

South Humber Bank Energy Centre Project

Planning Inspectorate Reference: EN010107

South Marsh Road, Stallingborough, DN41 8BZ

The South Humber Bank Energy Centre Order

Document Reference: 5.5 Planning, Design and Access Statement

The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009 - Regulation 5(2)(q)



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GLOSSARY

Abbreviation	Description
ACC	Air-cooled condenser.
AGI	Above Ground Installation.
AOD	Above Ordnance Datum.
BAT	Best Available Techniques.
BEIS	Department for Business, Energy and Industrial Strategy.
BMEP	Biodiversity Mitigation and Enhancement Plan.
CCGT	Combined Cycle Gas Turbine.
CEMP	Construction Environmental Management Plan.
CEMS	Continuous Emission Monitoring Systems.
CHP	Combined Heat and Power.
CIBSE	Chartered Institution of Building Services Engineers.
COMAH	Control of Major Accident Hazards.
CTMP	Construction Traffic Management Plan.
DCO	Development Consent Order: provides a consent for building and operating an NSIP.
DDA	Disability Discrimination Act.
DSP	Delivery and Servicing Plan.
DSP	Delivery and Servicing Plan.
EA	Environment Agency.
EfW	Energy from Waste: the combustion of waste material to provide electricity and/ or heat.
EIA	Environmental Impact Assessment.
EMF	Electro-magnetic Fields.
EMS	European Marine Site.
EP	Environmental Permit.
EPH	Energetický A Prumyslový Holding.
EPUKI	EP UK Investments Ltd.
EPWM	EP Waste Management Ltd ('The Applicant').
ES	Environmental Statement.
ESA	Environmental Services Association.

EU ETS	European Union Emissions Trading System.
ExA	Examining Authority: An inspector or panel of inspectors appointed to examine the application.
FGT	Flue Gas Treatment.
FRA	Flood Risk Assessment.
GHG	Greenhouse Gas.
GW	Gigawatts.
HGV	Heavy Goods Vehicle.
HHRA	Human Health Risk Assessment.
HSC	Hazard Substances Consent.
HSE	Health and Safety Executive.
IED	Industrial Emissions Directive.
LOD	Limit of Deviation.
LPA	Local Planning Authority.
LWS	Local Wildlife Site.
mAOD	Metres Above Ordnance Datum.
MW	Megawatt: a measure of power generated.
NCV	Net Calorific Value.
NE	Natural England.
NELC	North East Lincolnshire Council.
NELLP	North East Lincolnshire Local Plan.
NGET	National Grid Electricity Transmission plc.
NPPF	National Planning Policy Framework.
NPPW	National Planning Policy for Waste.
NPS	National Policy Statement.
NSIP	Nationally Significant Infrastructure Project: for which a DCO is required.
NSRs	Noise Sensitive Receptors.
OWTP	Operational Worker Travel Plan.
PA 2008	Planning Act 2008.
PEIR	Preliminary Environmental Information Report, a public report summarising the initial findings as to the likely environmental impacts of the Proposed Development.
PINS	Planning Inspectorate.
PPG	Planning Practice Guidance.
Q1, Q2, Q3, Q4	Quarter 1, Quarter 2, Quarter 3, Quarter 4
RDF	Refuse Derived Fuel: residual waste that has been processed to comply with the particular specifications of the end user regarding calorific value, moisture content, quantity and format.
SAC	Special Area of Conservation.
SCI	Statement of Community Involvement.
SHBEC	South Humber Bank Energy Centre.
SHBPS	South Humber Bank Power Station.

SHIP	South Humber Industrial Investment Programme.
SNCI	Site of Nature Conservation Importance.
SoCC	Statement of Community Consultation: sets out how a developer will consult the local community about a proposed NSIP.
SoS	Secretary of State.
SPA	Special Protection Area.
SPD	Supplementary Planning Document.
SQSS	Security and Quality of Supply Standards.
SRN	Strategic Road Network.
SSSI	Site of Special Scientific Interest.
SWMP	Site Waste Management Plan.
TA	Transport Assessment.

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APPENDICES

APPENDIX 1: CONSENTED DEVELOPMENT DECISION NOTICE

APPENDIX 2: CONSENTED DEVELOPMENT OFFICERS REPORT

1.0 EXECUTIVE SUMMARY

- 1.1.1 This 'Planning, Design and Access Statement' document (Document Ref. 5.5) has been prepared on behalf of EP Waste Management Limited ('EPWM' or the 'Applicant'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under section 37 of 'The Planning Act 2008' (the 'PA 2008').
- 1.1.2 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').
- 1.1.3 The DCO, if made by the SoS, would be known as the 'South Humber Bank Energy Centre Order' ('the Order').
- 1.1.4 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 maximum fuel throughput (up to 753,500 tonnes per annum ('tpa')).
- 1.1.5 The purpose of this Planning, Design and Access Statement is twofold. The document's primary purpose is to assist the Examining Authority and the SoS in its assessment of the Application by demonstrating how the Applicant has taken account of relevant planning policy, notably the National Policy Statements ('NPS') for energy infrastructure, and the extent to which the Proposed Development complies with the policies within those NPSs, as well as other policies and strategies, legal obligations, and important and relevant matters. The document also sets out, within Section 4, the design and access considerations applicable to the Proposed Development.
- 1.1.6 Section 2 introduces the Applicant, the Site, and the Proposed Development as set out in the DCO (Document Ref. 2.1). The relationship with the Consented Development is also explained and is further described in Section 3 as part of the Planning History of the Site.
- 1.1.7 Section 4 appraises the physical and environmental context of the Site and identifies the required use, access, and scale of development, and how appropriate design principles have guided the evolution of the Proposed Development, including how it differs from the Consented Development. The immediate context within which much of the Site sits is already industrialised in terms of its character and appearance. It is dominated by large and

functional industrial buildings and plant, including the existing South Humber Bank Power Station ('SHBPS'). A functional design that minimises its impacts on the surrounding area has therefore been sought and suitable design principles have been adopted. These have resulted in an acceptable design which is secured by suitable requirements within the DCO (Document Ref. 2.1).

- 1.1.8 Section 5 outlines the relevant legislative and policy context for the Proposed Development. This comprises the National Policy Statements ('NPS') for energy infrastructure as well as relevant national and local planning policies and strategies, wider legal obligations, and other important and relevant matters.
- 1.1.9 Section 6 sets out the needs case for the Proposed Development. The PA 2008 confirms that where relevant NPSs are in place, the SoS must have regard to the NPSs and must decide the application in accordance with them unless the proposal would contravene specific legal tests, or the adverse impacts would outweigh its benefits. The Proposed Development is compatible with the UK's legal obligations in the Climate Change Act 2008.
- 1.1.10 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) and NPS EN-5 (Electricity Networks Infrastructure).
- 1.1.11 The NPSs for energy infrastructure confirm that there is an urgent need for new electricity generating capacity in the UK, to ensure there is a secure and reliable national electricity supply as the UK transitions to a low carbon economy. Furthermore, there is a need for new EfW infrastructure to prevent waste going further down the waste hierarchy which is highlighted by significant fuel availability for the Proposed Development. The need for new electricity generation is further evidenced by recent research by Defra, BEIS, the National Infrastructure Commission, National Grid ESO, and others
- 1.1.12 Section 7 sets out how the Proposed Development complies with the relevant NPSs, national and local planning policies and strategies, wider legal obligations, and other potentially important and relevant matters, and draws upon and cross-refers to other documents that form part of the Application.
- 1.1.13 The assessment in Section 7 demonstrates that the Applicant has taken full account of the relevant considerations and guidance contained within the NPSs and that the Proposed Development is in accordance with NPS policy, the NPPF, and the Local Plan.
- 1.1.14 Section 8 identifies the key benefits of the Proposed Development as well as its likely significant adverse effects. The key benefits can be summarised as follows:
- NPS EN-1 confirms the scale and urgency of the need that exists for all energy NSIPs, particularly low carbon forms of generation. The scale and urgency are corroborated by a range of recent reports.
 - The Proposed Development would respond to this urgent need in a timely manner. Construction of the Consented Development is likely to commence in Q2 2020. The Applicant has control of the necessary land

and so the Proposed Development can be constructed without reliance on powers of compulsory acquisition.

- The Proposed Development would provide reliable base load generation and has a design lifetime of at least 30 years, therefore contributing substantially to energy security and reliability.
- NPS EN-3 identifies that recovering energy from the combustion of waste plays an important role in meeting renewable energy targets. NPS EN-3 also highlights the benefit of EfW plants insofar as they prevent waste moving further down the waste hierarchy.
- The Greenhouse Gas ('GHG') Emissions Assessment has identified that the emissions from the Proposed Development are low due to the GHG savings from diverting waste from landfill.
- The Proposed Development would not affect the implementation of the relevant Waste Plans and is sited in accordance with the locational considerations in NPS EN-3, National Planning Policy for Waste ('NPPW'), and the North East Lincolnshire Local Plan 2013 to 2032 ('the NELLP').
- The principle of use of the Site for an EfW has already been established by the granting of the Planning Permission for the Consented Development. The Proposed Development is the same type and scale (having the same maximum built dimensions and fuel throughput) as the Consented Development. The Proposed Development is located immediately adjacent to the SHBPS that already benefits from electrical and gas connections, and other infrastructure, minimising the Proposed Development's impact upon the environment. The Proposed Development makes effective use of existing employment land which, while partly subject to HSE consultation zones, its use is acceptable to HSE, having been established via recourse to their Land Use Planning Methodology for the Consented Development and consulting them specifically as part of the statutory consultation for the Proposed Development.
- The Proposed Development would provide significant benefits for the regional and local economy, in terms of direct and indirect employment during the construction and operation phases, and CHP readiness. These benefits were recognised in the decision making for the Consented Development. These are additional to the economic benefits and employment development anticipated by the South Humber Industrial Investment Programme ('SHIIP').
- The Applicant will contribute the appropriate amount under NELLP Policy 9 (£105,378) to support the delivery of a significant area of new wetland habitat nearby, secured via a Section 106 deed of variation to the existing S106 Agreement.
- The Application also provides an improvement in on-site biodiversity provision compared to the Planning Permission and the Proposed Development has been designed in accordance with appropriate design principles.

1.1.15 The identified significant adverse effects, in line with the ES, following mitigation, relate to visual impacts on one nearby non-designated viewpoint

and cumulative visual impacts on two nearby non-designated viewpoints. Some minor adverse (not significant) effects are predicted in relation to ecology (temporarily, during construction only) and surface water drainage (during construction and operation). These effects have been minimised and it is considered that some impact in relation to these topics is unavoidable in developing largely undeveloped and low-lying land.

- 1.1.16 Section 9 describes the other consents and licences in addition to the DCO, the range of appropriate controls in the DCO (Document Ref. 2.1), and the proposed arrangements within the DCO for the 'switchover' from the Planning Permission to the DCO if made.
- 1.1.17 Section 10 sets out conclusions as to the acceptability of the Proposed Development against the decision-making criteria in Section 104 and (should it become applicable) Section 105 of the PA 2008.

2.0 INTRODUCTION

2.1 Overview

- 2.1.1 This 'Planning, Design and Access Statement' document (Document Ref. 5.5) has been prepared on behalf of EP Waste Management Limited ('EPWM' or the 'Applicant'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under section 37 of 'The Planning Act 2008' (the 'PA 2008').
- 2.1.2 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').
- 2.1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under sections 14 and 15(2) of the PA 2008.
- 2.1.4 The DCO, if made by the SoS, would be known as the 'South Humber Bank Energy Centre Order' ('the Order').
- 2.1.5 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. The Decision Notice and Officer's Report for the Consented Development can be found at **Appendix 1** and **Appendix 2** respectively. 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 (tpa)).

2.2 The Applicant

- 2.2.1 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).
- 2.2.2 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.

2.3 The Proposed Development Site

- 2.3.1 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.
- 2.3.2 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.
- 2.3.3 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.
- 2.3.4 The existing SHBPS was constructed in two phases between 1997 and 1999 and consists of two CCGT units fired by natural gas, with a combined gross electrical capacity of approximately 1,400 MW. It is operated by EP SHB Limited.
- 2.3.5 The Site is around 23 hectares ('ha') in area and is generally flat, and typically stands at around 2.0 m Above Ordnance Datum (mAOD).
- 2.3.6 The land surrounding the Site immediately to the south, west and north-west is in agricultural use with a large polymer manufacturing site, Synthomer, and a waste management facility, NEWLINCS, both located to the north of the Site and also accessed from South Marsh Road. The estuary of the River Humber lies around 175 m to the east of the Site.
- 2.3.7 Access to the South Humber Bank is via the A180 trunk road and the A1173. The Barton railway line runs north-west to south-east between Barton-on-Humber and Cleethorpes circa 2.5 km to the south-west of the Site and a freight railway line runs north-west to south-east circa 300 m (at the closest point) to the Site.
- 2.3.8 A more detailed description of the Site is provided at Chapter 3: Description of the Proposed Development Site in the Environmental Statement ('ES') Volume I (Document Ref. 6.2).

2.4 The Proposed Development

- 2.4.1 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.
- Work No. 5 - temporary construction and laydown areas.

2.4.2 Various types of ancillary development further 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).

2.5 Relationship with the Consented Development

2.5.1 The Proposed Development comprises the works contained in the Consented Development, along with additional works not forming part of the Consented Development ('the Additional Works'). The Additional Works are set out below along with an explanation of their purpose.

- a larger air-cooled condenser (ACC), with an additional row of fans and heat exchangers – this will allow a higher mass flow of steam to be sent to the steam turbine whilst maintaining the exhaust pressure and thereby increasing the amount of power generated;
- a greater installed cooling capacity for the generator – additional heat exchangers will be installed to the closed-circuit cooling water system to allow the generator to operate at an increased load and generate more power;
- an increased transformer capacity – depending on the adopted grid connection arrangement the capacity will be increased through an additional generator transformer operating in parallel with the Consented Development's proposed generator transformer or a single larger generator transformer. Both arrangements would allow generation up to 95 MW; and
- ancillary works – the above works will require additional ancillary works and operations, such as new cabling or pipes, and commissioning to ensure that the apparatus has been correctly installed and will operate safely and as intended.

2.5.2 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 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 Order instead of the Planning Permission. The Order 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 Order 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.

- 2.5.3 Alternative construction scenarios, involving construction entirely pursuant to the Order, are also possible. Accordingly, three representative scenarios are described within Chapter 5: Construction Programme and Management in the ES Volume I (Document Ref. 6.2) and assessed in the Environmental Impact Assessment ('EIA').

2.6 The Purpose and Structure of this Document

- 2.6.1 The purpose of this Planning, Design and Access Statement is twofold. The document's primary purpose is to assist the Examining Authority and the SoS in its assessment of the Application by demonstrating how the Applicant has taken account of relevant planning policy, notably the National Policy Statements ('NPS') for energy infrastructure, and the extent to which the Proposed Development complies with the policies within those NPSs, as well as other policies and strategies, legal obligations, and important and relevant matters.
- 2.6.2 The secondary purpose of the document is to set out, within Section 4, the design and access considerations applicable to the Proposed Development.

3.0 PLANNING HISTORY

3.1.1 The following table identifies the planning history relevant to the Site. This information has been based upon the NELC online planning search function.

Table 3.1: Planning History of the Site

REFERENCE	DESCRIPTION	DECISION
DM/1117/19/ CND	Details for the discharge of Condition 18 (Delivery and Servicing) pursuant to DM/1070/18/FUL (Construction of an energy from waste facility of up to 49.9 MW gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure, on land at South Humber Bank Power Station)	Approved 31/01/2020
DM/0713/19/ CND	Details for the discharge of Condition 10 (Construction Management Plan - Phase 1) pursuant to DM/1070/18/FUL (Construction of an energy from waste facility of up to 49.9 MW gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure, on land at South Humber Bank Power Station)	Approved 27/09/2019
DM/0664/19/ FUL	<i>Development of a sustainable transport fuels facility, including various stacks up to 80m high, creation of new accesses, installation of pipe lines, rail link, associated infrastructure and ancillary works</i>	<i>Pending Consideration Validated 09/08/2019</i>
DM/0486/19/ CND	Details for the discharge of Condition 13, Part 1 (Contamination - investigation) DM/1070/18/FUL (Construction of an energy from waste facility of up to 49.9 MW gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure, on land at South Humber Bank Power Station)	Approved 12/06/2019

DM/1070/18/ FUL ('the Planning Permission')	Construction of an energy from waste facility of up to 49.9 MW gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure, on land at South Humber Bank Power Station	Approved 12/04/2019
DM/0575/18/ SCO	Request for Scoping Opinion - Construction and operation of an energy from waste power station with a maximum gross electrical output of 49.9 MW	Scoping Opinion provided 03/09/2018
DM/1184/16/ FUL	Erection of new gatehouse/ induction centre with air conditioning units, installation of bio disk tank, security barriers, car parking, new fencing, new parking bays, relocation of flag poles and other associated works.	Approved 04/04/2017
DC/1088/10/ MM	Erect two storey portal framed storage building & transformer storage bund	Approved 14/02/2011
DC/759/09/ MM	Erection of a parts storage building to existing power station in accordance with amended plans received on 16th December 2009	Approved 22/12/2009
DC/1001/05/ MM	Prior determination application to erect 12m high antenna	Approved 11/10/2005
DC/835/98/ MM	Erection of storage buildings and gatehouse. Retention of car park area and associated access from Hobson Way	Approved 25/06/1999
DC/436/98/ MM	Erect complex of clad portal frame building to house power generation plant and equipment	Approved 23/09/1998
08950050	Application for approval siting and design of Power Station	Approved 28/10/1996
DC/190/96/ MM	Radio antennae to a pole at 12 metres above ground level	Approved 17/06/1996
08940461	Extension of the South Humber Bank Power Station site & creation of 2 temporary accesses from South Marsh Road & the South Humber Bank Link Road	Approved 12/01/1995
08930204	Extension of the South Humber Bank Power station site for the construction and	Approved

	operation of a continuous cooling water system plus ancillary works	21/12/1993
08910439	Construction and generation of combined cycle gas turbine power plant	Approved 01/08/1992
08900006	Construction of plant for the manufacture of straw pulp	Approved 03/01/1991

- 3.1.2 The application in italics is mainly situated on other land to the west of the Site but involves minor connection works within the Order Limits, namely a potential effluent pipeline to be laid within highway and which coincides with parts of the area for the utility connections (Work No. 3) access works (Work No. 4). The effluent pipeline works are not yet consented but are expected to be physically compatible with Work Nos. 3 & 4, and could take place before or after.
- 3.1.3 All historical applications, prior to the Planning Permission, are understood to have been fully implemented.
- The Consented Development
- 3.1.4 The principle of the EfW use on the Site was established as part of application DM/1070/18/FUL, also known as the Consented Development.
- 3.1.5 EPWM are now in the process of undertaking detailed design work on the EfW power station as approved in the Planning Permission and the submission of information to discharge the planning conditions attached to the Planning Permission has already begun.
- 3.1.6 It is anticipated that construction of the Consented Development will commence during Q2 in 2020. The construction phase is expected to last for approximately 3 years, with the EfW power station commencing operation in mid-2023. Following the grant of a DCO for the Proposed Development, the Applicant proposes to use the powers in the DCO to continue the development instead of the Planning Permission with the Additional Works also being completed within the same construction programme.
- 3.1.7 The Proposed Development is not seeking any changes to the maximum building dimensions or RDF throughput that were approved by the Planning Permission and assessed as part of the Environmental Impact Assessment that was carried out for the Consented Development.

4.0 DESIGN AND ACCESS

4.1.1 This chapter outlines the approach taken to the design of the Proposed Development, and how it was influenced by the Site's context, functional requirements, design principles and consultation feedback.

4.2 Site Context and Appraisal

4.2.1 The Site comprises land at the existing South Humber Bank Power Station ('SHBPS') along with areas of the existing SHBPS and a section of public highway at the eastern end of South Marsh Road.

4.2.2 The majority of the built development, including the NSIP, will be situated in the Main Development Area which is shown on Figure 3.1 in ES Volume II (Document Ref. 6.3) and is located to the east of the existing CCGT plant and to the west of the cooling water pumphouse. This occupies an area of approximately 7 ha and currently comprises a vegetated area, with underground cooling water pipes (connecting the CCGT units and the cooling water pumping station), other buried services and an associated private access road. The Site is largely flat and drainage ditches run along the northern, western and southern perimeters of the Site.

4.2.3 As described in Section 2.3 the immediate surroundings of the Site are agricultural in nature, with a variety of industrial uses beyond to the north, west and south. The landscape is low lying and generally flat, bisected by drainage ditches such as those which bound the Site.

4.2.4 The area is located in National Character Area (NCA) 41: Humber Estuary and NCA 42: Lincolnshire Coast and Marshes and is characterised within the North East Lincolnshire Landscape Character Assessment, Sensitivity and Capacity Study 2015 (NELLCA). Local Character Areas (LCAs) relevant to the Site on a regional scale, are Humber Estuary and Lincolnshire Coast and Marshes. At a local scale three relevant Local Landscape Types are identified in Section 5 (Character) of the NELLCA consisting of Industrial Landscape, Open Farmland and Wooded Open Farmland.

4.2.5 The Humber Estuary lies nearby to the east and a few kilometres to the west lies the A180 trunk road.

4.2.6 The following environmental receptors in the vicinity of the Site have been identified in the relevant technical chapters in Volume 1, Chapters 7-20 of the Environmental Statement (Document Ref. 6.2).

4.2.7 The statutory and non-statutory nature conservation sites in the vicinity of the Site are as follows:

- Humber Estuary, which is a Ramsar site, Special Protection Area ('SPA'), Special Area of Conservation ('SAC') and Site of Special Scientific Interest (SSSI) is located around 175 m to the east of the Site.
- Field West of Power Station Stallingborough Site of Nature Conservation Interest ('SNCI') (approximately 30 m south-west).
- North Moss Lane Meadow SNCI (approximately 0.9 km north-west).
- Healing Cress Beds Stallingborough Local Wildlife Site ('LWS') (approximately 0.7 km south-west).

- Sweedale Croft Drain LWS (approximately 0.8 km south-east).
 - Laporte Road Brownfield Site LWS (approximately 1 km north-west).
 - Fish Ponds to the West of Power Station, Stallingborough LWS (approximately 1 km south-west).
- 4.2.8 The Humber is also classified under Water Framework Directive at this location as an Estuarine and Coastal Water Body GB 530402609201.
- 4.2.9 The Site is located in Flood Zone 3a. However, the Site benefits from the presence of tidal flood defences along the south bank of the Humber Estuary which are maintained by the Environment Agency.
- 4.2.10 The nearest designated watercourse is the Oldfleet Drain, located approximately 300 m to the south of the Main Development Area (at its closest point) which is classed by the Environment Agency as a Main River.
- 4.2.11 The potential hydrological effects of the Proposed Development (including a flood risk assessment) are considered in Volume I, Chapter 14: Flood Risk, Hydrology and Water Resources of the Environmental Statement (Document Ref. 6.2.14).
- 4.2.12 Three Scheduled Monuments are situated within 5 km of the Site, with the nearest being 3.2km away. There are six listed buildings within 3 km of the Site. These are all designated Grade II and located within existing settlements. A further seven Listed Buildings have been identified within a 5 km radius that have either a Grade I or Grade II* designation. The Great Coates Conservation Area is located circa 2.6 km to the south of the Site. There are also seven non-designated archaeological sites within 1 km of the Site.
- 4.2.13 The Site was selected by the Applicant for the Consented Development, and therefore the Proposed Development, for the following reasons:
- It is situated in an industrial setting with few immediate receptors and will rarely be viewed from close quarters, instead appearing in long distance views.
 - The Site has little landscape, ecological, arboricultural, and historical value and there are no specific designations on or immediately adjacent to the Site.
 - It is primarily located on undeveloped land which the Applicant has control over.
 - It benefits from excellent potential grid connections and visual screening from the SHBPS.
 - It benefits from existing highway accesses onto South Marsh Road which connects to the A1173 and the A180.
- 4.2.14 The Site presents some constraints, including:
- The statutory and non-statutory nature conservation sites in the vicinity of the Site.
 - Its designation as Flood Zone 3a.

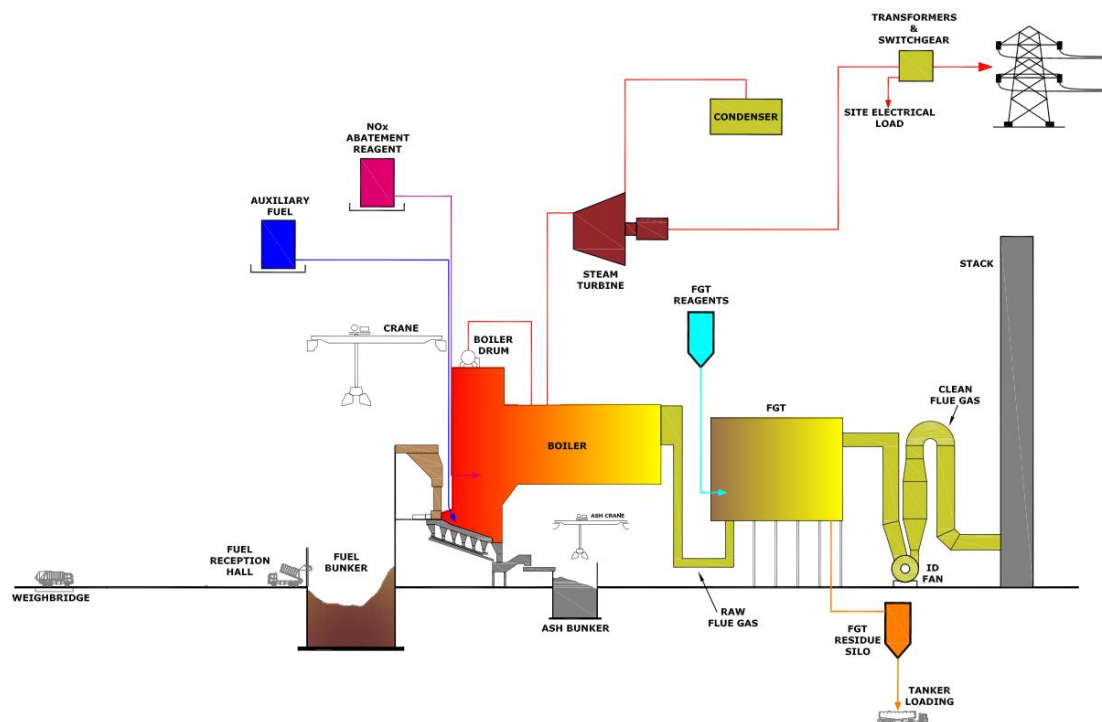
- The presence of the below ground cooling water pipelines associated with the SHBPS.

4.2.15 The Site's context, setting and the above opportunities and constraints have influenced the approach taken by EPWM to the layout of the Site and the design of the Proposed Development.

4.3 Functional Components

4.3.1 The functional requirements of the project are described by component below. An illustration of the energy recovery process is provided in Figure 4.1.

Figure 4.1: EfW Process Diagram



Fuel Reception and Storage (Work No. 1)

- 4.3.2 The fuel reception area will incorporate tipping bays to allow multiple vehicles to discharge to the concrete fuel bunker at the same time. The entry and exit doors to the fuel reception hall will be equipped with automated vertical folding or roller doors, which will be kept closed except for times of vehicle access and egress.
- 4.3.3 The fuel reception area may be raised above ground level by approximately 3.5 m with access and egress via ramps. This would have benefits in terms of reduced excavation depth.
- 4.3.4 The bunker will be large enough to provide for up to four days of fuel supply, in case of periods when there are no fuel deliveries.
- 4.3.5 Fuel delivered to the Site is not expected to require further pre-treatment. However, the fuel will need mixing prior to combustion to improve homogeneity and may require shredding to ensure any oversize items are

broken up before being fed to the furnace. Typically, mixing would be done using the cranes in the bunker and a shredder may be installed.

- 4.3.6 The primary air for the boiler will be extracted from above the bunker, and the doors would be kept closed when not in use, thereby maintaining a negative pressure and minimising the release of dust and odours.

Boiler Hall (Combustion System) (Work No. 1)

- 4.3.7 The boiler hall will contain two combustion lines and associated boilers to produce steam for the generation of electricity or for export.
- 4.3.8 A reciprocating grate system will be used together with combustion air preheating. Auxiliary burners will be installed for use on start up or when required to maintain a two second residence time in the combustion chamber above 850°C. These burners will either be fired on natural gas or diesel.
- 4.3.9 Fuel will be transported from the bunker in to the furnace feeding hopper using an overhead crane. The fuel will then fall through the feeding chute to the combustion grate. The fuel feed rate, the grate control and the primary air flows will be controlled to ensure that the fuel is completely burnt when it reaches the end of the grate. The ash will fall into a quench pit where it will be cooled and from there transported to the ash handling system.
- 4.3.10 Gases will flow upwards into the combustion chamber where 'secondary' air will be added in a controlled way to enhance mixing of the flue gas and ensuring all combustible gases are burnt.
- 4.3.11 Carbon monoxide and oxygen levels will be continuously monitored to ensure good combustion is maintained.

Turbine Hall (including Steam and Heat Export Potential) (Work No. 1)

- 4.3.12 The Proposed Development design comprises two streams, each with one boiler and one stack, and one steam turbine which would serve both streams. The Proposed Development will be capable of generating up to 95 MW of electricity (gross) from the steam turbine, although some of the electricity generated will be used to meet the parasitic load within the plant.
- 4.3.13 Fin fan coolers will be provided for the closed-circuit cooling water (CCCW) system, which will provide cooling to the generator, steam turbine lubrication oil and other systems requiring cooling. The fin fan coolers will consist of modular units, each with a fan, to pass ambient air over the finned tubes containing cooling water from the CCCW system. Heat will be rejected to the ambient air from the cooling water to reduce its temperature before it returns to the circuit.
- 4.3.14 The Proposed Development will be configured to enable heat (steam or hot water) to be exported to nearby consumers via an extraction from the steam turbine, i.e. the Proposed Development will be CHP Ready (see the CHP Assessment Report (Document Ref 5.6)). This is explained further below.

Ash Handling and Storage (Work No. 1)

- 4.3.15 Incinerator bottom ash is the burnt-out residue from the combustion process. The bottom ash will be discharged from the boiler to a bottom ash bunker or

concrete slab for storage. Bottom ash will either be landfilled or recycled off-site as an aggregate.

- 4.3.16 As a worst case, based on a fuel NCV of 9 MJ/kg the facility would generate approximately 179,000 tonnes per annum (tpa) of wet (i.e. quenched) bottom ash which will need to be collected for disposal or recycling. Ferrous metals may be removed from the bottom ash by means of magnetic separators and discharged to a separate storage area for recycling.

Flue Gas Treatment (FGT) System (Work No.1)

- 4.3.17 A number of pollutants may be present in the flue gas that will require treatment and control. Flue Gas Treatment (FGT) will be installed to control emissions to the limits set in the Environmental Permit to meet national and international standards.
- 4.3.18 Following cleaning, the combustion gases from the combustion process will be released into the atmosphere via the gas flue within the stack.
- 4.1.1 FGT Residue which will be stored in sealed silos adjacent to the FGT plant. The FGT residues are classified as hazardous material. As a result, the residues will be transported by road in a sealed tanker and either disposed of as hazardous waste or treated at an appropriate treatment facility and disposed of as non-hazardous waste or recycled as an aggregate.

Air Cooled Condensers (Work No. 1)

- 4.3.19 There are a number of different cooling options potentially available to condense the exhaust steam exiting the turbine as set out in ES Chapter 6: Need, Alternatives and Design Evolution (Document Ref. 6.2.6). The Proposed Development will use an ACC, which will consist of fans housed within a frame of fin-tube walls, all supported above the ground by a steel structure. The steam will be condensed by passing through the finned tubes cooled by ambient air.
- 4.3.20 The ACC will be located outside the main building.

Compressed Air System (Work No. 1)

- 4.3.21 The compressed air system will consist of compressors, filters, air dryers, air receivers and distribution ring mains to supply the compressed air to the plant continuous and intermittent consumers, including process equipment and instrumentation.

Effluent Storage (Work No. 1)

- 4.3.22 Liquid effluent will be produced from the boiler water treatment system and from the boiler blow-down. This liquid effluent will be fed to the ash discharger via the process water system. Under normal operating conditions, no effluents will require disposal as they will be returned into the process for re-use. In this way, the majority of liquid effluent produced on Site will either be evaporated or absorbed into the ash for transport off Site. Any excess liquid effluent, including arisings from boiler maintenance activities, will be collected on Site, analysed and transported off Site for treatment, or alternatively discharged to foul sewer (if a connection is available) under the conditions specified in the Environmental Permit and trade effluent agreement.

Demineralised Water Treatment (Work No. 1)

- 4.3.23 Town's main water will need to be treated on Site in a water treatment plant to demineralise it for use in the boiler and for other uses. Water treatment chemicals will be stored in tank(s), and treated water will be stored in tank(s) prior to use.

Emissions Stacks (Work No. 1A)

- 4.3.24 Two stacks, each 100 m in height (i.e. with the top of the stack at c. 102 m AOD), will be constructed on the eastern side of the main building adjacent to the turbine hall.
- 4.1.2 Emissions from the stacks will be monitored continuously using Continuous Emissions Monitoring Systems (CEMS), an automatic computerised system, and reported in accordance with the Environment Agency's requirements for the operation of the Proposed Development under an Environmental Permit.
- 4.1.3 The stacks will be fitted with aviation warning lights as required by the Civil Aviation Authority.

Administration Block (Work No. 1B)

- 4.3.25 The administration block will be located in the Main Building and will contain the main reception, offices, control room, workshop, stores, station electrical equipment and staff welfare facilities and adjacent parking provision.

Substation and Electrical Connection (Works Nos. 1 and 2)

- 4.3.26 Electricity will be exported either to the National Grid Electrical Transmission's (NGET) 400 kV system at the South Humber Bank 400 kV substation located within the Site, or to the Northern Powergrid 132 kV local distribution network located off-site.
- 4.3.27 A connection agreement would be required, and any off-site works required for this connection would be subject to a separate application for planning consent or would be carried out under separate powers (e.g. permitted development rights of electricity undertakers) and do not form part of this application. However, the provision of an on-site sub-station and any on Site electrical connection works are included within the Proposed Development.

Auxiliary Diesel Generators (Work No. 1)

- 4.3.28 Auxiliary generators will be required to ensure power is available in the event of fuel supply interruption and power failure to the Site and to enable controlled shut-down of the plant in such a scenario. The capacity of these generators is expected to be relatively small, up to 5 MW, and will only be required for emergency use.
- 4.3.29 The auxiliary generators will use diesel which will be stored in a suitably bunded tank. The capacity of these generators is expected to be relatively small, up to 5 MW, and will only be required as backup during a power failure on Site.

Fire Water Pump House and Fire Water Tank (Work No. 1)

- 4.3.30 A fire water system is required to comply with the requirements of the Environmental Permit. The fire water system will include fire water pumps, a fire water storage tank (as described at paragraph 4.2.37 above), hydrants and mains, and a sprinkler system. Gaseous extinguishing systems will also be provided for use in electrical rooms if required.

Access Into and Within the Site (Works Nos. 1 and 4)

- 4.3.31 The Site access road (part of Work No. 4) in the north-east of the Main Development Area will require an extension/ replacement of an existing culvert over a drainage ditch in the north-east of the Main Development Area. There is also an existing site access in the north-west of the Main Development Area which will be used during construction, which will not require culvert extension/ replacement.
- 4.3.32 The Main Development Area is currently crossed by an internal access road which links the SHBPS to the cooling water pumping station to the east of the Site. The Proposed Development will maintain access to the pumping station for SHBPS via a redirected roadway.
- 4.3.33 The Proposed Development has been designed to minimise conflict between HGVs and smaller vehicles, to reduce queue length and prevent delays to employees and visitors accessing the Site. A holding area will be provided between the Site entrance and the incoming weighbridge with welfare facilities for delivery drivers. Other areas within the Site can be used as HGV holding areas if necessary, for example during an unplanned shutdown, to avoid delivery HGVs queuing onto the public highway.
- 4.3.34 Internal roadways will be hard surfaced with appropriate drainage systems to manage surface water runoff and pollution risk.
- 4.3.35 After entering the Site, incoming HGVs will proceed via the security gatehouse and associated barriers to the incoming weighbridges where the quantity of fuel will be checked, weighed and recorded (all forming part of Work No. 1). Only authorised fuel will proceed to the fuel reception area. Radioactivity detection will be installed to monitor incoming fuel at the entrance to the Site. Non-compliant waste will be quarantined and addressed separately.
- 4.3.36 After tipping fuel into the bunker and prior to exiting the Site, the weight of the outgoing vehicles will be recorded on separate outgoing weighbridges (part of Work No. 1).
- 4.3.37 Up to 57 car parking spaces, including approximately five electric vehicle charging bays, and a bicycle shelter (all forming part of Work No. 1) will be provided on the Site as shown on Figure 4.1 in ES Volume II (Document Ref. 6.3.5).
- 4.3.38 Pedestrian and cycle routes and crossings will be clearly marked within the Site. Key pedestrian and cycle routes will be segregated from HGVs where possible.

Security Fencing, Gates, Boundary Treatments, and Security Measures (Work No. 1)

- 4.3.39 The Main Development Area will be surrounded by security fencing, with new gates at the new site access on South Marsh Road and at the boundary with SHBPS (and elsewhere as required).
- 4.3.40 CCTV and other security measures may be installed within the Site, for health, safety and security purposes.
- 4.3.41 A visual screen (a close boarded fence approximately 2.5 m in height) will be provided along part of the southern boundary of the Site for ecological (bird) mitigation (see Chapter 10: Ecology).

Surface Water Drainage (Work No. 1)

- 4.3.42 An Outline Drainage Strategy is presented within Appendix 14B in ES Volume III (Document Ref. 6.4.27). Surface water runoff will be drained and attenuated within the Site and discharged at 'greenfield' runoff rate to one of the two existing land drains within the Site. Where necessary oil/ water separators will be provided.
- 4.3.43 Foul water will be discharged to the mains sewer, stored for tankering off Site or treated on Site using a package treatment plant which discharges to one of the ditches on Site. These options are all assessed as part of the EIA and are described in the Outline Drainage Strategy (Appendix 14B in ES Volume III, Document Ref. 6.4.27).

Potential Gas Connection (Work Nos. 1 and 2)

- 4.3.44 Natural gas may be required at the Proposed Development as auxiliary fuel for start-up of the combustion process and for combustion stabilisation. The gas supply would be connected via a pipeline to either the National Grid national transmission system or the Cadent Gas local distribution network.
- 4.3.45 If a connection is made to the National Grid gas network this would be at the location of the adjacent SHBPS AGI or to the SHBPS gas supply pipework, both located within the Site (see Figure 17.3 in ES Volume II, Document Ref. 6.3.46).
- 4.3.46 If a connection is made to the local distribution network, on-site works form part of the Proposed Development, however additional, gas connection works will be required outside of the Site (see Figure 17.3 in ES Volume II, Document Ref. 6.3.46). The off-site works do not form part of the Proposed Development, and the relevant undertaker will rely either on their statutory powers or obtain the relevant consents prior to connection. Any such works have been considered in Chapter 17: Cumulative and Combined Effects.

Towns Water, Telecommunications and Other Utility Connections (Work Nos. 1 and 2)

- 4.3.47 The Proposed Development will require a towns water connection (to supply water for the boiler and domestic use) and a telecommunications connection (for a local area network (LAN) and digital telephones).

Combined Heat and Power (CHP) Readiness (Work Nos. 1 and 2)

- 4.3.48 In accordance with Environment Agency guidance, opportunities for the use of CHP from the Proposed Development have been considered and the Proposed Development has been designed to be CHP Ready in the event that no immediate CHP opportunities can be realised. This encompasses retaining sufficient space within the Main Development Area to allow future construction of CHP equipment, and equipping the plant with a suitable offtake point as part of its first commissioning.
- 4.3.49 A review of potential heat demand within a 15 km radius of the Proposed Development has been undertaken and a CHP Assessment report (Document Ref. 5.6) is submitted with the Application.

Landscaping and Biodiversity Mitigation and Enhancement Measures (Work No. 3)

- 4.3.50 Figure 4.2 in ES Volume II (Document Ref. 6.3) presents indicative areas proposed for ecological mitigation and enhancement. This is discussed in more detail in Chapter 10: Ecology (Section 10.7) and in the Indicative Biodiversity Strategy (Document Ref. 5.11).
- 4.3.51 Existing woodland in the north-west of the Site will be retained and managed to provide ongoing landscape screening of SHBPS and the Proposed Development. This is discussed further in Chapter 11: Landscape and Visual Amenity (Section 11.7) and in the Indicative Landscape Strategy (Document Ref. 5.10).

External Lighting (All Works Nos.)

- 4.3.52 An Indicative Lighting Strategy (Document Ref. 5.12) has been prepared for submission as part of the DCO Application.
- 4.3.53 This explains that the external lighting scheme will be designed to provide safe working conditions in all areas of the Site whilst reducing light pollution and the visual impact on the local environment. Through the adoption of good lighting design practice, incorporating general obtrusive light impact avoidance measures, obtrusive light will be suitably controlled. General obtrusive lighting impact avoidance measures may include where possible, adopting LED luminaires to control obtrusive light due to its high directionality and accordingly the achievable ratio of useful to spill light and adopting luminaires with minimal upward lighting ratio. However, such measures are indicative only and the final measures will be subject to detailed design.
- 4.3.54 Prior to the commissioning of the Proposed Development a detailed lighting scheme based on the Indicative Lighting Strategy will be submitted to NELC for approval. The external lighting scheme will be designed in accordance with relevant standards, such as the Guidance Notes for the Reduction of Obtrusive Light (2020) published by the Institute of Lighting Engineers and/ or Chartered Institution Building Services Engineers (CIBSE) requirements – as appropriate.

