



# NORTH LINCOLNSHIRE GREEN ENERGY PARK

Planning Act 2008

Infrastructure Planning  
(Applications  
Prescribed Forms and  
Procedure) Regulations  
2009

APFP Regulation 5(2)(q)

## North Lincolnshire Green Energy Park

Volume 1

1.1 Application Cover Letter

PINS reference: EN010116

May 2022

Revision number: 0



North Lincolnshire Green Energy Park Limited  
Regent's Court  
Princess Street  
Hull  
East Yorkshire  
HU2 8BA

Sarah Norris  
Case Manager  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Date: 31/05/2022  
Planning Inspectorate Reference: EN010116  
Our Ref: North Lincolnshire Green Energy Park

Dear Ms Norris

**Planning Act 2008- Application for a Development Consent Order for the construction, operation and maintenance of the proposed North Lincolnshire Green Energy Park**

We enclose an application (the Application) submitted on behalf of North Lincolnshire Green Energy Park Limited (the Applicant) for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (the 2008 Act) in respect of the North Lincolnshire Green Energy Park (the Project).

The Applicant is seeking development consent for the construction and operation of a combined heat and power (CHP) enabled energy generating development, with an electrical output of up to 95 megawatts (MWe), incorporating carbon capture, associated district heat and private wire networks (DHPWN), hydrogen production, ash treatment, and other associated developments for the Project on land at Flixborough Industrial Estate, situated at Stather Rd, Flixborough, Scunthorpe (the Application Land).

A DCO is required for the Project as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (NSIP) being for the construction or extension of a generating station (s14(1)(a) 2008 Act) with a capacity above 50MW (s15(2) 2008 Act). The DCO, if made by the Secretary of State for Business, Energy and Industrial Strategy (Secretary of State), would be known as the 'North Lincolnshire Green Energy Park Order' (the Order).

On 21st March 2022 the Applicant submitted an Application for a DCO for the North Lincolnshire Green Energy Park, however this was subsequently withdrawn on 8th April 2022. This submission therefore comprises a re-submission of the Application for development consent for the Project. A table setting out how the Applicant has had regard to the Section 51 advice provided by the Planning Inspectorate has been included as Appendix A to this covering letter.

## The Applicant

The Applicant is a Special Purpose Vehicle (SPV) set up by Solar 21 Renewable Energy Limited (S21). S21 is a renewable energy investment company with headquarters in Dublin, Ireland, with locations in the United Kingdom (UK) and Italy.

Established in 2010, S21 specialises in the acquisition and management of solar photovoltaic (PV) installations and the development of renewable power assets including biomass, biogas and energy recovery projects in the UK and Europe.

S21 has been delivering steady returns to investors since 2011 from its PV assets. To date, S21 has acquired or developed in excess of €240 million in renewable energy assets. Its current pipeline of projects is expected to bring this to €2 billion over the next five years, which includes this Project as part of a series of new energy recovery plants in the UK.

## The Site and Surroundings

For the purposes of providing clarity within the Environmental Impact Assessment, the land within the Order Limits (the Application Land) is divided into four distinct geographical areas relating to the specific elements of the Project.

The Application Land is located largely within the boundary of Flixborough Wharf and on agricultural land to the south, which is largely within the ownership or control of the Applicant but includes areas of third-party land.

All elements of the Application Land are within the administrative boundary of North Lincolnshire Council (NLC), within North Lincolnshire.

**The Energy Park Land:** The Energy Park Land is located on land within and to the south of Flixborough Industrial Estate, to the west of Scunthorpe, North Lincolnshire. The Energy Park Land encompasses an area within and adjacent to Flixborough Wharf (RMS Trent Ports) on the east bank of the River Trent. The Flixborough Wharf and Flixborough Industrial Estate together form an industrial complex that has supported a range of businesses and industrial activities since the early 1900s. Existing infrastructure at the site includes roads, a rail spur, a 155m long Wharf, weigh bridge, cranes, warehousing and stock sheds, workshops, and portable offices.

Large industrial facilities within the wider Flixborough Industrial Estate and on adjacent land include a cement works, wind turbines, grain processing facilities, and a small power station that has a feedstock of chicken litter and bone meal.

Land adjacent to the Flixborough Industrial Estate included within the Application Land is currently a mix of both brownfield land and areas used for arable agriculture, comprising a number of fields separated by hedgerows and well-established drainage ditches which are maintained by the Internal Drainage Board (IDB).

**The Northern District Heat and Private Wire Network (NDHPWN) land:** The route of the NDHPWN runs from the ERF down the new access road to the southern end of the Energy Park Land where the B1216 (Ferry Road West) meets the A1077 (Phoenix Parkway). The route follows the A1077 towards the east, passing the Skippingdale Retail Park on its south side and crossing the common land at Atkinsons' Warren / Foxhills Plantation.

East of the common land, the route passes south of the Foxhills Industrial Park where the NDHPWN land incorporates rough grassland with hedges to the north of the A1077 and agricultural land and use of highways land.

Following this route two options have been proposed continuing from the roundabout junction with the A1430 (Normanby Road):

- Option A - the route passes south towards the built-up urban centre of Scunthorpe via Normanby Road, where the route remains lined on both sides by residential and industrial areas; or
- Option B – the route continues on the A1077 until the junction with Bessemer Way to the south. The route will follow Bessemer Way until the junction with Warren Road turning due west to meet the Normanby Road.

