

Our Ref: 2007406
PINS Ref: EN010138
Enquiries to: Mark Woodger

Via Portal

For the attention of Jonathan Manning

Date: 9th July 2024

Dear Mr Manning,

**RIVENHALL EFW – IWMF EN010138
ESSEX COUNTY COUNCIL 2007406
ECC DEADLINE 4 SUBMISSIONS**

Please find set out below and attached Essex County Council's Deadline 4 submissions. These consist of the following:

1. Responses to the Examining Authority's ExQ2.
2. Comments on ExA's proposed Schedule of Changes to the dDCO.
3. Post-hearing submissions requested by the ExA –
 - a. Parties to further discuss whether a deed of variation is needed to the existing Section 106 agreement, particularly with regard to its definitions (Deadline 3) (Essex Legal Services Advice Note attached).
4. Final SoCG and Statement of Commonality (attached).
5. Comments on any other information and submission received at Deadline 3.
6. Comments on any other submissions received at Deadline 2 (Local Impact Reports

1. ECC’s Comments to Examining Authority’s Second Written Questions (ExQ2)
- Deadline 4

Q2.2 Climate Change and Greenhouse Gases		
Ref.	Question	ECC Response
Q2.2.1	Both ECC and BDC are of the view that it is unclear what the climate change impact will be from the Proposed Development and how this will affect local carbon emissions. The Applicant set out at ISH1 [EV3-002] [EV3-003] that the carbon emissions of the consented scheme were assessed when it was originally consented. ECC and BDC, explain why the assessment undertaken for the consented scheme does not provide the information sought.	<p>ECC have assessed document titled GF/7/A – Life Cycle Assessment and Climate Change (Global Warming) Potential by David Hall on behalf of Golder Associates – APP/Z1585/V/09/2104804 dated September 2009. This is deemed to be the most up to date appraisal of greenhouse gas emissions associated with the consented scheme. The document is accompanied by supporting evidence including a peer review of the methodology used.</p> <p>The evidence presents the comparison of emissions in relation to a baseline (no intervention), the original RCF and the updated eRCF (The consented IWMF). The evidence presents these calculated emissions figures utilising the Environmental Agencies WRATE methodology which was at the time the deemed the most appropriate method for presenting the carbon impact of waste management facilities. The findings show that there are significant emissions reductions by implementing the eRCF compared to the baseline. This was examined over two time periods, 2015 and 2020. This is contained in the Inspectors original Scoping Opinion dated 6th June 2023 (case reference: EN010138), at paragraph 6.98.</p> <p>In line with the Local Impact Report, ECC requested that the greenhouse gas impact of the scheme through the demolition and construction, in operation, and decommissioning</p>

		<p>phases are accurately predicted, with suitable methods of mitigation of the emissions proposed, with this to be put forward to the inspectorate to be able to make a well evidenced and robust decision on the significance of the proposals. As part of the assessment multiple scenarios should be presented to reflect the variability in the calorific content, biogenic matter and volume of waste available in future operating conditions. It is important to note that without robust and detailed whole lifecycle carbon emissions information being presented as part of the ES, it is impossible to understand what actual impacts and contributions the facility will make towards contributing to climate change.</p> <p>ECC has the following comments to raise as to why the information for the consented scheme does not provide the information sought at this stage.</p> <ul style="list-style-type: none">- The information presented is outdated as the temporal boundaries of the original assessment has been exceeded, this no longer reflects the emissions against an appropriate timescale for the development.- The information does not present the carbon emissions relating to the impact of the scheme through the demolition and construction, in operation, and decommissioning phases. Nor does it present these findings demonstrating the total emissions impact of the site. This would be appropriate to present alongside the findings of a comparison with
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		<p>an updated temporal and technical baseline.</p> <ul style="list-style-type: none"> - The findings no longer correlate with the proposals identified for the proposed development. The consented eRCF which has been assessed, reviews for a scheme which has been superseded, therefore a revised assessment would be appropriate.
<p>Q2.5 Development Consent Order</p>		
<p>Q2.5.1</p>	<p>The Applicant has provided a Technical Note on decommissioning and the requirements of NPS EN-1 [REP3-001, Appendix 4]. This concludes that due to the limited nature of the works there would be no significant effects during decommissioning and therefore, there is no reasonable basis for imposing a requirement in the dDCO requiring a decommissioning plan to be provided. Further, the Applicant noted that any requirement requiring details of the decommissioning of the consented scheme would not be relevant to the development to be permitted and so cannot reasonably be imposed. Do ECC accept the Applicant's position? If not, explain fully why this is the case.</p>	<p>ECC agree with the Applicant's position.</p>
<p>Q2.5.2</p>	<p>ECC has requested [REP3-014] a change to the dDCO to include a requirement in relation to the Local Liaison Group. The Applicant is of the view [REP3-010] that the remit of the Site</p>	<p>As Schedule 3 of the existing legal agreement refers the Site Liaison Group remit being in association with the "Application Site" ECC would be willing to remove this requirement within the dDCO. The obligation for</p>

