

Indaver Rivenhall IWMF DCO

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations  
2009

**STATEMENT OF COMMON GROUND [PINS Ref:  
EN0101038]**

# **STATEMENT OF COMMON GROUND WITH HOST AUTHORITIES**

**Document Reference: EN0101038/APP/8.1**

**Revision Number 2.0**

**APFP Regulation 5(2)(q)**

21 May 2024

Indaver Rivenhall Ltd

Leading the field in  
sustainable waste  
management.

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## VERSION HISTORY

Version	Date	Issued by	Deadline	Status
0.1	13.02.2024	Applicant	N/A	Draft
0.2	24.04.2024	ECC and BDC	N/A	Draft
0.3	29.04.2024	Applicant	N/A	Draft
0.4	01.05.2024	BDC	N/A	Draft
0.5	02.05.2024	Applicant	N/A	Draft
1	07.05.2024	Applicant	Deadline 1	Draft
1.1	14.05.2024	Applicant	N/A	Draft
1.2	20.05.2024	BDC	N/A	Draft
1.3	21.05.2024	BDC	N/A	Draft
2	21.05.2024	Applicant	Deadline 2	Draft

# 1 Introduction

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## Purpose of this document

- 1.1 This Statement of Common Ground ('SoCG') has been prepared as part of the proposed Rivenhall Development Consent Order ('the Application') made by Indaver Rivenhall Ltd ('the Applicant') to the Secretary of State for Energy Security and Net Zero ('the Secretary of State' or 'the SoS') pursuant to the Planning Act 2008 ('PA 2008').
- 1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Planning Inspectorate's website [here](#).
- 1.3 This SoCG has been produced to confirm to the Examining Authority ('ExA') where the agreement has been reached between the parties, and where agreement has not been reached. SoCGs are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination.

## Parties to this Statement of Common Ground

- 1.4 This SoCG has been prepared by: (1) Indaver Rivenhall Ltd as the Applicant, and (2) Essex County Council ('ECC') and Braintree District Council ('BDC') ('the Host Authorities').
- 1.5 Collectively Indaver Rivenhall Ltd and the Host Authorities are referred to as 'the parties'.

## Terminology

- 1.6 In the table in the issues chapter of this SoCG:
  - "Agreed" indicates where the issue has been resolved.
  - Under discussion, seeking to reach an agreed or not agreed position.

- “Not Agreed” indicates a final position.
- “Defer” to another party.

## **Structure of this Statement of Common Ground**

1.7 The SoCG has been structured to reflect the topics of the Application that are of interest to the Councils as follows:

- principle of the Proposed Development;
- Alternatives and EIA Methodology
- Climate Change
- Noise and Vibration
- Other matters

## 2 Record of Engagement

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2.1 The parties have been engaged in consultation since the beginning of the proposed development. A summary of the meetings and correspondence that has taken place between Indaver Rivenhall Ltd and the Host Authorities in relation to the Application is as follows:

- Monthly meetings to discuss issues and track progress;
- Updates on the progress of the DCO application at the Site Liaison Group meetings, held quarterly;
- Technical discussion on 18<sup>th</sup> October 2023 particularly on greenhouse gases and climate change, noise and vibration, highways, biodiversity, and Order limits;
- Technical discussion on 14<sup>th</sup> May primarily to discuss matters relating to noise;
- Agreement of a Planning Performance Agreement between the Applicant and each Host Authority.

2.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Indaver Rivenhall Ltd and (2) the Host Authorities in relation to the issues addressed in this SoCG.