**The Southern District Heat and Private Wire Network (SDHPWN) land:** The route of the SDHPWN runs from the southern end of the Energy Park Land where the B1216 (Ferry Road West) joins the A1077, and then heads south through the agricultural land on the west side of the A1077. It will pass under the IDB drain north of the roundabout.

At Doncaster Road, the Southern DHPWN will pass under the carriageway and continue south across the agricultural land, where it will pass under the Crowle to Scunthorpe railway line and terminate in the field to the north of the B1450 (Burringham Road).

**The Railway Reinstatement Land:** The disused railway line between the main Network Rail line at Dragonby and the Wharf at Flixborough previously served the port operations through the delivery of steel and other materials to and from British Steel at Scunthorpe up until its closure in 2012. The line runs in a roughly east-west direction, weaving between the industrial settings of Normanby Industrial Estate, the mineral workings, industrial developments at Dragonby Rail Sidings, slag dumping zones, quarries, and arable agricultural land, on a mix of embankments and cuttings that are lined with trees along much of the line length.

The line passes immediately to the north of the Normanby Enterprise Park before winding around a long 's' bend to the south of Flixborough village and looping around the northern edge of Flixborough Industrial Estate, where the line terminates at the Wharf edge.

A more detailed description of the Application Land is provided at Chapter 3: Project Description in the ES (**Document Reference 6.2.3**).

## The Project

The North Lincolnshire Green Energy Park (NLGEP) (the Project), located at Flixborough, North Lincolnshire, is a Nationally Significant Infrastructure Project (NSIP) with an Energy Recovery Facility (ERF) capable of converting up to 760,000 tonnes of non-recyclable waste into 95 MW of electricity at its heart and a carbon capture, utilisation and storage (CCUS) facility which will treat the excess gasses released from the ERF to remove and store carbon dioxide (CO<sub>2</sub>) prior to emission into the atmosphere.

The NSIP incorporates a switchyard, to ensure that the power created can be exported to the National Grid or to local businesses, and a water treatment facility, to take water from the mains supply or recycled process water to remove impurities and make it suitable for use in the boilers, the CCUS facility, concrete block manufacture, hydrogen production and the maintenance of the water levels in the wetland area.

The Project will include the following Associated Development to support the operation of the NSIP:

- a bottom ash and flue gas residue handling and treatment facility (RHTF)
- a concrete block manufacturing facility (CBMF)
- a plastic recycling facility (PRF)
- a hydrogen production and storage facility
- an electric vehicle (EV) and hydrogen (H<sub>2</sub>) refuelling station
- battery storage

- a hydrogen and natural gas above ground installations (AGI)
- a new access road and parking
- a gatehouse and visitor centre with elevated walkway
- railway reinstatement works including, sidings at Dragonby, reinstatement and safety improvements to the 6km private railway spur, and the construction of a new railhead with sidings south of Flixborough Wharf
- a northern and southern district heating and private wire network (DHPWN)
- habitat creation, landscaping and ecological mitigation, including green infrastructure and 65 acre wetland area
- new public rights of way and cycle ways including footbridges
- Sustainable Drainage Systems (SuDS) and flood defence; and
- utility constructions and diversions.

The Project will also include development in connection with the above works such as security gates, fencing, boundary treatment, lighting, hard and soft landscaping, surface and foul water treatment and drainage systems and CCTV.

The Project also includes temporary facilities required during the course of construction, including site establishment and preparation works, temporary construction laydown areas, contractor facilities, materials and plant storage, generators, concrete batching facilities, vehicle and cycle parking facilities, offices, staff welfare facilities, security fencing and gates, external lighting, roadways and haul routes, wheel wash facilities, and signage.

The overarching aim of the Project is to support the UK's transition to a low carbon economy as outlined in the Sixth Carbon Budget (December 2020), the national Ten Point Plan for a Green Industrial Revolution (November 2020) and the North Lincolnshire prospectus for a Green Future. It will do this by enabling circular resource strategies and low-carbon infrastructure to be deployed as an integral part of the design (for example by reprocessing ash, wastewater and carbon dioxide to manufacture concrete blocks and capturing and utilising waste-heat to supply local homes and businesses with heat via a district heating network).

A more detailed description of the Project is provided within Schedule 1 of the Draft DCO and Chapter 3: Project Description within the ES (**Document Reference 6.2.3**). Chapter 3 of the ES sets out the spatial location, together with an explanation of the importance and relevance of each element of the Project. Each of the above facilities are presented in Figure 3 of Appendix A, Chapter 1 of the ES.

### Benefits of the Facility

The design of the ERF meets government planning policy requirements to consider and implement uses of combined heat and power. Also, with the inclusion of carbon capture, utilisation and storage (CCUS), the Project is aligned with government proposals for all new energy recovery facilities to have CCUS or be CCUS ready from the end of the 2020s.

A desk-based modelling assessment was undertaken to define the scope and study area boundaries; identify the data related to greenhouse gas (GHG) emissions from the Project; calculate GHG emissions; and undertake a sensitivity analysis to assess potential uncertainties. This assessment concluded that there will be a net reduction in GHG from the Project compared to the alternative baseline landfill scenario. Therefore, there will be no significant residual effects on climate from the Project and there should be a positive impact.

The development of a procurement strategy for materials required for the Project, which prioritises the identification and purchase of materials with lower embodied GHG emissions, would further limit the GHG emissions from the Project. The transport of materials to or from the site by train or boat, rather than road, would also provide benefits.

