



Department for
Business, Energy
& Industrial Strategy

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London
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Email: beiseip@beis.gov.uk
Web: www.gov.uk/beis

To:

EP Waste Management Limited
Network Rail Infrastructure Limited

Your Ref:

Our Ref: EN010107
Date: 30 September 2021

cc:

All Interested and Other Parties

Dear Sir or Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by EP Waste Management Limited (“the Applicant”) for an Order granting Development Consent for the proposed South Humber Bank Energy Centre, Stallingborough, North East Lincolnshire (“the Proposed Development”)

REQUEST FOR INFORMATION

1. Following the completion of the Examination on 10 May 2021, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 10 August 2021 in accordance with section 107 of the Planning Act 2008, the Secretary of State has three months from the date of the submission of the Report to determine the application.
2. The Secretary of State requests that the parties identified in **bold** should provide any updates or information as appropriate. Additional comments from any interested parties on this point will also be considered.

The Existing South Humber Bank Energy Centre Planning Permission for an EfW power station of up to 49.9 Megawatts (MW) gross capacity – as granted by North East Lincolnshire Council

3. The Secretary of State notes that the planning permission granted by North East Lincolnshire Council (NELC) under its reference DC/1070/18/FUL, has been granted to “EP SHB Limited” whereas the “undertaker” as defined in the draft DCO submitted by the Applicant is “EP Waste Management Limited”.
4. Please can the **Applicant** provide a signed letter from either EP SHB Limited (the preferred option) or from EP Waste Management Limited confirming that EP SHB Limited is aware of the application for development consent for the South Humber Bank Energy Centre, made by EP Waste Management Limited, and submitted to the Planning Inspectorate on 9 April 2020. The letter should also confirm that EP SHB Limited is aware of and has no objections to the impact upon the planning permission granted to it, which has been assigned the reference number DM/1070/18/FUL by North East Lincolnshire Council, should the Development Consent Order be made.

Amendments to DCO

5. Should the Development Consent Order be made, the Secretary of State has decided to amend the following definitions within the DCO:
 - a. Paragraph 47(1) and (6) of Schedule 8 to the DCO refers to “a specified works” but there is no definition of the term and it is not clear what is meant by it. Subsequently, the Secretary of State intends to include the following definition: *“specified work means so much of any of the authorised development as is or is to be situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property.”*
 - b. Railway Property - this term is not defined in Part 5 of Schedule 8 the DCO. As such the Secretary of State intends to use the following definition: “railway property” means any railway belonging to Network Rail and—
 - (a) any station, land, works, apparatus and equipment belonging to Network Rail or connected with any such railway; and
 - (b) any easement or other property interest held or used by Network Rail for or connected with the purposes of such railway or works, apparatus or equipment;
6. The Secretary of State requests that the **Applicant** and **Network Rail Infrastructure Limited** confirm whether or not they are content with the above definitions.
7. In addition to the above definitions, should the Development Consent Order be made, the Secretary of State has also decided to amend:
 - a. Requirement 38 (Habitat contribution) of Schedule 2, replace:

“Construction of Work No. 1 must not start until the habitat contribution (as that term is defined in the section 106 agreement) has been paid to the relevant planning authority.”

with

“Construction of Work No. 1 must not start until the sum of £105, 378.00 has been paid to the relevant planning authority. This is the Habitat Contribution (as that term is defined in the section 106 agreement), and it is Index Linked, subject to interest on late payment, and subject to VAT (if applicable), as provided for in the section 106 agreement.”
 - b. At the end of the text in Article 5(2)(b)(i) (Effect of the Order on the SHBEC planning permission) insert :

“For the avoidance of doubt, any obligations under the section 106 agreement do not cease to have effect.”
8. The Secretary of State requests that the **Applicant** confirms whether or not they are content with the above amendments.

The deadline for responses is 23.59 on 7 October 2021.

9. Due to COVID-19, responses on the information requested should be submitted by e-mail only to:
SouthHumberBank@planninginspectorate.gov.uk

10. Responses will be published on the South Humber Bank Energy Centre Project page of the National Infrastructure Planning website as soon as possible after **7 October 2021**.

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/south-humber-bank-energy-centre/>

11. Comments may then be invited from Interested and Other Parties within a further 28 days on the above matters only (if appropriate). The Secretary of State will then consider the responses and information received in reaching a decision on the Application.

12. This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the South Humber Bank Energy Centre Project, and nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully

Gareth Leigh

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Head of Energy Infrastructure Planning