# 3 Issues

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REF	Sub-topic	Agreed position	BDC's Position	ECC's Position	Status
<b>Principle of development</b>					
PD-01	<b>Extension of a generating station</b>	The principle of increasing the electrical power output of the IWMF constituting the extension of a generation station and that this constitutes a Nationally Significant Infrastructure Project as per section 14(1)(a) of the Planning Act 2008 is accepted.	<u>Agreed.</u>	<u>Under discussion.</u>	
PD-02	<b>Overall development</b>	The principle of the need to transition away from energy derived from fossil fuels and that the Proposed Development will contribute to this is broadly accepted.	<u>Agreed</u>	<u>Agreed</u>	
PD-03	<b>Development Consent Order Principal Powers</b>	– The drafting of the Principal Powers set out in Part 2 of the draft DCO is acceptable.	<u>Agreed</u>	<u>Agreed</u>	
PD-04	<b>Development Consent Order Authorised Works</b>	– The drafting of the Authorised Works set out in Schedule 1 of the draft DCO is acceptable, namely that consent is sought for the extension to the generating station to more than 50MW.	<u>Under discussion.</u> Clarity required as to the MW capacity proposed following the DCO.	<u>Under discussion.</u> The development has been assessed on the basis of up to 65MW, greater output would need further consideration in the future against the then current guidance and legislation.	

PD-05	<b>Development Consent Order Requirements</b>	The drafting of the Requirements as set out in Schedule 2 of the draft DCO are acceptable.	<u>Under discussion.</u>	Under discussion. DCO should be limited to 65MW. In addition the DCO shows now requirements for noise monitoring.
PD-06	<b>Proposed Development</b>	The carrying out of the Authorised Works would constitute development for the purposes of section 32(1) of the Planning Act 2008 and of section 55 of the Town and Country Planning Act 1990 (as amended).	Agreed.	<u>Agreed</u>
PD-07	<b>Order limits</b>	The Order limits following the boundary of the IWFM building envelope is acceptable and appropriate in light of the fact that the details of the layout of the internal plant and machinery have not yet been finalised and agreed with ECC.	<u>Agreed.</u>	ECC are of the view that the application area is <u>agreed</u> .
PD-08	<b>National Policy Statements</b>	For the purposes of section 104(2)(a) and 104(3) of the Planning Act 2008, the relevant National Policy Statements that have effect in relation to the Proposed Development and with which the Secretary of State must decide the application in accordance with are NPS EN-1 (2011) and NPS EN-3 (2011).	<u>Agreed</u>	Agreed



PD-09	Proposed Development	It is agreed and understood that the works for which development consent is sought and as set out in the draft Development Consent Order would result in no changes to the waste stream or external appearance of the Consented Scheme.	<u>Agreed</u>	Agreed
PD-10	Proposed Development	It is agreed that under the terms of the dDCO, if any changes to the external appearance or waste stream associated with the Consented Scheme were sought, that these would need to be applied for to ECC and granted by ECC as amendments to the IWMF TCPA Permission.	<u>Agreed</u>	Agreed
<b>Alternatives and EIA Methodology</b>				
AM-01	Alternatives	The alternatives considered in the ES Chapter 4 are reasonable and that none of the alternatives considered are preferable to the Proposed Development.	<u>Under discussion.</u>	<u>Under discussion.</u> Could be agreed if DCO limited to maximum 65MW.

AM-02	Future baseline	The use of the Consented Scheme as a future baseline against which the Proposed Development is considered is acceptable.	<u>Under discussion.</u>	<u>Under discussion.</u> The consented scheme relies on the existing noise limit condition of the IWMF which are based on now out-of-date noise guidance/standards to assess potential noise impact, the scheme considered here should be assessed in light of up to date noise guidance/standards. The applicant indicates that the development will not have an impact on existing noise limits, as set out in Chapter 8 of the ES (APP-033) but these limits are not based on current 2024 noise guidance/standards.
AM-03	Scoped out topics	The topics listed as being scoped out of the EIA in Table 6:1 of the ES Chapter 6 would be unlikely to result in significant environmental effects compared to the Future Baseline as a result of the Proposed Development.	<u>Under discussion.</u>	<u>Under discussion.</u> The DCO should be limited to maximum output of 65MW.
AM-04	Legislation, policy and guidance	The summary of the regulatory requirements and good practice to which regard was had during the EIA process set out in section 6.2 of ES Volume 1 Chapter 6 is up to date and complete.	<u>Under discussion</u>	<u>Under discussion.</u> ECC remains of the view that noise should not be assessed against the conditions of the extant permission, but against current guidance and standards.

