



Planning Act 2008

North Lincolnshire Green Energy Park

Volume 8

8.1 Statement of Commonality
(tracked)

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Acronyms and Abbreviations

Name	Description
2008 Act	Planning Act 2008
AGI	Above Ground Installations
CBMF	Concrete Block Manufacturing Facility
CCUS	Carbon Capture, Utilisation and Storage
CHP	Combined Heat and Power
CO ₂	Carbon Dioxide
DHPWN	District Heat and Private Wire Networks
ERF	Energy for Waste
EV	Electric Vehicle
ExA	Examining Authority
H ₂	Hydrogen
Mwe	Megawatts
NSIP	Nationally Significant Infrastructure Project
PRF	Plastic Recycling Facility
RHTF	Residue Handling and Treatment Facility
SoCG	Statement of Common Ground
SUDs	Sustainable Drainage System
UKWIN	United Kingdom Without Incineration Network

4. 1.0 INTRODUCTION

4.1 Overview

~~1.1.1~~ This Statement of Commonality of Statements of Common Ground has been prepared on behalf of North Lincolnshire Green Energy Park Limited (the 'Applicant'). This document provides the Examining Authority (ExA) with the position on Statements of Common Ground (SoCG) between the Applicant and statutory consultees and Interested Parties in relation to the proposed North Lincolnshire Green Energy Park.

1.1.1

~~1.1.2~~ The Applicant is seeking development consent for the construction and operation of a combined heat and power (CHP) enabled energy generating development, with an electrical output of up to 95 megawatts (Mwe), incorporating carbon capture, associated district heat and private wire networks (DHPWN), hydrogen production, ash treatment, and other associated developments for the Project on land at Flixborough Industrial Estate, situated at Stather Rd, Flixborough, Scunthorpe (the Application Land).

1.1.2

1.1.3 The Proposed Development falls within the definition of a 'Nationally Significant Infrastructure Project' (NSIP) under Section 14(1)(a) and Section 15(1) and (2) of the 2008 Act, as it is an Energy Recovery Facility (ERF) capable of converting up to 760,000 tonnes of non-recyclable waste into 95 MW of electricity as its heart and a carbon capture, utilisation and storage (CCUS) facility which will treat the excess gasses released from the ERF to remove and store carbon dioxide (CO₂) prior to emission into the atmosphere.

4.2 2.0 The Proposed Development

1.2.1 The Project will include 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;

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- A hydrogen and natural gas above ground installations (AGI);
 - A new access road and parking;
 - A gatehouse and visitor centre with elevated walkway;
 - Railway reinstatement works including, sidings by 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.

1.2.2 ~~1.2.2~~ Additional information regarding the proposed development can be found in Chapter 1 and Chapter 3 of the submitted Environmental Statement (APP-049 and APP-051).

1.3 Structure of the Statement of Commonality

1.3.1 This Statement of Commonality document is structured as follows:

- Section 2 details the structure of each SoCG document and provides a list of the SoCGs that are being produced;
- Section 3 addresses the status of each SoCG; and
- Section 4 sets out the commonality between SoCGs and a summary of their final position, [including a summary of matters not agreed with each party.](#)

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2. POSITION

2.1 Structure of SoCGs

3.1.0 Each SoCG adopts a standard format to ensure consistency in the approach taken to documenting matters agreed, matters subject to ongoing discussion, or matters not agreed.

2.1

2.1.12.2 Each of the SoCGs are structured in the following way:

- Section 1 provides an introduction to the SoCG, including a description of the document with mention of the relevant party;
- Section 2 provides a summary of engagement between the Applicant and the relevant party so far; and,
- Section 3 provides a schedule of matters raised by the relevant party and the Applicants responses to these.

2.2 List of SoCGs

2.2.12.3 The Rule 6 letter identified a number of statutory consultees and interested parties with which SoCGs were to be prepared. Accordingly, SoCGs are being prepared with the following stakeholders:

- North Lincolnshire Council – [SoCG in place](#);
- Environment Agency – [SoCG in place](#);
- Natural England – [SoCG in place](#);
- Historic England – [initial draft SoCG in place](#);
- Network Rail Infrastructure Ltd – [initial draft SoCG in place](#);
- National Grid Carbon Ltd – [draft SoCG in place](#);
- UKWIN – [SoCG in place](#);
- Enfinium Ltd – [SoCG not considered necessary](#);
- Scunthorpe and Gainsborough Water Management Board – [SoCG in place](#);
- Anglican Water – [SoCG in place](#);
- [Severn Trent – SoCG in place](#);

