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Our Ref: 14079



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Dear Mr Bunten

**SOUTH HUMBER BANK ENERGY CENTRE PROJECT - APPLICATION FOR AN ENERGY FROM WASTE POWER STATION AND ASSOCIATED DEVELOPMENT - LAND AT THE SOUTH HUMBER BANK POWER STATION SITE, SOUTH MARSH ROAD, STALLINGBOROUGH, DN41 8BZ**

**THE PLANNING ACT 2008 - SECTION 37 'APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT'**

We enclose an application (the 'Application') submitted on behalf of EP Waste Management Limited ('EPWM' or the 'Applicant') for a Development Consent Order (a 'DCO') under section 37 of the Planning Act 2008 (the 'PA 2008') in respect of the South Humber Bank Energy Centre Project.

EPWM 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 95 megawatts (MW) including an electrical connection, a new site access, and other associated development (together 'the Proposed Development') on land at South Humber Bank Power Station ('SHBPS'), South Marsh Road, near Stallingborough in North East Lincolnshire ('the Site').

A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') being for the construction or extension of a generating station (s14(1)(a) PA 2008) with a capacity above 50MW (s15(2) PA 2008).

The DCO, if made by the SoS, would be known as the 'South Humber Bank Energy Centre Order' ('the Order').

Full planning permission ('the Planning Permission') was granted by North East Lincolnshire Council ('NELC') for an EfW power station with a gross electrical output of up to 49.9 MW and associated development ('the Consented Development') on land at SHBPS ('the Consented Development Site') under the Town and Country Planning Act 1990 on 12 April 2019. Since the Planning Permission was granted, the Applicant has assessed potential opportunities to improve the efficiency of the EfW power station, notably in relation to its electrical output. As a consequence, the Proposed Development would have a higher electrical output (up to 95 MW) than the Consented Development, although it would have the same maximum building dimensions and fuel throughput (up to 753,500 tonnes per annum).

**Partners**

R J Greeves BSc (Hons) MRICS  
G Bullock BA (Hons) BPL MRTPI  
A Vickery BSc MRICS IRRV (Hons)  
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A R Holden BSc (Hons) FRICS  
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## The Applicant

The Applicant is a subsidiary of EP UK Investments Limited ('EPUKI'). EPUKI owns and operates a number of other power stations in the UK. These include SHBPS and Langage (Devon) Combined Cycle Gas Turbine ('CCGT') power stations, Lynemouth (Northumberland) biomass-fired power station, and power generation assets in Northern Ireland. EPUKI also owns sites with consent for new power stations in Norfolk (King's Lynn 'B' CCGT) and North Yorkshire (Eggborough CCGT).

EPUKI is a subsidiary of Energetický A Průmyslový Holding ('EPH'). EPH owns and operates energy generation assets in the Czech Republic, Slovak Republic, Germany, Italy, Hungary, Poland, Ireland, and the United Kingdom.

## The Site

The Proposed Development Site (the 'Site' or the 'Order limits') is located within the boundary of the SHBPS site, east of the existing SHBPS, along with part of the carriageway within South Marsh Road. The principal access to the Site is off South Marsh Road.

The Site is located on the South Humber Bank between the towns of Immingham and Grimsby; both over 3 km from the Site. The surrounding area is characterised by industrial uses dispersed between areas of agricultural land with the nearest main settlements being the villages of Stallingborough, Healing and Great Coates. The Site lies within the parish of Stallingborough although Stallingborough village lies over 2 km away.

The Site lies within the administrative area of NELC, a unitary authority. The Site is owned by EP SHB Limited, a subsidiary of EPUKI, and is therefore under the control of the Applicant, with the exception of the highway land on South Marsh Road required for the new Site access.

## The Proposed Development

The main components of the Proposed Development are summarised below:

- Work No. 1— an electricity generating station located on land at SHBPS, fuelled by refuse derived fuel ('RDF') with a gross electrical output of up to 95 MW at ISO conditions;
- Work No. 1A— two emissions stacks and associated emissions monitoring systems;
- Work No. 1B— administration block, including control room, workshops, stores and welfare facilities;
- Work No. 2— comprising electrical, gas, water, telecommunication, steam and other utility connections for the generating station (Work No. 1);
- Work No. 3— landscaping and biodiversity works;
- Work No. 4— a new site access on to South Marsh Road and works to an existing access on to South Marsh Road; and
- Work No. 5— temporary construction and laydown areas.

Various types of ancillary development required in connection with and subsidiary to the above works are detailed in Schedule 1 of the DCO. A more detailed description of the Proposed Development is provided at Schedule 1 'Authorised Development' of the Draft DCO and Chapter 4: The Proposed Development in the ES Volume I (Document Ref. 6.2) and the areas within which each of the main

components of the Proposed Development are to be built is shown by the coloured and hatched areas on the Works Plans (Document Ref. 4.3).

The likely construction scenario is for work on the Consented Development (pursuant to the Planning Permission) to commence in Quarter 2 ('Q2') of 2020 and to continue for around three years. Following the grant of a DCO for the Proposed Development (approximately halfway through the three-year construction programme), the Applicant would initiate powers to continue development under the DCO instead of the Planning Permission. The draft DCO includes appropriate powers and notification requirements for the 'switchover' between consents, to provide clarity for the relevant planning authority regarding the development authorised and the applicable conditions, requirements, and other obligations. Once the DCO has been implemented the additional works would be constructed and the Proposed Development would be built out in full. The Proposed Development would commence operation in 2023.