In addition to the above, long-term storage of captured carbon dioxide (e.g., in geological storage), instead of utilisation, may provide further net reductions in GHG emissions, if practicable access to suitable storage schemes become available. The Applicant is a member of the Net Zero Humber Partnership, and the Application Land is well situated to connect to the proposed pipeline currently going through its own DCO process having been selected by BEIS for the first tranche of carbon clusters.

In terms of pedestrians and cyclists, a beneficial effect of moderate significance has been identified due to the increase in walking and cycle trips being facilitated through proposed improvements to pedestrian/cycle accessibility at the Application Land and surrounding area as well as to the public realm areas within the Order Limits.

The Project would provide significant benefits for the regional and local economy. Net job creation from construction was identified to be 319 jobs. The assessment also concluded that construction activity could also lead to supply chain opportunities for local businesses with a provisionally estimated net economic benefit of £15.2m.

The Project is expected to create 257 full time jobs. It is likely that some of these jobs will be accessed by local residents. After the actions of leakage and displacement are accounted for, this results in a minimum of 100 net additional permanent jobs created for residents in the local area. As with the construction phase, further indirect employment opportunities will be generated for supply chain local businesses, with a local total operational net employment gain of 129.

There is a regional need for the Project to intercept the volume of Refuse Derived Fuel (RDF) currently being exported and the volume of household waste currently being landfilled in the East Midlands region. In addition, the closure of landfill sites and the tariffs being placed on exported waste due to Brexit will require additional energy recovery infrastructure to manage waste.

The feedstock for the ERF will be RDF, non-hazardous household and commercial waste. The Project aims to be as sustainable and energy efficient as possible, by taking waste and turning it into a usable commodity.

Incinerator bottom ash (IBA) and fly ash will be the primary waste by-products from the ERF and these materials will be transferred for reuse to the concrete block manufacturing plant following on-site treatment.

As there is a regional need to intercept the volume of RDF currently being exported through the Humber ports and the volume of household waste currently being landfilled in the East Midlands region, the effects on local capacity can be considered to be positive.

In addition, recovery of energy from residual waste at the ERF is a preferential option on the waste hierarchy compared to landfill; and managing the UK waste within the UK, rather than exporting it, promotes the proximity principle at a national scale.

Overall, there will be a moderate positive benefit associated with access to increased areas of open space, which is significant.

### **North Lincolnshire Council Engagement**

The Applicant has been liaising with and continues to engage with North Lincolnshire Council (NLC) about the Project.

## Environmental Impact Assessment

The Project represents an Environmental Impact Assessment (EIA) development and the Application therefore includes an Environmental Statement (ES) that reports the findings of the EIA.

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The Infrastructure EIA Regulations 2017) came into force on 16 May 2017, replacing the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations). The Infrastructure EIA Regulations 2017 amend the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (APFP Regulations) so that (pursuant to Regulation 5(2)(a)) an ES provided with a DCO application must comply with The Infrastructure EIA Regulations 2017.

The ES has therefore been produced in accordance with The Infrastructure EIA Regulations 2017.

## The Application Submission

The Application Guide (**Document Reference 1.2**) lists the documents that make up the Application (the Application Submission) and how these comply with relevant legislative and policy requirements. The Application Guide is a 'live' document that will be updated throughout the examination of the Application, as required.

The Application includes the Applicant's Section 55 Checklist (**Document Reference 1.3**) which details compliance with the criteria set out in Section 55 of the 2008 Act.

Schedule 1 to the draft DCO (**Document Reference 2.1**) provides the formal description of the Project and its components and identifies the individual Work Numbers for those components. A detailed description of the Project is provided at Chapter 3 'Project Description' of the ES (**Document Reference 6.2.3**).

The Land Plans (**Document Reference 4.2**) show the extent of the Application Land, while the Works Plans (**Document Reference 4.4**) show the Order Limits and identify the location of the main components of the Project within the Application Land by reference to the Works Numbers set out in Schedule 1 to the draft DCO.

The Application includes an Explanatory Memorandum (**Document Reference 2.2**). The Explanatory Memorandum (EM) explains the purpose and effect of each article of, and the Schedules to, the draft DCO, as required by Regulation 5(2)(c) of the APFP Regulations. It also identifies and explains departures from the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009. It justifies the inclusion of relevant articles and requirements, including setting out the legal power which enables the Secretary of State to include certain provisions. It has been prepared with regard to the advice in Planning Inspectorate Advice Note 13 (2019).

The Applicant has engaged in the necessary consultation for the Project. Information regarding statutory consultation in accordance with sections 42, 47 and 48 of the 2008 Act, including how responses received to that consultation have been taken into account, is documented within the Consultation Report (**Document Reference 7.1**).

The compliance of the Project with the relevant National Policy Statements and other relevant policy is set out in the Planning Statement (**Document Reference 5.1**).

The Application documents have been uploaded to Microsoft Teams and the Case Officers email added so they can access the documents.

The required fee on submission of £7,488.00 was paid to the Planning Inspectorate by BACS on 26/05/2022 in accordance with the Infrastructure Planning (Fees) Regulations 2010.