AM-05	EIA methodology	The overarching EIA methodology set out in ES Chapter 6 is broadly acceptable subject to the topic specific assessments covered elsewhere in this document.	<u>Agreed.</u>	As an overarching methodology this is <u>agreed</u> , save for or comment on baseline noise conditions as referred to above, which is <u>under discussion</u> .
<b>Climate Change</b>				
CC-01	Legislation, Policy and Guidance	The summary of legislation, planning policy and guidance applicable for assessing Climate Change and Greenhouse Gases presented in section 7.2 of ES Volume 1 Chapter 7 is accurate and up to date.	<u>Under discussion.</u>	<u>Under discussion.</u>
CC-02	Assessment methodology	The impact assessment methodology in section 7.4 of ES Chapter 7 provides an appropriate approach to considering the change in direct and indirect emissions of greenhouse gas emissions from the IWMF, and the change in displacement of greenhouse gas emissions from other forms of power generation. The methodology has been carried out with appropriate regard to relevant guidance.	<u>Under discussion</u>	<u>Under discussion</u>
CC-03	Baseline conditions	The description of the Future Baseline Scenario in Section 7.5 of ES Chapter 7 are sufficient to inform the assessment.	<u>Under discussion</u>	<u>Under discussion</u>
CC-04	Assessment of Operational effects	The Proposed Development will not increase any greenhouse gas emissions associated with the Consented Scheme.	<u>Under discussion</u>	<u>Under discussion pending a discussion between the applicant and our Climate Change Team.</u>

<b>CC-04.1</b>	<b>Assessment of Operational Effects</b>	The calculation of net emissions and its significance – resulting in a negligible beneficial effect – is acceptable.	<u>Under discussion</u>	<u>Under discussion</u>
<b>CC-05</b>	<b>Mitigation, monitoring and residual effects</b>	Given the negligible beneficial effects, no mitigation or monitoring is considered necessary in relation to the Proposed Development.	<u>Under discussion</u>	<u>Under discussion.</u> ECC would ask for offsite air quality monitoring so the impact of the DCO can be properly assessed.
<b>CC-06</b>	<b>Updated NPSs</b>	The adoption of the updated NPS EN-1 and EN-3 do not alter the conclusions reached on the assessment of operational effects.	<u>Agreed.</u>	<u>Agreed</u>
<b>CC-07</b>	<b>Additional mitigation</b>	No additional mitigation is required to make the Proposed Development acceptable with regards to climate change effects.	<u>Under discussion.</u>	<u>Under discussion See CC-05</u>
<b>CC-08</b>	<b>Additional mitigation</b>	There is no requirement contained in the relevant National Policy Statements for carbon capture and storage to be delivered as mitigation for the Proposed Development.	<u>Under discussion</u>	<u>Under discussion pending a discussion between the applicant and our Climate Change Team.</u>

