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Your Ref: EN010107
Our Ref: 14079



James Bunten
Case Manager
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

6 New Bridge Street
London EC4V 6AB
T: 020 7489 0213
F: 020 7248 4743
E: info@dwdllp.com
W: dwdllp.com

Dear Mr Bunten

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

THE PLANNING ACT 2008 – SECTIONS 51, 56 & 58

THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – REGULATIONS 16 & 17

The above application (the 'Application') was submitted on behalf of EP Waste Management Limited ('EPWM' or the 'Applicant') 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').

Further to the decision dated 4 May 2020 to accept the Application, and the Section 51 advice accompanying that decision, I am enclosing completed Section 58 and EIA Regulation 17 certificates. No Section 59 certificate is provided since compulsory acquisition is not sought within the Application.

I also enclose a report giving an overview of the notification and publicity carried out in compliance with Section 56 and the EIA regulations, and the additional efforts made to provide safe and fair engagement in light of the COVID-19 pandemic.

The Section 51 advice is reproduced in italics below along with the Applicant's responses.

1. Consultees identified on a precautionary basis

As detailed in the Checklist there are several potentially relevant bodies which, on the basis of the information provided by the Applicant do not appear to have been consulted at the pre-application stage. These are:

- *Forestry Commission;*
- *Energetics Gas Limited;*

Partners

R J Greeves BSc (Hons) MRICS
G Bullock BA (Hons) BPL MRTPI
A Vickery BSc MRICS IRRV (Hons)
S Price BA (Hons) DipTP MRTPI

A R Holden BSc (Hons) FRICS
G Denning B.Eng (Hons) MSc MRICS
B Murphy BA (Hons) MRUP MRTPI
A Meech BSc MRICS

S Page BA MA (Cantab) MSc MRTPI
P Roberts FRICS CEnv
T Lodeiro BA (Hons) PGDip MSc MRICS



- *Energetics Electricity Limited.*

While the Applicant considered that the Proposed Development would not "affect the protection or enhancement of forests or woodlands" (as per Schedule 1 to the APFP Regulations) the Forestry Commission was nevertheless notified pursuant to s56 via post and e-mail.

Companies House filings from 24 September 2019 show that the Energetics companies changed their names to Last Mile Gas Limited and Last Mile Electricity Limited respectively, who were consulted at both S42 and S56 stages.

2. *Discrepancies between list of people consulted under s42 (1)(d) in the Consultation Report and those with an interest in the land identified in the Book of Reference*

There are discrepancies between the persons/bodies consulted under s42(1)(d) of the Consultation Report and the Book of Reference:

- *'Altalto Immingham Limited'; 'Cadent Gas Limited'; 'Vodafone Limited'; 'British Telecommunications plc'; 'Openreach Limited'; and 'Anglian Water Services Limited' are included in Appendix 6.4 of the Consultation Report as consulted landowners but are not identified within the Book of Reference;*

The parties listed are not included in the BoR due to either minor modifications to the red line boundary between s42 consultation and the submission of the application, or as the parties were included in the s42 consultation on a precautionary basis and it was subsequently determined they did not have an interest requiring their inclusion in the Book of Reference.

- *'Lloyds Bank PLC' has been identified as a Category 2 owner (as a mortgagee) with regards to Plots 1 and 2 within the Book of Reference but is not included in Appendix 6.4 of the Consultation Report as a consulted landowner.*

Lloyds Bank (a mortgagee) was consulted at s42 stage as a s44 party. This is referenced in the Consultation Report (Document Ref. 5.4) in Table 3.2 and paragraph 7.3.5 as follows: "In one case, a further section 44 party (mortgagee) was identified after the consultation period. In this case a letter was sent out to with a revised date for comments which ensured the minimum 30-day consultation period was still provided".

No explanation for these discrepancies appears to have been provided within the Consultation Report. The Applicant should carry out a review of the Book of Reference to ensure that all persons/bodies with an interest are included within it and if necessary, an updated version provided to the Planning Inspectorate. The Applicant should also ensure that Lloyds Bank PLC are notified of the accepted application, under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

A review has been carried out, and Lloyds Bank has been consulted under S56. It is considered that no update to the Book of Reference is necessary.

3. *Land Plans*

It would be helpful, to assist the examination, if the black line denoting Plot 1 could be drawn to exclude the AGI and substation, which are not within the Order Limits.

This has been redrawn and is enclosed (Document Ref. 4.2, rev 2.0). We request that the Examining Authority exercise discretion to accept this into the examination.

We look forward to receiving your acknowledgement of receipt of the certificate and enclosures. In the meantime, should you have any questions please do not hesitate to contact Colin Turnbull (colin.turnbull@dwdllp.com).

Yours sincerely,



DWD