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Your Ref: EN010107
Our Ref: 14079



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Dear Mr Fedden

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

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

We write in response to the 'Rule 8' letter dated 17 November 2020 in which the Examining Authority has requested comments on Local Impact Reports (LIRs), comments on any responses/information submitted for Deadline 1, responses to the Examiner's First Written Questions, Statement of Commonality of Statements of Common Ground not submitted at Deadline 1, an updated Guide to the Application, any updated version of the draft Development Consent Order (dDCO) in clean, tracked and word versions; and a schedule of changes to the dDCO, to be submitted by Deadline 2.

Documents Submitted in advance of Deadline 2

We therefore request the Examining Authority accepts the following documents:

- Document 2.1 – Draft Development Consent Order. Revision 2.0. Please note, a tracked changes comparison with Revision 1.0 (Application Version) is provided as Document 8.6. If a Microsoft Word version is also required we will provide this on request.
- Document 3.1 – Book of Reference. Revision 2.0.
- Document 5.8 – Habitats Regulations Assessment Signposting. Revision 2.0.
- Document 7.4 – Statement of Common Ground with Natural England. Signed.
- Document 7.9 – Statement of Common Ground with Royal Mail Group. Signed.
- Document 8.2 – Applicant's Response to Examining Authority's First Written Questions. This is provided in three PDF files (Part 1, Part 2 and Part 3) each under 50MB.
- Document 8.3 – Statement of Commonality of Statements of Common Ground.
- Document 8.4 – Development Consent Obligation. Revision 2.0.
- Document 8.5 – Response to Examiner's Question 7.0.1 (Figure 1 and Figure 2).
- Document 8.6 – Comparison Draft Development Consent Order.
- Document 8.7 – Schedule of Changes to the Draft DCO.

Partners

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Updated Guide to the Application

All of the above documents are referenced in the enclosed updated Application Guide (Document 1.2 – Application Guide – Revision 3.0).

Local Impact Reports (LIRs)

The Applicant acknowledges the LIR submitted by North East Lincolnshire Council (NELC) at Deadline 1. We provide a summary of the LIR and the Applicant's comments within **Appendix 1** of this letter.

Comments on Accompanied Site Inspection (ASI) Suggestions

The Applicant notes that North East Lincolnshire Council and Network Rail suggested locations for the ExA to include in any ASI (submitted at Deadline 1). We do not have any comments to make on these and will be glad to facilitate an ASI if the Examining Authority should request it and subject to the latest COVID-19 rules and precautions. There is the potential for the (very recently announced) more transmissible form of COVID-19 to impact on the Applicant's ASI suggestions and we will remain in touch with the case management team.

Comments on any responses/ information submitted for Deadline 1

The Applicant has no further comments to make on any of the Deadline 1 submissions.

Should you have any questions with regard to the Application, please do not hesitate to contact Colin Turnbull at this office using the details provided.

Yours sincerely,



DWD

Cc.

Simon Bate, Project Manager – EP UK Investments

Appendix.

- Appendix 1 – Applicant's Response to NELC Local Impact Report

Encs.

- Document 1.2 Application Guide Revision 3.0
- Document 2.1 Draft Development Consent Order Revision 2.0
- Document 3.1 Book of Reference Revision 2.0
- Document 5.8 Habitats Regulations Assessment Signposting Revision 2.0
- Document 7.4 Statement of Common Ground with Natural England Signed
- Document 7.9 Statement of Common Ground with Royal Mail Signed
- Document 8.2 Applicant's Response to Examining Authority's First Written Questions (3 parts)
- Document 8.3 Statement of Commonality for Statements of Common Ground
- Document 8.4 Development Consent Obligation
- Document 8.5 Response to Examiner's Question 7.0.1
- Document 8.6 Comparison Draft Development Consent Order
- Document 8.7 Schedule of Changes to the Draft DCO

APPENDIX 1 – APPLICANT’S RESPONSE TO NELC LOCAL IMPACT REPORT

The Applicant acknowledges the LIR submitted by North East Lincolnshire Council (NELC) at Deadline 1. The LIR is supportive of the Proposed Development and does not identify any impacts which are not already assessed and wherever possible mitigated.

