REPORT

Boston Alternative Energy Facility

Planning Statement

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Boston Alternative Energy Facility

Planning Statement

Alternative Use Boston Projects Ltd

March 2021

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1.0 Executive Summary

Introduction

1.1 This 'Planning Statement' has been prepared on behalf of Alternative Use Boston Projects Limited. It forms part of the application for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State for Business, Energy and Industrial Strategy (the 'SoS'), under section 37 of 'The Planning Act 2008' (the 'PA 2008').

1.2 The Applicant is seeking development consent for the construction, operation and maintenance of an energy from waste ('EfW') power station with a gross electrical output of up to 104 megawatts electric ('MWe') (delivering 80 MWe of renewable energy to the National Grid) The Facility includes a lightweight aggregate manufacturing plant, a new wharf and a feeding stock checking, processing and storage facility, two carbon dioxide recovery plants, and electrical export infrastructure to support the operational phase of the development on land at the Riverside Industrial Estate, located on the bank of The Haven in Boston, Lincolnshire (the 'Principal Application Site'). A separate Habitat Mitigation Area is also included as part of the Facility, located approximately 170 m south east of the Principal Application Site.

1.3 The DCO, if made by the SoS, would be known as the 'Boston Alternative Energy Facility Order ' ('the Order').

1.4 The purpose of this Planning Statement is to assist the Examining Authority and the SoS in their assessment of the Application by demonstrating how the Applicant has considered relevant legislation and planning policy, notably the National Policy Statements ('NPS') for energy infrastructure, and the extent to which the Facility complies with the policies within those NPSs, as well as other policies and strategies, legal obligations, and important and relevant matters.

Table 1.1 Boston Alternative Energy Facility: Key Policy Themes

Generating reliable low carbon/renewable energy for Lincolnshire and the UK
Bridging the infrastructure gap in Lincolnshire and the UK
Replacing landfill - not recycling – and moving waste up the Waste Hierarchy
Maximising movement of waste by water and minimising traffic congestion
Tackling air quality and delivering carbon positive objectives
Facilitating private investment in Lincolnshire and the UK, avoiding the need for public subsidy and boosting the labour market and economy.

Pre-Application Procedures

1.5 Pre-application procedures have been carried out in accordance with the requirements of the PA 2008 and secondary legislation governing DCO proposals.

Environmental Impact Assessment

1.6 This type of facility is not a disposal facility and is not listed in Schedule 1. The Facility, a recovery facility, falls within Schedule 2 to the Infrastructure Planning (Environmental Impact

Assessment) Regulations 2017 ('EIA Regulations'), Paragraph 3. Energy Industry ("(a) industrial installations for the production of electricity, steam and hot water projects not included in Schedule 1 of these Regulations"). An Environmental Impact Assessment was undertaken, and this accompanies the application.

Consultation

1.7 A Consultation Report (document reference 5.1) accompanies the DCO application. This explains the early consultation undertaken on the Project since its inception and the statutory consultation undertaken pursuant to Sections 42, 47 and 48 of the Act. Consultation feedback has informed the scope of the key themes against which the scheme is considered within this Statement.

The Site

1.8 The Application Site covers 26.8 hectares (ha) and is split in to two components: the area containing operational infrastructure for the Facility (the 'Principal Application Site'); and an area containing habitat mitigation works for wading birds (the 'Habitat Mitigation Area'). The Principal Application Site (NGR TF33950 42241) covers 25.3 ha and is neighboured to the west by the Riverside Industrial Estate and to the east by The Haven, a tidal waterway of the River Witham between The Wash and the town of Boston. The A16 public highway is located approximately 1.3 km to the west. The Habitat Mitigation Area covers 1.5 ha and is located approximately 170 m to the south east of the Principal Application Site, encompassing an area of saltmarsh and small creeks at the margins of The Haven.

1.9 A 132 kV overhead powerline on pylons bisects the Principal Application Site from north to south.

1.10 The part of the Principal Application Site which will accommodate the proposed wharf which forms part of the Facility is approximately 750 m downstream from the existing Port of Boston.

1.11 There are no existing buildings within the Application Site that will require demolition.

The Facility

1.12 The Facility is an Alternative Energy Facility that will process Refuse Derived Fuel and deliver 102 megawatts electrical MWe (gross) and approximately 80MWe (net) of energy to the National Grid using Refuse Derived Fuel (RDF) as feedstock.

1.13 A detailed description of the Facility is provided at Schedule 1 'Authorised Development' of the Draft DCO and Chapter 5: Project Description in the ES Volume I (Documents 2.1 and 6.2.5). It is also further described in the Design and Access Statement (Document Reference 5.3).

1.14 The main elements of the Facility that are subject of this DCO, together with a description of how the Facility will operate are set out below:

- A wharf and associated infrastructure (including re-baling facility, workshop, transformer pen and welfare facilities);
- A refused derived fuel (RDF) bale contingency storage area, including sealed drainage, with automated crane system for transferring bales;
- Conveyor system running in parallel to the wharf between the RDF storage area and the RDF bale shredding plant. Part of the conveyor system is open and part of which is under cover (including thermal cameras);
- Bale shredding plant;

- RDF bunker building;
- Thermal Treatment plant comprising three nominal 34 MWe (circa 120 megawatts thermal (MWth)) combustion lines and associated ductwork and piping, transformer pens, diesel generators, three stacks, ash silos and ash transfer network; and air pollution control residues (APCr) silo and transfer network;
- Turbine plant comprising three steam turbine generators, make-up water facility and associated piping and ductwork;
- Air-cooled condenser structure, transformer pen and associated piping and ductwork;
- Lightweight Aggregate (LWA) manufacturing plant comprising four kiln lines, two filter banks with stacks, storage silos for incoming ash, APCr, and binder material (clay and silt), a dedicated berthing point at the wharf, silt storage and drainage facility, clay storage and drainage facility, LWA workshop, interceptor tank, LWA control room, aggregate storage facility and plant for loading aggregate / offloading clay or silt;
- Electrical export infrastructure;
- Two carbon dioxide (CO2) recovery plants and associated infrastructure, including chiller units; and,
- Associated site infrastructure, including site roads, pedestrian routes, car parking, site workshop and storage, security gate, control room with visitor centre and site weighbridge.

Policy Background

1.15 National Policy Statement EN-1 (Overarching National Policy Statement for Energy) was published in 2011. It sets out current Government policy on energy and energy infrastructure development. NPS EN-1 sets out the Government's policy for delivering major energy infrastructure in England and Wales and it recognises that there is an 'urgent' need for new large-scale energy infrastructure. In this context, Part 3 of EN-1 defines and sets out the need that exists for nationally significant energy infrastructure in order to achieve energy security at the same time as dramatically reducing greenhouse gas emissions.

1.16 NPS EN-3: National Policy Statement for Renewable Energy Infrastructure was published in July 2011. Together with NPS EN-1 it forms the primary basis for decisions making on energy from biomass or waste facilities with at least 50MWe generating capacity. This NPS is concerned with the impacts and other matters which are specific to these projects and they are in addition to those set out within NPS EN-1.

1.17 The development will provide benefit by managing and recovering value from residual waste generated in the UK, providing an alternative to transporting waste to Europe for use in energy generation there. The Facility will also contribute to the further diversion of residual wastes away from landfill.

1.18 The general government support for the principle of major infrastructure renewable energy development creates a clear positive policy context for the consideration of the DCO application. There are however a series of other prevailing policy considerations across the relevant planning policy documents and matters raised through the consultation, including assessment principles and generic impacts that combine to form an assessment framework. This Statement assesses the application against this assessment framework.

Other Development Considerations

1.19 There are important and relevant matters which are considered including the National Planning Policy Framework, the National planning Policy for Waste, development plan policy, the UK Marine Policy Statement, the outcomes of community engagement and consultation with

Lincolnshire County Council; Boston Borough Council, statutory consultees and other interested parties.

Development Plan Allocation

1.20 The Facility will be predominantly located on the Riverside Industrial Estate. The Lincolnshire Minerals and Waste Local Plan (the lead planning policy document for waste development), Site Locations Document identifies the Principal Application Site as predominantly within land allocated for waste management development (WA22-BO), identifying Energy Recovery as a potential land use.

1.21 This use is further identified as Energy from Waste within the accompanying sustainability appraisal. The Facility is consistent with this allocation and accords with Policy SAD policy SL3. The South East Lincolnshire Local Plan which also allocates land within the Riverside Industrial Estate (SELLP policy 7) for employment development, though this only encompasses part of the Principal Application Site with the remainder including the proposed wharf infrastructure falling within land designated as countryside associated with riverbank, foreshore and mudflats. The Habitat Mitigation Area is also located within the countryside designation (SELLP Policy 1). Both plan documents form part of the development plan and the Facility accords with the development plan when read as a whole. Part of the Application Site falls within an area which is within the jurisdiction of the Marine Management Organisation to which the UK Marine Policy Statement and Eastern Inshore and Offshore Marine Plan applies.

Design

1.22 The design process has been iterative with the design evolving over the pre-application stage. The design process has been shaped by stakeholder input, consultation events and changes in technology, that have evolved from gasification to a conventional combustion-based thermal treatment EfW. Good design of the facility has been applied to ensure robustness, durability, usefulness and aesthetically pleasing appearance. The facility has been designed so as to ensure air quality considerations in terms of emissions, odour and dust are controlled through design, and operational control. Noise and vibration are controlled through the design of the facility and its cladding. The type of cladding, and colour will ensure durability and good appearance. The Design and Access statement describes the alternative technology considerations that have further influenced layout and design. Consultation responses have influenced design in the following ways:

- Road transport movements associated with the transport of construction materials have been reduced. It is proposed to operate a concrete batching plant on site with raw materials transported in larger quantities. Aggregate will also be delivered by ship.
- Noise was a key public concern. The Thermal Treatment plant has been configured to allow for repositioning of the air-cooled condenser (ACC) and turbine buildings to linear layout. Both are also located further from the nearest residential receptors,
- Odour was a key issue arising from public consultation, therefore the layout accommodates a simple linear layout, which will allow for more efficient and safer construction, meaning also that less bales will be stored behind the wharf, thus reducing potential odour issues.
- Individual stack heights will be higher than originally designed, this addressing public concerns about effective dispersion of the exhaust gases from the stack.
- The Principal Application Site shape has dictated the arrangement of the main thermal treatment units. The site layout has been optimised for the Facility to enable the movement of waste throughout the facility to the thermal treatment plant. The aggregate facility is positioned next to The Haven to facilitate export of lightweight aggregate and import of the clay for use in the lightweight aggregate manufacturing process. The approximate location

of the thermal treatment facility; the lightweight aggregate facility and the proposed wharf have been essentially fixed by the site boundary.

Air Quality Emissions

1.23 The Facility has been assessed and appropriate mitigation identified to ensure that the potential air quality effects on sensitive receptors from the construction, operation and decommissioning of the Facility have been fully addressed singularly and in combination with other existing or planned developments to ensure that potential effects are acceptable. It is considered that the Facility complies with air quality planning policy objectives in accordance with the NPS.

Biodiversity and Geological Conservation

1.24 The assessment of biodiversity and geological conservation has been undertaken to determine whether there are any potential impacts from the construction and operation of the facility on any such sensitive receptors.

1.25 There is some habitat loss necessitated by the scheme and biodiversity net gain is being investigated in order to ensure that there is no overall loss of biodiversity as a result of the proposed scheme. The biodiversity offset measures would provide similar habitat and also provide benefits for some of the SPA birds using the area. Mitigation measures are proposed for the avoidance of noise impacts on birds using the intertidal area for feeding and roosting and for avoidance of impacts on marine mammals and fish. The activities assessed included: Underwater noise effects from piling and dredging activities; Collision risk; Visual disturbance due to vessels and lighting; Increased noise levels; and Potential emissions of NO_x, SO_2, and deposition of nitrogen, acid and ammonia on sensitive habitats and species. Issues associated with biodiversity and geology have been fully considered in accordance with the NPS. Potential residual effects were assessed to not be significant. Potential for effects on the protected sites is discussed in 1.73.

1.26 With respect to terrestrial ecology, the Principal Application Site and its immediate surroundings include a mixture of semi-improved grassland with scattered shrubs, areas of tall ruderals including nettles, intact hedgerows, hardstanding and areas of rubble. The development of the facility will result in the loss (temporary and permanent) of terrestrial habitat including: hedgerows; semi natural broad leaved woodland; scrub; semi improved neutral grassland; arable land; mudflat saltmarsh and earth banking, however landscape mitigation planting is incorporated within the facility which in turn will result in long-term benefits to both visual amenity and ecological receptors.

Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation;

1.27 The assessment of Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation considerations has been undertaken to ascertain the potential impacts of the Facility. These are reported in the Statutory Nuisance Statement (document reference 5.5.)

1.28 The design of the scheme has evolved to include a series of embedded mitigation measures to militate against potential impact on receptors from dust and odour. The control of odour is integral to the Facility. With respect to potential odour, the assessment highlights that potential odour effects associated with construction phase of works are not significant.

1.29 The construction and operation of the Facility is not predicted to lead to any significant effects during its operation which would require additional mitigation measures. As the Facility would be required to operate under the provisions of an Environmental Permit (administered by the Environment Agency), this is considered to be an adequate mechanism to ensure that significant

impacts are not experienced. Potential infestation would be managed in principle by the conditions imposed by the Environmental Permit for the Facility.

1.30 Other than for a short period at start up using black start generators, to allow the EfW to get to get to operating temperature there will be no smoke emissions. Smoke generation at start up would be allowed under the Environmental Permit, but only at notifiable times. Dependent upon ambient external air temperature, water vapour emissions will on occasions be visible from the Facility stacks (but will not result in loss of amenity (air or visual) to sensitive receptors. The Facility would operate 24 hours a day therefore artificial lighting will therefore be required during the hours of darkness to fulfil health and safety requirements. With mitigation measures applied including operation controlled in accordance with an Environmental Permit, the potential residual effects of the development from dust, odour, artificial light, smoke, steam and insect infestation will not be significant.

1.31 Full and appropriate consideration has been given to issues associated with Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation. It has been demonstrated that singularly and in combination with other existing or planned developments, predicted effects are not significant given the mitigation embedded through design or operational practice built in the DCO.

Flood Risk

1.32 The Flood Risk Assessment (document 6.4.13) that accompanies this application confirms that, based on flood risk management techniques, the risk of flooding is considered low and the Principal Application Site is appropriate for development in accordance with the NPS. As part of this assessment a sequential and exceptions test has been carried out. In the context of the Principal Application Site being assessed as a suitable location for industrial, energy and waste facilities and the locational requirements of the Facility, it is concluded that these tests have been appropriately demonstrated.

Historic Environment

1.33 There are no designated assets within the Application Site. A total of six Listed Buildings are within 1 km, whilst four Scheduled Monuments and a further 22 Grade II* and I Listed structures are found within 3 km. These heritage features include: Wybert's Castle; Slippery Gowt Sluice; Maud Foster Sluice; the Parish Church of St Nicholas; St Botolph's Church tower and the conservation areas of Skirbeck and Wyberton.

1.34 Non-designated assets within 1 km are predominantly medieval to modern in date, mostly in the form of buried deposits associated with farmsteads. The most notable non-designated asset is the 'Roman Bank'. There is potential for heritage assets and archaeological remains to be present associated with The Haven mudbanks and the foreshore.

1.35 Heritage input into the design of the layout of the facility has been provided, to ensure avoidance of impact to the historic environment where possible. The Facility has been designed with the historic environment in mind, particularly in minimising any potential impacts to the setting of nearby heritage assets.

1.36 The ES assessment of effects adopts a 'worst case' approach upon the heritage assets identified with respect to construction, operation and decommissioning of the wharf and the facility. With the application of mitigation measures specific to each asset assessed where required, residual impacts in all cases were considered not to be significant.

1.37 It is therefore considered that issues associated with heritage singularly and in combination with other existing or planned developments have been fully addressed in accordance with the NPS.

Landscape and Visual

1.38 The Landscape and Visual Impact Assessment (LVIA) (document 6.2.9) that supports this DCO application identifies predicted landscape and visual effects that would arise from the construction stage of the development and at both the early and long-term operational stages of the facility. With respect to landscape, the construction and decommissioning stages will be the most disruptive, where activities would be temporary and seen in the context of existing surrounding industrial uses. The construction stage effects on the Principal Application Site and immediate environs with the incorporation of mitigation are not likely to be significant. During operation, the overall effects on the landscape character are not likely to be significant. The long-term establishment of proposed landscaping will introduce some beneficial effects on the landscape character. The proposed Habitat Mitigation Area will include minor ground level works requiring limited use of plant and equipment over a very short period of time. There will be no built development within this area and the Habitat Mitigation Area is not therefore included within the scope of the assessment.

1.39 With respect to visual considerations, during both construction and operation, representative viewpoint analysis indicates that significant effects would be limited to receptors in close proximity to the Principal Application Site, typically within 500 m of the site boundary. Plumes would be visible though they would only occur during certain meteorological conditions.

1.40 Residential properties, the Skirbeck Conservation Area, and users of the footpath routes and recreational boats along The Haven are in close proximity to the Principal Application Site and would obtain close range, open views towards the Facility. Close range and high- level construction and operational activity when viewed from four locations: one from the north bank of the Haven; close to St Nicholas's church; Looking east from Marsh Lane; and east of Slippery Gowt would incur effects which are significant in EIA terms. Effects during the early operational stages of the facility when viewed from Slippery Gowt would be slightly reduced in comparison to the construction stage of development.

1.41 The development is a major new development in an area which is already subject to significant large scale industrial activity of a similar character. Full and proper consideration has been given to the potential effects of the development on the local landscape and on views. It is considered that the scheme singularly and in combination with other existing or planned developments accords with planning policy guidance including the objectives in the NPS.

Land Use including Open Space, Green Infrastructure;

1.42 Riverside Industrial Estate is characterised by industrial land and activities including a recycling centre, a household waste recycling centre and warehouses. The site itself currently comprises mainly semi-improved grassland and vacant former agricultural land with access roadways.

1.43 One sensitive land use, the Havenside LNR on the opposite bank of The Haven is located near to the Principal Application Site. In addition to this, a local public rights of way (PROW) network routes from north to south within the Principal Application Site but does not intersect with the Habitat Mitigation Area

1.44 During site surveys, potential contaminants including metals and metal compounds, petroleum hydrocarbons, fuel ash, inorganic contaminants and asbestos were identified as potential contaminants of concern that could be present on the Application Site due to historic uses at the Industrial Estate. The site has been used for agricultural purposes, however it is not considered

to function as best and most versatile agricultural land. The significance of the effect upon agricultural soils is considered to be negligible during construction.

1.45 With respect public rights of way, the DCO application details the proposed stopping up of PROW and identifies the alternative routes.

Noise and Vibration

1.46 A Noise and Vibration Assessment (document 6.2.10) addresses the impact of the facility in relation to road and vessel traffic and vehicle trips, vibration and piling associated with temporary and permanent plant equipment during the construction, operation and decommissioning of the Facility.

1.47 The Facility has been designed to incorporate standard industry practices for this type of development. The principles of Best Available Techniques (BAT) have been applied in designing the facility and for any sound emitting mobile and fixed plant. The principle of BAT ensures that suitable mitigation measures are embedded into the design and operation of the Facility.

1.48 Impacts associated with day time construction and decommissioning were not considered to be significant. For construction, the operation of piling rigs and ancillary equipment is expected to produce the greatest vibration impacts however given the separation distances between the sources of vibration and the nearest sensitive receptors the peak particle velocity levels would be below the British Standard criteria. As a result, the impact would not be significant. During construction, the residual noise effect during a peak construction traffic scenario is predicted to not be significant.

1.49 Analysis of the predicted operational noise levels identified the Air Cooled Condensers as the dominant noise source, along with the Wharf handling cranes, the transformer at the Power Export Zone, Building, Chillers and Transformers. With the application of mitigation measures as required, residual effects at noise sensitive receptors are not significant.

1.50 Operation of the Facility is not predicted to produce significant vibrational impacts due to embedded engineering design to minimise vibrational effects on the plant at source, thus minimising transmission of vibration to the surrounding structures and environment.

1.51 It has been demonstrated that with the inclusion of mitigation where this is required, the impact of the Facility singularly and in combination with other existing or planned developments will not be significant. Furthermore, the choice of technology and proposed configuration of plant and associated infrastructure embeds mitigation into the Facility avoiding significant adverse impacts on the health and quality of life of nearby receptors. The Facility accords fully with NPS in that the application has provided a description and assessment of the of the noise and vibration generating aspects of the development.

Socio-Economic

1.52 The Assessment (document 6.2.20) sets out the clear socio-economic benefits of the Facility predicted as a result of its construction and operation. Its primary benefit is its contribution towards energy security on a local, regional and national level and other benefits relating to facility are identified as being direct and indirect employment benefits, increases in spending in the local economy and together, these are expected to make a contribution towards boosting the economy.

1.53 The development of the Facility is in accordance with NPS-EN1 in that it provides both local and regional socio-economic benefits. Most notably it will contribute to the provision of renewable energy and waste management practices on a national level. It will also provide direct and

indirect employment opportunities in different specialisms and it is committed to training and education programmes. Most significant weight should be given to this as a benefit of the facility in securing long term sustainability.

Traffic and Transport

1.54 The Assessment (document 6.2.19) identifies the traffic movements associated with construction, operation and decommissioning and assesses their impact on local road links and junctions, traffic flows and pedestrian amenity. Additionally, it assesses the impact of the Facility to divert the PROW network that passes through the Principal Application Site. The Facility will also include embedded mitigation measures to reduce the impact of the Facility where necessary.

1.55 The decision to locate the Facility at the Riverside Industrial Estate was based on development plan allocation, availability and its location in proximity to The Haven. Location next to the Haven enables RDF to be transported to the site by water and allows aggregate material generated by the power generation process to be transported from site by boat. The ability to transport materials by water will significantly reduce the potential impact of the facility upon the local road network.

1.56 With mitigation measures embedded within the scheme and additional measures identified by the assessment, the residual impacts of traffic movements associated the Facility upon sensitive receptors are assessed to be not significant.

Waste Management

1.57 A waste assessment (document 6.2.23) supports this application. It identifies several embedded mitigation measures to both reduce potential impacts of waste and the measures that can be implemented to eliminate or reduce the anticipated quantity of waste sent to landfill by implementing the Waste Hierarchy. These measures would increase reuse, recycling or recovery opportunities, thereby reducing the effect of significant environmental impacts. A Site Waste Management Plan (SWMP) will be prepared prior to construction to record any decisions given to materials resource efficiency when designing and planning the works. The construction of the Facility will operate in accordance with a SWMP minimising the amount of waste produced and sent for disposal. The construction works on the Habitat Mitigation Area will not generate any waste materials requiring disposal.

1.58 The Energy from Waste facility will be Waste Framework Directive R1 compliant, recovering energy for distribution to the Grid. Ash and air pollution control residues will be processed to a marketable form as an aggregate.

1.59 Greenhouse gas emissions reporting which accompanies the application (document reference, 6.2.21) concludes Greenhouse gas emissions associated with provision of the Facility would be lower or similar when compared to existing waste treatment streams. The 6th Carbon Budget, published in December 2020, was the first Carbon Budget to be released following the adoption of the 2050 Net Zero target by the UK Government, which sets a limit on GHG emissions released in the period 2033 - 2037. Approximately 20% of emissions are projected to arise from industrial sources, and 10% from grid electricity in the 6th Carbon Budget (CCC, 2020). It is anticipated that the Facility will operate during this five year period, therefore annual GHGs arising from activities associated with the Facility were compared to the emission limit set out in the 6th Carbon Budget.

1.60 Gross GHG emissions arising from operation of the Facility are predicted to contribute approximately 0.06% per year to the 6th UK Carbon Budget (or 0.3% over the five year period).

As such, the Facility is not considered to have a significant effect on the UK meeting its Carbon Budgets that are implemented up to 2032.

1.61 Greenhouse gas emissions arising from the Facility, accounting for the offset of savings elsewhere in the UK energy generation sector, will not impact the UK's ability to meet its 2050 carbon reduction targets.

1.62 The Facility will sustainably manage the waste it produces and well as provide a sustainable means of managing waste, all in accordance with the Waste Hierarchy and the NPS.

Water Quality and Resource

1.63 The Facility has the potential to impact on The Haven, as a nearby waterbody, on the existing surface water and on the water courses at the Application Site. With respect to onshore development, the potential impacts of the construction and operation of the Facility on water resources and flood risk receptors have been identified and their significance is assessed (document reference 6.2.13). The following key potential impacts addressed for the construction stage were: Direct impacts on drainage systems; Increased sediment supply; Accidental release of contaminants; Changes to surface water runoff and flood risk. In addition, the following impacts were addressed for the operation stage: Changes to surface water runoff and flood risk and supply of fine sediment and other contaminants.

1.64 Following the application of embedded measures to manage sediment, pollution and drainage, none of these potential effects were determined to be significant.

Navigation

1.65 Methodologies proposed for the construction and operation of the Facility, which are considered to provide mitigation of relevance to navigational safety on The Haven, include: carrying out capital and maintenance dredging of the wharf from land, using land-based equipment; and, carrying out construction of the wharf from land. To manage the potential impacts which could arise from the construction and operation of the Facility it is proposed that a Navigation Management Plan (NMP) will be produced in conjunction with the Port of Boston to manage navigational safety.

1.66 The residual effects of the Facility upon navigational considerations have been assessed (document 6.2.18). Following the incorporation of mitigation measures within the scheme, the effects of the Facility on navigation will not be significant apart from operational effects due to the increased number of vessels using The Haven, and the increased use of the turning circle affecting the fishermen.

Conclusion

1.67 The Facility presents an opportunity to deliver a Thermal Treatment Facility that will generate approximately 102MWe (gross) of renewable electricity of which approximately 80 MWe net will be delivered to the National Grid for distribution via a 132 kV on site grid connection. The UK is committed to generate at least 15% of energy demand from renewable energy sources by 2020 to Net Zero by 2050 through a 100% reduction in emissions. As part of the UK's need to diversify and decarbonise electricity generation, the UK Government is committed to increasing dramatically the amount of renewable generation capacity. Increasingly it may include electricity generation plant powered by the combustion of biomass and waste.

1.68 As such there is highly supportive policy context for the consideration of the application. Further support is derived from a detailed appraisal of the Facility. It has been demonstrated that the Facility is in conformity with the case for need as set out within NPS EN-1 and that

when developed and operational the Facility will contribute in a timely way to the need for new low carbon electrical generation capacity to meet the UK's growing demand for renewable sources of energy. The Facility will provide benefit by managing and recovering value from residual waste generated in the UK, providing a sustainable alternative to exporting waste for use outside of the UK. The Facility will also contribute to the further diversion of residual wastes away from landfill.

1.69 The development will create an economic benefit satisfying policy objectives at a local and regional level.

1.70 A number of substantial benefits arise which are ascribed significant weight, summarised as follows:

1. NPS EN-1 is unequivocal in highlighting the scale and urgency of need that exists for nationally significant energy infrastructure, particularly low carbon, renewable energy generation, including plant powered by the combustion of biomass and waste. It is clear from reporting prepared by the Department of Business, Energy and Industrial Strategy, the National Infrastructure Commission and the National Grid of the urgency for the development of new renewable low carbon energy generating capacity to meet national need. The Facility will contribute to meeting this urgent need. This need is accorded significant weight.
2. Reflecting this urgent need, within a 48m months development timeframe, the Facility is likely to be commissioned and operational by Q3 of 2026 assuming the DCO application is approved by Q4 2021.
3. The Facility would contribute to energy security by providing reliable electricity generation to the national electricity grid over a period of at least 25 years.
4. The development plan allocates land for Waste Management uses including energy recovery. The Facility is predominantly located within this area.
5. When read as a whole the development accords with development plan policy. This is accorded modest weight in respect to Section 104 (7) of the Planning Act 2008.
6. The Facility would provide significant benefits for the regional and local economy, in terms of direct and indirect employment during the construction and operational phases. The facility will support approximately 651 direct and indirect jobs over the 48 months construction period. It is estimated that up to 132 (44%) will be taken by local residents to Boston (some 14% of the construction labour force).
7. The Facility is CHP ready.
8. The 'Proximity Principle' as established in the revised Waste Framework Directive, 2008/98/EC) (rWFD), requires waste to be disposed of, or recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies. The Facility, would provide further energy generating capacity with the UK using waste as fuel, providing greater national self- sufficiency in managing such waste, thereby offsetting the propensity to export RDF to Europe in the quantities recently reported.
9. In addition, recovery of energy from residual waste at the Facility is a preferential option on the waste hierarchy compared to landfill; and managing the UK waste within the UK, rather than exporting it, promotes the proximity principle at a national scale. Furthermore, the on-site manufacture of aggregate by recycling the thermal treatment residues and APC residues promotes the waste hierarchy and the proximity principle.

10. The Facility would not affect the implementation of the relevant Waste Plans and is sited in accordance with the locational considerations in NPS EN-3, NPPW, and the LMWLP and SELLP.

11. Greenhouse gas emissions associated with provision of the Facility would be lower or similar when compared to existing waste treatment streams. Therefore, greenhouse gas emissions arising from the Facility, accounting for the offset of savings elsewhere in the UK energy generation sector, will not impact the UK's ability to meet its 2050 carbon reduction targets. Whilst it is not required to do so, the Facility provides for carbon capture.

12. The facility produces a lightweight aggregate, which would be transported off-site via ship for use in the construction industry.

13. Ships are to be used to deliver aggregate for construction and waste during operation, reducing road transport effects.

14. Limited compulsory acquisition is required.

1.71 If agreement could be reached with Lincolnshire County Council, there is the potential for the Facility to accept residual household waste from the Slippery Gowt Transfer Station (TS) operated by Lincolnshire County Council (LCC). This receives all of the residual household waste from Boston Borough Council (BBC) and South Holland District Council (SHDC) areas, and some residual household waste from East Lindsey Council area.

1.72 Notwithstanding the embedded mitigation, potential impact has been predicted with respect to the visual impact of the Facility for identified viewpoints within 500 metres of the Principal Application Site.

1.73 A document has been prepared in order to provide the information for an Appropriate Assessment (Habitat Regulation Assessment) decision to be made with respect to the potential effects of the Facility upon: The Wash SPA; The Wash Ramsar site and The Wash and North Norfolk Coast SAC. This document assesses the potential for adverse effects on conservation features from the construction and operation of the Facility. The document has concluded that there will be no adverse effect on the function and integrity of The Wash SPA; The Wash Ramsar site; and the Wash and North Norfolk Coast SAC.

1.74 This Statement has therefore demonstrated why the making of the order is desirable, accords with the criteria in Section 104 of the PA 2008 and it is therefore respectfully considered that the DCO should be granted.

2.0 Introduction

Overview

2.1 This 'Planning Statement' document (Document Reference 5.2), prepared on behalf of the Applicant, forms part of an application for a Development Consent Order ('DCO') made to the Secretary of State for Business, Energy and Industrial Strategy ('SoS') pursuant to Section 37 of the Planning Act 2008 (PA 2008).

2.2 The Applicant is seeking development consent for the construction, operation and maintenance of an energy from waste (EfW) power station which will have a renewable generating capacity of approximately 102 megawatts electric (MWe) (delivering approximately 80 MWe of renewable energy to the National Grid). The Facility includes a lightweight aggregate manufacturing plant, a new wharf and a feeding stock checking, processing and storage facility, two carbon dioxide recovery plants, and electrical export infrastructure to support the operational phase of the development on land at the Riverside Industrial Estate, located on the bank of The Haven in Boston, Lincolnshire (the 'Principal Application Site'). A separate Habitat Mitigation Area is also included as part of the Facility, located approximately 170 m south east of the Principal Application Site.

2.3 The Boston Alternative Energy Facility (the 'Facility') will contribute to the Government's target to deliver 15% of the UK's energy consumption from renewable sources by 2020. This technology will contribute to Government sustainable energy targets to achieve net zero by 2050 through a 100% reduction in emissions and through its contribution to diverting the export of refuse derived fuel from the UK to the European continent providing a better sustainable means of recovering value from this energy source.

Consenting Regime

2.4 The generating capacity of the Facility is in excess of the 50MWe threshold set out within Section 15 of the PA 2008 for generating stations and it is therefore classified as a Nationally Significant Infrastructure Project ('NSIP'). Section 31 of this Act requires applicants to seek development consent for this type of development insofar as it is or forms part of the NSIP.

2.5 The DCO, if made by the SoS, would be known as 'Boston Alternative Energy Facility Order' ('the Order').

2.6 This application is made in accordance with Section 37 of the PA 2008, the Infrastructure Planning (Applications: Prescribed Forms and Procedure Regulations) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Section 37 of the PA 2008 governs the content of a DCO application, including the requirements for the activities that need to be undertaken during the pre-application stage of the Facility and the accompanying documents that need to form part of the application. The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 prescribes additional documents that must accompany a DCO application. The Infrastructure Planning (Environmental Impact Assessment) Regulations (as amended) sets out the requirements for EIA.

Requirement for EIA

2.7 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) require that an EIA is carried out for any development listed in Schedule 1 and development listed in Schedule 2 if it is likely to have significant effects on the environment. The proposed Boston Alternative Energy Facility (the Facility) falls within Schedule 2 - Part 3a of the

EIA Regulations which identifies industrial installations for the production of electricity steam and hot water. Given the location, scale and nature of the Facility, and notwithstanding the selection criteria in Schedule 3A of the EIA Regulations, it is considered that the facility may have the potential to give rise to significant effects on the environment. In consideration of the nature of the Facility and its associated development, the Applicant has determined that an Environmental Impact Assessment would be required without a request for a formal screening opinion. An Environmental Statement accompanies the DCO application (document 6.2).

2.8 The purpose of this planning statement is to assist the Examining Authority and the SoS in its assessment of the Application by demonstrating how the Applicant has addressed relevant planning policy, notably the National Policy Statements ('NPS') for energy infrastructure, and the extent to which the Facility complies with the policies within those NPSs, as well as other policies and strategies, legal obligations, and important and relevant matters.

Application Submission

2.9 This Planning Statement ('the Statement') provides an assessment of the planning considerations associated with the Facility. It brings together the necessary information to appraise the Facility with respect to relevant policy requirements primarily within relevant National Policy Statements and where important and relevant, local development plan documents or other documents in the local development framework. The Statement cross refers to other DCO documents which provide a description on the of the development, proposed mitigation measures and other planning commitments.

2.10 This statement should be read in conjunction with Appendix 1 (National Planning Policy Framework and Development Plan Policies); Appendix 2 (Application Drawings, document reference 4.1 0 - 4.11); and, Appendix 3 (Glossary, document reference 6.2.27).