We look forward to receiving the Planning Inspectorate's acknowledgement of receipt of the Application and in due course its decision on acceptance. In the meantime, should you have any questions with regard to the Application, please do not hesitate to contact our planning agent DWD [REDACTED] on [REDACTED]

Yours Sincerely,

[REDACTED]

David Jones

Director

For and on behalf of

North Lincolnshire Green Energy Park Limited



## **APPENDIX A SECTION 51 ADVICE RESPONSE TABLE**

Date: May 2022

Topic	Issue	Response for submission
Description of Development	ES Chapter 3 Project Description and Alternatives paragraph 3.2.3.8 states that the plastic recycling facility would have maximum dimensions of 132m x 90m with a maximum height of 25m. This differs from the dimensions of the process building in Table 1 (which are 130m x 80m with a maximum height of 28.9m; these accord with those in the draft Development Consent Order (dDCO)). This is further confused by the Explanatory Memorandum which states that the maximum scale of the building itself would be 100m x 50m.	Maximum dimensions have been made consistent across all documents. Where other possible dimensions are discussed the supporting text clarifies why, for example in the Explanatory Memorandum (Document Reference 2.2) there is explanatory text included to explain the scale of the maximum dimensions and give some other possible options which are being explored.
Description of Development	The description of the emissions stack varies across documents: <ul style="list-style-type: none"> <li>o ES Chapter 3 Project Description and Alternatives paragraph 3.2.15 states that there would be three exhaust flues which "may be contained in a single windshield".</li> <li>o ES Chapter 3 Table 1 states the footprint to be 10x10m diameter.</li> <li>o ES Chapter 11 Landscape and Visual has assessed the visual impacts of a single stack.</li> <li>o Table 18 of Appendix C of ES Chapter 5 Air Quality states that there would be three stacks (lines) each with a diameter of 2.47m, approximately 2.55m apart.</li> <li>o Work No. 1A of the dDCO provides for three emissions stacks, however the Parameters Table in Part 3 identifies a single stack (Work No. 1A) with a maximum diameter of 10m.</li> <li>o The Works Plans show three stacks in three different locations.</li> <li>o The Roof Plans show a single main stack (enclosing three flues) and an additional back up boiler stack.</li> </ul>	Description of the emission stacks have been made consistent across all documents. For clarity there are three stacks proposed, but some stacks will contain multiple flues: The ERF stack windshield (which will contain three individual flues), the back up boiler stack windshield (which may contain up to three individual flues), and the back up generator stack, which will consist of one flue. See Table 1 of the ES Chapter 3 (Document Reference 3.2.3).
Description of Development	Ensure that there is consistency in the PD for all elements across all documents, or an explanation as to why any parameter have been considered differently	Elements within the Project Description have been made consistent within the Chapter and across all application documents. Where a parameter has been considered differently this has been explained.
Description of Development	The ES should also clarify if the assessments presented within ES Chapter 5 Air Quality and ES Chapter 11 Landscape and Visual are based on a 120m stack height in relation to finished floor level or above ordnance datum (AOD).	Stack height has been made consistent across all documents and reference made to whether FFL or AOD has been used. For air dispersion, current ground level is used to be consistent with the topography and has been noted.
Baseline information	ES Chapter 10 Ecology and Nature Conservation explains that migratory bird surveys are ongoing to cover the time period recommended by Natural England during s42(a) statutory consultation and the results will be available during the Examination. The results of these surveys should be incorporated into both the ES and the Report to Inform HRA and used to inform the assessment of effects.	Results of April 2022 Wintering Birds surveys have been received since the March 2022 submission. These have been used to inform the assessment of effects in the resubmission and incorporated into relevant application documents where necessary.  See Chapter 10 Ecology and Nature Conservation (Document Reference 6.2.10) and Report to Inform the Habitats Regulations Assessment (Document Reference 5.9)
Assessment of Scope	ES Chapter 3 Project Description and Alternatives paragraph 3.2.37 describes a covered elevated walkway between various Energy Park buildings. The potential impacts of the walkway have not been explicitly assessed within the ES and, of particular note, it is not referenced within ES Chapter 11 Landscape and Visual Impact. The Applicant is advised to perform an audit of the ES to ensure that any likely significant effects of this element of the Proposed Development are clearly identified and assessed.	The elevated walkway formed part of the project description, plans and designs provided to the chapter authors and therefore the potential impacts of the elevated walkway were fully assessed as part of the EIA. Text has now been added to the ES Chapter 11 Landscape and Visual Impact (Document Reference 6.2.11) to expressly clarify this point.
Assessment of Scope	The dDCO does not stipulate a minimum stack height, however stack height has potential implications on the dispersion of pollutants. The Applicant is therefore advised to give consideration as to whether a minimum stack height should be defined in the dDCO and to provide a sensitivity analysis of minimum and maximum parameters.	A maximum ERF stack height of 120 m above finished floor level is committed to by the Project as this is the worst case for landscape and visual impact assessment. The assessment presented in the air quality chapter (Document Reference 6.2.5) shows that a slightly lesser stack height (by c. 2.6 m) of 120 m above existing ground level is of sufficient height to meet the requirements of the air quality impact assessment in terms of no significant effects. Air dispersion modelling of a stack height of 120 m above finished ground level would show marginally improved dispersion and marginally lower pollutant concentrations at receptors; however, any differences would not be material in impact assessment terms and would not alter the conclusions of the assessment. It is also worth noting that for nearby effects on both human and ecological receptors low-level road traffic, train and ship emissions contribute to ground level concentrations. There is the possibility of considering a lower height for the ERF stack than that considered in this air quality impact assessment, and stack height sensitivity will be undertaken as part of the Environmental Permitting process in accordance with the requirements of the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2016. The permit will control the minimum stack height that will be acceptable in air quality assessment terms and so our view is that there is no need to separately include a minimum height in the dDCO at this stage.
Assessment of Scope	ES Chapter 5 Air Quality screens out an assessment of construction traffic on the basis that there would be 48 HGVs accessing the site per day, which would be below the Institute of Air Quality Management (IAQM) screening criteria of more than 100 HGVs Annual Average Daily Traffic (AADT), and therefore of negligible significance. ES Chapter 13 Traffic and Transport indicates at Table 15 that HGVs could exceed 100 per day in Years 2 (up to 105) and 5 (up to 150) of the construction programme in the worst case scenario, ie all deliveries by road. The Applicant is advised to clarify the basis on which air quality effects from construction traffic were screened out of assessment and assess any likely significant effects where necessary.	In addition to use of the IAQM criteria, the air quality assessment presented within the ES Air Quality Chapter (Document Reference 6.2.5) now explains how DEFRA (2021) Local Air Quality Management Technical Guidance Note TG(16) criteria have been used to scope out the air quality impacts of construction traffic.
Assessment of Scope	ES Chapter 5 Air Quality includes an assessment of air quality effects arising from operational traffic. Paragraph 4.3.10.5 confirms that the new access road was the sole road modelled. It states that traffic changes on other roads were not considered to be sufficient to have a material impact on air quality on the basis that the "key thresholds as set by the Institute of Air Quality Management (IAQM) [2017 Land-Use Planning and Development Control: Planning for Air Quality] is that impacts to human or ecological receptors will not be significant where HGVs are less than 200 vehicles/day". However, as acknowledged in the ES in respect of construction traffic, Table 6.2 of the IAQM guidance has a threshold of 100 HGVs per day. ES Chapter 13 Traffic and Transport (Table 21) identifies that there are other road links within the study area that might exceed this threshold. The Applicant is advised to clarify the thresholds applied to the assessment and to confirm whether there are any additional receptors that are sensitive to emissions to air and assess any likely significant effects where necessary.	The air quality assessment (Document Reference 6.2.5) now explains how DEFRA (2021) Local Air Quality Management Technical Guidance Note TG(16) criteria have been used to scope out the air quality impacts of emissions from operational traffic using the wider road network on receptors to emissions from traffic using that wider road network. As the new access road constitutes a new source of emissions, operational road traffic is still included in the air dispersion modelling of operational process and its associated traffic (road, ship and rail) emissions.  The reference to '200 vehicles/day' was a typo and this has been amended to 100 vehicles/day in line with the IAQM guidance.

