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To: [South Humber Bank](#)
Cc: [Martin Dixon \(Engie\)](#)
Subject: EN010107 - South Humber Bank Energy Centre DCO Deadline 1 - Local Impact Report
Date: 08 December 2020 16:16:55
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Dear James

**Deadline 1 – Local Impact Report North East Lincolnshire Council
EN010107 South Humber Bank Energy Centre DCO**

Thank you for the opportunity to submit a Local Impact Report for the SHBEC. Please find attached the report which has been agreed by North East Lincolnshire Council.

Kind regards

Jonathan

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PLANNING ACT 2008 (as amended)

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

LOCAL IMPACT REPORT

SUBJECT: South Humber Bank Energy Centre

APPLICANT: EP Waste Management Ltd

INTERESTED PARTY:

NORTH EAST LINCOLNSHIRE
COUNCIL

YOUR REF: EN010107

1.0 Introduction

1.1 Following a letter dated 23rd September 2020, sent on behalf of the Examining Authority and setting out the examination timetable and procedure, North East Lincolnshire Council (NELC) has given further consideration to the scheme and its implications. As the unitary Local Planning Authority, NELC is host local authority for the proposed development.

1.2 The proposal is described as the construction and operation of an energy from waste plant of up to 95 megawatts gross capacity and associated development including an electrical connection, landscaping and access. This follows the planning approval for a similar scheme on the consent site for 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 which was approved by NELC on 12th April 2019. The proposed development, if approved, would in effect replace that which NELC approved (NELC Consented Scheme).

1.3 The documentation relating to this decision can be found within appendices 1 - 2 of the Planning Statement (examination library reference: APP-024) and a copy of the s106 planning legal agreement within appendix 2 of the development consent obligation (APP-032).

1.4 There have been on-going discussions with EP Waste Management Ltd (the applicant) as to possible implications of development for North East Lincolnshire. Following these discussions between the applicant and NELC, a Statement of Common Ground (SoCG) has been signed.

2.0 Policy Framework

2.1 North East Lincolnshire Local Plan 2013-2032 (NELLP) adopted March 2018 is the development plan for the area.

The relevant policies of the NELLP are:

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 36 - Promoting sustainable transport

Policy 38 - Parking

Policy 39 - Conserve and enhance historic environment

Policy 41 - Biodiversity and Geodiversity

Policy 42 – Landscape

Policy 47 – Future requirements for waste facilities

Policy 48 – safeguarding waste facility and related infrastructure

2.2 The proposal is located to the rear of the current South Humber Bank Power Station which is allocated within the North East Lincolnshire Local Plan as Existing Employment Land and is surrounded by land similarly allocated or as proposed employment land.

3.0 Site description and surroundings

3.1 NELC does not wish to add significantly to the description of the site that has been agreed within the SoCG except to describe the general features and characteristics of the site and area.

3.2 The consent site is located wholly within North East Lincolnshire and would be positioned to the rear (east) of the South Humber Bank Power Station on Hobson Way near Stallingborough.

3.3 The site is positioned between the Humber port towns of Grimsby and Immingham, both approximately 3km away. Site and surrounding area can be described as generally flat and characterised by the mix of large industrial installations divided from each other by tracts of open farmland which congregate together in this area to loosely link the port towns together.

3.4 To the east, 175m away is the Humber Estuary a SSSI, SPA and RAMSAR site.

3.5 There are no residential neighbours in close proximity to the site, indeed agricultural fields separate the site from 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.

3.6 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 near future, the South Humber Bank Link Road which is already partially complete will provide a further direct link between Grimsby and Immingham.

4.0 Relevant planning history

4.1 The SoCG accurately outlines the history of the site and those developments approved which could have an impact cumulatively with this proposal within the surrounding area.

4.2 It is worth reiterating, however, that the applicant has an extant planning permission for an almost identical 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 which was approved on 12th April 2019, ref. no. DM/1070/18/FUL at this site.