2.11 In accordance with the above legislation and the Planning Inspectorate's Advice Note 6, the application for Facility comprises a suite of documents which include: -

Table 2.1 Application Documentation

Application Document Reference	Application Document Name	Statutory/ other Requirement for Document
Category 1: Application Form		
1.1	Application Cover Letter	5(2)(q)
1.2	Application Guide	5(2)(q)
1.3	Application Form	Section 37(3)(b) and 5(1)
1.4	s.55 Checklist	5(2)(b)
Category 2: Plans / Drawings		
2.1	Draft Development Consent Order	5(2) (c)
2.2	Explanatory Memorandum	5(2)(c)
2.3	Validation Report	5(2)(q)
Category 3: Draft Development Consent Order		
3.1	Statement of Reasons	5(2)(h)
3.2	Funding Statement	5(2)(h)
3.3	Book of Reference	5(2)(d)
Category 4: Plans and Drawings		
4.1	Location Plan	5(2)(o)
4.2	Land Plan and Crown Land Plan	5(2)(i)(i)(ii) and (iii) and 5(2)(n)

Application Document Reference	Application Document Name	Statutory/ other Requirement for Document
4.3	Works Plans	5(2)(j)
4.4	Illustrative Landscape Plans	5(2)(o)
4.5	Access and Rights of Way Plan	5(2)(k)
4.6	Statutory and Non-Statutory Sites or Features of Nature Conservation and Habitats Plan	5(2)(l)(i) and 5(2)(I)(ii)
4.7	Water Bodies in a River Basin Management Plan	5(2)(l)
4.8	Heritage Assets	5(2)(m)
4.9	Indicative Generating Station Plan	5(2)(o)
4.10	Indicative Electrical and Water Connection Plan	5(2)(o)
4.11	Indicative Wharf Plans	5(2)(o)
Category 5: Reports		
5.1	Consultation Report	Section 37(3)(c)
5.2	Planning Statement	5(2)(q)
5.3	Design and Access Statement	5(2)(q)
5.4	Other Consents and Licences	5(2)(q) and PINS Advice Note 6
5.5	Statutory Nuisance Statement	5(2)(f)
5.6	Electricity Grid Connection Statement	5(2)(p) and Reg. 6(1)(a)(i)
5.7	Combined Heat and Power Assessment	5(2)(q) EN-1 - 4.6 and EN-3 - 2.5.26-2.5.27
5.8	Fuel Availability and Waste Hierarchy Assessment	5(2)(q) and NPS EN-3 – paras.2.5.66-2.5.69
Category 6 Environmental Impact Assessment		
6.1	Environmental Statement Non-Technical Summary	5(2)(a)
6.2.1.	Chapter 1 Introduction	5(2)(a)
6.2.2.	Chapter 2 Project Need	5(2)(a)
6.2.3.	Chapter 3 Policy and Legislation	5(2)(a)
6.2.4.	Chapter 4 Site Selection and Alternatives	5(2)(a)
6.2.5.	Chapter 5 Project Description	5(2)(a)
6.2.6.	Chapter 6 Approach to Environmental Impact Assessment	5(2)(a)
6.2.7.	Chapter 7 Consultation	5(2)(a)
6.2.8.	Chapter 8 Cultural Heritage	5(2)(a)
6.2.9.	Chapter 9 Landscape and Visual Impact	5(2)(a)
6.2.10.	Chapter 10 Noise and Vibration	5(2)(a)
6.2.11.	Chapter 11 Contaminated Land, Land Use and Hydrogeology	5(2)(a)
6.2.12.	Chapter 12 Terrestrial Ecology	5(2)(a)
6.2.13.	Chapter 13 Surface Water, Flood Risk and Drainage Strategy	5(2)(a)
6.2.14.	Chapter 14 Air Quality	5(2)(a)
6.2.15.	Chapter 15 Marine Water and Sediment Quality	5(2)(a)
6.2.16.	Chapter 16 Estuarine Processes	5(2)(a)
6.2.17.	Chapter 17 Marine and Coastal Ecology	5(2)(a)
6.2.18.	Chapter 18 Navigational Issues	5(2)(a)
6.2.19.	Chapter 19 Traffic and Transport	5(2)(a)

Application Document Reference	Application Document Name	Statutory/ other Requirement for Document
6.2.20.	Chapter 20 Socio-Economics	5(2)(a)
6.2.21.	Chapter 21 Climate Change	5(2)(a)
6.2.22.	Chapter 22 Health	5(2)(a)
6.2.23.	Chapter 23 Waste	5(2)(a)
6.2.24.	Chapter 24 Major Accidents and Risk Management	5(2)(a)
6.2.25.	Chapter 25 Transboundary Impacts	5(2)(a)
6.2.26	Chapter 26 Summary	5(2)(a)
6.2.27	Glossary	5(2)(a)
6.2.28	Scoping Opinion	5(2)(a)
6.3.1	Chapter 1 Figure 1.1	5(2)(a)
6.3.2	Chapter 5 Figures 5.1 - 5.3	5(2)(a)
6.3.3	Chapter 8 Figure 8.1	5(2)(a) and 5(2)(m)
6.3.4	Appendix 8.1 Figures A8.1 - A8.2	5(2)(a) and 5(2)(m)
6.3.5	Chapter 9 Figures 9.1 - 9.5	5(2)(a)
6.3.6	Chapter 9 Figures 9.6 - 9.14	5(2)(a)
6.3.7	Chapter 9 Figure 9.15	5(2)(a)
6.3.8	Chapter 9 Figure 9.16	5(2)(a)
6.3.9	Chapter 9 Figure 9.17	5(2)(a)
6.3.10	Chapter 9 Figure 9.18	5(2)(a)
6.3.11	Chapter 9 Figure 9.19	5(2)(a)
6.3.12	Chapter 9 Figure 9.20	5(2)(a)
6.3.13	Chapter 9 Figure 9.21	5(2)(a)
6.3.14	Appendix 10.1 Figures A10.1 - A10.2	5(2)(a)
6.3.15	Chapter 11 Figures 11.1 - 11.7	5(2)(a)
6.3.16	Chapter 12 Figures 12.1 - 12.3	5(2)(a)
6.3.17	Appendix 12.1 Figures A12.1 - A12.2	5(2)(a)
6.3.18	Chapter 13 Figures 13.1 - 13.2	5(2)(a)
6.3.19	Appendix 13.1 Figures A13.1.1 - A13.1.2	5(2)(a)
6.3.20	Appendix 13.2 Figures A13.2.1 - A13.2.3	5(2)(e)
6.3.21	Chapter 14 Figures 14.1 - 14.5	5(2)(a)
6.3.22	Chapter 14 Figures 14.6 - 14.15	5(2)(a)
6.3.23	Chapter 15 Figures 15.1 - 15.3	5(2)(a)
6.3.24	Chapter 16 Figures 16.1 - 16.8	5(2)(a)
6.3.25	Chapter 17 Figures 17.1 - 17.10	5(2)(a) and 5(2)(g)
6.3.26	Chapter 19 Figures 19.1 - 19.7	5(2)(a)
6.4	Environmental Statement Volume III (Technical Appendices)	5(2)(a)
6.4.1.	Appendix 1.1 Statement of Competency	5(2)(a)
6.4.2.	Appendix 6.1 List of Cumulative Schemes	5(2)(a)
6.4.3.	Appendix 8.1 Cultural Heritage Desk Based Assessment	5(2)(a)
6.4.4.	Appendix 8.2 Geophysical Survey Report: Boston Alternative Energy Facility	5(2)(a)
6.4.5.	Appendix 9.1 Landscape and Visual Impact Assessment Methodology	5(2)(a)

Application Document Reference	Application Document Name	Statutory/ other Requirement for Document
6.4.6.	Appendix 9.2 Representative Viewpoint Analysis Tables	5(2)(a)
6.4.7.	Appendix 10.1 Baseline Noise Survey	5(2)(a)
6.4.8.	Appendix 11.1 Land Quality Phase 1 Preliminary Risk Assessment	5(2)(a)
6.4.9.	Appendix 11.2 Lincs Laboratory, Ground Investigation Report for Boston Waste Transfer Station	5(2)(a)
6.4.10.	Appendix 11.3 T.L.P. Ground Investigation Report Proposed Power Generation Plant	5(2)(a)
6.4.11.	Appendix 12.1 Extended Phase 1 Habitat Report	5(2)(a)
6.4.12.	Appendix 13.1 Water Framework Directive Compliance Assessment	5(2)(a)
6.4.13.	Appendix 13.2 Flood Risk Assessment	5(2)(e)
6.4.14.	Appendix 14.1 Construction Phase Dust and Particulate Matter Assessment Methodology	5(2)(a)
6.4.15.	Appendix 14.2 Dispersion Modelling Methodology	5(2)(a)
6.4.16.	Appendix 14.3 Tabulated Assessment Results	5(2)(a)
6.4.17.	Appendix 16.1 Supplementary Information to Estuarine Processes	5(2)(a)
6.4.18.	Appendix 17.1 Habitats Regulations Assessment	5(2)(g)
6.4.19.	Appendix 17.2 Breeding Bird Survey Report	5(2)(a)
6.4.20.	Appendix 19.1 Boston Waste Transfer Station Summary	5(2)(a)
6.4.21.	Appendix 19.2 Personal Injury Collision Location Plan	5(2)(a)
6.4.22.	Appendix 19.3 Transport Assignment on Indicative Construction Programme	5(2)(a)
6.4.23.	Appendix 19.4 2021 and 2025 Background Forecast Traffic Flows	5(2)(a)
6.4.24.	Appendix 19.5 Junction Modelling Matrices	5(2)(a)
6.4.25	Appendix 19.6 Junction Modelling Outputs	5(2)(a)
6.4.26	Appendix 22.1 Health Baseline Statistics	5(2)(a)
Category 7 Other Documents		
7.1	Outline Code of Construction Practice	5(2)(q)
7.2	Outline Construction Traffic Management Plan	5(2)(q)
7.3	Outline Written Scheme of Investigation	5(20(q)
7.4	Outline Landscape and Ecological Mitigation Strategy	5(2)(q)
7.5	Outline Lighting Strategy	5(2)(q)
7.6	Register of Environmental Actions and Commitments	5(2)(q)

Structure of Report

2.12 This Planning Statement adopts the following structure: -

- **Section 3.0 Background:** explains the background to the application, including information on the Applicant; the requirement for renewable energy generation infrastructure; and relevant planning history for the Application Site. It also provides an overview account of the consultation activities undertaken as part of the pre-application process;
- **Section 4.0 Site Location and Description:** contains a description of the Application Site and the Facility in the context of the surrounding area;
- **Section 5.0 The Facility** describes the Facility;
- **Section 6.0 Legislation and Policy:** outlines the legislative and planning policy context of the Facility;
- **Section 7.0 Planning Assessment:** assess the Facility with respect to the relevant policy themes of relevant National Policy Statements and where important and relevant with reference to national planning policy and the development plan.
- **Section 8.0 Other Matters:** includes a description of the known DCO requirements and obligations;
- **Section 9.0 Conclusion**

3.0 Background

Introduction

3.1 This Section of the Statement explains the background to the DCO application. It provides information on the Applicant, sets out the context to the Facility. It also includes a summary of the work undertaken by the Applicant during the pre-application stage, summarising the nature of the consultation undertaken both with statutory consultees and the local community.

The Applicant

3.2 Alternative Use Boston Projects Ltd (AUBP) is a privately-owned company with its core business in energy recovery facilities and renewable projects producing 'Green Energy'. The company team has been involved in industrial development at the Principal Application Site in Boston, Lincolnshire since 2004. In 2010 consent was obtained for a 12MWe Gasification Power Station that would process waste wood (known as Boston Biomass Plc) with enabling works carried out during 2013. This facility was sold to Aviva Investors in November 2015, along with the right to develop the facility, and in September 2016 it was transferred to Biomass UK No. 3 Ltd. The Biomass UK No. 3 Ltd facility is entirely separate to the proposed Facility.

Energy Recovery

3.3 The DCO application is for a Thermal Treatment Facility (The Facility) that will generate approximately 102MWe (gross) of renewable electricity of which approximately 80 MWe net will be delivered to the National Grid for distribution via a 132 kV on site grid connection. The energy recovery facility will us3 RDF as the feedstock to generate electricity through steam turbine generators.

3.4 Energy is vital to economic prosperity and social well-being. Therefore, it is important to ensure that the UK has secure available and affordable energy. Producing the energy that the UK requires necessitates a significant amount of infrastructure, both large and small scale. With respect to security of energy supplies, it is critical that the UK continues to have secure and reliable supplies of electricity as it makes the transition to a low carbon economy. To manage the risks to achieving security of supply the UK needs sufficient electricity capacity (including a greater proportion of low carbon generation) to meet demand at all times.

3.5 The UK is committed to generate at least 15% of energy demand from renewable energy sources by 2020 and to Net Zero by 2050 through a 100% reduction in emissions. As part of the UK's need to diversify and decarbonise electricity generation, the UK Government is committed to increasing dramatically the amount of renewable generation capacity. Increasingly it may include electricity generation plant powered by the combustion of biomass and waste.

3.6 The recovery of energy from the combustion of waste, where in accordance with the waste hierarchy, will play an increasingly important role in meeting the UK's energy needs. Where the waste burned is deemed renewable, this can also contribute to meeting the UK's renewable energy targets. Further, the recovery of energy from the combustion of waste forms an important element of waste management strategies in both England and Wales.

3.7 The Government's Waste Strategy for England 2007 (Defra, 2007) introduced stringent targets for increasing recycling and reducing landfill. This was reinforced by the National Waste Management Plan for England in July 2013 (Defra, 2013). The key aim of the Waste Management Plan for England was to set a direction towards a 'zero-waste economy' as part of the transition to a sustainable economy. In particular, this means using the "Waste Hierarchy"

(a priority order for waste management from waste prevention, re-use, recycling, recovery and finally to disposal as a last option) as a guide to sustainable waste management.

3.8 The EU's Circular Economy Package (CEP) entered into force at the start of July 2018. The implementation of CEP in the UK will be subject to the UK withdrawal agreement. However, the UK is likely to implement rigorous targets for diverting waste from landfill; and managing the waste produced by households. The UK's own Circular Economy Package was published on 30 July 2020 by the UK, Welsh, Scottish and Northern Ireland governments and is predominantly the same as the European CEP. The Government will be making the required legislative changes required to transpose the CEP measures into UK law.

3.9 The Government's environment plan, 'A Green Future: Our 25 Year Plan to Improve the Environment (Defra, 2018)' sets out goals for improving the environment within a generation and leaving it in a better state. In terms of waste management, it seeks to minimise waste, reuse materials and manage materials at the end of their life to minimise the impact on the environment, by "… : *working towards the ambition of zero avoidable waste by 2050 and … meeting all existing waste targets – including those on landfill, reuse and recycling – and developing ambitious new future targets and milestones*."

3.10 Thermal Treatment facilities are clearly seen as an important option for meeting the UK's future energy needs and, with this in mind, the Applicant is committed to bringing forward the Facility to contribute to meeting the current capacity gap and to deliver the wider associated benefits. The need for such a facility in Boston and on a national scale is discussed further in Section 6 of this Planning Statement.

Pre-Application Process

3.11 The pre-application process has been undertaken in accordance with the requirements set out in the Planning Act 2008, the Infrastructure Planning (Environment Impact Assessment) Regulations 2017 (as amended) and non-statutory guidance notes published by the Planning Inspectorate.

3.12 The process has involved extensive consultation from the project's inception to the submission of this application. The consultation process has been crucial for informing key stakeholders on the Facility. It has been used to influence the design evolution of the scheme and the approach to technical work and assessments undertaken for the application.

3.13 In accordance with the PA 2008 and the Planning Inspectorate's Advice Note 6, full details of the consultation process are set out within a separate Community Consultation Report (document reference. 5.1). This includes information on engagement with statutory consultees and the local community. A summary of this process and other pre-application procedures is set out below.

Statutory Consultation

3.14 Since the Applicant announced its intention to develop the Facility, it has undertaken extensive statutory consultation in accordance with Section 42 and 47 of the PA 2008. To begin the process a number of inception meetings were held with key stakeholders, including: The Planning Inspectorate; Lincolnshire County Council; Boston Borough Council; the Port of Boston; Western Power Distribution; RSPB, Natural England; the Environment Agency; Crown Estate and the Marine Management Organisation. The purpose of this engagement was to introduce the project to these key stakeholders and to discuss the process and timescales for the application.

3.15 Follow up meetings have been held throughout the consultation process to provide updates on the project and to discuss specific issues which have arisen through the design and assessment process. Upon request, meetings have been held with interested and other statutory parties, including: neighbouring local authorities, ward and council members. A full list of those consulted on and the meetings held is included in the Community Consultation Report (document reference. 5.1).

3.16 In accordance with Section 49 of the PA 2008, the Applicant has responded to all comments received and taken account of comments raised in the design of the scheme.

3.17 Statutory consultees have in particular engaged robustly with the Applicant, providing commentary at each phase of the consultation. The Applicant has been able to consider this feedback in advance of this application, ensuring this submission addresses comments received.

3.18 In summary, the following consultation themes have been identified as being relevant to the planning policy assessment of the Facility:

i. Impacts upon port and river access;
ii. Waste management and use of land;
iii. Environmental impacts and control of emissions;
iv. Operational aspects and connectivity to the grid;
v. Ecological considerations;
vi. Hydrological considerations.

Consultation with the Local Community

3.19 Consultation has been undertaken with the local community in accordance with Section 47 of the PA 2008. An application website was set up to direct local residents to information relating to the Facility which includes a library of project documents and information on energy recovery facilities, their need and their role on a local and national scale. Other publication methods such as leaflet drops have also been used to engage with the local community to allow everyone to gain an understanding of the Facility.

3.20 A legislative compliant Statement of Community Consultation ('SOCC') was issued for formal consultation in October 2018. This included details of a two staged consultation process. Phase one of the process was a 'non-statutory' consultation and activities associated with this phase included liaising with the above statutory consultees as well as public information days in September 2018. The aim of this consultation process was to make the public aware of the Facility and it allowed them to make comments on the initial proposals. A second phase of 'non-statutory' consultation was held in February 2019 over a period of six separate days. This consultation period provided an update on the project and set out where amendments had been made to reflect comments made by the public during the first stage of consultation. It also provided the opportunity to consult on the environmental aspects of the Facility.

3.21 A third phase of statutory consultation was held in June and July 2019 and allowed the Applicant to formally consult on the Preliminary Environmental Investigation Report ('PEIR'). This Report provided details of the environmental assessments that had been undertaken, on the potential impacts of the facility and proposes mitigation measures. The consultation process also allowed the Applicant to provide an update on changes to the Facility over the first two phases of consultation. A further fourth round of non-statutory public consultation was undertaken in 2020 as a result of a project review and iterative design work. This consultation was undertaken via webinars due to the Covid-19 pandemic preventing face-to-face consultation with the public and a newsletter was sent to local residents providing an overview of the changes

made since the previous consultation and preliminary information on the impact of those changes.

3.22 The Community Consultation Report (document reference. 5.1) provides a detailed summary of the responses received throughout the four phases of consultation. Again, the comments that are relevant to the planning policy assessment of the Facility include:

- Health and Safety
- Noise
- Ecology
- Air quality, odour, emissions and pollution
- River and port
- Road traffic
- Socio economic effects and benefits
- Environmental mitigation
- Landfill waste
- Human health

EIA Consultation

3.23 Separate to the requirements set out within the Planning Act 2008, consultation has also been undertaken to agree the scope of the EIA. Detailed information is included within the ES on this process but in summary a Scoping Request was submitted to the Planning Inspectorate in June 2018 and a Scoping Opinion was received in July 2018 which confirmed the scope of the ES. EIA specific consultation was undertaken with key stakeholders during this process to discuss technical issues, where appropriate. A detailed summary of comments made is included within the ES Chapter 7 Consultation (document reference 6.2.7).

4.0 Site Location and Description

Introduction

4.1 This Section of the Statement provides a description of the Application Site, its location and planning history.

Site Location

4.2 The Facility is to be located at Riverside Industrial Estate, Boston, Lincolnshire. The Riverside Industrial Estate is adjacent to the tidal River Witham (known as The Haven) and down-river from the Port of Boston. The DCO Application Site for the Facility (herein the 'Application Site') is shown on Figure 1.1 referenced within ES Chapter 5 (document reference 6.2.5). It is located within administrative jurisdiction of both Boston Borough Council ('BBC') and Lincolnshire County Council ('LCC'). The Application Site covers 26.8 ha and comprises two components:

- the Principal Application Site (NGR TF33950 42241), which covers 25.3 hectares (ha) and will contain all of the operational infrastructure; and
- the Habitat Mitigation Area, which covers 1.5 ha and is located approximately 170 m to the south east of the Principal Application Site, encompassing an area of saltmarsh and small creeks at the margins of The Haven that will be enhanced.

4.3 The site boundaries are defined as follows:

- The Principal Application Site is defined to the east by The Haven (the tidal waterway of the River Witham between the Wash to the east and Boston town centre to the north);
- To the north and west the Principal Application Site abuts industrial land and buildings associated with the Riverside Industrial Estate. Uses include a timber yard, motor repair centres and storage units. Marsh Lane is located beyond the industrial units to the west and it runs in a north to south direction, a sea bank called Roman Bank runs north to south through the Application Site; and,
- The Principal Application Site is neighboured to the south by energy and waste management uses, including a household waste recycling facility and a material waste facility. Slippery Gowt Lane runs between these facilities.

4.4 The wider Riverside Industrial Estate extends north of the Principal Application Site to The Haven and west up to Marsh Avenue and The Old Dairy. A mixed-use employment area is located on the eastern side of The Haven and this includes uses such as a timber yard and storage warehouses. Land extending beyond the existing Industrial Estate to the south and south west of the Principal Application Site, mainly comprising agricultural land is identified (by the South East Lincolnshire Local Plan 2011-2036) as countryside.

4.5 The main urban area of Boston is located to the north and north east of the Principal Application Site beyond The Haven, with the nearest residential properties associated with the settlement located approximately 600m to the north east (across The Haven) and 900m to the west of the Principal Application Site. The existing Port of Boston is located approximately 750m north of the Application Site.

4.6 The Haven, located to the east of the Application Site, provides access and transportation for shipping by the Port of Boston and it also serves as the outfall into the sea for land drains within the northern Fens. It is contained within flood banks, which separate its water from the land-based elements of the Application Site.

4.7 Access to the Principal Application Site is from Nursery Road at the north and Bittern Way to the west. Both of these are accessed from Marsh Lane to the west of the Principal Application Site. Marsh Lane connects to the A16 which provides access to Boston town centre to the north and Spalding approximately 23km to the south.

Site Description

Application Site

4.8 The Application Site covers 26.8 hectares (ha) and is split in to two components: the area containing operational infrastructure for the Facility (the 'Principal Application Site'); and an area containing habitat mitigation works for wading birds (the 'Habitat Mitigation Area'). The Principal Application Site (NGR TF33950 42241) covers 25.3 ha and is neighboured to the west by the Riverside Industrial Estate and to the east by The Haven, a tidal waterway of the River Witham between The Wash and the town of Boston. The A16 public highway is located approximately 1.3 km to the west. The Habitat Mitigation Area covers 1.5 ha and is located approximately 170 m to the south east of the Principal Application Site, encompassing an area of saltmarsh and small creeks at the margins of The Haven.

4.9 The eastern site margins are defined in part by a primary flood defence bank along The Haven. A 132 kilovolt (kV) overhead powerline on pylons traverses the site from north to south and bisects the Principal Application Site.

4.10 There are several public rights of way that cross the Application Site. The Boston Public Footpath No.14 starts in Boston and follows the A16 (London Road) south over The Haven and merges with the existing footpaths along The Haven (BOST/14/12, BOST/14/2, BOST/14/4, BOST/14/5 and BOST/14/7). Footpaths BOST14/4 and BOST14/5 follow the crest of the primary flood bank that routes in parallel to The Haven. Footpath BOST/14/11 and BOST/14/9, follow the route of Roman Bank (also known as 'Sea Bank'), which bisects the Principal Application Site then continues south from the Application Site (Access and Rights of Way Plan, document reference 4.5).

4.11 The part of the Application Site which will accommodate the wharf is approximately 750 m downstream from the existing Port of Boston (measured from the entrance to the impounded basin, the Wet Dock, to the approximate centre of the Principal Application Site).

4.12 The Haven is contained within flood banks (in good condition) which are located within the Principal Application Site boundary at approximately 6.3 m Above Ordnance Datum (AOD).

4.13 The navigation channel is not dredged at this point. The bed level changes over time. Under normal conditions it gradually silts up but erodes when large water volumes are discharged from the sluices upstream. This will not occur at high tides, so will not affect vessel manoeuvring.

4.14 A water main runs through the Principal Application Site from Bittern Way to the north-eastern corner where it then crosses The Haven. This piece of infrastructure will be avoided by the proposed wharf infrastructure. Where the water main would cross the site, it will be diverted. This is subject to a separate application to Anglian Water on behalf of the landowner. The route of the diversion will be determined in accordance with advice provided by Anglian Water. The diversion will be completed before construction of the Facility.

4.15 There are no existing buildings within the Application Site that will require demolition.

4.16 The Application Site is located within National Character Area 46: The Fens (Natural England, 2013), the Reclaimed Saltmarsh Landscape Character Type and Welland to Haven Reclaimed Saltmarsh Landscape Character Area (LCA) (ECUS Ltd, 2009). However, the area is

significantly influenced by urban/industrial features including electricity pylons, industrial units, cranes and gantries at the Port of Boston and the neighbouring energy from waste plant.

Neighbouring Area

4.17 The wider Riverside Industrial Estate accommodates existing waste management uses including (at the time of writing) a facility to processes construction and demolition waste and a material recycling facility. A gasification facility designed to use primarily biomass but also Refuse Derived Fuel (RDF) as a feedstock is constructed on land to the south east of the Principal Application Site. This was originally a facility owned by the Applicant. With respect to the planning permission for this facility, in August 2010, Alternative Use Group plc & Alchemy Farms Ltd obtained planning permission for a 12MWe Gasification Power Station that will process waste wood (known as Boston Biomass UK No.3Ltd) (planning application reference.PL\0245\09: B/09/0447). The description of development included: "to construct a gasification power station, comprising gasification plant; turbine house; air cooled condenser; waste timber delivery, storage and preparation building; sewage sludge delivery, drying and storage building; combined two-storey office, control room and workshop building; weigh bridge and site security building; site security fence; surfaced vehicle manoeuvring and parking area; and construction of access.

4.18 With respect to the neighbouring area, land immediately opposite the Principal Application Site on the eastern bank of The Haven is known as the Havenside Local Nature Reserve ('LNR'). This comprises a mix of grassland, shallow ponds, estuary and mudflat. A Local Wildlife Site ('LWS') is located to the south of the Application Site. The nearest conservation area is the Skirkbeck Conservation Area, located to the north of The Haven approximately 1km away. The nearest listed building is the Grade II Slippery Gowt Sluice (entry number 1380557). This is located off Slippery Gowt Lane, 0.3km to the south of the Principal Application Site.

Planning History

4.19 Following an online search of the Boston Borough Council and Lincolnshire County Council planning portals, no relevant planning history for the Application Site has been identified.

5.0 The Facility

Introduction

5.1 This section of the Planning Statement provides a brief summary description of the Facility that is the subject of this DCO application.

Overview of Development

5.2 The Facility is an Alternative Energy Facility that will deliver approximately 102 MWe (gross) and 80MWe (net) of energy to the National Grid using RDF.

5.3 A detailed description of the Facility is provided at Schedule 1 'Authorised Development' of the Draft DCO and Chapter 5: Project Description in the ES Volume I (Document reference 2.1 and 6.2.5 respectively) and the areas within which each of the main components of the Facility are to be built are identified in the Works Plan (Document Reference 4.3) and Design and Access Statement (Document Reference 5.3).

5.4 The main elements of the Facility that are subject of this DCO, together with a description of how the Facility will operate are set out below:

1. A wharf and associated infrastructure (including re-baling facility, workshop, transformer pen and welfare facilities);
2. An RDF bale contingency storage area, including sealed drainage, with automated crane system for transferring bales;
3. Conveyor system running in parallel to the wharf between the RDF storage area and the RDF bale shredding plant. Part of the conveyor system is open and part of which is under cover (including thermal cameras);
4. Bale shredding plant;
5. RDF bunker building;
6. Thermal Treatment plant comprising three nominal 34 MWe combustion lines (circa 120 MWth) and associated ductwork and piping, transformer pens, diesel generators, three stacks, ash silos and ash transfer network; and air pollution control residues (APCr) silo and transfer network;
7. Turbine plant comprising three steam turbine generators, make-up water facility and associated piping and ductwork;
8. Air-cooled condenser structure, transformer pen and associated piping and ductwork;
9. Lightweight Aggregate (LWA) manufacturing plant comprising four kiln lines, two filter banks with stacks, storage silos for incoming ash, APCr, and binder material (clay and silt), a dedicated berthing point at the wharf, silt storage and drainage facility, clay storage and drainage facility, LWA workshop, interceptor tank, LWA control room, aggregate storage facility and plant for loading aggregate / offloading clay or silt;
10. Electrical export infrastructure;
11. Two carbon dioxide (CO2) recovery plants and associated infrastructure, including chiller units; and,
12. Associated site infrastructure, including site roads, pedestrian routes, car parking, site workshop and storage, security gate, control room with visitor centre and site weighbridge and landscaping.
13. Habitat mitigation works for Redshank and other bird species comprising of improvements to the existing habitat through the creation of small features such as pools/scrapes and introduction of small boulders (Habitat Mitigation Works) within the Habitat Mitigation Area.

Source: RDHV

5.5 In accordance with paragraph 115 of the Planning Act 2008, which states "*development consent may be granted for development for which development consent is required or associated development*", the main Facility is the Thermal Treatment plant described above (point 6) and its associated development comprising the lightweight manufacturing plant; the wharf; and the feedstock checking, processing and storage facilities.

5.6 The Facility will comprise a range of buildings and structures, the tallest of which are the three Thermal Treatment plant exhaust stacks and the two proposed LWA plant stacks which are each anticipated to be approximately 80 m elevational height

5.7 The approximate maximum heights of the main buildings are as follows:

1. Bale shredding plant: 20 m;
2. Thermal treatment plants: 44 m;
3. Turbine Hall: 20 m;
4. Air-cooled condensers: 30 m;
5. Lightweight Aggregate (LWA) manufacturing plant: 44 m; and,
6. Carbon dioxide (CO_2) recovery plant: 12 m.

Construction and Operation

5.8 The construction period for the whole development, including commissioning, is anticipated to be between 46 and 48 months from 2022 to 2026. The main stages of construction are as follows:

Principal Site Preparation

5.9 An existing water main running through the Principal Application Site will be diverted in advance of any construction activity, in accordance with advice provided by Anglian Water, and a separate application for this operation will be submitted.

5.10 Foul drainage would be collected through a new mains connection to the existing sewer system (which serves the industrial estate on the northern boundary) to provide a sewerage system for use in both construction and operation. To facilitate this, there will be a spur constructed from the main sewerage line to the Principal Application Site. The proposed route of this will follow advice given by Anglian Water.

5.11 Topsoil will be removed across the Principal Application Site and it will be graded using imported stone. The proposed cut and fill balance for the Principal Application Site is to be determined, however, it is anticipated that soil that is suitable for use would be retained on site for grading use to minimise imports and disposal of soil.

5.12 Laydown areas will be prepared for the storage of plant components and equipment and office use (portacabins) in construction. Heras fencing will be erected around the Principal Application Site (an estimated fence distance of 4 km).

Delivery of Raw Materials

5.13 Delivery of raw materials will be via both ship and road. The first phase of the wharf construction will be undertaken to allow a proportion of the raw materials to be delivered by ship rather than transportation by local roads. It is estimated that it will take approximately six months to construct the first section of the wharf to allow raw materials to be received by ship. The remaining section of the wharf will take a further 12 months (approximately) to complete.

5.14 A concrete batching plant will be installed to reduce transport movements associated with concrete. Aggregate brought in via ship will then be transferred from the wharf via an overland temporary conveyor to the concrete batching plant. The concrete batching plant will take

approximately four days to install. The temporary aggregate conveyor will take around five months to install. This will be deconstructed when the need for aggregate supply by ship has come to an end.

Footbridge

5.15 A footbridge will be installed early in the construction programme to allow safe passing for the public over the Principal Application Site. This will be installed on the current public right of way which follows the route of Roman Bank (also known as 'Sea Bank') along footpath sections BOST/14/11 and BOST/14/9 where it crosses the Principal Application Site.

Wharf

5.16 The wharf would be built, replacing sections of the current flood defence bank and will comprise the quay wall, the main area of the wharf and an area behind the wharf for associated infrastructure, such as the re-baling facility, workshop, transformer pen and welfare facilities. The dredging pocket (capital and annual maintenance dredge) is located within the Haven (within the jurisdiction of the Crown Estate).

RDF Storage Area

5.17 The RDF storage area would be constructed as a sealed concrete pad with a sealed drainage system.

Fuel Conveyors

5.18 The fuel conveyors will be constructed in two phases. During Phase 1 the turntable house will be piled and erected. Following this the east to west conveyor will be erected, then the inclined conveyors will be erected. Steelwork and the roof of the covered conveyor would then be erected. Conveyor units and turntables will be installed following this. During Phase 2 the south to north steelwork, conveyor units and conveyor modules would then be installed.

Bale Shredding Plant and Bunker

5.19 The RDF bale shredding building and bunker foundations would be piled, and concrete poured to form the hall base. The building will be completed with an internal ventilation and fire systems. Following delivery of the conveyor this will be wired which will take approximately five months.

Thermal Treatment Plant

5.20 The thermal treatment (EfW) main hall slab will be marked out and the foundations piled, and concrete poured for the base slab.

5.21 The three lines of the combustion plant are proposed to have staggered construction start dates. Line 1 (western most combustion plant), would begin first, followed by line 3 (eastern most combustion plant) approximately 2 months later and line 2 approximately one month after that.

5.22 Following installation cold commissioning will take around six months, after which there will be a stage of de-snagging before hot commissioning for approximately five months with another period of de-snagging for each line after this.

5.23 Overall, from the beginning of line one to the end of commissioning and de-snagging, construction of the three lines of thermal treatment plant would take approximately 48 months.

Turbine House

5.24 The turbine hall ring will be piled and concrete poured before erecting the portal frames and building side cladding. There will be engineering, shipping and installation of the three turbines and the clad roof installed afterwards.

Air Cooled Condensers

5.25 Three base slabs will be piled and reinforced and concrete poured with jointing strips placed between the slabs. Three lines of five air cooled condenser units and associated equipment will be installed and wired.

Lightweight Aggregate Facility

5.26 Foundations for the lightweight aggregate (LWA) facility building will be piled before the base slab is cast. The four kilns will be produced off-site and then transferred. The lightweight aggregate forming equipment will then be procured and transferred to Principal Application Site. The four lines would then be erected on individual steel structures over approximately four months. Finally, there would be installation of wiring. Overall, the LWA facility would take approximately 19 months to be constructed.

Power Export Island

5.27 The infrastructure for the power export island would be designed, procured, manufactured and the transformer factory acceptance tested off site before being transferred to the Principal Application Site. The power export island will then be installed at Principal Application Site and an additional pylon erected. There would be a period of testing on site before connection to the grid after approximately 20 months from construction start.

Control Room and Office

5.28 The control room and office building base will be piled and reinforced with concrete poured to form the slab. The building will be constructed and cladding fitted. The building will then be fitted out and an access control and alarm system fitted.

Construction Phase Lighting

5.29 Construction phase lighting shall be designed, installed and controlled to limit any potential impact upon the surrounding area by minimising sky glow, glare and light spillage in accordance with British Standards.

5.30 The Facility will be designed to operate for an expected period of at least 25 years, after which ongoing operation will be reviewed and if it is not appropriate to continue operation the plant will be decommissioned. The wharf structure will replace a section of the current primary flood defence bank (without impacting on the integrity of the bank) and will form a permanent structure that is not anticipated to be decommissioned.

5.31 All works will be undertaken in accordance with the Code of Construction Practice (CoCP) (the Outline CoCP is provided under document reference 7.1). The Habitat Mitigation Works within the Habitat Mitigation Area are provided in order to mitigate the loss of the roosting and foraging habitats for waders, notably redshank. Works will be carried out to enhance the habitat within this area to improve roosting and foraging habitat. This will involve the creation of four shallow pools (10-15cm deep) in the existing marshy habitat; re-profiling the edges of existing pools and a low bank; and, increasing the volume of 'roosting' rocks in the upper intertidal area by translocating rocks to this area that would otherwise be lost due to the development of the wharf. Construction of these features are relatively minor and will take place outside of the

overwintering season for birds in advance of the wharf construction. Plant and equipment will be highly limited and is likely to consist of a long reach excavator which may be brought to this site on a floating barge (to avoid impacts on the saltmarsh or effects on Public Rights of Way) and a small workforce using hand tools. The works are unlikely to take longer than a week (weather and tide dependant).

Thermal Treatment Process

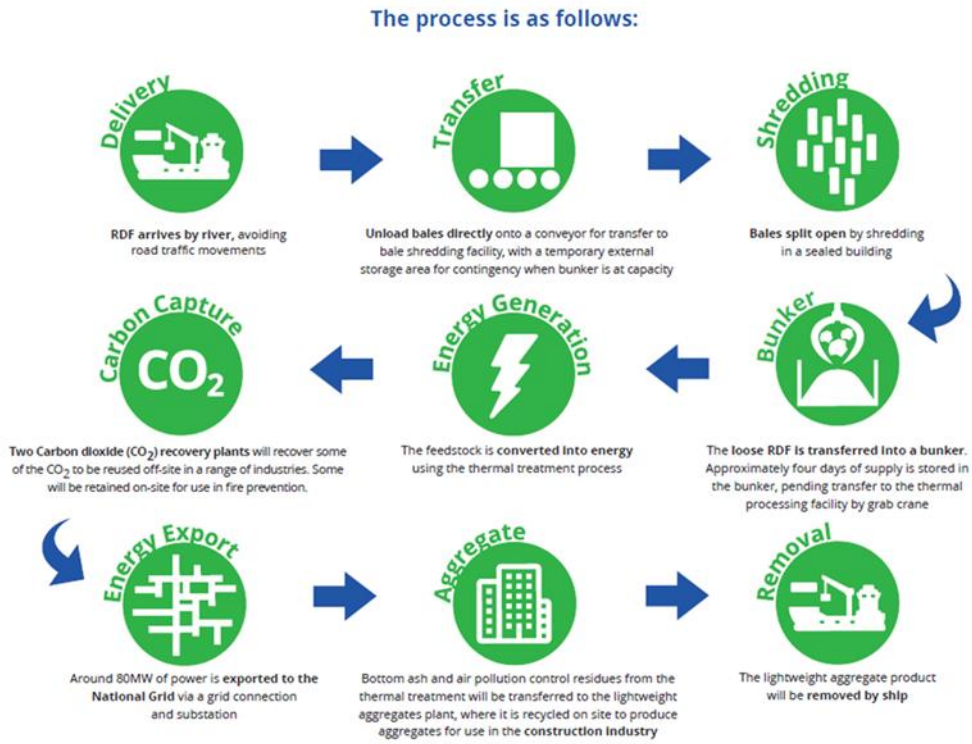
5.32 The Facility uses the process of Thermal Treatment to generate a renewable source of energy. The combustion of the waste takes place on the furnace grate. An inclined, moving grate system is used. The grate consists of sections where drying and main combustion take place. The afterburning zone serves to complete the burn out in the combustion plant furnace. At the bottom, the furnace has a gas-tight connection to the chute.

5.33 Hot flue gases from the combustion chamber pass over multiple bundles of tubes that form a heat transfer surface to enable the transfer of heat to the water within, which turns into steam inside the tubes. The tube material, arrangement in the boiler and all other aspects of the boiler are purpose-designed to efficiently collect the heat from the flue gas.

5.34 Steam generated in the boiler is superheated to 400°C at 40-bar(g).

5.35 Figure 5.1 below sets out the process in a diagrammatic form and a more detailed description is included within Chapter 5 Project Description of the accompanying Environmental Statement (document reference 6.2.5).

Figure 5.1 Thermal Treatment Process



Source: RDHV

Development Capacity

5.36 The Facility would receive approximately 1,200,000 tonnes of RDF per year.

5.37 The RDF will be sourced from UK suppliers and comprise of Materials Recycling Facility (MRF) residues. This waste will be residual household waste and similar municipal-type waste that has been through the MRF and had all potential recyclate and contaminants (for example hazardous wastes) removed. The Facility will not divert any source-segregated or co-mingled recyclate from being recycled.

5.38 The material would be dispatched to the Facility from UK ports. The specific departure locations will be dictated by market conditions at the time of supply. There will be up to ten RDF deliveries by ship per week assuming each vessel has a 2,500-tonne payload.

Requirement for Other Consents

5.39 For the Facility to be constructed and operated additional consents and permissions may be required. These are set out in detail in Section 8 of this Statement, but in summary, they include:

1 PROW stopping up application;

2 Diversion of Site water main;

3 Electricity Generation Licence;

4 Building Regulations Approval;

5 Grid Connection Licence;

6 Environmental Permits;

7 Discharge of Surface Water;

8 Trade Effluent Consent;

9 Land Drainage Consent;

10 Flood Risk Activity Permit;

11 Water Abstraction Licence;

12 Permit for Transport of Abnormal Loads;

13 Notification of Construction Works;

14 Hazardous Substances; and,

15 Waste Carrier Registration.

6.0 Legislation and Policy Framework

Introduction

6.1 This section of the Planning Statement provides a comprehensive review of the relevant legislation and planning policy to the Facility. It provides a detailed summary of the relevant National Policy Statements ('NPSs') which are the primary consideration for the SoS in deciding DCO applications and, where important and relevant, it sets out the local planning and marine planning context to the decision.

