) contractor (the EPC contractor), post Examination. Once updated, these documents will be shared with the EA for review before completion.</p>	<p>Agreed</p>
<p>Other</p>		
<p>The EA’s relevant representation stated “We would normally expect a DCO application to include an assessment for Carbon Capture Readiness (CCR). We note that this proposal is to have Carbon Capture Usage and Storage (CCUS) from the outset and if this issue is covered in the ES we would be grateful if the applicant could signpost us to the relevant parts for this assessment”.</p>	<p>CCR is not required for this facility. The facility is not a large combustion plant by definition. The requirement for CCR is also at 300MWe generation capacity. This facility has a generation capacity of up to 95MWe. However, this facility will capture a minimum quantity of CO2 pursuant to requirements 18 and 19 of the dDCO within 6 months of the commissioning of the main ERF. You can find details relevant to this within the ES Chapter 3 Project Description</p>	<p>Agreed</p>

<p>Following pre-application discussions for the Environmental Permit it is agreed that this project does not require the submission of a CCR assessment.</p>	<p>and Alternatives (APP-051), Chapter 5 Air Quality (APP-053) and Chapter 6 Climate (APP-054).</p>	
<p>We have undertaken a high-level review of the R1 Assessment (Application Document 5.10), which follows the Environment Agency’s guidance and shows the proposed design (based on the assumptions made) would meet the R1 status test, making the proposal a recovery, not a disposal, operation under the Waste Framework Directive.</p>	<p>We appreciate the EA’s confirmation that the proposed design would meet the R1 status test.</p>	<p>Agreed</p>
<p>5.4 Combined Heat and Power Undertaken a high-level review of this document, which covers the economics of the proposal and identified end users. This would be a requirement of the permitting process for the proposed activities and therefore covered within conditions as part of an Environmental Permit; for example, requiring formal commissioning plans at the appropriate time. The Requirement contained in Schedule 2, Part 1 of the DCO appears appropriate for planning purposes.</p>	<p>We acknowledge the EA’s confirmation that Requirement 17 in Schedule 2 is appropriate for the purposes of the DCO application.</p>	<p>Agreed</p>

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

DRAFT