	Liaison Group under Schedule 3 of the Section 106 Agreement is the Application Site (i.e., the Consented Scheme redline) and therefore automatically includes the Proposed Development. Is this accepted by ECC? If not, explain fully why this is the case.	the DCO (if granted) to be considered as part of the remit of the Site Liaison Group would also be addressed through the Deed of Variation to the existing S106 which is considered necessary by ECC, to ensure all existing obligations remain associated with the DCO as well as the Consented Scheme - see the separate Legal Advice Note.
Q2.5.3	The Applicant has sought to make additions to the dDCO [REP3-004] under the interpretation of the 'TCPA permission' to include: 'any planning permission granted by the relevant planning authority pursuant to planning application ESS/02/22/BTE'. ECC, confirm whether you consider reference to planning application ESS/02/22/BTE to be appropriate.	ECC agree.

2. Comments on ExA's Proposed Schedule of Changes to the dDCO

DC1.1. PART 1 Preliminary		
DC1.1.1 Article 2		
Ref.	ExA Proposed Schedule of Changes	ECC Response
DC1.1.1.1	The ExA considers that there is no need to refer to variations granted before the date of the Order, such as those pursuant to Section 73 of the 1990 Act, in line with the suggested wording of ECC [REP3-014].	ECC is in agreement.
DC1.2. PART 3 Miscellaneous and general		
DC1.2.1 Article 9		
<u>DC1.2.1.1.</u>	The ExA considers that the Land Plan should also be a certified document.	ECC is in agreement.

DC1.3. SCHEDULE 1 – Authorised Development		
DC1.3.1 Part 1		
DC1.3.1.1	<p>The ExA proposes the following amendments to ensure there are not any adverse effects above those assessed in the ES:</p> <p>1. A nationally significant infrastructure project as defined in sections 14(1)(a) and 15 of the 2008 Act —</p> <p>(a) Work No.1 – an extension to the existing generating station comprising mechanical modifications to the actuated steam turbine inlet control valves to allow steam capacity to be increased, with the effect that the extended generating station will have a gross installed generating capacity of over 50 up to 65MW; and</p> <p>(b) Work No.2 – an extension to the existing generating station comprising the installation and commissioning of unrestricted actuated steam turbine inlet control valves with a capacity of over 50 up to 65MW, with the effect that the extended generating station will have a gross installed generating capacity of over 50 up to 65MW</p>	<p>Given applicants statement for 65mw will only be exceeded under exceptional circumstances ECC propose within the SoCG that an average cap of 65MW could be used.</p>

3. Post-hearing submissions requested by the ExA (at Deadline 3)

- a. Parties to further discuss whether a deed of variation is needed to the existing Section 106 agreement, particularly with regard to its definitions.

ECC stated further comments regarding whether a deed of variation is needed to the existing Section 106 agreement would be provided by Deadline 4.

In summary, ECC do not agree. The definitions as set out in the Section 106 Agreement (as varied) is not broad enough to include the DCO as they relate specifically to the applications made at the time and do not include any future permissions. The definitions cannot be interpreted as including future permissions in line with the precedent set by case law i.e., the case of North Norfolk.

Please find attached an Advice Note prepared by Essex Legal Services Manager, Susan Moussa dated 20th June 2024.

4. Final SoCG and Statement of Commonality.

A copy of the SoCG and Statement of Commonality (Version 3.4) is attached with this submission.

5. Comments on any other information and submission received at Deadline 3

ECC has no further comments to add on any other information or submission received at Deadline 3.

6. Comments on any other submissions received at Deadline 2 (Local Impact Reports)

LIR Ref.	ECC Response
8.2.29 – 8.4.37	The ExA has requested that the noise assessment being prepared as part of a separate application is submitted to the ExA, which would put the information in the public domain. The applicant stated they would be willing to provide this noise assessment to the ExA.
8.5.2	In 2015 with respect to ESS/34/15/BTE the County’s noise consultant at that time raised no objection and noted that a noise compliance assessment would be required under condition 19. In 2023 with respect to ESS/39/23/BTE the proposals would not have impacted noise generation at the site and therefore it was not appropriate to consider the noise conditions as part of the determination.