Assessment Assumptions	There are no working hours set out in ES Chapter 3 Project Description and Alternatives, the dDCO or the Code of Construction Practice (CoCP). The Inspectorate recommends that this be rectified.	Working hours for construction have now been added to ES Chapter 3 Project Description and Alternatives (Document Reference 6.2.3) and are also secured in the CoCP (Document Reference 6.3.7).
Assessment Assumptions	ES Chapter 3 Project Description and Alternatives paragraph 6.9.1.2 identifies that material will be imported in order to raise ground levels at the site to the levels recommended in the Flood Risk Assessment (FRA) as part of the strategy for addressing flood risk but does not specify the type or quantum of material required. ES Chapter 3 Project Description and Alternatives section 6.1 states that 'A material movement and stockpile strategy will be established as part of the pre-commencement conditions and in accordance with the EIA...'. The Applicant is advised to clarify within the ES and any relevant supporting information what assumptions have been made in the assessments about the type and quantum of import material and how it would be transported to the site and to explain why it is considered the detail of this can be left to a future stage post DCO.	References to 'material movement and stockpile strategy' have been removed and replaced with the correct references, which are to the Soil Management Plan and Waste Management Plan, for which outline plans are included as appendices to the Code of Construction Practice (Document Reference 6.3.7).
Assessment Assumptions	ES Chapter 6 Climate concludes that "there will be a net reduction in GHG from the Project compared to the alternative baseline landfill scenario"; this has been drawn on the basis that a carbon capture and utilisation system (CCUS) would be installed at the site to mitigate emissions of carbon dioxide (CO2). There is no specific requirement within the dDCO that stipulates the CCUS must be built. This should be taken into consideration in the conclusions presented with the ES, or the dDCO revised to require the provision of the CCUS within a timetable that is reflected within the ES.	The Applicant has included a requirement in the dDCO (Document Reference 2.1), which requires the CCUS to be commissioned within 6 months of the ERF being commissioned to ensure the mitigation is in place for the lifetime of the development.
Assessment Assumptions	The Proposed Development includes infrastructure for the manufacture of concrete blocks from incinerator bottom ash and fly ash (Work No. 2(b)); the ES explains that one benefit of this project element would be to reduce the amount of material to be disposed of offsite. There is no specific requirement within the dDCO that stipulates this processing facility must be built and put into operation. Greater clarity should be provided on how traffic movements have been derived, taking into account the potential scenarios involved and the Applicant is advised to demonstrate that the traffic movements used to inform the assessment in ES Chapter 13 Traffic and Transport and ES Chapter 5 Air Quality are presented on a worst-case scenario. If these assessments rely upon the implementation of Work No. 2(b), the dDCO should be revised to require the provision of Work No. 2 within a timetable that is reflected within the ES.	The Applicant has included a requirement in the dDCO (Document Reference 2.1), which requires the CBMF to be commissioned within 12 months of the CCUS being commissioned. ES Traffic and Transport Chapter 13 (Document Reference 6.2.13) allows for all incinerator bottom ash and fly ash to be removed from site in the traffic movements, if the processing facility is built, then the traffic movements offsite will reduce from the total assessed.
Assessment of significant effects	ES Chapter 16 Major Accidents and Hazards is presented in the form of a risk assessment. The Applicant is advised to ensure that the ES assigns significance to potential effects.	ES Chapter 16 Major Accidents and Hazards (Document Reference 3.2.16) has been updated so that significance has been assigned to potential effects.
Requirements and delivery	Section 6.1 of ES Chapter 3 Project Description and Alternatives explains that: "A material movement and stockpile strategy will be established as part of the pre-commencement conditions and in accordance with the EIA..." Such a strategy is briefly mentioned on e-page 70 of the CoCP, however is not listed as a specific management plan in section 5.5 of the CoCP. Given the groundworks required for the Proposed Development, the Applicant is advised to consider the need for producing an outline plan and ensuring that its production and implementation is adequately secured.	References to 'material movement and stockpile strategy' have been removed and replaced with the correct references, which are to the Soil Management Plan and Waste Management Plan, for which outline plans are included as appendices to the Code of Construction Practice (Document Reference 6.3.7).
Requirements and delivery	ES Chapter 8 Ground Conditions, Contamination and Hydrogeology Table 11 states that ongoing ground gas monitoring will determine whether protection measures are required within the detailed design of any buildings or whether further monitoring is required. The monitoring is identified in the Operational Environmental Management Plan which refers to dDCO Requirement 3 (Detailed Design). Requirement 3 states that details must be in accordance with the principles in the Design Principles and Codes, but there is no reference to gas monitoring in that document. On the basis that gas protection measures should be finalised before operation commences, the Applicant is advised to consider the most appropriate means for the implementation of these measures to be secured through.	Ground gas monitoring is on-going in order to feed into Project design. The ES (in Chapter 3, Chapter 8, the CoCP and outline OEMP) explains that if ground gases above certain levels are detected then the design of some buildings will need to incorporate protective measures. In such an event monitoring of ground gas would continue during operation to demonstrate that the protective measures are working as designed.  Requirement 3 in the dDCO (Document Reference 2.1) has also been amended to make specific reference to the results of preliminary ground investigations and gas monitoring.
Requirements and delivery	ES Chapter 19 Mitigation section 4 refers to an Operational Environmental Management Plan (Doc 6.3.8). This is listed in the interpretation section of the dDCO and referred to in Requirement 4(6), however is not listed in Article 44 as a document to be certified.	No change - The OEMP was listed in Article 44.
Requirements and delivery	The NTS refers to the implementation of mitigation measures in respect of the Proposed Development. The Applicant is advised to revise the NTS to identify relevant mitigation measures.	THE ES Non-technical Statement (Document Reference 6.1) has been amended to identify relevant mitigation measures.
Presentational Matters	A plan showing the relationship of the affected road network to human receptors and/ or nature conservation sites would be a useful aid to support the assessment of air quality effects in ES Chapter 5 Air Quality.	A Plan showing the relationship of the affected road network to human receptors has been added to ES Chapter 5 (Document Reference 6.2.5) - Figure 1.
Presentational Matters	Paragraph 4.2.1.1 of ES Chapter 12 Archaeology and Cultural Heritage identifies the categories of designated heritage assets for which searches have been conducted. This includes World Heritage Sites, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, Conservation Areas and Registered Historic Battlefields. Section 6 Baseline and Receptors does not identify any of these assets, but refers to the desk-based study in Appendix B. The Inspectorate advises that Section 6 replicates and populates these category headings with a summary of existing assets; this would aid in the understanding of the baseline environment. Similarly, for ease of reference it would be useful for Section 8 Impact Assessment to clearly set out impacts to these asset categories under relevant headings.	Text has now been added to specifically address the various categories of designated assets in the baseline description (Section 6.2) and impacts discussion (Section 8.3) of ES Chapter 12 Archaeology and Cultural Heritage (Document Reference 6.2.12).
Presentational Matters	A number of aspect chapters include appendices within the same pdf document. The Inspectorate recommends that these are split into separate documents to enable side by side viewing of main chapters and their appendices.	No change - Appendices have not been split into separate documents (except in instances where the file sizes of documents dictated the necessity to do so), however the Project has sought to address this concern by ensuring that appendices are bookmarked within the document so that they can be accessed more easily.