HGV Access and Circulation (Work No. 1)

- 4.3.55 Incoming HGVs will proceed to an incoming weighbridge on entering the Site. After weighing the HGVs will proceed to the fuel reception hall where they will be directed to a vacant tipping bay. On completion of the tipping operation, the vehicles will leave the reception hall via a separate exit. The weight of outgoing vehicles will be recorded at an outgoing weighbridge as they leave the Site.
- 4.3.56 The layout includes a separate lane to either side of the incoming and outgoing weighbridges for use by staff and visitor vehicles. A HGV holding area is to be provided accommodating up to six HGVs to avoid queuing back to the public highway. A driver welfare facility is situated adjoining this holding area.

Storage Tanks and Silos (Work No. 1)

- 4.3.57 Various tanks and silos will be required for the storage of materials such as the following:
- FGT reagents and residues;
 - auxiliary fuel (diesel);
 - firewater and treated town’s main water; and
 - water treatment chemicals.

Hazardous Substances

- 4.3.58 The process includes the need for certain hazardous substances which will require appropriate storage within the Main Development Area. Table 4.1 identifies these substances, the process that requires these (or in the case of FGT residue, arising from), and the amount to be stored on site. As shown in the fourth column, none will require specific consent under the Planning (Hazardous Substances) Regulations 2015 (‘the HSC regulations’).

Table 4.1: Substances stored on site

SUBSTANCE	PROCESS	MAXIMUM AMOUNT STORED ON SITE	HAZARDOUS SUBSTANCES CONSENT REQUIRED?
Hydrated lime or sodium bicarbonate	Flue gas treatment – acid gas scrubbing	300 tonnes	No (Not listed in the HSC regulations and not covered by any of the categories in Part 1 of Schedule 1 thereto).
Ammonium hydroxide (25% solution) or urea	Flue gas treatment – NOx reduction	60 tonnes	No (Not listed and specifically not hazardous at that concentration.)
Activated carbon	Flue gas treatment –	170 tonnes	No (Not listed and not covered by any of the

	dioxins/ heavy metal		categories in Part 1 of Schedule 1.)
Low sulphur diesel	System firing	230 tonnes	No (Item 34 in part 2 – limit 2,500 tonnes. Below threshold)
Flue gas treatment residue	Flue gas treatment residue	375 tonnes	No (Not listed. FGT residues contain dioxins (item 32 in Part 2) but is highly unlikely to exceed the dioxin threshold of 1 kg.)

Comparison with the Consented Development and Compatibility with SHBPS

- 4.3.59 As set out in 2.5.1 above, Additional Works are required to enable the higher electrical output of the Proposed Development, compared to the Consented Development. They consist of a larger air-cooled condenser (ACC), with an additional row of fans and heat exchangers, a greater installed cooling capacity for the generator, an increased transformer capacity and ancillary works. These are limited in scale and all fall within Work No. 1. The external appearance of the Proposed Development therefore is not materially different to the Consented Development. A comparison is shown in layout form, along with proposed elevations in the ‘Indicative Generating Station Plan, Floor Plans, Section and Elevations’ (Document Ref. 4.5).
- 4.3.60 As the DCO is a statutory instrument, the description of the Proposed Development included in Schedule 1 of the DCO is more detailed than the description of the development in the Planning Permission. It is necessary for Schedule 1 to list all of the works that are permitted, whereas the Planning Permission summarises the development and then refers to certain plans and documents that accompanied the planning application.
- 4.3.61 There are three differences between the Order Limits for the Proposed Development and the Planning Permission Boundary for the Consented Development. These are shown in Figure 4.2, which comprises an extract from the Proposed Development and Consented Development Boundary Comparison Plan (Document Ref. 4.12). These comprise:
- Additional highway works area – in the context of the Consented Development, the highway works are being progressed under a highways agreement and were not included within the scope of the Planning Permission. The area of highway works is included in the Order Limits, so that the highway works are authorised under and benefit from the powers in the Order. In the same area of the Site the boundary has been drawn back so as to exclude a ditch which is outside the Applicant’s control.
 - Two areas within SHBPS have been excluded from the Order Limits, as no powers are required over these areas even though the areas were included within the Planning Permission red line boundary. The areas are a National Grid Gas (NGG) above ground installation (AGI) and a National Grid Electricity Transmission (NGET) sub-station. Both are labelled on the Work

Plans. Any works within these areas (to connect the Proposed Development to the gas or electricity networks) would be carried out by the relevant operator, pursuant to their powers.

- The western boundary of the Order limits (along Hobson Way) has been moved very slightly 'in' (i.e. to the east) to avoid it crossing a gas pipeline operated by Cadent Gas Limited. No works are required under the Planning Permission in the small area here between the Order Limits and the Planning Permission boundary.

4.3.62 Accordingly, the Order includes:

- the Additional Works required to achieve a higher power output compared to the Consented Development;
- a more detailed description of the works, compared to the Planning Permission; and
- Order Limits which correspond to the powers sought, thereby including the highways land required for Work No. 4 (new highways access) and not seeking powers within NGG and NGET operational land or over Cadent's pipeline.

4.3.63 A Construction Environmental Management Plan ('CEMP') for the Consented Development relating only to the first phase of development, the Contamination Scheme of Investigation and the Delivery and Servicing Plan, have been submitted to and approved by the Council pursuant to conditions on the Planning Permission, as shown in Table 3.1 earlier in this document.

4.3.64 Some of the first phase of works covered by the CEMP for the Consented Development have been carried out, while the changes between the Consented and Proposed Developments described above will not require the re-submission of the contamination investigation and the Delivery and Servicing Plan details, as agreed with NELC in their Statement of Common Ground (Document Ref. 7.1, paragraphs 10.1.2 – 10.1.3). A comparison of the conditions relating to the Consented Development and proposed requirements relating to the Proposed Development can be found in Section 9.2 of this document.

4.3.65 SHBPS requires a large amount of land for its ongoing operation. This comprises hardstanding and other types of land dispersed across the landholding including land in the vicinity of the existing structures, buildings and accesses, and areas for the laydown of equipment. In general, this has the status of 'operational land' under Section 263(1) of the Town and Country Planning Act 1990.

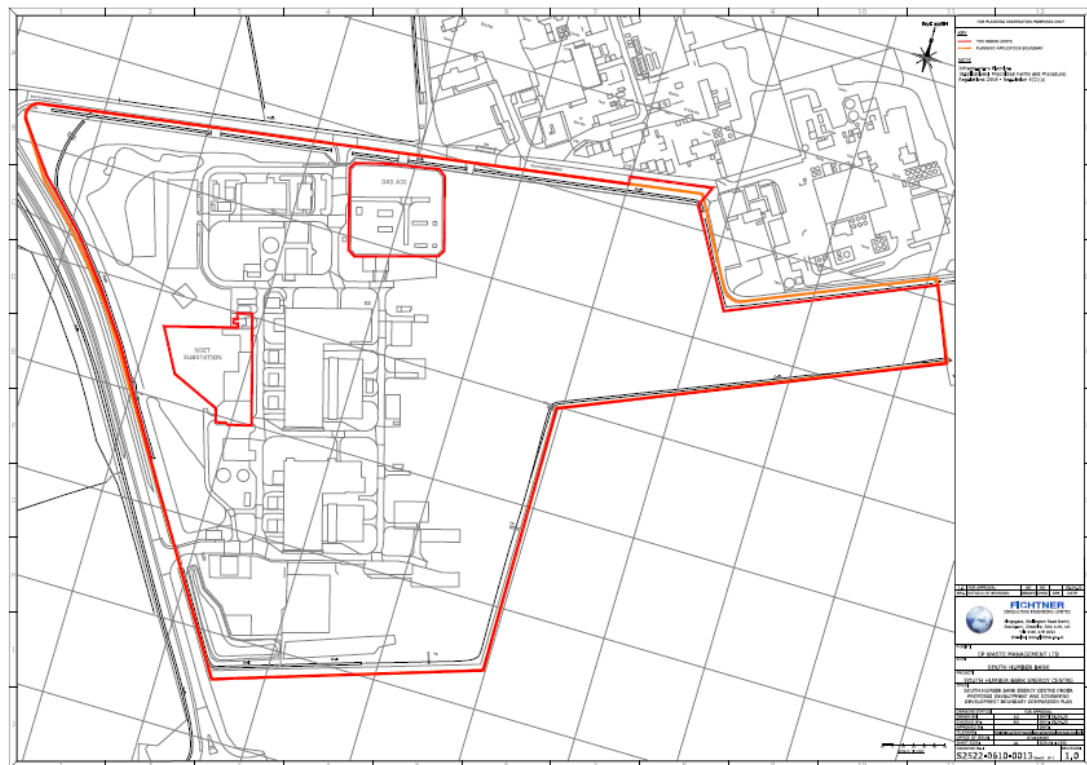
4.3.66 The Proposed Development is designed to function independently of the SHBPS. The layout therefore takes account of SHBPS operations and infrastructure, and the layout and design provide the necessary physical separation, access, gas and electrical connections, and utilities to operate safely and independently of SHBPS and without adverse impacts on its ongoing operation.

4.3.67 Of particular relevance are the setback provided between permanent buildings and the cooling water pipelines, the dedicated separate access arrangements

and security perimeter, and the identification of areas for biodiversity enhancement that minimise encroachment upon operational land.

- 4.3.68 The Site is crossed by an internal access road which links the SHBPS to the cooling water pumping station in the east of the Site, for access. These occasional movements would be redirected via South Marsh Road and the new site access.

Figure 4.2: Comparison of Order Limits and Planning Permission Boundary



4.4 Design Principles

- 4.4.1 This section sets out the design principles the Applicant applied as a basis for the design of the Proposed Development. These comprised:

- Design Principle 1: provide a functional and durable design that makes the best use of the location and allows efficient, flood resilient and safe waste management and electricity generation.
- Design Principle 2: ensure the built form and colour of the main building is in keeping with local landscape character and provides a simple roof line in long distance views.
- Design Principle 3: select, locate and scale the main components (e.g. stacks) to avoid impacts on the operation of SHBPS and minimise environmental impact.
- Design Principle 4: retain appropriate flexibility in the sizing and positioning of ancillary components and the routes of potential grid and utility connections within the Site.

- Design Principle 5: secure opportunities for the management and enhancement of biodiversity-led planting around the edges of the Site.
- Design Principle 6: ensure safe and efficient access to the public highway and no queueing onto the public highway.
- Design Principle 7: provide internal circulation and soft and hard landscaping that is inclusive, safe, provides amenity for workers and supports sustainable travel.

4.4.2 These principles are referenced where applicable in the following subsections.

4.5 General Arrangement and Layout

4.5.1 The general arrangement and layout of the Site remain as per the Consented Development. The additional closed cooling water fin fan coolers, generator and air-cooled condensers required for the Proposed Development have been located adjacent to the same equipment that was approved as part of the Consented Development.

4.5.2 The main processes are housed in the Main Building located in the northern portion of the Site. The siting and general arrangement of the Main Building ensures that the existing cooling water pipelines between SHBPS and the cooling water pumping station beside the estuary are unaffected and provides separation from the field to the south and suitable internal access for HGVs.

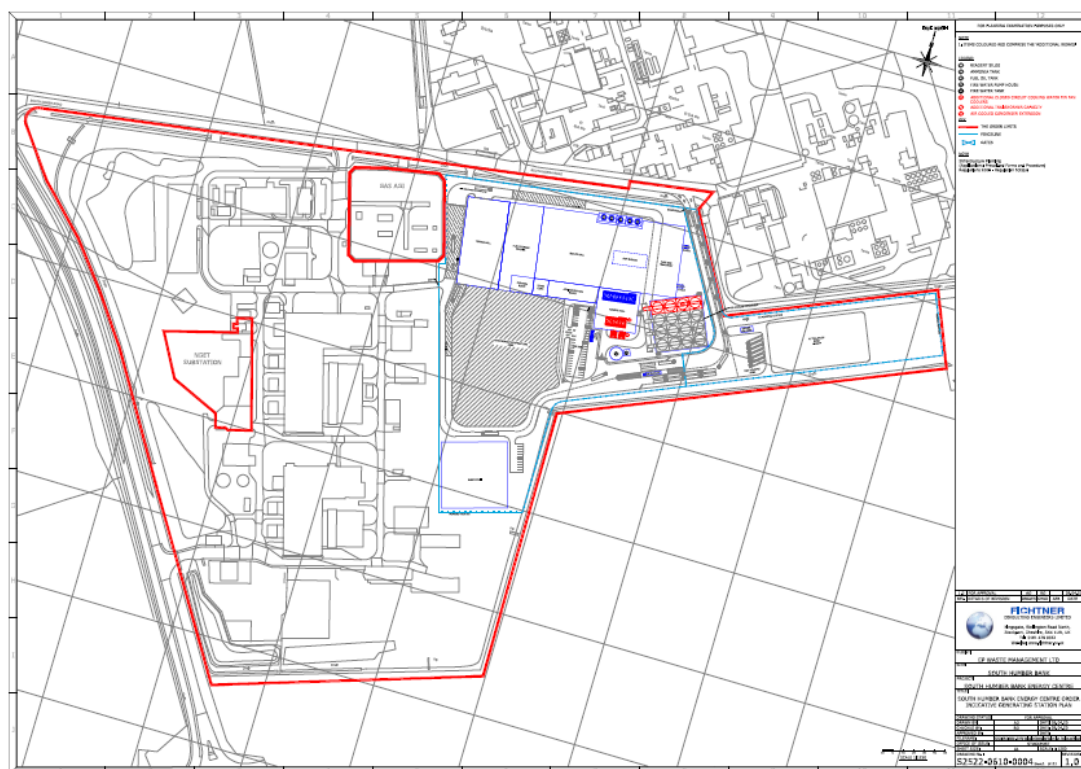
4.5.3 Within the Main Building running from west to east are: the RDF reception hall; the RDF bunker; the boiler house; the ash storage area; and the FGT hall. Along the southern edge of the Main Building, from west to east, lie: the control room; a stair core; the administration, workshops and stores; and the turbine hall. A separate air-cooled condenser structure would be located nearby to the south-east of the Main Building and emissions stacks will lie adjacent to the east of the Main Building.

4.5.4 The indicative layout of the Proposed Development can be seen within the Indicative Generating Station Plan, Floor Plans, Section and Elevations (Document Ref. 4.5).

4.5.5 To the immediate south of the Main Building is the main, 49-space car park and fire water facilities; in the east of the Site is a driver welfare unit, HGV holding area and attenuation pond; and towards the south is a substation and 8-space car park associated with it.

4.5.6 The Main Building will be rectilinear in form and largely the same height across the width of the building. The southern portion of the Main Building varies in height depending on the specific requirements of the internal spaces. The proposed stacks will be 100 m in height (102 mAOD) and will be viewed as being part of the Main Building whilst the air-cooled condensers will be around half the height of the Main Building but relatively contiguous. The remainder of the Main Development Area will be largely flat with minor structures including the substation, firewater facilities and driver welfare unit. The appearance of the Site can be viewed within the submitted Elevations (Document Ref. 4.5). Figure 4.3 below reproduces the Indicative Generating Station Plan (Document Ref 4.5).

Figure 4.3: Indicative Generating Station Plan



4.6 Use

Existing land use

- 4.6.1 The Site comprises land associated with the SHBPS, or public highway. In particular, the Main Development Area is located on partly unused rough grassland, which has an internal access road and underground cooling water pipelines running east to west across its centre.

Staffing

- 4.6.2 The Proposed Development will be operated and managed by suitably qualified and trained personnel. It is anticipated that up to 56 staff will be employed at the Site.
- 4.6.3 It is estimated that staff arrivals to the Site will be spread over a 24-hour period and on a shift system.

Maintenance

- 4.6.4 Routine maintenance will be undertaken in accordance with maintenance manuals provided by the construction contractor.
- 4.6.5 It is expected that each boiler will be taken offline for maintenance each year. Overall, it is expected that annual maintenance outages will last for approximately three weeks in total.
- 4.6.6 In addition to annual outages, it is expected that major outages will be required on a less frequent basis, for example, every six years. A major outage could be expected to last for up to five weeks.

Hours

- 4.6.7 The Proposed Development will operate twenty-four hours a day, seven days a week, with occasional offline periods for maintenance. Fuel will be delivered to the Site by road, with deliveries also being twenty-four hours a day, seven days a week (excluding Christmas Day, Boxing Day and New Year’s Day).
- 4.6.8 The Proposed Development will have storage capacity for approximately four days of fuel, so that the Proposed Development can continue to operate if there are any short-term supply issues.

4.7 Amount, Scale and Flexibility

- 4.7.1 The floorspace to be created by the Proposed Development is 26,635 sqm. This is the maximum likely gross external floorspace to be created and is primarily determined by the requirements of the energy from waste process (as identified in the earlier paragraphs of Section 4).
- 4.7.2 The features that comprise the Proposed Development all serve a necessary purpose and therefore the amount of development proposed is considered to be appropriate. However, the submitted drawings incorporate an appropriate degree of flexibility in the dimensions and configurations of buildings to allow for the selection of preferred technology and contractor. Maximum dimensions are assessed in the ES, as explained in ES Chapter 4, Section 4.3, Design Parameters (Document Ref. 6.2.4), in accordance with the ‘Rochdale Envelope’ approach. Therefore, the Works Plans provide for a fixed access point, area for buildings (the ‘Main Development Area’, Work No. 1), stack position (Work No. 1A), and location of administration buildings (Work No. 1B) (outside of the HSE ‘inner zone’ associated with the nearby Synthomer plant).
- 4.7.3 Table 4.2 sets out the maximum dimensions for the layout of the Proposed Development and that have been used for the basis of the various technical assessments. Maximum parameters have been devised to enable the EIA to progress in the absence of the final design information and to enable the compilation of a robust assessment based on a reasonable and appropriate worst-case option. These dimensions are secured within a Requirement in Schedule 2 of the DCO (Document Ref. 2.1).

Table 4.2: Maximum Design Parameters

COMPONENT	DIMENSIONS
Main building - maximum height	59 m AOD (including 2 m parapet wall on boiler house)
Main building - maximum footprint	210 m x 110 m
Stack - height	102 mAOD
Stack - diameter	3m per combustion line
Bunker - base maximum depth	-8 mAOD

- 4.7.4 Requirements are included in Schedule 2 of the DCO (Document Ref. 2.1) to require the prior approval of the final details of the position and scale, appearance, retained trees, means of enclosure and hard landscaping, lighting, soft landscaping, biodiversity protection, mitigation and enhancement, surface and foul water drainage, construction environmental management, construction traffic management and travel planning, piling, the investigation and remediation of contamination, flood risk mitigation and flood warning planning, delivery and servicing, operational travel planning, new highway access and visibility splay, parking, road condition survey, air safety lighting, fuel use and storage and decommissioning.
- 4.7.5 Where appropriate, conformity with documents comprised in the Application is secured. For example, Requirement 15 'Construction Environmental Management Plan' requires that the plan submitted and approved must be in accordance with the Outline Construction Environmental Management Plan (ES Volume III, Document Ref. 6.4.4).
- 4.7.6 Collectively the Requirements ensure that appropriate control regarding the amount, appearance and configuration of the Proposed Development is in place, at the relevant stage in the construction process.

4.8 Appearance

- 4.8.1 The Proposed Development has been designed to be functional, safe, and to minimise visual impact on its surroundings so far as possible. A number of the design aspects and features of the Proposed Development cannot be confirmed until the tendering process for a construction contractor has been completed or separate regulatory approvals applied for.
- 4.8.2 Durable materials which will maintain their appearance will be used, in accordance with Design Principle 1. The materials will be designed to withstand the wear and tear of at least 30 years of operation, in the relatively exposed environment of the South Humber Bank, so that any weathering will soften rather than detract from the appearance of the EfW plant and integral infrastructure. As far as is reasonably practical, the Proposed Development will use materials which can be disposed of sustainably (e.g. easily re-usable or recyclable) when the Proposed Development is decommissioned.
- 4.8.3 The Proposed Development has also been designed to insofar as is possible ensure the built form and colour of the main building does not unduly affect local landscape character. The colour is likely to be pale grey, as it will mainly be viewed against the skyline, and a simple, straight roof line is proposed which is less obvious in long distances views when seen against the sky, compared to a visually interesting (e.g. curved) roofline which may be more appropriate for an EfW plant on a busy transport corridor or in a more urban area and viewed from closer quarters. This is in accordance with Design Principle 2.
- 4.8.4 Existing ground levels at the Site are approximately 2 m AOD as shown in the Development Areas plan. Finished floor levels at the Site are expected to remain at approximately 2 m AOD and no significant ground raising has been incorporated into the design of the Proposed Development under the approach to flood risk agreed with the Environment Agency, namely of raising critical elements and a place of refuge above the design flood level (see the

Flood Risk Assessment in ES Vol III, Appendix 14a (Document Ref. 6.4.26). There is a potential requirement to cut and fill the top layer (c. 2 m depth) of ground to improve the geotechnical condition of the ground. The ES has therefore assessed the traffic and waste management impacts of this exercise.

- 4.8.5 The buildings are likely to be steel framed and concrete floored with appropriate cladding to ensure that noise limits are not exceeded at the nearest residential properties or do not affect sensitive ecological receptors, in accordance with Design Principle 3. All external plant items will also be designed to ensure that the combined noise from the entire facility will be acceptable. A parapet wall will provide screening to roof plant. It is proposed that DCO Requirement 6 'Detailed design (appearance)' would secure approval of final details of materials and elevations.
- 4.8.6 Where necessary, small buildings such as the driver welfare building, and gatehouse are located away from the Main Building to serve the areas in which they are situated. These are likely to be single storey and have a simple and functional appearance.
- 4.8.7 Indicative elevations are provided within the enclosed Indicative Generating Station Plan and Elevations (Document Ref. 4.5).

4.9 Landscaping and planting

- 4.9.1 Functional hard landscaping will be provided across parts of the Main Development Area and elsewhere to form a durable and functional surface for vehicle and cycle circulation and parking, maintenance of equipment, pedestrian movement, and provide a tidy appearance.
- 4.9.2 A pedestrian footpath will be provided along the western side of the internal access road, to provide a safe route for pedestrians to access the Site via the gatehouse and then to access the administration building.
- 4.9.3 The existing belts of trees west of the SHBPS will be retained, managed and maintained throughout the construction and operation of the Proposed Development to maintain their landscape and visual screening function in accordance with Design Principle 2. The management of the trees to be retained is set out in the Indicative Landscape Plan (Document Ref. 5.10), which includes replacement tree planting and management of existing tree groups. The retention and future management of the trees is secured via Requirements 7 'Retained trees' and 10 'Soft Landscaping' in the DCO.
- 4.9.4 The works areas have been located to avoid impacts on the Root Protection Areas of any retained tree features. Amenity grass will be provided to areas that are not hard surfaced.
- 4.9.5 In relation to mitigation for the loss of on-site habitats, the Ecological Mitigation and Enhancement Plan (within the Biodiversity Strategy, Document Ref. 5.11) presents a description of the mitigation and enhancement proposed, and a plan of the indicative areas on the Site's western boundary between the existing SHBPS and Hobson Way. The area proposed is approximately 2.5 ha. This would provide for water vole, grass snake, breeding bird, fish, pond habitat, species-rich grassland habitat, bird boxes and log pile refuge habitat mitigation, in accordance with Design Principle 5. The delivery and

management of these would be secured by Requirement 12 'Biodiversity mitigation and enhancement'.

4.10 Lighting

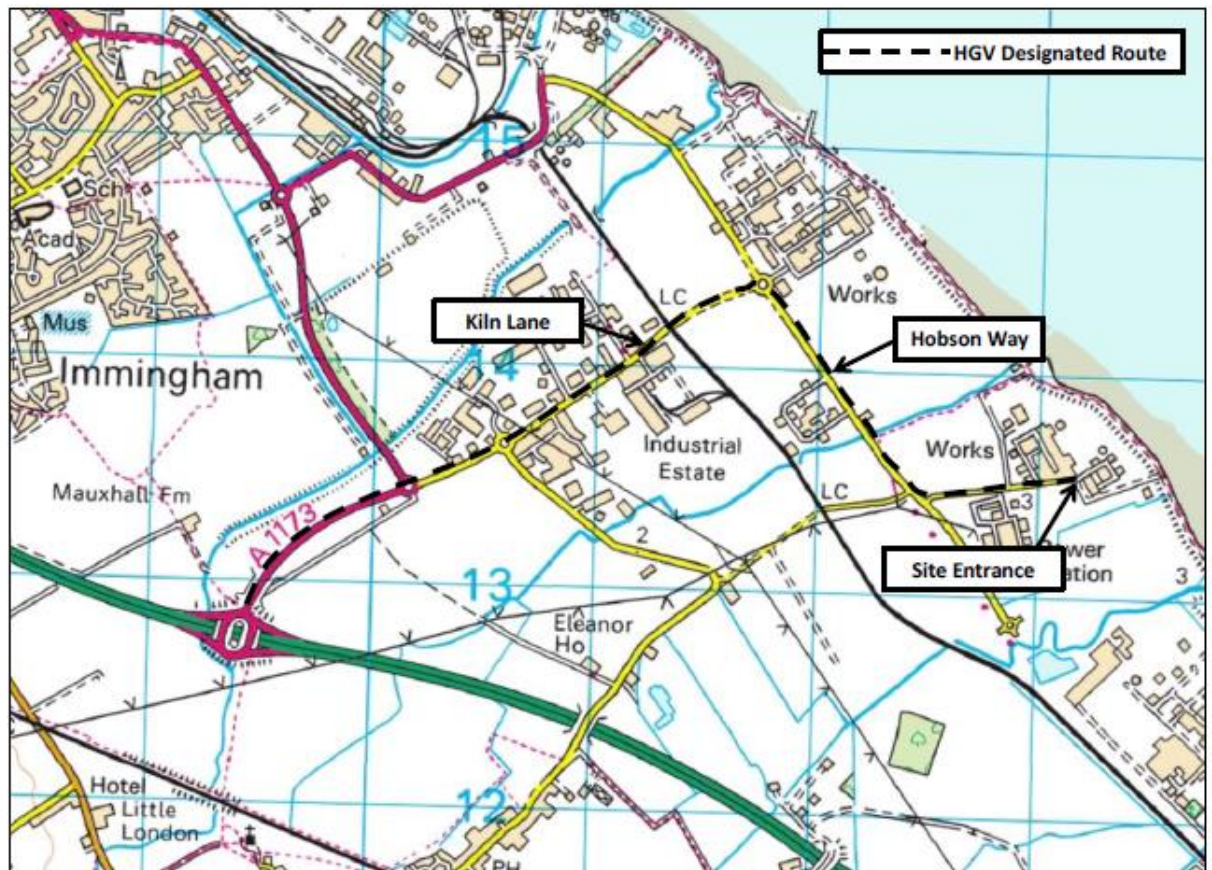
- 4.10.1 To enable people to perform outdoor tasks safely, efficiently and accurately, especially during the night, adequate and appropriate lighting will be provided during both the construction and operational phases.
- 4.10.2 Exterior lighting for the operation of the Proposed Development in the following categories is required:
- amenity lighting, where such lighting is necessary to the enhancement of the business function, for example, to demonstrate a tidy and attractive site to visitors;
 - accent or task lighting, this may comprise of lighting that is intended to provide additional light over a specific small area in order to carry out or promote the activities of the business; and
 - exterior flood and area lighting which is intended to provide downward light onto horizontal or near horizontal surfaces including roadways, car parks, paths, stairs, ramps, gardens and other open spaces for security. This includes illuminated bollards and post-top lanterns.
- 4.10.3 The Indicative Lighting Strategy (Document Ref. 5.12) sets out the general activities anticipated for the construction phase and operational site lighting and further details will be confirmed at the detailed design stage.
- 4.10.4 In addition to recommended lighting levels, during the operation of the Site a part-lighting strategy may be suitable for the Site, reducing potential for obtrusive lighting impacts and energy costs. The lighting could be split into three or more circuits: for example, 1) general flood lighting, 2) security lighting, and 3) amenity lighting. This would allow a part lighting strategy to be adopted across the Site, thus minimising or preventing light impacts on nearby receptors.
- 4.10.5 While any of the above categories of operational lighting could be required 24 hours, during the hours of darkness, a 20% - 40% reduction in total lumen output is likely to be achieved (compared to a standard lighting scheme without a part-lighting strategy). The exact luminaires to be switched off or dimmed during these times will be carefully considered, once staff working patterns and areas to be accessed have been finalised, to ensure that suitable lighting levels are maintained.
- 4.10.6 Photocells and motion detectors are to be used as a primary control on all exterior lighting so that no luminaires will remain switched on during hours of daylight. In addition, several programmable seven-day time clocks will be included so that amenity lighting circuits can be programmed to turn on/ off as and when needed to suit the delivery times and staff working patterns.
- 4.10.7 A manual override switch will be provided to override all control of exterior lighting in the event of an emergency.
- 4.10.8 General obtrusive lighting impact avoidance measures may include where possible, adopting LED luminaires to control obtrusive light due to its high directionality and accordingly the achievable ratio of useful to spill light and

adopting luminaires with minimal upward lighting ratio. However, such measures are indicative only and the final measures will be subject to detailed design. An external lighting scheme would be prepared during the detailed design stage in accordance with relevant standards, such as the Guidance Notes for the Reduction of Light Pollution published by the Institute of Lighting Engineers and/or CIBSE requirements as appropriate. Requirement 9 'Lighting scheme' secures the approval of an external lighting scheme which must be in accordance with the Indicative Lighting Strategy.

4.11 Access

- 4.11.1 Operational traffic movements are detailed in the ES at Chapter 9 (Document Ref. 6.2.9) and the Transport Assessment (TA) at ES Appendix 9A (Document Ref. 6.4.12). In summary it is anticipated that during the operational phase of the Proposed Development, total HGV movements at the Site will be up to 312 in and 312 out per day with a maximum of 44 deliveries in any one hour, based on a 'worst case' of the theoretical maximum throughput of RDF. These figures include fuel (RDF) deliveries and movements associated with delivery of consumables and removal of waste products e.g. bottom ash and FGT residues.
- 4.11.2 It is proposed that construction worker vehicles and HGVs will access the Site from South Marsh Road via the existing gate entrance on South Marsh Road to the east of SHBPS (in the north-west of the Main Development Area) and via a newly constructed access for the Proposed Development in the north-east of the Main Development Area. HGV traffic will be required to take the most direct route to and from the strategic network, which is the A180 Stallingborough Interchange via Hobson Way, Kiln Lane and the A1173, to avoid local villages and towns.
- 4.11.3 The fuel delivery route would be controlled by Requirement 25 'Operational travel plan', for example, securing compliance with the Operational Delivery and Servicing Plan Framework enclosed with the Application (within enclosed Transport Assessment Report, ES Volume III, Appendix 9A, (Document Ref. 6.4.12). The designated route is shown in Figure 4.4 below.

Figure 4.4: Fuel HGV Designated Route Plan



- 4.11.4 Fuel deliveries would take place Monday to Sunday: 00:00 - 23:59 (excluding Christmas Day, Boxing Day and New Year's Day). This timeframe was approved through the discharge of Condition 18 for the Consented Development (application ref. DM/1117/19/CND)
- 4.11.5 The Proposed Development has been designed to minimise conflict between HGVs and smaller vehicles, to reduce queue length and prevent delays to employees and visitors accessing the Site, in accordance with Design Principle 6.
- 4.11.6 Internal roadways will be hard surfaced with appropriate drainage systems to manage surface water runoff and pollution risk, in accordance with Design Principle 3.
- 4.11.7 Pedestrian visitors are not likely to be frequent due to the Site's distance from population centres. Access will be available via the new entrance and will be routed to the west and north side of the access road to avoid any need to cross HGV traffic when moving between South Marsh Road, the gatehouse and the administration building, in accordance with Design Principle 7. Cycle access will also be provided with cyclists utilising the same pedestrian access to reach the bike shelter at the administration building.
- 4.11.8 The administration building will make appropriate provision for accessibility by disabled people and will therefore use dropped kerbs at appropriate points, provide disabled parking, have level access to buildings, provide accessible facilities and use suitable contrasting surfaces. This will be a requirement of Part M of The Building Regulations.

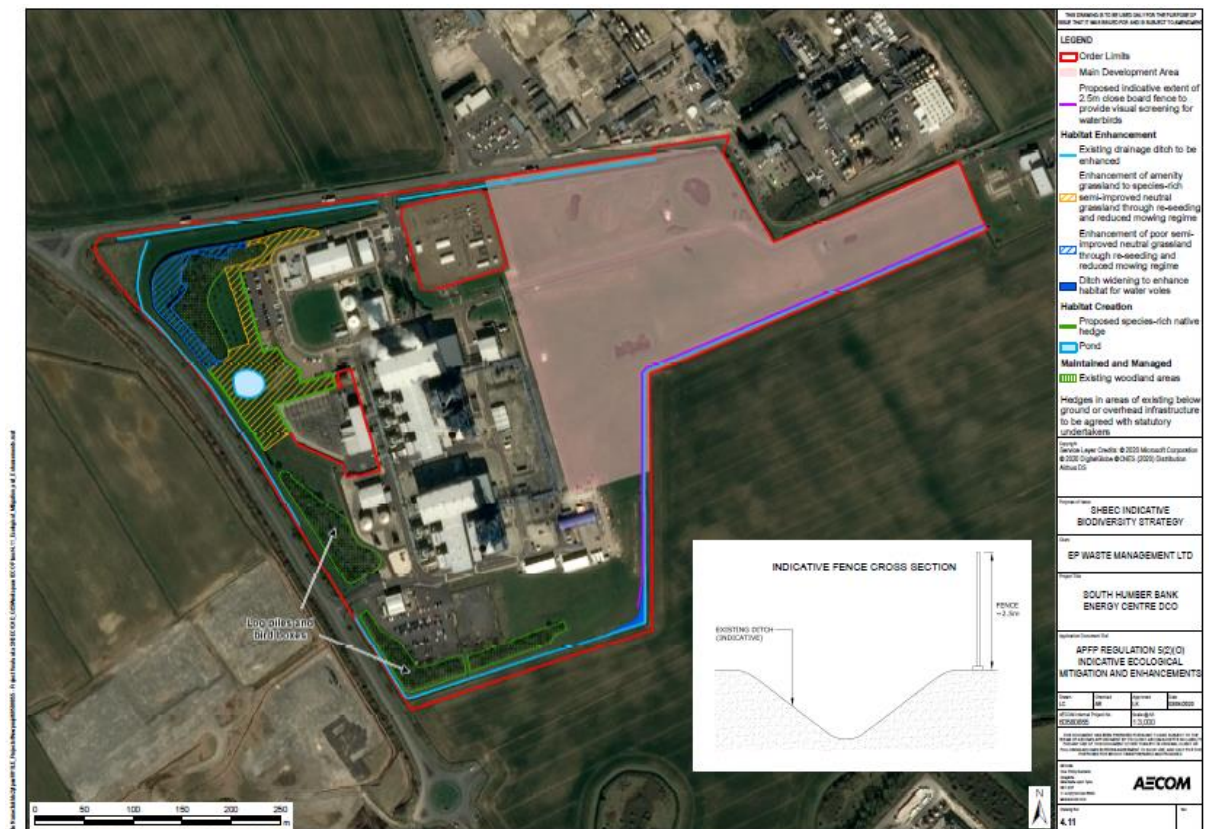
Parking

- 4.11.9 It is proposed that 57 parking spaces will be provided on site. This level of car parking has been identified as being suitable to accommodate proposed staffing levels for the Proposed Development including a requirement for additional spaces during shift change over periods, visitor provision and a level of site flexibility. It is proposed that 5% (three) will be for disabled use.
- 4.11.10 Sheltered cycle storage facilities shall be provided adjacent to the administration block.
- 4.11.11 Six HGV parking spaces will be provided in a holding area before the weighbridge to avoid the potential for queueing on the public highway.

Environmental Management and Sustainability

- 4.11.12 An Environmental Permit from the Environment Agency will regulate the operation of the Proposed Development. For example, the overall process efficiency of the Proposed Development will be regulated under the Environmental Permit.
- 4.11.13 In terms of its efficiency, the Proposed Development will be “R1” rated and will therefore constitute an energy recovery facility.
- 4.11.14 The Proposed Development has been designed with an appropriate degree of flexibility such that the final, detailed, design (which would be controlled by Requirement 5 ‘Detailed design (position and scale)’ and Requirement 6 ‘Detailed design (appearance)’ can take due account of the requirements of other regulatory regimes.
- 4.11.15 Elements of environmental management and sustainability of relevance to planning control include CHP readiness, land use, drainage, planting, travel planning, and decommissioning and are considered further below.
- 4.11.16 CHP readiness is discussed above, and in the Combined Heat and Power Assessment (Document Ref. 5.6). In summary, bilateral discussions have taken place with nearby occupiers and consideration given to the potential to be heat customers, and the Proposed Development will be CHP ready, with suitable equipment/ connections and sufficient space available on site to allow off site connections. This will be considered in detail by the Environment Agency as part of the application for the environmental permit.
- 4.11.17 Besides the contribution to the off-site strategic mitigation land under Policy 9 (discussed within Sections 5 & 6 and referenced within the enclosed Development Consent Obligation (Document Ref. 5.13)), it is proposed to improve the quality of around 2.5ha of existing habitat within the site, in recognition of the impact of the development on the grassland, in accordance with Design Principle 5. Additionally, as a precaution, a 2.5 m (approx.) high close board fence will be installed along the southern boundary to provide visual screening during construction to water birds in the field to the south. The indicative proposals for biodiversity mitigation and enhancement, contained in the Biodiversity Plan (Document Ref. 4.11), are shown in Figure 4.5 below.

Figure 4.5: Indicative Biodiversity Proposals



4.11.18 Construction worker and operational travel plans are enclosed as annexes to the Transport Assessment Report (ES Appendix 9A (Document Ref. 6.4)) which set out measures by which reductions in the traffic generation of the Proposed Development can be delivered, and is secured by Requirements 16 ‘Construction traffic management and travel planning’, 24 ‘Delivery and servicing plan’ and 25 ‘Operational travel plan’.

4.11.19 The Proposed Development is expected to have a design and operating life of at least 30 years. At the end of its design life it is expected that the Proposed Development will have some residual life remaining. If the operating life were to be extended the Proposed Development would be upgraded as required in line with the legislative requirements at that time. A Decommissioning Plan (including Decommissioning Environmental Management Plan) will be produced and approved by the Environment Agency as part of the Environmental Permitting and site surrender process, and also approved by the Local Planning Authority pursuant to Requirement 33 ‘Decommissioning’.

4.12 Consultation Feedback and Design Evolution

4.12.1 The approach that EPWM has taken to the design of the Proposed Development has been informed by the Site context, its intrinsic opportunities and constraints, relevant feedback received from consultees, and the need to provide a design that is functional, durable, sustainable, safe, efficient in the use of resources, and provides good amenity to Site users.

