

# 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: 8.17 Applicant's response to D5 submissions and comments on the RIES



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Applicant: EP Waste Management Ltd  
Date: April 2021

**DOCUMENT HISTORY**

<b>Document Ref</b>	8.17 Applicant's response to D5 submissions and comments on the RIES		
<b>Revision</b>	1.0		
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<b>Signed</b>	JM	<b>Date</b>	23.04.21
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<b>Document Owner</b>	DWD		

**GLOSSARY**

<b>Abbreviation</b>	<b>Description</b>
ACC	Air-cooled condenser
CCGT	Combined Cycle Gas Turbine
DCO	Development Consent Order: provides a consent for building and operating an NSIP.
EfW	Energy from Waste: the combustion of waste material to provide electricity and/or heat.
EIA	Environmental Impact Assessment
EPUKI	EP UK Investments Limited
EPWM	EP Waste Management Limited ('The Applicant')
ES	Environmental Statement
ExA	Examining Authority: An inspector or panel of inspectors appointed to examine the application.
mAOD	Metres Above Ordnance Datum
MW	Megawatt: the measure of power produced
NE	Natural England
NELC	North East Lincolnshire Council
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
RDF	Refuse derived fuel
RFWQ	Responses to the Examining Authority's Further Written Questions.
RIES	Report on the Implications for European Sites
SHBEC	South Humber Bank Energy Centre
SHBPS	South Humber Bank Power Station
SoS	Secretary of State

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## **1.0 INTRODUCTION**

### **1.1 Overview**

- 1.1.1 This 'Applicant's response to D5 submissions and comments on the RIES' document (Document Ref. 8.17) has been prepared on behalf of EP Waste Management Limited ('EPWM' or the 'Applicant'). It relates to 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 Full planning permission ('the Planning Permission') was granted by North East Lincolnshire Council ('NELC') for an EfW power station with a gross electrical output of up to 49.9 MW and associated development ('the Consented Development') on land at SHBPS ('the Consented Development Site') under the Town and Country Planning Act 1990 on 12 April 2019. Since the Planning Permission was granted, the Applicant has assessed potential opportunities to improve the efficiency of the EfW power station, notably in relation to its electrical output. As a consequence, the Proposed Development would have a higher electrical output (up to 95 MW) than the Consented Development, although it would have the same maximum building dimensions and fuel throughput (up to 753,500 tonnes per annum (tpa)).
- 1.1.4 The application was submitted to PINS on 09 April 2020 and accepted for examination by PINS on 04 May 2020.

### **1.2 The Applicant**

- 1.2.1 The Applicant is a subsidiary of EP UK Investments Limited ('EPUKI'). EPUKI owns and operates a number of other power stations in the UK and 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.

### **1.3 The Proposed Development Site**

- 1.3.1 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.
- 1.3.2 The Site is located on the South Humber Bank between the towns of Immingham and Grimsby; both over 3 km from the Site.
- 1.3.3 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.

- 1.3.4 The existing SHBPS was constructed in two phases between 1997 and 1999 and consists of two Combined Cycle Gas Turbine (CCGT) units fired by natural gas, with a combined gross electrical capacity of approximately 1,400 MW. It is operated by EP SHB Limited.
- 1.3.5 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).
- 1.3.6 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 / APP-034 to APP-055).

#### **1.4 The Proposed Development**

- 1.4.1 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; and
  - Work No. 5— temporary construction and laydown areas.
- 1.4.2 Various types of ancillary development further required in connection with and subsidiary to the above works are detailed in Schedule 1 of the DCO.
- 1.4.3 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 summarised below:
- 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.
- 1.4.4 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 / APP-034 to

APP-055) 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 / APP-010). Three representative construction scenarios (timescales) are described within Chapter 5: Construction Programme and Management in the ES Volume I (Document Ref. 6.2 / APP-034 to APP-055) and assessed in the Environmental Impact Assessment ('EIA').

## **1.5 Purpose of this Document**

- 1.5.1 This document sets out the Applicant's responses to the responses made on the Examining Authority's Further Written Questions ('RFWQ') at Deadline 5, the 'Report on the Implications for European Sites' ('RIES') document prepared by the Planning Inspectorate (dated 31 March 2021) and North East Lincolnshire Council's 'Response to Request for further information (Rule 17) letter dated 9 March 2021 in relation to the Unmanned Aerial Vehicle (UAV) footage' (Document Ref. REP5-013).
- 1.5.2 The Applicant's comments on each RFWQ are provided in separate sections of this document. These are as follows and the ordering corresponds to the order in which they appear on the Planning Inspectorate project web page:
- Section 2 - Response to North East Lincolnshire Council RFWQ (Document Ref. REP5-014 and Appendices REP5-012);
  - Section 3 - Response to Network Rail Infrastructure Limited RFWQ (Document Ref. REP5-011);
  - Section 4 - Response to Natural England RFWQ (Document Ref. REP5-010);
  - Section 5 - Response to National Grid Response to RFWQ (Document Ref. REP5-009);
  - Section 6 - Response to Environment Agency Response to RFWQ (Document Ref. REP5-008);

## **2.0 RESPONSE TO NORTH EAST LINCOLNSHIRE COUNCIL RFWQ AND RESPONSE TO REQUEST FOR FURTHER INFORMATION LETTER.**

### **2.1 Response to Further Written Questions**

2.1.1 The RFWQ and the associated Appendix provided by NELC is available on the Planning Inspectorate Examination Library (REP5-014 and REP5-012).

2.1.2 The Applicant notes the RFWQ provided by NELC and provides comments in the following paragraphs.

2.1.3 The Applicant has no comments to make on the NELC responses to QB.1.1, QB.1.2, QB.1.3, QB.1.5, QB.1.8, QB.1.9 and QB.5.6. These align with the Applicant's responses to the ExA's Further Written Questions at Deadline 5.