Legislative Context

6.2 The main legislative and procedural requirements relating to Nationally Significant Infrastructure Project (NSIP) applications are set out within the following:

- The Planning Act 2008 (the 'PA 2008');
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the '2017 EIA Regulations').
- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations').

6.3 The Facility falls within the definition of a NSIP under sections 14(1)(a) and 15(1) and (2) of the PA 2008, being an onshore electricity generating station in England with a capacity exceeding 50 MW and which does not generate electricity from wind.

6.4 Other relevant legislation includes:

- The Localism Act 2011 (as amended);
- Air Quality (England) Regulations 2000;
- Air Quality (Amendment) (England) Regulations 2002;
- Control of Pollution Act 1974 (COPA);
- Environmental Protection Act 1990;
- Conservation of Habitats and Species Regulations 2017;
- Wildlife and Countryside Act 1981 (as amended);
- The Natural Environment and Rural Communities Act 2006 ('NERC');
- Flood and Water Management Act 2010;
- Water Environment (Water Framework Directive) (England and Wales) Regulations 2017;
- The Environmental Permitting (England and Wales) Regulations 2016;
- The Water Resources Act 1991;
- The Land Drainage Act 1991;
- Water Act 2003; and,
- The Marine and Coastal Access Act 2009.

6.5 Decisions on DCO applications which are NSIP are made against the criteria in Section 104 of the PA 2008 ('Decisions in cases where national policy statement has effect). Sections 104(2) and (3) of the PA 2008 state that the Secretary of State (SoS) must have regard to the NPSs and must decide the application in accordance with the NPSs unless the proposal would contravene specific legal tests, or the adverse impacts would outweigh its benefits. Section 104 (2) (d) of the

PA 2008 also requires the SoS to have regard to any Local Impact Report and any other matters which the SoS 'thinks are both important and relevant to the decision'.

6.6 The relevant NPSs which outline the need for energy infrastructure and the issues to be considered are: NPS EN-1 (Overarching Energy Policy), NPS EN-3 (Renewable Energy Infrastructure). NPS EN-1 outlines the substantial need for energy NSIPs, while both EN-1 and EN-3 provide detailed guidance on the matters to take into account when both preparing and assessing applications for NSIPs. The NPSs and the National Planning Policy Framework (MHCLG, 2019) ('the NPPF') are clear that in the event of any conflict between an NPS and another planning policy document, the NPS prevails.

6.7 On 27 June 2019, following advice from the Committee on Climate Change, the UK Government announced a new carbon reduction 'net zero' target for 2050 – this was given effect by an amendment to the Climate Change Act 2008 (the target for the net UK carbon account for 2050 changed from 80% to 100% below the 1990 baseline). The Secretary of State has confirmed that the energy NPSs continue to form the basis for decision-making under the Planning Act 2008. However, should the NPSs not have effect at the time of the decision on the Application the criteria in Section 105 of the PA 2008 ('Decisions in cases where no national policy statement has effect') may apply.

6.8 Both Sections 104 and 105 require consideration of other matters that the SoS considers are important and relevant to the consideration of the Application, including other planning policies.

EU Withdrawal

6.9 With respect to waste, UK legislation is underpinned by several international (e.g. European Union (EU)) agreements. Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a "third country", which means it is not part of the EU. The Withdrawal Agreement provided for a transition period ending on 31 December 2020. Until that date, EU law in its entirety applied to and in the United Kingdom.

6.10 The majority of EU waste management law was implemented into UK legislation by way of statutory instrument. This means that the relevant legislation will not be automatically or immediately affected by the UK's exit from the EU as the legislation will remain in place in the UK.

6.11 The government has decided that at the point at which the UK left the EU, all EU legislation which had not already been transposed into UK law would be transferred to UK statute. From then on all the EU environmental legislation will remain in force as part of UK law but (unless the UK has made specific commitments to apply such law as part of negotiating a new arrangement with the EU), it can then be repealed or amended according to the policy drivers of the UK Parliament (or the devolved parliaments where they have power to do so).

Legislation and Planning Policy

The Planning Act 2008

6.12 The PA 2008 is the primary legislation that establishes the legal framework for applying for, examining and determining DCO applications for NSIPs. Section 104(2) of the Act sets out the matters these applications must have regard to:

1 The NPS for the development to which the application relates;

2 Any local impact report;

3 *"Any matters prescribed in relation to development of the description to which the application relates";* and

4 Any other matters considered important and relevant.

6.13 Section 104(3) of the Act requires the SoS to determine applications for NSIPs in accordance with any relevant NPS, unless:

1 It would lead to the UK becoming in breach of any of its international obligations;

2 It would lead to the SoS being in breach of any duty imposed on it;

3 It would be unlawful by virtue of any enactment;

4 It is satisfied that any adverse impacts of the Facility would be outweighed by benefits; or

5 It is satisfied that any condition prescribed for deciding an application is met.

Policy Documents

6.14 Having regard to Section 104 of the PA 2008, at a national level, the Government has designated two NPSs that are relevant to the Facility, including:

1 NPS EN-1: Overarching National Policy Statement for Energy (adopted July 2011); and

2 NPS EN-3: National Policy Statement for Renewable Energy Infrastructure (adopted July 2011).

6.15 There are other policy documents that provide site specific context for the Facility and these are considered important and relevant to the facility and therefore fall under point 4 of paragraph 6.11 above. NPS EN-1 and EN3 also allow account to be given to these documents to the extent that they are consistent with the NPS – EN1 (paragraph 4.1.5) and NPS-EN3.

6.16 The relevant legislation and policy documents and the key documents relevant to planning policy are reviewed in greater detail below.

National Planning Policy

NPS EN-1: Overarching National Policy Statement for Energy (July 2011)

6.17 Part 2 of EN-1 sets out 'Government policy on energy and energy infrastructure development'. It confirms the following:

- the Government's commitment to meet its legally binding target to cut greenhouse gas emissions by at least 80% by 2050 compared to 1990 levels (which has since been increased in the Climate Change Act 2008 to a commitment of net zero emissions by 2050);
- the need to affect a transition to a low carbon economy so as to reduce greenhouse gas emissions; and,
- the importance of maintaining secure and reliable energy supplies as older fossil fuel generating plant closes as a result of the European Union Emissions Trading System ('EU ETS') and the UK moves toward a low carbon economy.

6.18 NPS EN-1 sets out the Government's policy for delivering major energy infrastructure in England and Wales and it recognises that there is an 'urgent' need for new large-scale energy infrastructure. In this context, Part 3 of EN-1 defines and sets out the need that exists for nationally significant energy infrastructure. Paragraph 3.1.1 states that the UK needs all the types of energy infrastructure covered by the NPS in order to achieve energy security at the same time as dramatically reducing greenhouse gas emissions. Paragraph 3.1.2 states that it is for

industry to propose new energy infrastructure and that the Government does not consider it appropriate for planning policy to set targets for or limits on different technologies.

6.19 Paragraph 3.1.3 highlights that the SoS should therefore assess all applications for development consent '*on the basis that the Government has demonstrated that there is a need for the types of infrastructure and that the scale and urgency of that need*' as discussed in the NPS.

6.20 Paragraph 3.1.4 further provides that the SoS *'should give substantial weight to the contribution which projects would make towards satisfying this need when considering applications under the PA 2008'*.

6.21 EN-1 highlights to the need to have sufficient capacity to meet demand and provide back up to intermittent renewable energy such as wind and solar. Paragraph 3.3.2 states that: "*The Government needs to ensure sufficient generating capacity is available to meet maximum peak demand, with a safety margin of spare capacity to accommodate unexpectedly high demand and to mitigate risks such as unexpected plant closures and extreme weather events…*"

6.22 Furthermore, the NPS recognises that the Government needs to ensure sufficient electricity generating capacity is available to meet maximum peak demand, with a safety margin or spare capacity to accommodate unexpectedly high demand and lower the risk to supply interruption (paragraph 3.3.3).

6.23 Paragraph 3.3.5 highlights the UK sees there is advantage in maintaining a diverse range of energy sources including renewable energy in decarbonising its power sector.

6.24 The scale of the need for new electricity generating capacity is set out within EN-1 at paragraph 3.3.7 with up to 22 gigawatts ('GW') of existing capacity (2011 including a large amount of fossil fuel power generation) needing to be replaced in part due to the Industrial Emissions Directive, but also as a result of some power stations reaching the end of their operational lives. EN-1 identifies a minimum need for 59 GW of new generating capacity over the period to 2025 (paragraph 3.3.22).

6.25 The need for more electricity capacity is also set out in paragraph 3.3.11, which states that: *"…some renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, the more renewable generating capacity we have the more generation capacity we will require overall, to provide back-up at times when the availability of intermittent renewable sources is low."*

6.26 Paragraph 3.3.15 of the NPS states that in order to secure energy supplies that enables us to meet our obligations for 2050, there is an urgent need for new (and particularly low carbon) energy NSIPs to be bought forward as soon as possible, and certainly in the next 10 to 15 years (from 2011).

6.27 To meet increasing demand for electricity, paragraph 3.3.22 sets out that the UK will need at least 113GWe of total electricity generating capacity by 2025 (compared to around 85GWe in 2011) of which at least 59GWe would be new electricity capacity. Of this it states that around 33GWe of the new build capacity will need to come from renewable energy commitments.

Role of Renewable Electricity Generation

6.28 This section sets out the specific role of renewable electricity generation in meeting our electricity capacity needs. The Government's renewable energy objectives are reiterated in Section 3.4, including the legally binding target to cut greenhouse gases by at least 80% by 2050, compared to 1990 levels (which has since been increased to a commitment of net zero emissions by 2050); and the UK's commitment to sourcing 15% of its total energy (across all sectors of transport, electricity and heat) from renewable sources by 2020.

6.29 Paragraph 3.4.2 states that large scale deployment of renewables will help the UK to tackle climate change, reducing the UK's emissions of carbon dioxide by over 750 million tonnes by 2030. It recognises that it will also help deliver up to half a million jobs by 2020 in the renewables sector. Of particular relevance to the Facility, paragraph 3.4.3 states that future large-scale renewable energy generation is likely to come from five key sources, including "energy from waste".

6.30 Importantly, to hit the target set by the Government, of sourcing 15% of energy from renewable sources by 2020 and to largely decarbonise the power sector by 2030, paragraph 3.4.5 states that it is necessary to bring forward new renewable electricity generating projects as soon as possible and the need for new renewable electricity generation projects is therefore urgent.

Assessment Principles

6.31 Section 4 of NPS EN-1 sets out certain general policies of relevance to planning decision makers in considering applications for new energy infrastructure. Paragraph 4.1.2 notes that the SoS should start with the presumption in favour of granting consent to applications for energy NSIPs. This presumption applies unless any more specific and relevant policies set out in relevant NPSs clearly indicate that consent should be refused.

6.32 Paragraph 4.1.3 states that in "*considering any Facility, and in particular when weighing its adverse impacts against its benefits, the [SoS], should take into account*:

- *Its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long term or wider benefits; and*
- *Its potential adverse impacts, including any long term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts."*

Section 4 goes on to provide more detailed assessment principles for proposed energy infrastructure. These are summarised in Table 6.1 below where relevant to the Facility.

Table 6.1 Assessment Principles NPS EN-1

Assessment Principle	Reference	Principle
Environmental Statement ('ES')	Para. 4.2.1 to 4.2.10	All proposals that are subject to the European Environmental Impact Assessment Directive must be accompanied by an Environmental Statement describing the aspects of the environment likely to be significantly affected by the proposals. The Environmental Statement should cover the environmental, social and economic effects arising during the pre-construction, construction, operation and decommissioning phases of the project. The IPC [SoS] should be satisfied that likely significant effects, including any proposed mitigation measures have been adequately assessed.
Habitat and Species Regulations	Para. 4.3.1	The SoS must, under the Habitats and Species Regulations, consider whether the project may have a significant effect on a European site, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects. The applicant should seek advice from Natural England. In the event that an Appropriate Assessment is required, and the applicant must provide the SoS with such information as it may reasonably be required to enable it to conduct an Appropriate Assessment.
Alternatives	Para. 4.4.1 and 4.4.2	From a policy perspective the NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option. However, the Applicant is required to look at alternatives in the context of: the ES; where

Assessment Principle	Reference	Principle
		there are specific legislative requirements; and where a relevant NPS may impose a policy requirement.
Good Design	Para. 4.5.1 to 4.5.6	The NPS recognises the importance of good design including aesthetics, functionality, fitness for purpose and sustainability. Applying good design to energy projects should produce sustainable infrastructure sensitive to places, efficient in the natural resources and energy used in their construction and operation, matched by appearance as far as possible. It recognises that the nature of energy infrastructure is often limited to the extent of which it can contribute to the enhancement of the quality of the area. The Applicant needs to show how the design process was conducted and how the proposed design evolved including why the favoured design has been selected. The Applicant and the SoS should consider taking independent advice on the design aspects of the proposal.
Consideration of Combined Heat Power ('CHP')	Para. 4.6.1 to 4.6.12	An application to develop a thermal generating station must either include CHP or contain evidence that the possibilities for CHP have been fully explored to inform the SoS's consideration of the application. Developers should consider the possibility at the very early stages of the project and should liaise with stakeholders, including Homes England, Local Enterprise Partnerships and Local Authorities.
Carbon Capture Storage ('CCS') and Carbon Capture Readiness ('CCR')	Para. 4.7.1 to 4.7.17	To ensure that no foreseeable barriers exist to retrofitting CCS equipment on combustion generating stations, all applications for new combustion plants which are of generating capacity at or over 300MW and any type covered by the EU's Large Combustion Plant Directive should demonstrate CCR before consent may be given. Applicants will need to demonstrate that their proposals comply with guidance issued by the SoS, including a technical feasibility study and an economic assessment which encompasses retrofitting of capture equipment, C02 transport and the storage of CO2.
Climate Change Adaption	Para. 4.8.1 to 4.8.13	The SoS should be satisfied that the Applicant has taken into account the potential impacts of climate change using the latest UK Climate Projections at the time the ES was prepared to ensure it has identified appropriate mitigation or adaption measures. The Applicant should apply as a minimum, the emission scenario that the Independent Committee on Climate Change suggests the world is currently most closely following. Any adaption measures should be based on the latest set of UK Climate Projections, the Government's latest UK Climate Change Risk Assessment, when available and in consultation with the EIA.
Grid Connection	Para. 4.9.1 to 4.9.4	The Applicant is responsible for ensuring that there is the necessary infrastructure and capacity within the existing or planned transmission or distribution network to accommodate the electricity generated. The SoS needs to be satisfied that there are no obvious reasons why a grid connection would not be possible. The connection does not have to be secured at the time the application is submitted although applicants must accept that there is a risk of not doing so.
Pollution Control and other Environmental Regulatory Systems	Para. 4.10.1 to 4.10.8	The SoS should focus on whether the development itself is an acceptable use of land, and on the impacts of that use, rather than the control of processes, emissions of discharges themselves. The SoS should work on the assumption that the relevant pollution control regimes and other environmental regulatory regimes will be properly

Assessment Principle	Reference	Principle
		applied for and enforced by the relevant regulator. Many projects will be subject to the Environmental Permitting ('EP') regime and the SoS may wish to consult the regulator on any management plans that would be included in the EP application. Applicants must prove that the relevant regulators will be satisfied that potential releases can be adequately regulated under a pollution control framework and that the Facility will not make pollution levels unacceptable at the site.
Safety	Para 4.11.1 to 4.11.4	The Applicant should consult with the Health and Safety Executive ('HSE') on matters relating to safety.
Hazardous Substances	Para. 4.12.1 to 4.12.3	Hazardous Substances Consent should be sought by all applicants proposing to hold hazardous substances above the relevant thresholds. Where consent is applied for, the SoS will consider whether to make an order directing that hazardous substances consent shall be deemed to be granted alongside making an order granting development consent.
Health	4.13.1 to 4.15.5	Where the proposed project has an effect on human beings, the ES should assess these effects for each element of the development and it should identify any appropriate mitigation measures. Aspects of energy infrastructure which may impact on human health are unlikely to constitute a reason to refuse consent or require specific mitigation under the Planning Act 2008.
Common Law Nuisance and Statutory Nuisance	Para. 4.14.1 to 4.14.3	The Applicant must show it has considered possible sources of nuisance under Section 79(1) of the Environmental Protection Act 1990 and any proposed mitigation. This will be considered by the SoS so that an appropriate requirement can be included in any subsequent order granting development consent.
Security Considerations	Para. 4.15.1 to 4.15.5	Where applications for development consent for infrastructure covered relate to potential 'critical' infrastructure, there may be national security considerations. Relevant applicants should consult with the Centre for Protection of National Infrastructure ('CPNI'), The Office for Civil Nuclear Security ('OCNS') and the Department of Energy and Climate Change ('DECC'). These stakeholders will provide confirmation to the SoS that it is satisfied with security.

Generic Impacts

6.33 Section 5 of NPS EN-1 sets out generic impacts and technology-specific impacts of all of the energy infrastructure covered by the NPS. Paragraph 5.1.2 confirms that the list of impacts is not exhaustive and that it addresses those impacts and means of mitigation that are anticipated to arise most recently. The Applicant should therefore identify the impacts of its proposals in the ES in terms of those covered by the NPS and any others that may be relevant to their application.

6.34 The impacts contained within Section 5 of the NPS EN-1 of relevance to the Facility include those set out in Table 6.2 below.

Table 6.2 General Impacts NPS EN-1

General Impact	Reference	Principle
Air Quality Emissions	Para. 5.2.1 to 5.2.13	Where the Facility is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts as part of the ES. In particular it should include any significant air emissions during all stages of the project including those from any road traffic

General Impact	Reference	Principle
		created by the development. It should also assess the predicted absolute emissions (after mitigation); existing air quality levels and the relative change from these levels; CO_2 and any potential eutrophication impacts. The SoS should generally give air quality considerations significant weight where a project would lead to a deterioration in air quality in the area or lead to a new area where air quality breaches any national air quality limits. In the event that a project will lead to non-compliance the SoS should refuse consent. Where necessary, mitigation measures will need to be considered throughout the construction and operational stages of development.
Biodiversity and Geological Conservation	Para. 5.3.1 to 5.3.20	An ES should set out the effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other specifies identified as being of principle importance for the conservation of biodiversity. The applicant should show how the project has taken advantage of opportunities to conserve and enhance the biodiversity and geological conservation interests. In making its decision the SoS should ensure that appropriate weight is attached to sites, habitats and species and it should take account of any such benefits in cases where it can be demonstrated. The applicant should include appropriate mitigation measures as an integral part of the development to demonstrate that: construction activities will be confined to the minimum areas; best practice measures will be applied during the construction and operational phases of development; habitats will be restored after construction where practicable; and opportunities will be taken to enhance exiting habitats and, where practical, create new habitats.
Coastal Change	Para 5.5.1 to 5.5.17	An ES should include an assessment of the effects on the coast. In particular: the impact of the proposed project on coastal processes and geomorphology, including taking account of potential impacts from climate change.; the effects of the proposed project on marine ecology, biodiversity and projected sites. For any projects involving dredging, the applicant should consult the Marine Management Organisation at an early stage. Applicants should propose appropriate mitigation measures to address adverse physical changes to the coast, in consultation with the MMO, the EA, LPAs other statutory consultees, Coastal Partnerships and other coastal groups.
Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation	Para. 5.6.1 to 5.6.11	An ES assessment should describe: the type, quantity and timing of emissions; aspects of the development which may give rise to emissions; premises or locations that may be affected by the emissions; effects of the emission on identified premises or locations; and measures to be employed in preventing or mitigating the emissions. Where relevant, mitigation measures may include engineering (prevention of a specific emission at the point of generation; control, containment and abatement of emissions if generated), design layout (for example, adequate distance between source and sensitive receptors; reduced transport or handling of

General Impact	Reference	Principle
		material), and administrative decisions (i.e. limiting operating times; restricting activities allowed on the site; implementing management plans).
Flood Risk	Para. 5.7.1 to 5.7.25	All proposals for energy projects located in Flood Zone 2 and 3 should be accompanied by a Flood Risk Assessment ('FRA'). The minimum requirements for an FRA are set out at paragraph 5.7.5. Applicants for projects that may be affected by flood risk should arrange pre-application discussions with the EA, and, where relevant, other bodies such as internal drainage boards. The SoS should not consent development in Flood Zone 3 unless it is satisfied that the Sequential and Exceptions test requirements have been met.
Historic Environment	Para. 5.8.1 to 5.8.19	The ES should provide a description of the significance of the heritage assets affected by the Facility and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage assets. As a minimum, the applicant should consult the relevant Historic Environment Record and assessed the heritage assets themselves. Where a development site includes a heritage asset with archaeological interest, the applicant should carry out appropriate desk-based assessment and where relevant a field evaluation. The applicant should ensure that the extent of the impact of the Facility on the significance of any heritage asset is fully understood from the application and supporting documents.
Landscape and Visual	Para. 5.9.1 to 5.9.23	A Landscape and Visual Assessment should accompany the ES. It should include references to landscape character assessments and relevant policies based on these assessments in the local development documents. It should cover visibility and conspicuousness, potential impacts on views and visual amenity and pollution effects on local amenity and nature conservation during construction and operation. The NPS EN-1 recognises that energy infrastructure is likely to have visual effects on receptors and the SoS will consider whether these outweigh the benefits of the project. In this case it is helpful for applicants to draw attention to examples of existing permitted infrastructure with similar magnitudes of impact.
Land Use including Open Space, Green Infrastructure and Green Belt	Para. 5.10.1 to 5.10.24	The ES should identify existing and proposed land uses near the project, and any effects of the Facility on a neighbouring site from continuing. Applicants should seek to minimise impacts on the best and most versatile agricultural land. The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Appropriate measures should be put in place for rights of way, national trails and other rights of access to land.
Noise and Vibration	Para. 5.11.1 to 5.11.13	Applicants should include a noise assessment where noise impacts are likely to arise from the facility. The assessment should be proportional to the likely impact and it should also consider the noise impacts of ancillary activities with the development. The applicant should consult with the Environment Agency and Natural England. The Facility should demonstrate good design through the selection of quietest cost-effective plant, containment of noise within buildings where possible, optimisation of plant layout and, where possible, use of landscaping, bunds or noise barriers to reduce noise.

General Impact	Reference	Principle
Socio-Economic	Para. 5.12.1 to 5.12.9	The ES should include a socio-economic assessment where the project is likely to impact at a local or regional level. It should consider all relevant impacts which may include: the creation of jobs and training; the provision of additional local services; the impact of a changing influx of workers during all phases of the development; and cumulative effects. The assessment should be supported by evidence to allow the SoS to give weight to the benefits arising from the facility.
Traffic and Transport	Para. 5.13.1 to 5.13.12	If a project is likely to have significant traffic implications, the ES should include a transport assessment, using the NATA/WebTAG methodology stipulated by the Department for Transport or any successor to the methodology. Where appropriate a Travel Plan should be included within the application, including information on demand measures, improvements to the accessibility of public transport and ways to reduce transport impacts. Water-borne or rail transport is preferred over road transport at all stages of the project, where cost effective.
Waste Management	Para. 5.14.1 to 5.14.9	The applicant should set out the arrangements for managing any waste produced and prepare a Site Waste Management Plan. This should include information on the proposed waste recovery and disposal system, an assessment of the impact of the waste arising from the development on the capacity of waste management facilities to deal with other waste arising in the area for at least 5 years of operation. The applicant should seek to minimise the volume of waste produced and the volume sent for disposal. Where the project is subject to the Environmental Permitting regime, waste management arrangements during operation will be covered by the permit and the conditions set out within Section 4 of the NPS EN-1.
Water Quality and Resource	Para. 5.15.1 to 5.15.10	Applicants should undertake an assessment of water quality where a project is likely to affect the water environment. It should describe the existing quality of waters, water resources and its physical characteristics affected by the project and the impacts of the project on these elements and it should include information on the impact of the project on water bodies or protected areas under the Water Framework Directive.

NPS EN-3: National Policy Statement for Renewable Energy Infrastructure (July 2011)

6.35 Together with NPS EN-1, this document forms the primary basis for decisions making on energy from biomass or waste facilities with at least 50MWe generating capacity. This NPS is concerned with the impacts and other matters which are specific to these projects and they are in addition to those set out within NPS EN-1.

6.36 Section 2.2 of NPS EN-3 sets out that existing planning policy in England will provide important information to applicants of energy NSIPs. The SoS should have regard to these policies. Applications should explain how proposals fit with this guidance and support its targets or, alternatively why the depart from them.

6.37 Section 2.3 of this document recognises that energy from waste facilities may require significant water resources and requires that applicants consider how its Facility will be resilient to increased risk of flooding and increased risk of drought.

6.38 Section 2.5 of NPS EN-3 focuses on biomass and waste combustion and it identifies that electricity generation of these sources will play an increasingly important role in meeting the UK's energy needs. It includes the following information of relevance to the Facility:

- Energy from waste generating stations can be configured to produce CHP and that biomass generating stations should be CCR (Carbon Capture Ready) (paragraph 2.5.4);
- Energy from waste generating stations take fuel that would otherwise be sent to landfill (paragraph 2.5.9);
- Commercial issues are not likely to be an important matter for the SoS;
- An application must include information on grid connection and whether there are any particular environmental issues likely to arise from that connection; and
- The Government encourages multi-modal transport and that materials should be transported by water or rail routes where possible.

6.39 Section 2.5 also sets out the assessment principles for renewable energy infrastructure applications. These are in addition to those set out within NSP EN-1 (as summarised above) and they include:

Table 6.3 Assessment Principle NPS EN-3

General Impact	Reference	Principle
Air Quality Emissions	Para. 2.5.37 to 2.5.45	In addition to the requirements if NPS EN-1 the applicant should show that the facility is compliant with the Waste Incineration Directive (WID) and the Large Combustion Plant Directive (LCPD). Both of these Directives were superseded by the Industrial Emissions Directive ('IED') in January 2016. Where a proposed renewable energy facility meets the requirements of IED and will not exceed the local air quality standards, the proposed power station should not be regarded as having adverse impacts on health.
Landscape and Visual	Para. 2.5.46 to 2.5.53	In line with NSP EN-1 an LVIA will need to be included within the application. It requires the SoS to take account that waste combustion generating stations will require a building able to host fuel reception, storage facilities, the combustion chamber and abatement units, and in this context it states that it is unlikely to be less than 25m in height. There is a requirement for good design which will be site specific. It expects applicants to seek to landscape the development to visually enclose it at a low level.
Noise and Vibration	Para. 2.5.54 to 2.5.58	In accordance with NPS EN-1 a noise assessment will need to support the application. The assessment should demonstrate that noise impacts can be adequately mitigated through requirements attached to the consent. It recognises that the primary mitigation for noise for energy from waste generating stations is through good design (see NPS EN-1). It also notes that noise from features including the sorting and transporting of material during operation is unavoidable and noise from apparatus external to the main plant building may be unavoidable.
Odour, Insect and Vermin Infestation	Para. 2.5.59 to 2.5.63	The applicant should assess the potential for insect infestation and emissions of odour with particular regard to the handling and storage of waste for fuel. In addition to mitigation measures set out within NPS EN-1, reception, storage and handling of waste and residues should be carried out within defined areas within enclosed buildings of the energy from waste generating plant.

General Impact	Reference	Principle
Waste Management	Para. 2.5.64 to 2.5.70	An assessment of the proposed waste combustion generating station should be undertaken that examines the conformity of the scheme with the waste hierarchy and the effect of the scheme on the relevant waste plan or plans. The application should set out the extent to which generating stations and the capacity proposed contributes to the recovery targets set out within plans, taking account of existing capacity. The results of this assessment should be presented in a standalone document.
Residue Management	Para. 2.5.71 to 2.5.83	NPS EN-3 recognises that all waste generating stations will produce residues that require further management. These include combustion residue (in inert material from the combustion chamber) and fly ash. and they cannot be mixed. It recognises that their disposal is covered by Environmental Permits. Applicants should assess the production and disposal as part of the ES. The assessment should set out consideration to the existence of accessible capacity in waste management for sites for dealing with residues for the planned life of the power statement. The SoS should give substantial weight to development proposals that have a realistic prospect of recovering residues.
Water Quality and Recourses	Para. 2.5.84 to 2.5.87	It recognises that the design of water-cooling systems for energy to waste generating stations will have additional impacts on water quality, including: discharging water and high temperature; the use of resources may reduce the flow of watercourses; fish impingement and / or entrainment; and discharging water containing chemical anti-fouling treatment water. Applicants should assess the effects on water quality or resources as part of the submission and should particularly demonstrate that appropriate measures will be put in place to avoid or mitigate adverse impacts of abstraction and discharge of cooling water.

Other National and Local Planning Policy

National Planning Policy Framework (February 2019)

6.40 The National Planning Policy Framework ('NPPF') sets out the Government's planning policies for England and how these are expected to be applied. This Framework does not contain specific policies for NSIPs. It is however considered an important and relevant matter for the determination of this Facility (see paragraph 5 of the Framework).

6.41 It sets out the three dimensions of sustainable development. Chapter 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) also requires local planning authorities to provide a positive strategy for energy from renewable resources and low carbon energy. A summary of the relevant policies is set out within Appendix 1 of this Planning Statement. The NPPF is an important and relevant matter in relation to the local planning policy position and reference will be made to it where relevant.

Planning Practice Guidance (an online resource)

6.42 Planning Practice Guidance sets out guidance on how planning can take account of new development with respect to a range of aspects, which include: Air Quality; Climate Change; EIA; Flood Risk; Coastal Change; Healthy and Safe Communities; Historic Environment, Noise and renewables and low carbon energy.

National Planning Policy for Waste (October 2014)

6.43 The National Planning Policy for Waste ('NPPW') sets out the Government's ambitions to work towards a more sustainable and efficient approach to resource use and management.

6.44 The NPPW recognises the role planning plays in delivering the country's waste ambitions and those relevant to the Facility include:

- Delivery of modern infrastructure, local employment opportunities and other climate benefits by driving waste management up the waste hierarchy;
- Ensuring that waste management is considered alongside other spatial planning concerns;
- *"Providing a framework in which local communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principles"; and*
- *"Helping to secure the re-use, recovery or disposal of waste without endangering human health or without harming the environment".*

6.45 In the same way the relevant NPSs set out a set of assessment principles, the NPPW sets out a set of locational criteria in its Appendix B. These are repeated in Appendix 1 of this Planning Statement and there are similarities between the these and the assessment principles set out within the NPSs. In summary, those relevant to the Facility include:

- Protection of water quality and resources and flood risk management considerations;
- Land stability;
- Landscape and visual impacts;
- Nature conservation;
- Conserving the historic environment;
- Traffic and access;
- Air emissions, including dust;
- Odours;
- Vermin and birds;
- Noise, light and vibration;
- Litter; and,
- Potential land use conflict.

Development Plan

6.46 The Development Plan is considered to be important and relevant in the consideration of this Facility in accordance with Section 104(2) Planning Act 2008, NPS EN-1 and EN-3.

6.47 The Application Site is located within the administrative boundaries of both BBC and LCC.

6.48 In this case the relevant Development Plan comprises:

1 The Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies, adopted June 2016 (Lincolnshire Minerals and Waste Local Plan, 'LMWLP');

2 The Lincolnshire Minerals and Waste Local Plan Site Allocations Document, adopted December 2017 (Site Allocations Document – 'SAD'); and

3 South East Lincolnshire Local Plan 2011 – 2036, adopted March 2019 ('SELLP').

6.49 Other relevant local planning policy and guidance is set out in Appendix 1 of this Planning Statement.

Policy Position

6.50 The LMWLP (adopted June 2016) promotes the reduction in waste disposal to landfill, and an increase in waste prevention and minimisation, ensuring that waste is reused, recycled, composed or subject to energy recovery in line with the waste hierarchy. Whilst it does not prescribe waste management technologies to deal with specific waste streams, Policy W1 ('Future Requirement for New Waste Facilities') requires the County Council to identify locations for a range of new or extended waste management facilities within Lincolnshire to meet the predicted capacity gaps for waste arising in the County up to and including 2031.

6.51 The LMWLP identifies the capacity gap for energy recovery facilities in Table 9 of the document. The required capacity in tonnes over the period from 2014 to 2031 is set out below:

Table 6.4 Identified Capacity Gap – Lincolnshire

Function	Gap 2014	Gap 2020	Gap 2025	Gap 2031
Energy Recovery	37,988	131,663	158,256	186,153

Source: Lincolnshire Waste Needs Assessment Model 2014

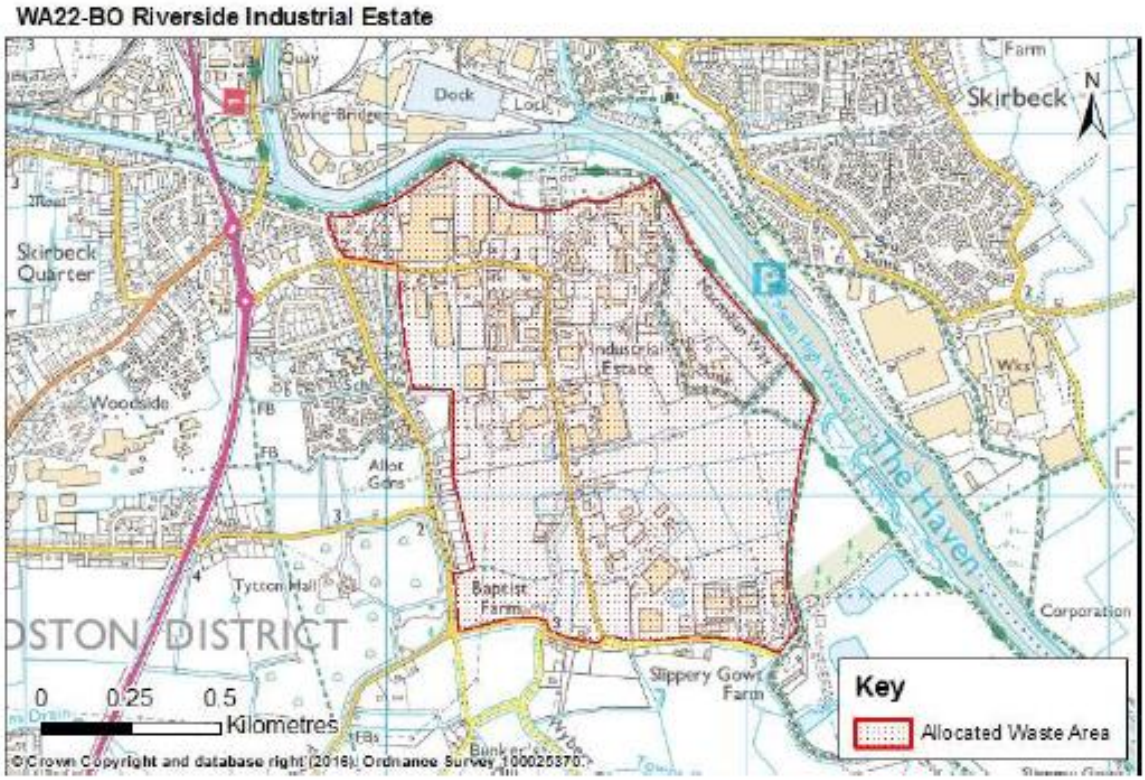
6.52 In this context Lincolnshire identifies the requirement for new facilities by year based on the number of tonnes needed per year. It identifies the need for one energy recovery facility in the short term with an annual capacity of 200,000 tonnes.

6.53 The Lincolnshire Minerals and Waste Local Plan Site Allocations document adopted in December 2017 identifies sites which in principle are considered suitable for a range of waste developments identified for each site. The Application Site is substantially located within 119 ha of land allocated as WA22-BO: Riverside Industrial Estate Waste Area. (As is set out below, part of the Application Site is located on a narrow section of riverbank, foreshore and intertidal mudflat and The Haven, an area designated as Countryside (Policy 1) in the South East Lincolnshire Local Plan).

6.54 Policy SL3 of the Site Allocation Document allocates sufficient sites and areas for waste management facilities (including WA22-BO: Riverside Industrial Estate) to meet identified capacity gaps in Lincolnshire, in accordance with Policy W1 of the Core Strategy and Development Management Policies document. These sites and areas are based on the locational criteria of Policies W3 and W4 (set out in full Appendix 1: NPPF and Development Plan Policy Extracts).

6.55 The allocation WA22-BO identifies a range of potential uses for the site comprising: Resource Recovery Park; Treatment Facility, Waste Transfer; Materials Recycling Facility; Household Waste Recycling Centre; Metal Recycling / End of Life Vehicles; Reuse Facility; Construction and Demolition Recycling; and Energy Recovery (Lincolnshire County Council, 2017). The allocated area is identified in Figure 6.1 below.

Figure 6.1 Site Allocation - Riverside Industrial Estate, Boston



Source: Lincolnshire Minerals and Waste Local Plan Site Allocations Document (adopted December 2017)

6.56 The SAD is supported by an evidence base and Sustainability Appraisal (Oct 2016) which appraises the Riverside Industrial Estate area for allocation for waste management use. The Sustainability Appraisal (pp54) concludes that the Principal Application Site is suitable for waste facilities including energy recovery where: The size of the Principal Application Site and the proximity of a large number of potential customers suggest it may be suitable for energy recovery provided the facility is sufficiently distant from housing and acknowledges that these facilities would reflect the nature of the established uses on site. The SA Appendices (pp137) conclude that Energy from Waste is a suitable waste use for the WA22-BO waste area allocation (which includes the Principal Application Site).

6.57 Furthermore, the SA considers that "*ideally waste use should be concentrated among the industrial units in the north and northeast of the site*", the location of which is the broad position of the Application Site. The Appraisal also recognises the proximity of a large number of potential customers.

6.58 In undertaking an assessment of the site, it also recognises potential environmental and neighbouring sensitivities to waste development in the area and it suggests a number of mitigation measures (SA pp138) which would be appropriate for this location and the type of facility. Where relevant, these are explained in detail in the Planning Assessment section of this Planning Statement.