4.12.2 Relevant feedback received from consultees is shown in Table 4.3 below.

Table 4.3: Regard had to Consultation Feedback

CONSULTEE	FEEDBACK RELEVANT TO DESIGN	STAGE	REGARD HAD IN THE DESIGN OF THE PROPOSED DEVELOPMENT
Cadent Gas	<p>Cadent Gas have a HP pipeline that is situated on the very edge of your DCO red line.</p> <p>No objection to the DCO but our Plant Protection team must be notified if any heavy machinery is to cross our HP pipeline for construction purposes.</p>	During the statutory consultation for the proposed development.	Red line boundary reviewed to exclude pipeline.
Environment Agency	<p>Considered that the Flood Risk Assessment is appropriate in its scale, nature and location of the Proposed Development and that were positive about the measures to protect the Proposed Development and ensure flood resilience and resistance measures be incorporated into the development. A design flood level of 4.60m was requested.</p>	During the statutory consultation for the proposed development.	<p>Comments raised have been addressed within the ES Vol I, Chapter 14: Water Resources, Flood Risk and Drainage (Document Ref. 6.2.14) and the Flood Risk Assessment Vol III, Appendix 14a (Document Ref. 6.4.26). Specific design decisions relating to this include critical infrastructure and personal refuge being outside the flood plain and above the flood level agreed with the Environment Agency.</p>
Health and Safety Executive	<p>The Site falls within the consultation zones of two major accident hazard sites and one major accident hazard pipeline. They stated that providing development within the development area is for workplaces with less than 100 occupants in each building and less than 3 occupied storeys, then they would not advise against it.</p>	During both the determination of the Consented Development and the statutory consultation for the Proposed Development.	<p>The administration block (Work No. 1B), which is the only building that could potentially house three or more occupied storeys, has been situated outside of these zones and this is secured via the Works Plans.</p>

<p>Natural England</p>	<p>Would welcome the contribution to the South Humber Bank Mitigation zone. They stated that if out of the two piling options Continuous Flight Auger piling was used further details would be required to show it would not have a Likely Significant Effect on the designated sites. They also welcome measures to mitigate visual disturbance and recognition of lighting impacts and mitigation methods.</p> <p>They also welcome the biodiversity mitigation and enhancements included with the Consented Development but consider the applicant could further explore options to enhance biodiversity.</p>	<p>During the statutory consultation for the proposed development.</p>	<p>The Habitats Regulations Signposting Report (Document Ref. 5.8) refers at paragraph 8.1.4 to the findings of the ES, namely that with mitigation (i.e. CFA piling or the seasonal restriction secured via requirement) there would be no effect on the integrity of the Humber Estuary SPA.</p> <p>The Biodiversity Strategy (Document Ref. 5.11) includes on-site habitat creation and enhancement measures additional to those included for the Consented Development.</p>
<p>NELC</p>	<p>Having regard to the submitted information which confirms that the maximum building dimensions or throughput will not be altered, I confirm that there are no comments to make at this stage.</p>	<p>During the statutory consultation for the proposed development.</p>	<p>No changes necessary.</p>
<p>NELC Highways</p>	<p>Ensuring adequate HGV turning radius at the proposed site access, sufficient space for HGVs on site to avoid queueing onto the public highway, and ensuring adequate two-wheeler, disabled, and electric vehicle provision.</p>	<p>Both pre application and during the determination of the Consented Development.</p>	<p>Swept path analysis carried out for site entrance and a more detailed access drawing was provided; parking analysis carried out to demonstrate sufficient on-site space for HGVs; two-wheeler, disabled, and electric vehicle provision shown on drawings.</p> <p>These are carried through to the Access and Rights of Way Plan (Document Ref. 4.4) and the Indicative Generating Station Plan (Document Ref. 4.5).</p>

4.12.3 Key outcomes of the design evolution have included the following:

- Following completion of the air dispersion modelling for the Consented Development stack heights of 100 m were identified as appropriate to mitigated significant environmental effects on sensitive ecological receptors (in accordance with Design Principle 3).
- Air cooling is considered to represent the Best Available Technique for the Proposed Development because it would not affect water resources or directly affect the Humber Estuary and the slight loss of efficiency is minimal for the cooling demand of the Proposed Development. Air cooling therefore chosen as the cooling technology (in accordance with Design Principles 1 and 3).
- A new access is to be developed from South Marsh Road in the north-east of the Main Development Area, to minimise disruption to the SHBPS's operation (in accordance with Design Principle 3).
- The Proposed Development layout has been optimised to include a 5 m offset between ditches and buildings/ internal access roads (with the exception of the ditch crossing for the new site access, as described above), avoid siting buildings/ structures above the cooling water pipes where possible, avoid the administration/ office building being located in the HSE Inner Zone, and maximise operational functionality (in accordance with Design Principles 1, 3 and 5).
- Both options regarding the design of the fuel bunker (excavation of the fuel bunker up to -8 m AOD with the fuel reception hall floor level around 2 m AOD, and excavation of the fuel bunker to around -4.5 m AOD with the fuel reception hall floor level around 5.5 m AOD) remain open and are being assessed in the EIA where relevant (in accordance with Design Principle 1).
- Through the Works Plan flexibility has been secured and potential maximised for landscaping and biodiversity, comprising soft landscaping including planting and biodiversity mitigation and enhancement measures on areas not required for operational reasons for the SHBPS or the Proposed Development (in accordance with Design Principle 5).
- Measures to protect biodiversity features have been identified (in accordance with Design Principle 5). These include the installation of a visual screen to avoid disturbance of waterbirds using a field to the south of the Site, measures to avoid piling noise and vibration disturbance of waterbirds, seasonal constraints on works to a ditch to avoid impacts on water vole, and vegetation removal outside the bird breeding season to avoid impacts on breeding birds.

4.13 Conclusions

4.13.1 The Site is highly suitable for energy generation and waste management due to its location, size, grid connections, access and separation from sensitive receptors.

4.13.2 The design of the Proposed Development has had regard to its immediate context and the functional requirements of its various components. A number

of design principles guided the design of the Proposed Development. These related to efficiency, safety, durability, making use of the location, designing the main building with regard to its surroundings, avoiding impacts on the operation of SHBPS and the environment, retaining flexibility, securing opportunities for biodiversity, creating a safe and efficient access and providing appropriate internal circulation and landscaping.

- 4.13.3 In addition, a number of comments were received from statutory consultees in relation to environmental, safety, and access matters and have been given appropriate consideration by the Applicant.
- 4.13.4 The design of the Proposed Development complies with these design principles and addresses the comments of these statutory consultees and is secured via the Works Plans (Document Ref. 4.3) and requirements in Schedule 2 of the DCO (Document Ref. 2.1).

5.0 LEGISLATIVE AND POLICY FRAMEWORK

5.1.1 This section provides an overview of the legislative context for the Proposed Development and the planning policy framework against which the Application is to be determined.

5.2 Legislative Context

5.2.1 The main legislative and procedural requirements relating to NSIP applications are set out within the following:

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

5.2.2 The Proposed Development 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.

5.2.3 Decisions on DCO applications where an NPS is designated 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 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.

5.2.4 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) and NPS EN-5 (Electricity Networks 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.

5.2.5 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.

5.2.6 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.

5.2.7 Sections 5.3 and 5.4 set out policies of relevance in the NPPF and National Planning Policy for Waste¹ ('the NPPW') and the Local Plan. Section 5.5 sets out wider legal obligations and other matters that may be important and relevant to the consideration of the Application.

EU Withdrawal

5.2.8 Some of the wider legislation relevant to the Proposed Development is derived from EU directives, such as the Environmental Impact Assessment Directive, the Habitats Directive, the Water Framework Directive, and the Industrial Emissions Directive.

5.2.9 The UK left the EU on 31 January 2020 under the terms set out in the European Union (Withdrawal Agreement) Act 2020 ("the Withdrawal Act"). This established a transition period, which is currently set to end on 31 December 2020, although it can be extended once by either one or two years if both the UK and EU agree to an extension by 1 July 2020. The Withdrawal Act also retains the body of existing EU-derived law within our domestic law.

5.2.10 During the transition period:

- EU law applies to and in the UK, including all EU Directives referenced within the DCO Application documents. If new EU legislation enters into force, it will become part of the EU 'acquis' with which the UK is expected to comply.
- It will remain possible for UK courts and tribunals to hear and decide on cases involving EU law principles and for UK courts and tribunals to seek a preliminary ruling from the Court of Justice of the European Union on a point of EU law interpretation.

5.2.11 After the transition period:

- If an agreement on the future relationship is negotiated between the UK and the EU, trade will take place subject to the terms of that agreement. The extent to which new EU legislative proposals will be considered by the UK will largely depend on the terms of the agreement but continuity of law would be ensured by the Withdrawal Act.
- If the UK and EU have not concluded an agreement on the future relationship, then trade will take place subject to World Trade Organisation rules. Continuity of law in the UK will be provided by the Withdrawal Act unless, and subject to the provisions of the Northern Ireland Protocol, the UK legislates to diverge from EU law.

5.2.12 The examination is likely to span the latter part of the transition period. The Applicant will therefore provide updates to documents, in respect of legal references, during examination should it become necessary.

¹ National Planning Policy for Waste (Department for Communities and Local Government, 2014). Retrieved from: <https://www.gov.uk/government/publications/national-planning-policy-for-waste>.

5.3 National Policy Statements

5.3.1 In July 2011, the SoS for BEIS (then Energy and Climate Change) designated a number of statements as NPSs for energy infrastructure. These included an overarching NPS setting out general policies and assessment principles for energy infrastructure and a number of technology specific NPSs. EN-1, in conjunction with related technology specific NPSs, together provide the primary basis for decisions by the SoS in relation to nationally significant energy infrastructure.

5.3.2 The NPSs of most relevance to the Proposed Development are as follows:

- the Overarching NPS for Energy² ('EN-1'); and
- the National Policy Statement for Renewable Energy Infrastructure³ ('EN-3').

5.3.3 A summary of the key policies within these NPSs is provided below. The policy in the National Policy Statement for Electricity Networks Infrastructure (EN-5) regarding Electric and Magnetic Fields (EMF) is also of potential relevance.

Overarching NPS for Energy ('EN-1')

5.3.4 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 to a commitment of net zero emissions by 2050⁴);
- 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.

5.3.5 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

² Overarching National Policy Statement for Energy (EN-1) (Department of Energy & Climate Change 2011). Retrieved from: <https://www.gov.uk/government/publications/national-policy-statements-for-energy-infrastructure>

³ National Policy Statement for Renewable Energy Infrastructure (EN-3) (Department of Energy & Climate Change 2011). Retrieved from: <https://www.gov.uk/government/publications/national-policy-statements-for-energy-infrastructure>

⁴ Theresa May: we will end UK contribution to climate change by 2050 (Prime Minister's Office, 2019). Retrieved from: <https://www.gov.uk/government/news/pm-theresa-may-we-will-end-uk-contribution-to-climate-change-by-2050>

- emissions. Paragraph 3.1.2 goes on to state 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.
- 5.3.6 Notably, paragraph 3.1.3 of EN-1 stresses that 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 and that the scale and urgency of that need...*" as described for each of them.
- 5.3.7 Paragraph 3.1.4 continues that the SoS should give substantial weight to the contribution that all projects would make towards satisfying this need when considering applications under the PA 2008.
- 5.3.8 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 (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. In response to this, EN-1 identifies a minimum need for 59 GW of new generating capacity over the period to 2025 (paragraph 3.3.23).
- 5.3.9 EN-1 gives particular regard 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 is of particular relevance, stating 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..."
- 5.3.10 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."
- 5.3.11 Paragraph 3.4.3 notes that energy from waste constitutes a form of renewable generation where it reduces the amount of waste going to landfill in accordance with the Waste Hierarchy and recovers energy from that waste as electricity or heat.
- 5.3.12 Paragraph 3.4.5 explains that, given UK commitments to largely decarbonise the power sector by 2030, 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.
- 5.3.13 Section 6 of this document provides more detail in respect of the need for energy generating infrastructure.
- 5.3.14 Part 4 of EN-1 sets out a number of 'assessment principles' that must be taken into account by applicants, PINS and the SoS (respectively) in preparing,

examining and determining applications for nationally significant energy infrastructure. General points include Paragraph 4.1.2 which makes it clear that there is a level and urgency of need for the infrastructure covered by the energy NPSs, which applies unless any more specific and relevant policies set out in the relevant NPS clearly indicate that consent should be refused or any of the specific legal tests referred to in section 104 of the PA 2008 apply.

5.3.15 Paragraph 4.1.3 goes on to state that in considering any application, and in particular, when weighing a proposed development's 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.”*

5.3.16 Paragraph 4.1.4 continues by stating that within this context the SoS should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels.

5.3.17 Other assessment principles include the matters to be covered within the ES produced for the application; the Conservation of Habitats and Species Regulations 2017; the consideration of alternatives; criteria for 'good design'; consideration of the feasibility of combined heat and power; consideration of the requirements of the carbon capture readiness regulation; grid connection; climate change adaptation; pollution control and environmental regulatory regimes; safety; hazardous substances; health; common law and statutory nuisance and security, amongst others.

5.3.18 Part 5 of EN-1 lists a number of 'generic impacts' that relate to most types of energy infrastructure, which both applicants and the SoS should take into account when preparing and considering applications. These include land use; socio-economics; air quality and emissions; noise and vibration; dust, odour, artificial light, steam and smoke; traffic and transport; civil and military aviation; biodiversity and geological conservation; historic environment; landscape and visual; water quality and resources; flood risk and waste, amongst others. Paragraph 5.1.2 stresses that the list of impacts is not exhaustive and that applicants should identify the impacts of their proposed developments in the ES in terms of both those covered by the NPSs and others that may be relevant. In relation to each of the generic impacts listed within Part 5 of EN-1, guidance is provided on how the applicant should assess these within their application and also the considerations that the SoS should take into account in decision-making.

The National Policy Statement for Renewable Energy Infrastructure ('EN-3')

5.3.19 EN-3 is also relevant to the Proposed Development. This confirms that energy from biomass and/ or waste is considered as a renewable energy, with schemes that are more than 50 MW capacity being considered as nationally significant (Paragraph 1.8.1).

5.3.20 Section 2 of EN-3 identifies in paragraph 2.5.2 that 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."

5.3.21 Section 2 of EN-3 also identifies a number of technical considerations for decision makers including flexibility in the project details, air quality and emissions, landscape and visual, noise, waste and residue management, water quality and resources, and siting in relation to transport infrastructure.

5.4 National Planning Policy Framework

5.4.1 The National Planning Policy Framework⁵ (NPPF) was adopted in February 2019. The policies contained within the NPPF are expanded upon and supported by the 'Planning Practice Guidance', which was published in March 2014 and is periodically updated.

5.4.2 The NPPF sets out the Government's planning policies for England and how these are to be applied. It is a material consideration in planning decisions. Relevant policies to the planning application include promoting sustainable transport; requiring good design; promoting healthy communities; conserving and enhancing the natural and historic environment; and meeting the challenge of climate change and mitigating its effects.

5.4.3 Paragraph 5 of the NPPF states that the document does not contain specific policies for nationally significant infrastructure projects as these are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended). However, it notes that the NPPF could constitute "other matters that are relevant" in that decision-making framework. Accordingly, the overarching aims and themes of the NPPF are summarised below.

5.4.4 Paragraph 7 of the NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to identify three dimensions to sustainable development: economic, social and environmental. It states that these dimensions give rise to the need for the planning system to perform a number of objectives as follows:

- **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;
- **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

⁵ National Planning Policy Framework (Ministry of Housing, Communities & Local Government, 2019). Retrieved from: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- **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.

5.4.5 Associated guidance ('Planning Practice Guidance') is frequently updated and provides interpretation of a number of national policies, however, is not policy in itself. It spans matters such as air quality assessment, climate change, conserving and enhancing the historic environment, consultation and pre-decision matters, design, Environmental Impact Assessment, flood risk and coastal change, hazardous substances, light pollution, natural environment, noise, planning obligations, renewable and low-carbon energy, Travel Plans, Transport Assessments, planning conditions and waste.

5.5 National Planning Policy for Waste

5.5.1 The National Planning Policy for Waste⁶ (NPPW) sets out specific waste planning policies for England. The document highlights the need for waste planning authorities to identify need for waste management facilities, identify appropriate sites, how applications should be determined and to undertake adequate monitoring and reporting of sites.

5.5.2 Paragraph 3 of the NPPW gives regard to identifying need for waste management facilities and states that waste planning authorities should drive waste management up the waste hierarchy, consider the need for additional waste management capacity of more than local significance and reflect any requirement for waste management facilities identified nationally.

5.5.3 Paragraphs 4 and 5 of the NPPW give regard to the suitability of sites. Paragraph 4 identifies that waste planning authorities should consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities. Paragraph 5 identifies that sites should be assessed against policies in the NPPW, physical and environmental constraints, the capacity of existing and potential transport infrastructure and the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community.

⁶ National Planning Policy for Waste (Department for Communities and Local Government, 2014). Retrieved from: <https://www.gov.uk/government/publications/national-planning-policy-for-waste>

5.6 The Local Plan

5.6.1 The North East Lincolnshire Local Plan 2013 to 2032⁷ (Adopted March 2018) ('the NELLP') alone comprises the development plan in North East Lincolnshire.

5.6.2 The following policies from the Local Plan are considered most important and relevant to the Proposed Development. These policies are as identified within the Officers Report for the Consented Development (provided at Appendix 2):

- Policy 1 – Employment land supply.
- Policy 5 – Development boundaries.
- Policy 6 – Infrastructure.
- Policy 8 – Existing employment areas.
- Policy 9 – Habitat Mitigation - South Humber Bank.
- Policy 22 – Good design in new developments.
- Policy 31 – Renewable and low carbon infrastructure.
- Policy 32 – Energy and low carbon living.
- Policy 33 – Flood risk.
- Policy 34 – Water management.
- Policy 38 – Parking.
- Policy 39 – Conserving and enhancing the historic environment.
- Policy 41 – Biodiversity and geodiversity.
- Policy 42 – Landscape.
- Policy 47 – Future requirements for waste facilities.
- Policy 48 – Safeguarding waste facilities and related infrastructure.

5.6.3 In addition to the above list of Local Plan policies, the following policies and objectives may also be of relevance to the need case and/ or the assessment of impacts of the Proposed Development:

- SO3 – Economy.
- SO10 – Minerals and waste.
- Policy 7 – Employment allocations.
- Policy 49 – Restoration and aftercare (waste).

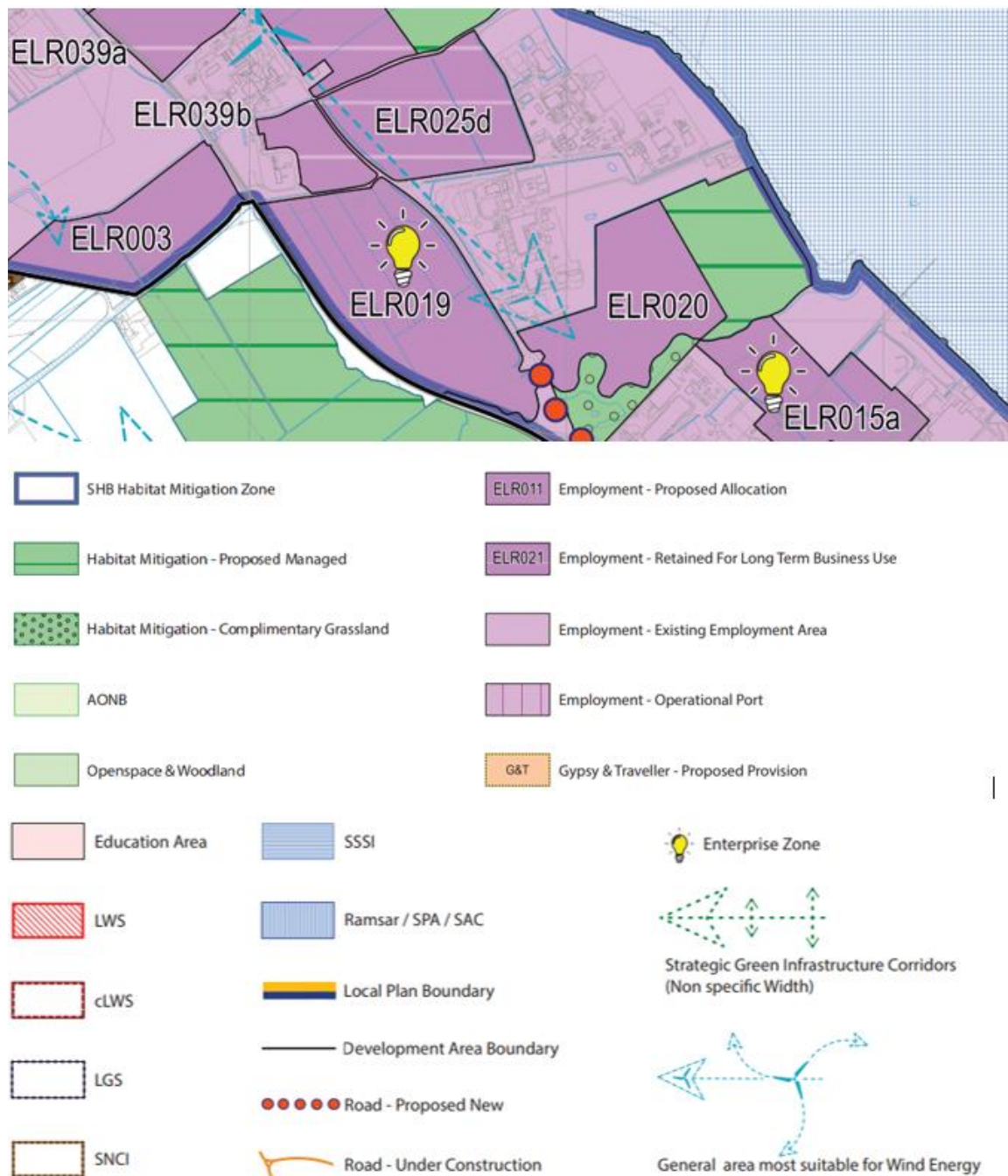
5.6.4 The Site is allocated as an 'Existing Employment Site' within the Local Plan Map (see Figure 5.1). Surrounding the Site are areas allocated as

⁷ North East Lincolnshire Local Plan 2013 to 2032 (North East Lincolnshire Council, 2018) Retrieved from: <https://www.nelincs.gov.uk/planning-and-development/planning-policy/the-local-plan/the-new-local-plan/north-east-lincolnshire-local-plan-2013-2032-adopted-2018>

'Employment Land'. These are identified as proposed allocations ELR025d, ELRR019 and ELR020. ELR019 is also identified as being an Enterprise Zone.

- 5.6.5 Policy 47 establishes the principles for the location and operation of waste facilities within North East Lincolnshire and identifies the way developments should be located, designed and operated to minimise impacts and identifies the benefits of co-locating waste facilities with developments that could make use of the output of a waste facility, such as a district heating scheme, or industrial process.
- 5.6.6 There are also areas identified as proposed habitat mitigation areas. The closest sites are on the west side of Hobson Way opposite the Site which is now substantially complete with a further site proposed adjacent to the south east and one located approximately 500m to the north.

Figure 5.1: NELC Policies Plan Area



5.6.7 The Site is also proximate to the general area most suitable for wind energy, which has no defined boundary.

5.6.8 NELC's only adopted Supplementary Planning Document ('SPD') is the 'Wind energy SPD', adopted June 2019. This document is not considered to be of relevance. There are no relevant emerging SPDs.

5.7 Wider Legislation and other important and relevant matters

5.7.1 This section considers international and non-planning legislation of relevance to the Proposed Development and other matters that may be important or relevant in decision making for the Proposed Development.

Environmental Impact Assessment

5.7.2 The Environmental Impact Assessment (Infrastructure Planning) Regulations 2017 ('the EIA Regulations') implement the Environmental Impact Assessment Directives.

5.7.3 The regulations require the Applicant to have carried out an EIA of the Proposed Development. Regulation 14 of the EIA Regulations sets specific requirements as to the scoping, consultation, content, authorship, and presentation of the ES.

Habitats Regulations Assessment

5.7.4 The Habitats Directive 1992⁸ and the Conservation of Habitats and Species Regulations 2017 (as amended)⁹ require the Applicant to have carried out a Habitats Regulation Assessment for the Proposed Development.

Water Framework Directive Assessment

5.7.5 The European Union Water Framework Directive¹⁰ requires the UK to ensure that any activities or developments that could cause deterioration within a nearby waterbody, or prevent the future ability of a waterbody to reach its target status, are mitigated so as to reduce the potential for harm and allow the aims of the WFD to be realised.

Waste Directive

5.7.6 The European Union Waste Framework Directive¹¹ requires that waste be managed without endangering human health and harming the environment, and in particular without risk to water, air, soil, plants or animals, without causing a nuisance through noise or odours, and without adversely affecting the countryside or places of special interest. It also requires EU Member States apply as a priority order the waste management hierarchy.

Industrial Emissions Directive

5.7.7 The European Union Industrial Emissions Directive¹² is the main EU instrument regulating pollutant emissions from industrial installations including the incineration and co-incineration of waste. The Industrial Emissions Directive aims to achieve a high level of protection of human health and the environment taken as a whole, by reducing harmful industrial emissions

⁸ Habitats Directive (European Union, 1992). Retrieved from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>

⁹ Conservation of Habitats and Species Regulations 2017 (as amended) (2017). Retrieved from: <http://www.legislation.gov.uk/ukxi/2017/1012/contents/made>

¹⁰ European Union Water Framework Directive (European Union, 2000). Retrieved from: https://ec.europa.eu/environment/water/water-framework/index_en.html

¹¹ European Union Waste Framework Directive (European Union, 2008). Retrieved from: <https://ec.europa.eu/environment/waste/framework/>

¹² European Union Industrial Emissions Directive (European Union, 2010). Retrieved from: <https://ec.europa.eu/environment/industry/stationary/ied/legislation.htm>

across the EU, in particular through better application of Best Available Techniques (BAT).

Water Preferred Policy

- 5.7.8 Highways England has published policy¹³ setting out when to move Abnormal Indivisible Loads (AILs) by water and when it may be moved by road. This seeks that where practical, economic and environmentally desirable the largest abnormal loads should be moved by inland and/ or coastal water.

NELC Energy Vision

- 5.7.9 In 2016 NELC approved its Energy Vision¹⁴ document which sets out the way in which NELC will be working towards their 2050 aim to be not only achieving our 80% carbon reduction but to be carbon neutral.
- 5.7.10 The document acknowledges that as coal-fired power stations are being taken offline and the UK becomes heavily reliant on gas imports from continental Europe this will lead to a potential gap between energy supply and demand. Consequently, it is important to meet the growing demand for energy in a safe, clean and environmentally responsible manner.
- 5.7.11 Regarding economics the document acknowledges that the energy sector has the potential to act as a driver of economic growth for the region – creating jobs and enhancing the quality of life of its residents.
- 5.7.12 As a result of the growing demand for environmentally responsible energy the document identifies that the North East Lincolnshire area provides an immediate opportunity to deliver wider economic and social benefits, and to build stronger, more thriving communities.
- 5.7.13 The three core visions and ambitions within the NELC document are:
- By 2032, North East Lincolnshire will be nationally and internationally recognised as the UK’s leading region for low-carbon energy and the UK capital of the renewable energy industry.
 - North East Lincolnshire will have developed a range of low-carbon, high-efficiency, renewable solutions to regenerate the region. This will deliver strategic and economic advantage for its businesses and affordable heat and power for its communities.
 - The region’s energy programme will have enough impetus that by 2050 North East Lincolnshire will not only be able to achieve its 80% carbon reduction target but will also be able to declare itself carbon neutral.

¹³ Water preferred policy guidelines for the movement of abnormal loads (Highways England, last updated 2019). Retrieved from: <https://www.gov.uk/government/publications/movement-of-abnormal-loads-by-water>

¹⁴ Energy – An emerging vision from North East Lincolnshire (North East Lincolnshire Council, 2016). Retrieved from: <https://www.nelincs.gov.uk/wp-content/uploads/2016/04/Energy-Vision-Document-160707.pdf>

5.7.14 In order to achieve the ambitions, set out, the document identifies a number of technologies for investment and promotion; one of which is energy from waste.

South Humber Industrial Investment Programme (SHIIP)

5.7.15 The SHIIP is part of North East Lincolnshire Council's Economic Strategy which seeks to ensure that the right conditions for growth are provided and it can achieve one of its key priorities to create a stronger local economy.

5.7.16 One of the key themes within the Economic Strategy is the creation of sustainable infrastructure that enables and supports growth, including the provision of new strategic employment sites, all of which will help deliver the Economic Strategy and the growth ambitions set out in the new Local Plan.

5.7.17 The SHIIP will create 90 hectares of additional employment land, create approximately 4,000 new jobs and generate £200m within the local economy over the next 25 years. As part of this there are three key projects; the Stallingborough employment zone, South Humber Bank Link Road and the strategic ecological mitigation project.

5.7.18 The Stallingborough Employment Zone is located off the Stallingborough Interchange on Kiln Lane, approximately 1km north-east of the Site. The proposed 64-hectare site will potentially support up to 4,000 jobs boosting both employment and the local economy.

5.7.19 The South Humber Bank Link Road is a proposed strategic highway linking the ports of Grimsby and Immingham through the creation of a new link northwards from Moody Lane, Grimsby to the existing roundabout terminating Hobson Way, near the Site. This road would facilitate development of allocated employment sites on the South Humber Bank and has the potential to support up to 922 jobs. The anticipated opening date is November 2020.

5.7.20 The Strategic Ecological Mitigation project seeks to protect the environment whilst facilitating economic growth on the South Humber Bank. Cress Marsh Nature Reserve, off South Marsh Road, will include lagoons and ponds for protected bird species from the Humber Estuary. This is underpinned by Policy 9 in the Local Plan (2018).

Community Engagement

5.7.21 The Applicant is required to prepare a statement explaining how pre application consultation with local communities will be carried out (S47(1) PA 2008), consult the local authority on this (S47(2)), have regard to their response (S47(5)), publish the statement (S47(6)), and carry out consultation in accordance with the statement.

5.7.22 The Applicant must also have regard to the findings of the consultation (S49(2)) and provide a report describing the pre application consultation of local communities and other consultees with the Application (S37(3)(c)).

5.7.23 The Consultation Report (Document Ref. 5.1) and its appendices provide compliance with these requirements. In doing so it also explains how regard has been had to NELC documents such as the Community Engagement

Framework¹⁵ (2016) (CEF), which establishes key types of engagement and principles for that engagement, and the Statement of Community Involvement¹⁶ (2013) (SCI), which provides additional detail.

- 5.7.24 The Planning Inspectorate will during its acceptance checks have regard to any adequacy of consultation response received from a local authority consultee. The Applicant understands that North East Lincolnshire Council intend to confirm that the consultation was adequate.

Compulsory Acquisition

- 5.7.25 The Application does not seek any powers of compulsory acquisition within the DCO as the Applicant has control of the Site, so no such powers are necessary to construct and operate the Proposed Development. This is not, therefore, considered further.
- 5.7.26 All of the land included within the Order limits is either freehold owned by EP (SHB) Limited, or public highway.

5.8 Summary

- 5.8.1 The NPSs form the primary basis for decisions by the SoS on applications for NSIPs and set out the matters to take into account when both preparing and assessing applications for NSIPs. The SoS must also have regard to any other matters that he/ she considers are both 'important and relevant', which can include the NPPF, NPPW and local development plan policy. Compliance with wider legislation is also relevant to determinations.
- 5.8.2 Section 7 of this document explains how the Proposed Development addresses the planning policy and legislation identified in this Section 5.

¹⁵ Community Engagement Framework (North East Lincolnshire Council, 2016). Retrieved from: <https://www.nelincs.gov.uk/consultation-and-surveys/engagement-framework/>

¹⁶ Statement of Community Involvement (North East Lincolnshire Council, 2013). Retrieved from: <https://www.nelincs.gov.uk/planning-and-development/planning-policy/statement-of-community-involvement/>

6.0 THE NEED FOR THE PROPOSED DEVELOPMENT

- 6.1.1 There is a substantial body of policy and evidence in support of the twin national needs for new low carbon energy generation infrastructure and waste management facilities, which is further reflected in local planning policy.
- 6.1.2 This section details the need that exists for the Proposed Development in policy terms, with particular reference to the energy NPSs, and national waste policy and strategy.
- 6.1.3 Where relevant key NPS policies are further substantiated by recent evidence from National Grid (Electricity System Operator), the Department of Business, Energy and Industrial Strategy, and the National Infrastructure Commission.

6.2 The Need for New Electricity Generating Capacity

- 6.2.1 The need that exists for new electricity generating infrastructure, such as the Proposed Development, is confirmed in the NPSs for energy infrastructure that were designated by the SoS in July 2011. 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.
- 6.2.2 As confirmed in section 5, the NPSs of direct relevance to the Proposed Development include EN-1 and EN-3. Of the two, EN-1 sets out the need that exists for new energy infrastructure, including generating stations in particular.
- 6.2.3 Part 2 of EN-1 'Government policy on energy and energy infrastructure development' outlines the policy context for the development of nationally significant energy infrastructure. Paragraph 2.1.2 highlights that energy is vital to economic prosperity and social well-being and, as such, it is important to ensure that the UK has secure and affordable energy. Furthermore, 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.
- 6.2.4 Section 2.2 of EN-1 'The road to 2050' confirms the Government's commitment to meet the UK's legally binding target to cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels (paragraph 2.2.1). Subsequent Government legislation has gone further and committed the UK to achieve a 100% reduction in emissions by 2050¹⁷ (i.e. net zero).
- 6.2.5 Paragraph 2.2.1 recognises that this (the 80% target) will require, amongst other things, major investment in a range of forms of power generation. It identifies a number of key themes. These include the transition to a low carbon economy; the power sector and carbon emissions; electricity market reform; and the security of energy supplies.
- 6.2.6 The Proposed Development is compatible with the UK's legal obligations in the Climate Change Act 2008. A Greenhouse Gas ('GHG') Emissions Assessment (Document Ref. 6.4.28) has identified that the Proposed

¹⁷ PM Theresa May: we will end UK contribution to climate change by 2050 (Prime Minister's Office, 2019). Retrieved from: <https://www.gov.uk/government/news/pm-theresa-may-we-will-end-uk-contribution-to-climate-change-by-2050>

Development has a lower carbon intensity than the Consented Development as a result of the higher planned operational efficiency and over its lifetime the net emissions from the Proposed Development will have only a low magnitude of impact and represent a 'minor adverse' effect, owing to the displacement of the GHG emissions (methane) from alternative means of waste management (landfill). The carbon intensity of electricity generated by the Proposed Development, before consideration of avoidance of GHGs from landfill is 174 tCO_{2e} per GWh. Once GHG displacements are included, this shows a net intensity of 72 tCO_{2e} per GWh, substantially lower than the average grid value of 173 tCO_{2e} per GWh (Table 8.5).

- 6.2.7 EN-1 at paragraphs 2.2.16-2.2.19 explains that the Government is implementing a variety of reforms in order to promote investment so as to replace aging infrastructure. Paragraph 2.2.20 states that in order to manage the risks to achieving security of supply the UK needs:
- 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 rises.
 - A diverse mix of technologies and fuels (and fuel supply routes), so that it does not rely on any one technology or fuel.
- 6.2.8 Part 3 of EN-1 sets out the need case for nationally significant energy infrastructure. 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 that the '*Government does not consider it appropriate for planning policy to set targets for or limits on the different technologies*' (Paragraph 3.1.2).
- 6.2.9 Notably, paragraph 3.1.3 stresses that 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*" and paragraph 3.3.15 goes on to state "*there is an urgent need for new (and particularly low carbon) energy NSIPs*". Paragraph 3.1.4 continues that the SoS should give substantial weight to the contribution that all proposed developments would make toward satisfying this need when considering applications under the PA 2008.
- 6.2.10 Section 3.3 of Part 3 of EN-1 sets out why the Government believe that there is an urgent need for new electricity infrastructure, including:
- Meeting energy security and carbon reduction objectives – all types of energy infrastructure covered by the NPS are needed to achieve energy security in the UK at the same time as reducing greenhouse gas emissions. Since the adoption of the NPS, energy security has gained prominence following the 9 August 2019 blackout affecting many public services. This involved a total loss in generation of around 2,100 MW, more than double the capacity the National Grid currently holds in reserve under the Security and Quality of Supply Standards ('SQSS') (Interim Report, Energy Emergencies Executive Committee, 2019). The National Grid: Electricity System Operator (ESO) has since suggested a review of the SQSS to

determine whether greater quantities of reserve capacity are needed while also balancing the costs and risks. This demonstrates the ongoing relevance of the reforms outlined in EN-1.

- The need to replace closing electricity generating capacity – at least 22 GW of existing electricity generating capacity will need to be replaced in the coming years, as a result of aging power stations and tightening environmental regulation. Subsequently the closure of coal plants has occurred at a slightly quicker pace than the NPS expected, for site specific reasons as well as government recently bringing the mandatory closure of all unabated coal power stations a year forward to 2024¹⁸. The NPS notes that 10 GW of nuclear generating capacity is expected to close over the next 20 years. Subsequently, the decline in the contribution of nuclear plants has occurred broadly as expected in the NPS: the closure of Wylfa 1 in 2015 along with extended maintenance outages at several plants have reduced overall output but also some life extensions have been granted, and nuclear contributed around 12% of the UK's electricity supply in 2019 compared to over 15% in 2011¹⁹.
- Future increases in electricity demand – the demand for electricity is expected to increase and total electricity consumption could double by 2050. Depending upon the choice of how electricity is supplied, total capacity may need to more than double to be sufficiently robust in all weather conditions. A recent study provides evidence that this policy remains highly relevant: National Grid ESO's 'Future Energy Scenarios' report estimates that between approximately 160 GW and 220 GW of installed electricity generation capacity, plus storage and interconnection will be needed by 2050 as opposed to approximately 110 GW in 2018.
- The need for more electricity capacity to support the increased supply from renewables – decarbonisation of electricity generation is reliant on a dramatic increase in the amount of renewable energy; however, some renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. Paragraph 3.3.11 explains that 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. Two recent studies provide evidence that this policy remains highly relevant: the National Infrastructure Commission's 'Net Zero: Opportunities for the power sector'²⁰ report outlines a number of potential future energy mixes, and identifies the bigger part renewables play the larger the required capacity; there is a difference

¹⁸ End of coal power to be brought forward in drive towards net zero (BEIS, 2020). Retrieved from: <https://www.gov.uk/government/news/end-of-coal-power-to-be-brought-forward-in-drive-towards-net-zero>

¹⁹ UK Energy Statistics – 2019 provisional data (BEIS, 27 February 2020). Retrieved from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/868277/Press_Note_February_2020_-_GOV.UK.pdf

²⁰ 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/>

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" 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.

6.2.11 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.

6.3 The Role of Energy from Waste Plants

6.3.1 EN-1 at paragraph 3.4.4 notes that energy from waste "*can provide 'dispatchable' power, providing peak load and base load electricity on demand*", constituting an important contribution to the security of UK electricity supplies, and goes on to state how this is increasingly crucial as levels of intermittent renewable electricity generation increase. The Proposed Development would provide this predictable, controllable electricity supply. Paragraph 3.4.5 states that it is necessary to bring forward new renewable electricity generation projects as soon as possible, and the need for such projects is therefore urgent. The Proposed Development would make a material contribution towards that need, generating up to 95 MW, and would be brought into operation as soon as 2023.

6.3.2 Within EN-3, at paragraph 2.5.2, it is identified that energy from the combustion of waste will play an increasingly important role in meeting the UK's renewable energy targets.

6.3.3 Within EN-3 it is identified at paragraph 2.5.9 that EfW plants take fuel that would otherwise be sent to landfill.

6.3.4 The Clean Growth Strategy²¹ describes waste as "*an important contributor to electricity generation*". It goes on to state that 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.

6.3.5 The National Planning Policy Framework, at Paragraph 154, identifies that local authorities should not require applicants to demonstrate the need for low carbon energy development, which includes energy sources with lower carbon intensity than conventional fossil fuels.

²¹ Clean Growth Strategy (BEIS, 2018). Retrieved from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf

6.3.6 Defra's 'Energy from waste: A guide to the debate'²² document aims to highlight the key environmental, technical and economic issues and options relating to energy from waste. This includes its role in meeting the UK's renewable energy targets and in the waste hierarchy, providing energy and providing a non-intermittent energy source.

6.4 The Contribution to Waste Management Objectives

6.4.1 The Waste Hierarchy derives from the Waste Directive as implemented by the Waste (England and Wales) Regulations 2011. This ranks waste management options according to what is best for the environment and minimising resource consumption. The first priority is the prevention of waste, then re-use, and then recycling. Energy recovery follows this, and finally, disposal. Accompanying guidance explains that for some forms of waste the hierarchy is different, so for example, low grade wood waste should undergo energy recovery in preference to recycling.

6.4.2 Paragraph 2.5.3 of EN-3 states that *"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 waste burned is deemed renewable, this can also contribute to meeting the UK's renewable energy targets."*

6.4.3 The ongoing relevance of this NPS policy is corroborated by recent evidence in Defra's 'Our Waste, Our Resources: A Strategy for England'²³. Chapter 3.2 states that between recycling and sending more waste to EfW plants we are less reliant on landfill with a 72% reduction by weight of local authority collected waste sent to landfill, but more progress can be made. It goes on to state that England has approximately 10.5Mt of EfW operational capacity for municipal and/ or industrial and commercial waste, and it was found that approximately 10.8Mt of waste was combusted by operational EfW in 2018 by the Fuel Availability and Waste Hierarchy Assessment (Document Ref. 5.7), with a further 2 Mt of capacity to come on stream by 2020. While municipal residual waste is expected to decrease by 2035, due to greater waste prevention, reuse and a 65% municipal recycling rate, it will still stand at around 20 Mtpa, leaving a shortfall in waste management capacity. Given these projections the government continues to welcome further market investment in residual waste treatment infrastructure. It is further identified within 'Energy for the Circular Economy: an overview of Energy from Waste in the UK'²⁴ (2018) that based on current arisings and current operational capacity the UK has around 13 Mt/y of residual waste arisings currently. The document continues to identify that landfills are closing more rapidly than

²² Energy from waste: A guide to the debate (Defra, 2014). Retrieved from:

²³ Our waste, our resources: a strategy for England (Defra, 2018). Retrieved from:

<https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>

²⁴ Energy for the Circular Economy: an overview of Energy from Waste in the UK. Environmental Services Association (2018). Retrieved from:

http://www.esauk.org/application/files/7715/3589/6450/20180606_Energy_for_the_circular_economy_an_overview_of_EfW_in_the_UK.pdf

anticipated, but the alternative residual waste infrastructure (largely EfW plants) is not coming on stream quickly enough to replace them.

- 6.4.4 The National Planning Policy for Waste identifies at Paragraph 4 that waste planning authorities should plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of development proposed. In addition, at Paragraph 7 it is identified that when determining waste planning applications, waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan.
- 6.4.5 The NELLP identifies that there is a necessity to ensure that there are sufficient waste management facilities within the Borough to meet the requirements of the area. Within the plan the justification for Policy 49 'restoration and aftercare (waste)' identifies that waste disposal through means such as landfill is the least desirable waste management option available. By providing energy from waste plants, this acts as a barrier to landfill and promotes the effective use of materials that have not been able to be utilised as part of earlier stages in the waste hierarchy.
- 6.4.6 It is further identified that within 'Energy from Waste – A guide to the debate'²⁵ Chapter 2 identifies that energy from waste can coexist with high recycling, in order to ultimately deliver low landfill. This viewpoint is also identified in Paragraph 2.5.64 of EN-3 which states that waste combustion generating stations need not disadvantage reuse or recycling initiatives where the development accords with the waste hierarchy.
- 6.4.7 The Proposed Development is considered to successfully prevent waste passing further down the waste hierarchy and the Environmental Permit, which will specify the type of waste that can be used, will control this.
- 6.4.8 Furthermore, the Fuel Availability and Waste Hierarchy Assessment (Document Ref. 5.7) carried out in support of this DCO application concluded that the operation of the Proposed Development would comply with the waste hierarchy for the following reasons:
- generation of energy from the waste at the Proposed Development will be an R1 recovery operation, and therefore preferable to disposal operations such as landfill;
 - there is no financial incentive for waste producers to send waste to the Proposed Development that could otherwise be reused or recycled;

²⁵ Energy from waste: A guide to the debate (Defra, February 2014). Retrieved from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/284612/pb14130-energy-waste-201402.pdf

- there is no long-term financial commitment by local authorities to the construction of the Proposed Development, and therefore no prospect of their waste being ‘tied in’ to the facility for its lifespan; and
- the waste that will be utilised by the Proposed Development is currently being managed at lower levels in the waste hierarchy (or at a similar level, but at overseas facilities), such that energy recovery at the Proposed Development will represent a preferable option by bringing waste up the hierarchy or reshoring waste that would have been on the same level in the hierarchy and reducing transport.