	The current proposals under the DCO does have potential to impact noise from the site and provides an opportunity to amend the noise conditions in accordance with current guidance and ensure limits are imposed that would ensure there weren't potential noise complaints that the Environmental Health Officer would need to address.
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I hope the above is of assistance, however, please do not hesitate to contact me if you have any questions or queries on the above.

Yours sincerely,

[Redacted Signature]

Mark Woodger, Principal Planner
Principal Planning Officer (National Infrastructure)

Email: [Redacted] [@essex.gov.uk](mailto:[Redacted]@essex.gov.uk)

Advice re Section 106 Agreement and Development Consent Order re Rivenhall Integrated Waste Management Facility (ENVI/2344)

Question: Does ECC consider the definitions as set out in the Section 106 Agreement (as varied) are broad enough that the DCO would also be subject to the Section 106 Agreement or not?

Short Answer: The definitions as set out in the Section 106 Agreement (as varied) is **not** broad enough to include the DCO as they relate specifically to the applications made at the time and do not include any future permissions. The definitions cannot be interpreted as including future permissions in line with the precedent set by case law i.e. the case of *North Norfolk*.

I have provided some substantive advice below regarding this.

Advice

- 1.1. Planning Permission for the Rivenhall Integrated Waste Management Facility (IWMF) was first granted by the Secretary of State in March 2010 following a call-in public inquiry (ECC Ref ESS/37/08/BTE). Subsequent applications fell to ECC as the Waste Planning Authority to determine under the Town and Country Planning Act 1990 (as amended), unless called-in or legislation requires otherwise, and ECC considered the subsequent variations to the planning permission and submissions in response to conditions. The planning permission allows the IWMF to generate up to 49.9 megawatts of electrical energy ('MW') for an integrated waste management facility in Rivenhall.
- 1.2. A Section 106 Agreement relating to the Land at Rivenhall Airfield Coggeshall Road (A120) Braintree CO5 9DF was entered into on 28 October 2009, as varied by four Deeds of Variations that were entered into subsequently to the various planning permission and submissions in response to conditions made by the applicant.
- 1.3. In or around 2023, Indaver Rievenhall Limited (Indaver) has made an application to the Secretary of State for a development consent order to authorise an extension to an energy from waste generating station at Rivenhall, with effect that once extended, the generating station will have a gross installed capacity of over 50MW. The extension would comprise of internal works to plant at the generating station.
- 1.4. The Examiner has requested each party put forward their position in respect of whether a Deed of Variation is required to capture the Development Consent Order.
- 1.5. The Section 106 Agreement defines the 'Development' as follows:

"the Development" shall mean an integrated Waste Management Facility comprising an anaerobic digestion plant treating mixed organic waste producing biogas converted to electricity through biogas generators; a materials recovery facility for mixed dry recyclable waste to recover materials for example paper, plastic, metals; a mechanical biological treatment facility for the treatment of residual municipal and/or commercial and industrial wastes to produce a solid recovered fuel; a Paper Recycling Facility to reclaim paper; a combined heat and power plant utilising solid recovered fuel to produce electricity, heat and steam; the extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; a visitor / education centre; an extension to the existing access road; the provision of offices and vehicle parking; associated engineering works and storage tanks at the Application Site

- 1.6. It is Essex County Council's position that the definition of 'Development', as set out in the Section 106 Agreement, is not wide enough to capture the Development Consent Order as the definition relates to the planning application made to ECC at the time. Where there have been subsequent applications, these have resulted in Deeds of Variations to the Section 106 Agreement being entered into to reflect the updated permissions.
- 1.7. The interpretation of the Section 106 Agreement is subject to the principles set out in *Norfolk Homes Ltd v North Norfolk District Council* [2020] EWHC 2265, which found that where the drafting of the Section 106 Agreement is clear and unambiguous, a section 106 agreement did not apply to subsequent developments. The drafting of the Section 106 Agreement and subsequent variations are clear, unambiguous and precise, therefore the agreement captures the planning applications made to the LPA at the time and does not capture any future, subsequent planning applications such as the DCO.
- 1.8. Whilst the DCO would sit alongside the planning permission already granted by ECC as the relevant planning authority, and the DCO does make reference to 'TCPA permission' which includes the planning permissions granted by ECC and any subsequent variations, the Section 106 Agreement does not contain similar provisions to include any future permissions (such as the DCO). The Section 106 Agreement needs to be varied to reflect this to continue to secure the planning obligations on the application site, which would be varied as a result of the DCO.
- 1.9. It is ECC's practice, which Indaver is aware of having been party to four Deeds of Variations to date relating to the IWMF, to require a formal deed of variation. This remains a prudent approach and it is unlikely that ECC is alone in insisting on deeds of variation for a DCO as whilst it is clear it sits alongside the planning permission, it must be clearly captured under the Section 106 Agreement, including any development consent obligations contained in the DCO.
- 1.10. It is also ECC's position that the scope of the Section 106 Agreement does not extend to the IWMF having a capacity over 50MW, as ECC as the local