Presentational Matters	The Applicant is advised to consider the use of assessment summary tables within each aspect chapter which clearly set out receptors, receptor sensitivity, potential impact, impact magnitude, significance of effect, mitigation and residual effects. This would aid readers in understanding the outcomes of the assessment.	The Project undertook a review of the ES chapters to understand if summary tables would provide benefit to each chapter (where a summary table was not already included). A summary table was added to ES Chapter 14 (Document Reference 6.2.14) in Appendix H to provide additional clarity and an additional column to show residual impacts was added to the existing summary table in ES Chapter 12 (Document Reference 6.2.12), however it was not considered to be of benefit for the rest of the Chapters. It is considered that the summaries included for all ES chapters satisfy the necessary regulations.
Presentational Matters	To assist readers in navigating through documents, it would be useful if the bookmarks within the pdfs be revised to show the index/section headings rather than arbitrary links.	The Project has added in-text bookmarks to documents to assist with navigation.
Flood Risk Assessment	The Proposed Development is described as essential infrastructure primarily located within (defended) Flood Zone 3a and therefore subject to the sequential and exception tests. The FRA contains limited information to demonstrate how the sequential test has been applied. Paragraph 6.1.4 states that the 'layout has been sequentially adapted to ensure that it is located within Flood Zone 1, 2 and 3a and not Flood Zone 3b, and to minimise flood risk to the development and third party land' but the FRA does not contain any information about the site selection process. In addition, the Planning Statement and/or ES Chapter 3 does not describe flood risk as being a factor in site selection at long list or short list stage. The Applicant is advised to ensure that sufficient information is provided within the FRA to inform the decision maker's application of the sequential test.	Text has been added to the Planning Statement (Document Reference 5.1) and the Flood Risk Assessment (Annex 3 to the ES Document Reference 6.3.3) which sets out more clearly the sequential approach to site selection which was undertaken in terms of flood risk.
Flood Risk Assessment	The FRA refers to National Planning Policy Framework (NPPF) and does not make reference to the information required in accordance with the National Policy Statement (NPS) for Energy (EN-1); the Inspectorate advises this is rectified. The NPS EN-1 exception test criterion includes that 'the project should be on developable, previously developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously developed land subject to any exceptions set out in the technology-specific NPPS.' Whilst the FRA refers to the land (in part) being allocated for employment and housing use within the North Lincolnshire Local Development Framework Housing and Employment Land Allocations Development Plan Document (2016), the Applicant is advised to provide information to inform the decision maker's application of the exception test for the Proposed Development.	Text has been added to the Flood Risk Assessment (Annex 3 to the ES Document Reference 6.3.3) which includes specific reference to NPS EN-1. Further text has also been added to explain how allocation of land for employment and housing informed the application of the exception test for this Project.
Flood Risk Assessment	Table 5-6 of the FRA sets minimum recommended finished floor levels for nine reference locations across the application site. It is unclear how the minimum height of the proposed new access road, which is located within Flood Zone 3a, would be secured. The minimum height is not shown on the Vertical Parameters' Plans and the Indicative Highways' Drawings does not show levels' information. The Inspectorate recommends that road levels (and limits of deviation) are clearly presented and secured within the application. In addition, the finished site level for the proposed visitor centre shown on the Vertical Parameters' Plan is +3.05m AOD, which is below the recommended level of +4.30m AOD (in Site ID 4) and +3.29m AOD (in Site ID 5). It is noted that the Indicative Elevations appear to indicate that the useable floorspace will be at a raised level (+5.10m AOD). The Inspectorate recommends that this matter is clarified and the recommended finished floor level is clearly presented and secured.	The draft DCO (Document Reference 2.1) has been updated to include vertical Limits of Deviation for road and railway. The railway elevations are shown on the indicative railway plans and limits of deviation are defined in Article 5. The road elevations are shown on the Indicative Highways Drawings (Document Reference 4.14). However, given the design of the road has not yet been finalised, Article 5 sets out a range of vertical parameters within which the road must be constructed. These align with the minimum levels recommended in the FRA.  Further text has been included in Chapter 3 to explain why the car park of the visitors centre will be constructed below the recommended level (Document Reference 6.2.3) and in the FRA (Document Reference 6.3.3).