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- Lincolnshire Wildlife Trust – SoCG in place;
- Northern Powergrid – SoCG not considered necessary;
- Associated British Ports – SoCG in place;
- Humberside Fire and Rescue Authority – SoCG not considered necessary;
- National Highways – SoCG in place SoCG not considered necessary;
- British Steel – SoCG not considered necessary; initial draft SoCG in place;
- Rainham Steel – SoCG not considered necessary; initial draft SoCG in place;
- Jotun Paints (Europe) Limited – draft SoCG in place;
- AB Agri Limited – SoCG in place;
- Bagmoor Wind Limited – Draft SoCG in place;
- Cadent Gas Limited – SoCG not considered necessary

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2.4 Annex F of the Rule 6 letter (PD-004) identifies the matters to be discussed with these parties;

Each SoCG corresponds to these topics where identified to be relevant.

2.2.2 — Annex F of the Rule 6 letter (PD-004) identifies the matters to be discussed with these parties. Each SoCG corresponds to these topics where identified to be relevant.

— In addition to the above statutory consultees listed by the Examining Authority in the Rule 6 letter, additional SoCGs are being conducted with the following additional party:

2.5

2.2.4 Lincolnshire Wildlife Trust-

SoCGs not considered necessary

2.5

2.6 For those parties where the above list identifies that a SoCG is not considered to be necessary, an explanation of this view is provided below.

2.7 The following SoCGs were requested through the ExA's Rule 6 letter dated 18 October 2022.

Enfinium Ltd

2.8 While a SoCG with Enfinium Ltd was requested within the Rule 6 letter, Enfinium Ltd have not engaged with the examination progress beyond submitting a relevant representation.

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Northern Powergrid

2.9 While a SoCG with Northern Powergrid was requested within the Rule 6 letter, matters have been agreed via Protective Provisions. There is nothing else to cover via a SoCG and therefore it is deemed unnecessary.

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Humberside Fire and Rescue Authority

2.10 The Applicant met with Humberside Fire and Rescue Authority in February to discuss the Project and the need for a Statement of Common Ground. The main takeaway from this call was that Humberside Fire and Rescue wanted continued liaison with the project both during construction and into operation. The Applicant is committed to this continued engagement. Considering this, it was not considered that a SoCG was required for this stakeholder and the stakeholder is content with this approach.

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British Steel

2.11 While a SoCG with British Steel was requested within the Rule 6 letter, considering British Steels confirmed that there were no outstanding issues at the Compulsory Acquisition hearing on 8th March, a SoCG with this party is not considered necessary and we understand that British Steel is content with this approach.

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Cadent Gas Limited

2.12 While a SoCG with Cadent Gas Limited was requested within the Rule 6 letter, matters have been agreed via Protective Provisions. There is nothing else to cover via a SoCG and therefore it is deemed unnecessary.

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3. STATUS OF SOCGS

3.1 Summary of Current Position

3.1.1 This section confirms the current status of each SoCG as at Deadline ~~8-9~~ of the Examination on ~~28 April~~ 10 May 2023.

3.1

3.1.2 Table 3.1 provides a high-level position on the status of each SoCG and where necessary includes further detail to aid the understanding of the status.

3.2

3.3 Whilst the Applicant has sought to engage with each party to progress the SoCGs as far as possible, it has not been possible in all instances to agree a final signed version. Nevertheless, it is considered helpful to the ExA to see the final draft versions, which the Applicant considers should be a good indication of the points of agreement and disagreement between each SoCG party and the Applicant.

3.4 If any further final SoCGs can be agreed between Deadline 9 and close of the Examination, the Applicant will provide these to the ExA.

3.1.3.5 The terms used in Table 3.1 (below) are as follows:

- Final SoCG – the final SoCG has been agreed by both parties, with no outstanding matters to resolve.
- Draft SoCG – the SoCG has mainly been agreed between both parties, but there are a number of issues still outstanding, ~~and~~ it is yet to be signed off.

•

- Initial Draft SoCG – the initial SoCG has been drafted by the Applicant (using matters identified from meetings with the party alongside responses to Statutory Consultation, Relevant Representations and matters discussed at Hearings) and is with the party for review, this has not had feedback by the party and is not signed off.
- ~~No~~ SoCG to be submitted – the Applicant does not consider that a SoCG with this stakeholder is necessary. The justification for this is covered within section 2.3 above.

