

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 5.0 (FINAL)

APFP Regulation 5(2)(q)

23 July 2024

Indaver Rivenhall Ltd

Leading the field in
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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
3.5	23.07.2024	ECC	Deadline 5	
3.6	23/07/2024	BDC	Deadline 5	
5.0	23.07.2024	Applicant	Deadline 5	Finalised

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	Applicant's position	BDC's Position	ECC's Position
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. The Applicant's reasoning for this is set out in its response to Q1.5.2 of ExQ1, submitted at Deadline 1 [REP1-011]	<u>Not Agreed.</u>	<u>Not Agreed.</u> The development has been assessed on the basis of up to 65MW and not higher, greater MW output would need further consideration in the future against the then current guidance and legislation.

<p>PD-05</p>	<p>Development Consent Order - Requirements</p>	<p>The drafting of the Requirements as set out in Schedule 2 of the draft DCO are acceptable.</p>	<p><u>Not Agreed.</u></p>	<p><u>Not Agreed.</u> The draft DCO consent submitted by the ExA at deadline 3 includes ECC request for 65MW cap 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. For energy production ECC refer to the response to PD-04 above.</p>
<p>PD-06</p>	<p>Proposed Development</p>	<p>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).</p>	<p>Agreed.</p>	<p><u>Agreed.</u></p>
<p>PD-07</p>	<p>Order limits</p>	<p>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.</p>	<p><u>Agreed.</u></p>	<p>Agreed.</p>

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

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. A Technical Note was submitted by the Applicant setting out its reasoning for this at Deadline 3 [\[REP3-001\]](#).

Not Agreed.

Not Agreed. 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.

The applicant at Deadline 4 provided an additional explanation 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, and at Deadline 4 at REP4-006 . ECC notes that in para 5,3 of REP4-006 that the applicant is reluctant to accept this limit but proposes: ***“to revise the wording to read ‘...a gross installed generating capacity of up to 65 MW at an ambient air temperature of 15 degrees Celsius.’***

ECC considers this proposal to be vague, and in effect it would mean that if the air temperature is above 15 degrees additional unlimited electricity could be provided which, and as the Council has pointed out, could lead to environmental effects which are not evidenced, un tested and un proven.

AM-02	Future baseline	<p>The use of the Consented Scheme as a future baseline against which the Proposed Development is considered is acceptable. The acceptability of this approach for considering noise is set out by the Applicant in Table 2 of its Planning Statement V2 [REP1-005] and further during the Issue Specific Hearing Under Agenda Item 5 [REP3-012].</p>	<p><u>Not Agreed.</u></p>	<p><u>Not Agreed.</u> The consented scheme relies on the existing noise limit condition of the IWFM 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.</p>
AM-03	Scoped out topics	<p>The topics listed as being scoped out of the EIA in Table 6:1 of the ES Chapter 6 [APP-031] would be unlikely to result in significant environmental effects compared to the Future Baseline as a result of the Proposed Development. Further information on this was provided by the Applicant at Appendix 3 of its Deadline 3 Cover Letter [REP3-001].</p>	<p><u>Not Agreed</u></p>	<p><u>Not Agreed.</u> The DCO should be limited to maximum output of 65MW.</p>
AM-04	Legislation, policy and guidance	<p>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 [APP-031] is up to date and complete.</p>	<p><u>Not Agreed</u></p>	<p>. Not Agreed. ECC remains of the view that noise should not be assessed against the conditions of the extant permission, but against current guidance and standards.</p>

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>Agreed</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>Agreed</u>	<u>Agreed.</u>

CC-02.1	Assessment methodology	IEMA Guidance ‘Assessing Greenhouse Gas Emissions and Evaluating their Significance’ states “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.”	<u>Agreed</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</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>Agreed</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>Agreed</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>Agreed</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>Agreed</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>Agreed</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>Agreed.</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>Agreed</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>Agreed</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>Not agreed.</u>	Not Agreed. 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	<p>The DCO proposal needs to demonstrate that the noise predictions are sufficiently accurate to ensure the noise limits set can be achieved. Further detail on this was provided by the Applicant in the Issue Specific Hearing [REP3-012] and in its Deadline 4 submission [REP4-009].</p>	<u>Not Agreed</u>	<p>Not Agreed. 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.</p>
NV-02	Assessment Methodology	<p>The impact assessment methodologies detailed in Section 8.4 of ES Chapter 8 [APP-033] 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.</p>	<u>Not agreed as per ECC concerns</u>	<p>Not Agreed. see response to NV-01 above.</p>

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>Not Agreed</u> . As per ECC concerns.	, Not Agreed. 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>Not Agreed</u> as per ECC response to NV-01.	, Not Agreed. 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>Not Agreed</u> As per ECC response to NV-01.	, Not Agreed 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>Agreed</u>	<u>Agreed. Please see details as submitted in ECC's D05 response.</u>
NV-06	Summary of residual effects	The summary of the negligible residual noise effects is agreed.	<u>Not agreed</u> As per ECC response to NV-01.	, Not Agreed 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>Not agreed</u> As per ECC response to NV-01.	, Not Agreed 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>Agreed.</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 Group Liaison	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	Carly Vince
	Job title	Senior Director
	Date	23 July 2024
	Signature	
Duly authorised for and on behalf of Essex County Council	Name	Mark Woodger
	Job title	Principal Planner, Nationally Strategic Infrastructure Projects
	Date	23/07/2024
	Signature	
Duly authorised for and on behalf of Braintree District Council	Name	Julie O'Hara
	Job title	Senor Planning Officer
	Date	23 rd July 2024
	Signature	