6.59 In March 2019, BBC adopted its South East Lincolnshire Local Plan (2011 – 2036) (SELLP). This was produced jointly by BBC, South Holland District Council and LCC and will guide development in South East Lincolnshire until 2036.

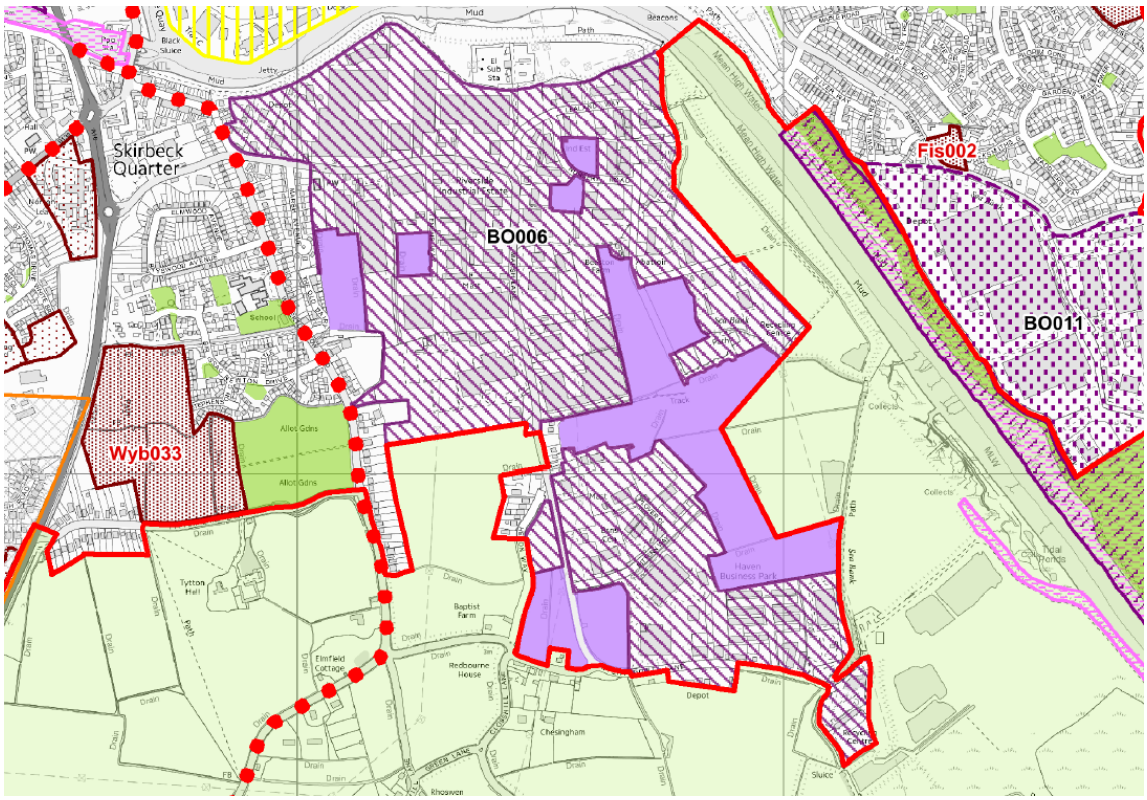
6.60 The adopted Plan states that the Infrastructure Delivery Plan, produced to consider infrastructure requirements relating to the growth aspirations in the Plan, identifies that energy

supply is a critical service need (paragraph 3.6.3). As part of the Plan, the South-East Lincolnshire Joint Strategic Planning Committee has a requirement to monitor the number of planning applications approved for renewable and low carbon energy.

6.61 The Policies Map Inset 1 for Boston and extract of which shown in Figure 6.2 below identifies that some 89.7 ha of the Riverside Industrial Estate is allocated for purposes of Business (B1), General industrial (B2) and Storage or distribution (B8) BO006. Part of the DCO Application Site falls within this Local Plan allocation, with the remainder designated as countryside. That part of the proposed Facility located outside of both WA22-BO and BO006 is within the countryside designation and comprises the proposed wharf and associated infrastructure. This is located on a narrow section of river banking, foreshore and intertidal mudflats including a section of The Haven. The Habitat Mitigation Area is located within an area designated as countryside within the SELLP.

6.62 However, it is noted that whilst the SELLP deals with all land use and development considerations affecting South East Lincolnshire, allocations and policies associated with minerals and waste are covered in the LMWLP and the aforementioned SAD. Together these documents form part of the Development Plan which at the local level provides the policy basis for new development within this administrative area.

Figure 6.2 BO0006 Site Allocation: South East Lincolnshire Local Plan (2011 to 2036)



Source: SELLP Policy Map

6.63 Policy 1 of the SEELP states that '*In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits*.'

6.64 At a Plan- wide level, SELLP Policy 31 (Climate Change and Renewable and Low Carbon Energy) states that the development of renewable energy facilities will be permitted where they do not result in significant harm to amenity; visual amenity, landscape character or quality, or skyscape considerations; heritage the natural environment, highway and aviation safety and agricultural land take.

6.65 Other policies of relevance within the LMWLP, the SAD and the Local Plan are not repeated here, but reference is made to them, where relevant in the following section of this Planning Statement. A full account of all relevant policies is included at Appendix 1 (National Planning Policy Framework and Development Plan policies).

Marine Policy

6.66 The Marine Policy Statement (MPS) issued in 2011 is the framework for preparing Marine Plans and taking decisions affecting the marine environment. It will contribute to the achievement of sustainable development in the United Kingdom marine area. It provides the high- level policy context within which national and sub-national Marine Plans will be developed, implemented, monitored, amended and will ensure appropriate consistency in marine planning across the UK marine area.

6.67 The "UK marine area" includes the territorial seas and offshore area adjacent to the UK, which includes the area of sea designated as the UK Exclusive Economic Zone (the Renewable Energy Zone until the Exclusive Economic Zone comes into force) and the UK sector of the continental shelf. It includes any area submerged by seawater at mean high water spring tide, as well as the tidal extent (at mean high water spring tide) of rivers, estuaries and creeks, and therefore includes that part of The Haven falling within the Order Limits.

6.68 Paragraph 1.1.1 of the MPS states: "*The MPS and Marine Plans form a new plan-led system for marine activities. They will provide for greater coherence in policy and a forward-looking, proactive and spatial planning approach to the management of the marine area, its resources, and the activities and interactions that take place within it*."

6.69 Paragraph 1.3.1 of the MPS states: "*The MPS and marine planning systems will sit alongside and interact with existing planning regimes across the UK. These include town and country planning and other legislation, guidance and development plans in each Administration*.

6.70 The MPS Box 1 (pp 11) sets out the high-level marine objectives for achieving a sustainable marine economy; ensuring a strong, healthy and just society; living within environmental limits; promoting good governance; using sound science responsibly.

6.71 Section 2.3 of the MPS concerns planning and decision making. With respect to 'High Level principles for decision making', paragraph 2.3.2.1 states '*an Appropriate Assessment in accordance with the Habitats Directive (Directive 92/43/EC) may also be required, in accordance with relevant national legislation and Government circulars or guidance*.'

6.72 The MPS at 2.5.2 states '*Properly planned developments in the marine area can provide environmental and social benefits as well as drive economic development, provide opportunities for investment and generate export and tax revenues. The marine planning system will help to promote these benefits in contributing to the achievement of sustainable development. There will therefore be a presumption in favour of sustainable development in the marine planning system*.' Marine Policy Statement (2.5.3) highlights employment benefits from both existing marine activities such as fishing and port activity, but also the role of new industries such as the renewable energy sector.

6.73 Section 2.6.1 of the MPS concerns Marine Ecology. Paragraph 2.6.1.1 states: '*Marine plan authorities should be mindful that, consistent with the high - level marine objectives, the UK aims to ensure:*

• A halting and, if possible, a reversal of biodiversity loss with species and habitats operating as a part of healthy, functioning ecosystems; and

• The general acceptance of biodiversity's essential role in enhancing the quality of life, with its conservation becoming a natural consideration in all relevant public, private and nongovernmental decisions and policies.

6.74 Chapter 3 sets out the policy objectives for the key activities that take place in the marine environment. Section 3.3 concerns energy production and infrastructure development. Paragraph 3.3.1 states '*A secure, sustainable and affordable supply of energy is of central importance to the economic and social well - being of the UK. The marine environment will make an increasingly major contribution to the provision of the UK's energy supply and distribution. This contribution includes the oil and gas sectors which supply the major part of our current energy needs, and a growing contribution from renewable energy and from other forms of low carbon energy supply in response to the challenges of tackling climate change and energy security. Contributing to securing the UK's energy objectives, while protecting the environment, will be a priority for marine planning*.

6.75 Paragraph 3.3.3 states: *'A significant part of the renewable energy required to meet these targets and objectives will come from marine sources. … In some parts of the UK nuclear and other power stations may be sited in coastal locations and will have a significant role to play within the UK's energy mix as we move towards low carbon energy supply*.

6.76 Paragraph 3.3.4 states '*When decision makers are examining and determining applications for energy infrastructure and marine plan authorities are developing Marine Plans they should take into account:*

Bullet 1 The national level of need for energy infrastructure, as set out in the Overarching National Policy Statement for Energy (EN-1) which applies in England and Wales, the National Planning Framework which applies in Scotland and the Strategic Energy Framework in Northern Ireland.

Bullet 3 The positive wider environmental, societal and economic benefits of low carbon electricity generation and carbon capture and storage as key technologies for reducing carbon dioxide emissions;

Bullet 6 The UK's programme to support the development and deployment of Carbon Capture and Storage (CCS) and in particular the need for suitable locations that provide for the permanent storage of carbon dioxide.'

6.77 Paragraph 3.3.6 notes 'In some parts of the UK power stations may be sited in coastal locations and will have an important contribution to play in the UK's energy mix. The construction, operation or decommissioning of a coastal power station may have impacts on the local marine environment through for example the construction of the plants and associated development and marine offloading facilities, such as jetties and marinas, for heavy plant items.'

6.78 With respect to marine dredging, paragraph 3.6.7 states *In considering an application, decision makers should undertake a detailed evaluation of the potential adverse effects of any dredging activity or deposit on the marine ecosystem and others using the sea. This should have full regard to any accompanying environmental statement or additional data that may be requested in support of the application and international obligations under the OSPAR Convention 1992 and London Protocol 1996, as well as any other available guidance. Account*

should also be taken of the views expressed by other consultees before a decision is taken whether to grant approval.

6.79 The East Inshore and East Offshore Marine Plans document (EIMP) was published in April 2014. Marine Plans together with the UK Marine Policy Statement underpin the planning system for England's seas. The marine plans do not establish new requirements but apply or clarify the intent of national policy in the East Inshore and Offshore areas, taking into account the specific characteristics of the plan areas.

6.80 A number of policies set out within the East Inshore and East Offshore Marine Plan (Appendix 1) are considered to be relevant to this application. Policy is supportive of proposals which provide additional economic productivity benefits (EIMP Policy EC1) and employment benefits ((EIMP Policy EC2). Sustainable development is integral to EC2; economic development must be delivered in a sustainable way. The effect of EIMP Policies ECO1, BIO1 and BIO2 is to ensure proposals address cumulative impacts affecting the ecosystem with that of adjacent areas (both marine and terrestrial); appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole; and where appropriate proposals should incorporate features that enhance biodiversity.

6.81 With respect to port infrastructure, proposals are to demonstrate they will not interfere with current activity and future opportunity for expansion of ports and harbours (EIMP policy PS3), including dredging (EIMP policy DD1).

Summary of Key Issues

6.82 This policy review establishes a need and strong in-principle support for new Energy facilities in the UK and in particular low carbon and renewable energy generation so that the country can secure its energy supplies, meet the increasing demand for energy and reduce greenhouse gas emissions. NPS EN-1 recognises that the need for such infrastructure will often be 'urgent' and it makes it clear that the SoS should assess all applications on the basis that the Government has already demonstrated a need. It should also give substantial weight to projects which would make a contribution towards satisfying this need.

6.83 This strong in principle support for new energy recovery facilities creates a clear positive policy context for the consideration of the application. There are, however, a series of policy considerations which applications for new energy facilities should be properly assessed alongside when considering whether development consent should be granted or not. Firstly, Section 4 of the NPS-EN1 sets out a list of general policies for new energy infrastructure and, when read together, other prevailing policies included within the suite of documents above (and those set out within Appendix 1) establish a number of key assessment themes that will form a framework for the assessment of this application in Section 7 of this Planning Statement.

6.84 To summarise this assessment framework the general policies and key assessment principles relevant to the determination of this application are set out within Table 6.5 below.

Table 6.5 Key Policy Themes - General Policies and Key Assessment Principles

Key Themes	Policy Sources(s)
Role and need for the proposed Energy facility	NPS-EN1: section 3.1 NPPF: para. 8, 11, 80, 82, 151, 154 NPPW: para. 7, 8, Appendix B SELLP: strategic priority 1, 4, policy 2, 31 LMWLP: spatial vision, spatial objective D, E, policy W1, W3, W4, DM1, DM2, SAD: policy SL3

Key Themes	Policy Sources(s)
	MPS paragraph 3.3.3
General policy principles for land use and new Energy facility	NPS-EN1: section 4.2 to 4.15 NPS-EN3: section 2.5.64 to 2.5.69 NPPF: 127, 128, 130, 131 NPPW: para. 7, 8, Appendix B SELLP: policy 1, 2, 3, 7, 31 LMWLP: policy W4 SAD; policy SL3
Allocations for land use and new energy facility	SAD; policy SL3; SELLP policy 7
Assessment Principles	
Air Quality and Emissions	NPS-EN1: section 5.2 NPS-EN3: para. 2.5.37 to 2.5.45 NPPF: para. 180, 181 NPPW: Appendix B (G) LMWLP: policy DM3 SELLP: policy 1 and 31
Biodiversity and Geological Conservation	NPS-EN1: section 5.3 NPPF: 170, 175, 176. NPPW: Appendix B(D) SELLP: policy 2, 28 LMWLP: policy DM3, DM5, DM7, DM8, DM9, DM10, MPS paragraph 2.6.1.1 EIMP ECO1. BIO1, BIO2
Coastal Change and Dredging	NPS-EN1: section 5.5 NPPF: 168 MPS paragraph 3.6.7 EIMP DD1
Dust, Odour, Artificial Light, Smoke, Steam and Insect Inflammation	NPS-EN1: section 5.6 NPS-EN3: para. 2.5.59 to 2.5.63 NPPW: Appendix B (H, I, K) SELLP: policy 1 2, 30,31 LMWLP: policy MD3
Flood Risk	NPS-EN1: section 5.7 NPPF: 150, 155, 163 NPPW: Appendix B(A) SELLP: strategic priority 2, 8, policy 4, LMWLP: strategic objective I, policy DM15,
Historic Environment	NPS-EN1: section 5.8 NPPF: 189, 192, 193 – 199 NPPW: Appendix B SELLP: strategic priority 7, policy 2, 29, SELLP policy 31 LMWLP: spatial objective J, policy DM4 EIMP SOC2
Landscape and Visual Amenity	NPS-EN1: section 5.9 NPS-EN3: para. 2.5.46 to 2.5.52 NPPW: Appendix B (C)

Key Themes	Policy Sources(s)
	LMWLP: policy DM6 SELLP: policy 31
Land Use including Public Open Space, Green Infrastructure and Green Belt	NPS-EN1: section 5.10 NPPF: para. 98 SELLP: strategic priority 3
Noise and Vibration	NPS-EN1: section 5.11 NPS-EN3: para. 2.5.53 to 2.5.58 NPPW: Appendix B (J) SELLP: policy 2 and 31
Socio-Economic	NPS-EN1: section 5.12 EIMP EC1, EC2
Traffic and Transport	NPS-EN1: section 5.13 NPPF: para. 103, 106, 108, 109. NPPW: Appendix B(F) SELLP: strategic priority 11, 12, 33 LMWLP: strategic objective N, policy DM13, DM14,
Waste and Residue Management	NPS-EN1: section 5.14 NPS-EN3: para. 2.5.66 to 2.5.83 NPPF:178. NPPW: Appendix B(A)
Water Quality and Resources	NPS-EN1: section 5.15 NPS-EN3: para. 2.5.84 to 2.5.87, LMWLP: policy DM16

6.85 This Planning Statement continues with a review of each of these general policies and key assessment themes. It then concludes with an assessment against paragraph 4.1.3 of NPS EN-1 which requires consideration to be given to the potential benefits of the development and potential adverse impacts when determining the planning balance of the Facility.

7.0 Planning Assessment

Introduction

7.1 Section 104 of the PA 2008 requires the SoS to decide DCO applications in accordance with relevant NPS(s) unless the proposals would contravene specific legal tests set out under section 104 (4), (5), (6) and (8) or the adverse impacts would outweigh its benefits (section 104 (7)) Section 104 (2) (d) of the PA 2008 also requires the SoS to have regard to any Local Impact Report and any other matters which the SoS 'thinks are both important and relevant to decision'.

7.2 This Section of the Planning Statement provides a topic by topic assessment of how the proposal accords with the general policies and assessment principles in NPS EN-1 and NPS EN-3 with appropriate references made to relevant development plan policies, the NPPF and other 'important and relevant' matters and material considerations. It is also the aim to provide a response to material issues raised during consultation.

7.3 The Section starts by providing a comprehensive assessment of the need for the Facility and it follows by providing an account of how the application complies with the general policy principles of NPS EN-1 before providing an assessment of how it meets the key policy themes and assessment principles and site allocation set out in Table 6.5 above.

7.4 Many of the topics covered in this section are subject to their own detailed assessments presented in other documents that accompany this application submission and where material the relevant documents are referenced below. The purpose of this section of the Planning Statement is to draw from the conclusions of these assessments to show how the Facility is in accordance with relevant policy.

7.5 This Section includes extracts of policy relevant for each key theme. It is not the purpose of the quotes provided in this section to present a definitive account of all policy, as this is provided in Section 6 above and within Appendix 1. Instead key quotes are repeated where appropriate to give an understanding of the main policy objectives and themes to inform a subsequent assessment of the Facility.

Role and Need for The Facility

7.6 The role and need for the Facility is established in NPS EN-1 and NPS EN-3 and a review of these documents has been provided in Section 6 of this Planning Statement. These NPSs form the primary basis for decisions by the SoS on nationally significant energy infrastructure that falls to be considered under the PA 2008.

7.7 In summary, NPS EN-1 recognises that there is an 'urgent' need for new large- scale energy infrastructure and because of this need, the SoS should assess all applications for development consent on this basis. The SoS should give substantial weight to the contribution which projects would make towards satisfying this need.

7.8 The Government's policy on energy and energy infrastructure development set out in Part 2 of EN-1 highlights the policy context for the development of nationally significant energy infrastructure. Large scale infrastructure plays a vital role in ensuring the UK has the secure energy supplies it needs. Energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy. Producing the energy the UK requires and getting it to where it is needed necessitates a significant amount of infrastructure, both large and small scale (paragraph 2.1.2).

7.9 To support need to diversify and decarbonise electricity generation, the Government is committed to increasing dramatically the amount of renewable generation capacity. Much of this new capacity comes from onshore and offshore wind, but the NPS recognises increasingly it may include plant powered by the combustion of biomass and waste (paragraph 3.3.10), particularly where back up required at those times when renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand.

7.10 The policy statement (paragraph 2.2.1) sets out the Government's commitment to meeting the UK's legally binding target to cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels. Government legislation has since gone much further and committed the UK to Net Zero by 2050 through a 100% reduction in emissions. This is to be achieved in part through prioritisation of sustainable bioenergy and cleaner power generation.

7.11 The Facility accords with the UK's legal obligations on the reduction in greenhouse gas emissions and net zero. ES Chapter 21 Climate Change, section 21.6 (document reference 6.2.2) shows that when operational, greenhouse gas emissions from the facility do not represent a significant net CO2 emissions contribution and therefore does not affect the UK's ability to meet its legal obligations on the reduction in greenhouse gas emissions and net zero.

7.12 The NPS at paragraphs 2.2.16 to 2.2.19 sets out the Government's approach to Electricity Market Reform and delivery of new energy infrastructure to replace the old. Security of energy supply and managing risks to supply in the UK is addressed in paragraph 2.2.20 summarised as:

- Ensuring sufficient electricity capacity to meet demand at all times, including a 'safety margin of spare capacity' to accommodate unforeseen fluctuations in supply or demand;
- Reliable associated supply chains (for example fuel for power stations) to meet demand as it arises;
- A diverse mix of technologies and fuels, so that we do not rely on any one technology or fuel. Diversity can be achieved through the use of different technologies and multiple supply routes, to provide for flexibility.

7.13 The need case for nationally significant energy Infrastructure is set out within EN-1 Part 3. Paragraph 3.1.1 states that the UK '*needs all the types of energy infrastructure covered by this NPS in order to achieve energy security*' and (paragraph 3.1.2) that the '*Government does not consider it appropriate for planning policy to set targets for or limits on the different technologies*'.

7.14 Significantly (paragraph 3.1.3) the SoS should assess applications for development consent for the types of infrastructure covered by the energy NPSs "*…on the basis that the Government has demonstrated that there is a need for those types of infrastructure*" noting also that paragraph 3.3.15 states "*there is an urgent need for new (and particularly low carbon) energy NSIPs*".

7.15 The Secretary of State should give substantial weight to the contribution that all proposed developments would make toward satisfying this need when considering applications under the PA 2008 (paragraph 3.1.4).

7.16 The Government believes that there is an urgent need for new electricity infrastructure for the following reasons set out in Section 3.3 of EN-1: In meeting energy security and carbon reduction there are benefits of having a diverse mix of all types of power generation, meaning the UK is not dependent on any one type of generation or one source of fuel or power and so helps to ensure security of supply. Renewable energy generation offers a low carbon and proven fuel source. The UK is choosing to largely decarbonise its power sector by adopting low carbon sources quickly. There are likely to be advantages to the UK of maintaining a diverse range of energy sources so that we are not overly reliant on any one technology (avoiding dependency on a particular fuel or technology type).

7.17 The need to replace closing electricity generating capacity. The NPS highlights the need to replace at least 22GW of existing generating capacity as a result of tightening environmental regulation and ageing power stations. The Government announced in November 2015 that all the remaining unabated coal fired power stations must close by 2025. A recent announcement by the current Government brought forward this date to 2024.

7.18 The NPS (paragraph 3.3.9) notes that around 10 GW of nuclear generating capacity was expected to close over the next 20 years. There has have been licences issued for new capacity including at Hinkley point C in 2012, but the proposed Wylfa Newydd plant was suspended in 2019.

7.19 Future increases in electricity demand. The NPS highlights that as a result of electrification of demand, total electricity consumption (measured in terawatt hours over a year) is expected to double by 2050. Depending on the choice of how electricity is supplied, the total capacity of electricity generation (measured in GW) may need to more than double to be robust to all weather conditions.

7.20 Evidence that this policy remains highly relevant is set out in recent studies. Firstly: the National Infrastructure Commission's 'Net Zero: Opportunities for the Power Sector' report[1] outlines a range of potential future energy mixes, identifying the greater part renewables play the larger the required capacity. There is a difference of more than 100 GW in capacity between the 2050 scenario with 60% renewables and 90% renewables: 260 GW against 370 GW will be required. Secondly, National Grid's "Future Energy Scenarios" [2] explores a range of four credible energy scenarios for the next 30 years and beyond to assist National Grid and their customers and other stakeholders in making long-term decisions. All scenarios have much higher levels of overall generation compared to today as the amount of intermittent renewable generation increases.

7.21 Paragraph 3.3.15 of EN-1 states the urgency at which new energy infrastructure should be brought forward as soon as possible and certainly within the next 10-15 years. Given the range of recent evidence outlined above, this remains highly relevant.

7.22 EN-1 (Paragraph 4.1.2) confirms that given the level and urgency of need for infrastructure of the types covered by the energy NPS', there is a presumption in favour of granting consent to applications for energy NSIPs.

The Role of Energy from Waste

7.23 The Government's Waste Strategy for England 2007 (Defra, 2007) introduced stringent targets for increasing recycling and reducing landfill. This was reinforced by the National Waste Management Plan for England in July 2013 (Defra, 2013). The key aim of the Waste Management Plan for England was to set a direction towards a 'zero-waste economy' as part of the transition to a sustainable economy. In particular, this means using the "Waste Hierarchy" (a priority order for waste management from waste prevention, re-use, recycling, recovery and finally to disposal as a last option) as a guide to sustainable waste management.

7.24 EN-1 at paragraph 3.4.3 notes that *The UK has substantial renewable energy resources…. Future large scale renewable energy generation is likely to come from the following sources*, bullet 4:- '*Energy from Waste (EfW) – the principal purpose of the combustion of waste, or similar processes (for example pyrolysis or gasification) is to reduce the amount of waste going to landfill in accordance with the Waste Hierarchy and to recover energy from that*

[1] Net Zero: Opportunities for the power sector (National Infrastructure Commission). Retrieved from: https://www.nic.org.uk/publications/net-zero-opportunities-for-the-power-sector/
[2] https://www.nationalgrideso.com/future-energy/future-energy-scenarios/fes-2020-documents

waste as electricity or heat. Only waste that cannot be re-used or recycled with less environmental impact and would otherwise go to landfill should be used for energy recovery. The energy produced from the biomass fraction of waste is renewable.'

7.25 The Government's environment plan: A Green Future: Our 25 Year Plan to Improve the Environment (Defra, 2018) sets out goals for improving the environment within a generation and leaving it in a better state. In terms of waste management, it seeks to minimise waste, reuse materials and manage materials at the end of their life to minimise the impact on the environment, by *"… : working towards the ambition of zero avoidable waste by 2050 and … meeting all existing waste targets – including those on landfill, reuse and recycling – and developing ambitious new future targets and milestones*."

7.26 EN-1 at paragraph 3.4.4 notes that energy from waste can be "*used to generate 'dispatchable' power, providing peak load and base load electricity on demand*", an important contribution to the security of UK electricity supplies, particularly given the intermittent nature of some sources of renewable energy. The Facility would provide this predicable, controllable electricity supply.

7.27 Paragraph 3.4.5 stresses the urgency of need for new renewable electricity generation as soon as possible. The Facility would make a material contribution towards that need, by generating 80MWe (net) of renewable energy to the National Grid by 2024.

7.28 EN-3, paragraph 2.5.2 identifies the recovery of energy from the combustion of waste playing an increasingly important role in meeting the UK's energy needs as well as contributing to renewable energy targets. Paragraph 2.5.9 notes energy from waste generating stations take fuel that would otherwise be sent to landfill. The waste may take the form of a solid recovered fuel.

7.29 The Clean Growth Strategy (October 2017, pp102)[3] highlights the UK waste sector as having become an important contributor to electricity generation. waste as "an important contributor to electricity generation". With respect to energy recovery processes it states the Government will "*work with the waste sector to ensure that different waste materials going into energy recovery processes are treated in the best possible way, to minimise environmental impact and maximise their potential as a resource".*

Waste Management Objectives

7.30 The Waste Hierarchy derives from the revised Waste Framework Directive (2008/98/EC) (rWFD) as implemented by the Waste (England and Wales) Regulations 2011. Here waste management options are ranked according to what is best for the environment and minimising resource consumption. The first priority is the prevention of waste, then re-use, then recycling followed by energy recovery with disposal the last option.

7.31 The facility is Waste Framework Directive R1 compliant and therefore a recovery process and therefore preferable to disposal operations such as landfill.

7.32 Section 2.5.2 of EN-3 (DECC, 2011b) states "*The recovery of energy from the combustion of waste, where in accordance with the waste hierarchy, will play an increasingly important role in meeting the UK's energy needs. Where the waste burned is deemed renewable, this can also contribute to meeting the UK's renewable energy targets. Further, the recovery of energy from the combustion of waste forms an important element of waste management strategies in both England and Wales*."

7.33 This realisation of this intent is illustrated in the Defra strategy document 'Our Waste Our Resources: A Strategy for England (chapter 3.2 pp76/77) which highlights '*the proportion of*

[3] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf

local authority collected waste going to Energy from Waste (EfW) plants increased from 9% in 2000/01 to 41% in 2017/18. In 2017 incineration of biodegradable waste produced about 3.4% of the UK's renewable energy, offsetting the use of virgin resources. Thanks to improvements in recycling and sending more waste to EfW, we are less reliant on landfill –with a 72% reduction by weight of local authority collected waste sent to landfill since 2010/11. - but more progress can be made.'

7.34 The strategy document further states (pp79) that '*England has approximately 0.5Mt of EfW operational capacity for municipal and/ or industrial and commercial waste, with a further 2 Mt of capacity to come on stream by 2020'... 'Greater waste prevention, reuse and a 65% municipal waste recycling rate, delivered through policies in this Strategy, will mean that municipal residual waste is expected to decrease to around 20.0 Mtpa by 2035. Given our projections we continue to welcome further market investment in residual waste treatment infrastructure',* - indicating continuing need for new residual waste management infrastructure.

7.35 Approximately 2.9 million tonnes of waste derived fuel are exported from England alone (Environment Agency, 2018), to northern continental Europe for energy recovery by incineration. The 'Proximity Principle' as established in the rWFD, requires waste to be disposed of, or recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies to ensure a high level of protection for the environment and public health. The rWFD also requires Member States to move towards the aim of self-sufficiency in waste disposal and recovery of waste. Therefore, in line with the proximity principle, the Facility seeks to move the recovery of energy to closer to the point of production and ensure that England is more self-sufficient in managing its own waste.

7.36 As reported in ES Chapter 2 Section 2.4 (document reference 6.2.2), the need for waste management energy recovery capacity is reinforced by independent reporting commissioned by the waste management industry is discussed in more detail below.

7.37 The Environmental Services Association (ESA) is the trade association representing the UK's resource and waste management industry, which is leading the transformation of how the UK's waste is managed. The ESA Report 'UK Residual Waste: 2030 Market Review' warns of a six million tonne per annum gap for waste infrastructure in the UK by 2030. National Infrastructure Assessment; series of recommendations to help put in place the right infrastructure for the transition to a more circular economy.

7.38 BIFFA reporting titled 'Reality Gap' (2017) recognises that there is a persistent and substantial shortfall in UK energy recovery capacity existing. In 2017 this was calculated at a shortfall of over 13Mtpa and although predicted to reduce to 6Mtpa by 2025 this is unlikely to drop thereafter. The 'Reality Gap' report also recognises that the UK is running out of landfill capacity, with many regions having already exhausted their capacity. Energy recovery facilities are identified as a type of facility that will help divert waste away from these facilities.

7.39 A Report published by Suez titled 'Mind the Gap 2017 – 2030' predicts the capacity gap arising from the total amount of waste in the UK will be 30.8 million tonnes in 2025 and 30.4 million tonnes in 2030. In this context it predicts that the total UK treatment capacity from energy recovery facilities and exports will be 26.2 million tonnes in 2025 and 28.0 million tonnes in 2030. This results in a residual capacity gap of 4.6 million tonnes in 2025 and 2.4 million tonnes in 2030. The Report also highlights regional disparities in the provision of renewable energy facilities to reduce this gap and states that more consideration is needed to deliver the right residential waste treatment capacity in the East Midlands, the region in which the Facility will be located.

Fuel Availability Reporting

7.40 An analysis of Fuel availability is set out within the ES Chapter 2 Project Need (document reference 6.2.2). Reference is made to research commissioned by the Environmental Services Association (ESA) The ESA commissioned Tolvig to undertake an independent review of third-party reports and analysis relating to the Residual Waste market in the UK (Tolvik, 2017b).

7.41 The ESA in its subsequent 2018 reporting, Energy for the Circular Economy: an overview of Energy from Waste in the UK (pp4) concludes: '*There is now an opportunity to further increase economic growth and energy security by bridging the capacity gap for residual waste for which there is no existing or planned treatment infrastructure. This gap is forecast to be at least 3.5M-6Mt/y in 2030, even with supportive measures for recycling. This excludes the reshoring of another 2.5Mt/y waste which will continue to be exported at the UK's cost, when it could be treated here and used to create jobs and to power a further 450,000 homes.*'

7.42 Further, the reporting (pp6) states, '*without action, there will be 8.5m tonnes of non-recyclable waste without a home in 2030 as we move away from landfill'.*

7.43 As reported in ES Chapter 2 Section 2.4.2 (document reference 6.2.2), RDF would be sourced for the Facility from the residual waste element (non-recyclable) from materials recycling facilities (MRF). As set out by the Tolvig reporting referred to, this represent a 13.6 Mt waste market, of which 3.5 Mt is exported from the UK and the majority of the remainder is landfilled.

7.44 With the total available residual waste estimated to be 3.18 Mt in 2025, it is concluded that the current RDF export market conditions indicate that sourcing RDF for the Facility is favourable and it is not anticipated that there is an issue sourcing suitable and sufficient material; and that there's a need for such material to be managed. The Facility would therefore contribute to the reduction in the export of waste from the UK and associated emissions; and divert material from landfill.

7.45 At a local and regional level both BBC and LCC have identified a need for facilities to manage waste in the local area. The Lincolnshire Site Allocation Document (SAD) and its supporting Sustainability Appraisal highlight the suitability of land including the Principal Application Sitefor waste management purposes including energy recovery.

7.46 BBC also recognises that it could meet several strategic objectives included within Lincolnshire's Waste Strategy (adopted by the Lincolnshire Waste Partnership in January 2019 and BBC in November 2018). It provides an innovative solution to municipal waste processing and by using waste as a resource by converting RDF into energy and valuable commodities. This would reduce the carbon footprint of the county by eliminating road haulage of waste. It also identifies the positive impact on the county's recycling rate. This aligns with the potential for the Facility to accept residual household waste from the Slippery Gowt Transfer Station (TS) operated by LCC. This receives all of the residual household waste from BBC and South Holland District Council (SHDC) areas, and some residual household waste from East Lindsey Council area.

7.47 This waste is bulked at the Slippery Gowt TS then transferred to the North Hykeham facility at Lincoln, which is an EfW incineration facility operated on behalf of LCC. The management of waste in this manner is subject to a specific LCC procurement contract. SHDC, BBC and LCC have raised interest in the potential for the Facility to receive residual household waste from Slippery Gowt TS. However, this would be subject to agreement between the Applicant and the Waste Disposal Authority (LCC) and would need to be in accordance with LCC procurement rules. Given that any change to the management of the local residual waste would need to be subject to a new waste procurement contract, this is not considered further in the wider DCO application.

7.48 In the light of NPS EN-1 there is an urgent and compelling need for the Facility, which is described as large-scale energy infrastructure.

7.49 The principle of development of the proposed Energy from Waste facility at this location accords with the development plan, an important and relevant consideration. The LMWLP identifies potential waste management uses including energy recovery and the accompanying Sustainability Appraisal undertaken for the 'Site Locations' report confirms that the Principal Application Site is suitable for potential waste uses including EfW projects. The Sustainability Appraisal considers that "*ideally waste use should be concentrated among the industrial units in the north and northeast of the site*", the location of which is the broad position of the Principal Application Site. The Sustainability Appraisal also recognises the proximity of a large number of potential customers.

7.50 There are very clear synergies with the existing waste management uses (including: Gasification plant; waste transfer stations; and landfill) which take are located within the Riverside Industrial Estate and adjoining land. There is the potential for the Facility also providing the means to manage and obtain value from residual waste materials produced by the Slippery Gowt waste transfer station.

7.51 The Principal Application Site is very well situated adjacent to The Haven, which serves the nearby port. To provide direct access from sea going vessels to deliver RDF and export aggregate products, the Facility is ideally placed to be served by a new wharf on The Haven.

7.52 In conclusion the need has been established at a national, regional and local level and therefore the Facility complies with the relevant policy requirements, specifically NPS EN-1, NPS EN-3.

General Policy Principles for New Energy Facilities

7.53 This section sets out an analysis of the Facility with respect to the policy principles set out in the National Policy Statements EN-1 and EN -3 as well as other material considerations set out within national planning and development plan policy.

Environmental Statement

7.54 In accordance with paragraph 4.2.1 of NPS EN-1 an Environmental Statement ('ES') (document reference 6.2) accompanies this application. It considers the social, economic and environmental effects arising from pre-construction, construction, operation and decommissioning of the project. Where it has identified a significant adverse effect, appropriate mitigation measures have either been embedded into the scheme or a commitment has been made to deliver them through the requirements and obligations of a DCO.

7.55 The ES also includes an assessment of cumulative effects of the Facility in combination with the effects of other approved or nearby developments.

Habitat and Species Regulations

7.56 The Applicant consulted with Natural England during the Scoping stage of the EIA process. Natural England requested that an Appropriate Assessment be undertaken if it was considered that the facility could have a significant effect on a Protected site (either in isolation or in combination).

7.57 Prior to granting a development consent order, the SoS must, under the Habitats and Species Regulations, consider whether the project may have significant effect on a Protected site, or any site to which the same protection is applied. In accordance with this advice and in accordance with paragraph 4.3.1 of NPS EN-1, Appendix 17.1 of the ES (Habitats Regulations Assessment ('HRA')) includes the information to inform an Appropriate Assessment.

7.58 The HRA (document reference 6.4.18), addresses the following sites:

- The Wash SPA;
- The Wash Ramsar site; and
- The Wash and North Norfolk Coast SAC.

7.59 The proposed development is not within any of the protected sites but is located within an area that provides functionally connected habitat for use by species associated with the sites. The assessment has considered impacts arising from the construction and operation phases of the Facility on those sites together with functionally connected habitats within The Haven. There are not predicted to be any impacts due to the decommissioning phase as the wharf would be left in position. The assessment has been informed by the preliminary impact assessment, as well as the results of the EIA together with consultation with Natural England, Lincolnshire Wildlife Trust and the Royal Society for the Protection of Birds (RSPB).

7.60 The activities addressed by the assessment are:

- Underwater noise effects from piling and dredging activities;
- Collision risk;
- Disturbance/ displacement of birds caused by passing vessels;
- Visual disturbance due to vessels and lighting;
- Increased noise levels;
- Potential deposition of NOx, SO2, nitrogen, acid and ammonia disposition on designated Annex I habitats.