### **Benefits of the Proposed Development**

The Proposed Development provides a number of significant benefits:

- the contribution to the scale and urgency of the need that exists for all energy NSIPs, particularly low carbon forms of generation, as confirmed by a range of recent official evidence;
- the timely manner of this contribution and its duration, providing reliable base load generation over a lifetime of at least 30 years;
- The contribution to the need for new and efficient residual waste management capacity and support to the waste hierarchy, as corroborated by recent evidence, and strategic aims, set out in Defra's Clean Growth Strategy and 'Our Waste, Our Resources: A Strategy for England';

It would also have few local impacts and various beneficial effects on the local area:

- the Proposed Development would be consistent with the existing character of the area, with unavoidable visual impacts upon one nearby undesignated viewpoint;
- a suitable HGV route avoiding population centres would be secured within the DCO;
- habitat loss on the Site would be compensated for via the appropriate contribution to the South Humber Gateway Mitigation Scheme, in accordance with Policy 9 of the North East Lincolnshire Local Plan (NELLP), secured via a Section 106 agreement, as well as habitat improvements on Site secured via requirement;
- the locational criteria in NELLP Policy 47 are complied with and the Proposed Development will provide a significant number of construction jobs, along with up to 56 jobs comprising a mix of roles, over a substantial operational period of at least 30 years;
- the Proposed Development is compatible with and additional to the economic development and employment growth proposed in the Local Plan and would be CHP ready; and
- the Proposed Development is of the same type, fuel throughput, and scale (maximum built dimensions) as the Consented Development, which the relevant planning authority determined conformed with the NELLP.

### **NELC Engagement**

A Statement of Common Ground (SoCG) with NELC is provided as part of the Application (Document Ref 7.1). The SoCG summarises the agreements reached between the Applicant and NELC ('the

parties') on matters relevant to the examination of the Application and to assist the Examining Authority. It has been prepared with regard to the guidance in 'Planning Act 2008: examination of applications for development consent' (Department for Communities and Local Government, March 2015).

The SoCG was shared with NELC six weeks before the submission of the Application and subsequently was agreed between the parties as suitable to accompany the Application. The SoCG records agreement between the parties as to:

- the adequacy of consultation carried out for the Proposed Development
- the need for and key benefits of the Proposed Development;
- the conformity of the Proposed Development with the NELLP (2018); and
- the approach of aligning DCO requirements and obligations with the equivalent conditions and obligations attached to the planning permission for the Consented Development.

It is intended that one or more further versions (revised drafts) will be agreed between the parties during the pre-examination and examination periods, and submitted to the Examining Authority to assist the examination of the Application.

### **Environmental Impact Assessment**

The Proposed Development represents an Environmental Impact Assessment ('EIA') development and the Application therefore includes an Environmental Statement ('ES') that reports the findings of the EIA.

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017' (the '2017 EIA Regulations') came into force on 16 May 2017, replacing the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the '2009 EIA Regulations'). The 2017 EIA Regulations amend the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (the 'APFP Regulations') so that (pursuant to Regulation 5(2)(a)) an ES provided with a DCO application must comply with the 2017 EIA Regulations.

The ES has therefore been produced in accordance with the 2017 EIA Regulations.

### **The Application Submission**

The Application Guide (Document Ref: 1.2) lists the documents that make up the Application (the 'Application Submission') and how these comply with relevant legislative and policy requirements. The Application Guide is a 'live' document that will be updated throughout the examination of the Application, as required.

Schedule 1 to the draft DCO (Document Ref: 2.1) provides the formal description of the Proposed Development and its components, and identifies the individual Work Numbers for those components. A detailed description of the Proposed Development is provided at Chapter 4 'The Proposed Development' of the ES Volume I (Document Ref. 6.2).

The Land Plan (Document Ref: 4.2) show the extent of the land (the 'Order land') shows the land required for the Proposed Development, while the Works Plans (Document Ref: 4.3) show the Order limits and identify the location of the main components of the Proposed Development within the Site by reference to the Works Numbers set out in Schedule 1 to the draft DCO.

The Application includes an Explanatory Memorandum (Document Ref: 2.2). The Explanatory Memorandum ('EM') explains the purpose and effect of each article of, and the Schedules to, the draft DCO, as required by Regulation 5(2)(c) of the APFP Regulations. It also identifies and explains departures from the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009. It justifies the inclusion of relevant articles and requirements, including setting out the legal power which enables the Secretary of State to include certain provisions. It has been prepared with regard to the advice in Planning Inspectorate ('PINS') Advice Note 13 (2019) and previous drafts of the EM have been discussed with NELC and PINS.

The Applicant has engaged in the necessary consultation for the Proposed Development. Information regarding statutory consultation in accordance with sections 42, 47 and 48 of the PA 2008, including how responses received to that consultation have been taken into account, is documented within the Consultation Report (Document Ref: 5.1).

The compliance of the Proposed Development with the relevant National Policy Statements and other relevant policy is set out in the Planning, Design and Access Statement (Document Ref: 5.5).

Schedule 2 to the draft DCO contains a number of 'requirements' that would control the detailed design of the Proposed Development in addition to its construction and operation to ensure that it remains within the scope of the EIA carried out and does not result in unacceptable impacts. These would require the submission to and approval by the relevant planning authority of further details of the Proposed Development.

The Application Documents can be downloaded by PINS using the file share link and password provided via e-mail separately. The Applicant agrees to 'early publication' on PINS' website.

The full consultation responses received from the local community have been provided in Appendix 9.11 within the Consultation Report (Document Ref: 5.1) with personal information redacted.

The required fee on submission of £7,227.00 was paid to PINS by BACS on 3 April 2020.

We look forward to receiving PINS' acknowledgement of receipt of the Application and in due course its decision on acceptance. In the meantime, should you have any questions with regard to the Application, please do not hesitate to contact Colin Turnbull using the details contained in the application form.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

**DWD**