6.5 Fuel Availability

- 6.5.1 As identified above, there is a significant ongoing shortfall in the UK’s residual waste treatment management capacity, resulting in much waste being destined for landfill. Another destination is export: the UK exported over 3.2Mt of residual waste to overseas EfW plants to recover energy in 2017²⁶.
- 6.5.2 It has been identified in the Fuel Availability and Waste Hierarchy Assessment (Document Ref. 5.7) that approximately 768,000 tonnes passed through the Humber Ports in 2017 which, while diverted from landfill and consistent with the waste hierarchy, is incurring additional transport mileage. It is predicted²⁷ that there will be 8.5 Mt of residual waste with no destination by 2030, assuming current recycling rates, or 6 Mt with the higher recycling rate, which also *“excludes the reshoring of another 2.5 Mt/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”*.
- 6.5.3 This is corroborated by the Fuel Availability Waste Hierarchy Assessment (Document Ref. 5.7) enclosed with the Application. The analysis indicates that a total of 1.0 million tonnes (at regional level) and 6.7 million tonnes (nationally) of combustible waste is likely to be available as fuel for the Proposed Development in 2023, even taking into account likely new EfW facilities and higher recycling rates. This is well in excess of the capacity of the Proposed Development.
- 6.5.4 The Proposed Development would support the reshoring of around one quarter of the current UK exports of residual waste, or one eighth of this predicted 6Mt of residual waste with no destination in 2030, thereby supporting employment and economic growth in a suitable location, near to the strategic road network and away from population centres.
- 6.5.5 The Proposed Development would also represent a modern and efficient addition to the UK stock of EfW plants. It will be classed as an energy recovery

²⁶ Table 6.2 of Digest of Waste and Resource Statistics (Defra, May 2018) Retrieved from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/710124/Digest_of_Waste_and_Resource_Statistics_2018.pdf

²⁷ Energy for the Circular Economy: an overview of Energy from Waste in the UK. (Environmental Services Association 2018). Retrieved from: http://www.esauk.org/application/files/7715/3589/6450/20180606_Energy_for_the_circular_economy_an_overview_of_EfW_in_the_UK.pdf

facility with its performance complying with the R1 Energy Efficiency formula in Annex II of the Waste Framework Directive 2008/98/EC. The facility would, once consented and permitted, represent a 6% increase in the current England wide capacity permitted R1 rated facilities, measured by throughput, according to the Environment Agency²⁸.

- 6.5.6 There is, in conclusion, a clear national need for new energy recovery plants in suitable locations to replace landfill, divert residual waste being exported over longer distances for energy recovery elsewhere, and replace less efficient EfW plants. The Proposed Development meets this need by providing a well-located, modern, R1 rated facility. This remains the case with the higher recycling rates required by 'Our Waste, Our Resources'.

Summary

- 6.5.7 NPS EN-1 clearly confirms the 'need' that exists for all types of energy NSIPs, and particularly low carbon NSIPs, and makes clear that the SoS should assess applications on the basis that this 'need' and its scale and urgency has been proven. Furthermore, that the SoS should give substantial weight to the contribution that all developments would make toward satisfying this need.
- 6.5.8 The recent evidence cited from National Grid (Electricity System Operator), the Department of Business, Energy and Industrial Strategy, and the National Infrastructure Commission, is consistent with and supportive of NPS EN-1 in relation to the need for new, diverse, electricity generation capacity to increase security of supply, support higher generation levels overall, and decarbonise the grid.
- 6.5.9 Events such as the August 2019 blackout further confirm the need and the importance of energy security.
- 6.5.10 The Proposed Development responds to this urgent need for new electricity generation capacity, generating up to 95 MW of low carbon energy, and would be brought into operation as soon as 2023 and providing controllable generation over a design life of at least 30 years.
- 6.5.11 EN-3 and the Clean Growth Strategy identifies that recovering energy from the combustion of waste will play an increasingly important role in meeting the UK's renewable energy targets. EN-3 in particular highlights the benefit of EfW plants insofar as they stop waste passing further down the waste hierarchy.
- 6.5.12 The Waste Hierarchy ranks waste management options according to what is best for the environment and minimising resource consumption. The Fuel Availability and Waste Hierarchy Assessment found that the operation of the Proposed Development will comply with the Waste Hierarchy Assessment.

²⁸ R1 Status of Incinerators in England (Environment Agency, February 2020). Retrieved from: <https://data.gov.uk/dataset/8287c81b-2288-4f14-9068-52bfda396402/r1-status-of-incinerators-in-england>

- 6.5.13 It is identified that by 2020 there will be a shortfall in EfW operational capacity and as a result the government continues to welcome further market investment in residual waste treatment infrastructure and that landfills are closing more rapidly than anticipated.
- 6.5.14 The Proposed Development would be able to take around one fifth of the current UK exports of residual waste or one tenth of the predicted waste without a destination by 2030 and is suitably located near to a strategic road network and away from population centres.
- 6.5.15 A total of 1.0 million tonnes (at regional level) and 6.7 million tonnes (nationally) of combustibile waste is likely to be available as fuel for the Proposed Development in 2023, even taking into account likely new EfW facilities and higher recycling rates. The Proposed Development would also represent a 6% increase of England's capacity of R1 facilities, measured by throughput.

7.0 PLANNING POLICY ASSESSMENT

- 7.1.1 This section provides an assessment of the Proposed Development against policy, notably the relevant NPSs, given that section 104 of the PA 2008 requires the SoS to determine applications for NSIPs in accordance with the relevant NPSs.
- 7.1.2 The assessment of the Proposed Development against the NPSs has been structured so as to follow the relevant 'assessment principle' and 'generic impact' headings set out in EN-1 and also to take account of the 'assessment and technology specific considerations' contained within EN-3 in relation to biomass and waste combustion, where these are not covered by the assessment principles and generic impacts of EN-1. Each heading references the relevant part or section of the NPSs.
- 7.1.3 Although the focus of this section is principally upon conformity with the NPSs (as these are the primary basis for decisions on NSIPs by the SoS); the Applicant has also had regard to the compliance of the Proposed Development with relevant policies contained within the NPPF and the local development plan for the area, given that such policies may be considered by the SoS to be both 'important and relevant'.

7.2 National Policy Statements

- 7.2.1 An assessment of the conformity of the Proposed Development with EN-1 and the relevant technology specific NPS (EN-3, and the EMF policy in EN-5) is provided below in respect of the relevant assessment principles, generic impacts and assessment and technology specific considerations.

Assessment Principles

- 7.2.2 Part 4 of EN-1 sets out 'General points' that the SoS should take into account in decision-making on NSIPs, in addition to a number of key assessment principles that both applicants and the SoS should have regard to in preparing and determining applications for development consent.
- 7.2.3 The majority of the assessment principles in EN-1 are of relevance to most types of nationally significant energy infrastructure. A number of these are also referred to within EN-3 in relation to the types of technology that are covered by them in 'assessment and technology-specific information' and where that is the case, they are also dealt with below and the relevant part of the NPS is referenced.

General Points (EN-1, 4.1)

- 7.2.4 EN-1 'General points' (paragraph 4.1.2) reiterates the urgency of the 'need' for the types of infrastructure covered by the energy NPSs and again confirms that the SoS should start with a presumption in favour granting development consent for energy NSIPs.
- 7.2.5 Paragraph 4.1.3 goes on to state that in considering applications for energy NSIPs, and in particular, when weighing their adverse impacts against their benefits, the SoS should take into account:
- the potential benefits including the contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and

- the 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.
- 7.2.6 Paragraph 4.1.4 goes on to state that in this context, the SoS should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels.
- 7.2.7 With regard to this, Section 8 provides an assessment of the benefits and adverse impacts of the Proposed Development. It shows that the Proposed Development would have a number of substantial benefits and that these clearly outweigh its limited adverse impacts.
- 7.2.8 Paragraph 4.1.5 confirms that matters that the SoS may consider both 'important and relevant' to decision making on energy NSIPs may include local development plan documents. However, in the event of a conflict between these or any other documents and an NPS, the NPS prevails.
- 7.2.9 In respect of the above, this section of the Planning, Design and Access Statement provides an assessment of the compliance of the Proposed Development with local planning policy.
- 7.2.10 Paragraph 4.1.7 confirms that the SoS should only impose 'requirements' in relation to a development consent where these satisfy relevant guidance and are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable in all other respects.
- 7.2.11 The Applicant has included a number of requirements within Schedule 2 of the draft DCO (Document Ref. 2.1) that, amongst other matters, are intended to control the detailed design of the Proposed Development in addition to its construction and operation in order to ensure that it accords with the EIA carried out and does not result in unacceptable impacts. In preparing the draft requirements the Applicant has had regard to relevant guidance; notably that contained within the NPPF (paragraphs 54-57) and the Planning Practice Guidance ('PPG') ('Use of planning conditions'). The requirements are explained within the Explanatory Memorandum (Document Ref. 2.2). As a number of the matters to be approved pursuant to the Requirements have, or will be approved, under the conditions in the Planning Permission, Schedule 3 of the DCO (Document Ref. 2.1) sets out the respective condition/requirement numbers and the DCO provides that approval of a condition under the Planning Permission shall constitute deemed approval of the equivalent requirement.
- 7.2.12 Paragraph 4.1.8 states that SoS may take into account any development consent obligations (under section 106 of the TCPA 1990 as amended by section 174 of the PA 2008) that an applicant agrees with local authorities. To be required, development consent obligations must be relevant to planning, necessary to make the development acceptable in planning terms, directly related to the development, fairly and reasonably related in scale and kind to the development and reasonable in all other respects (NPPF - paragraphs 54-57 and the PPG 'Planning obligations'). A Development Consent Obligation (Document Ref. 5.13) is proposed to ensure that the obligations contained in the Consented Development Section 106 Agreement (relating to off-site habitat mitigation) will continue to apply if the Proposed Development is constructed pursuant to the DCO.

- 7.2.13 EPWM's assessment of the Proposed Development, notably through the EIA, has identified some likely significant environmental effects that would be subject to appropriate mitigation. However, that mitigation has either been embedded within the design of the Proposed Development or would be secured through the proposed requirements and therefore, taking into account the above tests, it is considered that there is no additional mitigation (i.e. above that required for the Consented Development) that would warrant a development consent obligation in order to make the Proposed Development acceptable in planning terms.
- 7.2.14 Paragraph 4.1.9 confirms that in bringing forward energy infrastructure, the applicant will have made a judgment as to its financial and technical feasibility. It goes on to state that where the SoS considers, based on the information provided in the application, that financial and technical feasibility have been properly assessed, they are unlikely to be relevant to the SoS's decision-making.
- 7.2.15 With regard to the above, EPWM considers that the Proposed Development is both financially and technically viable. EPWM and EP SHB are wholly owned subsidiaries of EPUKI, who's parent company is EPH who owns and operates energy generation assets in the Czech Republic, Slovak Republic, Germany, Italy, Hungary, Poland, Ireland, and the United Kingdom. The Applicant therefore has an established track record in delivering power generation projects.

Environmental Statement (EN-1, 4.2)

- 7.2.16 EN-1 (paragraph 4.2.1) states that proposed developments that are subject to the European EIA Directive must be accompanied by an ES describing the aspects of the environment likely to be significantly affected by them. It highlights that the European EIA Directive specifically refers to effects on human beings, fauna, flora, soil, water, air, climate, the landscape, material assets and cultural heritage and the interaction between them. It goes on to state that the assessment of effects in the ES should cover direct and indirect effects, both permanent and temporary, cumulative effects, positive and negative effects and measures for avoiding or mitigating significant adverse effects.
- 7.2.17 Paragraphs 4.2.2 - 4.2.11 provide further guidance on the matters that should be covered within the ES for the purposes of SoS decision making.
- 7.2.18 The Application includes an ES (Document Refs. 6.1 – 6.4). In advance of preparing the ES, the Applicant obtained an EIA Scoping Opinion from the PINS (October 2019), which is provided in ES Volume III, Appendix 1B (Document Ref. 6.4.2). The scope and coverage of the ES accords with the EIA Scoping Opinion and ES Volume I Chapter 2 'Methodology' (Document Ref. 6.2.2) sets out how the EIA has taken into account the EIA Scoping Opinion and the technical scope of the EIA that has been undertaken.
- 7.2.19 The Applicant notes that the European EIA Directive and relevant UK legislation has been updated since EN-1, and that the requirements for what an environmental statement must contain has been updated – where relevant the Applicant has taken account of changes and the ES considers all matters as required by The Infrastructure Planning (Environmental Impact

Assessment) Regulations 2017. The scope of the ES is explained further in Volume I, Chapter 1 of the ES (Document Ref. 6.2.1).

7.2.20 As required by EN-1, the ES for the Proposed Development includes the following:

- An assessment of the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects for all stages of the Proposed Development, and also the measures envisaged for avoiding and mitigating any significant adverse effects. The approach taken to the assessment of environmental effects is set out at ES Volume I Chapter 2 'Methodology' (Document Ref. 6.2.2). Furthermore, ES Volume I, Chapters 6 – 19 (Document Refs: 6.2.6 – 6.2.19) identify the likely significant effects of the Proposed Development, the mitigation measures (where required) and the residual effects.
- An explanation of the components of the Proposed Development where it has not been possible to fix details in advance of the submission of the Application and where flexibility is required, and the approach that has been taken to assessing the effects that may result – EPWM has adopted the principles of the 'Rochdale Envelope' and has assessed through the EIA maximum (and where relevant minimum) 'worst case' dimensions and design parameters where flexibility is required. The approach adopted is in accordance with the advice set out in PINS Advice Note 9 (July 2018). Where flexibility is required within the Proposed Development is explained in ES Volume I, Chapter 4 'The Proposed Development' (Document Ref. 6.2.4) and, where relevant, within the relevant chapters of the ES, notably Chapter 11 'Landscape and Visual Amenity (Document Ref. 6.2.11). The maximum dimensions and design parameters would be controlled and secured through Article 3. 'Development consent etc. granted by the Order', Schedule 9 'Design Parameters' and Schedule 2 'Requirement', 'Detailed design (position and scale)' of the draft DCO (Document Ref. 2.1).
- Information on the likely significant social and economic effects of the Proposed Development is provided at ES Volume I, Chapter 15 'Socio Economics' (Document Ref. 6.2.15). This includes the benefits of the Proposed Development in terms of employment generation both through direct employment and wider benefits for the economy.
- ES Volume I, Chapter 17 'Cumulative and Combined Effects' (Document Ref. 6.2.17) considers how the effects of the Proposed Development could combine with each other or could interact with the effects of other planned and consented developments. The approach to assessing cumulative and combined effects is explained within that chapter.
- The significant effects of the Proposed Development, including after mitigation (where necessary) has been applied to reduce the significance and magnitude of those effects, are summarised in ES Volume I, Chapter 20 'Summary of Significant Residual Effects' (Document Ref. 6.2.20).
- As indicated above, the draft DCO (Document Ref. 2.1) at Schedule 2 includes appropriate requirements to control and secure the details of the Proposed Development that are still to be finalised to ensure that it would

be constructed and operated in accordance with the EIA that has been undertaken.

Habitats and Species Regulations (EN-1, 4.3)

- 7.2.21 EN-1 (paragraph 4.3.1) confirms that prior to granting development consent, the SoS must, under the Habitats and Species Regulations, consider whether a proposed development may have a significant effect on a European site, or any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans and projects. EN-1 continues that the applicant should seek the advice of Natural England ('NE') and provide the SoS with such information as may be reasonably required to determine whether an 'Appropriate Assessment' is required.
- 7.2.22 The Application includes a Habitats Regulations Assessment Signposting Report (Document Ref. 5.8), which identifies any European site to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 applies, or any Ramsar site, that may be affected by the proposed development, together with sufficient information that will enable the appropriate assessment of the implications for the site.
- 7.2.23 The ES includes a range of chapters that assess potential impacts on the site and its surroundings. These confirm that subject to the appropriate mitigation, the Proposed Development is unlikely to result in significant effects on internationally or nationally designated nature conservation sites. Natural England was consulted as part of the statutory Section 42 consultation and its feedback has been incorporated into the ES.

Alternatives (EN-1, 4.4)

- 7.2.24 Paragraph 4.4.1 confirms that as in any planning case, the relevance or otherwise to the decision-making process of the existence (or alleged existence) of alternatives to a proposed development is in the first instance a matter of law, which falls outside the scope of the NPS. It goes on, however, to state that from a policy perspective there is no general requirement to consider alternatives or to establish whether a development represents the best option, except that:
- Applicants are obliged to include in their ES, information about the reasonable alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, including a comparison of the environmental effects.
 - In some cases, there are specific legislative requirements, notably under the Habitats Directive, as transposed into UK law by the Habitats and Species Regulations, for the SoS to consider alternatives. These should be identified in the ES by the applicant.
 - In some circumstances, the relevant energy NPSs may impose a policy requirement to consider alternatives; EN-1 does so in sections 5.3, 5.7 and 5.9 in relation to avoiding significant harm to biodiversity and geological conservation interests, flood risk and development within nationally designated landscapes, respectively.

- 7.2.25 Paragraph 4.4.3 sets various overarching tests as to the extent to which alternatives should be considered. For example, alternatives should be considered in a proportionate manner, and the examining authority should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security and climate change benefits) in the same timescale as the proposed development.
- 7.2.26 Regulation 14(2) of the EIA regulations requires that the ES contains a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment; Information relating to the alternatives that the Applicant has considered in relation to the Proposed Development are set out at ES Volume I Chapter 6, 'Need, Alternatives and Design Evolution' (Document Ref. 6.2.6). This includes the alternatives considered by the Applicant in terms of sites, locations within the site, technologies, and designs, and the reasons for those choices, including with respect to environmental considerations.
- 7.2.27 Section 4 of this document summarises the consideration given in the design of the Proposed Development to matters that the Applicant has considered to be relevant technical, commercial, operational, and policy factors, good design considerations, and feedback from consultees, while having regard to the desirability of responding to the need and urgency of this type of infrastructure.
- 7.2.28 With regard to the policy requirements of EN-1 to consider alternatives in particular circumstances, paragraph 5.3.7 states that as a general principle, development should aim to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives; where significant harm cannot be avoided, then appropriate compensation measures should be sought.
- 7.2.29 It is considered that the assessment of alternatives in relation to biodiversity and geological conservation interests is of more relevance where development has the potential to impact upon internationally or nationally designated sites. In relation to biodiversity, the ES Volume I Chapter 10, 'Ecology' (Document Ref. 6.2.10) confirms that subject to mitigation the Proposed Development is unlikely to result in significant effects on designated nature conservation sites. No significant adverse effects related to potential geological, hydrogeological and contamination related impacts associated with the Proposed Development are anticipated, as set out in ES Volume I, Chapter 12 'Geology, Hydrology and Land Contamination' (Document Ref. 6.2.12).
- 7.2.30 Paragraph 5.7.13 of EN-1 states that the consideration of alternative sites is relevant to the application of the 'Sequential Test' in relation to flood risk, with the preference in the first instance to locate development within Flood Zone 1, the zone of least probability of tidal or fluvial flooding. In regard to the sequential test the Local Plan process considered the most appropriate sites allocated for this type of use taking into account flood risk. Given the Site has been allocated as an 'existing employment area' and is in close proximity to a number of sites allocated for 'proposed employment' it is therefore considered

that the Local Plan allocation process has dealt with the sequential test and that this is a suitable and preferred site, in flood risk terms, to develop.

- 7.2.31 The Site is located within Flood Zone 3a according to the EA's Flood Map for Planning. A Flood Risk Assessment is provided at Appendix 14A of ES Volume III (Document Ref. 6.4.26). This demonstrates that the Proposed Development would remain safe during its lifetime and would not increase flood risk elsewhere and is, therefore, considered to be acceptable in flood risk terms.
- 7.2.32 Paragraph 5.9.10 of EN-1 indicates that the consideration of alternatives can also be relevant where development involves land that is subject to national landscape designations, such as National Parks or Areas of Outstanding Natural Beauty. ES Volume I, Chapter 11 'Landscape and Visual Amenity' (Document Ref. 6.2.11) confirms that the Site does not lie within any national landscape designations nor is it within the immediate vicinity of any such designations. The closest relevant receptor is the northern border of the Lincolnshire Wolds AONB, which lies approximately 8.5 km to the south-west of the Proposed Development and, as a result of distance, the landscape effects have been assessed to be negligible. One local viewpoint (viewpoint 9), which is 0.65 km from the Site, is identified as having a 'moderate adverse (significant)' impact from the construction, operation and decommissioning. However, this limited and localised impact does not outweigh the important advantages of selecting the Site which are highlighted in Section 4 of this document and in the ES Vol I, Chapter 6: Need, Alternatives and Design Evolution (Document Ref. 6.2.6).
- 7.2.33 It is further identified that within EIA Regulations 2017, Schedule 4, paragraph 2 that Environmental Statements must include a "*description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.*"
- 7.2.34 The Applicant's consideration of alternatives in relation to the Proposed Development, as set out in the ES Volume I, Chapter 6 'Need, Alternatives and Design Evolution' (Document Ref. 6.2.6), is therefore considered to be both appropriate and proportionate.

Criteria for 'good design' in energy infrastructure (EN-1, 4.5 and EN-3, 2.4.2)

- 7.2.35 EN-1 (paragraph 4.5.1) recognises that the functionality of buildings and infrastructure, including fitness for purpose and sustainability, are equally as important as visual appearance and aesthetic considerations. It goes on to state that applying 'good design' to energy, proposed developments 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. However, it is acknowledged 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 an area.*"

- 7.2.36 Paragraph 4.5.2 of EN-1 notes that 'good design' is also a means by which many policy objectives in the NPS can be met, for example, the impact sections (of EN-1) show how good design, in terms of siting and use of appropriate technologies can help mitigate adverse impacts such as noise.
- 7.2.37 Paragraph 4.5.3 confirms that in assessing applications, the SoS will need to be satisfied that energy infrastructure developments are sustainable and, having regard to regulatory and other constraints, are as attractive, durable and adaptable (including taking account of natural hazards such as flooding) as they can be. In doing so, it goes on to state that the SoS should be satisfied 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. Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area."*
- 7.2.38 Paragraph 4.5.4 stresses the importance of applicants being able to demonstrate in their application documents how the design process was conducted and how the proposed design evolved. However, it also makes clear that in considering applications, the SoS should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements, which the design has to satisfy.
- 7.2.39 EN-3 (paragraph 2.4.2) states 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.
- 7.2.40 Chapter 6 of ES Volume I 'Need, Alternatives and Design Evolution' (Document Ref. 6.2.6) provide an explanation in terms of how the design of the Proposed Development has evolved through pre-application consultation in the lead up to the submission of the Application. Furthermore, the individual chapters of the ES explain how the Proposed Development has been designed, including the mitigation embedded in its design, to minimise and mitigate impacts. Furthermore, Section 4 of this document assesses the design of the development and how it has had regard to appropriate design principles, which reflect the 'good design' requirements of EN-1. It describes how EPWM has taken account of and appraised the Site's context and the design rationale that has been followed. Section 4 also explains where flexibility is required within the Proposed Development and how its detailed design will be secured and controlled.
- 7.2.41 The immediate context within which the Site sits is already very much industrialised in terms of its character and appearance. It is dominated by the large and functional power generation buildings and structures of the existing SHBPS.

- 7.2.42 The wider area is also subject to significant humanising influences, including significant port related industrial development. The Site does not therefore sit within a setting or landscape that is highly sensitive to change.
- 7.2.43 The final design of the Proposed Development is functional, reflecting its purpose to generate electricity and the context within which it would sit. In terms of siting and layout, opportunities have been taken to minimise the visual impact of the EfW plant by locating it immediately adjacent to the existing SHBPS and providing landscaping where appropriate.
- 7.2.44 Further to the above, the Proposed Development incorporates a number of measures within its design to ensure that it would be resilient in terms of the effects of climate change as well as contributing to mitigating those effects. This includes appropriate flood risk mitigation and surface water attenuation as set out in ES Volume I, Chapter 14 'Water Resources, Flood Risk and Drainage' for more detail (Document Ref. 6.2.14).
- 7.2.45 It is therefore considered that the Proposed Development represents 'good design' for the purposes of energy infrastructure and policy set out EN-1 and EN-3. It should also be noted that details of the external appearance of the Proposed Development need to be approved by the relevant planning authority under Schedule 2 Requirement 'Detailed design (position and scale)' of the draft DCO.

Combined Heat and Power (EN-1, 4.6)

- 7.2.46 EN-1 (paragraph 4.6.2) identifies that supplying steam direct to industrial customers or using lower grade heat, such as in district heating networks, can reduce the amount of fuel otherwise needed to generate the same amount of heat and power separately.
- 7.2.47 EN-1 confirms (paragraph 4.6.6) that under guidelines issued by DECC (then DTI) in 2006²⁹, 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.
- 7.2.48 EN-1 then states (paragraph 4.6.7) that in developing proposals for new thermal generating stations, developers should consider the opportunities for CHP from the very earliest point and it should be adopted as a criterion when considering locations for a project. With regards to viability EN-1 identifies (paragraph 4.6.5) that to be economically viable as a CHP plant, a generating station needs to be located close to industrial or domestic customers with heat demands.
- 7.2.49 EN-1 (Paragraph 4.6.8) highlights that if the proposal is for thermal generation without CHP the applicant should:

²⁹ Guidance on background information to accompany notifications under Section 14(1) of the Energy Act 1976 and applications under Section 36 of the Electricity Act 1989. (Department of Trade and Industry, 2006). Retrieved from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/43594/Power_station_proposals_-_guidance_2006.pdf

- explain why CHP is not economically or practically feasible for example if there is a more energy efficient means of satisfying a nearby domestic heat demand;
 - provide details of any potential future heat requirements in the area that the station could meet; and
 - detail the provisions in the proposed scheme for ensuring any potential heat demand in the future can be exploited.
- 7.2.50 Regarding future requirements EN-1 (paragraph 4.6.12) also references that the Infrastructure Planning Commission (now the Planning Inspectorate) may be aware of potential developments which could utilise heat from the plant in the future and which is due to be built within a timeframe that would make the supply of heat cost-effective.
- 7.2.51 The Combined Heat and Power Assessment (Document Ref. 5.6) identifies that, while the quantity of heat demand identified is sufficient to achieve Primary Energy Savings (PES) in excess of the 10% technical feasibility threshold, it is not sufficient to be deemed 'Good Quality' in accordance with the CHP Quality Assurance (CHPQA) scheme. As result of this, the proposed heat network does not yield an economically viable scheme.
- 7.2.52 The economic feasibility of the scheme will be reassessed in the future when there is further certainty regarding heat loads and considering any subsidies that might be available at that time that support the export of heat.
- 7.2.53 The EfW plant will be designed to be CHP-Ready to demonstrate BAT, meaning that it will be able to export heat in the future with minimum modification, by virtue of having steam capacity designed into the turbine bleed and safeguarded space to house CHP equipment.
- 7.2.54 This approach for energy efficiency is considered the most appropriate in circumstances where there are not technically and economically viable opportunities for the supply of heat from the outset.
- 7.2.55 It is noted, as part of this document, that the South Humber Industrial Investment Programme is being progressed and includes the provision of more than 190 hectares of industrial sites that could benefit from CHP in the future. This would therefore be assessed as part of future feasibility assessments.

Carbon Capture Readiness (EN-1, 4.7)

- 7.2.56 EN-1 (paragraph 4.7.10) states that to ensure that no foreseeable barriers exist to retrofitting carbon capture and storage (CCS) equipment on combustion generating stations, all applications for new combustion plant which are of generating capacity at or over 300 MW and of a type covered by the EU's Large Combustion Plant Directive should demonstrate that the plant is "Carbon Capture Ready" before consent may be given.
- 7.2.57 As the Proposed Development is below the 300MW threshold this part of EN-1 does not apply.

Climate change adaptation (EN-1 and EN-3, 2.3)

- 7.2.58 EN-1 (paragraph 4.8.5) states that new energy infrastructure will typically be a long-term investment and will need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the impacts of climate change, such as potential for increased flooding, when planning the location, design, build, operation and, where appropriate, decommissioning of new energy infrastructure. The ES should set out how the proposed development will take account of the impact of climate change. This is also a requirement of the 2017 EIA Regulations.
- 7.2.59 EN-3 (paragraph 2.3.3) notes that EfW plants may require significant water resources, and therefore applicants should consider how plant will be resilient to risks of flooding and risks of drought affecting river floors.
- 7.2.60 ES Volume I, Chapter 14 'Water Resources, Flood Risk and Drainage' (Document Ref. 6.2.14) and ES Volume III, Appendix 14A 'Flood Risk Assessment' (Document Ref. 6.4.26) consider the potential effects of flooding in relation to the Proposed Development. These conclude that subject to mitigation the Proposed Development would have an acceptable impact on the existing surface water, flood risk and drainage. It also identifies that with appropriate mitigation, including all critical equipment assets, where possible, being raised above 4.6 mAOD, the Proposed Development would be suitable to operate in its proposed location.
- 7.2.61 Regarding the potential impacts of drought affecting river floors, the proposed development is not reliant on any rivers and will therefore not be affected by potential impacts on rivers.
- 7.2.62 The draft DCO (Document Ref. 2.1) includes Requirements for 'Surface water drainage', 'Foul water drainage', 'Flood risk mitigation' and 'Flood warning and evacuation plan' that require the approval of details in accordance with the ES in relation to drainage and flood risk mitigation for the construction and operational phases of the Proposed Development and, where necessary, for these to be in accordance with the Construction Environmental Management Plan that will be secured by a requirement of the draft DCO.
- 7.2.63 ES Volume I, Chapter 19 'Sustainability and Climate Change' (Document Ref. 6.2.19) provides information on and assesses the potential effects of the Proposed Development upon sustainability and climate change. It confirms that the design, construction and operation of the Proposed Development would seek to mitigate the causes of climate change by contributing to a reduction in greenhouse gas emissions associated with electricity generation and waste disposal and adapting to the predicted impacts of climate change.
- 7.2.64 It is therefore considered that the Proposed Development includes measures to be resilient to the future potential effects of climate change and therefore complies with the relevant policies in the NPSs.

Grid connection (EN-1, 4.9 and EN-3, 2.5.22 - 2.5.23)

- 7.2.65 EN-1 (paragraph 4.9.1) states that the connection of a generating station to the electricity network is an important consideration for applicants. It is for the applicant to ensure there will be the necessary infrastructure and capacity within the transmission and distribution network to accommodate the

electricity generated. While it is not necessary for an applicant to have received or accepted a formal grid connection offer at the time of submitting an application for a DCO and this is at the applicant's risk, the SoS will want to be satisfied that there is no obvious reason why a grid connection would not be possible.

- 7.2.66 EN-3 (paragraphs 2.5.22 - 2.5.23) highlights that the technical feasibility of the export of electricity from a generating station is dependent on the capacity of the grid network together with the voltage and distance of the connection. Furthermore, applicants will usually have assured themselves that a viable connection exists before submitting an application for a DCO and where they have not done so they take a commercial risk. Even if the precise route of a connection has not been identified, in accordance with section 4.9 of EN-1 any application must include information on how the generating station is to be connected and whether there are any particular environmental issues likely to arise from that connection.
- 7.2.67 The Proposed Development would either connect to the National Electricity Transmission Network owned and operated by National Grid Electricity Transmission plc (NGET) through an additional bay at the existing NGET substation located on the existing SHBPS or would connect to the 132kV local distribution network off Site. There are no foreseeable issues with capacity of the network to accommodate the Proposed Development. The Grid Connection Statement (Document Ref. 5.2) sets out further information on the proposed grid connection.

Pollution control and other environmental regulatory regimes (EN-1, 4.10)

- 7.2.68 Paragraph 4.10.1 of EN-1 advises that issues relating to discharges or emissions which affect air quality, water quality, land quality or noise and vibration may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes.
- 7.2.69 Paragraph 4.10.3 states that in considering an application for development consent, the SoS should focus on whether the development itself is an acceptable use of the land, and on the impacts of that use, rather than the control of processes, emissions and discharges themselves. The SoS should work on the basis that the relevant pollution control regime and other environmental regulatory regimes will be properly applied and enforced by the relevant regulator.
- 7.2.70 Paragraph 4.10.5 notes that many proposed developments covered by EN-1 will be subject to the Environmental Permitting (EP) regime. Paragraph 4.10.6 advises applicants to make early contact with relevant regulators, such as the Environment Agency (EA), to discuss their requirements for EPs and other consents. This will ensure that applications take account of all relevant environmental considerations and that the relevant regulators are able to provide timely advice and assurance to the SoS. Where possible, applicants are encouraged to submit applications for EPs and other necessary consents at the same time as applying to the SoS for development consent. For this Proposed Development, an environmental permit has already been received from the Environment Agency for the Consented Development; this is being varied to reflect the changes associated with the Proposed Development

- 7.2.71 The 'Other Consents and Licences' document (Document Ref. 5.4) lists (at Table 2.1) those consents and licences under other regulatory regimes that are required for the Proposed Development that are being/will be advanced separately of the Application. These include the EP for the operation of the Proposed Development. EPWM has agreed with the EA, that a bespoke Part A Permit will be required (under the Environmental Permitting (England and Wales) Regulations 2016 (as amended)) and is currently compiling an application, with the intent to submit to the EA along similar timescales as the DCO Application. As an EP has been granted for the Consented Development, EPWM is not aware of any reasons why an EP would not be granted for the Proposed Development.
- 7.2.72 The 'Other Consents and Licences' document sets out the position with regard to obtaining the other consents required for the Proposed Development under other regulatory regimes. The document will be updated during the Examination of the Application.
- 7.2.73 It is relevant to note that the draft DCO (Document Ref. 2.1) includes a number of requirements that would have the purpose of controlling the effects of the Proposed Development in terms of discharges and emissions during its construction and operation in order to prevent pollution and safeguard amenity. These include Requirements on 'Surface water drainage', 'Foul water drainage', 'Temporary halting of development on finding unexpected contamination', 'Investigation and remediation of contamination', 'Implementation of remediation scheme' and 'Procedure in cases of unexpected contamination'.
- Safety (EN-1, 4.11)
- 7.2.74 EN-1 paragraph 4.11.1 states that the Health and Safety Executive (HSE) is responsible for enforcing a range of health and safety legislation, some of which is relevant to the construction, operation and decommissioning of energy infrastructure. Applicants should consult with the HSE on matters relating to safety.
- 7.2.75 The HSE responded to the Applicant's pre-application consultation and confirmed they were content that the Proposed Development was suitable in terms of occupied storeys and consultation zones.
- 7.2.76 Paragraph 4.11.3 confirms that some energy infrastructure will be subject to the 'Control of Major Accident Hazards' (COMAH) Regulations 1999, (new regulations issued in 2015). These are aimed at preventing major accidents involving dangerous substances and limiting the consequences to people and the environment of any that do occur. The COMAH Regulations do not apply to any of the infrastructure or operations included as part of the Proposed Development.
- 7.2.77 The Gas Connection would be constructed to the relevant safety and industry standards in accordance with the Pipelines Safety Regulations 1996 and the appropriate notifications will be made. This is discussed in the submitted Other Consents and Licences document (Document Ref. 5.4).

Hazardous Substances (EN-1, 4.12 and EN-4, 2.4)

7.2.78 EN-1, paragraph 4.12.1, confirms that all establishments wishing to hold stocks of certain hazardous substances above a certain threshold need 'Hazardous Substances Consent' (HSC). Applicants should consult the HSE at the pre-application stage if a proposed development is likely to need such consent.

7.2.79 As identified in Section 4, EPWM has reviewed substances that would be stored in connection with the Proposed Development and considers that no HSC would be required for the types and volume of substances proposed to be stored on Site as part of the Proposed Development.

Health (EN-1, 4.13)

7.2.80 Section 4.13 of EN-1 highlights that energy production has the potential to impact on the health and well-being of the population (paragraph 4.13.1) and that where the Proposed Development has the potential to result in effects on human beings, the ES should assess those effects for each element of the proposed development, identifying any adverse health impacts and measures to avoid, reduce or compensate the impacts as appropriate (paragraph 4.13.2). This is also a requirement of EIA Regulations 2017, Schedule 4, paragraph 5(d).

7.2.81 The ES, Volume 1, Chapter 18, 'Human Health' (Document Ref. 6.2.18) sets out and assesses the potential health-related effects associated with the Proposed Development, including in respect of emissions to air, noise and vibration, and the effects of electro-magnetic fields (EMFs) relating to the Proposed Electricity Connection in accordance with guidance contained in EN-5. The ES does not identify any significant residual health effects associated with the Proposed Development taking account of the implementation of mitigation measures, either embedded within the design of the Proposed Development or secured through requirements within the DCO.

7.2.82 With regard to electromagnetic fields, there are no residential receptors identified to be impacted due to their distance from the Site. As such, the only potential exposure to EMFs arises for construction workers and operational staff. With appropriate precautions in place taking account of industry standards, no significant health effects in the medium to long-term are predicted for construction workers and operational staff.

Common law nuisance and statutory nuisance (EN-1, 4.14)

7.2.83 Paragraph 4.14.2 of EN-1 states that it is very important that, at the application stage of an energy NSIP, possible sources of nuisance under section 79(1) of the Environmental Protection Act 1990, and how they may be mitigated or limited are considered by the SoS so that appropriate requirements can be included in any subsequent order granting development consent. There is also a requirement to provide such a statement under APFP Regulation 5(2)(f).

7.2.84 EPWM has therefore prepared a Statutory Nuisance Statement (Document Ref. 5.9) in order to satisfy the requirements of APFP Regulation 5(2)(f). The Statement identifies the sources where there is the potential for the Proposed Development to result in nuisance and the measures to prevent and mitigate such nuisance occurring. The statement concludes that through the mitigation

measures secured in the DCO no statutory nuisance effects are considered likely to occur.

- 7.2.85 Article 24 of the draft DCO 'Defence to proceedings in respect of statutory nuisance' seeks to provide EPWM with a defence to statutory nuisance proceedings so as to enable the Proposed Development to proceed. However, no such effects are anticipated within the ES. The draft DCO also includes a requirement for a 'Construction environmental management plan' that will mitigate and limit nuisance during construction.

Security considerations (EN-1, 4.15)

- 7.2.86 Paragraph 4.15.1 states that national security considerations apply across all national infrastructure sectors. Overall responsibility for security of the energy sector lies with BEIS. Paragraph 4.15.2 goes on to state that government policy is to ensure that, where possible, proportionate protective security measures are designed into new infrastructure at an early stage. Where applications for development consent for infrastructure relate to potentially critical infrastructure, there may be national security considerations.
- 7.2.87 The Proposed Development would be located on land within and immediately adjacent to the existing SHBPS. There are existing security measures at the existing SHBPS, including restricted access and security fencing. The works descriptions in Schedule 1 of the DCO, Document Ref. 2.1) sets out the further security measures that would be provided as appropriate at other parts of the Site and these are assessed in the ES (Document Ref. 6.2) and considered in Section 4 of this document.

Generic Impacts

- 7.2.88 The 'generic impacts' set out in Part 5 of EN-1 are considered on the following pages in Table 7.1. Where the same impacts appear in the 'assessment and technology-specific information' parts of EN-3 they are also dealt with below. Table 7.2 references other specific parts of EN-3 not duplicated and the relevant part of the NPS is referenced.