The Wash SPA and The Wash Ramsar Site

7.61 The Wash is a site of national and international importance for its wader and wildfowl populations, supporting a minimum estimate of approximately 359,000 individuals annually. The majority of species are overwintering in the area, feeding on the extensive mud and sand flats exposed at low tide and roosting on the marshes bordering the feeding grounds at high tide. The area also supports resident species and breeding birds.

7.62 The proposed development site is within an area used by feeding and roosting birds that are associated with the SPA and Ramsar site. Survey work undertaken to determine usage of the proposed development site found that several species used the Application Site and the adjoining area for feeding and roosting, with relatively high numbers (>1% of the latest WeBS 5-year average) of redshank on one occasion.

The Wash and North Norfolk Coast SAC

7.63 The location of the proposed Facility is approximately 8 km from the mouth of The Haven. However, it is only 3 km (at its closest point) from the most northern extremity of The Wash and North Norfolk Coast SAC (Figure 17-1, document reference 6.3.25)), which includes the harbour seal, as a qualifying feature. Havenside Local Nature Reserve (LNR) is also nearby (Figure 17-1 document reference 6.3.25, and observations of harbour seals have been made (although rarely) within The Haven.

7.64 Harbour seal come ashore in sheltered waters, typically on sandbanks and in estuaries, but also in rocky areas. Harbour seal regularly haul-out on land in a pattern that is often related to the tidal cycle. Harbour seal give birth to their pups in June and July and pups can swim almost immediately after birth. Harbour seals moult in August and spend a higher proportion of their time on land during the moult than at other times.

7.65 The extensive intertidal flats at The Wash provide ideal conditions for the breeding and hauling-out of the harbour seal. The seal colony present in The Wash is the largest colony of harbour seals in the UK, containing 7% of the total UK population.

7.66 The HRA considered the potential for effects arising from vessel movements through The Wash and the significance of potential effects on the marine and coastal ecological receptors arising from the construction and operation of the Facility have been assessed. The main potential impacts arising from the construction phase are habitat loss/alteration, increased suspended sediment concentrations and increased noise and visual disturbance caused by piling and ship movements. The sensitive receptors include birds and marine mammals. Seasonal restrictions on particular activities (i.e. piling) during the construction period is expected to reduce the significance of effects.

7.67 Assessment of the potential for underwater noise impacts from piling and dredging activities at the Facility was undertaken, and results have shown that there is the potential to affect a very small number of harbour seal, with no potential for permanent auditory injury (PTS) due to a single strike of the piling works. However, a soft-start and pre-piling watch protocol will be implemented for any piling works being undertaken at high tide, to ensure that any potential for effect to harbour seal are mitigated for.

7.68 Visual and noise disturbance, and injury from underwater noise, were screened in for likely significant effects regarding birds and marine mammals.

7.69 It was concluded that the increased number of vessels using The Haven during construction and operation of the proposed development would not significantly change the level of disturbance from the baseline levels, caused by the current usage of The Haven, due to the majority of species relocating following the initial disturbance caused by a single large vessel. Those that didn't initially relocate only flew very short distances to return to the site and, as such, did not use high levels of energy to react to the vessel presence. There was also only a short window of vessel movement within The Haven due to the depth of water available restricting movements to around high water. The habitat loss, presence of the vessels beaching on the intertidal zone adjacent to the wharf and any lighting issues would not have a significant effect on bird numbers, SPA-wide distribution and behaviour.

7.70 Therefore, it was concluded that there would not be an adverse effect on integrity of the SPA, SAC and Ramsar site.

7.71 As a wider initiative linked to the project, a biodiversity net gain package is currently being discussed to provide additional wetland and lagoon habitat within the RSPB reserves at the mouth of The Haven. This would provide additional feeding and roosting areas. This has the potential to provide a new site for birds to use for roosting and foraging, which would provide a benefit overall to the SPA and Ramsar site (see paragraph 9.11).

7.72 In terms of potential for impact on seals, the HRA concludes that the shipping channel to be used for the Facility had existing high levels of marine traffic, of which the Facility-related traffic would form a small portion of (580 Facility-related vessels per year, compared to over 11,000 vessels per year in the shipping channel leading to The Haven). With that in mind, as well as the slow speed of the vessels (6 knots or less) and the restricted area of the shipping channel and anchorage site, the likelihood that harbour seals in particular would be able to detect and avoid any vessels, and that the area of the shipping channel is considered a low risk area from shipping activities in relation to seals, no adverse effects on the integrity of The Wash and North Norfolk Coast SAC in relation to the conservation objectives were concluded.

7.73 Air quality impacts have been assessed (ES Chapter 14, document reference 6.2.14) and it is concluded that there is no adverse effect due to emissions from the construction and operation phases.

7.74 The inclusion of the HRA a part of the DCO application satisfies the requirements of the NPS and Article 6(3) of the Habitats Directive to enable the decision maker to identify the significant effects on protected sites through the completion of an Appropriate Assessment. The HRA predicts that there will be no adverse effect on the function and integrity of The Wash SPA; The Wash Ramsar site; and the Wash and North Norfolk Coast SAC.

Alternatives

7.75 NPS EN-1 requires alternatives to be considered in the context of the ES, where there are specific legislative requirements and where relevant NPSs impose a policy requirement to consider such alternatives. The selection of alternatives primarily relates to the Principal Application Site and the infrastructure to be constructed and operated on this land.

7.76 Chapter 4 (Site Selection and Alternatives) of the ES (document reference 6.2.4) sets out the rationale for the choice of site. Paragraph 4.4.1 explains that the Principal Application Site is considered to be highly advantageous which meant that the consideration of alternative locations was not considered necessary.

7.77 The factors which contribute to this can may be summarised as: the Principal Application Site's location directly adjacent to a navigable watercourse for importing of feedstock entirely by ship; the location benefits arising from the allocation and policies within the adopted Lincolnshire Mineral and Waste Local Plan 2016 for a range of potential uses including: Treatment Facility; Waste Transfer; and Energy Recovery; the location has the significant benefit of an existing on-site grid connection directly into the 132kV overhead line; synergies with an existing gasification plant on adjacent land now run by Boston Biomass UK No. 3 Ltd. The Applicant has strong and established links with the sole onshore landowner where the Facility will be located. As a result, the Applicant expects to secure the land and rights necessary to construct and operate the Facility.

7.78 Alternative treatment technologies have been considered in formulating the scheme. Initially it was proposed that the Facility was to use gasification technology. However, the gasification technology provider is divesting their business. No alternative gasification technology provider was found that was capable of delivering the required power output. Therefore, the Applicant decided to change the technology to conventional combustion-based thermal treatment Energy from Waste (EfW). The supplier of this technology has several reference plants across the UK and the world. Conventional combustion-based thermal treatment EfW is proven at the required scale.

7.79 The choice of technology has determined the overall layout and composition of component plant necessary to operate the facility to the proposed specification. The design of the Facility has been considered through a comprehensive design evolution process and the Applicant has consulted with statutory consultees and the local planning authorities to seek feedback.

7.80 Where relevant, the layout and design of the Facility is considered as part the technical assessments undertaken for the application.

7.81 The key considerations in identifying the location for Habitat Mitigation Area were centred around the specific needs of Redshank:

- that it provides some shelter;
- that it is usable at high tide;

- that it is removed from sources of disturbance;
- it affords good visibility; and
- it is the nearest suitable roost to the foraging grounds that will be lost i.e. following the proximity principle.

7.82 The finally selected area was identified by an ornithologist with local knowledge of The Haven and its bird communities, as representing the best opportunity in close proximity to the area of the predicted effect (i.e. the wharf) with sufficient suitable habitat to accommodate the required mitigation features that would allow successful implementation. The location is as close to the Principal Application Site as possible without it being affected to a significant degree by disturbance from activities and noise from the operational development, and this accords well with the proximity principle.

Design

7.83 A Design and Access Statement (D&A) has been prepared which meets the requirements of NPS EN-1 (document reference 5.3). EN-1 (section 4.5). It provides details of the specific considerations that apply to biomass / waste development. The Infrastructure Planning Commission (now the Planning Inspectorate) are asked to take into account a range of considerations including:

"The visual appearance of a building is sometimes considered to be the most important factor in good design. Applying "good design" to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged however that the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area". (EN-1 4.5.1)

"Good design is also a means by which many policy objectives in the NPS can be met, for example the impact sections show how good design, in terms of siting and use of appropriate technologies can help mitigate adverse impacts such as noise". (EN-1 4.5.2)

"*The IPC should satisfy itself that the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located) as far as possible…."* (EN-1 4.5.3)

"*For the IPC to consider the proposal for a project, applicants should be able to demonstrate in their application documents how the design process was conducted and how the design process evolved…"* (EN-1 4.5.4)

7.84 The design process has been iterative with the design evolving over the pre-application stage. The design process has been shaped by stakeholder input, consultation events and the changes in technology from gasification to conventional combustion-based thermal treatment EfW. The principles of good design include robustness, durability, usefulness and aesthetically pleasing appearance. Maximum parameters have been applied and assessed in the design of the Facility, to enable a precautionary assessment to be undertaken, in accordance with the principles of the Rochdale Envelope. The DAS (document reference 5.3) describes the alternative technology considerations and influence on layout and design.

7.85 The Principal Application Site shape has dictated the arrangement of the main thermal treatment units. The site layout has been optimised for the Facility to enable the movement of waste throughout the facility to the thermal treatment plant. The aggregate facility is positioned next to The Haven to facilitate export of lightweight aggregate and import of the clay for use in

the lightweight aggregate manufacturing process. The approximate location of the thermal treatment facility; the lightweight aggregate facility and the proposed wharf have been essentially fixed by the Principal Application Site's boundary.

7.86 Both construction and operational lighting will be designed to reduce light spill up or down The Haven to avoid reducing visibility and impacting navigational safety. Lighting will have to comply with the minimum safety standards required on a construction site and as required for a working Facility. The lighting specification will also need to minimise light impact on bats. An outline lighting specification has been prepared to support the DCO application.

Consideration of Combined Heat Power ('CHP')

7.87 NPS EN-1, paragraph 4.6.2 states "*CHP is technically feasible for all types of thermal generating stations including nuclear, energy from waste and biomass*". Paragraph 4.6.6 states that "*Under guidelines issued by DECC (then DTI) in 2006, any application to develop a thermal generating station under Section 36 of the Electricity Act 1989 must either include CHP or contain evidence that the possibilities for CHP have been fully explored to inform the IPC's consideration of the application.*"

7.88 The SELLP refers to principles that the Development Consent Order (DCO) application for the Facility can take into account. Policy 3: Design of New Development, seeks to ensure that development would not be wasteful in its use of energy or in its depletion of natural resources.

7.89 With respect to CHP, the LMWLP provides: *"The objective of reducing greenhouse gas emissions will be achieved by encouraging:*

- *waste treatment processes that reduce the amount of waste going to landfill (with all waste management facilities being required to provide evidence of how much waste will be diverted from landfill);*
- *decentralised, low-carbon/renewable energy generation and carbon reduction measures at new mineral working sites and waste management developments (including landfill gas collection);*
- *low carbon energy recovery facilities, such as combined heat and power (CHP), where possible, to be suitably sited in close proximity to suitable potential heat customers to enable the utilisation of the heat produced as an energy source;*
- *increased energy efficiency measures in plant, buildings and operations; and*
- *good practice in transport related matters to reduce vehicle miles."*

7.90 A Combined Heat and Power Assessment accompanies this application (document reference 5.7). The Assessment concludes (paragraph 5.14) "*based on the low heat demand in the surrounding area and taking into account the distance and sparse nature of heat users resulting in technical and commercial challenges for proposed routes, the Facility will be designed as CHP Ready and will not be developed as a CHP scheme until such loads become available that running with CHP is considered economically feasible*".

7.91 A requirement (Requirement 21) has been included in the DCO to require the Applicant to review the CHP statement and consider whether opportunities reasonable exist for the export of heat from the Facility and any actions the Applicant is reasonably required to take (without material additional cost to the Applicant) to increase the potential for the export of heat.

Carbon Capture and Storage ('CCS') and Carbon Capture Readiness ('CCR')

7.92 NPS EN-1 requires new combustion plants, with a generating capacity of over 300MWe to demonstrate that it is 'carbon capture ready' (paragraph 4.7.10). The Facility falls under that 300MWe threshold. Nevertheless, the Facility will incorporate two carbon dioxide recovery plants.

7.93 The process of CCS within the Facility is set out within Chapter 5 of the ES (document reference 6.2.5). The facility will include the connection of the flue-gas system from the two outer thermal treatment plant lines to carbon dioxide (CO_2) recovery plants, which will recover CO_2 (to food-grade) for off-site reuse in various industries. Some of the CO_2 will also be retained on-site for use in fire prevention.

7.94 The two CO_2 plants will be fully automatic systems designed for constant operation (24 hours per day, 7 days per week).

7.95 Each CO2 plant will draw the exhaust flue gas from one thermal treatment line, where thereafter the gas is cooled and scrubbed and treated to remove impurities. Once compressed, purified and dried, CO2 is stored for distribution.

7.96 The final product quality will meet standards prescribed by the International Society of Beverage Technologists (ISBT) 2001 quality guidelines for liquid carbon dioxide (CO_2). This ensures the final liquid CO_2 quality is acceptable to international markets.

7.97 The Facility has a generating capacity of 102MWe, some way below the threshold to identify as 'carbon capture ready', but nevertheless makes provision for this important requirement.

Greenhouse Gas Emissions

7.98 In accordance with NPS EN-1, climate change has been considered throughout the design stage of the Facility. The Facility includes key design features that will help reduce the amount of Greenhouse Gas (GHG) emissions associated with its operation. The facility includes the connection of two of the three thermal treatment lines to CO2 recovery plants. The plants will recover a total 5,000 kg of CO2 per hour per line, across the two lines (80,000 tonnes CO2 per annum based upon 8,000 hours operation per line), which will be used for off-site uses in various industries and some retained on site as part of the fire-fighting system.

7.99 A GHG emissions assessment, accompanies the application (document reference, 6.2.21) which considered emissions associated with activities at the Facility compared to existing waste treatment streams.

7.100 The 6th Carbon Budget, published in December 2020, was the first Carbon Budget to be released following the adoption of the 2050 Net Zero target by the UK Government, which sets a limit on GHG emissions released in the period 2033 - 2037. Approximately 20% of emissions are projected to arise from industrial sources, and 10% from grid electricity in the 6th Carbon Budget (CCC, 2020). It is anticipated that the Facility will operate during this five year period, therefore annual GHGs arising from activities associated with the Facility were compared to the emission limit set out in the 6th Carbon Budget.

7.101 Gross GHG emissions arising from operation of the Facility are predicted to contribute approximately 0.06% per year to the 6th UK Carbon Budget (or 0.3% over the five year period). As such, the Facility is not considered to have a significant effect on the UK meeting its Carbon Budgets that are implemented up to 2037.

7.102 It is considered likely that GHG emissions associated with provision of the Facility would be lower or similar when compared to existing waste treatment streams. Therefore, GHG emissions

arising from the Facility, accounting for the offset of savings elsewhere in the UK energy generation sector, will not impact the UK's ability to meet its 2050 carbon reduction targets.

Climate Change Adaptation

7.103 The Facility has been designed so that waste is transported to the Principal Application Site via sea going vessel rather than by road. Further information on the design of the facility, including details of how its location, design and operation have been designed with climate change adaption in mind are included within the accompanying Design and Access Statement (document reference. 5.3) and relevant chapters of the ES (document reference. 6.2).

7.104 Climate change adaption is considered in Chapters 12 and 17 of the ES in relation to terrestrial and marine and coastal ecology (document references 6.2.12 and 6.2.17) and then Chapter 21 – Climate Change (document reference 6.2.21) where two assessments have been carried out to determine the contribution of the Facility to climate change, and the potential impact of climate change to the Facility. The latter assessment considers climate change hazards from an increase in temperatures, flood risk and drought and shows that with embedded flood defences and best practice measures the vulnerability rating of the Facility to future climate changes would be low.

Grid Connection

7.105 An Electricity Grid Connection Statement accompanies this application (document reference 5.6). The Applicant has consulted Western Power Distribution regarding the grid connection for the Facility and a connection point will be located at the south-eastern corner of the Principal Application Site to facilitate the next export of 80MWe (and a net import of 5MWe) of electricity. The grid connection infrastructure will include a primary substation to convert the site-produced power into the local 123kV line. An additional overhead tower located in the south-eastern corner of the Principal Application Site may need to be constructed by Western Power Distribution to manage the connection to the grid.

Pollution Control and Other Environmental Regulatory Systems

7.106 This section of the NPS seeks to ensure that energy development, such as that which is the subject of this planning statement is an appropriate land use with reference to its locality. In this context it is relevant to state that the Facility is located within an existing industrial setting where a number of existing power generating and waste management facilities are already located. The ES identifies the existing uses of land which take place neighbouring the Principal Application Site. Against this background the ES does go on to assess and where necessary, identify mitigation measures which are specific to the proposal the subject of this DCO.

7.107 The Applicant recognises that some of the activities associated with the Facility will be controlled by the Environment Agency through Environmental Permitting which sits outside the jurisdiction of the planning system. The Applicant has consulted all relevant statutory consultees, including the Environment Agency, on the nature and requirements of these permits and Section 8 of this Planning Statement sets out more detail. This will ensure that the development is acceptable in the context of its locality. It must therefore be concluded that the approach in the EIA is in accordance with the recommendations set out in the NPS.

Safety

7.108 In accordance with paragraph 4.11.1 of NPS EN-1, the Applicant consulted the Health and Safety Executive ('HSE') during the Scoping stage of the EIA in relation to matters associated with safety. According to HSE's records there are no major accident hazard sites or major accident hazard pipelines within the Facility. HSE confirmed it would not advise against this proposal.

7.109 In its Scoping Opinion the Secretary of State requested that human health was assessed as part of the EIA to consider human health aspects in terms of soil handling and contaminated land. This assessment forms Chapter 22 of the ES (document reference 6.2.22) and where relevant it is referenced in more detail below.

Hazardous Substances

7.110 In accordance with paragraph 4.12.1 of NPS EN-1, the Applicant consulted with HSE at the Scoping stage of the EIA process. Details on the expected levels of hazardous waste arising from the Facility during construction and operation are included within Chapter 23 (Waste) of the ES (document reference 6.2.23). This chapter of the ES outlines the relevant best practice mitigation measures that will be adopted in accordance with relevant Hazardous Waste Regulations. These mitigation measures include requirements for the correct handling of waste, the implementation of management plans for plant equipment and spill procedures and the correct disposal of waste off-site by licenced providers. The most significant hazardous waste stream will be the air pollution control residues (APCr) and these are proposed to be recycled on-site within the lightweight aggregates facility, thus promoting the waste hierarchy, the proximity principle and avoiding emissions required for transport of APCr by road to an off-site permitted waste management facility.

Health

7.111 In line with the requirements set out within NPS EN-1, impact on human health was considered at the scoping stage of the EIA process and it informs Chapter 22 of the ES (document reference 6.2.22). This is supported by a Health Impact Assessment ('HIA') that considers the Facility's impact on active travel and sustainable travel, connectivity and safety, air quality, noise, and water and ground contaminants during the construction, operation and decommissioning stages of the development. (The HIA and ES chapter are read in connection with Chapter 10 (Noise and Vibration, document reference 6.2.10), Chapter 11 (Contaminated Land, Land Use and Hydrology, document reference 6.2.11), Chapter 14 (Air Quality, document reference 6.14), Chapter 19 (Traffic and Transport, document reference 6.2.19) and Chapter 20 (Socio-Economics, document reference 6.2.20)).

7.112 Environmental mitigation measures identified within the ES to address any issues associated with pollution or emissions which could impact upon human health are considered further below and not considered here. It is considered that the Facility accords with policy in respect of health considerations.

Common Law Nuisance and Statutory Nuisance

7.113 A Statutory Nuisance statement accompanies this application (Document reference 5.5).

7.114 Outside the scope of this DCO application, the Applicant will seek consent for the required Environmental Permits and Licences. Further details are included within Section 8.0f of this Planning Statement and the Other Consents and Licences statement (document reference 5.4).

Assessment Principles

7.115 The following part of the Planning Statement assesses the Facility with respect to the assessment principles set out within NSP EN-1 and EN-3. They are grouped together under a series of common themes as identified in the preceding section of the Planning Statement (Table 6.2).

Air Quality and Emissions

Summary of Policy Position

7.116 The following section sets out a summary of policy relevant to Air Quality and Emissions.

"The construction, operation and decommissioning phases can involve emissions to air which could lead to adverse impacts on health, on protected species and habitats, or on the wider countryside" NPS EN-1 (para 5.2.1).

"The [SoS] should generally give air quality considerations considerable weight where a project would lead to the deterioration in air quality in an area" NPS EN-1 (para 5.2.9).

In addition to NPS EN-1, NPS EN-3 states:

"CO2 emissions may be a significant adverse impact of biomass / waste combustion plant" NPS EN-1 (para. 2.5.38).

"The Waste Incineration Directive ('WID') is also relevant to waste combustion plant…where [a facility] *meets the requirements of WID and will not exceed local air quality standards, the [SoS] should not regard the [proposal] as having adverse impacts on health"* NPS-EN3 (para. 2.5.39 and 2.5.43).

7.117 Furthermore, important and relevant considerations provide:

"*Decisions should contribute to and enhance the natural and local environment by… preventing new… development from contributing to… unacceptable levels of air… pollution*" NPPF, (para 170).

"Consideration will include proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles" NPPW (Appendix B)

"Planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from … dust, odour, emissions to occupants of nearby dwellings and other sensitive receptors LMWLP CS (Policy DM3)

"Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon: 1) health and safety of the public; 2) the amenities of the area; or 3) the natural, historic or built environment" SELP (Policy 30).

Assessment of Proposals

7.118 There are potential air quality impacts associated with dust, plant, vehicle and vessel exhaust emissions during construction of the Facility. The assessment of Air Quality considerations has been undertaken as part of the ES for this application to ascertain the potential impacts of the Facility (Chapter 14 Air Quality, document reference 6.2.14).

7.119 The ES assesses the effect of the Facility on local air quality associated with dust, plant and vehicle exhaust emissions during the construction stage of the development and vehicle exhaust, shipping and facility stack emissions potentially arising from the operational phase of development. An assessment has also been undertaken to understand the effect of potential odour being released from the RDF storage facilities.

7.120 Potential effects of dust and plant emissions during construction were assessed using best practice guidance in the UK. Appropriate best practice mitigation measures are recommended to minimise dust and pollutant emissions from on-site construction activities, such that off-site

effects will not be significant. Air quality modelling was undertaken to predict effect on human and ecological receptors as a result of emissions from construction-generated traffic and vessel movements, including at receptors within the more sensitive locations in Boston which are statutory Air Quality Management Areas (AQMA).

7.121 At a local level, there are two AQMAs in Boston and these were defined by BBC for exceeding annul mean air quality objective for NO2. The Boston (Haven Bridge) AQMA is located approximately 1.5km northwest of the facility and the Bargate Bridge AQMA is approximately 1.8km north-northwest of the facility. There are several residential receptors within 350 m of the Principal Application Site boundary, and the Havenside Local Nature Reserve (LNR) is located within 200 m which established the need for a detailed air quality assessment to be undertaken.

7.122 The Facility has been designed to incorporate Best Available Techniques by carefully choosing equipment that filters and manages air quality. Best practise measures, such as Dust Management Plans and Construction Logistics Plans, will also be adopted throughout both the construction and operational phases of the development to limit the impacts associated with dust, exhaust pollutants and emissions from mobile machinery. Abatement systems will also be implemented to ensure the facility meets the relevant emission limit values. The Facility is designed to be compliant with the requirements of the Industrial Emissions Directive the Waste Incineration Directive.

7.123 The construction phase activities encompassing potential construction phase dust and particulate and road traffic and vessel emissions with mitigation as required are assessed to be not significant. A Construction Code of Practice will be implemented. With respect to the operational phase, potential stack, road traffic and vessel emissions are assessed not to be significant. With best practice mitigation measures in place the residual effect of the decommissioning phase of the development is assessed to be not significant. The Facility has been assessed and appropriate mitigation identified to ensure that the potential air quality effects on sensitive receptors from the construction and operation of the Facility have been fully addressed singularly and in combination with other existing or planned developments to ensure that potential impacts are acceptable. It is considered that the Facility complies with air quality planning policy objectives in accordance with the NPS.

7.124 Further consideration of the potential effects of dust upon marine and terrestrial ecology and heritage and odour on residential receptors are included in the succeeding paragraphs of this Planning Statement.

Biodiversity and Geological Conservation

Summary of Policy Position

7.125 The following section sets out a summary of policy relevant to biodiversity and geological conservation.

"Where the development is subject to EIA (Environmental Impact Assessment) the applicant should ensure that the ES (Environmental Statement) clearly sets out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. The applicant should provide environmental information proportionate to the infrastructure where EIA is not required to help the SoS *consider thoroughly the potential effects of a proposed project"* NPS EN-1 (para 5.3.3).

"The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests" NPS EN-1 (para. 5.3.4).

"The [SoS] *should take account of the context of the challenge of climate change: failure to address this climate change will result in significant adverse impacts to biodiversity… the [SoS] may take account of any such net benefit in cases where it can be demonstrated"* NPS EN-1 (para 5.3.6)

"development should aim to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives" EN-1 (para 5.3.7)

Proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology.' EN-3 (para 2.4.2)

7.126 Furthermore, important and relevant considerations provide:

"Decisions should contribute to and enhance the natural and local environment by:… protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils…; minimising the impacts on and providing net gains for biodiversity" NPPF (para. 170)

"In testing the suitability of sites…consideration will include any adverse effects on a site of international importance for nature conservation, National Improvement Areas and ecological networks and protected species" NPPW *(Appendix B)*

"Planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from … dust, odour, emissions … to occupants of nearby dwellings and other sensitive receptors LMWLP CS (Policy DM3)

"Where the conclusions of an appropriate assessment … show that a proposal can be delivered without adverse effect on the integrity of any SAC, SPA or Ramsar site, planning permission will be granted" LMWLP (Policy DM7)

"Sites of Special Scientific Interest…. will be safeguarded from inappropriate …waste development. Planning permission will be granted for … waste development on or affecting such sites providing that it can be demonstrated ….. would not conflict with…. or have any adverse impact on the site." LMWLP (Policy DM8)

"Development proposals that would cause harm to [internationally-designated sites] *will not be permitted except in exceptional circumstances, where imperative reasons of overriding public interest exist, and the loss will be compensated by the creation of sites or greater nature conservation value*" SELLP (Policy 28)

"*Development proposals that would directly or indirectly adversely affect* [nationally or locally-designated sites and protected or priority habitats and species] *will not be permitted unless: there are no alternative sites that would cause less harm; and the benefits of the development… clearly outweigh the adverse impacts; and suitable prevention, mitigation and compensation measures are provided"* SELLP (Policy 28).

'Marine plan authorities should be mindful that, consistent with the high - level marine objectives, the UK aims to ensure: • A halting and, if possible, a reversal of biodiversity loss with species and habitats operating as a part of healthy, functioning ecosystems; and, • The general acceptance of biodiversity's essential role in enhancing the quality of life, with its conservation becoming a natural consideration in all relevant public, private and nongovernmental decisions and policies.' MPS (Paragraph 2.6.1.1).

'Cumulative impacts affecting the ecosystem of the East marine plans and adjacent areas (marine, terrestrial) should be addressed in decision-making and plan implementation. EIMP (Policy ECO1).

Appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole, taking account of the best available evidence including on habitats and species that are protected or of conservation concern in the East marine plans and adjacent areas (marine, terrestrial). 'EIMP (Policy BIO1).

Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests. EIMP (Policy BIO2).

Assessment of Proposals

7.127 In accordance with NPS EN-1, the impact of the development on terrestrial and estuarine ecology is set out with Chapters 12 (Terrestrial Ecology, document reference 6.2.12) and 17 (Marine and Coastal Ecology document reference 6.2.15) and Chapter 21 (Climate Change, document reference 6.2.21) of the ES. With respect to construction and operational considerations, each chapter provides a comprehensive assessment of the Facility (including activities on land as well as through dredging and vessel movements) on statutory and non-statutory sites, habitats, badgers, bats, water voles, dormice and otters, reptiles, birds populations and terrestrial invertebrates and marine species, considering also the context of the challenge of climate change.

7.128 In view of the location of the Facility, the nature of the development and the potential for disturbance to local nature conservation interests, an environmental impact assessment has been undertaken to inform: the design of the scheme; identify appropriate and best practice techniques; and, to identify opportunities that can be taken to enhance conservation interests at the Application Site. Due to the character of the underlying geology of the Application Site, geological conservation is not a matter which has required consideration through the assessment of the Facility and is not referred to further in this section.

7.129 Potential effects of the Facility on protected sites were assessed in the Habitats Regulations Assessment (HRA). The scope of the HRA identified that the following sites were relevant:

- The Wash SPA;
- The Wash Ramsar site; and
- The Wash and North Norfolk Coast SAC.

7.130 With respect to the location of the Facility, it does not fall within a statutory or non-statutory or proposed site of importance for nature conservation. However, the Havenside Local Nature Reserve (LNR) is located approximately 140m east of the Application Site and its closet point is on the eastern bank of The Haven which is considered to be of 'high importance'. There are also three Local Wildlife Sites (LWS) within 2km of the Application Site, all considered to be of medium importance (Havenside, South Forty Drain and Slippery Gowt Sea Bank).

7.131 With respect to terrestrial ecology, the Principal Application Site and its immediate surroundings include a mixture of semi-improved grassland with scattered shrubs, areas of tall ruderals including nettles, intact hedgerows, hardstanding and areas of rubble. The development of the facility will result in the loss (temporary and permanent) of terrestrial habitat including: hedgerows; semi natural broad leaved woodland; scrub; semi improved neutral grassland; arable land; mudflat saltmarsh and earth banking, however landscape mitigation planting is incorporated within the facility which in turn will result in long-term benefits to both visual amenity and ecological receptors.

7.132 The Facility includes a series of embedded mitigation measures which are designed to reduce the impact on existing biodiversity. These measures are considered standard industry practices for this type of development. It has been designed, where possible, to avoid sensitive ecological

receptors. Lighting used within the development will include low pressure sodium lighting located away from areas that could be used by bat and bird species. A reptile sensitive clearing methodology will be implemented during construction and vegetation will be removed outside of nesting seasons. The Facility will include a varied planting programme comprising a mixture of vegetation designed to provide foraging and nesting areas for invertebrates. These are secured through a DCO requirement which requires the Applicant to prepare a Landscape and Ecological Mitigation Strategy.

7.133 Through the implementation of best practice measures and engineering design, with the exception of noise and light upon bats during construction, the Facility is considered to have no significant effect on terrestrial habitats, including those located in the nearby Havenside LNR.

7.134 With respect to marine ecology the worst-case scenario was considered when assessing the potential impacts. The sensitive receptors include fish, benthic communities, birds, marine mammals, saltmarsh and mudflats.

7.135 The main potential impacts arising from the construction period are habitat loss/alteration, increased suspended sediment concentrations and increased noise and vibration caused by piling and ship movements. With mitigation as required in place including the implementation of a Construction Code of Practice and Landscape and Ecological Mitigation Strategy (LEMS) (which will incorporate the habitat mitigation works in the Habitat Mitigation Area) the potential impacts are assessed by the EIA to be not significant.

7.136 The net gain approach has been followed for this project for losses to habitat. An indicative intertidal biodiversity metric calculation has been completed to determine the requirement for net gain, which is included within the submitted Outline Landscape and Ecological Mitigation Strategy (OLEMS) (document reference 7.4). The final Landscape and Ecological Mitigation Strategy will be approved pursuant to a DCO requirement (paragraph 9.11).

7.137 For the operational phase, the key potential impacts are changes in vessel traffic and movement leading to increased ship wash, underwater noise, disturbance and collision risk with marine mammals. With mitigation in place as required, the potential impacts are assessed to be not significant in EIA terms.

7.138 The potential impact of an increase in operational air emissions on habitats is also considered. Mitigation has been applied to the impact assessment for both the construction and operational phase. to reduce the significance of some impacts. With mitigation as required in place the potential impacts are assessed within the EIA to be not significant.

7.139 The Boston Tidal Barrier is estuary-based and close enough to the Facility to require a cumulative assessment. The tidal barrier will protect Boston from a tidal surge. The barrier will feature a 25m wide hydraulic-powered gate, new flood defence walls on both banks and a replacement gate across the entrance to the existing Port of Boston. The EIA concludes that the potential impact of this scheme when considered in combination with the Facility would not result in a significant effect.

7.140 The findings of the HRA are set out in the preceding paragraph 7.56 -7.60 so are not repeated again here. In consideration of this, potential effects on biodiversity from the operation of the Facility are acceptable. Importantly, the scheme includes habitat enhancement works which will have a significantly beneficial effect in terms of important species which currently make use of nearby locations. It is therefore considered that issues associated with biodiversity have been addressed in accordance with the NPS.

Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation

7.141 The following section sets out a summary of policy relevant to dust, odour, artificial light, smoke steam and Insect infestation.

Summary of Policy Position

During the construction, operation and decommissioning of energy infrastructure there is the potential for the release of a range of emissions such as odour, dust, steam, smoke, artificial light and infestation of insects" NPS EN-1 (para 5.6.1).

In addition to the above:

"The applicant should assess the potential for insect infestation and emissions of odour… with particular regard to the handling and storage of waste for fuel" NPS EN-3 (para 2.5.60).

"Reception, storage and handling of waste and residues should be carried out within defined areas, for example bunkers or soils, within enclosed buildings at EfW generating stations" NPS EN-3 (para 2.5.62).

7.142 Furthermore, important and relevant considerations provide:

"Decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on human health, living conditions and the natural environment…" NPPF (para 180).

"Consideration will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and manged equipment and vehicles" NPPW (Appendix B).

"Planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from: noise, dust, vibration, odour, litter, emissions…" LMWLP (Policy DM3).

Assessment of Proposals

7.143 The assessment of 'Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation' considerations has been undertaken as part of the ES for this application to ascertain the potential impacts of the Facility (Chapter 5 Project Description, document reference 6.2.5; Chapter 9 Landscape and Visual Impact, document reference 6.2.9; and, Chapter 14 Air Quality, document reference 6.2.14).

7.144 By the nature of activities that will be undertaken during the construction stage of the development and those associated with its operation, the Facility has the potential to generate emissions such as dust. The design of the scheme has evolved to include a series of embedded mitigation measures to militate against potential impact on receptors including the implementation of a Construction Code of Practice. As part of the EIA process, an Atmospheric Dispersion Modelling Assessment, Air Dispersion Modelling Assessment and Odour assessment has been undertaken.

7.145 The control of dust during the construction phase of development will be undertaken in accordance with an agreed Dust Management Plan, the components of which are set out within section 14.8 of ES Chapter 14 (document reference 6.2.14). Those measures include: communication; dust management; construction, earthworks, track-out and mobile machinery.

7.146 The Facility is not predicted to lead to any significant impacts during its operation which would require additional mitigation measures, however the Facility will utilise covered conveyors to transport material including fuel and aggregate products. As the Facility would be required to operate under the provisions of its Environmental Permit, this is considered to be an adequate mechanism to ensure that significant impacts are not experienced.

7.147 With respect to potential odour, the assessment highlights that potential odour impacts associated with construction phase of works is not significant. With respect to operation of the facility, this would be associated with the receipt, storage and handling of refuse derived fuel (RDF).

7.148 The control of odour is integral to the Facility. The Facility has been designed to prevent significant odour impacts from occurring: RDF conveyors will be enclosed other than at the loading point, and the RDF shredding and bunker buildings will be enclosed with the air extracted and sent to the thermal treatment plant for combustion. Fast-acting roller shutter doors will be in place to minimise the time that doors are open when the building is accessed for maintenance. All bales of fuel received will be sealed tightly in plastic wrap and the storage of waste will be minimised to approximately five days before it is processed and either recycled or disposed of off-site. All these measures will minimise the opportunity for odour release.

7.149 The efficient operation of the facility will be controlled through environmental management system associated with the Environmental Permit, (regulated by the Environment Agency). Infestation will be managed in principle by the conditions imposed by the Environmental Permit for the site. There will be a permit condition that will require the management system has a procedure to manage vermin and fly infestation.

7.150 Other than for a short period at start up using black start generators, to allow the EfW to get to get to operating temperature there will be no smoke emissions. Smoke generation at start up is allowed under an Environmental Permit, but only at notifiable times. Dependent upon ambient external air temperature, water vapour emissions will on occasions be visible from the facility stacks (but will not result in loss of amenity (air or visual) to sensitive receptors. The facility would operate 24 hours a day therefore artificial lighting will therefore be required during the hours of darkness to fulfil health and safety requirements.

7.151 In accordance with a lighting strategy to be approved in accordance with Regulation 15 of the DCO, operational phase lighting will be provided to the lighting design standards and guidance documents relevant to permanent lighting installations. Lighting will be configured so as not to result in nuisance to neighbouring sensitive receptors. With mitigation measures applied including operation controlled in accordance with the Environmental Permit, the potential residual impact of the development from dust, odour, artificial light, smoke, steam and insect infestation will not be significant.

7.152 Full and appropriate consideration has been given to issues associated with Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation. It has been demonstrated that singularly and in combination with other existing or planned developments, predicted effects are not significant given the mitigation embedded through design or operational practice built in the DCO.

Flood Risk and Drainage

7.153 The following section sets out a summary of policy relevant to flood risk and drainage.

Summary of Policy Position

The SoS *"should not consent development in Flood Zone 3 unless it is satisfied that the Sequential and Exceptions Test requirements have been met"* NPS EN-1 (para 5.7.12).

"To satisfactorily manage flood risk, arrangements are required to manage surface water and the impact of the natural water cycle on people and property" NPS EN-1 (para 5.7.18).

"Essential energy infrastructure which has to be located in flood risk areas should be designed to remain operational when floods occur" NPS EN-1 (para 5.7.24).

7.154 Furthermore, important and relevant considerations provide:

"The suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care" (NPPW, Appendix B).

'*Proposals for minerals and waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Minerals and waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations*.' LMWLP (Policy DM15): Flooding and Flood Risk.