## Noise and Vibration

NV-01	<b>Legislation, policy and guidance</b>	The legislation context is up to date and complete. The references to the National Policy Statements should be interpreted as referring to the updated NPS EN-1 and EN-3 (November 2023), but is otherwise up to date and complete. The guidance referenced is up to date and complete.	<u>Under discussion.</u>	<u>Under discussion.</u> The noise assessment is based on the existing noise limits of the IWMF planning permission and those were based on now out-of-date guidance/standards.
NV-02	<b>Assessment Methodology</b>	The impact assessment methodologies detailed in Section 8.4 of ES Chapter 8 provide an appropriate approach to assessing potential impacts on receptors; and has been undertaken with consideration of the appropriate relevant guidance and the Future Baseline.	<u>Under discussion, as per ECC concerns.</u>	<u>Under discussion, see response to NV-01 above.</u>
NV-03	<b>Baseline Conditions</b>	The description of the future baseline scenario set out in Section 8.5 of this Chapter is sufficient to inform the assessment	<u>Under discussion.</u> As per ECC concerns.	<u>Under discussion, see response to NV-01 above.</u>
NV-04	<b>Assessment of Operational Effects</b>	The assessment of the operational effects demonstrates that the Proposed Development is acceptable in regards to noise effects as the Consented Scheme could continue to be able to operate within the noise limits set out in Condition 41 of the IWMF TCPA Permission.	<u>Under discussion as per ECC response to NV-01.</u>	<u>Under discussion, see response to NV-01 above.</u>
NV-05	<b>Cumulative Impacts</b>	The assessment conclusions set out in Section 8.7 of this Chapter are agreed.	<u>Under discussion.</u> As per ECC response to NV-01.	<u>Under discussion, see response to NV-01 above.</u>

NV-06	Summary of residual effects	The summary of the negligible residual noise effects is agreed.	<u>Under discussion</u> As per ECC response to NV-01.	<u>Under discussion</u> , see response to NV-01 above.
NV-07	Additional mitigation	No additional mitigation is required to make the Proposed Development acceptable in regards to noise.	<u>Under discussion.</u> As per ECC response to NV-01.	<u>Under discussion</u> , see response to NV-01 above.
<b>Other matters</b>				
OM-01	Transport impacts	The Proposed Development will not lead to an increase in vehicle trips compared to the Consented Scheme, therefore a Transport Assessment is not necessary.	<u>Agreed. Subject to the power being generated being less than 65mw</u>	<u>Under discussion.</u> Could be agreed if the DCO limited to 65MW
OM-02	Air Quality	The Proposed Development will not lead to any different air quality effects compared to the Consented Scheme, therefore an Air Quality Assessment is not necessary.	<u>Under discussion.</u>	<u>Under discussion.</u> ECC note that air quality was scoped out of the EIA. Air quality is the proviso of the Environment Agency, but ECC are aware of the public appetite for off site monitoring to assess potential air quality impacts.

<b>OM-02.1</b>	<b>Air Quality</b>	The terms of the Environmental Permit that relates to the operation of the Consented Scheme requires that air quality monitoring is provided to the Environment Agency, which is then made public. The Applicant is also required by the terms of the Consented Scheme s106 to provide any such air quality monitoring data to the Site Liaison Group.	<u>Agree</u>	<u>Agreed, as far as this relates to onsite monitoring, however ECC remain of the view as proposed by the local community to fund off site air quality monitoring.</u>
<b>OM-03</b>	<b>Visual impacts</b>	The Proposed Development will not alter the external appearance of the Consented Scheme, therefore a visual impact assessment is not necessary.	<u>Agreed.</u>	<u>Agreed</u>
<b>OM-04</b>	<b>Socio economic</b>	The Proposed Development will not lead to an increased demand for labour (skilled or otherwise) compared to the Consented Scheme.	<u>Agreed</u>	<u>Agreed</u>
<b>OM-05</b>	<b>Socio economic</b>	The terms of the Consented Scheme's section 106 agreement has already resulted in the establishment of a Community Trust Fund, which will require the Applicant to make quarterly payments to the Community Trust Fund based on the amount of waste that is imported to the IWMF from the commencement of its beneficial use.	<u>Agreed</u>	<u>Agreed</u>

# 4 Signatures

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4.1 The above SoCG is agreed between the following:

<b>Duly authorised for and on behalf of Indaver Rivenhall Limited, the Applicant</b>	Name
	Job title
	Date
	Signature
<b>Duly authorised for and on behalf of Essex County Council</b>	Name
	Job title
	Date
	Signature
<b>Duly authorised for and on behalf of Braintree District Council</b>	Name
	Job title
	Date
	Signature