Flood Risk Assessment	Table 3-8 of the FRA summarises consultation undertaken with the Environment Agency (EA) prior to submission of the application up until 26 August 2021. During a pre-application meeting held on 16 September 2021, the Applicant informed the Inspectorate that it was continuing to have discussions regarding flood matters with the EA; these discussions do not appear to be captured in Table 3-8. The Applicant should ensure that any further consultation with the EA (and any other relevant consultation bodies such as North Lincolnshire Council as Lead Local Flood Authority (LLFA) and Scunthorpe and Gainsborough Water Management Board as the relevant Internal Drainage Board (IDB)) is documented.	The Consultation Report (Document Reference 7.1) has been updated to reflect further consultation, as well as Table 3-8 in the FRA (Annex 3 to the ES Document Reference 6.3.3).
Flood Risk Assessment	It would also be of assistance to the reader to understand the levels of the Proposed Development relative to both AOD and existing ground level, with a topographical survey and proposed levels. This is likely to influence the landscape and visual impacts as well as flood risk. It would be beneficial to understand the basis of the levels used for the proposed visuals and to be able to appreciate where the flood walls are proposed or land levels are to be changed such that the visual effect would be noticeable.	Figure 2.2 of the Flood Risk Assessment (FRA, Document Reference 6.3.3) describes the existing topography and Table 5.6 of this document sets out information relating to various parts of the Application Land, including 'Finished Floor Levels' (FFL) and how they relate to flood levels and existing ground levels. The landscape and visual impact assessment (as described in Chapter 11, Document Reference 6.2.11) considered building heights that factored in raising ambient ground levels above the flood levels set out in the FRA to a FFL. Building heights relative to ordnance datum based on finished floor levels are set out in Table 1 of ES Chapter 3 (Document Reference 6.2.3).
HRA	The status of the proposed new wetland habitat is unclear. The Report to Inform HRA indicates it does not form part of mitigation measures for recreational disturbance, but ES Chapter 10 Ecology and Nature Conservation suggests its inclusion has informed the conclusion of no significant effects in the Report to Inform HRA. This should be clarified in both the ES and the Report to Inform HRA, with consideration given to relevant case law pertaining to the inclusion of mitigation in the consideration of likely significant effects within HRA, ie if the proposed new wetland does form mitigation for impacts of recreational disturbance to bird qualifying features of the Humber Estuary Ramsar and Humber Estuary Special Protection Area (SPA) then this impact pathway should be taken forward to an assessment of adverse effects of integrity for the relevant qualifying features.	The wetland does not provide mitigation in respect to the HRA, however it does provide mitigation for impacts outside of the HRA. It also provides aspects of enhancement for the wider Project. The application documents have been updated to reflect this more clearly, specifically amendments have been made to ES Chapter 10 (Document Reference 6.2.10) and the Report to Inform Habitats Regulations Assessment (Document Reference 5.9).
HRA	The Report to Inform HRA assesses displacement or disturbance (from noise, light and human disturbance) of mallard from land functionally linked (River Trent) to the Humber Estuary Special Protection Area (SPA). ES Chapter 10 Ecology and Nature Conservation also assesses this impact pathway, but describes a potentially wider extent of land that could be considered functionally linked for wintering mallard of the Humber Estuary SPA, as also including 'the adjacent area of the River Trent and terrestrial habitats' (location not specified). It is also stated that there would be a large area of habitat loss adjacent to the River Trent but does not specify whether this involves land functionally linked to the Humber Estuary SPA. The Applicant should ensure that all application documents consistently describe and assess the potential effects to all functionally linked land.	ES Chapter 10 (Document Reference 6.3.10) and the Report to Inform Habitats Regulations Assessment (Document Reference 5.9) have been updated to ensure that the extent of the functionally linked land is correct and is consistent between the documents.
HRA	The Report to Inform HRA identifies that there is potential for in combination effects from the Proposed Development with Keadby 2 and 3 in respect of operational emissions to air, including acid deposition to Thorne Moor Special Area of Conservation (degraded raised bogs still capable of natural regeneration qualifying feature). Section 4.5 of the Report to Inform HRA sets out the conclusions of the in combination assessment but does not specifically reference acid deposition, beyond noting that sulphur from the Proposed Development would contribute towards it and that the long term trend for sulphur dioxide is downwards. The Applicant is advised to clarify how the in combination effects from acid deposition have been assessed and the outcome of that assessment.	The Report to Inform Habitats Regulations Assessment (Document Reference 5.9) (and ES Chapter 18 Cumulative and Indirect Effects Assessment, Document Reference 6.2.18) have been amended to show how in-combination (and cumulative) effects of acid deposition (and also nutrient nitrogen) have been considered.