Table 7.1: Generic Impacts

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
<p>Air quality and emissions (EN-1, 5.2 & EN-3, 2.5.37-45)</p>	<p>EN-1 acknowledges that air quality and emissions are likely to be a key area of concern when assessing the development of generating stations. Paragraph 5.2.4 of EN-1 states: <i>“Emissions from combustion plants are generally released through exhaust stacks. Design of exhaust stacks, particularly height, is the primary driver for the delivery of optimal dispersion of emissions and is often determined by statutory requirements”.</i></p> <p>Paragraphs 5.2.6 and 5.2.7 of EN-1 set out the requirements for applicants to assess issues relating to air quality and emissions as part of an ES.</p> <p>EN-1 states that the ES should describe:</p> <ul style="list-style-type: none"> • any significant air emissions, their mitigation and any residual effects distinguishing between the Proposed 	<p>Air quality has been considered in detail within ES Chapter 7 ‘Air Quality’ with related human health issues considered in Chapter 18 ‘Human Health’.</p> <p>The Proposed Development will comply with stringent air emissions and operational controls set at a European level (under the IED) to limit impacts on air quality and safeguard the health of the local population. Compliance with these controls will be continuously monitored and regulated by the EA through the Environmental Permit; and should the Proposed Development fail to comply, the operator will have to address the issue or cease operation.</p> <p>Chapter 7 ‘Air Quality’ of ES Volume I (Document Ref. 6.2.7) provides an assessment of the effects of the Proposed Development in terms of air quality.</p>	<p>No change</p> <p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>Development stages and taking account of any significant emissions from any road traffic generated by the Proposed Development;</p> <ul style="list-style-type: none"> • the predicted absolute emission levels of the proposed Development, after mitigation methods have been applied; • existing air quality levels and the relative change in air quality from existing levels; and • any potential eutrophication impacts. <p>Paragraph 5.2.9 states that air quality considerations will be given substantial weight where a Proposed Development would lead to deterioration in air quality in an area or leads to a new area where air quality breaches any national air quality limits. Air quality considerations will also be important where substantial changes in air quality levels are expected, even if this does not lead to any breaches of national air quality limits.</p>	<p>The effects of construction emissions from construction dust, with the application of best practice mitigation, are considered to be not significant.</p> <p>The effects of emissions from construction road traffic and on-site plant are also considered to be not significant. Therefore, the effects of construction activities on air quality and from the Proposed Development as a whole are considered to be not significant.</p> <p>The management of dust and particulates and the application of adequate mitigation measures will be enforced through the Construction Environmental Management Plan ('CEMP'), and through the application of appropriate mitigation according to the risk of dust emissions from Site activities as identified in this assessment. An Outline CEMP has been submitted as part of the Application, (Document Ref. 6.4.4) and a Requirement</p>	<p>No change</p> <p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>Paragraph 5.2.10 requires decisions to take account of any relevant statutory air quality limits. Where the limits would be breached, developers should work with the relevant authorities to secure appropriate mitigation measures to allow the proposal to proceed.</p> <p>Paragraph 5.2.11 states consideration should be given whether mitigation measures are needed for both operational and construction emissions. A construction management plan may help codify mitigation.</p> <p>Paragraph 2.5.38 of EN-3 recognises that CO2 emissions may be a significant adverse impact of waste combustion generating stations.</p> <p>Paragraph 2.5.39 confirms that the Industrial Emissions Directive (IED) is relevant to waste combustion generating stations and (paragraph 2.5.41)</p>	<p>forming part of the draft DCO secures the submission and approval (prior to construction), and then implementation of a final CEMP.</p> <p>Furthermore, the Applicant has committed to implement a number of transport and travel plans during the construction and operation of the Proposed Development that will be aimed at promoting sustainable modes of transport and reducing pollution related air quality impacts.</p> <p>The operation of the Proposed Development will use best available techniques as required by the environmental permitting regime. As a result, no specific additional mitigation has been identified as necessary for the operational phase and no significant effects have been identified.</p> <p>The effects on air quality and emissions from the Proposed Development as a</p>	<p>No change</p> <p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>compliance with the IED is enforced through the environmental permitting regime regulated by the Environment Agency. Paragraph 4.5.42 confirms that the pollutants of concern include nitrogen and sulphur oxide, particulates and CO₂ and heavy metals, dioxins and furans.</p> <p>EN-3 paragraph 2.5.43 states that where a proposed waste combustion generating station meets the requirements of the IED and will not exceed local air quality standards, the SoS should not regard the proposed waste generating station as having adverse impacts on health.</p>	<p>whole are therefore not considered as significant.</p> <p>Consistent with construction mitigation, it has been assumed that relevant best practice mitigation measures would be in place during any decommissioning and demolition works. No specific additional mitigation has been identified as necessary for the decommissioning and demolition phase of the Proposed Development at this stage and no significant effects have been identified.</p> <p>A Greenhouse Gas ('GHG') Emissions Assessment has also been included as part of ES Appendix 19A (Document Ref. 6.4.28). This considers GHG emissions during construction, operation and decommissioning of the Proposed Development. The document concludes that the Proposed Development would not have significant net GHG emissions, and they are not likely to likely to affect the</p>	<p>No change</p> <p>A further assessment of Greenhouse Gas Emissions has been undertaken as part of the Proposed Development.</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<p>UKs ability to meet the legally binding carbon budgets. Regarding the operational development the document states that emissions from the Proposed Development are offset by the displacement of the GHG emissions from alternative means of waste management (landfill). The Assessment confirms that the carbon intensity of electricity generated by the Proposed Development, once GHG displacements are included, is 72 tCO_{2e} per GWh, compared to the average grid value of 173 tCO_{2e} per GWh.</p> <p>It is therefore considered that, through the use of appropriate mitigation, the Proposed Development is in conformity with EN-1 and EN-3.</p>	
<p>Biodiversity and geological conservation (EN-1, 5.3)</p>	<p>Paragraph 5.3.5 of EN-1 states the Government's biodiversity strategy aim is to ensure:</p> <ul style="list-style-type: none"> • a halting, and if possible, a reversal, of declines in priority habitats and species, 	<p>Chapter 10 'Ecology' of ES Volume I (Document Ref. 6.2.10) provides an assessment of the potential effects of the Proposed Development upon ecology, features.</p>	<p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>with wild species and habitats as part of healthy, functioning ecosystems; and</p> <ul style="list-style-type: none"> 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 non-governmental decisions and policies. <p>Paragraph 5.3.6 of EN-1 states that the benefits of nationally significant low carbon energy infrastructure development may include benefits for biodiversity and geological conservation interests and these benefits may outweigh harm to these interests.</p> <p>Paragraph 5.3.7 on EN-1 states that as a general principle development should aim to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives.</p>	<p>A number of mitigation and enhancement measures are proposed to support the ecology, biodiversity and geology on the Site, as well as a number of habitat enhancements as expected by the NPPF and NELC Local Plan Policy 9 and 41.</p> <p>An Indicative Biodiversity Strategy (Document Ref 5.11) has been prepared to accompany the DCO application, which includes an Indicative Biodiversity Mitigation and Enhancement Plan ('BMEP'). A final BMEP will be agreed in accordance with a DCO requirement. The BMEP will include details on:</p> <ul style="list-style-type: none"> grassland mitigation new pond creation enhancement of existing ditch habitat the location and construction specifications for log pile refuges and bird nest boxes; 	<p>No change</p> <p>Improvement. Additional on-site habitat improvements which include, the creation of log pile refuges in the ecological mitigation and enhancement area; installation of bird nest boxes on mature trees to the west and south-west of the SHBPS; and existing ditches at the boundaries of the Site will be</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>Paragraph 5.3.8 states that in taking decisions, the IPC should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment.</p> <p>Paragraph 5.3.18 of EN-1 states that during construction appropriate mitigation measures should be included to ensure that activities will be confined to the minimum areas required for the works and to ensure that the risk of disturbance or damage to species is minimised.</p> <p>Paragraph 5.3.18 of EN-1 also states that, during operation, appropriate mitigation measures should be included to ensure that the risk of disturbance or damage to species is minimised. Development should aim to avoid</p>	<ul style="list-style-type: none"> • appropriate management of the habitats including the newly created grassland and new pond; • habitat monitoring; and • timetables and responsibilities for undertaking the above tasks. <p>The Consented Development has already agreed to contributions to the Cress Marsh habitat mitigation site to mitigate the loss of functionally linked habitat to the Humber Estuary SPA/ Ramsar within the footprint of the Proposed Development. This will be secured for the Proposed Development via a Development Consent Obligation (Document Ref. 5.13).</p> <p>The Proposed Development will also include mitigation for noise/ vibration and visual effects during construction, to ensure that there is no disturbance to waterbirds in adjacent fields that are</p>	<p>managed, and some areas widened, to provide enhanced habitat for water vole.</p> <p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>significant harm to biodiversity and geological conservation interests through mitigation and consideration of reasonable alternatives.</p>	<p>functionally linked to the Humber SPA/ Ramsar.</p> <p>Through mitigation the ES concludes that no significant residual adverse effects on habitats as a result of the construction of the Proposed Development are anticipated.</p> <p>ES Chapter 12 'Geology, Hydrology and Land Conditions of ES Volume I (Document Ref. 6.2.12) provides an assessment of the potential effects of the Proposed Development upon geotechnical and geo-environmental ground conditions and groundwater.</p> <p>ES Chapter 12 identifies that through the implementation of a CEMP any construction impacts on ground conditions will not be significant. For the operation of the Proposed Development appropriate management, housekeeping and preventative maintenance practices will be used, as required by the</p>	<p>No change</p> <p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<p>Environmental Permit for the operational Site, and this will mean no significant impacts on ground conditions are anticipated. During decommissioning effects are considered to be comparable to, or less than, those for construction activities (and controlled similarly) and therefore not considered to be significant.</p> <p>It is therefore considered that, through the use of appropriate mitigation, the Proposed Development is in conformity with EN-1.</p>	
Civil and military aviation and defence interests (EN-1, 5.4)	EN-1, section 5.4 notes that civil and military aerodromes and aviation technical sites, as well as other types of defence interests can be affected by new energy developments.	<p>No civil and military aviation and defence interests have been identified through the EIA Scoping or pre-application consultation that would be affected by the Proposed Development.</p> <p>Appropriate aviation warning lighting and notification of details to the UK DVOF & Powerlines at the Defence Geographic Centre are secured prior to commencement through Condition 23 of</p>	<p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<p>the Consented Development and would also be secured by DCO Schedule 2 Requirement 30 'Air Safety'.</p> <p>It is therefore considered that, through appropriate mitigation, the Proposed Development is in conformity with EN-1.</p>	
Coastal Change (EN1, 5.5)	<p>Section 5.5 of EN-1 is concerned both with the impacts which energy infrastructure can have as a driver of coastal change and with how to ensure developments are resilient to on-going and potential future coastal change.</p>	<p>The Site is located in Flood Zone 3a.</p> <p>The Proposed Development will not involve the need for any operations that could cause coastal change i.e. dredging, cooling water or a marine landing facility and is therefore not anticipated to have an impact on future coastal change.</p> <p>A Flood Risk Assessment is provided at Appendix 14A of ES Volume III (Document Ref. 6.4.26). This demonstrates that the Proposed Development would, with appropriate mitigation, remain safe during construction and throughout its lifetime and would not increase flood risk</p>	<p>No change</p> <p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<p>elsewhere. This is in part due to critical infrastructure and personal refuge being outside the flood plain and above the flood level agreed with the Environment Agency. The Proposed Development is, therefore, considered to be acceptable in flood risk terms. Furthermore, the future occupier will sign up to the Environment Agency flood warning scheme.</p> <p>It is therefore considered that the Proposed Development is in conformity with EN-1.</p>	
<p>Dust, odour, artificial light, smoke, steam and insect and vermin infestation (EN-1, 5.6 & EN-3, 2.5.59-63)</p>	<p>EN-1 acknowledges that the construction/ demolition, operation and decommissioning of energy infrastructure has the potential to affect air quality through the release of odour, dust, steam, smoke, artificial light and insect infestation.</p> <p>Paragraph 5.6.5 of EN-1 provides advice regarding the assessment of these</p>	<p>Chapter 7 'Air Quality' of ES Volume I (Document Ref. 6.2.7) confirms that the operation of the Proposed Development is not considered to have the potential to cause odour, dust, steam or smoke impacts based on the plant's operation.</p> <p>The Local Authority and the EA have been consulted through pre-application consultation and through the Scoping</p>	<p>No change</p> <p>Further consultation undertaken as part of DCO.</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>impacts. It is advised that the assessment should describe:</p> <ul style="list-style-type: none"> • 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 emissions on identified premises or locations; and • measures to be employed in preventing or mitigating the emissions. <p>Paragraph 5.6.7 of EN-1 states that, in decision making, the SoS should be satisfied that an assessment of the potential effects in respect of artificial light, dust, odour, smoke, steam and insect infestation has been carried out; and be satisfied that all reasonable steps have been taken to minimise any detrimental impacts.</p>	<p>Report regarding the proposed approach to assessment of air impacts.</p> <p>The assessment details the identified sensitive receptors in the vicinity of the Site, the current baseline air quality conditions, the assumptions regarding the nature, duration and scale of emissions, and the predicted effect of emissions on identified sensitive receptors, using conservative assumptions where necessary in order to present a worst-case scenario. Embedded mitigation measures were included with the assessment concluding no significant impact on any identified receptor.</p> <p>Management of artificial light would be controlled at the detailed design stage in accordance with the submitted Indicative Lighting Strategy (Application document Ref. 5.12) secured by a DCO Schedule 2 Requirement.</p>	<p>Slight improvement. Details of the management of these matters are set out in Statutory Nuisance Statement and will be controlled by the environmental permit.</p> <p>No change.</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>Paragraphs 2.59-2.63 of EN-3 specifically cover odour, insect infestation and vermin in relation to EfW projects.</p>	<p>The methods for control of odour, insects and vermin are assessed within the Statutory Nuisance Statement (Document Ref. 5.9) and will be controlled by the environmental permit.</p> <p>The effects on dust, odour, artificial light, smoke, steam and insect and vermin infestation from the Proposed Development as a whole are not significant.</p> <p>It is therefore considered that, through appropriate mitigation and management, the Proposed Development is in conformity with EN-1 and EN-3.</p>	<p>Slight improvement. Details of the management of these matters are set out in Statutory Nuisance Statement and will be controlled by the environmental permit.</p>
<p>Flood risk (EN-1, 5.7 & EN-3, 2.3.3)</p>	<p>Paragraph 5.7.4 of EN-1 requires that applications for energy projects of 1 hectare or greater in Flood Zone 1 in England or Zone A in Wales and all proposals for energy Proposed Developments located in Flood Zones 2 and 3 in England should be accompanied by a Flood Risk Assessment ('FRA').</p>	<p>The Site is located in Flood Zone 3a.A Flood Risk Assessment is provided at Appendix 14A of ES Volume III (Document Ref. 6.4.26). This demonstrates that the Proposed Development, subject to mitigation, would remain safe during construction and throughout its lifetime and would not</p>	<p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>Paragraph 5.7.9 states that in determining an application for development consent, the IPC should be satisfied that where relevant:</p> <ul style="list-style-type: none"> • the application is supported by an appropriate FRA; • the Sequential Test has been applied as part of site selection; • a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk; • the proposal is in line with any relevant national and local flood risk management strategy¹¹⁴; • priority has been given to the use of sustainable drainage systems (SuDS) (as required in the next paragraph on National Standards); and • in flood risk areas the project is appropriately flood resilient and resistant, including safe access and escape routes where required, and that 	<p>increase flood risk elsewhere and is, therefore, considered to be acceptable in flood risk terms. It is therefore considered that, through appropriate mitigation, the Proposed Development is in conformity with EN-1 and EN-3.</p>	

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>any residual risk can be safely managed over the lifetime of the development.</p> <p>EN-3 (paragraph 2.3.3) states that applicants should consider how EfW generating stations will be resilient to flooding.</p>		
<p>Historic environment (EN-1, 5.8)</p>	<p>Section 5.8 of EN-1 acknowledges that the construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment.</p> <p>Paragraph 5.8.8 requires applicants to provide a description of the significance of the heritage assets affected by the proposed development and the contribution of their setting to that significance.</p> <p>Where a development site affects, or possibly includes heritage assets with an archaeological interest, the applicant should carry out an appropriate desk-based assessment.</p>	<p>Chapter 13 'Cultural Heritage' of ES Volume I (Document Ref. 6.2.13) provides an assessment of the effects of the Proposed Development upon designated heritage assets (within a 5 km study area) and non-designated assets (within a 1 km study area).</p> <p>A total of 3 Scheduled Monuments have been recorded within 5km of the Site. Six Grade II listed buildings are within 3 km of the Site. A further seven Listed Buildings have been identified within a 5 km radius that have either a Grade I or Grade II* designation.</p>	<p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>The extent of the impact of the proposed development on the significance of any heritage asset affected should be able to be adequately understood from the application documents.</p> <p>Paragraph 5.8.11 states that the SoS should assess the significance of any heritage asset that may be affected by the proposed development, taking account of:</p> <ul style="list-style-type: none"> • evidence provided with the application; • any designation records; • the Historic Environment Record; • the heritage assets themselves; • the outcome of consultations with interested parties; and • where appropriate, expert advice. <p>Paragraph 5.8.15 states that any harmful impact on the significance of a</p>	<p>There will be no physical impact upon any designated heritage assets during construction. There will also be no effect on buried archaeology as the Site has been extensively worked as part of the construction of the South Humber Bank Power Station). It is considered that any surviving remains will have been removed during this process.</p> <p>There may be temporary impacts on the historic environment due to changes in the setting of these assets during the construction of the Proposed Development such as through the use of temporary cranes. However, these are not considered to result in significant effects.</p> <p>The operation of the Proposed Development will result in an increased amount of traffic, and potential for increased noise and light levels within the Main Development Area. Due to its industrial context, this will not result in a</p>	<p>No change</p> <p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.</p>	<p>perceptible increase over the existing situation; therefore, there will be no impact on the significance of the assets identified.</p> <p>Decommissioning impacts will be temporary and will be similar to construction impacts (movement of traffic and machinery, potential for noise and dust and use of temporary lighting). The impacts will not be greater than those reported during construction (not significant).</p> <p>Due to the nature of the likely effects on built heritage there are no mitigation measures available; however, mitigation is not considered necessary as the predicted effects are not significant.</p> <p>It is therefore considered that the Proposed Development is in conformity with EN-1 and EN-3.</p>	<p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
<p>Landscape and Visual (EN-1, 5.9 & EN-3, 2.5.46-52)</p>	<p>Section 5.9 of EN-1 states that adverse landscape and visual effects may be minimised through appropriate siting of infrastructure, materials and design, and landscaping schemes.</p> <p>Paragraph 5.9.8 states that virtually all nationally significant energy infrastructure projects will have effects on the landscape. As such, projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.</p> <p>Paragraph 5.9.15 states that the SoS should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits of the Proposed Development.</p>	<p>Section 4 of this document gives regard to the design principles and identifies how the design and materials to be used for the Proposed Development fits in with the surrounding context of the area.</p> <p>Chapter 11 'Landscape and Visual Amenity' of ES Volume I (Document Ref. 6.2.11) provides an assessment of the effects of the Proposed Development on landscape character and visual amenity. The study area for landscape and visual effects includes areas where it is considered that there is potential for significant direct or indirect effects on landscape character or sensitive views due to the construction, operation and decommissioning stages of the Proposed Development.</p> <p>The visual assessment considered nine viewpoints, agreed with NELC. The viewpoints have been chosen to illustrate the typical range of views of the Site from within the 5 km Study Area as</p>	<p>No change</p> <p>The Proposed Development's ES reviewed the viewpoints from the Consented Development and scoped out long distance viewpoints where these were not appropriate.</p> <p>The Proposed Development's ES reviewed the viewpoints from the Consented</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>Paragraph 5.9.17 states that the SoS should consider the design of the Proposed Development, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation.</p> <p>Paragraph 5.9.18 recognises that all proposed energy infrastructure is likely to have visual effects for receptors around proposed sites; however, in determining proposals, a judgment is to be made as to whether the visual effects on sensitive receptors outweigh the benefits of the Proposed Development.</p> <p>EN-3 (paragraph 2.5.47) requires the design of the proposed generating station to be of appropriate quality and minimise adverse effects on landscape character and quality.</p>	<p>experienced from residential receptors, publicly accessible roads, and Public Right of Ways towards the Site.</p> <p>In terms of effects, the assessment in Chapter 11 concludes that only one viewpoint (Viewpoint 9) is considered to have a moderate adverse (significant) visual effect. This viewpoint was however considered to be low in value due to it being dominated by infrastructure associated with the South Humber Bank Power Station and adjacent waste management facility (NEWLINCS).</p> <p>Chapter 17 'Cumulative and Combined Effects' of ES Volume 1 (Document Ref. 6.2.17) concludes that, when considered with other schemes, Viewpoint 5 would experience moderate adverse (significant) cumulative effects during construction and operation as a result of the introduction of the Sustainable Transport Fuels Facility</p>	<p>Development and scoped out long distance viewpoints where these were not appropriate.</p> <p>No change</p> <p>The shortlist of other developments relevant to the cumulative assessment has been updated since the Consented Development was</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>Paragraph 2.5.49 states the SoS should take into account the mass of buildings such as the fuel reception and storage required for waste combustion generating stations.</p> <p>Paragraph 2.5.52 goes on to state that applicants should landscape waste combustion generating station sites to visually enclose them at low level as seen from surrounding external viewpoints, making the scale of the generating station less apparent and helping to conceal lower level features.</p>	<p>and the Proposed Development; and Viewpoint 9 would experience major adverse (significant) cumulative effects during construction and operation as a result of the introduction of the Sustainable Transport Fuels Facility and the Proposed Development.</p> <p>No specific mitigation measures are proposed since it is difficult to avoid or mitigate this effect due to the size of the buildings and structures proposed.</p> <p>Overall, given the presence of existing large-scale power generation infrastructure in the landscape, and the efforts made by the Applicant to minimise the adverse effects on landscape character through the attention given to the roofline, massing, and retention of existing tree belts, the Proposed Development is considered to be compliant with NPS policy as the benefits of the Proposed Development outweigh the impacts on Viewpoints 5 and 9.</p>	<p>completed, so the cumulative effects assessment is not directly comparable.</p> <p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<p>It is therefore considered that, despite the impacts on some viewpoints, the Proposed Development is in conformity with EN-1 and EN-3.</p>	
<p>Land use including open space, green infrastructure and Green Belt (EN-1, 5.10)</p>	<p>EN-1 notes at section 5.10 that as energy infrastructure proposed developments will have direct effects on the existing use of the proposed site and may have indirect effects on the use, or planned use, of land in the vicinity for other types of development.</p> <p>Paragraph 5.10.3 recognises that it may not be possible for many forms of energy infrastructure to be sited on previously developed land, while paragraph 5.10.5 requires applicants to assess the effects of the proposed development on existing land uses at and near the site.</p> <p>Paragraph 5.10.9 requires applicants to safeguard any mineral resources on the proposed site as far as possible, taking</p>	<p>The principle of the use of the Site for an EfW facility has already been established by virtue of the Planning Permission for the Consented Development, which is for the same type and amount of development.</p> <p>The Site has been selected for the following reasons:</p> <ul style="list-style-type: none"> • It is situated in an industrial setting with few immediate receptors and will rarely be viewed from close quarters, instead appearing in long distance views; • The Site has little landscape, ecological, arboricultural, and historical value and there are no specific designations on or immediately adjacent to the Site; 	<p>Establishment of permission for the Consented Development.</p> <p>No change other than the establishment of permission for the Consented Development.</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>into account the long-term potential of the land use after any future decommissioning has taken place.</p> <p>Paragraph 5.10.9 states mitigation measures should be considered for development affecting green infrastructure to ensure the connectivity of the green infrastructure network is maintained.</p>	<ul style="list-style-type: none"> • It is primarily located adjacent to the existing SHBPS, which provides visual screening and synergies in terms of existing workforce and services; • It benefits from excellent potential grid connections at the existing SHBPS; and • It benefits from existing highway accesses onto South Marsh Road which connects to the A1173 and the A180. <p>Therefore, no notable or significant impacts are anticipated and therefore the tests set out in the NPS have been satisfied.</p> <p>It is therefore considered that the Proposed Development is in conformity with EN-1.</p>	
<p>Noise and vibration (EN-1, 5.11 & EN-3, 2.5.53-58)</p>	<p>EN-1 (section 5.11) requires a noise assessment for development that is likely to cause noise impacts through operational use and proximity to noise sensitive receptors.</p>	<p>The noise and vibration effects of the Proposed Development are assessed at Chapter 8 'Noise and Vibration' of ES Volume I (Document Ref. 6.2.8).</p>	<p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>Paragraph 5.11.8 of EN-1 requires demonstration of 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.</p> <p>Paragraph 5.11.9 goes on to state that developments should:</p> <ul style="list-style-type: none"> • 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. 	<p>The location of key noise sensitive receptors ('NSRs') have been considered when assessing the effects associated with noise and vibration levels from the various phases of the Proposed Development.</p> <p>The noise predictions show that noise effects during construction, operation and decommissioning of the Proposed Development are not anticipated to be significant at the nearest residential receptors.</p> <p>Based on the distance of the nearest receptors and the nature of the Proposed Development, vibration from the construction and operation of the Proposed Development has been scoped out of the assessment.</p> <p>If, for construction, drop hammer piling is required during the winter months, when birds are present on the fields to the north and south of the Site, there is potential for</p>	<p>No change</p> <p>No change</p> <p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>Paragraph 2.5.57 of EN-3 identifies the main sources of noise and vibration for EfW generating stations as including delivery and movement of fuel and materials, processing waste for fuel, gas and steam turbines and air-cooled condensers. Paragraph 2.2.55 goes on to state that the SoS should be satisfied that noise and vibration will be adequately mitigated through requirements attached to the consent.</p> <p>Paragraph 2.5.57 of EN-3 states that the primary mitigation for noise from EfW generating stations is through good design to enclose plant and machinery in noise-reducing buildings, wherever possible, and to minimise the potential for operations to create noise.</p>	<p>a significant adverse effect on these birds, but this would be effectively mitigated, for example, either by changing the type of piling technique used and/ or applying seasonal or timing restrictions to drop hammer piling.</p> <p>The Biodiversity Strategy sets out a number of development design and impact avoidance measures that would be employed to limit and mitigate noise and vibration effects. This includes the piling mitigation identified above, the selection of quiet plant to reduce noise emissions, the selection of external cladding, louvres / baffles that provide a suitable weighted sound reduction, and the potential to design acoustically treated stacks and the potential to design cladding, louvres/ baffles, silencers and air inlets to reduce tonal noise from the Proposed Development. These are secured via requirements in the draft DCO governing piling methods, biodiversity protection, and biodiversity enhancement.</p>	<p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<p>The nature of decommissioning works is likely to be similar to that of construction works (with the exception of piling, which is not required for decommissioning). No significant effects are predicted.</p> <p>It is therefore considered that, with appropriate mitigation, the Proposed Development is in conformity with EN-1 and EN-3.</p>	No change
Socio-economics (EN-1, 5.12)	<p>Paragraph 5.12.1 on EN-1 acknowledges that the construction, operation and decommissioning of energy infrastructure may have socio-economic impacts at local and regional levels.</p> <p>Paragraph 5.12.3 states that the assessment within the ES should consider all relevant socio-economic impacts.</p> <p>Paragraph 5.12.6 confirms that SoS will have regard to the potential socio-</p>	<p>Chapter 15 'Socio-economics' of ES Volume I (Document Ref. 6.2.15) provides a socio-economic impact assessment of the Proposed Development.</p> <p>It is estimated that 731 construction jobs would be generated, of which 366 are expected to be from the Grimsby Travel to Work Area (TTWA). The direct, indirect and induced employment created by the construction phase of the Proposed Development is likely to have a major</p>	<p>No change</p> <p>As the socio-economics assessment for the Consented Development assessed the 'worst case' at that time (construction of a</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<p>TTWA's economy. The beneficial effect was also recognised in the officer's report for the Consented Development (Appendix 2).</p> <p>The decommissioning phase of the Proposed Development is expected to be similar to the construction phase and therefore is likely to have a minor beneficial (not significant) effect on employment in the local area.</p> <p>No adverse effects have been identified during the construction or operation of the Proposed Development, and as such no mitigation is required.</p> <p>It is therefore considered that the Proposed Development is in conformity with EN-1.</p>	<p>No change</p> <p>No change</p>
<p>Traffic and transport (EN-1, 5.13)</p>	<p>EN-1 (paragraph 5.13.3) states that if a Proposed Development is likely to have significant transport implications, the applicant's ES should include a transport</p>	<p>ES Volume I, Chapter 9 'Traffic and Transport' (Document Ref. 6.2.9) provides an assessment of traffic and transportation. A Transport Assessment</p>	<p>Further consultation undertaken with NELC and Highways England.</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>assessment, using the NATA/ WebTAG methodology stipulated in Department for Transport guidance, or any successor to such methodology. Applicants should also consult the Highways Agency and highways authorities as appropriate on the assessment and mitigation.</p> <p>Paragraph 5.13.4 requires applicants to prepare a travel plan including demand management measures to mitigate transport impacts.</p> <p>Paragraph 5.13.6 also requires applicants to include mitigation measures to sufficiently reduce the impact on transport infrastructure to acceptable levels.</p> <p>EN-3 (paragraphs 2.5.24-25) notes that EfW generating stations are likely to generate considerable transport movements both in terms of fuel delivery and removal of residues from site. Multi-</p>	<p>is provided at Appendix 9A of ES Volume III (Document Ref. 6.4.12).</p> <p>Chapter 9 assesses the overall effects of construction traffic associated with the Proposed Development and identified that it will not have significant adverse effects on the road network in terms of capacity and will not affect sensitive road users (pedestrians and cyclists).</p> <p>Once operational, there will be approximately 56 staff working in three shifts at the Proposed Development. Conservatively, assuming car occupancy of one, this equates to 56 cars per day. In addition, there will be up to 312 HGVs per day associated with the deliveries of fuel, consumables and equipment, and the removal of ash from the Site. Given the current traffic flows, the traffic effects during operation, maintenance and planned outages are considered to be not significant.</p>	<p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<ul style="list-style-type: none"> • Appropriate facilities will be provided on the site for the safe storage of cycles; • Local bus connections to the Site will be identified and communicated to all construction employees; • The Applicant will liaise with the Contractor for potential to implement staff minibuses and car sharing options; • The Contractor will be required to prepare a Construction Traffic Management Plan (CTMP), which will include a Construction Worker Travel Plan, to identify appropriate and safe routes to and from the site including the options listed above such as pedestrian and cycle access; and • A Construction Worker Travel Plan aimed at reducing the volume of construction staff trips to the Site, especially during peak hours will be implemented (a Framework Operational Travel Plan is included at Annex 7 of the 	

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<p>Transport Assessment in ES Volume III, Appendix 9A (Document Ref. 6.4.12).</p> <p>A Construction Traffic Management Plan ('CTMP'), Delivery and Servicing Plan ('DSP') and Operational Travel Plan ('OTP') will be secured by Requirements within the draft DCO (Document Ref. 2.1). A Construction Management Plan, DSP and OTP have been secured for the Consented Development through Conditions 10, 18 and 19 respectively.</p> <p>It is therefore considered that the Proposed Development is in conformity with EN-1.</p>	No change
Waste management (EN-1, 5.14)	<p>Section 5.14 of EN-1 acknowledges that all large infrastructure Proposed Developments are likely to generate hazardous and non-hazardous waste.</p> <p>Paragraph 5.14.6 requires applicants to produce a Site Waste Management Plan ('SWMP') and states that the applicant should seek to minimise the volume of</p>	<p>ES Volume 1, Chapter 16 Waste and Management', (Document Ref. 6.2.16) addresses waste management. It assesses the predicted effects of the Proposed Development during construction and operation in relation to the potential generation of waste.</p>	No change

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>waste produced and the volume of waste sent for disposal.</p> <p>Paragraph 5.14.6 states the SoS should be satisfied that:</p> <ul style="list-style-type: none"> • waste will be properly managed, both on and off site; • can be dealt with appropriately by the available waste infrastructure; and • adequate steps have been taken to minimise the volume of waste. 	<p>For the construction phase the amount of surplus excavated material and other construction waste is likely to result in a minor adverse effect and is not significant.</p> <p>The operation of the Proposed Development will primarily create bottom ash, which will either be landfilled or recycled as a secondary aggregate; and FGT residues, which will be disposed of as hazardous waste. The disposal of these process waste is considered to be a minor adverse effect and is not significant.</p> <p>Waste generated during decommissioning and demolition of the Proposed Development has been scoped out of the ES assessment because:</p> <ul style="list-style-type: none"> • there is no information on waste policies, regional waste arisings or facilities that may be in place when the Proposed Development is decommissioned (2053 or later), hence it is not possible to define a baseline; 	<p>No change</p> <p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<ul style="list-style-type: none"> • any future decommissioning contractor will be required to comply with relevant legislation and policy at that time; • the majority of materials generated during future decommissioning will comprise concrete and steel, both of which are likely to be recycled rather than disposed; and • there is no certainty on the timing or method of decommissioning, hence it is not possible to determine the quantities or types of waste that may be generated. <p>A requirement has been included in the draft DCO ('Construction environmental management plan') that will require the submission and approval of waste management details prior to the commencement of development.</p> <p>It is therefore considered that, with appropriate waste management methods, the Proposed Development is in conformity with EN-1.</p>	<p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
Water quality and resources (EN-1, 5.15 & EN-3, 2.5.84-87)	EN-1 (section 5.15) states that, where a Proposed Development is likely to have effects on water quality and resources, an assessment should be undertaken of the impacts of the Proposed Development.	The effect of the Proposed Development on water quality and resources is considered in Chapter 14 'Water Resources, Flood Risk and Drainage' of ES Volume I (Document Ref. 6.2.14).	No change
	Paragraph 5.15.6 states that the SoS should be satisfied that proposed developments have regard to the River Basin Management Plans and meet the requirement of the Water Framework Directive and related directives, including those on priority substances and groundwater.	In relation to the Proposed Development, potential impacts during construction can be avoided and minimised through standard construction management practices, as outlined in the outline CEMP Appendix 5A (ES Volume III) (Document Ref. 6.4.4).	No change
	Paragraph 5.15.9 states that the risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice.	During the operational phase, with appropriate measures put in place to prevent spillages, which will be secured through Environmental Permits, there is a low probability of pollution events occurring and therefore it has been concluded there are no significant adverse effects on surface or groundwater.	No change
	EN-3, paragraph 2.5.48, notes that the design of water-cooling systems for EfW generating stations may have additional		No change

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>impacts on water quality, abstraction and discharge.</p> <p>Paragraph 2.5.86 of EN-3 states that the SoS should be satisfied that the applicant has demonstrated measures to minimise adverse impacts on water quality and resources.</p>	<p>The Proposed Development will employ air cooled condensers (ACCs) so no water abstraction will be required.</p> <p>During the decommissioning phase, effects are considered to be comparable to, or less than, those for construction activities (and controlled similarly) and therefore not considered to be significant.</p> <p>It is therefore considered that, with appropriate management practices, the Proposed Development is in conformity with EN-1 and EN-3.</p>	<p>No change</p>

Table 7.2: Assessment and Technology Specific Considerations

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
<p>Factors influencing site selection by developers (EN-3, 2.5.22 – 2.5.23)</p>	<p>EN-3 (paragraph 2.5.22-23) explains that the applicant will usually have assured themselves that a viable grid connection exists, and refers to the requirement in EN-1 (Section 4.9) to include information on a grid connection and any particular environmental issues of that connection, within the DCO application.</p>	<p>The Grid Connection Statement (Document Ref. 5.2) describes the two options for a connection to export electricity generated by the Proposed Development. These are:</p> <ul style="list-style-type: none"> • an underground or overground cable to the National Grid Electrical Transmission (NGET) 400 kV system at the existing SHBPS 400 kV substation (located within the SHBPS but outside the Site); or • an underground cable to the Northern Powergrid 132 kV local distribution network, connecting to an existing transmission tower on South Marsh Road (located off Site). <p>The Applicant has engaged with both NGET and Northern Powergrid and concludes that both connection options are technically feasible.</p>	<p>No change / slight improvement in respect of viability.</p> <p>This is because the level of information available to the Applicant to carry out its assessment in ES Volume 1 Chapter 17: Cumulative and Combined Effects (Document Ref 6.2.17), is greater than that held at the time of the Planning Permission.</p> <p>Specific information and connection offers have been received from subsequent engagement with each undertaker.</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<p>Work Nos. 1 & 2 include for the works required for either option, within the Site (i.e. to the NGET substation or the Site boundary, as applicable) This will be constructed by the Applicant's chosen Engineering, Procurement and Construction (EPC) Contractor. These works are considered in the ES (Volume 1, Document 6.2). No additional effects than those already assessed for the other elements of the Proposed Development are likely.</p> <p>Works within the NGET 400kV substation, or an off Site connection to the Northern Powergrid local distribution network (depending on the option chosen), do not form part of the Proposed Development, and the relevant undertaker would rely either on their statutory powers or obtain the relevant consents for these works. The environmental effects of these works are considered in ES Volume 1 Chapter 17: Cumulative and Combined Effects (Document Ref 6.2.17). No significant cumulative or combined effects are likely</p>	<p>There is no change to the ES findings, with both showing no potential for significant cumulative effects.</p> <p>There is no change to the ES findings, with both showing no potential for significant cumulative effects.</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<p>as all works would be within existing built areas of the NGET compound or within highway and the Northern Powergrid substation (respectively).</p> <p>As to commercial arrangements, the Applicant has a Bilateral Connection Agreement (BCA) and Construction Agreement (Consag) offer open for acceptance with NGET for connection to the SHBPS 400 kV substation. The Applicant also has an open offer from Northern Powergrid for the provision of a 132kV connection at the Site. An offer is likely to be chosen and accepted in Q2 2020.</p> <p>In conclusion the Applicant has described the two potential options for the grid connection and their technical feasibility and environmental suitability and the responsibilities for designing and building these. The Applicant is also satisfied that a grid connection is viable as connection offers are held for each option. An offer is likely to be chosen and accepted in Q2 2020.</p>	<p>No change, although the agreements are further progressed than at the time of the Planning Permission.</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
<p>Flexibility in the project details (EN-3, 2.5.30)</p>	<p>EN-3 (paragraph 2.5.30) states that the SoS should recognise that waste combustion plant operators may not know the precise details of all elements of their developments until sometime after any consent has been granted. The applicant should therefore explain the elements of the scheme yet to be finalised and give reasons for this. Therefore, some flexibility may be required in the consent. The applicant should assess the effects the project could have to ensure that the project, as it may be constructed, has been properly assessed. In this way the maximum adverse scenario will have been assessed and the SoS should allow for this uncertainty in their consideration of the application.</p>	<p>As confirmed at paragraph 7.2.21 in relation to EN-1 Assessment Principle 'Environmental Statement' (EN-1, 4.2), EPWM has adopted the principles of the 'Rochdale Envelope' and has assessed through the EIA maximum (and where relevant minimum) 'worst case' dimensions and design parameters where flexibility is required. The approach adopted is in accordance with the advice set out in PINS Advice Note 9 (July 2018).</p> <p>Therefore, the maximum built dimensions and stack locations and height assessed in the ES are controlled and secured through the Works Plans along with a requirement in Schedule 2 of the DCO (Document Ref. 2.1). Requirements also govern the detailed design, materials, landscaping, and other attributes of the Proposed Development.</p> <p>Where flexibility is required within the Proposed Development, it is explained in ES Volume I, Chapter 4 'The Proposed Development' (Document Ref. 6.2.4) and,</p>	<p>No change</p> <p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<p>where relevant, within the relevant chapters of the ES, notably Chapter 11 'Landscape and Visual Amenity (Document Ref. 6.2.11).</p> <p>The Proposed Development is for the same type of development and the same maximum built dimensions and fuel throughput as the Consented Development. It is relevant that the overall approach to flexibility is consistent with the approach agreed with the local planning authority (North East Lincolnshire Council) during pre-application engagement (and during determination) for the Consented Development and reflected in the Planning Permission.</p> <p>It is therefore considered that the Proposed Development is in conformity with EN-3.</p>	No change
<p>National designations (EN-3, 2.5.33-34)</p>	<p>EN-3 (paragraph 2.5.33) states that within sites that are subject to national designations (i.e. Sites of Special Scientific Interest, National Nature Reserves, National Parks, the Broads,</p>	<p>The Site is not subject to any national designations.</p> <p>The Site is 175 m from the Humber Estuary SSSI (also a Special Area of</p>	<p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>Areas of Outstanding Natural Beauty and Registered Parks and Gardens), consent for renewable energy projects should only be granted where it can be demonstrated that the objectives of the designation of the area will not be compromised and any adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits.</p> <p>It also confirms that in relation to designated heritage assets (paragraph 2.5.34) that any loss or harm to an asset will need to be outweighed by the substantial public benefits to be acceptable.</p>	<p>Conservation). The ES (Volume 1 Chapter 10: Ecology, Document Ref. 6.2.10) considers the potential impacts on this designation from the construction, operation, and decommissioning of the Proposed Development. This identifies that with embedded mitigation to control surface water pollution during construction and operation there will be no adverse effects on the coastal and marine habitats of the Humber Estuary SSSI.</p> <p>Other assessment and mitigation is provided in relation to the features for which it is designated internationally, and this is described in the ES (Volume 1 Chapter 10: Ecology, Document Ref. 6.2.10) and the Habitats Regulations Assessment Signposting Report (Document Ref. 5.8).</p> <p>In conclusion the objectives of the SSSI designation of the area will not be compromised by the Proposed Development and a balancing exercise in paragraph 2.5.33 is not required.</p>	<p>No change</p> <p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<p>No designated heritage assets lie within or near to the Site and therefore the Proposed Development will cause no loss of such assets. The ES (Volume 1 Chapter 13: Cultural Heritage, Document Ref. 6.2.13) assesses the Proposed Development in relation to existing heritage assets and concludes the likely effects are considered to constitute less than substantial harm. The Document explains that <i>“a moderate significant effect is unlikely to meet the test of substantial harm and would therefore more often be the basis by which to determine that the level of harm to the significance of the asset would be less than substantial. In all cases determining the level of harm to the significance of the asset arising from development impact is one of professional judgment.”</i></p> <p>The residual effects on designated assets are identified as limited to two listed buildings and of ‘minor adverse’ (not significant) extent.</p>	

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		It is therefore considered that the Proposed Development is in conformity with EN-3.	
Green Belts (EN-3, 2.5.35)	EN-3 (paragraph 2.5.35) states that when located in the Green Belt, elements of many EfW projects will constitute inappropriate development, which may impact on the openness of the Green Belt. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.	There is no Green Belt land within the Site or within the administrative areas of any of the S43 local authorities for the Proposed Development. The Proposed Development will therefore not have any impacts on any nearby Green Belt areas and the Proposed Development is in conformity with EN-3.	No change
Waste management (EN-3, 2.5.64-70)	EN-3 (paragraphs 2.5.66-70) requires applicants to examine the conformity of applications for waste combustion generating stations with the Waste Hierarchy and the effect of the project on the relevant waste plan or plans (where it is likely to involve more than one local	The Applicant has provided a Fuel Availability and Waste Hierarchy Assessment (Document Ref. 5.7) to address the requirements of paragraphs 2.5.66-2.5.70 of EN-3. This confirms that there is adequate availability of fuel for the Proposed Development; it accords	No change