Assessment of Proposals

7.155 The NPS specifies that developments such as Energy Infrastructure of the nature proposed should be accompanied by a Flood Risk Assessment; which should be prepared with regard to the potential impacts of climate change. The assessment of Surface Water, Flood Risk and Drainage considerations has been undertaken as part of the ES for this application to ascertain the potential impacts of the Facility (Surface Water, Flood Risk and Drainage, document reference 6.2.13). This is supported by a Flood Risk Assessment (document reference 6.4.13) and Water Framework Directive Compliance Assessment (document reference 6.4.12).

7.156 The Facility is located in the lower catchment of the River Witham, and it is drained by a number of ordinary watercourses that are maintained by the Black Sluice Internal Drainage Board ('IDB'). The water courses have been extensively modified or they are largely artificial. The drainage catchment is discharged into the tidal Witham (The Haven) through a pumping station. Water quality in the catchment is adversely affected by pressures from sewage discharges, agricultural and rural land management, and industrial activities.

7.157 Within the boundary of the Principal Application Site there are a number of watercourses, which are not maintained and managed by IDB. The watercourses are located within IDB's Catchment 6 Area (Wyberton Marsh) and they are directly connected to its drainage network. These watercourses are largely open channels and ditches.

7.158 The Principal Application Site is located within Flood Zone 3 and it is confirmed by the Environment Agency that this reflects tidal flood risks rather than fluvial flood risk. The Principal Application Site currently benefits from flood defences, including natural defences such as the Roman Bank (Sea Bank) and the man-made Boston Barrier. Surface water flood risk on the Principal Application Site is primarily very low, with small areas risk, associated with the existing water courses and drains located in localised low-lying spots. The Habitat Mitigation Area lies on the seaward side of the primary flood defence.

7.159 The ES Chapter identifies the potential impacts associated with the construction and operation of the Facility on water courses and flood risk receptors. These impacts primarily relate to the

drainage system, increased sediment supply, accidental release of contaminants, and changes to surface water runoff and flood risk.

7.160 Site specific and embedded mitigation measures are included in the Facility so that none of the above impacts are determined to be significant in EIA terms. Principal Application Site specific mitigation measures include:

- Sediment management through the adoption of a Construction Method Statement ('CMS'), the adoption of a temporary works area, the minimalisation of subsoil exposure, silt fences with the drainage system at the foot of the soil storage areas to intercept sediment runoff, and appropriate wheel washing facilities for construction vehicles;
- Site drainage will include measures to control discharge equivalent to greenfield runoff rates. A Surface Water and Drainage Plan ('SWDP') will be implemented in accordance with the DCO Requirement to minimise water within the construction areas and to ensure ongoing drainage of surrounding land;
- Prevention pollution measures will include concrete and cement mixing and washing areas (situated at least 10m away from the nearest watercourse), the installation of impermeable bunds for fuels, oils, lubricants and other chemicals, on site spill kits, and the collection of foul drainage through a mains connection to an existing mains sewer; and
- Post construction surface water drainage system will be developed in accordance with the principles of sustainable urban drainages system discharge hierarchy as set out in NPS EN-1. with runoff limited, where feasible, through the use of infiltration techniques which can be accommodated within the area of development. The drainage strategy will be developed according to the principles of the sustainable drainage system (SuDS) discharge hierarchy It will aim to discharge surface water run off first into the ground through infiltration, and then to a surface water body, followed by a sewer or combined sewer.

7.161 In addition to the above drainage mitigation measures, and the existing flood defences in the surrounding area, the Facility will incorporate flood resilient design measures. The wharf at the Facility will have a flood defence line of 7.2 mAOD, which will also complement the flood defence regime for Boston formed by the new Boston Barrier and the Haven Banks Project. The latter project will raise the earth embankment of the primary flood embankments fronting The Haven from Boston to the Wash by between 150 and 200mm (to 6.5m AOD) between Summer 2019 and Winter 2020. The Facility therefore accords with EN-1 paragraph 5.7.18 and 5.7.24 in that the satisfactorily flood risk management measures will be in place to manage surface water with respect to impact of the natural water cycle on people and property. The Facility will continue to operate when floods occur.

7.162 The Water Framework Directive Compliance Assessment (document reference 6.4.12) confirms that, providing the mitigation measures above are implemented, the construction, operation and commissioning of the Facility will have a negligible risk of causing direct deterioration of the Witham and Wash Inner waterbodies.

7.163 The Flood Risk Assessment (document reference 6.4.13) that accompanies this application confirms that, based on flood risk management techniques, the risk of flooding is considered low and the Application Site is appropriate for development in accordance with NPS EN-1 and the NPPF. As part of this assessment a sequential and exceptions test has been carried out and, in the context of the Principal Application Site being assessed as a suitable location for industrial, energy and waste facilities and on the locational requirements of the Facility, it is concluded that these tests have been appropriately demonstrated satisfying NPS EN-1 (para 5.7.12).

7.164 Due to the high hazard rating to the Principal Application Site, should there be a breach in the defences during construction or operation the Facility will require a Flood Risk Emergency Plan, secured by way of the requirement of the DCO. This will include procedures to receive flood warnings (including communication lines to cover shift patterns and / or staff leave), and closure of or evacuation of the Facility with sufficient lead time to ensure no personnel or vehicles are left within the Principal Application Site during times of a flood warning.

7.165 In conclusion, the Flood Risk Assessment that accompanies this application confirms that, based on flood risk management techniques, the risk of flooding is considered low and the Principal Application Site is appropriate for development in accordance with the NPS. As part of this assessment a sequential and exceptions test has been carried out. In the context of the Principal Application Site being assessed as a suitable location for industrial, energy and waste facilities and the locational requirements of the Facility, it is concluded that these tests have been appropriately demonstrated.

Historic Environment

7.166 The following section sets out a summary of policy relevant to the historic environment.

Summary of Policy Position

'*The construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment'* NPS EN-1, paragraph 5.8.1.

'*As part of the ES, the applicant should provide a description of the significance of the heritage assets affected by the Facility and the contribution of their setting to that significance'*. NPS EN-1 paragraph 5.8.8.

'*Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the harm to the significance of the heritage asset the greater the justification will be needed for any loss'*. NPS EN-1 paragraph 5.8.15.

'*When considering any impact on the historic environment, the Planning Inspectorate should take into account the positive role that large-scale renewable projects play in the mitigation of climate change and delivery of energy security'*. NPS EN-3 paragraph 2.5.34.

7.167 Furthermore, important and relevant considerations provide:

Within the NPPF provision for the historic environment is given principally in Section 16, conserving and enhancing the historic environment' (paragraphs 184-202), which directs local planning authorities to set out *"a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats"* (paragraph 185). In doing so, they should recognise that heritage assets are *"an irreplaceable resource and should be conserved in a manner appropriate to their significance"* (paragraph 184).

'Proposals that have the potential to affect heritage assets including features of historic or archaeological importance (whether known or unknown) should be accompanied by an assessment of the significance of the assets and the potential impact of the development proposal on those assets and their settings' LMWLP Policy DM4: Historic Environment.

"To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets, such as important known archaeology or that found during development, historic buildings, conservation areas,

scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design." SELLP: Policy 29.

"Proposals that may affect heritage assets should demonstrate, in order of preference:

a) that they will not compromise or harm elements which contribute to the significance of the heritage asset

b) how, if there is compromise or harm to a heritage asset, this will be minimised

c) how, where compromise or harm to a heritage asset cannot be minimised it will be mitigated against or

d) the public benefits for proceeding with the proposal if it is not possible to minimise or mitigate compromise or harm to the heritage asset." EIMP Policy SOC2

Assessment of Proposals

7.168 The assessment of Heritage considerations has been to ascertain the potential impacts of the Facility (Chapter 8 Cultural Heritage, document reference 6.2.8).

7.169 There are no designated assets within the Application Site. A total of six Listed Buildings are within 1 km, whilst four Scheduled Monuments and a further 22 Grade II* and I Listed structures are found within 3 km. These heritage features include: Wybert's Castle; Slippery Gowt Sluice; Maud Foster Sluice; the Parish Church of St Nicholas; St Botolph's Church tower and the conservation areas of Skirbeck and Wyberton.

7.170 Non-designated assets within 1 km are predominantly medieval to modern in date, mostly in the form of buried deposits associated with farmsteads. The most notable non-designated asset is the 'Roman Bank'. This extant earthwork passes through the centre of the Principal Application Site. The Application Site could also be underlain by prehistoric peat and historic alluvium which has the potential to contain preserved archaeological remains. There is also potential for heritage assets and remains to be present associated with The Haven mudbanks and the foreshore.

7.171 Heritage input into the design of the layout of the facility has been provided, to ensure avoidance of impact to the historic environment where possible. The Facility has been designed with historic environment in mind, particularly in minimising any potential impacts to the setting of nearby heritage assets.

7.172 The ES adopts a 'worst case' approach to assessment of effects upon the heritage assets identified with respect to construction, operation and decommissioning of the wharf and the facility. With the application of mitigation measures specific to each asset assessed where required, residual impacts in all cases were considered not to be significant.

7.173 It is therefore considered that issues associated with heritage singularly and in combination with other existing or planned developments have been fully addressed in accordance with the NPS.

Landscape and Visual Amenity

7.174 The following section sets out a summary of policy relevant to landscape and visual amenity.

Summary of Policy Position

"All proposed energy infrastructure is likely to have a visual effect for many receptors around the proposed sites. The [SoS] will have to judge whether the visual effects on sensitive receptors… outweigh the benefits of the project" NPS EN-1 (para. 5.9.18).

"It may be helpful for applicants to draw attention, in the supporting evidence of their applications, to any examples of existing permitted infrastructure they are aware of with a similar magnitude of impact on sensitive receptors" NPS EN-1 (para. 4.9.19).

"The [SoS] should ensure that applicants have taken into account landscape and visual impacts on visible plumes from chimney stacks and / or the cooling assembly" NPS EN-1 (para. 5.9.20).

"Reducing the scale of a project can help mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design…. May result in a significant operational constraint and reduction in function" NPS-EN1 (para. 5.9.21)

"The overall size of the building will be dependent on design and fuel throughput, although it is unlikely to be less than 25m in height. External to the building there may be cooling towers, the size of which will also be dependent on the throughout of the generating station." NPS EN-3 (para. 2.5.49).

"The [SoS] should expect applicants to seek to landscape [the facility] to visually enclose them at low level as seen from surrounding external viewpoints" NPS EN-3 (para. 2.5.52)

"Earth bunds and mounds, tree planting or both may be used for softening the visual intrusion and may also help to attenuate noise from site activities" NPS EN-3 (para. 2.5.52)"

7.175 Furthermore, important and relevant considerations provide:

"Decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes" NPPF (para 170a).

"Consideration will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character…(iii) localised height restrictions" NPPW (Appendix B).

Planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from…visual intrusion… to occupants of nearby dwellings and other sensitive receptors'. LMWLP (Policy DM3).

"Planning permission will be granted for minerals and waste development provided that due regard has been given to the likely impact on the Facility on landscape and townscape, including landscape character, valued or distinctive landscape features and elements, and important views" LMWLP (Policy DM6).

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;

2. quality of design and orientation;…

6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;…' SELLP Policy 2

B. Renewable Energy

(1) *With the exception of Wind Energy the development of renewable energy facilities, associated infrastructure and the integration of decentralised technologies on existing or proposed structures will be permitted provided, individually, or cumulatively, there would be no significant harm t1. visual amenity, landscape character or quality, or skyscape considerations;..".* SELLP Policy 31 Climate Change.

Assessment of Proposals

7.176 The assessment of Landscape and Visual considerations has been undertaken as part of the ES for this application to ascertain the potential impacts of the Facility (Chapter 9 Landscape and Visual Impact Assessment, document reference 6.2.9). The proposed Habitat Mitigation Area will include minor ground level works requiring limited use of plant and equipment over a very short period of time. There will be no built development within this area and the Habitat Mitigation Area is not therefore included within the scope of the assessment.

7.177 In accordance with prevailing policy set out within NPS EN-1 and NPS EN-3, it is recognised that this Facility is significant development. The design evolution process of the scheme has allowed mitigation measures to be embedded into the Facility including location of the Principal Application Site to the west of the existing raised landform of the landfill site which provides substantial visual screening of proposed structures in views from the east.

7.178 The Principal Application Site is located immediately to the west of the existing Biomass UK No. 3 Ltd energy facility; massing of proposed buildings will appear contiguous with existing tall structures at the Biomass UK No. 3 Ltd site. Existing woodland will be retained and reinforced. The building facades are designed to be cleaned and uncluttered with complementary colours to reduce their prominence when seen against the sky.

7.179 The LVIA that supports this DCO application identifies predicted landscape and visual effects that would arise from the construction stage of the development and at both the early and long-term operational stages of the Facility. With respect to landscape, the construction stage will be the most disruptive, where activities would be temporary and seen in the context of existing surrounding industrial uses. The construction stage effects on the Application Site and immediate environs with the incorporation of mitigation are predicted to not be significant in EIA terms. During operation, the overall effects on the landscape character are predicted to not be significant in EIA terms. The long-term establishment of proposed landscaping will introduce some beneficial effects on the landscape character.

7.180 With respect to visual considerations, during both construction and operation, representative viewpoint analysis indicates that significant effects would be limited to receptors in close proximity to the Application Site, typically within 500 m of the site boundary. Plumes would be visible though they would only occur during certain meteorological conditions. The visual effects of stack plumes are widely varied and dependent upon the observers' line of sight and distance to plumes, sun angle, degree of contrast against the sky and time of day. The average plume length has been calculated as 21 m distance from the stack, although under certain circumstances this could increase to nearly 925 m.

7.181 Residential properties, the Skirbeck Conservation Area, and users of the footpath routes and recreational boats along The Haven are in close proximity to the Principal Application Site and would obtain close range, open views towards the Facility. Close range and high-level construction and operational activity when viewed from four locations one from the north bank of the Haven; close to St Nicholas's church; Looking east from Marsh Lane; and east of Slippery Gowt would incur effects which are significant in EIA terms. Effects during the early operational stages of the facility when viewed from Slippery Gowt would be slightly reduced in comparison to the construction stage of development.

7.182 The Facility accords with NPS EN-1 in that an LVIA has been undertaken for this Nationally Significant Infrastructure Project (EN-1 paragraph 5.9.5).

7.183 An existing permitted energy plant is located adjacent to the Principal Application Site and is considered by the landscape and visual impact assessment (EN-1 5.9.20). Consideration was given from the outset to development layout, building massing and external colouring (EN-3 paragraph 2.5.5.1). Landscape & visual mitigation measures include the retention and enhancement of existing landscape features and the introduction of new belts of woodland planting; species selection will provide visual screening benefit whilst reinforcing existing local landscape character and biodiversity (EN-3 paragraph 2.5.50).

7.184 The facility is large scale and extensive and as such there are limitations to the range of practical measures that can be adopted. The location of the development to the west of a raised landfill site landform provides screening to the development in views from the east (EN-3 paragraph 2.5.52).

7.185 With respect to important and relevant considerations, The Facility complies with paragraph 170 of the NPPF by avoiding impact on valued landscapes and recognising and reinforcing the benefits derived from trees and woodlands. The Facility would comply with paragraph 180 of the NPPF in that it would limit the impact of light pollution on local amenity and the surrounding countryside.

7.186 With respect to quality of life and amenity (LMWLP Policy DM3 and SELLP Policy 2) certain local significant adverse effects were identified, however these would be localised, and, in context of the existing environment, effects are not considered to introduce substantial harm to the overall visual amenity of other nearby land users. Mitigation proposals include the introduction of tree and shrub planting belts, which are secured through a Landscape and Ecological Mitigation Strategy.

7.187 With respect to impact on landscape and townscape, (LMWLP policy DM6 and SELLP Policy D3), the Application Site and the landscape of the wider Study Area do not contain any areas of landscape or landscape features that have been designated for their landscape value. There would be no significant townscape effects. Adverse landscape effects would be localised. The Facility recognises the value of existing vegetation features across the site and would enable the retention, management and reinforcement of these features wherever possible.

7.188 The development is a major new development in an area which is already subject to significant large scale industrial activity of a similar character. Full and proper consideration has been given to the potential effects of the development on the local landscape and on views. It is considered that the scheme singularly and in combination with other existing or planned developments accords with planning policy guidance including the objectives in the NPS.

Land Use including Public Open Space, Green Infrastructure and Green Belt

7.189 The following section sets out a summary of policy relevant to public open space, green infrastructure and green belt.

Summary of Policy Position

"The ES should identify existing and proposed land uses near the project, any effects on replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing" NPS EN-1 (para. 5.10.5).

"Applicants should seek to minimise impacts on the best and most versatile agricultural land" NPS EN-1 (para. 5.10.8).

"Rights of Way, National Trails and other rights of access to land are important recreational facilities for example for walkers, cyclists and horse riders. The [SoS] should expect applicants to take appropriate mitigation measures to address adverse effects on… National Trails and other Rights of Way" NPS EN-1 (para. 5.10.24).

7.190 Furthermore, important and relevant considerations provide:

"Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails" NPPF (paragraph. 98).

"*Proposals for minerals and waste development that include significant areas of best and most versatile agricultural land will only be permitted where it can be demonstrated that no reasonable alternatives exist*" LMWLP (Policy M12).

Assessment of Proposals

7.191 The assessment of Land Use has been undertaken as part of the ES for this application to ascertain the potential impacts of the Facility upon the existing land use and the rights of way which pass through the Principal Application Site (Chapter 11 Contaminated Land, Land Use and Hydrogeology, document reference 6.2.11 and Chapter 19 Transport, document reference 6.2.19).

7.192 Riverside Industrial Estate is characterised by industrial land and activities including a recycling centre, a household waste recycling centre and warehouses. The area is predominantly previously developed and does not sit within a Green Belt designation. The Principal Application Site itself currently comprises mainly semi-improved grassland and vacant former agricultural land which falls within a wider area classified as ALC Grade 1 (Excellent), though no detailed assessment of the Application Site's ALC classification has been carried out; however, a detailed assessment of the adjacent land, carried out in 1991 (Natural England, 2016), showed that the ALC of soils encountered was lower than ALC Grade 1 for the majority of the area surveyed. The remainder of the Principal Application Site includes soils that has been stripped during the development of adjacent infrastructure and facilities.

7.193 One sensitive land use is located near to the Principal Application Site and this is the Havenside LNR on the opposite bank of The Haven. In addition to this a local PRoW routes from north to south within the Principal Application Site but does not intersect with the Habitat Mitigation Area.

7.194 The ES undertakes an assessment to establish the potential impacts of the development on land use. During site surveys, potential contaminants including metals and metal compounds, petroleum hydrocarbons, fuel ash, inorganic contaminants and asbestos were found on the Principal Application Site associated with historic uses at the Industrial Estate. The Principal Application Site has not been used for agricultural purposes and is not considered to function as best quality land. Best practice measures will be implemented throughout the construction and operation of the Facility to limit potential effects of contamination and as a result it is considered to accord with the policy requirements of NPS EN-1. The risk of contamination on the Principal Application Site will also be managed through the Environmental Permit. The significance of the impact to agricultural soils is considered to be negligible during construction.

7.195 With respect public rights of way, the DCO application details the proposed stopping up of public rights of way. During construction and continuing into operation, the following footpath

sections (document reference 4.5, Access and Rights of Way Plan) would be permanently closed: BOST/14/4, BOST/14/10 and BOST/14/5. The closure would also affect the England Coast Path route which follows these footpaths, as does Macmillan Way (which follows a series of interconnected footpaths between Boston and Dorset). The diversion for these route closures would follow the route of an existing footpath, which follows the route of Roman Bank (also known as 'Sea Bank') along footpath sections BOST/14/11 and BOST/14/9. The Transport Impact Assessment assesses residual impacts to be not significant (document reference 6.2.19).

7.196 The ES identifies existing land uses upon and in the vicinity of the Application Site and assesses the effect of development on those uses. It is considered that the Facility is consistent with NPS policy guidance.

Noise and Vibration

7.197 The following section sets out a summary of policy relevant to noise and vibration.

Summary of Policy Position

"*Where noise impacts are likely to arise, the Applicant should include: A description of the noise generating aspects of the development proposal leading to noise impacts; Identification of noise sensitive premises and noise sensitive areas that may be affected; The characteristics of the existing noise environment; A prediction of how the noise environment will change with the Facility; An assessment of the effect of predicted changes in the noise environment on any noise sensitive premises and noise sensitive areas; and Measures to be employed in mitigating noise. The nature and extent of the noise assessment should be proportionate to the likely noise impact." NPS EN-1 (para 5.11.4).*

"The project should demonstrate good design through selection of the quietest cost-effective plant available; containment of noise within buildings wherever possible; optimisation of plant layout to minimise noise emissions; and where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission" NPS EN-1 (para 5.11.8).

"The [SoS] should not grant development consent unless it is satisfied that the proposals will meet the following aims: avoid significant adverse impacts on health and quality of life from noise; mitigate and minimise other adverse impacts on health and quality of life from noise; and where possible, contribute to improvements to health and quality of life through the effective management and control of noise" NPS EN-1 (para. 5.11.9).

"Noise from features including sorting and transport of materials during operation of biomass of EfW generating stations is unavoidable. Similarly, noise from apparatus external to the main generating station may be unavoidable. This can be mitigated through careful plant selection" NPS EN-3 (para 2.5.58).

7.198 Furthermore, important and relevant considerations provide:

Planning policies and decisions should contribute to and enhance the natural and local environment by: *"……preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution……*" NPPF (paragraph 170).

"*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development*. NPPF (paragraph 180)

"Consideration will include the proximity of sensitive receptors… intermittent and sustained operating noise may be a problem if not properly manged particularly if night time working is involved" NPPW (Appendix B).

"Planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from: • noise…" LMWLP (Policy DM3).

"Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon: …….

- *the amenities of the area; by way of: noise including vibration*" SELLP (Policy 30).

Development Management Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to: "6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion" SELLP (Policy 2).

Assessment of Proposals

7.199 A Noise and Vibration Assessment has been undertaken to ascertain the potential impacts of the Facility upon sensitive receptors (Chapter 10 Noise and Vibration, document reference 6.2.10). This assessment addresses the impact of the facility in relation to road and vessel traffic and vehicle trips, vibration and piling associated with temporary and permanent plant equipment during the construction, operation and decommissioning of the Facility.

7.200 The Facility has been designed to incorporate standard industry practices for this type of development. The principles of Best Available Techniques (BAT) have been applied in designing the Facility and for any sound emitting mobile and fixed plant. The principle of BAT ensures that suitable mitigation measures are embedded into the design and operation of the installation. During construction, an Outline Code of Construction Practice will be implemented in line with British Standards by the principal contractor for adoption during construction.

7.201 A worst-case scenario was assumed to assess the residual impacts of the Facility, taking into account of mitigation measures. This includes the assessment of traffic movements and temporary on-site plant equipment and activities associated with the construction of the development, including, but not limited to, buildings, ground works and foundation and piling works for the construction phase. For the operation, this includes traffic movements, fixed and mobile plant associated with the facility and vessel movements to and from the wharf.

7.202 Impacts associated with day time construction were not considered to be significant. For construction, noise associated with percussive piling activities will be the dominant noise source; therefore mitigation will be employed to reduce the predicted effect to a not significant level in EIA terms. In accordance with the Scoping Opinion vibration effects were scoped out of the assessment due to the separation distance between piling activities and receptors. For peak construction traffic, a moderate adverse effect is predicted along Nursery Road/Lealand Way, and mitigation will be introduced to reduce the peak traffic flow here. After mitigation, all impacts associated with construction phase road traffic are considered not significant in EIA terms.

7.203 Analysis of the predicted operational noise levels identified the Air-Cooled Condensers as the dominant noise source, along with the Wharf handling cranes, the transformer at the Power Export Zone, Building, Chillers and Transformers. With the application of mitigation measures as required, residual effects at noise sensitive receptors are not considered to be significant in EIA terms.

7.204 Operation of the Facility is not expected to produce significant vibrational impacts due to embedded engineering design to minimise vibrational effects on the plant at source, thus minimising transmission of vibration to the surrounding structures and environment.

7.205 The detail and scope of the decommissioning works will be determined by the relevant legislation and guidance at the time of decommissioning and agreed with the relevant authorities. A decommissioning plan will be provided. As such, for the purposes of a worst-case scenario, impacts no greater than those expected for the construction phase are expected for the decommissioning phase.

7.206 The ES has demonstrated that with the inclusion of mitigation where this is required, the impact of the Facility singularly and in combination with other existing or planned developments will not be significant in EIA terms. Furthermore, the choice of technology and proposed configuration of plant and associated infrastructure embeds mitigation into the scheme avoiding significant adverse impacts on the health and quality of life of nearby receptors. The Facility accords fully with NPS in that the application has provided a description and assessment of the of the noise and vibration generating aspects of the development.

Socio-Economic

7.207 The following section sets out a summary of policy relevant to socio-economic factors.

Summary of Policy Position

"*Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES"* NPS-EN1 (para. 5.12.2).

"The [SoS] should consider any relevant positive provisions the developer has made or is proposing to make to mitigate impacts… and any legacy benefits that may arise as well as any options for phasing development in relation to socio-economic impacts" NPS-EN1 (para. 5.12.8).

7.208 Furthermore, important and relevant considerations provide:

"Significant weight should be placed on the need to support economic growth and productivity, taking into account both local businesses needs and wider opportunities for development". NPPF (para. 80).

"Decisions should recognise and address specific locational requirements of different sectors" NPPF (para. 82).

"The South-East Lincolnshire authorities will, in principle, support proposals which assist in the delivery of economic prosperity and some 17600 jobs in the area" SELP (Policy 7).

"Proposals that provide economic productivity benefits which are additional to Gross Value Added currently generated by existing activities should be supported". EIMP Policy EC1

"Proposals that provide additional employment benefits should be supported, particularly where these benefits have the potential to meet employment needs in localities close to the marine plan areas." EIMP Policy EC2.

Assessment of Proposals

7.209 A Socio-Economic Assessment supports this application, the findings of which are included within Chapter 20 of the ES (document reference 6.2.20). The Assessment sets out the clear socio-economic benefits of the Facility predicted as a result of its construction, operation (and

decommissioning) phases. Its primary benefit is its contribution towards energy security on a local, regional and national level and other benefits relating to facility are identified as being direct and indirect employment benefits, increases in spending in the local economy and together, these are expected to make a contribution towards boosting the economy.

7.210 The facility represents a long-term sustainable source of energy for Lincolnshire. It will help meet the Government's renewable energy targets and will help reduce carbon emissions, including the commitment to generate at least 15% of energy demand from renewable sources by 2020 and by 80% by 2050. The facility is capable of generating 80MWe of energy per hour and it will operate 8,000 hours per annum. The facility therefore has the potential to generate an estimated 640,000MWe of energy each year, equating to 206,000 households. This corresponds to more than two thirds of households in Lincolnshire, a figure equivalent to 7.5 times the number of households in Boston.

7.211 Separate to the benefit of the facility to the energy market, some of the economic figures attributed to the proposals best illustrate the benefits the proposals bring to the workforce and the economy, and these include:

- The Facility will support approximately 300 direct jobs per annum during the 48 month construction period. These jobs will include engineering jobs, installation teams, package suppliers, management employees and civils teams;
- Of these direct jobs, it is estimated that up to 44% (132 jobs) will be filled by local residents. This constitutes approximately 14% of the current construction labour force in Boston;
- It is anticipated that the facility will create an additional 293 - 351 indirect jobs (over and above the 300 direct jobs) during the construction stage of the development because of the need to source construction material and equipment. Overall, the facility is expected to create up to 651 jobs over the 48 months build period;
- The Facility will support an estimated 108 gross direct full - time employee ('FTE') jobs during its operation and these jobs are associated with the lightweight aggregate plant, thermal treatment, the RDF storage area, CO2, RDF storage and the feedstock processing plant;
- The Applicant aspires to increase its proportion of local works as training capabilities have been embedded into the work programme. The DCO: Requirement 16 provides:

  (1) No part of the authorised development may commence until a plan detailing arrangements to promote employment, skills and training development opportunities for local residents during construction and employment opportunities during operation of the authorised development has been submitted to and approved by the relevant planning authority.

  (2) The approved plan must be implemented and maintained during the construction and operation of the authorised development unless otherwise agreed with the relevant planning authority.

  In particular, Boston College has expressed an interest in providing bespoke apprenticeship scheme related to the facility as part of the college's expansion to the engineering sector;
- At the regional (East Midlands) level a total of 32 indirect and induced FTE jobs are estimated to be supported – including the 21 to be captured locally. This corresponds to 93 FTE jobs, in total, across the AOI – rising to 104 FTE jobs at the regional level.

7.212 The development of the Facility is in accordance with NPS-EN1 in that it provides both local and regional socio-economic benefits. Most notably it will contribute to the provision of renewable energy and waste management practices on a national level. It will also provide direct and

indirect employment opportunities in different specialisms and it is committed to training and education programmes. Most significant weight should be given to this as a benefit of the facility in securing long term sustainability.

Traffic and Transport

7.213 The following section sets out a summary of policy relevant to Traffic and Transport.

Summary of Policy Position

"A new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and the [SoS] should therefore ensure that the applicant has sought to mitigate these impacts" NSP EN-1 (para. 5.13.6).

"Provided that the applicant is willing to enter into planning obligations or requirements that can be imposed to mitigate transport impacts…. Then development consent should not be withheld, and appropriately limited weight should be applied to residual effects on the surrounding transport infrastructure." NPS EN-1 (para. 5.13.7).

"Water-borne or rail transport is preferred over road transport at all stages of the project, where cost effective" NPS EN-1 (para. 5.13.10).

"EfW generating stations are likely to generate considerable traffic movements… Government policy encourages multi-modal transport and the [SoS] should expect materials (fuel and residues) to be transported by water or rail routes where possible" NPS EN-3 (para. 2.5.24 and 2.5.25).

7.214 Furthermore, important and relevant considerations provide:

"Consideration will include the suitability of the road network and the extent to which access would require reliance on the road network, the rail network and transport links to ports" NPPFW (Appendix B).

"Proposals for mineral and waste development should seek to minimise road based transport and seek to maximise where possible the use of the most sustainable transport option" LMWLP (Policy DM13).

Assessment of Proposals

7.215 A Transport Impact Assessment supports this application, the findings of which are included within Chapter 19 of the ES (document reference 6.2.19) which provides a full assessment of the transport-related implications arising from the Facility during the construction, operational and decommissioning phases.

7.216 The assessment identifies the traffic movements associated with construction, operation and decommissioning and assesses their impact on local road links and junctions, traffic flows and pedestrian amenity. Additionally, it assesses the impact of the proposal to divert the PRoW network that passes through the Principal Application Site. The Facility will also include embedded mitigation measures to reduce the impact of the Facility where necessary.

7.217 The decision to locate the Facility at the Principal Application Site was based on development plan allocation, availability and its location in proximity to The Haven. Location next to the Haven enables RDF to be transported to the site by water and allows aggregate material generated by the power generation process to be transported from site by boat. The ability to transport materials by water will significantly reduce the potential impact of the facility upon the local road network.

7.218 There will be approximately 89 shipments during the construction stage of works for the import of construction materials, and approximately 580 shipments per annum when the facility is fully operational. The latter is broken down into approximately the following:

- Nine ships per week to deliver RDF; and
- Two ships per week to transport approximately 3,000 tonnes of aggregate material away from the site.

7.219 With respect to other trips associated with the Facility, it is expected that some construction material and a proportion of the trips associated with the operational phase of the development will be undertaken on the local road network. To mitigate the impacts of the proposed vehicle trips, the Facility has been designed to include best practice measures which are secured by way of a requirement within the DCO as part of a construction traffic management plan.

7.220 These measures include an HGV Access Strategy with prohibition of construction traffic through the A52 Liquorpond Street. The access strategy will also include the provision of two construction car parks to the Principal Application Site to the west of Nursery Road, with one accessed/exited from Nursery Road for employees and another accessed off Marsh Lane and exited off Nursery Road for light vans. A 'park and ride' system will operate from the construction car parks to carry construction workers to the appropriate point within the construction site. During operation, HGV vehicles will access the Principal Application Site via Nursery Road and Callen Road, via a security gate; and an 'Left turn/Exit Only' egress point from the Principal Application Site onto Bittern Way. This is designed to reduce the conflict at the main site entrance, increase site safety and reduce traffic delay. Those measures relating to the construction phase of the development are contained within the Construction Traffic Management Plan submitted as part of this application.

7.221 With mitigation measures embedded within the scheme and additional measures identified by the assessment, the residual impacts of traffic movements associated the Facility upon sensitive receptors are assessed to be not significant.

7.222 This strategy reduces HGV conflicts at the main site entrance and along Nursery Road, increasing site safety and reducing traffic delay.

7.223 With mitigation measures embedded within the scheme and additional measures identified by the assessment, the residual impacts of traffic movements associated the Facility upon sensitive receptors are assessed to be not significant.

7.224 Whilst details regarding the decommissioning of the Facility are currently unknown, considering the worst-case scenario which would be the removal and reinstatement of the current land use at the Principal Application Site, it is anticipated that the impacts would be no worse than those during construction.

7.225 The development of the Facility accords with NPS EN- 1 in that during the construction phase of development with embedded mitigation, the applicant has made provision to mitigate for potential impacts arising from road traffic to the site and users of public rights of way such that significant impacts are not predicted to occur. Whilst EN-3 notes that during operation, EfW generating stations are likely to generate considerable traffic movements, RDF will be transported to the site by sea going vessel – the most sustainable transport option, with no significant impact on the public highway.

Waste and Residual Management

7.226 The following section sets out a summary of policy relevant to Waste and Residual Management.

Summary of Policy Position

"*Sustainable waste management is implemented through the 'waste hierarchy' which sets out the priorities that must be applied when managing waste: a) prevention; b) preparing for reuse, c) recycling; d) other recovery, including energy recovery; and e) disposal.*" NPS EN-1 (para 5.14.2).

"*The applicant should set out the arrangements that are proposed for managing any waste produced and prepare a Site Waste Management Plan…. The applicant should seek to minimise the volume of waste produced and the volume of waste sent for disposal…*" NPS EN-1 (para 5.14.5).

"*An assessment of the proposed waste combustion generating station should be undertaken that examines the conformity of the scheme with the waste hierarchy and the effect of the scheme on the relevant waste plan…*" NPS EN-3 (para 2.5.66).

"*All waste/biomass combustion generating stations will produce residues that require further management… The [SoS] should give substantial positive weight to development proposals that have a realistic prospect of recovering residues*" NPS EN-3 (para 2.5.71 and 2.5.81).

7.227 Furthermore, important and relevant considerations provide:

"Positive planning plays a pivotal role in delivering the country's waste ambitions through: delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits by driving waste management up the waste hierarchy" NPPW (page 3).

"Through prioritising movements of waste up the waste hierarchy, minimise greenhouse gas emissions by reducing the reliance on landfill; maximise opportunities for the re-use and recycling of waste; facilitate new technologies to maximise the renewable energy potential of waste as a resource; and promote the use of carbon capture technology" LMWLP (Strategic Objective D).

Assessment of Proposal

7.228 A Waste assessment supports this application, the findings of which are included within Chapter 23 of the ES (document reference 6.2.23). Chapter 23 assesses the amount of waste associated with the Facility during its construction and operation. It identifies several embedded mitigation measures to reduce potential impacts of waste; the measures that can be implemented to eliminate or reduce the anticipated quantity of waste sent to landfill by implementing the Waste Hierarchy. These measures would increase reuse; recycling or recovery opportunities, thereby reducing the effect of significant environmental impacts. A Site Waste Management Plan (SWMP) will be prepared prior to construction to record any decisions given to materials resource efficiency when designing and planning the works. The construction works on the Habitat Mitigation Area will not generate any waste materials requiring disposal.

7.229 The complete details of this Chapter are not repeated here but the below provides an account of the main embedded mitigation measures proposed as part of the facility. During construction the general measures include:

- Contractors will adhere to waste legislation and regulation for the storage and handling of facilities on and off-site;

- Waste from the facility will not be deposed of outside the boundary of the Application Site unless it is at a facility that holds a valid Environmental Permit;
- The construction site will include a designated area for the storage of waste materials. Hazardous waste will be stored separately, and containers will be provided for all other forms of waste; and
- Contractors will be responsible for monitoring the amount of waste produced during construction.

7.230 During the construction of the facility, specific forms of waste will also be produced and relevant mitigation measures will be enforced in line with the waste hierarchy. These are set out in detail in the ES and are not repeated here but in summary they relate to inert materials (such as concreate, bricks and rubble), non-hazardous waste such a biodegradable waste from vegetation clearance, dry recyclables from site workers, excess construction materials, metal wastes and packaging and hazardous wastes such as oils, and contaminated material.

7.231 During operation, the Facility will be required to operate in accordance with a waste hierarchy scheme, secured through DCO Requirement 18, which sets out arrangements for maintenance of the waste hierarchy in priority order and which aims to minimise recyclable and reusable waste received at the Facility.

7.232 During the operational phase of the development, the following specific measures will be put in place:

- Supply of RDF: the suppliers will have contractual requirements to minimise waste impacts, including the requirement to check bales for unacceptable waste and damage;
- Wharf and RDF Storage: bales that have been damaged in transit will be removed taken to the baling facility behind the wharf. Thermal cameras and lances will be used to monitor the temperature of bales and the stockpiles to detect unacceptable temperatures;
- RDF Shredding Facility: The feedstock bales will be loaded into a shredder from the conveyor lines inside the building. The shredder will chop and shred the plastic wrap and the contents of the bale to a reduced maximum particle size of less than 300 mm;
- Thermal Treatment Facility: Following thermal treatment, the residual ash and APC residues will be collected separately and conveyed to further processing (ferrous metal removal and screening) prior to being used in the production of Lightweight Aggregate.
- Lightweight Aggregate Facility: this will use maintenance dredge material from maintaining the berthing pocket at the wharf as binding material for manufacturing the aggregate.