planning authority is only permitted to determine applications where the capacity is 50MW or less under the Town and Country Planning Act 1990 (as amended) therefore the agreement and subsequent variations were drafted in line with the planning permissions granted. Therefore, the Section 106 Agreement is subject to this statutory capacity threshold unless and until a Deed of Variation is entered into to include the definition of Development with a capacity above the statutory threshold.

- 1.11. There are no grounds to imply wording to incorporate the DCO as part of the Section 106 Agreement in line with legal precedent cited above.
- 1.12. It therefore remains ECC's view that, should the Planning Inspectorate be minded to make a recommendation to the Secretary of State regarding the DCO application, it should be preceded by a suitable deed of variation to the Section 106 Agreement. The Deed of Variation to the Section 106 Agreement should be completed prior to the close of the examination.

20 June 2024


Legal Services Manager

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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
2.1	17.06.2024	Applicant	N/A	Draft
2.2	18.06.2024	ECC		Draft
2.3	18.06.2024	ECC	Deadline 2	Draft
2.3	18.06.2024	BDC	Deadline 3	Draft
3.0	18.06.2024	Applicant	Deadline 3	Draft
3.1	03.07.2024	Applicant	N/A	Draft
3.2	03.07.2024	Applicant	N/A	Draft
3.3	04.07.2024	Applicant	N/A	Draft
3.4	09.07.2024	ECC	Deadline 4	Draft

1 Introduction

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

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 18th October 2023 particularly on greenhouse gases and climate change, noise and vibration, highways, biodiversity, and Order limits;
- Technical discussion on 14th 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

REF	Sub-topic	Agreed position	BDC's Position	ECC's Position	Status
Principle of development					
PD-01	Extension of a generating station	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>Agreed.</u>	
PD-02	Overall development	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-02.1	Overall development	The principle of making the most effective and efficient use of the plant to derive electrical energy, subject to environmental effects, is agreed.	<u>Agreed</u>	<u>Agreed</u>	
PD-03	Development Consent Order Principal Powers	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	Development Consent Order Authorised Works	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>	<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	Development Consent Order Requirements	The drafting of the Requirements as set out in Schedule 2 of the draft DCO are acceptable.	<u>Under discussion.</u>	<u>Under discussion.</u> The draft DCO consent submitted at deadline 3 includes ECC request for 65MW limit and conditions re noise limits and noise monitoring, and inclusion of the DCO in the liaison group. Part 2 suggested additional point 6 removed following discussion at Hearing.
PD-06	Proposed Development	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	Order limits	The Order limits following the boundary of the IWMF 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>	Agreed.
PD-08	National Policy Statements	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

Alternatives and EIA Methodology

<p>AM-01</p>	<p>Alternatives</p>	<p>The alternatives considered in the ES Chapter 4 are reasonable and that none of the alternatives considered are preferable to the Proposed Development.</p>	<p><u>Under discussion.</u></p>	<p><u>Under discussion.</u> ECC notes the as proposed amendment from the Inspectorate as published on the 24th June 2024 which suggest limiting the cap of energy to be produced to 65MW.</p> <p>The applicant at Deadline 3 provided a cover letter to explain the circumstances by which the energy produced could exceed 65 MW. This is contained in Appendix 3 of the applicant's Deadline 3 cover letter and submissions, ref REP3-001. ECC understands that in certain conditions energy could increase above the 65 MW cap, but this would be in exceptional circumstances, with the output under normal conditions being under 65MW. ECC therefore considers that an average cap be set to permit an average of 65MW to be generated over a period of time.</p>
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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 subject to topic areas under discussion.</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> .
Climate Change				
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>Agreed.</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>Agreed.</u>