—

• ~~Initial Draft SoCG – the initial SoCG has been drafted by the Applicant (using matters identified from meetings with the party alongside responses to Statutory Consultation, Relevant~~

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~~Representations and matters discussed at Hearings) and is with the party for review, this has not had feedback by the party and is not signed off.~~

~~Not yet submitted – we are progressing these SoCGs with the intent to submit drafts at subsequent deadlines.~~

~~Table 3.1 – Current Status of SoCGs~~

Document Ref.	Relevant party	Position at Deadline 89
8.2.5	North Lincolnshire Council	Draft-Final SoCG
8.2.8	Environment Agency	Draft-Final SoCG
8.2.12	Natural England	Draft-Draft SoCG
8.2.14-	Historic England	Not yet submitted Initial Draft SoCG
8.2.3	Network Rail Infrastructure Ltd	Initial Draft SoCG
8.2.7	National Grid Carbon Ltd	Draft SoCG
8.2.11	UKWIN	Draft-Final SoCG
-	Enfinium Ltd	No SoCG to be yet-submitted
8.2.9	Scunthorpe and Gainsborough Water Management Board	Final SoCG
8.2.4	Anglian Water	Draft-Final SoCG
8.2.1	Severn Trent	Final SoCG
8.2.2	Lincolnshire Wildlife Trust	Draft-Final SoCG
-	Northern PowerGrid	No SoCG to be yet-submitted
8.2.13	Associated British Ports	-Final SoCG
-	Humberside Fire and Rescue Authority	No SoCG to be yet-submitted
8.2.15-	National Highways	Not yet submitted Final SoCG
8.2.16-	British Steel	No SoCG to be submitted
8.2.16-	Rainham Steel	Initial-Draft Final SoCG

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8.2.10	Jotun Paints (Europe) Limited	Initial Draft Draft SoCG
8.2.6	AB Agri Limited	Draft Draft SoCG
8.2.17-	Bagmoor Wind Limited	Not yet submitted Draft SoCG
-	Cadent Gas Limited	No SoCG to be yet submitted

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3.6 The submitted Draft SoCGs with Jotun Paints, Network Rail, AB Agri Limited and Bagmoor Wind Limited ~~is~~ are with the stakeholder and awaiting a signature for approval. This SoCGs will be finalised and submitted ahead of the end of Examination on 15th May 2023. Draft versions of these SoCGs as currently with the Stakeholders have been submitted at Deadline 9 to inform the Examining Authority.

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3.7 The Applicant continues to engage with Natural England on their SoCG following the RIES and Rule 17 letter. A final and signed version of this SoCG will be submitted to the examining Authority as soon as possible following Deadline 9 and prior to the Close of Examination on 15 May 2023.

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4.4.0 COMMONALITY

4.1 Summary

This section provides a summary of main topics covered by the ~~draft~~ SoCGs submitted at this deadline (Deadline 89) and identifies where there is commonality in the topics between the SoCG parties¹.

4.1

4.1.0 Table 4.1 has been produced to set out the topics covered across the SoCGs and the status of the matter at this deadline with the relevant party. The colour coding used within this table has been described further below:

4.1.34.2

Cell	Status
	AgreedMatters Agreed
	Currently subject to disagreementMatter (or some aspects) not agreed
	Not applicableMatter not relevant to a particular SoCG party

4.3 The colours of each cell correspond to the status table in each individual SoCG.

4.4 Where a matter is marked as agreed (coloured in green), this may be conditional on mitigation being secured either through requirements within the DCO or through planning obligations. Where this is the case, this is set out in the SoCG.

4.5 As part of the final SoCGs submitted at Deadline 9, all matters have been marked as either agreed or not agreed. Table 4.2 provides a summary list of matters not agreed between the parties. Details on the matters agreed and not agreed are provided within the individual SoCG.

4.6 As mentioned in Table 3.1, there are a few initial draft SoCGs which are being submitted at this deadline. Below is an explanation of why the Historic England and National Grid SoCGs have not progressed past an Initial Draft.

4.7 A draft SoCG was sent to Historic England on 20th March 2023, and since this was issued to the relevant party there has been no response from Historic England on the outstanding matters despite significant follow up correspondence from the Applicant.

¹Initial Draft SoCGs have not been included within this table as the party has not confirmed the status of each matter.

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Therefore, given the lack of communication from Historic England, the matters of discussion are still outstanding and have not been agreed through this process, despite significant following many from the Applicant,

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4.8 There was clear early engagement between NLGEP and National Grid -demonstrated through the submission of the draft SoCG at both Deadline 2 and Deadline 4. However since this, there has been no response received from National Grid which has stalled the agreement of outstanding points despite significant follow correspondence from the Applicant. As such, the draft SoCG submitted at Deadline 4 remains the most up to date SoCG between the two parties.