7.233 The operation of the Facility will produce conventional waste such as metals, plastics and waste electrical and electronic equipment (WEEE). A small quantity of hazardous waste will also be produced from oils and cleaning chemicals. General principles will be implemented to manage this waste, include:

- The waste producer/ holder has a ‘Duty of Care’ to handle waste safely and to ensure compliance with appropriate regulations;
- All hazardous wastes will be segregated from non-hazardous waste and non-wastes;
- Electronic equipment will be collected separately from other waste and will be taken to appropriate recycling facilities;
- Required storage facilities for waste will be included within the design of the facility and consideration has been given to creating secure compounds that can be accessed by waste collection units; and

- Management of waste packaging will be undertaken in accordance with the Packaging Waste Regulations 2007 (as amended).

7.234 During construction, measures would be employed which reduce the amount of inert waste sent off-site; and promote on-site recycling into engineering-standard product, therefore, reducing the amount of material classed as waste on-site. The remaining surplus inert material would be sent off-site to a local recycling facility for processing into aggregate. This is a waste recycling measure in accordance with the Waste Hierarchy.

7.235 Bottom ash and APC Residues will be separately processed on-site within a light weight aggregate plant to manufacture aggregate to a market specification product, thereby minimising the volume of waste produced. Recovered metals will be recycled locally. Only hazardous waste liquids will be disposed of via liquid hazardous waste treatment.

7.236 The Fuel Availability and Waste Hierarchy Assessment (document reference 5.8) confirms that the Facility is Waste Framework Directive R1 compliant and therefore a recovery process, ensuring that the waste is managed other than through disposal, in accordance with the waste hierarchy.

7.237 Paragraph 2.5.69 of EN-3 indicates that the results of the assessment of the conformity with the waste hierarchy and the effect on relevant waste plans should be presented in a separate document to accompany the application. It is noted at this point that the Facility is proposing to draw its supply of RDF from a national supply that would be influenced by the market conditions at the time of procuring relevant contracts. Therefore, the assessment of impact on relevant plans has focussed on plans at a National level for the source material; and for the plans affecting the location of the Facility as the destination, NPS EN-3 (para 2.5.66).

7.238 From this it is concluded that there is adequate availability of fuel for the Facility and that this fuel could be sourced by diverting waste from landfill or by reducing the significant amount of RDF which is currently being exported to the continent for energy recovery and which represents a lost opportunity to the UK economy.

7.239 The review of national and local plans and policies that are relevant to the Facility has concluded that the Facility would compliant with the relevant local plan objectives of the relevant waste planning authorities and will not impact on recycling targets.

7.240 The Energy from Waste facility will be R1 compliant, recovering energy for distribution to the grid. Ash residues will be processed to a marketable form as an aggregate. The Facility will operate in accordance with a SWMP minimising the amount of waste produced and sent for disposal.

7.241 In conclusion, the Facility will sustainably manage the waste it produces and well as provide a sustainable means of managing waste, all in accordance with the Waste Hierarchy and the NPS.

Water Quality and Resources

7.242 The following section sets out a summary of policy relevant to Water Quality and Resources.

Summary of Policy Position

"Infrastructure development can have adverse effects on the water environment, including groundwater, inland surface water, transitional waters and coastal waters" NPS EN-1 (para. 5.15.1).

"The [SoS] will generally need to give impacts on the water environment where the project would have an adverse effect on the achievement of the environmental objectives established under the Water Framework Directive" NPS EN-1 (para. 5.15.5).

"The [SoS] should satisfy itself that the proposal has regard to the River Basin Management Plans and meets the requirement of the Water Framework Directive …" NPS EN-1 (para. 5.15.6).

"The design of water-cooling systems for EfW and biomass generating stations will have additional impacts on water quality, abstraction and discharge. These may include: discharging water at a higher temperature than receiving water…; use of resources may reduce the flow of water; fish impingement and / or entrainment…; and discharging water containing chemical anti-fouling treatment of water" NPS EN-3 (para. 2.5.84).

7.243 Furthermore, important and relevant considerations provide:

"Consideration will include the proximity of vulnerable surface and groundwater or aquifers… the suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care" NPPW (Appendix B).

Proposals for …. waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted. LMWLP Policy DM15: Flooding and Flood Risk.

Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon: 8. surface and groundwater quality SELLP Policy 30: Pollution

Policy Assessment

7.244 The Environmental Statement submitted to accompany this application has assessed water quality resources: Chapter 13 (Surface Water, Flood Risk and Drainage Strategy, document reference 6.2.13), Chapters 15 (Marine Water and Sediment Quality, document reference 6.2.15), Chapter 16 (Estuarine Processes, document reference 6.2.16).

7.245 The Facility has the potential to impact on The Haven as a nearby waterbody, on the existing surface water and on the water courses at the Principal Application Site. Whilst the full details are not repeated here, a summary is provided on the impacts of the facility on water quality during construction and operation. A summary is also provided on the proposed embedded mitigation measures which will suitably reduce the impact.

7.246 With respect to onshore development, the potential impacts of the construction and operation of the facility on water resources and flood risk receptors have been identified and their significance is assessed. The following key potential impacts addressed for the construction stage were: Direct impacts on drainage systems; Increased sediment supply; Accidental release of contaminants; Changes to surface water runoff and flood risk. In addition, the following impacts were addressed for the operation stage: Changes to surface water runoff and flood risk; and, supply of fine sediment and other contaminants.

7.247 Following the application of embedded measures to manage sediment, pollution and drainage, none of these potential impacts were determined to be significant in EIA terms. In accordance

with NPS EN-1 (para. 5.15.5, 5.15.6), the Facility is also compliant with the Water Framework Directive and would not result in increased flood risk on or off the site.

7.248 The configuration of the Facility includes an arrangement of Air Cooled Condensers to cool water circulated within the plant and the lightweight aggregates facility will use surface water collected in sealed drainage systems as part of the pelletising process. However, there will be a requirement for surface water discharge, which will be managed according to the conditions of an Environmental Permit. There is no reliance on the discharge of waters to surface water or water course as referenced by (NPS EN-3 (para. 2.5.84)). Effective systems controlled through the Environmental Permit will ensure that the quality of surface water is appropriate to be discharged and that waste materials do not enter the water environment.

7.249 With respect to estuarine assets, The Haven is identified as a 'heavily modified' water body due to existing flood protection infrastructure and the ports and harbours and their associated vessel movement. Using this as the existing position, the headline findings of the EIA assessment on the impact to The Haven include:

- Elements of wharf construction that could influence water quality include excavation activities, the option to install a suspended deck and capital dredging in front of the quay wall to create a berthing area for vessels;
- During operation the impact of dredging and sediment movement will create plumes, however these will be dispersed by tidal currents and waves away from the dredged area either up or down the estuary. Due to the small volume of sediment released in low sediment concentrations it is not likely to be distinguishable from background levels and the impact is expected to be low; and,
- During operation the vessel berthing has the potential to create a sink of deposition of fine sediments that may require maintenance.

7.250 The following mitigation measures have been embedded into the scheme:

- The volume of capital dredging will be minimised by setting the proposed quay wall as close to the channel as possible, whilst maintaining a safe distance from the berthing point to the navigable channel;
- The capital dredging will be undertaken using land-based equipment to reduce its impact;
- Sediments from the capital dredging will be disposed of on land rather than at sea; and
- A Code of Construction Practice (CoCP) will be put in place and best practices will be utilised in accordance with Pollution Prevention Guidance and this will be secured by a DCO requirement.

7.251 All of the potential impacts are predicted to be temporary and not significant on the water quality of The Haven.

7.252 In conclusion, the Facility is assessed to not result in an adverse effect on the water environment, including groundwater, inland surface water, transitional waters and coastal waters. The Principal Application Site is protected by tidal defences, which will ensure the development is safeguarded notwithstanding its location within Flood Zone 3. With facility design, operational control through environmental permitting, the Facility accords with NPS – EN1 in that the effect will not be significant in EIA terms.

Health and Safety

7.253 The following section sets out a summary of policy relevant to Health and Safety.

Summary of Policy Position

"*The energy NPSs are likely to contribute positively towards improving the vitality and competitiveness of the UK energy market by providing greater clarity for developers which should improve the UK's security of supply and, less directly, have positive effects for health and well-being in the medium to longer term through helping to secure affordable supplies of energy and minimising fuel poverty; positive medium and long term effects are also likely for equalities* (EN-1 paragraph 1.7.2 bullet 2).

"*Energy production has the potential to impact on the health and wellbeing of the population. Access to energy is clearly beneficial to society and to our health as a whole. However, the production, distribution and use of energy may have negative impacts on some people's health.*" (EN-1 paragraph 4.13.1).

"*Where the proposed project has an effect on human beings, the ES should assess these effects for each element of the project, identifying any adverse health impacts, and identifying measures to avoid, reduce or compensate for these impacts as appropriate* (EN-1 paragraph 4.13.2).

"*HSE is responsible for enforcing a range of occupational health and safety legislation some of which is relevant to the construction, operation and decommissioning of energy infrastructure. Applicants should consult with the Health and Safety Executive on matters relating to safety.*" (EN-1 paragraph 4.11.1).

"*proposed waste combustion generating station meets the requirements of the WID* [now contained in the IED] *and will not exceed the local air quality standards*", the Secretary of State "*should regard the proposed waste generating station as having no adverse impacts on health*". NPS EN-3 (2.5.43).

7.254 Furthermore, important and relevant considerations provide:

"Promoting healthy and safe communities '*Promoting healthy and safe communities' stating that planning policies and decisions should support development that makes efficient use of land and take into account "the importance of securing well-designed, attractive and healthy places*". (NPPF Section 8).

7.255 Paragraph 180 states that planning policies and decisions should ensure that new developments are be appropriately located, taking into account "the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and,

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

The NPPW states that that "*planning can help deliver the national waste strategy through "helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment*".

"*strategic planning framework to facilitate the sustainable supply and use of minerals and to manage waste sustainably in accordance with the waste hierarchy*". It ensures that "*the economic, environmental and social benefits of mineral and waste development are considered whilst*" "*the health and amenity of local communities is protected*". LMWLP Spatial Vision paragraph (4.3)

"*proposals, which may give rise to pollution and health issues, should be submitted with details of these issues, and where applicable the relevant health and pollution control authorities will be consulted."* LMWLP paragraph (7.30)

"*Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon: health and safety of the public".* SELLP Policy 30: Pollution

Policy Assessment

7.256 In line with the requirements set out within NPS EN-1, impact on human health was considered at the Scoping stage of the EIA process and it informs Chapter 22 of the ES (document reference 6.2.22). This is supported by a Health Impact Assessment ('HIA') that considers the facility's impact on active travel and sustainable travel, connectivity and safety, air quality, noise, and water and ground contaminants during the construction, operation and decommissioning stage of the development. The HIA and ES chapter should be read in connection with Chapter 10 (Noise and Vibration, document reference 6.2.10), Chapter 11 (Contaminated Land, Land Use and Hydrology, document reference 6.2.11), Chapter 14 (Air Quality, document reference 6.2.14), Chapter 19 (Traffic and Transport, document reference 6.2.19) and Chapter 20 (Socio-Economic, document reference 6.2.20).

7.257 During construction outdoor amenity physical activity and access to biodiversity effects may be impacted due to the closure of public footpaths which traverse the Principal Application Site. People's access to terrestrial biodiversity and marine biodiversity could be impacted. During operation there remains the permanent closure of public footpaths which pass across the Principal Application Site however a diverted route will be provided. The key health outcomes relevant to outdoor amenity, and therefore physical activity, as a determinant of health are physical health conditions (e.g. cardiovascular health) and mental health conditions (e.g. stress, anxiety and depression) associated with levels of physical activity and obesity. With mitigation in place, these impacts when assessed are considered to not to result in significant effect in EIA terms.

7.258 With respect to journey times during both construction and operation, reduced access and safety effects due to an increase in HGV traffic or employee vehicles on the road and traffic management at certain locations are assessed to be not significant in EIA terms.

7.259 With respect to air quality effects, the key health potential outcomes relevant to air quality during construction as a determinant of health are: potential increased risk of cardiovascular diseases; and exacerbation of asthma and other pre-existing respiratory conditions. During operation, the predominant human exposure route for dioxins is through ingestion of food, rather than by inhalation, and 90% of the exposure through the food chain comes from meat, dairy and fish, with the remainder largely from water, vegetables and soil. Current human exposure to dioxins is well within the UK Government and WHO recommended limits. Therefore, the exposure of the population to dioxins emitted from the Facility will be not significant in EIA terms. These were assessed to be not significant in EIA terms.

7.260 With respect to noise effects during construction and operation, the key health outcomes relevant to noise as a determinant of health are: cardiovascular health (as a result of chronic noise effects); mental health (including stress, anxiety or depression as a result of chronic noise

effect); and cognitive performance in children. These were assessed to be not significant in EIA terms.

7.261 With respect to ground and water contaminant effects during construction and operation, the key health outcomes (after assessment) relevant to ground/water contamination as a determinant of health are potential exposure associated with contaminated bathing water, and effects relating to biological or chemical contaminants were assessed to be not significant in EIA terms.

7.262 With respect to Flood Risk the key health outcomes relevant to flood risk as a determinant of health are potential risk to life, as a result of drowning and/or waterborne diseases. Flood damage to property and / or financial loss could also have impacts on mental health. These were assessed to be not significant in EIA terms.

7.263 With respect to employment effects, these were assessed to be minor beneficial.

7.264 The Facility has the potential to impact (positively and negatively) upon health and wellbeing in relation to differing aspects considered through the EIA.

7.265 The Facility will contribute to an improvement the UK's security of supply and, less directly, have positive effects for health and well-being in the medium to longer term through helping to secure affordable supplies of energy and minimising fuel poverty with positive medium- and long-term effects are also likely for equalities. The production, distribution and use of energy may have negative impacts on some people's health. The ES has assessed these effects for each element of the project, to identify any adverse health impacts, and identifying measures to avoid, reduce or compensate for these impacts as appropriate.

7.266 In accordance with paragraph 4.11.1 of NPS EN-1, the Applicant consulted the Health and Safety Executive ('HSE') during the Scoping stage of the EIA in relation to matters associated with safety. The ES has considered the potential effects of the Propose Development upon public amenity, traffic, air quality, noise and water environments and has concluded that the impacts of development with mitigation applied as required will not be significant in EIA terms thereby according with NPS EN-3. From the perspective of health and safety, the Facility therefore accords with NPS EN-1 and EN-3.

Major Accidents and Disasters

7.267 The following section sets out a summary of policy relevant to Major Accidents and Disasters.

Summary of Policy Position

"The same principles apply here as for those set out in the previous section on pollution control and other environmental permitting regimes"; and,

"*Some energy infrastructure will be subject to the Control of Major Accident Hazards (COMAH) Regulations 1999. These Regulations aim to prevent major accidents involving dangerous substances and limit the consequences to people and the environment of any that do occur. COMAH regulations apply throughout the life cycle of the facility, i.e. from the design and build stage through to decommissioning. They are enforced by the Competent Authority comprising HSE and the EA acting jointly in England and* (EN-1 paragraph" (EN-1 paragraph 4.11.3). *Wales (and by the HSE and Scottish Environment Protection Agency acting jointly in Scotland*).

7.268 The Facility is not however anticipated to be considered a COMAH site because none of the hazardous substances used will exceed the relevant COMAH thresholds.

"*Applicants seeking to develop infrastructure subject to the COMAH regulations should make early contact with the Competent Authority. If a safety report is required it is important to discuss with the Competent Authority the type of information that should be provided at the design and development stage, and what form this should take. This will enable the Competent Authority to review as much information as possible before construction begins, in order to assess whether the inherent features of the design are sufficient to prevent, control and mitigate major accidents. The IPC should be satisfied that an assessment has been done where required and that the Competent Authority has assessed that it meets the safety objectives described above*." (EN-1 paragraph 4.11.4).

7.269 Furthermore, important and relevant considerations provide:

"*Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon: 1.health and safety of the public; 2. the amenities of the area; or 3. the natural, historic and built environment; by way of: 4. air quality, including fumes and odour; 5. noise including vibration; 6. light levels; 7. land quality and condition; or 8.surface and groundwater quality*." (SELLP Policy 30 Pollution).

"*Planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from: noise, dust, vibration, odour, litter, emissions, the migration of contamination, illumination, visual intrusion, run off to protected waters, traffic, tip- and quarry- slope stability, differential settlement of quarry backfill, or mining subsidence to occupants of nearby dwellings and other sensitive receptors. And in respect of waste development is well designed and contributes positively to the character and quality of the area in which it is to be located. Where unacceptable impacts are identified, which cannot be addressed through appropriate mitigation measures, planning permission will be refused*." (LMWLP Policy DM3).

Assessment of Proposal

7.270 The assessment of Accidents and Risk has been undertaken as part of the ES for this application to ascertain the potential impacts of the Facility (Chapter 24 Major Accidents and Risk Management, document reference 6.2.24).

7.271 The potential for major accident during construction, operation or decommissioning arising from: Geophysical/ landslide and Instability conditions; Tidal flooding; Climate; Major accident from infrastructure failure, widespread electricity failure and infrastructure failures or transport accident are assessed to be not significant.

7.272 From the perspective of accidents and risks, the impact of the Facility will not be significant in EIA terms. The Facility therefore accords with NPS EN-1 in that it is not anticipated to be considered a COMAH site.

Other Important Considerations

Navigation

7.273 The following section sets out a summary of policy relevant to Navigation.

Summary of Policy Position

7.274 The National Policy Statement for Ports (Department for Transport, 2012) does not provide any guidance or policy with regard to assessment of impacts to commercial navigation. It specifies thresholds for Port projects that would be considered Nationally Significant Infrastructure

Projects (NSIPs) on their own merits. The wharf requirements for the Facility do not meet the thresholds, so the policy implications for the Facility will instead be directed by the policies identified below.

"*marine plan authorities and decision makers should ensure that the social and economic benefits and environmental impacts are taken into account and that impacts are considered in line with sustainable development principles*". UK Marine Policy Statement (MPS) (Defra, 2011), (paragraph 3.4.10).

"*decision makers should: "take into account and seek to minimise any negative impacts on shipping activity, freedom of navigation and navigational safety and ensure that their decisions are in compliance with international maritime law*". UK Marine Policy Statement (MPS) (Defra, 2011), (paragraph 3.4.7)

"*Proposals should demonstrate, in order of preference*:

a) that they will not interfere with current activity and future opportunity for expansion of ports and harbours.

b) how, if the proposal may interfere with current activity and future opportunities for expansion, they will minimise this.

c) how, if the interference cannot be minimised, it will be mitigated.

d) the case for proceeding if it is not possible to minimise or mitigate the interference. Policy PS3 of the East Marine Plan (Defra, 2014).

7.275 SELLP ensures that the accessibility of The Haven is maintained for both recreational and commercial uses through policies: Policy 2: Development Management, Policy 3: Design of New Development, Policy 7: Improving South-East Lincolnshire's Employment Land Portfolio, Policy 28: The Natural Environment, Policy 30: Pollution, and Policy 33: Delivering a More Sustainable Transport Network.

Policy Assessment

7.276 A Navigation Impact Assessment has been undertaken as part of the ES for this application to ascertain the potential impacts on river navigation by the construction, operation and decommissioning of the Facility (Chapter 18 Navigation Impact Assessment, document reference 6.2.18 also Chapter 16 Estuarine Processes, document reference 6.2.16).

7.277 Methodologies proposed for the construction and operation of the Facility, which are considered to provide mitigation of relevance to navigational safety on The Haven, include: Carrying out capital and maintenance dredging of the wharf from land, using land-based equipment; and, Carrying out construction of the wharf from land. To manage the potential impacts which could arise from the construction and operation of the Facility a Navigation Management Plan (NMP) will be produced in conjunction with the Port of Boston to manage navigational safety and this will be secured as a requirement of the DCO.

7.278 Construction phase activities have potential to result in adverse impacts to operators who currently utilise The Haven for navigational purposes. With the employment of specific mitigation measures the following potential impacts have been assessed to not be significant in EIA terms as follows: Impact 1: Capital dredging at the proposed wharf; Impact 2: Construction of the proposed wharf; Impact 3: Installation of scour protection; Impact 4: Presence of lighting during construction; and, Impact 5: Increase in shipping traffic and use of the turning circle during construction.

7.279 During the operation phase, activities have potential to result in adverse impacts to operators who currently utilise The Haven for navigational purposes as follows: Impact 1: Increase in the

number of vessels using The Haven; Impact 2: Presence and operation of the wharf; Impact 3: Increased use of the turning circle; Impact 4: Maintenance dredging at the facility; Impact 5: Presence of lighting; and, Impact 6: Accidental release of materials (i.e. RDF bales).

7.280 Decommissioning works will relate to the onshore plant. As the wharf will replace the existing flood defence it is not envisaged that the wharf itself will be decommissioned. Impacts considered relate to importation and exportation of materials from the wharf during the decommissioning of the Facility. Navigational impacts that have been assessed for the Facility are assessed to result in no significant effect.

7.281 The residual effects of the Facility upon navigational considerations have been assessed. With the incorporation of mitigation measures, the Facility is predicted to result in significant effects (in EIA terms) during its operational phase on fishermen due to an increase in the number of vessels using The Haven and due to an increased use of the turning circle. An NMP would be produced (as secured in the DCO) to minimise impacts in conjunction with the Port of Boston to manage navigational safety. The Facility takes account of potential environmental impacts and these have been demonstrated to be in accord with sustainable development principles (UK Marine Policy Statement (MPS) (Defra, 2011), (paragraph 3.4.10)), allowing for freedom of navigation and navigational safety.

Planning Balance

7.282 Having undertaken a comprehensive planning assessment of the Facility, this part of the Planning Statement considers the statutory requirement to consider whether the benefits of the Facility outweigh any adverse impacts of the facility.

7.283 This following statutory requirement is reflected within paragraph 4.1.3 of NPS EN-1.

Section 104(7) of the Planning Act 2008 requires the SoS to take account of:

- *"its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits;*
- *Its potential adverse impacts, including long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts"*

7.284 This is a proposal for a large scale energy infrastructure development. Having considered the provisions of NPS EN-1, it has been demonstrated that there is a clear and unequivocal need for the Facility. Because of this need, the SoS should assess this application for development consent on this basis and in so doing should give substantial weight to the contribution this Facility would make towards satisfying this need.

7.285 To support need to diversify and decarbonise electricity generation, the Government is committed to increasing dramatically the amount of renewable generation capacity. The NPS recognises increasingly it may include plant powered by the combustion of biomass and waste. It has been demonstrated that this Energy from Waste Facility will generate 102MWe of low carbon renewable energy of which approximately 80MWe will be supplied to the national electricity network.

7.286 The Facility will contribute to security of energy supply, contributing to a diverse range of technologies and supply routes to provide for flexibility, in the light of projected increase in future electricity demand and the closure of ageing power stations which do not meet tightening environmental standards.

7.287 The principle of the development aligns with the UK's legal obligations on the reduction in greenhouse gas emissions and net zero. It has been demonstrated that when operational, greenhouse gas emissions from the facility do not represent a significant net CO_2 emissions

contribution and therefore does not affect the UK's ability to meet its legal obligations on the reduction in greenhouse gas emissions and net zero. The Facility accords with national energy policy to which is attributed significant weight.

7.288 The Facility will provide capacity to contribute to the management of residual waste arisings in the UK, satisfying the objectives of the proximity principle in that it will manage residual waste which would otherwise have been transported overseas for use a fuel. This way the UK benefits from the recovery of value from the waste whilst also generating electricity. The Facility is Waste Framework Directive R1 compliant, and therefore recovery infrastructure, which is favourable in terms of the Waste Hierarchy where disposal is the least preferred. The Facility will contribute to the UK's renewable energy targets.

7.289 It has been demonstrated that the Facility will source RDF fuel from a favourable market and it is not anticipated that there is an issue sourcing suitable and sufficient material; and that there's a need for such material to be managed. The Facility therefore accords with National Policy set out in NPS EN-3 which is attributed significant weight.

7.290 The Facility accords with NPS statements in that the design of the Facility has been iterative and has been shaped by stakeholder input and changes in technology and meets the principles of good design include robustness, durability, usefulness and aesthetically pleasing appearance. The facility will technologically be CHP ready and is designed to capture carbon, according also with NPS requirements.

7.291 It has been demonstrated that the Facility is designed to be operated in a healthy and safe manner, in accordance with NPS. The Facility will be operated in accordance with conditions attached to an Environmental Permit to be granted and administered by the Environment Agency.

7.292 The Facility will be located within the Riverside Industrial Estate (with the exception of the 1.5 ha Habitat Mitigation Area). The Lincolnshire Minerals and Waste Local Plan, Site Locations Document identifies the Application Site as being predominantly within land allocated for waste management development (WA22-BO), identifying Energy Recovery as a potential land use. This use is further identified as Energy from Waste within the accompanying sustainability appraisal. The Facility is consistent with this allocation and accords with Policy SAD policy SL3. The Application Site also includes a comparatively small narrow area of land situated on the adjacent riverbank and foreshore comprising intertidal mud flats, and a section of The Haven itself which are designated as countryside within the South East Lincolnshire Local Plan (SELLP). The proposed wharf and associated infrastructure which is located within this area is an integral part of the Facility. The Habitat Mitigation Area also is located with an area designated as countryside within the SELLP (SELLP policy 1). The SELLP also allocates land within the Riverside Industrial Estate (SELLP policy 7) for employment development, though this only encompasses part of the Application Site with the remainder designated also as countryside.

7.293 The SELLP Policy 1 (Spatial Strategy) provides: ' *In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits*. It has been demonstrated that the Facility will not result in harm and will generate significant economic, community and environmental benefit, therefore according with this policy.

7.294 The SELLP (Policy 31) (Climate Change and Renewable and Low Carbon Energy) recognises the importance renewable energy development plays and states that the development of renewable energy facilities will be permitted where they do not result in significant harm to the

environment, highway and aviation safety and agricultural land take. The Facility in its entirety accords with this policy objective.

7.295 Both the Lincolnshire Minerals and Waste Local Plan and South East Lincolnshire Local Plan documents form part of the development plan and the Facility accords with the development plan when read as a whole.

7.296 An assessment has been undertaken of a comprehensive suite of environment aspects associated with the Facility. This has included a Habitats Regulation Assessment (HRA) which has considered potential impacts upon the Wash SPA and Wash Ramsar Site; The Wash and North Norfolk Coast SAC. The assessment has considered impacts arising from the construction and operation phases of the Facility on The Wash SPA and Ramsar site and The Wash and North Norfolk Coast SAC together with functionally connected habitats within The Haven.

7.297 It was concluded that the increased number of vessels using The Haven during construction and operation of the proposed development would not significantly change the level of disturbance from the baseline levels, caused by the current usage of The Haven, due to the majority of species relocating following the initial disturbance caused by a single large vessel. Those that didn't initially relocate only flew very short distances to return to the site and, as such, did not use high levels of energy to react to the vessel presence. There was also only a short window of vessel movement within The Haven due to the depth of water available restricting movements to around high water. The habitat loss, presence of the vessels beaching on the intertidal zone adjacent to the wharf and any lighting issues would not have a significant effect on bird numbers, SPA-wide distribution and behaviour. There was also no significant adverse effect predicted for the activities during construction and operation on the harbour seals due to the number of vessels associated with the facility in relation to the total numbers of vessels already using the area.

7.298 Therefore, it was concluded that there would not be an adverse effect on integrity of the protected sites.

7.299 As a wider initiative linked to the project, a biodiversity net gain package is currently being discussed to provide additional wetland and lagoon habitat within the RSPB reserves at the mouth of The Haven. This would provide additional feeding and roosting areas. This has the potential to provide a new site for birds to use for roosting and foraging, which would provide a benefit overall to the SPA and Ramsar site (paragraph 9.11).

7.300 It has been demonstrated that the Facility may take place sustainably without significant impact upon sensitive receptors with respect to: air quality, biodiversity and geological conservation; dust, odour, artificial light; smoke; steam, insect infestation; flood risk and drainage; the Historic Environment; land use, public open space; noise and vibration; traffic and transport. The carriage of waste material by water accords with sustainable policy objectives. The Facility will result in socio economic benefits through new primary and indirect employment and the economic benefits which will be generated. With respect to landscape and visual impacts the Facility will be significant in visual terms during construction and operation but given its location primarily within the Riverside Industrial Estate, a site allocated for waste management development where there are existing waste management and energy recovery developments located on adjacent sites, it is concluded that the development accords with the development plan when read as whole. This is given modest weight as a wider benefit in the context of Section 104 (7) the Planning Act 2008.

Benefits of the Facility

7.301 The Facility would have a number of very clear benefits summarised as follows:

1. NPS EN-1 is unequivocal in highlighting the scale and urgency of need that exists for nationally significant energy infrastructure, particularly low carbon, renewable energy generation, including plant powered by the combustion of biomass and waste. It is clear from reporting prepared by the Department of Business, Energy and Industrial Strategy, the National Infrastructure Commission and the National Grid of the urgency for the development of new renewable low carbon energy generating capacity to meet national need. The Facility will contribute to meeting this urgent need. This need is accorded significant weight.
2. Reflecting this urgent need, within a 48m months development timeframe, the Facility is likely to be commissioned and operational by Q3 of 2026 assuming the DCO application is approved by Q4 2021.
3. The Facility would contribute to energy security by providing reliable electricity generation to the national electricity grid over a period of at least 25 years.
4. The development plan allocates land for Waste Management uses including energy recovery. The Facility is predominantly located within this area.
5. When read as a whole the development accords with development plan policy. This is accorded modest weight in respect to Section 104 (7) of the Planning Act 2008.
6. The Facility would provide significant benefits for the regional and local economy, in terms of direct and indirect employment during the construction and operational phases. The facility will support approximately 651 direct and indirect jobs over the 48 months construction period. It is estimated that up to 132 (44%) will be taken by local residents to Boston (some 14% of the construction labour force).
7. The Facility is CHP ready.
8. The 'Proximity Principle' as established in the revised Waste Framework Directive, 2008/98/EC) (rWFD) requires waste to be disposed of, or recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies. The Facility, would provide further energy generating capacity with the UK using waste as fuel, providing greater national self- sufficiency in managing such waste, thereby offsetting the propensity to export RDF to Europe in the quantities recently reported.
9. In addition, recovery of energy from residual waste at the Facility is a preferential option on the waste hierarchy compared to landfill; and managing the UK waste within the UK, rather than exporting it, promotes the proximity principle at a national scale. Furthermore, the on-site manufacture of aggregate by recycling the thermal treatment residues and APC residues promotes the waste hierarchy and the proximity principle
10. The Facility would not affect the implementation of the relevant Waste Plans and is sited in accordance with the locational considerations in NPS EN-3, NPPW, and the LMWLP and SELLP.
11. Greenhouse gas emissions associated with provision of the Facility would be lower or similar when compared to existing waste treatment streams. Therefore, greenhouse gas emissions arising from the Facility, accounting for the offset of savings elsewhere in the UK energy generation sector, will not impact the UK's ability to meet its 2050 carbon

reduction targets. Whilst it is not required to do so, the Facility provides for carbon capture.

12. The facility produces a lightweight aggregate which would be transported off-site via ship for use in the construction industry.

13. Ships are to be used to deliver aggregate for construction and waste during operation, reducing road transport effects.

14. Limited compulsory acquisition is required in order to construct and operate the Facility.

7.302 If agreement could be reached with Lincolnshire County Council, there is the potential for the Facility to accept residual household waste from the Slippery Gowt Transfer Station (TS) operated by Lincolnshire County Council (LCC). This receives all of the residual household waste from Boston Borough Council (BBC) and South Holland District Council (SHDC) areas, and some residual household waste from East Lindsey Council area.

Adverse Impacts of the Facility

7.303 The Applicant has assessed the Facility from the perspective of a comprehensive suite of environmental aspects and the assessment results are clearly set out in the Environmental Statement. Notwithstanding the embedded and additional mitigation, potential significant impacts have however been predicted with respect to the visual impact of the Facility for viewpoints within 500 metres of the Application Site, and in relation to vessels using The Haven and fishermen using the turning circle.

7.304 The Habitats Regulations Assessment has concluded that there will be no adverse effect on the integrity of The Wash SPA; The Wash Ramsar site; and the Wash and North Norfolk Coast SAC.

Summary and Conclusion

7.305 The Facility would deliver and facilitate a number of very clear and substantial benefits which in accordance with NPS EN-1 and NPS EN-3 are to be given substantial weight. It is therefore considered that the benefits of the Facility outweigh the limited number of adverse effects assessed.

8.0 Other Matters

8.1 The previous Sections of this Planning Statement have assessed the development proposals against the requirements of the Planning Act 2008, with prevailing national policy requirements and with other important and relevant policy requirements and have found that the benefits of the Facility (primarily the need for additional energy recovery facilities) outweigh the limited adverse impact.

8.2 For the Facility to be constructed and operated the Applicant will need apply for additional applications, consents and licences. These are detailed in turn below and also set out in the Other Consents and Licences statement (document reference 5.4):

Additional Applications

Public Rights of Way Application

8.3 The Applicant will apply to LCC to make a Definitive Map Modification Order to amend the routing of the existing PROW networking running through the Principal Application Site.

8.4 This Order will be made to run alongside the DCO application.

8.5 A further application will be made to natural England for the alteration to the route of the England Coast Path.

Diversion of Site Water Main

8.6 An application has been made by H H Adkins (a Boston based contractor) on behalf of the landowner to Anglian Water to divert the water main that currently runs from the south-west corner to the north-east corner of the Principal Application Site. The application includes the proposal to divert it around the main footprint of the proposed thermal treatment unit.

Licences and Consents

8.7 AUBP will obtain the following licences and consents:

Electricity Generation Licence

8.8 The Applicant will apply to the Secretary of State for an exemption Order under s. 5 Electricity Act 1989 as a generating station with a capacity <100MW. If made, the exemption Order will exempt the Facility from the requirement fora generation licence under s. 6.

Building Regulations Approval

8.9 Building Regulations Approval would be required from BBC under the Building Regulations 2010. Should a DCO be granted then the approval would be made during the detailed design stage of the development.

Grid Connection Agreement

8.10 The description of the proposed Electrical Connection has been prepared by Harlaxton Engineering Services Limited on behalf of the Applicant. Harlaxton's design work completed to date, has been undertaken to inform the Electricity Grid Connection Statement (document reference 5.6) submitted with the DCO application in accordance with the Connection Offer Agreement (ref: 2445798) between Harlaxton (on behalf of the AUBP) and Western Power Distribution. Harlaxton will refine the design during the detailed design, development and

implementation process. Harlaxton is a licensed Independent Connection Provider (ICP) and Utility Infrastructure Provider (UIP) has engaged with National Grid and Western Power Distribution on the design and location of the grid connection. Details of this connection are set out within Section 5.0 of this Planning Statement and if approved an Agreement will be entered into to secure this connection for the operational phase of the development.

Environmental Permits

8.11 Environmental Permits will be required for the operation of the Facility under the Environmental Permitting (England and Wales) Regulations 2016 (as amended). The permits would relate to air quality, water, drainage and groundwater activities at the Principal Application Site. Additional details are provided on the need for these in the relevant ES Chapters and a request for the engagement in the pre-application process for the permits is being made in parallel to the Environment Agency at the same time as the DCO application is submitted to the SoS.

Discharge to Surface Water

8.12 If the consent is required, it is likely to be consolidated into the main operational environmental permit for the Facility and varied to accommodate discharges during operation. This would take the form of a Bespoke permit for discharge to surface water - The Environmental Permitting (England and Wales) Regulations 2016 (as amended).

Section 61 Consent

8.13 The Applicant will be required to control its noise on the Application Site during the construction stage of the development under the Control of Pollution Act 1974. An application will be made by the contractors for the Facility, if required, 28 days prior to construction commencing on site.

Land Drainage Consent

8.14 Under Section 23 of the Land Drainage Act 1991, the Applicant will be required to apply for consent from either the Environment Agency or Black Sluice IDB to make alterations to water courses on site.

Flood Risk Activity Permit

8.15 A Flood Risk Activity Permit may be required pursuant to the Environmental Permitting (England and Wales) Regulations 2016 and land drainage byelaws from the Environment Agency for working next to The Haven.

Water Abstraction Licence

8.16 If the Facility requires the extraction of surface water or from a ground water source, the Application will need to apply for an abstraction licence. However, none is anticipated to be required because of the brackish water in the Haven.

Trade Effluent Consent

8.17 At this stage of the development process it is not expected that the Facility will result in the need to dispose of trade effluent to a sewer, however if this is the case then the Applicant will apply to the local water authority for a trade effluent consent.

Permit for the Transport of Abnormal Loads

8.18 In accordance with The Road Vehicles (Authorisation of Special Types) (General) Order 2003 or The Road Traffic Act 1988, a permit(s) would be sought once the number and type of Abnormal Loads and AILs has been confirmed.

Notification of Construction Works

8.19 This will be submitted to the Health and Safety Executive (HSE) prior to appointment of contractor by the Applicant. The HSE will be notified prior to the commencement of the start of construction in accordance with The Construction (Design and Management) Regulations 2015.

Hazardous Substances

8.20 In accordance with Sections 4 and 6 of The Planning (Hazardous Substances) Act 1990 & Schedule 1 of The Planning (Hazardous Substances) Regulations 2015, Hazardous Substances Consent application to be prepared for submission to Boston Borough Council prior to operation if it is required.

Waste Carrier Registration

8.21 Registration as a waste carrier, broker or dealer will be required during operation.

9.0 Conclusions

9.1 This Planning Statement accompanies an application submitted pursuant to the Planning Act 2008 for the construction and operation of the Boston Alternative Energy Facility. This statement forms part of an application for a Development Consent Order ('DCO') made to the Secretary of State ('SoS') for Business, Energy and Industrial Strategy.

9.2 The proposed energy development presents an opportunity to deliver a Thermal Treatment facility that will generate approximately 102MWe (gross) of renewable electricity of which approximately 80 MWe net will be delivered to the National Grid for distribution via a 132 kV on site grid connection.

9.3 The UK is committed to generate at least 15% of energy demand from renewable energy sources by 2020 and Net Zero by 2050 through a 100% reduction in emissions. As part of the UK's need to diversify and decarbonise electricity generation, the UK Government is committed to increasing dramatically the amount of renewable generation capacity. Increasingly it may include electricity generation plant powered by the combustion of biomass and waste.