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>authority). The application should set out the extent to which the generating station capacity proposed contributes to the recovery targets set out in relevant strategies and plans, taking into account existing capacity. The results of the assessment of conformity should be presented in a separate document to accompany the application.</p>	<p>with Waste Hierarchy in that it will move the management of residual wastes away from landfill and up the Hierarchy to 'recovery'; it complies within relevant waste plans and policies; and it would make a significant contribution to addressing the shortfall in national energy recovery capacity.</p> <p>It is therefore considered that the Proposed Development is in conformity with EN-3.</p>	
<p>Residue Management (EN-3, 2.5.71-83)</p>	<p>EN-3 paragraph 2.5.72 notes the two types of residues are produced at generating stations burning waste; combustion residue and fly ash.</p> <p>Paragraph 2.5.73 notes that under the WID the two residues cannot be mixed and must be disposed of separately.</p> <p>Paragraph 2.5.77 requires applicants to consider disposal of waste as part of the ES and describe any proposals for recovery. Furthermore, that when the SoS considers noise and vibration, the release of dust and transport impacts, it</p>	<p>Two types of solid by-products (or residues) will be produced from the operation of the Proposed Development, each of which will have separate handling and disposal arrangements. These are considered in ES Volume 1 Chapter 4 'The Proposed Development' (Document Ref. 6.2.1).</p> <p>The first is bottom ash, which is the burnt-out residue from the combustion process. The bottom ash will be discharged from the boiler to a bottom ash bunker or concrete slab for storage.</p>	<p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>should be recognised that these impacts may arise as a result of the need for residue disposal as well as other factors.</p> <p>Paragraph 2.5.81 states the SoS should be satisfied that management plans for residue disposal satisfactorily minimise the amount that cannot be used for commercial purposes.</p> <p>Substantial positive weight should be given to proposals that have a realistic prospect of recovering residues.</p> <p>Paragraph 2.5.82 states that if the EA has indicated that there are no known barriers to it issuing an EP for operation of the proposed waste fuelled generating station and agrees that management plans suitably minimise the wider impacts from ash disposal, any residual ash disposal impacts should have limited weight.</p>	<p>Bottom ash will either be landfilled or recycled off-site as an aggregate.</p> <p>The facility would generate approximately 179,000 tonnes per annum (tpa) of wet (i.e. quenched) bottom ash which will need to be collected for disposal or recycling. Ferrous metals may be removed from the bottom ash by means of magnetic separators and discharged to a separate storage area for recycling.</p> <p>The second form of residue, FGT residues, comprise fine particles of ash and residues that are collected in the bag filters of the FGT system. It is estimated that the Proposed Development will generate approximately 20,600 tpa of FGT residue. The FGT residue will be stored in sealed silos adjacent to the FGT plant. Due to the alkaline nature of the FGT residues, they are classified as a hazardous material. As a result, the residues will be transported by road in a sealed tanker and either disposed of as hazardous waste or treated at an appropriate treatment facility and</p>	<p>No change</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<p>disposed of as non-hazardous waste or recycled as an aggregate.</p> <p>In respect of paragraph 2.5.81 of EN-3, ES Chapter 16 'Waste Management' (Document Ref 6.2.16) considers the bottom ash and FGT residue that will arise during operation and provides information on how these residues will be treated and disposed of. It assesses the worst case of all being disposed of to landfill, however, bottom ash is widely recycled in the UK, for use as a secondary aggregate. The operator will explore opportunities for the beneficial re-use of bottom ash as a secondary aggregate to avoid landfill if possible, in accordance with the waste hierarchy.</p> <p>EPWM currently holds commercial offers for the removal of boiler ash from the site to be used as an aggregate.</p> <p>It is therefore considered that the Proposed Development is in conformity with EN-3.</p>	<p>No change</p> <p>N/A</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
<p>Electric and Magnetic Fields (EMFs) (EN-5, 2.10)</p>	<p>NPS for Electricity Networks Infrastructure (EN-5) (Department for Energy and Climate Change (DECC), 2011b), although of limited relevance to the determination of the Application, provides specific policy in relation to EMF and their known and potential effects on health, stating at paragraph 2.10.15 that the applicant should consider the following factors in relation to EMFs:</p> <ul style="list-style-type: none"> • height, position, insulation and protection (electrical or mechanical as appropriate) measures subject to ensuring compliance with the Electricity Safety, Quality and Continuity Regulations 2002; • that optimal phasing of high voltage overhead power lines is introduced wherever possible and practicable in accordance with the Code of Practice to minimise effects of EMFs; and • any new advice emerging from the Department of Health relating to Government policy for EMF exposure guidelines. 	<p>Electromagnetic fields are considered at ES Volume 1, Chapter 18 'Human Health against relevant guidance.</p> <p>In relation to the option to export electricity through underground or overground electrical cables from a new substation to the existing SHBPS NGET 400 kV substation, no residential receptors are present within the study area and none are known to be likely in the future baseline, so there is no potential for significant EMF effects for the general public. Furthermore, as the NGET substation already exists and it will not be extended beyond its existing perimeter wall, which is over 45 m from the SHBPS site boundary, there will be no new EMF effects to the general public associated with its use.</p> <p>The alternative option, to export electricity through underground electrical cables from a new substation to a local distribution network tower approximately</p>	<p>N/A</p> <p>Direct comparison is not possible, as an EMF assessment was not carried out for the Consented Development, nor was specific information available on the two grid connection options at that time.</p> <p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>It further states that where it can be shown that the line will comply with the current public exposure guidelines and the policy on phasing, no further mitigation should be necessary.</p>	<p>2 km west of the Site also has no potential for significant EMF effects for the general public. The nearest residential receptor would be 70 m beyond the conservative EMF study area. As such, the only potential exposure to EMF arises for construction workers and operational staff associated with the Proposed Development and potential off-site electrical connection.</p> <p>During the detailed design of works to connect into the existing 400 kV substation or 132 kV connection, potential electromagnetic interference effects will be identified and mitigated through the application of electromagnetic compatibility industry accepted practice. Health risks due electromagnetic fields (EMF) from relevant sources including the substation and electrical connections will be reduced using the 'as low as reasonably practicable' (ALARP) principle. Measures to protect workers will include engineering and administrative controls,</p>	<p>No change</p>

Generic Impact	Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<p>personal protection programmes and medical surveillance in accordance with relevant legislation and guidance. These measures will be secured via the Control of Electromagnetic Fields at Work Regulations 2016³⁰. With the appropriate precautions in place, no significant health effects in the medium to long-term for construction workers or operational staff are predicted.</p> <p>It is therefore considered that the Proposed Development is in conformity with EN-5.</p>	

³⁰ Control of Electromagnetic Fields at Work Regulations 2016 (European Commission, 2016) Retrieved from: <https://www.hse.gov.uk/radiation/nonionising/emf.htm>

7.3 National Planning Policy Framework

- 7.3.1 Relevant policies within the NPPF are introduced in Section 5 of this document.
- 7.3.2 A summary of the NPPF policies of most relevance to the Proposed Development and how it complies with these is provided in Table 7.3. The fourth column compares the Proposed Development with the Consented Development with respect to policy compliance.
- 7.3.3 Overall, the Proposed Development supports the key roles the NPPF identifies for the planning system, including sustainable development. The provision of secure and diverse supplies of low carbon energy is critical in terms of both contributing toward the reduction of greenhouse gas emissions and supporting industry and local communities. Furthermore, the Proposed Development would generate employment and increased spending within the local and regional economy during the construction and operational phases. In addition, the ES demonstrates that the Proposed Development would not result in unacceptable environmental effects, while its design includes measures to enhance biodiversity and ensure that it is resilient to the effects of climate change.

7.4 National Planning Policy for Waste

- 7.4.1 Potentially relevant policies within the NPPW are introduced in Section 5 of this document.
- 7.4.2 In relation to Paragraph 3 of the NPPW, the Proposed Development represents additional waste management capacity of more than local significance, and which addresses an identified need for waste management facilities nationally.
- 7.4.3 In relation to Paragraph 4, NELC as waste planning authority has, via the NELLP, identified a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities.
- 7.4.4 Paragraph 5 identifies other factors that waste planning authorities should use when assessing potential sites for waste management facilities, including their physical and environmental constraints, the capacity of existing and potential transport infrastructure and the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community.
- 7.4.5 NELC as waste planning authority has identified suitable locations in the NELLP against these NPPW policies. The locational policies in the NELLP (Policies 47 & 48) reflect these considerations.
- 7.4.6 As set out in section 7.5 below the Proposed Development complies with these policies, being co-located with other energy generation uses and in a generally industrial area away from residential areas and not subject to environmental designations, with good road access.
- 7.4.7 The acceptability of the Consented Development against these policies was established through the granting of the Planning Permission and the consideration given to these policies in its determination (see Appendices 1 &

2). The Proposed Development is for the same type of development and the same maximum dimensions and throughput as the Consented Development.

Table 7.3: NPPF Policy Assessment

NPPF Ref.	Policy Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
Part 6 Building a strong, competitive economy	Confirms that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meet the twin challenges of global competition and of a low carbon future.	<p>The Proposed Development would support sustainable economic growth through the provision of electricity generating capacity, for which there is a confirmed need, enhancing the security and diversity of UK energy supplies. The provision of secure energy supplies that are resilient to potential supply disruptions is critical to economic growth. The Proposed Development would have a significant beneficial impact on the Grimsby TTWA's economy during the construction phase and approximately 56 gross direct permanent operational jobs, creating both direct and indirect benefits for the local and regional economy. In addition, it would contribute to the delivery of the local development plan strategy, which refers to the suitability of the location for further power generation development.</p> <p>It is therefore considered that the Proposed Development is in conformity with the NPPF.</p>	No change
Part 9 Promoting sustainable transport	Aimed at facilitating more sustainable transport choices so as to contribute to wider sustainability and health objectives. Paragraph 111 states that all developments that	In order to promote sustainable transport, EPWM would implement traffic and travel management plans during construction and operation to minimise transport effects and encourage sustainable modes of transport. The traffic and travel management plans are secured by DCO Schedule 2 Requirements	No change

NPPF Ref.	Policy Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>generate significant amounts of traffic movement should provide a travel plan and be supported by a transport statement or assessment and these should consider the opportunities to make use of sustainable transport modes.</p>	<p>‘Construction traffic management and travel planning’ (which will secure a Construction Worker Travel Plan), ‘Operational travel plan’, and ‘Delivery and Servicing Plan’.</p> <p>The proposed Development will have the same transport impacts as the Consented Development.</p> <p>It is therefore considered that, with appropriate transport management, the Proposed Development is in conformity with the NPPF.</p>	<p>No change</p>
<p>Part 11 Making effective use of land</p>	<p>Focuses on the effective use of land in meeting the need for development, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 117 stresses the importance of accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or ‘brownfield’ land.</p>	<p>The Site has been selected by the Applicant for the Proposed Development, as opposed to other potentially available sites, for the following reasons:</p> <ul style="list-style-type: none"> • it is situated in an industrial setting with few immediate receptors and is not particularly sensitive from an environmental perspective; • it is primarily located within to the existing SHBPS, which provides visual screening in terms of the existing workforce and services; • it benefits from excellent grid connections (gas and electricity) on the existing SHBPS; • it benefits from existing highway access onto South Marsh Road, which links to the strategic highways network (the A180) via a short drive 	<p>No change</p>

NPPF Ref.	Policy Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
		<p>along Hobson Way, Kiln Lane and the A1173) a short distance to the west of the Site; and</p> <ul style="list-style-type: none"> it is not designated Green Belt land. <p>A more detailed description of the Site is provided in ES Volume 1 Chapter 3 'Description of the Site' (Document Ref. 6.2.3).</p> <p>It is therefore considered that the Proposed Development is in conformity with the NPPF.</p>	
<p>Part 12 Achieving well-designed places</p>	<p>Deals with the matter of design in the built environment. Paragraph 124 confirms that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development and is fundamental to good planning.</p> <p>Paragraph 127 confirms that Planning policies and decisions should ensure that developments; will function well and add to the overall quality of the area; are visually attractive; are sympathetic to local</p>	<p>Section 4 of this document demonstrates how EPWM has taken account of and appraised the Site's context, the approach that has been taken to design and how this has changed and evolved as a result of engineering design development and consultation. In view of the heavily industrialised context of the Site, the appearance of the buildings/ structures would be functional, reflective of the setting and purpose and would be typical of a modern power station. Where possible, opportunities have been taken to incorporate biodiversity enhancement. The draft DCO includes a Requirement which secures the detailed design of the Proposed Development. The requirement must be approved by the relevant planning authority.</p>	<p>Insignificant change, of no impact</p>

NPPF Ref.	Policy Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.</p>	<p>Minor additions to smaller structures that form part of the Consented Development will be required to enable the higher electrical output. However, these Additional Works will not affect the appearance in wider views or overall massing, when considered against their purpose and the industrial context, the design is considered to be “good” and therefore acceptable.</p> <p>It is therefore considered that the Proposed Development is in conformity with the NPPF.</p>	<p>Insignificant change, of no impact</p>
<p>Part 14 Meeting the challenge of climate change, flooding and coastal change</p>	<p>Focuses upon adapting to and mitigating the effects of climate change. Paragraph 148 highlights that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy. Paragraph 155 stresses that new development should be planned to avoid increased</p>	<p>The Site is located within Flood Zone 3 according to the EA’s Flood Map for Planning. A Flood Risk Assessment is provided at Appendix 14A of ES Volume III (Document Ref. 6.4.26). This demonstrates that the Proposed Development would remain safe during its lifetime and would not increase flood risk elsewhere and is, therefore, considered to be acceptable in flood risk terms.</p> <p>In order to protect the Proposed Development from a breach in the tidal flood defences an internal floor level providing a safe place of refuge for the occupiers of the Proposed Development area within the Site would need to be elevated above a level of 4.6 mAOD. Furthermore, all critical equipment assets, where possible, will also be raised above 4.6</p>	<p>No change</p> <p>Model flood level increased from 4.55mAOD to 4.6mAOD based on new data from the EA.</p>

NPPF Ref.	Policy Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
	<p>vulnerability to the range of impacts arising from climate change, including flood risk, coastal change, water supply and changes to biodiversity and landscape. Where development is necessary in areas at risk of flooding (paragraph 159) it should be made safe without increasing flood risk elsewhere. In such cases, it may be necessary for the development to satisfy the 'Sequential' and 'Exception' tests. The latter involves demonstrating that the development would provide wider sustainability benefits to the community that outweigh the flood risk and that it would be safe for its lifetime, without increasing flood risk elsewhere (paragraphs 155-165).</p>	<p>mAOD (or be otherwise adequately protected) and identification will also be undertaken of items of critical plant for which spares can be kept on Site. These measures are secured by way of a Requirement in the DCO. A number of additional mitigation strategies will be considered during the design process for the Proposed Development to ensure the operation of Site is maintained in the event of a flood or that outages are minimised. These strategies include, developing a Flood Emergency Response Plan and signing up to the Flood Warnings provided by the EA, providing flood resistance and resilience measures into the design of the buildings, and designing for failure, maintenance and capacity exceedance of the surface water drainage network.</p> <p>When compared to the Consented Development no changes other than the refinement of the modelled flood level of 4.6m are proposed.</p> <p>It is therefore considered that, with appropriate mitigation, the Proposed Development is in conformity with the NPPF.</p>	<p>No change</p>
<p>Part 15 Conserving and</p>	<p>Aimed at protecting and enhancing valued landscapes; geological conservation interests</p>	<p>The Proposed Development is located on land that is considered suitable for power generation. It is therefore considered that the Site represents an</p>	<p>No change</p>

NPPF Ref.	Policy Summary	Assessment	Difference in effects compared to the effects of the Consented Development?
enhancing the natural environment	and soil; minimising impacts on biodiversity and providing net gains in biodiversity where possible; and preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability (paragraph 170).	<p>appropriate location for the Proposed Development. The ES (Document Refs. 6.2) includes an assessment of the potential effects of the Proposed Development upon the natural environment in terms of soils, hydrogeology and land quality; surface water resources and flood risk; air quality; noise and vibration; ecology; and landscape and visual amenity.</p> <p>The ES confirms that with appropriate mitigation, where required, the Proposed Development would not result in unacceptable impacts upon the natural environment. Neither would it result in significant effects upon the health or amenity of people living within the locality of the Site. In addition, the Proposed Development incorporates measures to enhance biodiversity at the Site. An Indicative Biodiversity Strategy (Document Ref 5.11) has been prepared which includes an Indicative Biodiversity Mitigation and Enhancement Plan ('BMEP'). A final BMEP will be agreed in accordance with a DCO requirement. The BMEP will include details on:</p> <ul style="list-style-type: none"> • grassland mitigation • new pond creation • enhancement of existing ditch habitat • the location and construction specifications for log pile refuges and bird nest boxes; 	Slight improvement. Additional on-site habitat improvements which include, the creation of log pile refuges in the ecological mitigation and enhancement area; installation of bird nest boxes on mature trees to the west and south-west of the SHBPS; and existing ditches at the boundaries of the Site will be managed, and some areas widened, to provide

7.5 The Local Plan

7.5.1 The following section assesses the compliance of the Proposed Development with relevant policies in the North East Lincolnshire Local Plan (NELLP). It adopts a structure that reflects relevant considerations given in the decision for the Consented Development and highlights, where appropriate, where the Proposed Development differs.

7.5.2 The Decision Notice and Officers report can be found in **Appendix 1** and **Appendix 2** respectively.

Principle of Development

7.5.3 The principle of the development has been established through the planning permission granted for the Consented Development. It would use processed residual waste otherwise sent to landfill while recovering energy, complying with Strategic Objective SO10.

7.5.4 The Proposed Development will, like the Consented Development, provide up to 56 permanent jobs as well as providing for around 750 construction jobs during the peak of the build process (two stream development). This is consistent with Strategic Objective SO3. Moreover, this is provided within (intensifying) an existing employment area (Policy 8). The Proposed Development is an appropriate employment generating use and, in a sector, particularly supported in the NELLP, rather than requiring land allocated for future employment provision under Policy 7. The location of the Proposed Development is also in line with NELLP Policy 48 as it will be compatible with the existing industrial setting.

7.5.5 It is therefore considered that the principle of the development is acceptable.

Impact on Neighbours

7.5.6 There is substantial separation, along with pockets of heavy industry, between the Site and any of the nearest residential properties, and the Proposed Development would not create any additional impact in terms of built form. The traffic associated with the Proposed Development will remain the same as that associated with the Consented Development and would not represent an unacceptable increase on the local highways or on neighbouring uses.

7.5.7 It is therefore considered that the Proposed Development would not have a significant impact on any of the neighbouring residential properties and complies with Policy 5 of the NELLP.

Impact on Character of the Area

7.5.8 The Proposed Development does not directly affect any wildlife designations, has no significant impacts upon built heritage, and is in part brownfield land within the operational area of the existing SHBPS and therefore its location is consistent with the aims of Policy SO6.

7.5.9 The overall design concept, materials and orientation would respond to the site and in the context of the character of the area are considered to be an acceptable form of design. Conditions are established for the Consented Development in relation to the detailed site layout and external materials of the buildings and requirements for the details are proposed. Section 4 of this

document sets out how the Proposed Development represents a good design, and this is considered to accord with Policy 22 of the NELLP.

- 7.5.10 The submitted Landscape and Visual Amenity Assessment within Chapter 11 of the ES considers specifically the landscape and visual impacts of the proposed development. This section includes a detailed assessment of the character of the area and assesses the site's impact from nine viewpoints, a selection of which are subject to photomontage and wireframes, as described in ES Figures 11.5-11.18 (Document Ref. 6.3).
- 7.5.11 The assessment identifies that large-scale industrial buildings and structures and transport corridors located within the Study Area are characteristic features in the landscape. As such the construction of the Proposed Development will not introduce new uncharacteristic landscape elements to the landscape. It was also considered that the landscape has a high capacity to accommodate the Proposed Development due to the adjacent structures associated with the existing SHBPS and large-scale infrastructure within the wider assessment area.
- 7.5.12 With regards to appearance, the assessment considers that the presence of the Proposed Development, with its limited physical changes from the Consented Development, will not affect the aesthetic and perceptual qualities of the local landscape along the Humber Estuary.
- 7.5.13 Chapter 17 'Cumulative and Combined Effects' of ES Volume 1 (Document Ref. 6.2.17) concludes that, when considered with other schemes, Viewpoint 5 would experience moderate adverse (significant) cumulative effects during construction and operation as a result of the introduction of the Sustainable Transport Fuels Facility and the Proposed Development; and Viewpoint 9 would experience major adverse (significant) cumulative effects during construction and operation as a result of the introduction of the Sustainable Transport Fuels Facility and the Proposed Development. As with ES Chapter 11, no specific mitigation measures are proposed since it is difficult to avoid or mitigate this effect due to the size of the buildings and structures proposed.
- 7.5.14 The Additional Works are not considered to have any additional impact on the character of the area compared to the Consented Development as they are of the same overall function and have been incorporated into the overall massing of the development appropriately.
- 7.5.15 Details relating to external materials used, the layout and the general arrangement of the Site are appropriately managed through conditions on the Consented Development and Requirements in the DCO for the Proposed Development.
- 7.5.16 It is considered that the Proposed Development would not therefore cause any significant harm to the character of the area and complies with Policies 5, 22, 39 and 42.

Ecology

- 7.5.17 As the Site is located in close proximity to a number of relevant ecological constraints, including the Humber Estuary SAC/SPA/SSSI approximately 175 m east of the Site, a number of measures are identified in order to avoid impacts. These include suitable stack heights, a financial contribution towards

the South Humber Gateway strategic mitigation land in line with Policy 9, a close board fence approximately 2.5 m in height installed along the southern boundary to avoid visual disturbance to water birds using the field to the south, and various protection measures set out in the Biodiversity Strategy.

7.5.18 As part of the Consented Development a Section 106 (S106) Agreement between North East Lincolnshire Council and EP SHB Limited was entered into. This secured the appropriate level of off-site strategic ecological mitigation pursuant to Local Plan 2018 Policy 9. This ecological mitigation contribution, which is identified as a 'Habitat Contribution' within the s106, represents a figure of £105,378 towards the project in the South Humber Bank Mitigation Zone, i.e. at 'Cress Marsh' nearby to the west. A deed of variation is proposed to ensure that the obligations contained in the Consented Development S106 Agreement will continue to apply if the Proposed Development is constructed pursuant to the DCO in the Development Consent Obligation (Document Ref. 5.13).

7.5.19 In relation to mitigation for the loss of other on-site habitats besides water bird habitat, Figure 4.2 to ES Chapter 10 (Document Ref. 6.3.6) presents the indicative area proposed for ecological mitigation and enhancement on the Site's western boundary between the existing SHBPS and Hobson Way. The Biodiversity Mitigation and Enhancement Plan (see the Indicative Biodiversity Strategy, Document Ref. 5.11), to be agreed in accordance with a DCO requirement, will include details on:

- a total mitigation area of approximately 2.5 ha and of higher ecological value than the habitat lost;
- new pond creation;
- enhancement of existing ditch habitat;
- the location and construction specifications for log pile refuges and bird nest boxes;
- appropriate management of the habitats including the newly created grassland and new pond;
- habitat monitoring (including targets and thresholds for remedial action); and
- timetables and responsibilities for undertaking the above tasks

7.5.20 These mitigation measures represent an improvement compared to the Consented Development. They have been located to minimise or avoid impacts upon the operation of the Proposed Development and the operational land of the existing SHBPS.

7.5.21 Overall, the Proposed Development would be unlikely to have a significant impact on the Humber Estuary designated sites, either alone or in combination with other plans or projects, and an acceptable impact in relation to Policy 41 of the NELLP.

Transport

7.5.22 The operational traffic identified in the Transport Assessment, which is the same as for the Consented Development, will result in a significant increase

in traffic on South Marsh Road (East of Hobson Way) and on Hobson Way (North of South Marsh Road). This is because there is presently a low number of existing vehicles using South Marsh Road and Hobson Way, and there is ample capacity on the road for the anticipated increase. For all other links within the study area increases in traffic were considered to be at negligible levels. The proposed route to the strategic network (A180) will go via the A1173, Kiln Lane, Hobson Way and South Marsh Road and therefore avoid villages and towns and limit any potential for residential amenity disturbance.

- 7.5.23 With regards to the potential to use alternative transport methods, consideration will be given to the potential to use ports at Immingham, Hull and Goole for any large Abnormal Indivisible Loads for construction. Rail transport directly to the Site is not considered to be feasible for the Proposed Development as the Site is not rail connected, with the nearest railhead a short drive away at Immingham. In addition, fuel contracts have not yet been agreed and it is not known whether the suppliers have existing railheads. Opportunities to use rail facilities will be considered where appropriate during fuel contract negotiations.
- 7.5.24 The Transport Assessment considers that traffic increases associated with the construction of the Proposed Development are not significant. Similarly, the impacts of operational traffic on all road sections and junctions are also considered to be not significant.
- 7.5.25 The required parking is considered within the submitted Transport Assessment which identifies that 57 car parking spaces will be provided (3 disabled), 6 HGV spaces and 6 cycle spaces. This level of car parking has been identified as being suitable to accommodate staffing levels for the Proposed Development including a requirement for additional spaces during shift change over periods, visitor provision and a level of site flexibility. The inclusion of cycle parking to support alternative modes complies with Policy 36.
- 7.5.26 Overall, the Proposed Development is considered to be acceptable with regards to transport provisions and impact on traffic and complies with Policies 5 and 38 of the NELLP.

Pollution and Air Quality

- 7.5.27 The submitted ES, within Chapter 7 (Document Ref. 6.2.7), assesses the impact of the development in terms of air quality.
- 7.5.28 With regards to construction the ES identifies that, other than industry wide standard best practice measures, no specific additional mitigation is necessary for the construction phase of the Proposed Development. The enforcement of these standards would be secured through Requirement 'Construction environmental management plan' of the DCO requiring approval of a CEMP in line with the Outline CEMP enclosed in ES Appendix 5A (Document Ref. 6.4.4).
- 7.5.29 In relation to the operation of the Proposed Development, the air quality assessment confirms that with Emission Limit Value compliance for the operational plant (in accordance with use of Best Available Techniques (BAT) under the environmental permitting regime), and provision of the appropriate

stack height, no specific additional mitigation is necessary for the operational phase of the Proposed Development. The operation of the Proposed Development will require a permit from the Environment Agency to ensure adequate safeguarding and operational procedures are in place. The assessment confirms that with the measures secured in the permit no significant effects on human health receptors or ecological features will arise.

- 7.5.30 A Human Health Risk Assessment (HHRA) has been undertaken and is included as Appendix 7B of the ES (Document Ref. 6.4.6). Annex 1 of the HHRA assessment considered a total population of 148,000 within this urban and rural study area and concluded that predicted impacts associated with emissions of particulate matter, nitrogen dioxide and sulphur dioxide do not represent a significant effect when compared to the local baseline health of the population in each local authority area. Annex 2 reviewed health effects arising from emissions of metals and organic substances and concluded that actual receptors within Immingham, Grimsby and Cleethorpes, or other communities, would not be subject to a significant risk of carcinogenic and non-carcinogenic health effects from exposure to Compounds of Potential Concern via the inhalation and ingestion pathways as a consequence of the operation of the Proposed Development.
- 7.5.31 It is confirmed that the stack height will be secured in a requirement in Schedule 2 of the DCO, therefore meaning the assessments in the ES will remain correct.
- 7.5.32 It is therefore considered that the Proposed Development is suitable with regards to air quality and emissions and complies with Policy 5 of the NELLP.

Noise and Vibration

- 7.5.33 Chapter 8 of the ES (Document Ref. 6.2.8) relates to Noise and Vibration. This Chapter considers the likely impacts, any required mitigation measures and the residual effects of the development.
- 7.5.34 With regards to residential effects, the document identifies that as a result of the construction, and construction traffic, all residential receptors will have negligible adverse noise effects. This is also the case for construction vibration with receptors expected to have no significant vibration. No significant effects are also expected as a result of operational noise.
- 7.5.35 With regards to ecological receptors the assessment identifies that the construction noise could, without mitigation, have a moderate adverse effect as a result of piling on the adjacent field to the south, which provides functionally linked bird habitat. In order to mitigate the construction impacts on the ecological receptors it is identified that alternative piling methods or controls on when piling is undertaken should be used to reduce the noise impact. The assessment concludes that piling impacts can be reduced to minor adverse with suitable mitigation.
- 7.5.36 The piling noise mitigation measures to be employed during construction of the Proposed Development have not been fixed. This is as to allow the contractor to determine the best available technique for noise abatement during the piling works. However, a commitment to agree mitigation measures

with NELC will be secured by way of a Requirement in Schedule 2 of the draft DCO.

- 7.5.37 Regarding the operation of the Proposed Development a worst-case assessment was undertaken, and predicted noise levels identified fell well below background and ambient noise levels at NSRs and no significant noise or vibration effects are predicted to occur. Best practice measures to reduce noise will nevertheless be considered during the detailed design stage of the development, this could include; quiet plant, sound reducing cladding, louvres/ baffles and an acoustically treated stack.
- 7.5.38 The Proposed Development will not therefore give rise to noise disturbance to nearby uses, given the character of the area and the mitigation proposed, and is compliant with Policy 5 of the NELLP.

Soils and Contamination

- 7.5.39 Chapter 12 of the ES (Document Ref. 6.2.12) relates to 'Geology, Hydrogeology and Land Contamination'. This contains a desk assessment and identifies that in July 2019 a ground investigation was commissioned within the Main Development Area for the Consented Development. The conclusion of the assessment was that risk to human health was unlikely. New intrusive ground investigations are not considered necessary for the application nor a piling risk assessment, but these will be undertaken prior to construction.
- 7.5.40 A CEMP is secured by a DCO Schedule 2 Requirement, as was secured under Condition 10 of the Consented Development. The CEMP would include a range of measures associated with mitigating potential impacts including those associated with land contamination. Such measures would accord with legal compliance and best practice guidance. This would be prepared and implemented by the selected construction contractor.
- 7.5.41 Requirements on contaminated land and approval of a piling risk assessment are included within the DCO. These would provide for the approval of appropriate working methods and piling methods, and appropriate monitoring during construction.
- 7.5.42 The Proposed Development is therefore considered to be acceptable with regards to impacts on soils and contamination and is compliant with Policy 5 of the NELLP.

Drainage and Flood Risk

- 7.5.43 A Sequential Test is required to assess flood risk and Planning Practice Guidance recommends that the test be applied at all stages of the planning process to direct new development to areas with the lowest probability of flooding (Flood Zone 1). However, Planning Practice Guidance also confirms that:
- “The Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test”*
- 7.5.44 NELC's Guidance Note on 'Flood Risk Sequential and Exception Tests' (September 2016) states at 2.1 that the Sequential Test is not required when:

“The Council has already sequentially tested the site as part of an allocation for development within the development plan”

- 7.5.45 The Site is within Flood Zone 3a as defined on the Environment Agency Maps. In regard to the sequential test the Local Plan process considered the most appropriate sites allocated for this type of use taking into account flood risk. Given the Site has been allocated as an ‘existing employment area’ and is in close proximity to a number of sites allocated for ‘proposed employment’ it is therefore considered that the Local Plan allocation process has dealt with the sequential test and that this is a suitable and preferred site, in flood risk terms, to develop.
- 7.5.46 The submitted Flood Risk Assessment (FRA) identifies that due to the Site’s flood risk appropriate mitigation measures are required to ensure the occupiers of the Site are safe and that critical equipment can continue to function at the site in the event of such inundation or that outages are minimised.
- 7.5.47 In order to ensure that the development does not increase the flood risk elsewhere, surface water discharge from the Main Development Area within the Site will be restricted. In order to do this a surface water attenuation pond SuDS feature with a HydroBrake will be located at the eastern edge of the Main Development Area within the Site.
- 7.5.48 In order to protect from a breach in the tidal flood defences an internal floor level be providing a safe place of refuge for the occupiers of the Proposed Development area within the Site would need to be elevated above a level of 4.6 mAOD. Furthermore, all critical equipment assets, where possible, will also be raised above 4.6 mAOD (or otherwise be adequately protected) and identification will also be undertaken of items of critical plant for which spares can be kept on Site. These measures are secured by way of a Requirement in the DCO. A number of additional mitigation strategies will be considered during the design process for the proposed development to ensure the operation of Site is maintained in the event of a flood or that outages are minimised. These strategies include, developing a Flood Emergency Response Plan and signing up to the Flood Warnings provided by the EA, providing flood resistance and resilience measures into the design of the buildings, and designing for failure, maintenance and capacity exceedance of the surface water drainage network.
- 7.5.49 Through the aforementioned mitigation the FRA considers that the Proposed Development, like the Consented Development, would be able to operate in its proposed location without unacceptable impacts. The Proposed Development minimises risk to occupants and disruption in accordance with Policies 5 and 33 of the NELLP.
- 7.5.50 Appropriate surface water and foul drainage proposals are provided in accordance with Policy 34. These are secured via Requirements in the DCO. Foul drainage may comprise a package treatment plant on site. This is a new option which was not shown for the Consented Development and follows discussions with Anglian Water. This potential package treatment plant represents a slight benefit compared to the Consented Development.

Historic Environment

- 7.5.51 Chapter 13 'Cultural Heritage' of ES Volume I (Document Ref. 6.2.13) provides an assessment of the effects of the Proposed Development upon designated heritage assets (within a 5 km study area) and non-designated assets (within a 1 km study area).
- 7.5.52 A total of 3 Scheduled Monuments have been recorded within 5 km of the Site. Six Grade II listed buildings are within 3 km of the Site. A further seven Listed Buildings have been identified within a 5 km radius that have either a Grade I or Grade II* designation.
- 7.5.53 There will be no physical impact upon any designated heritage assets during construction. There will also be no effect on buried archaeology as the Site has been extensively worked as part of the construction of the South Humber Bank Power Station). It is considered that any surviving remains will have been removed during this process.
- 7.5.54 There may be temporary impacts on the historic environment due to changes in the setting of these assets during the construction of the Proposed Development such as through the use of temporary cranes. However, these are not considered to result in significant effects.
- 7.5.55 The operation of the Proposed Development will result in an increased amount of traffic, and potential for increased noise and light levels within the Main Development Area. Due to its industrial context, this will not result in a perceptible increase over the existing situation; therefore, there will be no impact on the significance of the assets identified.
- 7.5.56 Decommissioning impacts will be temporary and will be similar to construction impacts (movement of traffic and machinery, potential for noise and dust and use of temporary lighting). The impacts will not be greater than those reported during construction (not significant).
- 7.5.57 The Proposed Development, like the Consented Development, would preserve the character, appearance, significance and value of heritage assets and complies with Policy 39 of the NELLP.

Economy and Regeneration

- 7.5.58 The Proposed Development is considered to have positive socio-economic impacts due to the recruitment of around 750 construction workers during the peak build period and the employment of up to 56 full time workers when operational. In addition, there will be further economic benefit being derived by engineers, electricians and other services by sub-contracting opportunities engaged from local suppliers during construction and operational periods.
- 7.5.59 The submitted Socio Economic Assessment, found within Chapter 15 of the ES (Document Ref. 6.2.15), identifies that no significant adverse effects are expected during the construction, operation and decommissioning of the Proposed Development. It further identifies that as a result of the Proposed Development there will be significant beneficial effects from the net employment generated from both the construction and operational phases of the development.

- 7.5.60 An additional future economic impact that the scheme could have is in the form of CHP readiness. This could potentially provide usable excess heat to nearby residential sites or businesses.
- 7.5.61 Throughout the development process for the Consented Development and the Proposed Development the Applicant has engaged with Invest North East Lincs (<https://www.investnel.co.uk/>) who are supportive of the Project. The Applicant has also spoken with a number of local businesses in order to understand how the project can be compatible with local needs.
- 7.5.62 Overall, the Proposed Development will support the employment and economic growth objectives in Strategic Objective SO3 and Policy 1 of the NELLP.

Energy Efficient Development

- 7.5.63 Policy 32 of the NELLP, energy and low carbon living, seeks to ensure that developments are constructed in an energy efficient manner and a way that uses appropriate materials and layouts and minimises waste.
- 7.5.64 Durable materials which will maintain their appearance will be used as part of the Proposed Development. The materials will be designed to withstand the wear and tear of at least 30 years of operation, in an environment such as the South Humber Bank, so that any weathering will soften the appearance of the Power Generation Plant and integral infrastructure.
- 7.5.65 As far as is reasonably practical, the Proposed Development will use materials which can be disposed of sustainably (e.g. easily re-usable or recyclable).

7.6 Wider Legislation and other important and relevant matters

- 7.6.1 This section considers international and non-planning legislation of relevance to the Proposed Development and other matters that may be important or relevant in decision making for the Proposed Development.

Environmental Impact Assessment

- 7.6.2 The Environmental Statement and its Non-Technical Summary and Appendices (Document Refs. 6.1 – 6.4) demonstrates compliance with the EIA Regulations.
- 7.6.3 In particular, confirmation of compliance with the requirements of Regulation 14 of the EIA Regulations is contained in Table 1.1 in ES Volume 1 Chapter 1: Introduction (Document Ref. 6.2.1).

Habitats Regulations Assessment

- 7.6.4 The Habitats Regulation Assessment Signposting Document (Document Ref. 5.8) demonstrates compliance with the Conservation of Habitats and Species Regulations 2017 (as amended).
- 7.6.5 The HRA procedure is outlined in Section 3 of the Habitats Regulation Assessment Signposting Document and then information is set out in the subsequent sections.

Water Framework Directive Assessment

- 7.6.6 Chapter 14 of the ES, Water Resources, Flood Risk and Drainage (Document Ref. 6.2.14), provides assessment in relation to the Water Framework Directive and assesses the impacts of the scheme on relevant water bodies.

Waste Directive

- 7.6.7 Assessment in relation to the Waste Directive is presented in the ES Volume 1 Chapter 16: Waste Management (Document Ref. 6.2.16) and the Fuel Availability and Waste Hierarchy Report (Document Ref. 5.7).
- 7.6.8 Other aspects of the site's suitability, such as impacts on water, air and soils, are assessed as part of the submitted ES (Document Ref. 6.2).

Industrial Emissions Directive

- 7.6.9 The impacts of the Proposed Development on the environment caused by the incineration and co-incineration of waste are assessed in various chapters of the ES Volume 1 (Document Ref. 6.2). Chapters 7 'Air Quality' (Document Ref. 6.2.7), 12 'Geology, Hydrogeology and Land Contamination' (Document Ref. 6.2.12), and 16 'Waste Management' (Document Ref. 6.2.16) are of particular relevance assessment.
- 7.6.10 The Proposed Development will comply with stringent air emissions and operational controls set under the IED to limit impacts on air quality and safeguard the health of the local population. The operator will implement and maintain an Environment Management System (EMS) which will be certified to ISO 14001. The EMS will outline appropriate requirements and procedures. Sampling and analysis of pollutants will be carried out where required including monitoring of exhaust emissions levels using a Continuous Emission Monitoring System (CEMS) prior to discharge from the stacks. Compliance with these controls will be continuously monitored and regulated by the EA; and should the Proposed Development fail to comply, the operator will have to address the issue or cease operation.
- 7.6.11 The stack heights of 100m is also appropriate to safeguard human health and ecological receptors.
- 7.6.12 As a result, no specific additional mitigation has been identified as necessary for the operational phase and no significant effects have been identified.

Water Preferred Policy

- 7.6.13 Water is not anticipated to represent a feasible mode of transport for fuel supplies since there is no wharf at the site and the nearest wharfs are situated on the Humber Estuary rather than an inland waterway.

NELC Energy Vision

- 7.6.14 The Proposed Development is for an EfW plant which accords with page 12 of the Energy Vision which states that "*To achieve our ambitions we will therefore need to promote and invest in technologies such as: ... Energy from waste*".
- 7.6.15 The Energy Vision also seeks to support economic growth with renewable energy acting as a growth driver for the region by creating jobs and therefore

enhancing the quality of life of its residents. The Proposed Development is considered to have positive socio-economic impacts due to the recruitment of around 750 construction workers during the peak build period and the employment of up to 56 full time workers when operational. The economic benefit was recognised in the Officer's Report for the Consented Development.

South Humber Industrial Investment Programme (SHIIP)

- 7.6.16 As with the NELC Energy Vision, the SHIIP is part of NELC's Economic Strategy which seeks to ensure that the right conditions for growth are provided and it can achieve one of its key priorities to create a stronger local economy.
- 7.6.17 The Proposed Development is considered to have positive economic impacts due to the recruitment of around 750 construction workers during the peak build period and the employment of up to 56 full time workers when operational.
- 7.6.18 The delivery of the development on existing land associated with SHBPS will mean that further employment land is available for the other proposals that form part of the SHIIP strategy.
- 7.6.19 The Proposed Development will also be contributing to the strategic ecological mitigation project at Cress Marsh Nature Reserve which is identified as part of the SHIIP strategy.

Community Engagement

- 7.6.20 The Applicant has undertaken consultation in line with the NELC CEF and SCI, as well as the requirements of the Planning Act 2008.
- 7.6.21 A round of pre-application engagement was carried out for the Consented Development, including two exhibitions locally, the establishing of the project website, and other relevant methods. This was carried out in accordance with the NELC SCI and CEF.
- 7.6.22 Consultation for the Proposed Development took place from 28 October to 13 December 2019 using a range of methods agreed in advance with NELC and in accordance with their SCI and CEF.
- 7.6.23 The overall response to the consultation was positive, although the number of feedback forms received was limited. The matters raised by community respondents have been given due regard by the Applicant in accordance with Section 49 of the PA 2008.
- 7.6.24 Further detail on the outcomes of the community engagement and the Applicant's compliance with the SoCC are set out within the submitted Consultation Report (Document Ref. 5.1).