Section 1 acknowledges the ongoing discussions held and the signed SoCG. Besides the pre application signed version, and the agreed and unsigned SoCG submitted at Deadline 1, we intend to agree and sign a further SoCG for Deadline 3 addressing the ‘matters not yet agreed’.

Section 2 identifies the relevant local policy and explains that the proposal site is designated as employment land and is surrounded by land similarly allocated.

Sections 3 and 4 acknowledge the site context and confirm the planning history set out in the SoCG. Paragraph 4.3 explains that the benefits and the local impacts of the development were fully considered in the determination of the planning application for the Consented Development.

Section 5 sets out the relevant issues for North East Lincolnshire Council, under eight headings.

Heading 1 ‘Policy considerations’ confirms that the construction and operational phases will support local employment and job creation, with a substantial proportion expected to be drawn from the local area. It also confirms that the proposal is a key opportunity to reduce demand for waste to be land filled and promotes greater energy efficiency than the NELC consented scheme.

Heading 2 ‘Character, Visual Amenity, Landscape and Heritage’ confirms that agreed viewpoints have been considered, and due to the location between the existing industrial developments there would be limited visual impact on the appearance and character of the area. It also confirms that the Proposed Development would not be detrimental to heritage or archaeology.

Heading 3 ‘Impact on Neighbouring Land Uses’ confirms that the impact on neighbouring land uses would be acceptable given the location within an existing employment area and distance from residential dwellings. The routeing of HGVs away from residential areas is noted.

Heading 4 ‘Highways’ confirms there is no objection to the highways impacts of the scheme. The applicant agrees with all matters raised within Issue 4 aside from the reference to “*the proposed traffic levels generated are almost identical to that previously deemed acceptable within the NELC consented scheme*”, for this statement we would clarify by reference to the Transport Assessment (Document Ref. 6.4.12/ APP-115) which shows that the baseline has been updated, and the traffic levels generated by the Proposed Development are identical to that previously deemed acceptable within the NELC consented scheme. The Kiln Lane HGV route is confirmed as the most viable.

Heading 5 ‘Ecology’ explains that the proposal site has some limited ecological value being functionally related to the estuary and waterbirds. The then position of Natural England is noted as being a factor (since the LIR was written, the position of Natural England is now one of full agreement, which is shown in the SoCG submitted for Deadline 2). The LIR explains that subject to the Natural England position, and the agreed S106 contribution to the South Humber Gateway mitigation strategy and the agreed DCO requirements, the impact on ecology is acceptable. It is stated that the mitigation measures are identical to those agreed within the NELC consented scheme”: this is correct, though we would clarify that the Proposed Development provides additional enhancement compared to the Consented Development (additional water vole and species rich

hedgerow) in response to Natural England consultation comments. These additions are noted in the SoCG with Natural England submitted at Deadline 1 (see paragraph 4.7.4).

Heading 6 'Pollution, Air Quality and Contamination' confirms that matters associated with pollution, air quality and contamination are acceptable.

Heading 7 'Drainage and Flood Risk' confirms that the Proposed Development is deemed to be acceptable in terms of flood risk impacts (subject to details required by conditions/ requirements). This is consistent with the submitted Flood Risk Assessment (Document Ref. 6.4.26/ APP-135).

Heading 8 'Health and Safety Executive (HSE)' confirms that the HSE did not advise against the Consented Development, and that the Examiner will need to consider any further HSE comments when determining the DCO.

We would direct the examiner to p70 of the Consultation Report (Document Ref. 5.1 / APP-020) which describes the HSE position namely that it does not advise against the development and does not wish to enter into a SoCG. The Applicant also engaged with HSE for the Consented Development and it provided the same advice. This relies on compliance with their Land Use Planning Methodology¹ which requires that employment development within the inner consultation zone for the nearby hazard sites has less than three occupied storeys. The location of Work 1B (administration block, which is the only part of the development that could have three or more occupied storeys) is fixed on the Works Plan to prevent it being developed within the 'inner zone' to the north, as explained at paragraph 4.7.2 of the Planning, Design and Access Statement (Document Ref. 5.5 / APP-024). At Deadline 2 the Draft DCO has been updated to clarify this, by referencing that Work 1B (the administration building) shall be the only building with more than three occupied storeys. The Applicant can provide copies of HSE correspondence and confidential drawings on request to the Examining Authority.

¹ <https://www.hse.gov.uk/landuseplanning/>