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Table 4.1 – Summary of commonality with relevant stakeholders

DOC REF.	PARTY	TOPICS																			
		Principle of development	Cumulative impacts	Climate Change	Cultural Heritage / Historic Environment	Health	Environment	Air Quality	Impact of construction	Noise	Landscape and Visual	Highways and Transport	Water Quality	Flood Risk	Waste Management	Draft DCO	Impact on existing apparatus/infrastructure	Land contamination	Ecology and biodiversity	Economic Impacts	Baseline Data
8.2.5	North Lincolnshire Council	Green	Grey	Grey	Red	Grey	Grey	Red	Green	Red	Green	Green	Grey	Green	Grey	Green	Grey	Green	Green	Green	Grey
8.2.8	Environment Agency	Grey	Grey	Grey	Grey	Green	Grey	Green	Grey	Grey	Grey	Green	Green	Grey	Green	Grey	Green	Green	Green	Green	Grey
8.2.12	Natural England	Grey	Grey	Grey	Grey	Grey	Red	Red	Red	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Red	Grey	Grey	Grey
8.2.14	Historic England	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
8.2.3	Network Rail Infrastructure Ltd	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
8.2.7	National Grid Carbon Ltd	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
8.2.11	UKWIN	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Red	Grey	Grey	Grey	Grey	Grey	Red
-	Enfinium Ltd	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
8.2.9	Scunthorpe and Gainsborough Water Management Board	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Green	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
8.2.4	Anglian Water	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Green	Green	Green	Red	Grey	Grey	Grey	Grey	Grey
8.2.1	Severn Trent	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Green	Green	Green	Green	Grey	Grey	Grey	Grey
-	Northern PowerGrid	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey

Table 4.2 – Summary list of matters not agreed

<u>Doc Ref.</u>	<u>Interested Party</u>	<u>Matters not agreed</u>
<u>8.2.1</u>	<u>Severn Trent Water</u>	<u>No matters outstanding.</u>
<u>8.2.2</u>	<u>Lincolnshire Wildlife Trust</u>	<u>No matters outstanding.</u>
<u>8.2.3</u>	<u>Network Rail</u>	<u>No matters outstanding.</u>
<u>8.2.4</u>	<u>Anglian Water</u>	<ul style="list-style-type: none"> • <u>Impact on existing infrastructure</u> • <u>Water environment effects</u> • <u>Impact on water quality</u> • <u>Availability of water in the water resource zone</u>
<u>8.2.5</u>	<u>North Lincolnshire Council</u>	<ul style="list-style-type: none"> • <u>Archaeology</u> • <u>Impact on surrounding listed buildings</u> • <u>Noise</u> • <u>Articles and Requirements included in the DCO</u>
<u>8.2.6</u>	<u>AB Agri</u>	<ul style="list-style-type: none"> • <u>Biosecurity</u> • <u>Flood Risk</u> • <u>Temporary Acquisition</u> • <u>Access</u>
<u>8.2.7</u>	<u>National Grid</u>	<u>No matters outstanding.</u>
<u>8.2.8</u>	<u>Environment Agency</u>	<u>No matters outstanding.</u>
<u>8.2.9</u>	<u>Scunthorpe and Gainsborough Water Management Board</u>	<u>No matters outstanding.</u>
<u>8.2.10</u>	<u>Jotun Paints</u>	<ul style="list-style-type: none"> • <u>Details of the rights required (Heads of Term)</u>
<u>8.2.11</u>	<u>UKWIN</u>	<ul style="list-style-type: none"> • <u>Approach to projecting waste as a fuel (WaF)</u> • <u>WaF projections</u> • <u>Closures</u> • <u>Achieved capacity factor</u> • <u>Non-R1 projects</u> • <u>Projections of future cement kiln use</u> • <u>RDF exports for 2024-2026</u> • <u>Feedstock composition</u> • <u>Supply/capacity match modelling</u> • <u>Draft DCO</u>
<u>8.2.12</u>	<u>Natural England</u>	<ul style="list-style-type: none"> • <u>Habitats Regulation assessment report and effects on European sites and air emissions effect on SSSI's</u> • <u>Mitigation measures and enhancements</u>
<u>8.2.13</u>	<u>Associated British Ports (Humber)</u>	<u>No matters outstanding.</u>
<u>8.2.14</u>	<u>Historic England</u>	<u>N/A</u>

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8.2.15	National Highways	<ul style="list-style-type: none">Impact on existing and future operations
8.2.17	Rainham Steel	No matters outstanding.