PINS EIA Scoping Report

- 7.6.25 In August 2019, EPWM submitted an EIA Scoping Report to PINS. The Scoping Report formally requested a Scoping Opinion pursuant to EIA Regulation 10(1).

- 7.6.26 The Scoping Opinion confirmed that the SoS was broadly satisfied with the suggested approach and topics covered by the EIA but drew EPWM's attention to a number of general points on the presentation of the ES, as well as points made in respect of specific topic areas. The Scoping Opinion and the points raised are addressed in each of the topic chapters included in the Environmental Statement (Chapters 1 to 20, Document Ref. 6.2).
- 7.6.27 A notable comment from the Scoping Opinion was in relation to GHG emissions. EN-1 5.2.2 notes *"Any ES on air emissions will include an assessment of CO₂ emissions, but the policies set out in Section 2, including the EU ETS, apply to these emissions. The IPC [Examining Authority] does not, therefore need to assess individual applications in terms of carbon emissions against carbon budgets and this section does not address CO₂ emissions or any Emissions Performance Standard that may apply to plant."* Nonetheless the Scoping Opinion from the Planning Inspectorate stated that *"The ES should assess the impacts of all greenhouse gas emissions over the lifetime of the Proposed Development where these are likely to lead to significant environmental effects."*
- 7.6.28 A Greenhouse Gas (GHG) Emissions Assessment has also been included as part of ES Appendix 19A (Document Ref. 6.4.28). This document presents an assessment of the impacts of the Proposed Development on the climate through GHG emissions during construction, operational life and decommissioning. The document concludes that the Proposed development would not have significant net GHG emissions, and they are not likely to likely to affect the UK's ability to meet the legally binding carbon budgets. Regarding the operational development the document states that emissions from the Proposed Development are offset by displacement of the GHG emissions from alternative means of waste management (landfill). The Assessment confirms that the carbon intensity of electricity generated by the Proposed Development, once GHG displacements are included, is 72 tCO_{2e} per GWh, compared to the average grid value of 173 tCO_{2e} per GWh.

8.0 ASSESSMENT OF THE BENEFITS AND ADVERSE IMPACTS OF THE PROPOSED DEVELOPMENT

8.1.1 This section identifies the key benefits of the Proposed Development as well as its likely significant adverse effects.

8.2 Benefits of the Proposed Development

8.2.1 The Proposed Development would have a number of very clear benefits, which can be summarised as follows:

- NPS EN-1 confirms the scale and urgency of the need that exists for all energy NSIPs, particularly low carbon and renewable forms of generation. The scale and urgency are corroborated by recent evidence from National Grid (Electricity System Operator), the Department of Business, Energy and Industrial Strategy, and the National Infrastructure Commission.
- The Proposed Development, with a gross electrical output capacity of up to 95 MW, would respond to this urgent need in a timely manner. Construction of the Consented Development is likely to commence in Q2 2020 and construction of the Proposed Development soon after the grant of the DCO.
- The Proposed Development would provide reliable base load generation over a lifetime of at least 30 years, contributing to energy security.
- NPS EN-3 identifies that recovering energy from the combustion of waste plays an important role in meeting the UK's renewable energy targets. NPS EN-3 highlights the benefit of EfW plants insofar as they stop waste passing further down the waste hierarchy. This is corroborated by the latest evidence, and strategic aims, set out in Defra's Clean Growth Strategy and 'Our Waste, Our Resources: A Strategy for England'.
- The Proposed Development 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 NELLP.
- A Greenhouse Gas ('GHG') Emissions Assessment (Document Ref. 6.4.28) has identified that over its lifetime the emissions from the Proposed Development are offset by the Proposed Development has a lower carbon intensity than the Consented Development as a result of the higher planned operational efficiency and over its lifetime the net emissions from the Proposed Development will have only a low magnitude of impact and represent a 'minor adverse' effect owing to the displacement of the GHG emissions (methane) from alternative means of waste management (landfill). The carbon intensity of the electricity generated by the Proposed Development will be substantially lower than the grid average. The net carbon intensity of electricity generated by the Proposed Development is 72 tCO_{2e} per GWh, compared to the average grid value of 173 tCO_{2e} per GWh (Table 8.5).
- The principle of the use of the Site for an EfW plant has already been established by the granting of the Planning Permission. The Proposed Development would be for the same type and scale (having the same maximum built dimensions) as the Consented Development. The Proposed Development is located immediately adjacent to the existing

SHBPS that already benefits from electrical and gas connections, and other infrastructure, minimising its impact upon the environment. The Proposed Development makes effective use of existing employment land which is partly subject to HSE consultation zones.

- The Proposed Development would provide significant benefits for the regional and local economy, in terms of direct and indirect employment during the construction and operation phases, and CHP readiness. These were recognised in the decision making for the Consented Development. These are additional to the economic benefits and employment development anticipated by the South Humber Industrial Investment Programme (SHIIP).
- The Applicant will contribute the appropriate amount under NELLP Policy 9 (£105,378) to support the delivery of a significant area of new wetland habitat nearby, secured via a Section 106 deed of variation.
- The Application also provides an improvement in on-site biodiversity provision compared to the Planning Permission and the Proposed Development has been designed in accordance with appropriate design principles.

8.3 Likely adverse effects of the Proposed Development

8.3.1 The likely significant adverse effects of the Proposed Development as identified in the ES, after taking account of mitigation secured within the DCO, are limited to landscape and visual impacts as follows.

- One visual amenity receptor (Viewpoint 9 – footpath users of the Public Right of Way (PRoW) along Middle Drain to the north-west of the Site) is predicted to experience significant adverse effects at construction, operation, and decommissioning, as a result of the close distance and height of the proposed structures; and
- Cumulative effects on views from Viewpoint 5 (Beechwood Farm Carvery) and Viewpoint 9 Middle Drain footpath) during construction and operation of the Proposed Development together with the construction and operation of other developments proposed in the vicinity of the Site.

8.3.2 Some adverse effects were assessed as minor (not significant) following mitigation including: the change to the impermeable area within the Site, and associated changes to surface water flows resulting in adverse effects on flood risk and drainage; the loss of 6.7 ha of semi-improved grassland of District nature conservation value during construction; and disturbance of waterbirds using field to south of Site due to noise/ vibration from drop-hammer piling.

8.3.3 The above adverse effects have been minimised through design, impact avoidance, and mitigation. Some impacts in relation to these topics are unavoidable in developing a largely undeveloped and low-lying Site.

8.3.4 Further detail can be found at ES Volume 1, Chapter 20 'Summary of Significant Residual Effects' (Document Ref. 6.2.20).

8.4 Balance of impacts and benefits

- 8.4.1 This section has identified a number of very clear and substantial benefits that the Proposed Development would deliver and facilitate. The NPS EN-1 and NPS EN-3 identifies that many of these types of benefit are to be given substantial weight. The benefits are appropriately secured in the DCO.
- 8.4.2 In contrast, few significant adverse effects have been identified and are limited to visual amenity impacts on one nearby undesignated viewpoint (which is no different to the Consented Development) and cumulative visual amenity impacts upon two nearby undesignated viewpoints (which is also no different to the Consented Development). These are unavoidable and arise due to the scale of the Proposed Development, which its electricity generation and waste management functions require, and the undeveloped and low-lying nature of the Site.
- 8.4.3 It is therefore considered that the benefits of the Proposed Development considerably outweigh its limited adverse impacts.

9.0 REQUIREMENTS, OBLIGATIONS, AND OTHER CONSENTS

9.1.1 This section refers the requirements included within the draft DCO; the procedure for the 'switchover' from the Planning Permission to the DCO if granted; the 'non-DCO' consents and licences required for the Proposed Development; and the need or otherwise for a development consent obligation.

9.2 Requirements

9.2.1 Schedule 2 'Requirements' of the draft DCO (Document Ref. 2.1) 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. Many of these would require the submission to and approval by the relevant planning authority of further details of the Proposed Development at the relevant stage following any grant of the DCO.

9.2.2 The majority of the requirements are based on the conditions attached to the Planning Permission and which relate to the Consented Development. This is appropriate as, given the nature of the Additional Works proposed as part of the Proposed Development and their lack of additional significant impacts, these are considered to be sufficient for controlling the Proposed Development and ensuring it does not result in unacceptable impacts.

9.2.3 Additional requirements have been added to take account of specific policies contained in EN-1 and EN-3, namely CHP readiness and decommissioning.

9.2.4 Two requirements have also been added to clarify procedures in respect of written amendments and to allow steps taken before the grant of the DCO to count towards compliance with requirements. These have been discussed and agreed in principle with the relevant planning authority.

9.2.5 The requirements would ensure that, amongst other matters:

- the relevant planning authority has control over the final design of the Proposed Development in relation to matters such as the detailed layout and external appearance of Work No. 1, the design of the highway accesses, lighting, boundary treatment, surface and foul water drainage and flood risk mitigation, all within the confines of the limits of deviation and parameters secured in the DCO;
- the construction and operational effects of the Proposed Development are controlled, including in relation to matters such as noise and vibration, contaminated land and groundwater, construction working hours and traffic management;
- all other necessary mitigation identified in the ES is secured;
- construction waste arisings are suitably controlled and managed;
- CHP readiness is secured; and
- a suitable plan for decommissioning is submitted to and agreed by the relevant planning authority.

- 9.2.6 Schedule 3 of the DCO (Document Ref. 2.1) demonstrates that each condition on the Planning Permission is addressed by a numbered Requirement for the same topic.
- 9.2.7 The intended purpose and effect of the draft requirements is explained in more detail within the Explanatory Memorandum (Document Ref. 2.2).
- 9.2.8 It is considered that all the requirements are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable in all other aspects.
- 9.2.9 Article 28 of the DCO (Document Ref. 2.1) further provides that each requirement is to be treated as a planning condition by deeming them as falling under the provisions of sections 72 and 78 of the Town and Country Planning Act 1990. This provides a familiar formal process to the Relevant Planning Authority for processing, consulting on where necessary, and publishing decisions on, the discharge of Requirements.
- 9.3 The ‘switch over’ from the Planning Permission to the DCO**
- 9.3.1 As mentioned above, the Proposed Development comprises the works contained in the Consented Development, along with the Additional Works. These are set out in section 4.3 of this report along with an explanation of their purpose.
- 9.3.2 The likely scenario is for work on the Consented Development (pursuant to the Planning Permission) to commence in Q2 of 2020 and to continue for around three years. Following 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 powers in the DCO instead of the Planning Permission.
- 9.3.3 Article 5 of the DCO sets out the way in which the DCO will interact with the Planning Permission. An explanation of the operation of Article 5 can be found in the Explanatory Memorandum (Document Ref. 2.2). It provides that EPWM cannot implement the DCO until it has served notice on the relevant planning authority (Article 5(1)). When EPWM serves this notice there are three consequences. The first is that there can be no further development pursuant to the Planning Permission. The second and third are that the conditions on the Planning Permission are no longer enforceable, and the requirements in the DCO apply instead. From that point on EPWM will be implementing the DCO and the requirements (in Schedule 2 of the DCO) will govern the works, rather than the conditions attached to the Planning Permission.
- 9.3.4 The service of the notice ensures that the relevant planning authority has clarity as to the point at which there is a switch between the conditions in the Planning Permission and the requirements in the DCO. The notice will be recorded on the planning register, a public record, to ensure that there is transparency in respect of the switchover (Article 5(8)).
- 9.3.5 Article 5 also provides that any approvals pursuant to conditions will be “pulled across” and the approval is deemed to have taken place under the equivalent requirement in the DCO.

- 9.3.6 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.
- 9.3.7 Alternative construction scenarios, involving construction entirely pursuant to the DCO, are also possible. Accordingly, three representative scenarios are described within Chapter 5 'Construction, Programme and Management' of the ES Volume I (Document Ref. 6.2.5) and assessed in the ES.
- 9.3.8 Article 5 has been discussed and agreed in principle with the relevant planning authority. As part of these discussions the Applicant has, for example, inserted Article 5(6) (requiring the Applicant provides a 'requirements discharge schedule' at the time of making the switchover, to provide a record of the position at that point in time) and Article 5(7) (requiring the relevant planning authority to confirm whether it is in agreement with the details set out in the requirements discharge schedule and if not to give reasons). Article 5 therefore provides a formal and transparent switchover process.
- 9.3.9 Article 5 is explained further in the Explanatory Memorandum (Document Ref. 2.2).

9.4 Other Consents and Licences

- 9.4.1 There are other consents and licences, in addition to the DCO, that are required in respect of the construction and operation of the Proposed Development. The PA 2008 provides the ability to include some these within a DCO. However, a number of consents and licences, in particular, the Environmental Permit for the Proposed Development, will be obtained separately to the DCO.
- 9.4.2 As confirmed in section 6 of this document, EN-1 (paragraph 4.10.6) advises applicants to make early contact with relevant regulators to discuss the requirements for the necessary applications and to ensure that these take account of all relevant considerations and that the regulators are able to provide timely advice and assurance to the SoS with regard to the consents and licences. EN-1 also states that where possible, applicants are encouraged to submit applications for Environmental Permits and other necessary consents at the same time as applying to the SoS for a DCO.
- 9.4.3 The Other Consents and Licences document (Document Ref. 5.4) lists those consents and licences that are required for the Proposed Development that are being, or will be, obtained separately to the DCO and the application status of these (or their anticipated timescales) correct as at the time of making the Application. It will be updated as required during the examination of the Application. The Applicant is not aware of any reasons why these consents and licences would not be granted.

9.5 Development Consent Obligation

- 9.5.1 A Development Consent Obligation (Document Ref. 5.13) is proposed to ensure that the obligations contained in the Consented Development Section 106 Agreement will continue to apply if the DCO is implemented.
- 9.5.2 The S106 for the Consented Development principally requires the Applicant to pay the sum of £105,378 towards the South Humber Gateway Mitigation Scheme, in accordance with Policy 9 of the NELLP.

9.5.3 The Development Consent Obligation seeks a minor adjustment to the ‘trigger’ for this payment, from ‘Occupation’ to ‘Start of Operation’, being defined as ‘commissioning of the Development has been completed and it is generating electricity on a commercial basis, and “Start Operating” shall be construed accordingly.’ This provides further clarity and is more consistent with the DCO.

10.0 CONCLUSIONS

10.1.1 Decisions on DCO applications where a National Policy Statement (NPS) is designated are made against the criteria in Section 104 of the PA 2008. Section 10.2 sets out conclusions corresponding to the criteria Section 104.

10.1.2 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. Section 10.3 sets out alternative conclusions corresponding to these criteria.

10.2 Considerations where a national policy statement has effect

10.2.1 The Proposed Development has been demonstrated, in sections 6.2 and 7.2 to be in conformity with the relevant NPSs. In particular:

- the need case set out in NPS EN-1 has been demonstrated to be of continuing relevance by reference to a range of recent Government and other official evidence and strategy, and the Proposed Development will contribute in a timely manner to the urgent need for low carbon generation; and
- the Proposed Development is in conformity with all relevant 'generic impacts' and 'assessment principles' in the NPSs, as detailed in Section 7.2, and Tables 7.1 and 7.2, including in respect of site selection, good design, air quality and emissions, biodiversity and geological conservation, flood risk, sources of potential nuisance, noise and vibration, landscape and visual, socio-economic, traffic and transport, waste management, water quality and resources, grid connections, CHP, national designations, and EMFs, by reference to the findings in the ES (Document Refs. 6.1-6.4) and other application documents.

10.2.2 No Marine Policy Statement applies to the Proposed Development.

10.2.3 The Proposed Development will have very few adverse local impacts, and a range of positive effects on the local area. In particular:

- 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 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 Development Consent Obligation, 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.
- 10.2.4 Other matters important and relevant to the acceptability of the Proposed Development include the overarching aims of the National Planning Policy Framework, the National Planning Policy for Waste (NPPW), Highways England's Water Preferred Policy, NELC's Energy Vision, the South Humber Industrial Investment Programme (SHIIP), the findings of community engagement, and the EIA Scoping Report. Sections 7.3-7.6 of this document confirm that the Proposed Development fully addresses these matters.
- 10.2.5 Section 7.6 also confirms that making the DCO would not be in breach of the UK's obligations under the EIA Directives, Habitats Directive, Water Framework Directive, Waste Directive, Waste Incineration Directive, Industrial Emissions Directive, or affect the UK's ability to meet its legally binding carbon budgets.
- 10.2.6 Section 8 confirms that the Proposed Development provides a number of very clear and substantial benefits, many of which are to be given substantial weight. The benefits are appropriately secured in the DCO. In contrast, only one significant adverse effect has been identified and relates to a nearby undesignated visual amenity receptor, and is no different to the Consented Development, along with two significant cumulative effects on visual amenity to two nearby receptors. These have been minimised where possible. These are unavoidable and arise due to the scale of the Proposed Development, which its electricity generation and waste management functions require, and the undeveloped and low-lying nature of the Site. The considerable benefits of the Proposed Development, therefore, outweigh the adverse impacts.
- 10.2.7 The DCO includes appropriate requirements that would control the detailed design of the Proposed Development and its construction and operation in order to ensure that it accords with the EIA and would not result in unacceptable effects.
- 10.2.8 It is submitted that the Proposed Development conforms with the criteria in Section 104 of the PA 2008 and is acceptable in all relevant respects, and a DCO should therefore be made by the Secretary of State.
- 10.3 Considerations where no national policy statement has effect**
- 10.3.1 A range of other matters are likely to be both important and relevant to the Secretary of State's decision. These include the overarching aims of the National Planning Policy Framework, the National Planning Policy for Waste, Highways England's Water Preferred Policy, NELC's Energy Vision, the South Humber Industrial Investment Programme (SHIIP), the findings of community engagement, and the EIA Scoping Report. Sections 7.3-7.6 of this document confirm that the Proposed Development fully addresses these matters.
- 10.3.2 The Proposed Development will have very few local impacts, and a range of positive effects on the local area. In particular:

- 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 site would be compensated for via the appropriate contribution to the South Humber Gateway Mitigation Scheme, in accordance with Policy 9 of the NELLP, secured via a Development Consent Obligation, 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;
 - 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.
- 10.3.3 Section 7.6 of this report confirms that making the DCO would not be in breach of the UK's obligations under the EIA Directives, Habitats Directive, Water Framework Directive, Waste Directive, Waste Incineration Directive, Industrial Emissions Directive, or affect the UK's ability to meet its legally binding carbon budgets.
- 10.3.4 The Proposed Development provides a number of very clear and substantial benefits. These are detailed in Section 8 but can be summarised as follows:
- 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 recent evidence from National Grid (Electricity System Operator), the Department of Business, Energy and Industrial Strategy, and the National Infrastructure Commission;
 - the timely manner of this contribution, since the construction of the Consented Development is likely to commence in Q2 2020 and construction of the Proposed Development soon after any grant of the DCO;
 - the duration of the contribution, with reliable base load generation provided over a lifetime of at least 30 years, contributing to energy security;
 - 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';
 - The conformity with the relevant Waste Plans and locational considerations in NPPW and the NELLP; and

- The findings of the Greenhouse Gas (GHG) Emissions Assessment (Document Ref. 6.4.28), which has identified that the Proposed Development will have only a low magnitude of impact owing to the displacement of the GHG emissions (methane) from alternative means of waste management (landfill). The net carbon intensity of electricity generated by the Proposed Development, is 72 tCO_{2e} per GWh, compared to the average grid value of 173 tCO_{2e} per GWh (Table 8.5). In contrast, only one significant adverse effect has been identified and relates to a nearby undesignated visual amenity receptor, and is no different to the Consented Development, along with two significant cumulative effects on visual amenity to two nearby receptors. These have been minimised where possible. These are unavoidable and arise due to the scale of the Proposed Development, which its electricity generation and waste management functions require, and the undeveloped and low-lying nature of the Site. The considerable benefits of the Proposed Development, therefore, outweigh its adverse impacts.
- 10.3.5 The DCO includes appropriate requirements that would control the detailed design of the Proposed Development and its construction and operation in order to ensure that it accords with the EIA and would not result in unacceptable effects.
- 10.3.6 It is submitted that the Proposed Development conforms with the criteria in Section 105 of the PA 2008 and is acceptable in all relevant respects, and a DCO should therefore be made by the Secretary of State.

APPENDIX 1: CONSENTED DEVELOPMENT DECISION NOTICE

Town and Country Planning Acts

NOTICE OF DECISION

Application Number: DM/1070/18/FUL

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address: EP SHB Limited C/o Agent	Agent's Name and Address: Mr C Turnbull DWD 6 New Bridge Street London EC4V 6AB
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Proposal: Construction of an energy from waste facility of up to 49.9MWe gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure, on land at South Humber Bank Power Station

Application Site: Land Rear Of Power Station Hobson Way Stallingborough North East Lincolnshire

The following decision has been made upon your application received on 10th December 2018.

Granted subject to: -

- 1 Condition
The development hereby permitted shall commence within five years of the date of this permission.

Reason

To comply with S.91 of the Town and Country Planning Act 1990

- 2 Condition
The development shall be carried out in accordance with the following plans:

- Site Location Plan (2522-026 rev R2)
- Development Areas Plan (2522-031 rev R1)
- Access Plan (rev SK001 revision submitted 15.2.19)

The details submitted under each subsequent condition of this permission, and the development as built, shall not have greater dimensions than those shown in Table 4.1 of the submitted Environmental Statement.

Reason

For the avoidance of doubt and in the interests of proper planning.

3 Condition

References to "the main development area" in this and subsequently numbered conditions of this planning permission shall mean the area edged in green in the Development Areas Plan (2522-031 rev R1).

References to "the permitted preliminary works" in subsequently numbered conditions of this planning permission shall mean works comprising

- (i) biodiversity management, mitigation and enhancement works, providing these are in accordance with Condition 8 or any details approved thereunder;
- (ii) provision of wheel cleaning facilities required pursuant to Condition 10;
- (iii) piling works providing they have been first approved pursuant to Condition 11;
- (iv) installation and diversion of utility services within the Site;
- (v) surveys;
- (vi) removal of existing structures, and site clearance works within the main development area; and
- (vii) temporary contractors' facilities.

References to "coming into operation" in subsequently numbered conditions of this planning permission shall mean the date on which the development first receives commercial deliveries of fuel (RDF).

References to "approved in writing by the Local Planning Authority" in subsequently numbered conditions of this planning permission shall constitute an approval given in a written format by a duly authorised officer.

Reason

For the avoidance of doubt and in the interests of proper planning.

4 Condition

Development shall not commence, save for the permitted preliminary works, until details of the final position of any buildings, finished floor levels, elevations and floor plans (which shall be in general accordance with "Section through bunker showing Proposed Finished Floor Level (2522-023 rev R1)" and "Floor Plans including Roof Plan (2522-043 rev R1)" and Elevations Plan reference (2522-032 rev R1)), have been submitted to and approved in writing by the Local Planning Authority. The only building with more than three occupied storeys shall be the administration block as shown in the "Development Areas Plan (2522-031 rev R1)". The development shall then proceed in accordance with the approved details.

Reason

For the avoidance of doubt, in the interests of proper planning, in the interests of health and safety and to ensure the development is in keeping with the visual amenity and character of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 5 Condition
Development shall not commence, save for the permitted preliminary works, until details of all external materials to be used in construction of the buildings (which shall be in general accordance with those illustrated in the "Elevations Plan reference (2522-032 rev R1)") have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 6 Condition
The existing tree planting associated with the South Humber Bank Power Station and lying within the site and outside the main development area shall be retained (as described in paragraph 11.7.2 of the submitted Environmental Statement) throughout the construction and operation of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 7 Condition
The development must not commence, save for the permitted preliminary works, until the details and position of boundary treatments, circulation areas, hardstandings and all other hard landscaping have been submitted and approved in writing by the Local Planning Authority.

The details submitted for the boundary treatment shall, further, be in general accordance with the submitted "Proposed Fence Section" (2522-036 rev R1) and in accordance with paragraph 10.7.3 of the submitted Environmental Statement.

Prior to the development coming into operation:

- (a) A lighting scheme, which shall be in accordance with paragraphs 4.4.15 and 4.4.16 of the submitted Environmental Statement;
- (b) A scheme of landscaping showing hard and soft landscaping materials details, and the details of the number, species, sizes and planting positions of any amenity planting and landscaping;
- (c) A phasing plan for the planting of the landscaping scheme; and
- (d) A future maintenance plan for the landscaping

must be submitted to and approved in writing by the Local Planning Authority.

The measures (b) to (d) shall be in accordance with part 11.7 of the submitted Environmental Statement.

All landscaping measures must thereafter be implemented as approved within a period of 12 months beginning with the coming into operation of the development, or within such longer period as may be first approved in writing by the Local Planning Authority. The lighting, boundaries, circulation and hard surfaces shall be installed as approved.

Reason

For the avoidance of doubt, in the interests of ecology and to ensure the development preserves the visual amenity and character of the area in accordance with Policies 5, 22, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

8 Condition

The ecological management and mitigation measures shown in paragraphs 10.7.3, 10.7.6-10.7.18 and 10.7.23 of the submitted Environmental Statement (as amended by the ES addendum paragraph 10.7.10 submitted March 2019) shall be implemented in full including in respect of timings.

At least twelve months prior to the anticipated date of the development coming into operation an Ecological Mitigation and Enhancement Plan (which shall accord with Figure 4.2 and paragraphs 10.7.20-10.7.22 and 10.7.24 of the submitted Environmental Statement) must be submitted to the Local Planning Authority. This must include written details from an ecologist to confirm that the ecological management and mitigation measures referred to in the previous paragraph of this condition have been implemented and are effective. Once this plan has been approved by the Local Planning Authority, it must be implemented in full by the end of the second planting season thereafter and any monitoring activities in the plan shall be carried out as approved.

Reason

To ensure that appropriate measures described in the Environmental Statement are delivered, and ensure no unacceptable impact upon protected species, in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

9 Condition

Development shall not commence, save for the permitted preliminary works, until a scheme for the disposal of surface and foul water drainage including a future maintenance plan has been submitted to and approved in writing by the Local Planning Authority. Once approved, the drainage shall be implemented as approved prior to the development coming into operation and shall be maintained in line with the details approved thereafter.

No infiltration of surface water drainage into the ground is permitted unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure appropriate provisions for the disposal of surface water and foul drainage and to reduce the risk and impact of flooding, to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 10 Condition
- No development shall commence, or any phase thereof, until a Construction Management Plan in general accordance with the Outline CEMP (Volume III Appendix 5A of the submitted ES), has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall (if submitted for a phase) be specific to and appropriate for that phase, and shall contain details on the following matters:
- o Visitor and contractor parking areas;
 - o Materials management plan;
 - o Materials storage area;
 - o Wheel cleaning facilities;
 - o Noise, vibration and dust mitigation measures;
 - o Lighting details;
 - o Construction traffic management plan (which shall be in accordance with the outline document included as Annex 26 of Appendix 9A of the submitted Environmental Statement);
 - o Construction worker travel plan (which shall be in accordance with the outline document included as Annex 25 of Appendix 9A of the submitted Environmental Statement);
 - o Waste management in accordance with section 16.5 of the submitted Environmental Statement;
 - o Pollution control.

The development, or the relevant phase, shall then proceed in full accordance with the approved plan.

Reason

In the interests of highway safety and to protect the amenities of neighbouring land users in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 11 Condition
- Development shall not commence until detailed specifications of the type of piling to be used to support the building/structures shall be submitted to and approved in writing by the Local Planning Authority. Included shall be a scheme to mitigate the effects of the piling with regard to noise to ecological receptors (which shall be in accordance with paragraph 10.7.2 of the submitted Environmental Statement) and a scheme to mitigate the effects of the piling with regard to groundwater resources (which shall be in accordance with the results of the site investigation carried out, and the remediation strategy submitted, pursuant to condition 13 of this planning permission). The piling shall be carried out in accordance with the approved details, unless any variation is first approved in writing by the Local Planning Authority.

Reason

To protect local amenity and ecology in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 12 Condition

Unless otherwise approved in writing by the Local Planning Authority, and save for the permitted preliminary works or development required to be carried out as part of the scheme of remediation approved under condition 13, development must not commence until condition 13 has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 15 has been complied with in relation to that contamination.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

13 Condition

Development must not commence, save for the permitted preliminary works, until a scheme for an investigation of the nature and extent of any contamination on the site, whether or not it originates on the site, has been submitted to and approved in writing by the Local Planning Authority. The investigation must be based on the assessment included in Appendix 12A of the submitted Environmental Statement, and must be undertaken by competent persons.

The development must not commence, save for the permitted preliminary works, until a written report of the findings of the investigation has been prepared and submitted to and approved in writing by the Local Planning Authority. The report must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments (if applicable);
- (iii) an appraisal of the need for remediation to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and (if applicable) historical environment;
- (iv) if there is a need, then an appraisal of the remedial options available and a description of the proposed remediation scheme. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All activities under this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

14 Condition

Development must not commence, save for the permitted preliminary works, until the remediation scheme approved under condition 13 of this planning permission has been carried out in accordance with its terms, unless otherwise agreed in writing by the Local Planning Authority.

Following completion of the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation scheme must be submitted to and approved in writing of the Local Planning Authority prior to the development coming into operation.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

15 Condition

At any time during construction or operation, in the event that contamination is found that was not previously identified it must be notified in writing immediately to the Local Planning Authority. A risk assessment of the contamination must be undertaken by competent persons and a written report of the findings must be produced, along with a site investigation in accordance with the requirements of condition 12 and 13. Where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13 and submitted to and approved in writing by the Local Planning Authority as soon as practicable. Following completion of measures identified in the remediation scheme approved under this condition, a verification report must be prepared in accordance with the requirements of condition 14 and submitted to and approved in writing by the Local Planning Authority as soon as practicable.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

16 Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment, Appendix 14A of the submitted Environmental Statement, dated December 2018 by AECOM, unless otherwise approved in writing by the Local Planning Authority in consultation with the Environment Agency. In particular:

- o critical equipment assets shall be elevated to no lower than 4.55m above Ordnance Datum (AOD) or, alternatively, adequately protected through flood resistance and resilience measures
- o a place of safe refuge shall be provided at a level no lower than 4.55m AOD

The above mitigation measures shall be fully implemented prior to occupation of the development and subsequently remain in place.

Reason

To reduce the risk of flooding to the proposed development and future occupants and to ensure that any disruption caused by flooding is kept to a minimum in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

17 Condition

The development shall not be occupied until a Flood Warning and Evacuation Plan, which includes signing up to the Floodline Warnings Direct service, has been submitted to and approved in writing by the Local Planning Authority. The flood warning and evacuation plan shall be fully implemented prior to occupation of the development and subsequently remain in place.

Reason

To reduce the risk of flooding to future occupants in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

18 Condition

Prior to the development coming into operation, a Delivery and Servicing Plan for all operational HGVs entering and leaving the site must be submitted to and approved in writing by the Local Planning Authority. This must be in accordance with the Operational Delivery and Servicing Plan within Annex 24 (version dated March 2019) of Appendix 9A of the Environmental Statement.

The development shall operate in accordance with the approved Delivery and Servicing Plan throughout its lifetime, unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety and amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

19 Condition

Prior to the development coming into operation, an Operational Travel Plan (OTP) shall be submitted to and approved in writing by the Local Planning

Authority. The OTP should be produced in accordance with NELC guidance and in liaison with the Business Travel Plan Officer.

The OTP submitted shall be in accordance with the Framework Operational Travel Plan within Annex 6 of Appendix 9A of the submitted Environmental Statement.

Once approved, the OTP shall be implemented in full and operated in line with its terms and timings throughout the lifetime of the development.

Reason

In the interests of sustainable development in accordance with Policies 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

20 Condition

Prior to the development coming into operation details of the visibility splays at the proposed site entrance must be submitted to and approved in writing by the Local Planning Authority. Visibility splays shall thereafter be implemented in accordance with the details agreed and nothing shall at any time be erected or allowed to grow over 1.05 metres in height above the carriageway level of the adjoining highway within the visibility splays. The location of the visibility splays shall be located in line with the "Access Plan (SK001)" revision submitted 15.2.19 and "Swept Path Analysis plan (SK002)" submitted 15.2.19.

Reason

In the interests of road safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

21 Condition

Development shall not commence, save for the permitted preliminary works, until detailed plans have been submitted to and approved in writing by the Local Planning Authority, showing:-

- (a) The proposed layout and construction details of the proposed new entrance to the site including the junction and connection with the adopted highway (which shall be in accordance with: either "Access Plan (SK001)" revision submitted 15.2.19 and the submitted Proposed Culvert for Site Access plan (2522-035 rev R1)); or any details in respect of this new entrance that have been approved under S278 Highways Act 1980 by the Local Highways Authority;
- (b) The highway drainage system; and
- (c) Location, type and number of permanent vehicle and two-wheeler and cycle parking spaces.

The details shall be implemented in full as approved prior to the development coming into operation.

Reason

In the interests of highway amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

22 Condition

No development must take place, save for the permitted preliminary works, until a survey of the condition of the adopted section of the local access road South Marsh Road (east of Hobson Way) has been carried out and details submitted to and approved by the local planning authority. The survey must comprise SCANNER, deflectograph equipment, and supporting road core data with cores taken every 100m. The details must comprise a report detailing the survey methodology and the findings as to the theoretical capacity of the structure of the road based on a million standard axle calculation.

Additionally, within six months of the development coming into operation a report must be submitted to and approved in writing by the local planning authority setting out the results of traffic surveys along South Marsh Road (east of Hobson Way) conducted since the coming into operation of the development. The report shall include information on HGV tonnage and volumes and a comparison against the theoretical capacity of the structure of the road contained in the details approved under the first paragraph of this condition.

If the findings show the actual traffic using the road exceeds the theoretical capacity, and the exceedance is attributable to the development authorised by this planning permission, the applicant shall within three months of an approval under the second paragraph of this condition submit details of a scheme of improvement for South Marsh Road (east of Hobson Way) and a programme for implementation to the local highways authority for their consideration and agreement under Section 278 Highways Act 1980.

Reason

To ensure that the local access road South Marsh Road is structurally suitable for the traffic added by the development, in line with Policies 5 and 6 of the North East Lincolnshire Council Local Plan 2013-2032 (adopted 2018).

23 Condition

Development shall not commence, save for the permitted preliminary works, until the following information has been submitted to the Local Planning Authority, who shall immediately notify UK DVOF & Powerlines at the Defence Geographic Centre:

- a. Precise location of development.
- b. Date of commencement of construction.
- c. The proposed date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. Details of aviation warning lighting to be fitted to the structure(s), which must include fitting the emissions stack(s) with a minimum intensity 25 candela omni directional flashing red light or equivalent infra-red light fitted at the highest practicable point of the structure.

The aviation warning lighting approved pursuant to part (f) must thereafter be implemented in full before the construction of the emissions stack(s) is complete or within an agreed time frame to be approved in writing with the Local Planning Authority.

At the earliest opportunity prior to the known final date of completion of the construction, the actual date of construction completion shall be submitted to the Local Planning Authority. There shall be no deviation from, or exceedance of the details provided to the Local Planning Authority, unless first approved in writing by the Local Planning Authority.

Reason

In the interests of air safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

24 Condition

The hereby approved power facility shall use refuse derived fuel only (RDF), with the exception of the limited use of fuel oil during start up periods only. RDF comprises of processed waste from municipal, household, commercial and industrial sources.

Reason

To ensure the proposal is consistent with the submitted details and supporting Environmental Statement to accord with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

25 Condition

With the exception of the fuel oil tank, at no time shall any fuel stock for the energy recovery facility be stored outside of the main building.

Reason

In the interest of environmental protection in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

26 Condition

Within two years of the development ceasing commercial operations a Decommissioning Plan, including a Decommissioning Environmental Management Plan, must be submitted to and approved in writing by the Local Planning Authority. Once approved, the decommissioning shall only be carried out in accordance with the approved details.

Reason

For the avoidance of doubt and in the interests of ecology, highway safety and the environment in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

Informatives:-

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or local amenity, have significant impact on ecology and is acceptable under all other planning considerations including highway safety. It will support the economic development of the area. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 1, 5, 6, 8, 9, 22, 31, 33, 34, 36, 38, 39, 41, 42 and 47.

2 Added Value Statement

In accordance with paragraphs 38 and 41 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by providing detailed pre-application advice on the proposed development, and by addressing highway and ecological matters.

3 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 325959).

4 Informative

The applicant is reminded that the development is subject to a Section 106 Legal Agreement.

5 Informative

Please note that in relation to abnormal loads a minimum of 10 working days between the application and the date of the first movements in order to assess the application and put in place any special traffic management that may be required. Please email AbnormalLoads@nelincs.gov.uk a completed Form of Notice to Police and to Highways and Bridge Authorities (Schedule 2 Part 1) providing details of the time, day, load profile and description of load a minimum of 10 days prior to their arrival. Network Rail (London North Eastern) office (assetprotectionlneem@networkrail.co.uk) should also be contacted in advance to confirm that any proposed abnormal load route is viable and to agree a strategy to protect Network Rail asset(s) from any potential damage caused by abnormal loads. It is advised to contact the Business Travel Plan Officer before commencing the Operational Travel Plan for additional advice, assistance and support. Please contact the Travel Plan Officer at North East Lincolnshire for more information.

6 Informative

The Local Planning Authority should be given two weeks' written notice of the start of the remediation scheme approved under condition 13.

7 Informative

Informative advice has been provided by the following consultees, copies of their representations can be found on the council's website.

- National Grid
- Network Rail
- Natural England
- Environment Agency
- Humberside Fire and Rescue
- Cadent Gas

Please note that the granting of planning permission does not override any other private, legal or environmental permitting, consents or licensing regimes the applicant must abide by.

This Notice is issued on behalf of North East Lincolnshire Planning Authority.

Signed: 

Damien Jaines-White

Official Capacity: Director of Economy and Growth - Place

Date: 12th April 2019

INFORMATION ON APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by this decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990, or for Listed Building Consent, under Sections 20 and 21 for Listed Buildings & Conservation Areas Act 1990.

If you want to appeal this application, please carefully read the information below and choose which option applies to your application:

If this is a decision to refuse planning permission for a **householder** application and you want to appeal against the decision, then you must do so within 12 weeks of the date of this notice;

If this is a decision to refuse planning permission for a **minor commercial application (e.g. shop fronts)** and you want to appeal against the decision, you must do so within 12 weeks of the date of this notice;

If this is a decision to refuse express consent for the display of an **advertisement** and you want to appeal against the decision, you must do so within 8 weeks of the date of receipt of this notice;

For all other **Full** and **Listed Building Consent** applications - If you wish to appeal against the decision, you must do so within 6 months of the date of this notice.

Appeals on Planning Applications involving Enforcement Notices

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the decision on your application, you must do so within 28 days of the date of this notice;

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against the decision on your application, you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

All Appeals must be made using a form which you can obtain from:

Planning Inspectorate,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol,
BS1 6PN

(Tel: 0303 444 5000) or to submit electronically at <https://www.gov.uk/planning-inspectorate>.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him/her.

The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online at <https://www.gov.uk/planning-inspectorate>. The Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party, please ensure you have their permission to do so. More detailed information about data protection and privacy is available on the Planning Inspectorate web site.

NB. Any approval in this notice of decision refers only to that required under the Town and Country Planning Acts and does not include any consent under any other enactment, bylaw, order, building or other regulation.

IF YOUR APPLICATIONS HAS BEEN REFUSED:

If you decide to resubmit, your application will not be subject to a fee under the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 2002 provided the new application:-

- a) Is submitted as a valid application within one year of the date of the decision
- b) Is development of the same character and description as submitted previously.
- c) Relates to the same site area or part of the same site and does not include additional land
- d) Is submitted by the same applicant
- e) The applicant may only benefit from the fee exemption once for any site

Prior to any resubmission, it is strongly recommended that you discuss the revised scheme with the development management team so that any issues can be identified quickly and solutions to any barriers to achieving a planning permission discussed with you.

APPENDIX 2: CONSENTED DEVELOPMENT OFFICERS REPORT

DELEGATED REPORT

ITEM: **RECOMMENDATION: Approval
with Conditions**

APPLICATION NO: DM/1070/18/FUL

APPLICATION TYPE: Full Application

APPLICATION SITE: Land Rear Of Power Station, Hobson Way, Stallingborough,
North East Lincolnshire,

PROPOSAL: Construction of an energy from waste facility of up to 49.9MWe gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure, on land at South Humber Bank Power Station

APPLICANT:
EP SHB Limited
C/o Agent

AGENT:
Mr C Turnbull
DWD
6 New Bridge Street
London
EC4V 6AB

DEPOSITED: 10th December 2018

ACCEPTED: 21st December 2018

TARGET DATE: 12th April 2019

PUBLICITY EXPIRY: 23rd February 2019

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY: 20th January
2019

CASE OFFICER: Cheryl Jarvis

PROPOSAL

The application seeks full planning permission for the construction of an energy from waste facility on land r/o South Humber Bank Power Station on Hobson Way. The facility would include a gross capacity of up to 49.9MW and would include up to 26,635sqm of new floor area. The maximum dimensions of the main building would be up to 210m by 110m with a maximum height of 59m. The proposal includes up to two emission stacks (up to 100m high or 102m AOD) which would be situated towards the eastern end of the site.

Internally the facility would be made up of reception space, an RDF bunker, boiler hall, ash bunker and gas treatment hall, control rooms, turbine hall, administration, workshops and stores. There would also be an air cooled condenser structure.