CC-02.1	Assessment methodology	IEMA Guidance ‘Assessing Greenhouse Gas Emissions and Evaluating their Significance’ states “ <i>GHG emissions are not geographically limited. They have a global effect rather than directly affecting any specific local receptor to which a level of sensitivity can be assigned. The receptor for GHG emissions is the global atmosphere.</i> ”	<u>Under Discussion.</u>	<u>Agreed.</u>
CC-02.2	Assessment methodology	Electrical energy generated by the IWMF constitutes part of the baseload electrical energy provision.	<u>Agreed however this should not prevent consideration of the local climate impact.</u>	<u>Agreed.</u>
CC-02.3	Assessment methodology	Electricity from Combined Cycle Gas Turbines (‘CCGTs’) is used in the UK energy system as the marginal source between the baseload and non-fuelled renewables.	<u>Deadline 4</u>	<u>Agreed.</u>
CC-02.4	Assessment methodology	Reducing the use of CCGTs can be achieved both by increasing the baseload energy supply and by increasing supply from non-fuelled renewable energy sources.	<u>Deadline 4</u>	<u>Agreed.</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>Agreed.</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>Agreed.</u>

CC-04.1	Assessment of Operational Effects	The calculation of net emissions and its significance – resulting in a negligible beneficial effect – is acceptable.	<u>Under discussion.</u>	<u>Agreed.</u>
CC-05	Mitigation, monitoring and residual effects	Given the negligible beneficial effects, no mitigation or monitoring is considered necessary in relation to the Proposed Development.	<u>Under discussion.</u>	<u>Agreed.</u> It is recognised that this is not needed as mitigation, but it has been requested by County Council Members and the Site Liaison Group.
CC-06	Updated NPSs	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>
CC-07	Additional mitigation	No additional mitigation is required to make the Proposed Development acceptable with regards to climate change effects.	<u>Under discussion.</u>	<u>Agreed subject to CC-05 above.</u>
CC-08	Additional mitigation	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>Agreed.</u>

Noise and Vibration

NV-01	Legislation, policy and guidance	The legislation context is 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.
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NV-01.01

Legislation, policy and guidance

The DCO proposal needs to demonstrate that the noise predictions are sufficiently accurate to ensure the noise limits set can be achieved.

Under discussion. From a noise perspective, should this facility be submitted in its entirety now as a new development ECC would require an assessment in accordance with most relevant guidance /standards. Whereas the applicant argues that is essentially irrelevant, suggesting that the DCO should be based on the variation between the consented scheme and that now, and if the noise emissions have not increased from that consented, then that is the relevant determination. As things stand, ECC and the applicant are unable to find a common ground on this aspect. ECC note that the currently consented scheme is not operational at this time, hence theoretical rather than measured assumptions are used. ECC suggest as a way forward for noise limits to be set as a requirement within the DCO whereby the development is limited to up to date noise standards. Compliance with the existing

noise limits may still result in adverse noise impacts.

NV-02	Assessment Methodology	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</u> , as per ECC concerns.	<u>Under discussion</u> , see response to NV-01 above.
NV-03	Baseline Conditions	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</u> , see response to NV-01 above.
NV-04	Assessment of Operational Effects	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</u> as per ECC response to NV-01.	<u>Under discussion</u> , see response to NV-01 above.
NV-05	Cumulative Impacts	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</u> , see response to NV-01 above.

NV-05.1	Cumulative Impacts	The Technical Memorandum issued by the Applicant dated 06 June 2024 demonstrates that the in-combination effects would not lead to the Consented Scheme + the Dry Silo Mortar Plant exceeding consented noise limits for the evening or night time periods.	<u>Under Discussion</u>	<u>Under discussion.</u> The Jacobs note, dated 18 th June 2024, assessing the Applicants Technical Note concludes that it has not robustly demonstrated that SLR's proposed noise limits would be met during the identified evening and night-time periods. The current quarrying consent would allow concurrent operation of the bagging plant and DSM plant; however, the cumulative assessment focuses only on the DSM. Furthermore, the ability for the DSM to operate up to its consented noise limits should also be considered.
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.

Other matters

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>Agreed.</u>	
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>Agreed.</u>	
OM-02.1	Air Quality	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.</u>	
OM-03	Visual impacts	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>	
OM-04	Socio economic	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>	

OM-04.1	Socio economic	Given that the Proposed Development will not lead to an increased demand for labour (skilled or otherwise) compared to the Consented Scheme, there are no adverse socio-economic effects that would require mitigation.	<u>Agreed.</u>	<u>Agreed.</u>
OM-05	Socio economic	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>
OM-6	Local Liaison Group	The remit of the Site Liaison Group under Schedule 3 of the Section 106 Agreement is the Application Site (i.e the Consented Scheme redline) and automatically includes the DCO.	<u>Under discussion.</u>	<u>Agreed.</u>

4 Signatures

4.1 The above SoCG is agreed between the following:

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