4.3 The benefit/ impacts of this development were fully considered at that time of that application and were found to both individually and cumulatively to be acceptable and in accordance with the NELLP and NPPF. Additional control of potential impacts and mitigation measures were agreed through conditions including a s106 legal agreement in accordance with the formula approach in

Policy 9 of the NELLP to assist to recover part of the cost of the creation the strategic South Humber Bank Mitigation Zone for SPA birds.

4.4 Since that approval, various condition discharge applications have been submitted to discharge the outstanding details. This includes the following:

- DM/0486/19/CND – Details in discharge of Part 1 of condition 13 (contamination investigation) – Condition partially discharged (part 1 only)
- DM/0713/19/CND - Details in discharge of condition 10 (construction management plan – Phase 1) – Condition partially discharged (phase 1 only)
- DM/1117/19/CND – Details in discharge of condition 18 (delivery and servicing) - Condition discharged
- DM/0626/20/CND Details in discharge of part 2 of condition 13 (contamination investigation) – Condition discharged

5.0 Relevant Issues

5.1 Issue 1 – Policy considerations

5.2 NELLP through policies 1, 7 and 8, and the plan allocations seek promote sustainable economic growth with investment within NE Lincolnshire having a particular focus on certain key areas of activity. The NELLP policy 7 supporting paras 12.17 to 12.19 in particular promotes the growth of the renewable and energy sector including generating power through biomass processing, and waste. The development would be located on the same site as the NELC consented energy from waste plant and would be directly to the rear (east) of the existing South Humber Bank Power Station.

5.3 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. This includes substantial numbers employed through construction (approximately 450) and 56 full time operational jobs. Of these a substantial proportion are expected to be drawn from the local area with measures proposed by the developer to promote this.

5.4 The proposal is also a key opportunity to reduce demand for waste to be land filled and promotes greater energy efficiency than the NELC consented scheme using renewable sources in accordance with policies 32 and 47 of the NELLP.

5.5 Similar to the NELC consented development it is considered that the proposed energy from waste plant would in principle accord with the NELLP policies 1, 7, 8, 32 and 47.

5.6 Issue 2 - Character, Visual Amenity, Landscape and Heritage

5.7 The NELLP policies adopted to assess the visual impacts of development on the surrounding areas are policies 5, 22, 39 and 42.

5.8 The development would be a substantial structure with the main building being 59m high with two chimneys up to 102m (AOD) in height proposed. The overall footprint of the building being 210m by 110m. These maximum dimensions are the same as those approved within the NELC consented scheme which incorporated maximum dimensions to allow for a level of flexibility within such an envelope for operational alterations without the need for further consent.

5.9 The development would be positioned directly behind (east) of the existing power station at the applicant's site which is, itself, a substantial structure with two large chimneys. The site adjoins both open fields but also other large industrial operations and when viewed from vantage points identified it is considered that the development would nestle between the existing industrial developments limiting the visual impact on the appearance and character of the area to less than significant. Agreed viewpoints at short, medium and longer distance from the site have been considered.

5.10 The impact on heritage assets would be limited by intervening distances and the proposal's context of existing industrial development and it is not considered that this would be detrimental to any asset identified in the ES. Similarly, there would not be deemed to be any impact on archaeology on the site due to previous development on the site which would have disturbed land below ground level.

5.11 Given the near identical physical dimensions and appearance of the proposal to the NELC consented scheme, the existing industrial context of the area and indeed employment allocation of land surrounding the site for future development the proposal is considered to accord with policies 5, 22, 39 and 42 of the NELLP.

5.12 Issue 3 - Impact on Neighbouring Land Uses

5.13 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.

5.14 The immediate neighbouring land uses include 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 allocated land, large commercial development is somewhat expected and are directed to such areas. As such impacts upon these uses are anticipated to be of a level that would be acceptable. This includes noise, vibration, and air quality.

5.15 It is noted that there are no residential dwellings within 500m of the site, two within 1km and eight within 2km of the site. The closest settlement would be Stallingborough just over 2km away. The main impacts on these receptors would be visual intrusion, noise, vibration, and air quality. Given the intervening distances these receptors would be from development and the similarity of the NELC consented scheme to the proposed development, the impacts would be the same.