Access to the site is proposed from South Marsh Road to the north of the site. A number of roads would link through the site and two car parks totalling 57 spaces are proposed. It is proposed that 3 of these spaces will be disabled spaces and there will also be 6 new cycle spaces provided.

A new attenuation pond approximately 4500m³ in area is proposed to the east. Adjacent is a driver welfare area, a HGV holding area and gatehouse. A substation is proposed to the south west. Fencing would denote the new site boundaries.

Other enabling infrastructure includes pipework and a pipe bridge, weighbridges, silos, water tanks and pump house, fuel tanks, drainage and hard and soft landscaping.

The proposal would represent a significant economic investment in North East Lincolnshire and seeks to create approximately 56 new full time jobs.

The facility aims to run 24 hours a day 365 days a year, with occasional periods of downtime for maintenance. The nominal design capacity of the facility is 616,500 tonnes of refuse derived fuel (RDF) per year. The maximum throughput is 753,500 tonnes per year. All RDF would be delivered by road by HGV's. In terms of activity, the site's full operation equates up to approximately 312 HGV movements in and out of the site per day. Fuel deliveries would take place on any day but only between 06:00 - 18:00.

The proposal is EIA Development and is accompanied by a thorough and detailed EIA assessment that was scoped with the applicant prior to submission.

The construction programme indicates work could commence as early as autumn 2019 with completion by autumn 2022. The facility is designed to have an operational life of at least 30 years.

SITE

The application site sits to the rear of the South Humber Bank Power Station on Hobson Way in Stallingborough. In its entirety the whole site (the land in the applicant's control) is approximately 25ha, while the area comprising the main development is approximately 7ha. The site is irregular in shape and narrows towards the eastern end.

Synthomer sits to the north of the site where there is also an access to Newlincs Development Ltd. To the east is the Humber Estuary. Open land extends beyond the southern boundary and the existing South Humber Bank Power Station sits to the west of the main development area, which would be unaffected by this proposal.

The land housing the main elements of this proposal is largely undeveloped, unused and flat, comprising of rough grassland, two ponds and hard landscaping. Drainage ditches extend along two of the site boundaries.

There are no residential neighbours in close proximity to the site as the area is generally characterised by large scale industrial development and associated infrastructure. Agricultural fields separate a number of these large scaled industrial developments.

The A180 is to the far south and west with a number of smaller classified roads which link it to the site and in the future, the South Humber Bank Link Road (construction commencing 2019).

RELEVANT PLANNING HISTORY

No relevant planning history for the main development area. There is a number of minor applications relating to the wider South Humber Bank Power Station.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (February 2019)

- NPPF2 - Achieving sustainable development
- NPPF6 - Building a strong, competitive economy
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well designed places
- NPPF14 - Climate, flooding & coastal change
- NPPF15 - Conserv. & enhance the natural environ.
- NPPF16 - Conserv. & enhance the historic environ.

North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

- PO48 - Safeguard waste facility/relate infrast
- PO1 - Employment land supply
- PO5 - Development boundaries
- PO6 - Infrastructure
- PO8 - Existing employment areas
- PO9 - Habitat Mitigation - South Humber Bank
- PO22 - Good design in new developments
- PO31 - Renewable and low carbon infrastructure
- PO32 - Energy and low carbon living
- PO33 - Flood risk
- PO34 - Water management
- PO36 - Promoting sustainable transport
- PO38 - Parking
- PO39 - Conserve and enhance historic environ
- PO41 - Biodiversity and Geodiversity
- PO42 - Landscape

PO47 - Future requirements for waste facilities

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

REPRESENTATIONS RECEIVED

Public Rights of Way - No concerns as the proposal does not directly affect the rights of way.

Highways - Full consideration given to the information provided and the additional information provided following requests. All information and clarifications now address highway concerns. Conditions recommended.

National Grid - No objections. Informative advice provided.

Network Rail - No objections. Informative advice provided.

Conservation Officer - The proposal would be seen in the backdrop of existing industrial buildings. The site is also a considerable distance from the closest heritage assets. The chimney stacks are slender which limits the impacts in longer views. No objections are raised.

NATS Safeguarding - The proposal does not conflict with their safeguarding criteria and therefore, no objections are raised.

Environmental Health - No objections. Conditions recommended for construction management, routing and contaminated land.

Highways England - No objections. Conditions are recommended regarding submission of a Construction Traffic Management Plan. The Travel Plan provided is acceptable and should also be conditioned.

Natural England - No objections. Recommends that mitigation is secured through condition/S106. Further clarifications were sent to Natural England who have responded to say they do not wish to offer any further comments.

Ecology - Accept the mitigation and enhancement measures in the Ecology Environmental Statement. Content with the levels of surveys undertaken. Recommends a condition to secure the Ecological Management and Enhancement Plan.

Crime Reduction Officer - No objections.

Cadent Gas - No objections. Request an informative advising the applicant that there is a high pressure gas pipeline running along the boundary at the front of the site and that any work in the vicinity must be approved by them.

Environment Agency - No objections. Conditions recommended in relation to flood risk mitigation, flood warning and evacuation, contamination, remediation, infiltration and drainage and piling with informative advice on separate consenting and permitting regimes.

Drainage - Advise that the drainage board will give the final approval of the surface water drainage scheme. The rates within the strategy appear acceptable. Confirms there will be a requirement to improve the quality of the surface water discharge so measures for this will need to be implemented. A condition for final details is recommended.

Humberside Fire and Rescue - Advise on the requirements for water supplies and provisions for firefighting.

Defence Infrastructure Organisation - No safeguarding objections are raised. Recommends a condition in relation to aviation lighting and for the applicant to contact UK DVOF & Powerlines at the Defence Geographic Centre prior to development commencing.

Archaeology - Considers the proposal is unlikely to disturb buried archaeological remains and therefore, no further archaeology input is required.

Humberside Airport - Advise that the proposal will not conflict with their safeguarding criteria and therefore, no objections are raised.

Historic England - Do not wish to offer any comments on the application and recommend the application be considered by the Council's Archaeologist and Conservation Officer.

North East Lindsey Drainage Board - Considers the FRA contains appropriate mitigation. The Board raise no objections to the proposed development subject to the development being carried out in accordance with the FRA. Recommends a condition for provision, implementation and future maintenance of the surface water drainage system. Advises that sufficient undeveloped land is retained to the top of the bank of all watercourses to allow for future maintenance. The agent has confirmed these arrangements and the Board have confirmed they are satisfied.

HSE - Does not advise on safety grounds against the granting of planning permission.

Trees and Woodlands - The Landscape Assessment has been considered. The proposal would not be detrimental within this industrial setting and the existing landscaping is adequate.

Neighbours

40 Braemar Road, Cleethorpes - Seeks clarity on para 4.2.3.

APPRAISAL

The material considerations are:

1. Principle of Development and Socio-economics
2. Character, Visual Amenity, Landscape and Heritage
3. Impact on Neighbouring Land Uses
4. Highways
5. Ecology (including Habitat Regulations)
6. Pollution, Air Quality and Contamination
7. Drainage and Flood Risk
8. Health and Safety Executive (HSE)
9. Other

1. Principle of Development and Socio-economics

The proposal is for a waste to energy facility on land off South Marsh Road. The site sits to the south of South Marsh Road and to the east of Hobson Way and the existing South Humber Bank Power Station.

The NELLP 2018 sets out the Borough's vision for economic growth over the plan period. It recognises that investment will be focused in a number of key areas including:

- ports and logistics
- chemicals
- food processing
- renewable energy
- visitor economy, services and retail

Policy 1 aims to ensure that sufficient employment land is available to support economic growth, primarily in the above sectors with a minimum of 123.6ha of land being provided. The proposal represents a significant investment in the area which will support the economic growth of the South Humber Bank, linking with growth aspirations for NELC. The construction and operational phases will support local employment and job creation over a considerable period (30 years) which will further go to supporting the ambitions under Policy 1.

Policy 5 is the overarching policy for development within the development boundary. It does not prohibit such uses or facilities within the development boundary subject to an

assessment of the site specific impacts; as set out in the report. For this application, this specifically includes:

- size, scale and density
- access and traffic generation
- provision of services
- impact upon neighbouring land uses
- advice from the HSE
- flood risk
- contamination
- ecology, landscape and heritage

The site is allocated as an existing employment area under Policy 8 of the NELLP. This policy seeks to promote use and re-use of land for employment purposes. The proposed use is considered to represent an employment use and the application form details that up to 56 new full-time jobs would be created. During the construction period the ES states that up to 450 construction workers would be employed. During the construction phase the proposal is also likely to benefit local manufacturers and suppliers. The ES also states the applicant's intend to support careers fairs to promote employment opportunities which would further develop local skills. All would contribute directly and indirectly to the economy within NELC.

In regards to the consideration of alternative sites for the proposed development, the justification in the ES is acceptable, particularly given that the site forms part of a larger 'development area' within the applicant's control. The location makes effective use of existing employment land under Policy 7. It is also considered suitable against Policies 36 and 47 of the NELLP and would not affect sites safeguarded under Policy 48.

Nationally under the NPPF 2019, it recognises that planning has an economic role with para 8 setting out that this includes supporting growth, innovation and improved productivity. At the same time it acknowledges there is also an environmental role which seeks to reduce waste and pollution with a need to move towards a new low carbon economy. At the heart of the NPPF is the need to provide sustainable development. The proposal would not be at odds with the objectives of the NPPF given its function, its economic role and its response to the environment (as noted within the remainder of this report). Furthermore, the efficient use of land is supported under Section 11. In terms of the waste hierarchy, reducing the amount of waste sent to landfill is encouraged. The National Planning Policy Statements on Energy (specifically EN-1 and EN-3), are intended primarily for the determination of applications for significant infrastructure projects (NSIP) which this development is not. However, it may be a material consideration in determining non NSIP projects such as this, as NPS EN-1 at section 1.2 explains. NPS EN-3 identifies in paragraph 2.5.2 that "the recovery of energy from the combustion of waste forms an important element of waste management strategies in both England and Wales".

The proposal is therefore acceptable in regards to Local Plan Policies 1 and 5 and the NPPF in principle. Therefore it falls to judge the application on the site specific impacts as required by Policy 5.

2. Character, Visual Amenity, Landscape and Heritage

In regards to this section Policies 5, 22, 39 and 42 of the NELLP apply. These require an assessment on the character of the area and the landscape with an emphasis on 'good design' and preservation of heritage assets and their settings.

The application is supported by a suite of information which details the scheme rationale including a Design and Access Statement. Volumes 1, 2 and 3 of the ES focus on the above matters and include key heritage information.

The building and emission stacks will be of substantial scale that being a building of 59m high (maximum) and chimneys of up to 100m (or up to 102 AOD). It is considered that the overall footprint of the buildings (210m by 110m) can be accommodated comfortably on the site. In terms of their visual impact this would be experienced localised and from further away. A scoping of the most sensitive viewpoints was undertaken pre-submission and the submission reflects the scoping exercise. The site sits directly behind the existing power station and therefore from the west, the facility will be afforded some protection and screening from that development. Whilst there are intervening areas of open space to the north and south, these are then bordered by further built development of significant scale and industrial character; similar to that proposed. To the east is the Estuary. As a result, Officers have assessed the impact upon the immediate and wider landscape and acknowledge that the impacts would not be significantly adverse given the site's position nestled between existing industrial developments.

In terms of 'good design' and the requirements of Policy 22, these types of facilities are primarily driven by their function to ensure maximum efficiency and output. That being said, it is considered that the overall design concept, materials (steel framed and cladded) and orientation would respond to the site and would advocate an acceptable form of design. This is further supported in Volume 1 of the ES which considered design evolution and alternatives. Conditions are recommended in relation to the detailed site layout and external materials of the buildings.

In regards to heritage, the site is well separated from designated assets and scheduled monuments. Historic England raise no objections, but defer it to the Conservation and Archaeological Officers for comment. The Conservation Officer notes the position and height of what is proposed. The comments also acknowledge the slenderness of the chimneys and conclude given the area context, separation and intervening built form between the site and designated assets, there would be no significant impacts and as such there are no objections. In regards to Archaeology, the Archaeologist confirms the nature of the site is such that there is unlikely to be buried archaeology and also raises no objections.

No new landscaping is proposed, but existing landscaping within the wider site (which is under the applicant's control) will be retained. The Trees and Woodlands Officer is satisfied with this approach and conditions are attached to this recommendation.

In an established industrial setting which is the focus of economic growth and regeneration, the proposal would not be seen as out of character or context. The scale and overall massing would be significant but not detrimental and the impacts on the existing landscape and designated heritage assets would not be adverse. Some conditions are recommended in regards to final details and external finishes. Subject to these, the proposal accords with Policies 5, 22, 39 and 42 of the NELLP in this regard.

3. Impact on Neighbouring Land Uses

Policy 5 of the NELLP requires an assessment be made on the impact on neighbouring land uses by virtue of noise, air quality, disturbance and visual intrusion.

It is noted that no representations from neighbouring land uses have been received, nor has any representation been received as a result of the number of site notices erected adjacent and close to the site. The applicants also undertook public consultation prior to the application being submitted, the extent of which is detailed in the Statement of Community Involvement submitted with the application.

The surrounding land is of industrial character, where many uses are of an intense nature from the processes they undertake and nature of their businesses. In this instance this includes Synthomer and Newlincs to the north, Lenzing Fibres to the far south and the existing South Humber Bank Power Station (in the applicant's control) to the west. Being within an existing employment area and adjacent to newly allocated land, such proposals are somewhat expected and are directed to such areas. The ES concludes that the noise impacts will be within acceptable levels. Operationally, conditions can be used to limit the impacts further and it is noted from the ES that a number of noise reducing measures will be incorporated such as particular types of cladding, plant and louvres which seek to provide sound and noise reductions. During construction the impacts will be mitigated through a Construction Environment Management Plan which is secured through a condition.

The main impacts arising are likely to be from the increased traffic movements to and from the site and these will be dealt with under Section 4. Air quality impacts are also assessed in Section 6.

There are no sensitive residential receptors within 500m of the site. There are a few within a 2km radius as demonstrated within Volume 2, Figure 3.2 of the ES. The nearest village being Stallingborough. As such, it is considered that these neighbours are suitably separated as to ensure no detrimental impacts by virtue of visual intrusion, vibration, noise or air quality; as confirmed by the supporting information (including the noise assessment).

Conditions can be used to limit the impacts to neighbouring land uses during the construction phase.

Thus, it is not considered that the development would offer significant impacts to neighbouring land uses, particularly given the types of mitigation proposed through the ES. The recommended conditions secure these and as such the proposal would be in accordance with Policy 5 of the NELLP.

In response to the clarification sought by the resident of Cleethorpes the agent has confirmed that word ("turbine") should appear after "steam". Each of the three development scenarios may or may not have a steam turbine. If no steam turbine is constructed at the Energy Centre, the steam generated by the proposed development would be exported to a local steam user for a variety of purposes (e.g. heating, power generation). This could include the South Humber Bank CCGT or other local industrial users.

4. Highways

Policy 5 of the NELLP requires that an assessment is made on access and traffic generation levels, with Policy 38 setting out the requirements for parking.

The access is proposed from South Marsh Road to the north of the site. The access benefits from good visibility in both directions. Only two other land uses currently utilise this access to serve their sites. The operational (fuel delivery) HGV access route from the A180 is proposed to be from the west. The site will be accessed via the A180 by the A1173, Kiln Lane, Hobson Way and then via South Marsh Road.

The scheme is supported by a range of technical highway information including a transport assessment and a travel plan. Chapter 9 of Volume 1 of the ES covers traffic and transport. The proposal would result in a significant increase in the number of vehicles entering and leaving the site. This equates to up to 312 HGV's entering and leaving every day (two way trips), 24 hours a day, 365 days a year (other than occasional downtime for maintenance) during operation. For construction workers this would be 375 (one way trips per day) over the 36 month construction period. In regards to construction and HGV's this equates to approximately 412 two way trips daily during the first year of construction, during the remainder of the construction period this would vary between 18 and 116 two way movements per day. Some abnormal loads are to be expected during construction but not for operation or maintenance.

The Assessments have been scoped in detail with Highway Officers to ensure key junctions within the Borough have been modelled and assessed to gauge any impact. Whilst recognising there will be an impact on the immediate and wider network, the Highways Officers are content that the reports are acceptable and that the impacts would not be severe. There may be some localised improvements necessary at South Marsh Road and a condition requiring survey work is recommended.

Aside from the day to day operation, the impacts during the construction period also require consideration. These are likely to include HGV's, abnormal loads and also worker and contractor vehicles. The routing of HGV's is via the A180 as to avoid residential areas. Highway Officers recommend a condition which requests that a Construction Traffic Management Plan be provided. A suitably worded condition is recommended to reflect this. The submitted ES and Transport Assessment also recommends Travel Plans both for construction and operation and a Delivery and Servicing Plan. These are also reflected in this recommendation.

The proposal includes car parks (1 x 49 space and 1 x 8 space) and HGV holding areas (x 6 spaces). The levels of parking are considered to be suitable to serve the nature of the development and the number of people expected to arrive by car (this is predominantly staff). The ratio of disabled spaces accords with Policy 38. The inclusion of cycle provision would support alternative modes of travel to accord with Policy 36.

Highways England raise no objections, subject to the conditions set out.

The comments from Network Rail are noted in relation to HGV's and their level crossing. An informative to the applicant is recommended. It is noted that the Construction Traffic Management Plan will identify specific vehicle routing and the applicant has clarified that abnormal loads are not envisaged during operation and maintenance, only during construction.

Subject to conditions, the access is suitable, the parking levels are adequate to serve the development and traffic generation is not expected to be severe in accordance with Policies 5 and 38 of the NELLP.

5. Ecology (including Habitat Regulations)

Policy 41 of the NELLP seeks to establish and secure appropriate management of long term mitigation areas (also Policy 9) and seeks to protect areas of ecological and biodiversity value. Policy 9 sets the requirements for habitat mitigation on the South Humber Bank with Policy 6 requiring any necessary infrastructure; in this case habitat mitigation under C(ii), to be secured.

The site is approximately 175m west of the Humber Estuary's Site of Specific Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. There are also local wildlife sites and sites of nature conservation importance close by. For the purposes of the Habitats Regulations, the Council is the competent authority when considering the development and whether or not the proposals are likely to result in significant effects either in isolation or cumulatively. Additionally, Natural England are the appropriate body when considering the requirements of the Wildlife and Countryside Act 1981.

A suite of information has been provided within Chapter 10 of the ES covering Ecology. At the appendices (amongst many documents) there is a Habitat Suitability Index, Habitat

Regulations Assessment, Preliminary Ecological Assessment, Aquatic Invertebrate Survey, Otter and Water Vole Survey and Reptile Survey.

Volume 1 of the ES suggests that during the construction phase, piling has the potential to create significant adverse effects to waterbirds. A condition in relation to piling is therefore recommended. A visual screen (2.5m high) is also to be provided to the southern boundary as to mitigate visual intrusion from construction related activities and vehicle movements (Figure 4.2 Volume 2). The reports conclude there will be no significant effects as result of the development in regards to air quality, construction, noise and vibration, pollution and visual intrusion, subject to the recommendations identified.

A condition for an Ecological Enhancement and Management Plan is also recommended to comply with the recommendations of the ES and to ensure the continuity of biodiversity on the site (following the removal of the existing man made ponds). Development should proceed in accordance with the best practise techniques outlined.

There are no objections either from the Council's Ecologist or Natural England. The applicant has signed a s.106 agreement for a financial contribution to the Strategic Ecological Mitigation required by Policies 6 and 9 (totalling £105,378) as the site falls within the South Humber Bank Mitigation Zone. This scheme has been adopted by the Council to provide strategic mitigation for SPA Birds upfront before development is delivered and secured through the policies identified in the NELLP. The cost is then retrieved through s.106 payments, the payment figure is based on the site area of the development under the formula set out in Policy 9. This agreement has been signed and sealed.

Having regard to the information provided and the comments of necessary consultees, it is concluded that the proposal would not result in any significant effects on the above designated areas and appropriate mitigation has been secured. Conditions are also recommended in line with the ES to protect ecological interest. Subject to these the proposal therefore accords with Policies 5, 6 and 41 of the NELLP.

6. Pollution, Air Quality and Contamination

Pollution, air quality and contamination are factors which need consideration under Policy 5 of the NELLP, which requires any necessary measures to mitigate impacts to be provided.

The Environmental Statement assesses the impacts to the area in relation to pollution and air quality and the emissions which would arise from the facility. A number of supporting documents are included such as air quality receptors, risk assessments, land contamination etc. The site is not within an Air Quality Management Area. In regards to contamination risks these will be avoided and best practice will be used. Further survey work and Management Plans will address any associated issues. In regards to air quality, the modelling assessment concludes that there would be no significant impacts to the area, ecology or to neighbours. The modelling assessment also concludes that levels

would remain within acceptable Environmental Standards. These conclusions are on an individual and collective basis with other consented developments.

No objections have been raised by the Environment Agency, Natural England or Environmental Health Officers. A number of conditions are requested from the Environment Agency and Environmental Health Officer, some of which require further survey work and these are reflected in this recommendation.

No formal mitigation is required as stated in the ES. Therefore, in regards to the above, the proposal is acceptable in accordance with Policy 5 of the NELLP.

7. Drainage and Flood Risk

Policy 33 of the NELLP seeks to mitigate flood risk impacts and requires development to be supported by a site specific flood risk assessment. Policy 34 of the NELLP requires that proposals consider adequate arrangements for foul and surface water drainage.

The application is supported by a site specific Flood Risk Assessment, mapping and an Outline Drainage Strategy (Volume 3, Chapter 14 of the ES). The site is within Flood Zone 3 as identified in the Council's Strategic Flood Risk Assessment and the Environment Agency's Flood Maps. As the site has been allocated for employment use in the NELLP and all other employment sites are equally located within flood zone 3 on the South Humber Bank, the sequential test is deemed to be passed.

Turning to the exceptions test, the FRA details the levels of mitigation primarily under 6.7 and 6.8. It also identifies that a Flood Emergency Response Plan will be prepared and the site users will sign up to the Environment Agency's Flood Warnings Direct Service. Internal floor levels will be set at 4.55m AOD and construction will include flood resistance and resilience measures. No critical infrastructure or equipment will be below 4.55m AOD (unless specific resilience measures are in place). On the basis of the information submitted the Environment Agency raise no objections.

The outline drainage proposals state that surface water drainage will be restricted to the existing greenfield run off rate. A surface water pond is also proposed within the site, with controlled discharge rates through a hydrobrake into the ditch along the north or southern boundaries. Water will then continue into the drain before outfalling into the Estuary. There are no objections from the Drainage Board or from the internal Drainage Officers. A condition securing final arrangements is recommended.

Maintaining water quality will be managed through working practices and addressed in the Construction Environmental Management Plan.

Subject to conditions, the development is acceptable in regards to drainage and flood risk in accordance with Policies 33 and 34 of the NELLP.

8. Health and Safety Executive (HSE)

Policy 5 of the NELLP requires that any advice from the HSE is taken account of in the decision making process.

The site is close to a number of pipelines and hazardous installations. The development will not include 3 or more occupied storeys within the middle or inner zones of these installations in line with HSE guidance. The HSE have provided comment to say that they do not advise against the granting of planning permission in this instance.

9. Other

The submitted ES and Planning, Design and Access Statement provide adequate consideration of opportunities for energy and resource efficiency in line with Policy 32. For example, the plant will be CHP ready, and sustainable drainage systems are proposed, and sustainable travel measures are required in the travel plans. The overall efficiency of the plant would however be governed under the environmental permit that will be required to operate the plant under a separate legislative regime.

Informative advice advising of the other separate legislative and permitting regimes that the proposal will need to comply with is recommended. Development should also follow the best practice guidance set out within the ES.

The PROW Officer raises no objections to the proposal as there are no direct impacts on the right of ways.

CONCLUSION

This proposal is for a 49.9MW waste to energy facility on land r/o Hobson Way, Stallingborough. The application is a thorough and detailed submission which is supported by a number of Statements, Surveys and Assessments which have been reviewed by the relevant statutory and non-statutory consultees whose responses have been given full consideration. There have been no objections from any neighbours and there are no outstanding objections from consultees.

The application including the ES adequately assesses the likely impacts and the Local Authority agree with its findings and conclusions. The proposal accords with all relevant NELLP policies as set out in the report. It is not considered the proposal would either in isolation, or cumulatively, significantly affect the character of the area, neighbouring land uses, ecology, the highway network or the environment subject to the conditions set out and the requirements within the S106 agreement. The proposal would deliver socioeconomic benefits including up to 56 jobs over a period of 30 years and there are no material considerations indicating against granting permission.

The application is recommended for approval.

RECOMMENDATION

Approval with Conditions

(1) Condition

The development hereby permitted shall commence within five years of the date of this permission.

Reason

To comply with S.91 of the Town and Country Planning Act 1990

(2) Condition

The development shall be carried out in accordance with the following plans:

- Site Location Plan (2522-026 rev R2)
- Development Areas Plan (2522-031 rev R1)
- Access Plan (rev SK001 revision submitted 15.2.19)

The details submitted under each subsequent condition of this permission, and the development as built, shall not have greater dimensions than those shown in Table 4.1 of the submitted Environmental Statement.

Reason

For the avoidance of doubt and in the interests of proper planning.

(3) Condition

References to "the main development area" in this and subsequently numbered conditions of this planning permission shall mean the area edged in green in the Development Areas Plan (2522-031 rev R1).

References to "the permitted preliminary works" in subsequently numbered conditions of this planning permission shall mean works comprising

- (i) biodiversity management, mitigation and enhancement works, providing these are in accordance with Condition 8 or any details approved thereunder;
- (ii) provision of wheel cleaning facilities required pursuant to Condition 10;
- (iii) piling works providing they have been first approved pursuant to Condition 11;
- (iv) installation and diversion of utility services within the Site;
- (v) surveys;
- (vi) removal of existing structures, and site clearance works within the main development area; and
- (vii) temporary contractors' facilities.

References to "coming into operation" in subsequently numbered conditions of this planning permission shall mean the date on which the development first receives commercial deliveries of fuel (RDF).

References to "approved in writing by the Local Planning Authority" in subsequently numbered conditions of this planning permission shall constitute an approval given in a written format by a duly authorised officer.

Reason

For the avoidance of doubt and in the interests of proper planning.

(4) Condition

Development shall not commence, save for the permitted preliminary works, until details of the final position of any buildings, finished floor levels, elevations and floor plans (which shall be in general accordance with "Section through bunker showing Proposed Finished Floor Level (2522-023 rev R1)" and "Floor Plans including Roof Plan (2522-043 rev R1)" and Elevations Plan reference (2522-032 rev R1)), have been submitted to and approved in writing by the Local Planning Authority. The only building with more than three occupied storeys shall be the administration block as shown in the "Development Areas Plan (2522-031 rev R1)". The development shall then proceed in accordance with the approved details.

Reason

For the avoidance of doubt, in the interests of proper planning, in the interests of health and safety and to ensure the development is in keeping with the visual amenity and character of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(5) Condition

Development shall not commence, save for the permitted preliminary works, until details of all external materials to be used in construction of the buildings (which shall be in general accordance with those illustrated in the "Elevations Plan reference (2522-032 rev R1)") have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(6) Condition

The existing tree planting associated with the South Humber Bank Power Station and lying within the site and outside the main development area shall be retained (as described in paragraph 11.7.2 of the submitted Environmental Statement) throughout the construction and operation of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(7) Condition

The development must not commence, save for the permitted preliminary works, until the details and position of boundary treatments, circulation areas, hardstandings and all other hard landscaping have been submitted and approved in writing by the Local Planning Authority.

The details submitted for the boundary treatment shall, further, be in general accordance with the submitted "Proposed Fence Section" (2522-036 rev R1) and in accordance with paragraph 10.7.3 of the submitted Environmental Statement.

Prior to the development coming into operation:

- (a) A lighting scheme, which shall be in accordance with paragraphs 4.4.15 and 4.4.16 of the submitted Environmental Statement;
- (b) A scheme of landscaping showing hard and soft landscaping materials details, and the details of the number, species, sizes and planting positions of any amenity planting and landscaping;
- (c) A phasing plan for the planting of the landscaping scheme; and
- (d) A future maintenance plan for the landscaping

must be submitted to and approved in writing by the Local Planning Authority.

The measures (b) to (d) shall be in accordance with part 11.7 of the submitted Environmental Statement.

All landscaping measures must thereafter be implemented as approved within a period of 12 months beginning with the coming into operation of the development, or within such longer period as may be first approved in writing by the Local Planning Authority. The lighting, boundaries, circulation and hard surfaces shall be installed as approved.

Reason

For the avoidance of doubt, in the interests of ecology and to ensure the development preserves the visual amenity and character of the area in accordance with Policies 5, 22, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(8) Condition

The ecological management and mitigation measures shown in paragraphs 10.7.3, 10.7.6-10.7.18 and 10.7.23 of the submitted Environmental Statement (as amended by the ES addendum paragraph 10.7.10 submitted March 2019) shall be implemented in full including in respect of timings.

At least twelve months prior to the anticipated date of the development coming into operation an Ecological Mitigation and Enhancement Plan (which shall accord with Figure

4.2 and paragraphs 10.7.20-10.7.22 and 10.7.24 of the submitted Environmental Statement) must be submitted to the Local Planning Authority. This must include written details from an ecologist to confirm that the ecological management and mitigation measures referred to in the previous paragraph of this condition have been implemented and are effective. Once this plan has been approved by the Local Planning Authority, it must be implemented in full by the end of the second planting season thereafter and any monitoring activities in the plan shall be carried out as approved.

Reason

To ensure that appropriate measures described in the Environmental Statement are delivered, and ensure no unacceptable impact upon protected species, in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(9) Condition

Development shall not commence, save for the permitted preliminary works, until a scheme for the disposal of surface and foul water drainage including a future maintenance plan has been submitted to and approved in writing by the Local Planning Authority. Once approved, the drainage shall be implemented as approved prior to the development coming into operation and shall be maintained in line with the details approved thereafter.

No infiltration of surface water drainage into the ground is permitted unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure appropriate provisions for the disposal of surface water and foul drainage and to reduce the risk and impact of flooding, to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(10) Condition

No development shall commence, or any phase thereof, until a Construction Management Plan in general accordance with the Outline CEMP (Volume III Appendix 5A of the submitted ES), has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall (if submitted for a phase) be specific to and appropriate for that phase, and shall contain details on the following matters:

- o Visitor and contractor parking areas;
- o Materials management plan;
- o Materials storage area;
- o Wheel cleaning facilities;
- o Noise, vibration and dust mitigation measures;
- o Lighting details;
- o Construction traffic management plan (which shall be in accordance with the outline document included as Annex 26 of Appendix 9A of the submitted Environmental Statement);
- o Construction worker travel plan (which shall be in accordance with the outline document included as Annex 25 of Appendix 9A of the submitted Environmental Statement);

- o Waste management in accordance with section 16.5 of the submitted Environmental Statement;
- o Pollution control.

The development, or the relevant phase, shall then proceed in full accordance with the approved plan.

Reason

In the interests of highway safety and to protect the amenities of neighbouring land users in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(11) Condition

Development shall not commence until detailed specifications of the type of piling to be used to support the building/structures shall be submitted to and approved in writing by the Local Planning Authority. Included shall be a scheme to mitigate the effects of the piling with regard to noise to ecological receptors (which shall be in accordance with paragraph 10.7.2 of the submitted Environmental Statement) and a scheme to mitigate the effects of the piling with regard to groundwater resources (which shall be in accordance with the results of the site investigation carried out, and the remediation strategy submitted, pursuant to condition 13 of this planning permission). The piling shall be carried out in accordance with the approved details, unless any variation is first approved in writing by the Local Planning Authority.

Reason

To protect local amenity and ecology in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(12) Condition

Unless otherwise approved in writing by the Local Planning Authority, and save for the permitted preliminary works or development required to be carried out as part of the scheme of remediation approved under condition 13, development must not commence until condition 13 has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 15 has been complied with in relation to that contamination.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(13) Condition

Development must not commence, save for the permitted preliminary works, until a scheme for an investigation of the nature and extent of any contamination on the site,

whether or not it originates on the site, has been submitted to and approved in writing by the Local Planning Authority. The investigation must be based on the assessment included in Appendix 12A of the submitted Environmental Statement, and must be undertaken by competent persons.

The development must not commence, save for the permitted preliminary works, until a written report of the findings of the investigation has been prepared and submitted to and approved in writing by the Local Planning Authority. The report must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments (if applicable);
- (iii) an appraisal of the need for remediation to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and (if applicable) historical environment;
- (iv) if there is a need, then an appraisal of the remedial options available and a description of the proposed remediation scheme. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All activities under this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(14) Condition

Development must not commence, save for the permitted preliminary works, until the remediation scheme approved under condition 13 of this planning permission has been carried out in accordance with its terms, unless otherwise agreed in writing by the Local Planning Authority.

Following completion of the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation scheme must be submitted to and

approved in writing of the Local Planning Authority prior to the development coming into operation.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(15) Condition

At any time during construction or operation, in the event that contamination is found that was not previously identified it must be notified in writing immediately to the Local Planning Authority. A risk assessment of the contamination must be undertaken by competent persons and a written report of the findings must be produced, along with a site investigation in accordance with the requirements of condition 12 and 13. Where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13 and submitted to and approved in writing by the Local Planning Authority as soon as practicable. Following completion of measures identified in the remediation scheme approved under this condition, a verification report must be prepared in accordance with the requirements of condition 14 and submitted to and approved in writing by the Local Planning Authority as soon as practicable.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(16) Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment, Appendix 14A of the submitted Environmental Statement, dated December 2018 by AECOM, unless otherwise approved in writing by the Local Planning Authority in consultation with the Environment Agency. In particular:

- o critical equipment assets shall be elevated to no lower than 4.55m above Ordnance Datum (AOD) or, alternatively, adequately protected through flood resistance and resilience measures
- o a place of safe refuge shall be provided at a level no lower than 4.55m AOD

The above mitigation measures shall be fully implemented prior to occupation of the development and subsequently remain in place.

Reason

To reduce the risk of flooding to the proposed development and future occupants and to ensure that any disruption caused by flooding is kept to a minimum in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(17) Condition

The development shall not be occupied until a Flood Warning and Evacuation Plan, which includes signing up to the Floodline Warnings Direct service, has been submitted to and approved in writing by the Local Planning Authority. The flood warning and evacuation plan shall be fully implemented prior to occupation of the development and subsequently remain in place.

Reason

To reduce the risk of flooding to future occupants in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(18) Condition

Prior to the development coming into operation, a Delivery and Servicing Plan for all operational HGVs entering and leaving the site must be submitted to and approved in writing by the Local Planning Authority. This must be in accordance with the Operational Delivery and Servicing Plan within Annex 24 (version dated March 2019) of Appendix 9A of the Environmental Statement.

The development shall operate in accordance with the approved Delivery and Servicing Plan throughout its lifetime, unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety and amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(19) Condition

Prior to the development coming into operation, an Operational Travel Plan (OTP) shall be submitted to and approved in writing by the Local Planning Authority. The OTP should be produced in accordance with NELC guidance and in liaison with the Business Travel Plan Officer.

The OTP submitted shall be in accordance with the Framework Operational Travel Plan within Annex 6 of Appendix 9A of the submitted Environmental Statement.

Once approved, the OTP shall be implemented in full and operated in line with its terms and timings throughout the lifetime of the development.

Reason

In the interests of sustainable development in accordance with Policies 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(20) Condition

Prior to the development coming into operation details of the visibility splays at the proposed site entrance must be submitted to and approved in writing by the Local Planning

Authority. Visibility splays shall thereafter be implemented in accordance with the details agreed and nothing shall at any time be erected or allowed to grow over 1.05 metres in height above the carriageway level of the adjoining highway within the visibility splays. The location of the visibility splays shall be located in line with the "Access Plan (SK001)" revision submitted 15.2.19 and "Swept Path Analysis plan (SK002)" submitted 15.2.19.

Reason

In the interests of road safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(21) Condition

Development shall not commence, save for the permitted preliminary works, until detailed plans have been submitted to and approved in writing by the Local Planning Authority, showing:-

- (a) The proposed layout and construction details of the proposed new entrance to the site including the junction and connection with the adopted highway (which shall be in accordance with: either "Access Plan (SK001)" revision submitted 15.2.19 and the submitted Proposed Culvert for Site Access plan (2522-035 rev R1)); or any details in respect of this new entrance that have been approved under S278 Highways Act 1980 by the Local Highways Authority;
- (b) The highway drainage system; and
- (c) Location, type and number of permanent vehicle and two-wheeler and cycle parking spaces.

The details shall be implemented in full as approved prior to the development coming into operation.

Reason

In the interests of highway amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(22) Condition

No development must take place, save for the permitted preliminary works, until a survey of the condition of the adopted section of the local access road South Marsh Road (east of Hobson Way) has been carried out and details submitted to and approved by the local planning authority. The survey must comprise SCANNER, deflectograph equipment, and supporting road core data with cores taken every 100m. The details must comprise a report detailing the survey methodology and the findings as to the theoretical capacity of the structure of the road based on a million standard axle calculation.

Additionally, within six months of the development coming into operation a report must be submitted to and approved in writing by the local planning authority setting out the results of traffic surveys along South Marsh Road (east of Hobson Way) conducted since the coming into operation of the development. The report shall include information on HGV

tonnage and volumes and a comparison against the theoretical capacity of the structure of the road contained in the details approved under the first paragraph of this condition.

If the findings show the actual traffic using the road exceeds the theoretical capacity, and the exceedance is attributable to the development authorised by this planning permission, the applicant shall within three months of an approval under the second paragraph of this condition submit details of a scheme of improvement for South Marsh Road (east of Hobson Way) and a programme for implementation to the local highways authority for their consideration and agreement under Section 278 Highways Act 1980.

Reason

To ensure that the local access road South Marsh Road is structurally suitable for the traffic added by the development, in line with Policies 5 and 6 of the North East Lincolnshire Council Local Plan 2013-2032 (adopted 2018).

(23) Condition

Development shall not commence, save for the permitted preliminary works, until the following information has been submitted to the Local Planning Authority, who shall immediately notify UK DVOF & Powerlines at the Defence Geographic Centre:

- a. Precise location of development.
- b. Date of commencement of construction.
- c. The proposed date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. Details of aviation warning lighting to be fitted to the structure(s), which must include fitting the emissions stack(s) with a minimum intensity 25 candela omni directional flashing red light or equivalent infra-red light fitted at the highest practicable point of the structure.

The aviation warning lighting approved pursuant to part (f) must thereafter be implemented in full before the construction of the emissions stack(s) is complete or within an agreed time frame to be approved in writing with the Local Planning Authority.

At the earliest opportunity prior to the known final date of completion of the construction, the actual date of construction completion shall be submitted to the Local Planning Authority. There shall be no deviation from, or exceedance of the details provided to the Local Planning Authority, unless first approved in writing by the Local Planning Authority.

Reason

In the interests of air safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(24) Condition

The hereby approved power facility shall use refuse derived fuel only (RDF), with the exception of the limited use of fuel oil during start up periods only. RDF comprises of processed waste from municipal, household, commercial and industrial sources.

Reason

To ensure the proposal is consistent with the submitted details and supporting Environmental Statement to accord with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(25) Condition

With the exception of the fuel oil tank, at no time shall any fuel stock for the energy recovery facility be stored outside of the main building.

Reason

In the interest of environmental protection in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

(26) Condition

Within two years of the development ceasing commercial operations a Decommissioning Plan, including a Decommissioning Environmental Management Plan, must be submitted to and approved in writing by the Local Planning Authority. Once approved, the decommissioning shall only be carried out in accordance with the approved details.

Reason

For the avoidance of doubt and in the interests of ecology, highway safety and the environment in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

Informatives

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or local amenity, have significant impact on ecology and is acceptable under all other planning considerations including highway safety. It will support the economic development of the area. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 1, 5, 6, 8, 9, 22, 31, 33, 34, 36, 38, 39, 41, 42 and 47.

2 Added Value Statement

In accordance with paragraphs 38 and 41 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by providing detailed pre-application advice on the proposed development, and by addressing highway and ecological matters.

3 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 325959).

4 Informative

The applicant is reminded that the development is subject to a Section 106 Legal Agreement.

5 Informative

Please note that in relation to abnormal loads a minimum of 10 working days between the application and the date of the first movements in order to assess the application and put in place any special traffic management that may be required. Please email AbnormalLoads@nelincs.gov.uk a completed Form of Notice to Police and to Highways and Bridge Authorities (Schedule 2 Part 1) providing details of the time, day, load profile and description of load a minimum of 10 days prior to their arrival. Network Rail (London North Eastern) office (assetprotectionlneem@networkrail.co.uk) should also be contacted in advance to confirm that any proposed abnormal load route is viable and to agree a strategy to protect Network Rail asset(s) from any potential damage caused by abnormal loads. It is advised to contact the Business Travel Plan Officer before commencing the Operational Travel Plan for additional advice, assistance and support. Please contact the Travel Plan Officer at North East Lincolnshire for more information.

6 Informative

The Local Planning Authority should be given two weeks' written notice of the start of the remediation scheme approved under condition 13.

7 Informative

Informative advice has been provided by the following consultees, copies of their representations can be found on the council's website.

- National Grid
- Network Rail
- Natural England
- Environment Agency
- Humberside Fire and Rescue
- Cadent Gas

Please note that the granting of planning permission does not override any other private, legal or environmental permitting, consents or licensing regimes the applicant must abide by.

Case Officer: Cheryl Jarvis

Supervising officer:

Name: Martin Dixon

North East Lincolnshire Council Officer with Delegated Powers:

Name: Chris Lines