2.1.4 The Applicant agrees with the response to QB.1.4 which aligns with the Applicant's response to the ExA's Further Written Questions at Deadline 5. At Deadline 5 it was confirmed that a Section 73 had been submitted to remove piling works from being carried out as part of the permitted preliminary works. It is now noted that following the response to QB.1.4, comments have been received on the Section 73 application from a number of statutory consultees and none of these have objected to the proposed amendment. The full list of consultees that have responded is:

- Environment Agency;
- Highways England;
- Humberside Fire & Rescue;
- Ministry of Defence;
- National Air Traffic Services;
- Natural England;
- NELC Drainage;
- NELC Environmental Protection;
- NELC Heritage;
- NELC Highways;
- NELC Trees And Woodlands;
- Network Rail; and
- North East Lindsey Internal Drainage Board.

2.1.5 The Section 73 application is expected to be determined in advance of the target determination date of 14 June 2021. This is confirmed within the submitted 'Position statement between North East Lincolnshire Council and EP Waste Management Limited submitted in advance of Deadline 6' (Document Ref. 8.18) which states in section 5 that the "*Statutory publicity period for this application has concluded and non objections have been received from all key consultees. Accordingly the application is capable of*



*being determined under delegated authority. While nothing can fetter the local planning authority's discretion in the determination of the application, planning officers are content and there are presently no grounds to refuse the application."*

**2.2 Response to Request for further information (Rule 17) letter dated 9 March 2021 in relation to the Unmanned Aerial Vehicle (UAV) footage**

2.2.1 The Applicant has no comments to make on NELC's 'Response to Request for further information (Rule 17) letter dated 9 March 2021 in relation to the Unmanned Aerial Vehicle (UAV) footage'.

**2.3 Position Statement**

2.3.1 A Position Statement with NELC on any matters since the signed Statement of Common Ground ('SoCG') submitted at Deadline 4 is submitted at Deadline 6 (Document Ref 8.18). This demonstrates agreement to Article 5 wording and the deemed discharge procedure, wording of Requirements in Schedule 2 of the DCO, and the signing of the Planning Performance Agreement and the Section 106 Deed of Variation.



### **3.0 RESPONSE TO NETWORK RAIL INFRASTRUCTURE LIMITED RFWQ**

- 3.1.1 The RFWQ provided by Network Rail is available on the Planning Inspectorate Examination Library (REP5-011).
- 3.1.2 The Applicant notes the RFWQ provided by Network Rail and has no comment to make.

## **4.0 RESPONSE TO NATURAL ENGLAND RFWQ**

- 4.1.1 The RFWQ provided by Natural England is available on the Planning Inspectorate Examination Library (REP5-010).
- 4.1.2 The Applicant notes the RFWQ provided by Natural England and has no comments to make.

## 5.0 RESPONSE TO NATIONAL GRID RFWQ

- 5.1.1 The RFWQ provided by National Grid is available on the Planning Inspectorate Examination Library (REP5-009).
- 5.1.2 The Applicant notes the RFWQ provided by National Grid and has no comments to make.
- 5.1.3 It is noted that a National Grid SoCG is not being submitted at Deadline 6 as there is no change in position from that set out in the Applicant's Deadline 4 submitted National Grid SoCG (Document Ref. 7.7 / REP4-007) and the Applicant's response to ExQ2 (Document Ref. 8.16 / REP5-005). For clarity the response provided was as follows:

*"In response to Question B.1.6, The Applicant provided comments to National Grid on the protective provisions on 23 February and has since asked National Grid to confirm its response or any further comments, but has not received a response on them. The issues noted in the draft Statement of Common Ground at Deadline 4 therefore remain the same. The Applicant has provided a set of protective provisions within the draft DCO which it considers provide adequate protection for National Grid, and notes that National Grid has not provided alternative drafting at any point. Whilst the Applicant will continue to discuss the protective provisions with National Grid, it considers that the Examining Authority has everything required, in the form of the protective provisions included in the draft DCO."*

- 5.1.4 Whilst the Applicant and National Grid have had further exchanges on the terms of the protective provisions, agreement has not yet been reached. The Applicant's position on adequate protection being in place for National Grid remains as set out in response to second question B.1.6 above.

## **6.0 RESPONSE TO ENVIRONMENT AGENCY RFWQ**

- 6.1.1 The RFWQ provided by Environment Agency is available on the Planning Inspectorate Examination Library (REP5-008).
- 6.1.2 The Applicant notes the RFWQ provided by the Environment Agency and has no comments to make.

## **7.0 REPORT ON THE IMPLICATIONS FOR EUROPEAN SITES**

- 7.1.1 The Applicant notes the RIES provided by the Planning Inspectorate.
- 7.1.2 In response to the RIES paragraph 4.2.36 at which it is suggested that the restriction on drop hammer piling during the sensitive wintering bird period taking no longer than one month is secured, the Applicant has submitted an updated Biodiversity Strategy at Deadline 6 (Document Ref. 5.11, Revision 2.0). The Biodiversity Strategy has been updated at paragraph 7.1.3 to clarify that if drop hammer piling is required in the period September to March inclusive it will be restricted to no more than four weeks duration. Compliance with the Biodiversity Strategy is required by Requirement 17(2) of the Draft DCO thereby ensuring that the agreed maximum duration of drop hammer piling during the sensitive wintering bird period is secured.
- 7.1.3 The Applicant also notes the reference within the RIES to the Section 106 Deed of Variation. Further information on this is provided within the Position Statement with NELC submitted at Deadline 6 (Document Ref. 18.8).
- 7.1.4 Other than the above the Applicant has no comments on the RIES.