5.16 Highways impacts will be considered below but it is worth noting that as with the NELC consented scheme HGV fuel deliveries and construction traffic would be routed away from residential areas limiting impacts on air quality, noise and vibration. This would be enforced through the proposed requirements (conditions) of the DCO. In overall terms therefore the proposal is deemed to accord with policy 5 of the NELLP.

5.17 Issue 4 – Highways.

5.18 Policy 5 of the NELLP requires that the suitability of the proposal with regards to access and traffic generation levels is considered. Similarly, policy 36 promotes sustainable transport use whilst Policy 38 sets out the requirements for parking.

5.19 The development would generate substantial increase in traffic upon the network during the first years of construction and during the operational life of the plant. At its maximum the development would employ 56 staff working over three shifts whilst 624 HGV movements in and out

of the plant would deliver fuel/ other materials and remove ash each day. The HGVs would be routed from and to the A180 via the A1173, Kiln Lane and Hobson Way.

5.20 A Transport Assessment has been submitted and the highway authority have not raised an objection to traffic levels, safety, capacity nor HGV routing and is content with the requirements (conditions) in the draft DCO to enforce construction traffic management, delivery vehicle routing, condition survey of South Marsh Road and a travel plan. It is also noted that Highways England have not raised an objection to the proposal.

5.21 Network Rail has raised concerns over the impact on its Kiln Lane and South Marsh Road level crossings and raise matters such as alternative HGV routeing that are of relevance to NE Lincolnshire. It is noted that they did not object to the NELC consented scheme which had identical traffic levels and routeing to that now proposed, raising concerns only in relation to abnormal loads. It is worth also noting that no objections were submitted by Network Rail re the condition discharge application (DM/1117/19/CND) for the vehicle routing agreement associated within the consented development, nor were concerns raised with respect to other major development within the south Humber bank area nor at Local Plan examination stage which established large employment designations to the east of the rail line and indeed the new link road from Moody Lane/Woad Lane junction to Hobson Way Roundabout which again has the potential to draw greater traffic to Kiln Lane. The transport assessment baseline and routing of staff cars were updated to reflect changes in context since the NELC consented development such as the link road which confirmed no significant alteration in impact. Alternate routes for traffic would also generate impacts on sensitive receptors and/or generate concerns re air quality or junction capacity which indicates that the Kiln Lane route remains the most viable option.

5.22 It is noted that the proposed traffic levels generated are almost identical to that previously deemed acceptable within the NELC consented scheme and as with that scheme subject to the requirements (conditions) of the DCO the proposal would accord with policies 5, 36 and 38 of the NELLP.

5.23 **Issue 5** - Ecology

5.24 Policy 41 of the NELLP seeks development to have regard to biodiversity and geodiversity including (amongst other criteria) the establishment and the securing of appropriate management of long-term mitigation areas with the estuary employment zone (also Policy 9). 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.

5.25 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 with the area and the site itself has some, if limited, ecological value but is still functionally related to the estuary and its birds.

5.26 The applicant has recognised the importance of these areas and provided detailed environmental statement of the impacts of the proposal on these surrounding areas and the species that rely upon them. The scheme has been assessed and it is noted that the NELC's ecologist has not objected and Natural England have indicated that there is no fundamental reason in principle why the proposal should be not be permitted, but that further information is required to ensure that there would be no adverse impacts on the Humber Estuary. Discussions between the applicant and Natural England continue to resolve any remaining concerns but this will be for the examiner to rule upon. It is noted that Natural England have also raised questions with respect to air quality impacts at Local

Wildlife Sites and discussions between the applicant and the NELC ecologist is on-going with respect to this issue. As such subject to various mitigation works outlined with the draft DCO and these remaining issues the proposal is deemed to accord with policies 6, 9 and 41 of the NELLP.