9.4 National Policy Statement EN-1 sets out the Government's policy for delivering major energy infrastructure in England and Wales and it recognises that there is an 'urgent' need for new large-scale energy infrastructure. Substantial weight should therefore be ascribed to the contribution which projects would make towards satisfying this need when considering applications under the PA 2008.

9.5 It has been demonstrated that the Facility is in conformity with the case for need as set out within NPS EN-1 and that when developed and operational will contribute in a timely way to the need for new low carbon electrical generation capacity to meet the UK's growing demand for renewable sources of energy.

9.6 The Facility will be located primarily on the Riverside Industrial Estate. The Lincolnshire Minerals and Waste Local Plan, Site Locations Document identifies the Application Site as within land allocated for waste management development (WA22-BO), identifying Energy Recovery as a potential land use. This use is further identified as Energy from Waste within the accompanying sustainability appraisal. It is concluded that the proposal is consistent with this allocation and accords with Policy SAD policy SL3. Part of the Facility (the Wharf and associated infrastructure, and the Habitat Mitigation Area) is located on a narrow area of riverbank, foreshore and mudflat which is located in an area designated as Countryside. The Facility accords with policy designed to protect the Countryside in that it has been demonstrated that the development will meets the sustainable development needs of the area in terms of economic, community or environmental benefits, also providing for renewable energy generation without harm to sensitive receptors. Together with the South East Lincolnshire Local Plan both plan documents form part of the development plan and the Facility accords with the development plan when read as a whole.

9.7 The Facility also accords with the assessment principles and generic impacts set out within Sections 4 and 5 of NPS EN-1 as detailed within Tables 6.1 and 6.2 of this Planning Statement, with reference to Air Quality Emissions; Biodiversity and Geological Conservation; Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation; Flood Risk; Historic Environment; Landscape and Visual; Land Use including Open Space, Green Infrastructure and Green Belt ; Noise and Vibration; Socio-Economic; Traffic and Transport; Waste Management; Water Quality and Resource the findings of which set out in the Environmental Statement (document reference 6.2).

9.8 If agreement could be reached with Lincolnshire County Council, there is the potential for the Facility to accept residual household waste from the Slippery Gowt Transfer Station (TS) operated by Lincolnshire County Council (LCC). This receives all of the residual household waste from Boston Borough Council (BBC) and South Holland District Council (SHDC) areas, and some residual household waste from East Lindsey Council area.

9.9 Notwithstanding the embedded mitigation, potential impact has been predicted with respect to the visual impact of the Facility for identified viewpoints within 500 metres of the Application Site, and on fishermen due to an increase in the number of vessels using The Haven and due to an increased use of the turning circle.

9.10 The Appropriate Assessment has concluded that, there will be no adverse effect on the integrity of The Wash SPA; The Wash Ramsar site; and the Wash and North Norfolk Coast SAC.

9.11 Part of the mudflats and the saltmarshes adjacent to the location of the proposed Facility will need to be removed to allow for the construction of the wharf. The effect of the loss of these habitats was considered to be of moderate adverse significance on saltmarshes and minor adverse significance on mudflats. However, provision of a Habitat Mitigation Area will reduce residual effects to a not significant level in EIA terms. The net gain approach has been followed for this project for losses to mudflat and saltmarsh habitat. An indicative biodiversity metric calculation has been completed to determine the requirement for net gain and this is included within the submitted outline Landscape and Ecological Mitigation Scheme (OLEMS). The final Landscape and Ecological Mitigation Strategy (LEMS), will be agreed with key stakeholders as a requirement of the DCO. With these measures in place the residual significance would reduce to minor for both habitats

9.12 Section 8 of the Planning Statement identifies a number of substantial benefits which are ascribed significant weight summarised as follows:

1 NPS EN-1 is unequivocal in highlighting the scale and urgency of need that exists for nationally significant energy infrastructure, particularly low carbon, renewable energy generation, including plant powered by the combustion of biomass and waste. It is clear from reporting prepared by the Department of Business, Energy and Industrial Strategy, the National Infrastructure Commission and the National Grid of the urgency for the development of new renewable low carbon energy generating capacity to meet national need. The Facility will contribute to meeting this urgent need. This need is accorded significant weight.

2 Reflecting this urgent need, within a 48 months development timeframe, the Facility is likely to be commissioned and operational by Q3 of 2026 assuming the DCO application is approved by Q4 2021.

3 The Facility would contribute to energy security by providing reliable electricity generation to the national electricity grid over a period of at least 25 years.

4 The development plan allocates land for Waste Management uses including energy recovery. The Facility is predominantly located within this area.

5 When read as a whole the development accords with development plan policy. This is accorded modest weight in respect to Section 104 (7) of the Planning Act 2008.

6 The Facility would provide significant benefits for the regional and local economy, in terms of direct and indirect employment during the construction and operational phases. The facility will support approximately 651 direct and indirect jobs over the 48 months construction period. It is estimated that up to 132 (44%) will be taken by local residents to Boston (some 14% of the construction labour force).

7 The Facility is CHP ready.

8 The 'Proximity Principle' as established in the rWFD, requires waste to be disposed of, or recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies. The Facility, would provide further energy generating capacity with the UK using waste as fuel, providing greater national self- sufficiency in managing such waste, thereby offsetting the propensity to export RDF to Europe in the quantities recently reported.

9 In addition, recovery of energy from residual waste at the Facility is a preferential option on the waste hierarchy compared to landfill; and managing the UK waste within the UK, rather than exporting it, promotes the proximity principle at a national scale. Furthermore, the on-site manufacture of aggregate by recycling the thermal treatment residues and APC residues promotes the waste hierarchy and the proximity principle

10 The Facility would not affect the implementation of the relevant Waste Plans and is sited in accordance with the locational considerations in NPS EN-3, NPPW, and the LMWLP and SELLP.

11 Greenhouse gas emissions associated with provision of the Facility would be lower or similar when compared to existing waste treatment streams. Therefore, greenhouse gas emissions arising from the Facility, accounting for the offset of savings elsewhere in the UK energy generation sector, will not impact the UK's ability to meet its 2050 carbon reduction targets. Whilst it is not required to do so, the Facility provides for carbon capture.

12 The facility produces a lightweight aggregate, which would be transported off-site via ship for use in the construction industry.

13 Ships are to be used to deliver aggregate for construction and waste during operation, reducing road transport effects.

14 Limited compulsory acquisition is required.

9.13 There are considerable benefits associated with the development and operation of the Facility..

9.14 This Statement has therefore demonstrated why the making of the order is desirable, accords with the criteria in Section 104 of the PA 2008 and it is therefore respectfully considered that the DCO should be granted.

Appendix 1 NPPF and Development Plan Policy

Appendix 1: National Planning Policy Framework and Development Plan Policy Extracts.

1. Development Plan Policy Extracts

Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (June 2016)	
Planning Policy or Objective	**Policy Text**
Strategic Objective D	Through prioritising movement of waste up the waste hierarchy, minimise greenhouse gas emissions by reducing the reliance on landfill; maximise opportunities for the re-use and recycling of waste; facilitate new technologies to maximise the renewable energy potential of waste as a resource; and promote the use of carbon capture technology
Strategic Objective E	Deliver adequate capacity for managing waste more sustainably when it is needed; to ensure waste is managed as near as possible to where it is produced, including the need for waste water infrastructure
Policy DM1: Presumption in favour of sustainable development	When considering development proposals, the County Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the County Council will grant permission unless material considerations indicate otherwise - taking into account whether: • Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or • Specific policies in that Framework indicate that development should be restricted.
Policy DM2: Climate Change	Proposals for minerals and waste management developments should address the following matters where applicable: Minerals and Waste • Identify locations which reduce distances travelled by HGVs in the supply of minerals and the treatment of waste, unless other environmental/sustainability and, for minerals, geological considerations override this aim. Waste • Implement the Waste Hierarchy, and in particular reduce waste to landfill; • Identify locations suitable for renewable energy generation; • Encourage carbon reduction/capture measures to be implemented where appropriate. Minerals • Encourage ways of working which reduce the overall carbon footprint of a mineral site; • Promote new/enhanced biodiversity levels/ habitats as part of restoration proposals to provide carbon sinks and/or better connected

Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (June 2016)	
Planning Policy or Objective	**Policy Text**
	ecological networks; • Encourage the most efficient use of primary minerals
Policy DM3: Quality of life and amenity	Planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from: • noise, • dust, • vibration, • odour, • litter, • emissions, • the migration of contamination, • illumination, • visual intrusion, • run off to protected waters, • traffic, • tip- and quarry- slope stability, • differential settlement of quarry backfill, or • mining subsidence to occupants of nearby dwellings and other sensitive receptors. And in respect of waste development is well designed and contributes positively to the character and quality of the area in which it is to be located. Where unacceptable impacts are identified, which cannot be addressed through appropriate mitigation measures, planning permission will be refused.
Policy DM4: Historic Environment	Proposals that have the potential to affect heritage assets including features of historic or archaeological importance (whether known or unknown) should be accompanied by an assessment of the significance of the assets and the potential impact of the development proposal on those assets and their settings. Planning permission will be granted for minerals and waste development where heritage assets, and their settings, are conserved and, where possible enhanced. Where any impact on heritage assets is identified, the assessment should provide details of the proposed mitigation measures that would be implemented. These should include details of any conservation of assets and also of any further investigation and recording of heritage assets to be lost and provision for the results to be made publicly available. Where adverse impacts are identified planning permission will only be granted for minerals and waste development provided that:

Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (June 2016)	
Planning Policy or Objective	**Policy Text**
	• the proposal cannot reasonably be located on an alternative site to avoid harm; and • the harmful aspects can be satisfactorily mitigated; or • there are exceptional overriding reasons which outweigh the need to safeguard the significance of heritage assets which would be harmed.
Policy DM6: Impact on Landscape and Townscape	Planning permission will be granted for minerals and waste development provided that due regard has been given to the likely impact of the proposed development on landscape and townscape, including landscape character, valued or distinctive landscape features and elements, and important views. If considered necessary by the County Council, additional design, landscaping, planting and screening will be required. Where planting is required it will be subject to a minimum 10 year maintenance period. Development that would result in residual, adverse landscape and visual impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme. Where there would be significant adve.rse impacts on a valued landscape considerable weight will be given to conservation of that landscape.
Policy DM7: Internationally Designated Sites of Biodiversity Conservation Value	Proposals for minerals and waste development that are likely to have significant effects on internationally important wildlife sites should be supported by sufficient, current information for the purposes of an appropriate assessment of the implications of the proposal, alone or in combination with other plans and projects, for any Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar site. Where the conclusions of the appropriate assessment, carried out in accordance with Council Directive 92/42 EEC and the Conservation of Habitats and Species Regulations 2010 (as amended), show that a proposal can be delivered without adverse effect on the integrity of any SAC, SPA or Ramsar site, planning permission will be granted.
Policy DM8: Nationally Designated Sites of Biodiversity and Geological Conservation Value	Sites of Special Scientific Interest, National Nature Reserves and irreplaceable habitats (including Ancient Woodland and veteran trees} will be safeguarded from inappropriate minerals and waste development. Planning permission will be granted for minerals and waste development on or affecting such sites, provided that it can be demonstrated that the development, either individually or in combination with other developments, would not conflict with the conservation, management and enhancement of the site, or have any other adverse impact on the site. Where this is not the case, planning permission will be granted provided that: • the proposal cannot reasonably be located on an alternative site to avoid harm; and • the benefit of the development would clearly outweigh the impacts that the proposal would have on the key features of the site; and • the harmful aspects can be satisfactorily mitigated or, as a last resort, compensated by measures that provide a net gain in biodiversity/geodiversity; and • in the case of a SSSI, there would be no broader impact on the national network of SSSis.
Policy DM10: Local Sites of Geological Conservation Value	Planning permission will be granted for minerals and waste development on or affecting locally designated sites (including Local Geological Sites and their predecessors: Regionally Important Geological and Geomorphological Sites) and s ites meeting Local Geological Site criteria provided that it can be demonstrated that the development would not have any significant adverse impacts on the site. Where this is not the case, planning permission will be granted provided that:

Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (June 2016)	
Planning Policy or Objective	**Policy Text**
	• The merits of development outweigh the likely impact; and • Any adverse effects are adequately mitigated or, as a last resort compensated for, with proposals resulting in geodiversity enhancements.
Policy DM12: Best Value and Most Versatile Agricultural Land	Proposals for minerals and waste development that include significant areas of best and most versatile agricultural land will only be permitted where it can be demonstrated that: • no reasonable alternative exists; and • for mineral sites, the site will be restored to an after-use that safeguards the long-term potential of the best and most versatile agricultural land.
Policy DM13: Sustainable Transport Movements	Proposals for minerals and waste development should seek to minimise road based transport and seek to maximise where possible the use of the most sustainable transport option.
Policy DM14: Transport by Road	Planning permission will be granted for minerals and waste development involving transport by road where: • the highway network is of, or will be made up to, an appropriate standard for use by the traffic generated by the development; and • arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment; and • a suitable travel plan is in place.
Policy DM15: Flooding and Flood Risk	Proposals for minerals and waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Minerals and waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.
Policy DM16: Water Resources	Planning permission will be granted for minerals and waste developments where they would not have an unacceptable impact on surface or ground waters and due regard is given to water conservation and efficiency.
Policy W1: Future requirements for new waste facilities	The County Council will, through the Site Locations document, identify locations for a range of new or extended waste management facilities within Lincolnshire where these are necessary to meet the predicted capacity gaps for waste arisings in the County up to and including 2031, as presented in Table 9, subject to any new forecasts published in the Council's Annual Monitoring Reports.
Policy W3: Spatial Strategy for New Waste Facilities	Proposals for new waste facilities, including extensions to existing waste facilities, will be permitted in and around the following main urban areas as indicated on the key diagram subject to the criteria of Policy W4:

Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (June 2016)	
Planning Policy or Objective	**Policy Text**
	• Lincoln; • Boston; • Grantham; • Spalding; • Bourne; • Gainsborough; • Louth; • Skegness; • Sleaford; and • Stamford. Proposals for new waste facilities, outside the above areas will only be permitted where they are: • facilities for the biological treatment of waste including anaerobic digestion and open-air windrow composting (see Policy W5); • the treatment of waste water and sewage (see Policy W9); • landfilling of waste (see Policy W6); • small scale waste facilities (see Policy W7). Proposals for large extensions to existing facilities, outside of the above areas will only be permitted where it can be demonstrated that they meet an identified waste management need, are well located to the arisings of the waste it would manage and are on or close to an A class road and meet the criteria of Policy W4.
Policy W4: Locational Criteria for New Waste Facilities in and around main urban areas	Proposals for new waste facilities, including extensions to existing waste facilities, in and around the main urban areas set out in Policy W3 will be permitted provided that they would be located on: • previously developed and/ or contaminated land; or • existing or planned industrial/ employment land and buildings; or • land already in waste management use; or • sites allocated in the Site locations Document; or • in the case of biological treatment the land identified in Policy W5. Proposals for the recycling of construction and demolition waste and/or the production of recycled aggregates in and around the main urban areas set out in Policy W3 will also be permitted at existing Active Mining Sites. In the case of large extensions to existing waste facilities, where the proposals do not accord with the main urban areas set out in Policy W3, proposals will be permitted where they can demonstrate they have met the above criteria. Small scale facilities that are not in and around the main urban areas will be considered under Policy W7. Proposals must accord with all relevant Development Management Policies set out in the Plan.

Lincolnshire Minerals and Waste Local Plan: Site Locations (December 2017)	
Planning Policy or Objective	**Policy Text**
Policy SL3: Waste Site and Area Allocations	Future requirements for new waste facilities in order to meet capacity gaps, in accordance with Policy W1 of the Core Strategy and Development Management Policies document, will be provided through: […] • the granting of planning permission for waste uses within the following areas where the applicant can demonstrate that the proposal is in accordance with the development plan: […] WA22-BO - Riverside Industrial Estate Boston - 119 ha

South East Lincolnshire Local Plan 2011 – 2036 (March 2019)	
Planning Policy or Objective	**Policy Text**
Strategic Policy 1: Spatial Strategy	A. Areas where development is to be directed 1. Sub-Regional Centres Boston (including parts of Fishtoft and Wyberton Parishes)* Spalding Within the settlement boundaries of Boston and Spalding (as shown on the Inset Maps) development will be permitted that supports their roles as Sub Regional Centres. In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits
Policy 2: Development Management	Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to: 1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses; 2. quality of design and orientation; 3. maximising the use of sustainable materials and resources; 4. access and vehicle generation levels; 5. the capacity of existing community services and infrastructure; 6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion; 7. sustainable drainage and flood risk; 8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets; and 9. impact on the potential loss of sand and gravel mineral resources.
Policy 3: Design of New Development	All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured: 1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;

South East Lincolnshire Local Plan 2011 – 2036 (March 2019)	
Planning Policy or Objective	**Policy Text**
	2. distinguishing between private and public space; 3. the landscape character of the location; 4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways; 5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking; 6. the lighting of public places; 7. ensuring public spaces are accessible to all; 8. crime prevention and community safety; 9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development; 10.the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure; 11.residential amenity; 12.the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS); 13.the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils; 14.the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling; 15.the appropriate use or reuse of historic buildings.
Strategic Policy 4: Approach to Flood Risk	Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted, where: 1. It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed). The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, i.e. there is a specific need for the development in that location. The sequential test is not required for sites allocated in the Local Plan, minor development1 or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site). 2. It can be demonstrated that essential infrastructure in FZ3a & FZ3b, highly vulnerable development in FZ2 and more vulnerable development in FZ3 provide wider sustainability benefits to the community that outweigh flood risk. 3. The application is supported with a site-specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change and which: a. demonstrate that the vulnerability of the proposed use is compatible with the flood zone; b. identify the relevant predicted flood risk (breach/overtopping) level, and mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source; c. propose appropriate flood resistance and resilience measures (following the guidance outlined in the Strategic Flood Risk Assessment), maximising the use of passive resistance measures (measures that do not require human intervention to be deployed), to ensure the development maintains an appropriate level of safety for its lifetime; d. include appropriate flood warning and evacuation procedures where necessary (referring to the County's evacuation routes plan), which have been undertaken in consultation with the authority's emergency planning staff; e. incorporates the use of Sustainable Drainage Systems (SuDS) (unless it is demonstrated that this is not technically feasible) and confirms how these will be maintained/managed for the lifetime of development (surface water connections to the public sewerage network will only be permitted in exceptional circumstances where it is demonstrated that there are no feasible alternatives);

South East Lincolnshire Local Plan 2011 – 2036 (March 2019)	
Planning Policy or Objective	**Policy Text**
	f. demonstrates that the proposal will not increase risk elsewhere and that opportunities through layout, form of development and green infrastructure have been considered as a way of providing flood betterment and reducing flood risk overall; g. demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development; h. ensures suitable access is safeguarded for the maintenance of water resources, drainage and flood risk management infrastructure. Development in all flood zones, and development over 1 hectare in size in Flood Zone 1, will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties. Change of use of existing buildings will be supported providing they do not pose an increase in risk to people. Change of use that would result in self contained ground floor residential accommodation in areas of hazard rating 'danger for some', 'danger for most' and 'danger for all' will not be supported. In these areas unrestricted access to a habitable room above the flood level and an emergency evacuation plan will be required. Caravans, mobile homes and park homes intended for permanent residential use will not be permitted in areas at risk of flooding. Caravan, chalet, log cabin, camping and touring sites at risk of fluvial flooding where there is a 'danger for most' and 'danger for all' will not be permitted. Occupancy of caravan, chalet, log cabin, camping and touring sites at risk of tidal flooding will not be permitted to open between 1st November in any one year and the 14th March in the succeeding year. No development will be permitted within a 50m buffer from the toe of the raised Witham Haven Banks (flood defences), as shown on the indicative Plan contained in Appendix 10, to allow access for construction and maintenance. Flood risk management infrastructure shall be provided at the strategic level, where development opportunities allow, to reduce the hazard and probability of flooding.
Policy 7: Improving South East Lincolnshire's Employment Land Portfolio	The South East Lincolnshire authorities will, in principle, support proposals which assist in the delivery of economic prosperity and some 17,600 jobs in the area, 3,800 in Boston Borough and 13,800 in South Holland District. Of these about 10,300 jobs fall into Class B. Main Employment Areas The Policies Map identifies Main Employment Areas, as listed below, which are reserved for main employment in Classes B1, B2 and B8. On Mixed-use development sites, which incorporate main employment uses under Class B as specified for each site, together with other identified appropriate employment-generating uses, non-Class-B uses will only be supported where the applicant can demonstrate they are ancillary to the effective functioning of the Mixed-Use Area identified #. A master plan will be required for prestige sites identified*. Mixed-use developments, which incorporate main employment uses together with other identified appropriate employment-generating uses, will be supported in Mixed-Use Areas identified #. […] BO006 - Riverside Industrial Estate, Boston - 89.7 ha - 18.0 ha (B-class provision), B1, B2, B8.
Strategic Policy 11: Distribution of New Housing	New housing site allocations will be made in the following settlements to meet approximately, the following housing numbers: A Sub-Regional Centres Boston (incl. Parts of Fishtoft and Wyberton Parishes)* - 6111 Spalding - 5510
Strategic Policy 12: Reserve Sites	The following sites in the table below are identified on the Policies Maps as Reserve Sites. These are sites that will be brought forward for development in the event that the allocated sites do not deliver housing development at the expected rate as expressed in the Housing Trajectory (Appendix 4: Expected housing completions). The trigger for releasing Reserve Sites will be determined by the application of the Housing Delivery Test set out in National Policy and Guidance. The decision to release reserve sites will be made by the appropriate Local Planning Authority where it has been determined from the Housing Delivery Test that it is necessary to release reserve sites. All reserve sites within the appropriate Local Planning Authority will be considered for release.

South East Lincolnshire Local Plan 2011 – 2036 (March 2019)	
Planning Policy or Objective	**Policy Text**
	• Donington Don035 Land to the north of Town Dam Lane 6.76 ha 135 • Holbeach Hob011 Land to the south of Wignals Gate 3.48 ha 70 • Kirton Kir036 Land to the north of Craven Avenue 3.84 ha 77 • Sutterton Sut034 Land to the north of Wigtoft Road 2.47 ha 49 • Deeping St Nicholas Dsn018 Land off New Road 1.90 ha 38 • Fishtoft Fis041 Land to the east of Church Green Road 1.97 ha 39 • Gosberton Gos011 Land to the north-west of Belchmire Lane 4.95 ha 99 • Moulton Chapel Mou028 Land to the east of Roman Road 0.82 ha 16 • Old Leake Old005 Land to the south and east of School Lane 0.66 ha 10 • Quadring Qua006 Land to the south of Watergate 1.90 ha 38 • Surfleet Sur018 Land between Station Road and the A152 5.06 ha 101 • Weston Wsn036 Land to the south of High Road 7.06 ha 141 • Wigtoft Wig015 Land to the east of Asperton Road 0.52 ha 10
Policy 28: The Natural Environment	A high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets: 1. Internationally-designated sites, on land or at sea: a. development proposals that would cause harm to these assets will not be permitted, except in exceptional circumstances, where imperative reasons of overriding public interest exist, and the loss will be compensated by the creation of sites of equal or greater nature conservation value; b. all major housing proposals within 10km of The Wash and the North Norfolk Coast European Marine Site, including the Sustainable Urban Extensions in Boston (site Sou006 & Wes002), Spalding (site Pin024/Pin045) and Holbeach West (site Hob048), will be the subject of a project-level Habitats Regulations Assessment (HRA) to assess the impact of recreational pressure on The Wash and North Norfolk Coast European Marine Site. This should include: i. locally-specific information relating to access and site sensitivities; Where the project-level HRA concludes that avoidance and/or mitigation measures are required, it is expected that: ii. Suitable Alternative Natural Greenspace (SANGs) should be provided on site Sou006 and Wes002, site Pin024/Pin045 and site Hob048 as part of their package of mitigation measures; or iii. all other major housing proposals should provide SANGs on-site and/or through a financial contribution to provide and/or enhance natural greenspace in the locality; iv. Suitable Alternative Natural Greenspaces should be designed in accordance with capacity and facility requirements in relation to the developments they mitigate for, best practice elsewhere and relevant evidence. 2. Nationally or locally-designated sites and protected or priority habitats and species: a. development proposals that would directly or indirectly adversely affect these assets will not be permitted unless: i. there are no alternative sites that would cause less or no harm; and ii. the benefits of the development at the proposed site, clearly outweigh the adverse impacts on the features of the site and the wider network of natural habitats; and iii. suitable prevention, mitigation and compensation measures are provided. 3. Addressing gaps in the ecological network:

South East Lincolnshire Local Plan 2011 – 2036 (March 2019)	
Planning Policy or Objective	**Policy Text**
	a. by ensuring that all development proposals shall provide an overall net gain in biodiversity, by: i. protecting the biodiversity value of land, buildings and trees (including veteran trees) minimising the fragmentation of habitats; ii. maximising the opportunities for restoration, enhancement and connection of natural habitats and species of principal importance; iii. incorporating beneficial biodiversity conservation features on buildings, where appropriate; and maximising opportunities to enhance green infrastructure and ecological corridors, including water space; and iv. conserving or enhancing biodiversity or geodiversity conservation features that will provide new habitat and help wildlife to adapt to climate change, and if the development is within a Nature Improvement Area (NIA), contributing to the aims and objectives of the NIA.
Policy 29: The Historic Environment	Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced. Opportunities to identify a heritage asset's contribution to the economy, tourism, education and the local community will be utilised including: • The historic archaeological and drainage landscape of the Fens; • The distinctive character of South East Lincolnshire market towns and villages; • The dominance within the landscape of church towers, spires and historic windmills; To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and nondesignated heritage assets, such as important known archaeology or that found during development, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design. A. Listed Buildings 1. Proposals to change the use of a Listed Building or to alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting. 2. Proposals involving the demolition of Listed Buildings will not be permitted, unless in an exceptional case, or wholly exceptional case (depending on their grade) where a clear and convincing justification is made in line with national policy[9]. 3. Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building. B. Conservation Areas Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should: 1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces; 2. Retain architectural details that contribute to the character and appearance of the area; 3. Where relevant and practical, remove features which are incompatible with the Conservation Area; 4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment; 5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape; 6. Aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against. C. Archaeology and Scheduled Monuments 1. Proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.

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Planning Policy or Objective	**Policy Text**
	2. Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them. 3. If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site. 4. Wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ. Where this is either not possible or not desirable, provision must be made for preservation by record according to an agreed written scheme of investigation submitted by the developer, undertaken by a suitably qualified person, and approved by the Local Planning Authority. 5. Any work undertaken as part of the planning process must be appropriately archived in a way agreed with the Local Planning Authority. D. Registered Parks and Gardens Proposals that cause substantial harm to a Registered Park or Garden, or its setting will not be permitted, unless in an exceptional case, where a clear and convincing justification is made in line with national policy. E. Enabling Development Proposals for enabling development adjacent to, or within the setting of, a heritage asset and used to secure the future of a heritage asset through repair, conservation, restoration or enhancement will only be permitted where: - 1. it will not materially harm the heritage values of a heritage asset or its setting; 2. it avoids detrimental fragmentation of management of the heritage asset: 3. it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose; 4. it is necessary to resolve problems arising from the inherent needs of the heritage asset rather than the circumstances of the present owner or the purchase price paid; 5. sufficient subsidy is not available from any other source; 6. it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset and that its form minimises harm to other public interests; and 7. the public benefit of securing the future of the heritage asset through such enabling development decisively outweighs the dis-benefits of breaching other policies within the Local Plan and national policy. F. Development Proposals Where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made to its setting, it should be informed by proportionate historic environment assessments7 and evaluations (such as heritage impact assessments, desk-based appraisals, field evaluation and historic building reports) that: 1. identify all heritage assets likely to be affected by the proposal; 2. explain the nature and degree of any effect on elements that contribute to their significance and demonstrating how, in order of preference, any harm will be avoided, minimised or mitigated; 3. provide a clear explanation and justification for the proposal in order for the harm to be weighed against public benefits; and 4. demonstrate that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset.

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Policy 30: Pollution	Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon: 1.health and safety of the public; 2. the amenities of the area; or 3. the natural, historic and built environment; by way of: 4. air quality, including fumes and odour; 5. noise including vibration; 6. light levels; 7. land quality and condition; or 8. surface and groundwater quality. Planning applications, except for development within the curtilage of a dwelling house as specified within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015, or successor statutory instrument, must include an assessment of: 9. impact on the proposed development from poor air quality from identified sources; 10. impact on air quality from the proposed development; and 11. impact on amenity from existing uses. Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided. Development proposals on contaminated land, or where there is reason to suspect contamination, must include an assessment of the extent of contamination and any possible risks. Proposals will not be considered favourably unless the land is, or can be made, suitable for the proposed use.
Policy 31: Climate Change and Renewable and Low Carbon Energy	A. Climate Change All development proposals will be required to demonstrate that the consequences of current climate change has been addressed, minimised and mitigated by: 1. employing a high-quality design; 2. the adoption of the sequential approach and Exception Test to flood-risk and the incorporation of flood-mitigation measures in design and construction to reduce the effects of flooding, including SuDS schemes for all 'Major' applications; 3. the protection of the quality, quantity and availability of water resources, including for residential developments, complying with the Building Regulation water efficiency standard of 110 litres per person per day; 4. reducing the need to travel through locational decisions and, where appropriate, providing a mix of uses; 5. incorporating measures which promote and enhance green infrastructure and provide an overall net gain in biodiversity as required by Policy 28 to improve the resilience of ecosystems within and beyond the site. B. Renewable Energy With the exception of Wind Energy the development of renewable energy facilities, associated infrastructure and the integration of decentralised technologies on existing or proposed structures will be permitted provided, individually, or cumulatively, there would be no significant harm to: 1.visual amenity, landscape character or quality, or skyscape considerations; 2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic; 3. highway safety (including public rights of way);

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	4. agricultural land take; 5. aviation and radar safety; 6. heritage assets including their setting; and 7. the natural environment. Provision should be made for post-construction monitoring and the removal of the facility and reinstatement of the site if the development ceases to be operational. Proposals by a local community for the development of renewable and low carbon sources of energy, in scale with their community's requirements, including supporting infrastructure for renewable energy projects, will be supported and considered in the context of contributing to the achievement of sustainable development and meeting the challenge of climate change and against criteria B1-7.
Strategic Policy 33: Delivering a More Sustainable Transport Network	The Local Planning Authorities will work with partners to make the best use of, and seek improvements to, existing transport infrastructure and services within, and connecting to South East Lincolnshire, having considered first solutions that are based on better promotion and management of the existing network and the provision of sustainable forms of travel. To achieve this, the following priorities and actions have been identified: A. For the road-based transport network this will be by: 1. working with the Local Highway Authority to militate against congestion at pinch points and continuing to actively manage roads under its control; 2. securing the delivery of new local access roads to open-up allocations and other locations for development; 3. enabling the delivery of the Northern and Southern sections of the Spalding Western Relief Road, associated junctions and crossing points; 4. enabling the delivery of Phase 2 of the Boston Distributor Road, associated junctions and crossing points; 5. enabling the delivery of improvements to the A17/A151 Peppermint junction, Holbeach and associated new access junction on the A151; and 6. identifying safeguarding routes on the Policies Map, within which sections 2 and 3 of the Spalding Western Relief Road and Phase 3 of the Boston Distributor Road will be delivered (outside this Plan period). Any development that would prejudice the design of this infrastructure will not be permitted. B. For the rail-based transport network this will be by working with Network Rail, train operators and community rail partnerships to: 1. improve inter and sub-regional links to neighbouring centres by ensuring that the area is served by high-quality rail transport links; 2. enhance connectivity between other forms of sustainable travel and the rail network by providing improved interchange facilities; and 3. investigate the potential to improve connectivity to Spalding railway station; 4. seek to secure improved rail services as part of the new East Midlands franchise due to commence in October 2018. C. For cycling, walking and other sustainable transport this will be by: 1. protecting existing footpaths, cycle routes and public rights of way from development; 2. improving connectivity to create a more coherent walking and cycling network through the provision of new multi-user routes, including: i. between Fenside Road, Boston town centre and Beech Wood; ii. alongside the South Forty Foot Drain, Boston; iii. along the former Boston-Woodhall Spa railway line; iv. between Market Way, Pinchbeck, and Woolram Wygate, Spalding; and v. alongside the Coronation Channel (east bank), Spalding; vi. along West Elloe Avenue and Enterprise Way, Spalding.

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	3. ensuring that major new developments provide for walking and cycling routes and/or links to existing networks, to key public transport corridors and to transport interchanges; 4. protecting the 'key public transport corridors' and supporting the ongoing provision, and, where appropriate, extension of bus services, in partnership with bus operators; and 5. helping to ensure the continuous and safe operation of the Port of Boston and the Port of Sutton Bridge. To demonstrate compliance with this policy, an appropriate Transport Assessment and associated Travel Plan should be submitted with proposals. The form will be dependent upon the scale and nature of the development and agreed through early discussion with the Local Highway Authority. All development should contribute to the delivery of necessary transport infrastructure, either directly, where appropriate, or indirectly such as through developer contributions or CIL payment.

1. National Planning Policy Extracts

National Planning Policy Framework ('NPPF') (February 2019)	
Paragraph no.	**Paragraph Text**
7	The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs[4].
8	Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
80	Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation[40], and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
82	Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
98	Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
103	The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
106	Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

National Planning Policy Framework ('NPPF') (February 2019)	
Paragraph no.	**Paragraph Text**
108	In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
127	Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users[46]; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
128	Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
130	Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
131	In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
170	Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

National Planning Policy Framework ('NPPF') (February 2019)	
Paragraph no.	**Paragraph Text**
	d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
175	When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons[58] and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
176	The following should be given the same protection as habitats sites: a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar sites[59]; and c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.
180	Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life[60]; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
181	Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

National Planning Policy Framework ('NPPF') (February 2019)	
Paragraph no.	**Paragraph Text**
184	Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value[61]. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations[62].
185	Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account: a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; c) the desirability of new development making a positive contribution to local character and distinctiveness; and d) opportunities to draw on the contribution made by the historic environment to the character of a place.

National Planning Policy for Waste (October 2014)
Appendix B – Locational Criteria
In testing the suitability of sites and areas in the preparation of Local Plans and in determining planning applications, waste planning authorities should consider the factors below. They should also bear in mind the envisaged waste management facility in terms of type and scale. a. protection of water quality and resources and flood risk management Considerations will include the proximity of vulnerable surface and groundwater or aquifers. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care. b. land instability Locations, and/or the environs of locations, that are liable to be affected by land instability, will not normally be suitable for waste management facilities. c. landscape and visual impacts Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions. d. nature conservation Considerations will include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR Sites), a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves), Nature Improvement Areas and ecological networks and protected species. e. conserving the historic environment Considerations will include the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting. f. traffic and access Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports.

National Planning Policy for Waste (October 2014)
Appendix B – Locational Criteria
g. air emissions, including dust Considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles. h. odours Considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment. i. vermin and birds Considerations will include the proximity of sensitive receptors. Some waste management facilities, especially landfills which accept putrescible waste, can attract vermin and birds. The numbers, and movements of some species of birds, may be influenced by the distribution of landfill sites. Where birds congregate in large numbers, they may be a major nuisance to people living nearby. They can also provide a hazard to aircraft at locations close to aerodromes or low flying areas. As part of the aerodrome safeguarding procedure (ODPM Circular 1/2003[5]) local planning authorities are required to consult aerodrome operators on proposed developments likely to attract birds. Consultation arrangements apply within safeguarded areas (which should be shown on the policies map in the Local Plan). The primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect include facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes. j. noise, light and vibration Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved. Potential light pollution aspects will also need to be considered. k. litter Litter can be a concern at some waste management facilities. l. potential land use conflict Likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility.

The East Inshore and Offshore Marine Plans Document	
Policy	**Policy Text**
EC1	*Proposals that provide economic productivity benefits which are additional to Gross Value Added currently generated by existing activities should be supported*.
EC2	*Proposals that provide additional employment benefits should be supported, particularly where these benefits have the potential to meet employment needs in localities close to the marine plan areas.*
SOC2	Proposals that may affect heritage assets should demonstrate, in order of preference: a) that they will not compromise or harm elements which contribute to the significance of the heritage asset b) how, if there is compromise or harm to a heritage asset, this will be minimised c) how, where compromise or harm to a heritage asset cannot be minimised it will be mitigated against or

The East Inshore and Offshore Marine Plans Document	
Policy	**Policy Text**
	d) the public benefits for proceeding with the proposal if it is not possible to minimise or mitigate compromise or harm to the heritage asset.
ECO1	*Cumulative impacts affecting the ecosystem of the East marine plans and adjacent areas (marine, terrestrial) should be addressed in decision-making and plan implementation.*
BIO1	*Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests.*
BIO2	*Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests.*
CC1	*Proposals should take account of:* *• how they may be impacted upon by, and respond to, climate change over their lifetime and* *• how they may impact upon any climate change adaptation measures elsewhere during their lifetime* *Where detrimental impacts on climate change adaptation measures are identified, evidence should be provided as to how the proposal will reduce such impacts.*
CC2	*Proposals for development should minimise emissions of greenhouse gases as far as is appropriate. Mitigation measures will also be encouraged where emissions remain following minimising steps. Consideration131 should also be given to emissions from other activities or users affected by the proposa*l.
Gov1	*Appropriate provision should be made for infrastructure on land which supports activities in the marine area and vice versa*
PS3	*Proposals should demonstrate, in order of preference:* *a) that they will not interfere with current activity and future opportunity for expansion of ports and harbours* *b) how, if the proposal may interfere with current activity and future opportunities for expansion, they will minimise this* *c) how, if the interference cannot be minimised, it will be mitigated* *d) the case for proceeding if it is not possible to minimise or mitigate the interference*
DD1	*Proposals within or adjacent to licensed dredging and disposal areas should demonstrate, in order of preference* *a) that they will not adversely impact dredging and disposal activities* *b) how, if there are adverse impacts on dredging and disposal, they will minimise these* *c) how, if the adverse impacts cannot be minimised they will be mitigated* *d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts*

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