5.27 Mitigation works, however, are critical and would be the subject of the requirements (conditions) of the DCO. These include the limitations on the timing and type of piling operations, screen fencing to the south, protection of various features and areas of site from development (e.g. trees and ditches) and the creation of new grassland and water features to the west of the South Humber Bank Power Station. Importantly it also includes the provision of a contribution totalling £105,378 (based on site area) to assist in the repayment of construction costs for the South Humber Gateway Mitigation Strategy. A strategic approach to promoting economic development on the South Humber Bank whilst maintaining the areas functional relationship with the estuary through the creation of a network of smaller sites of wetland/ grass habitat creation to mitigate the impact on over wintering birds from the estuary. The key with the mitigation strategy is always having sufficient mitigation land in the balance to allow development sites to progress without delay. The contribution secured by the existing S106 agreement and proposed variation relates to the Cress Marsh wetland site. It is important that this is secured prior to the granting of the DCO. This is the applicant's intention. That site is now operational allowing the release of land for development, with further sites under negotiation. These mitigation measures are identical to those agreed within the NELC consented scheme and are deemed to accord with the policies 6, 9 and 41 of the NELLP.

5.28 Issue 6 - Pollution, Air Quality and Contamination

5.29 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. It is noted that an environmental permit is required and have since been obtained as outlined within the applicant's other consents and licences document.

5.30 The proposal would have almost identical impacts on these elements as the NELC consented scheme and both have been assessed by the NELC's Environmental Protection Team and subject to the requirements in the draft DCO (conditions) are deemed acceptable. This includes air quality which has been modelled (including cumulative impacts from other development) and have been found to remain with acceptable environmental standards ensuring there would no significant impacts on the area, ecology nor to neighbours. Again, the lack of objection from, the Environment Agency on such matters is critical and noted. Similarly, the remaining specific concerns raised by Natural England in relation to air quality within the estuary are being addressed by the applicant (should these final specific remaining points not be addressed these will need to be a matter for the Examiner) and as such the proposal is deemed to accord with policy 5 of the NELLP.

5.31 The emissions and the overall efficiency of the plant would be governed under the environmental permit that will be required to operate the plant under a separate legislative regime. Since the determination of the NELC consented scheme, the applicant has obtained an environmental permit and can be referenced in the applicant's 'other consents and licences' document (APP-023).

5.31 Issue 7 - Drainage and Flood Risk

5.32 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.

5.33 The site is located within Environment Agency Flood Zone 3 as are all other employment allocated sites upon the South Humber Bank. Sequentially as an allocated site within the NELLP the development of this is deemed to be acceptable in terms of the requirements of policy 33 and the provisions of the NPPF.

5.34 The development is supported by a site specific flood risk assessment and would ensure, amongst other things, that safe refuge for people and critical infrastructure would be set above 4.60m AOD (plus climate change 2115) within buildings and construction would utilise suitable water resistant materials and methods to limit damage and down time in the event of catastrophic flood event. The NELC consented scheme was designed to the then appropriate level of 4.55m AOD. The Environment Agency and Council's drainage team have not objected to this, and proposal therefore represents a very slight improvement in protection beyond that proposed under the NELC consented scheme.

5.35 Surface water drainage from the development would be limited to greenfield runoff rates with discharge into the existing land drains. This would be achieved through drainage via large attenuation ponds on site, designed conservatively to accommodate runoff during extreme events before release at a controlled level. Full details will be required through the DCO requirements (conditions) but neither the NELC drainage team nor the Environment Agency has objected to the strategy. Within the assessment consideration is also been had with reference to water quality. Foul water drainage would also be subject to the DCO requirements although it is likely to be dealt with through off network methods.

5.36 Subject to the requirements (conditions) of the DCO the proposal is deemed to accord with policies 33 and 34 of the NELLP.

5.37 Issue 8 - Health and Safety Executive (HSE)

5.38 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 several pipelines and hazardous installations. It is noted that the scheme is very similar to the previous NELC Consented Scheme which the Executive did not advise against, and the examiner will need to consider any comments made by the Health and Safety Executive in his determination of the DCO.

6.0 Conclusion

6.1 The proposal and its impacts would be very similar to those of the NELC consented scheme. It is considered therefore that the proposal accords with all relevant NELLP policies and is not considered either in isolation, or cumulatively to significantly affect the character of the area, neighbouring land uses, ecology, the highway network or the environment subject to the requirements (conditions) in the draft DCO and the revised S106 planning agreement.



Mark Nearney

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