Plans of statutory or non statutory sites or features of nature conservation	Hatfield Moor Special Area of Conservation (SAC) is not shown on the plan illustrating European sites and SSSIs (Drawing Number NLGEP-ERM-XX-DR-Z-0013). The Report to Inform HRA states that this European site is located just outside the 15km study area and therefore was screened out of the assessment. However, ES Chapter 10 Ecology and Nature Conservation describes the site as being 12.4km from the Proposed Development. The Applicant is advised to clarify these discrepancies and to provide an assessment of any likely significant effects to the SAC if it is located within the 15km study area.	ES Chapter 10 (Document Reference 6.3.10) has been updated to clarify the distance of Hatfield Moor SAC from the Project.  Hatfield Moor SAC by virtue of its distance from the Project would only have required consideration in terms of potential effects from air quality impacts. Although the SAC is 12.4 km from the nearest part of the Order Limits it is in excess of 15 km from the ERF stack hence it not being included for consideration in the Report to Inform Habitats Regulations Assessment (Document Reference 5.9). The legends in the relevant Figure and Plans have been amended where necessary to clarify this matter.
Plans of statutory or non statutory sites or features of nature conservation	A number of statutory and non-statutory designated sites of local ecological importance are not shown on the plan illustrating Locally Important Ecology Designations within 2km of the Emissions Source (Drawing Number NLGEP-ERM-XX-DR-Z-0016). The plan shows sites within 2km of the emissions' source (the stack) and does not extend across the full area covered by the application site eg sections relevant to the proposed district heat network and railway reinstatement are partially excluded. ES Chapter 10 Ecology and Nature Conservation and ES Chapter 18 Cumulative Effects identify additional statutory and non-statutory designated sites within a 2km area taken from the application site boundary (rather than the emissions source) that are not identified on Drawing Number NLGEP-ERM-XX-DR-Z-0016. The Applicant is advised to ensure that the plan supported in support of Regulation 5(L)(i) encompasses the full application site and accords with the ES.	The plans showing nature conservation sites (Document Reference 4.6) have been checked and updated as required. The updated versions of these Plans have also been fed into other relevant documents where necessary.
Plans of water bodies in a river basin management plan	ES Chapter 8 Ground Conditions, Contamination and Hydrogeology (paragraph 6.2.1.2) states that groundwater resources at within the Order Limits have previously been classified as having good quantitative status and good chemical quality under the Water Framework Directive WFD. However, there is no description of, or plan showing the locations of any WFD groundwater bodies. The Applicant should ensure that all waterbodies within a River Basin Management Plan are identified, described and that any impacts upon them are assessed.	A Plan showing the water bodies within the River Basin Management Plan has been added to ES Chapter 8 (Document Reference 6.2.8) - Figure 4.
Plans showing stat or non stat historic or scheduled monument sites or features of the historic environment	The plans in Document 4.7 do not identify all designated heritage assets that have been assessed within the ES. In addition, relevant plans provided within the ES are missing designated heritage assets that are identified on MAGIC map. Document 4.7 also incorrectly categorises some designated heritage assets as non-designated heritage assets. The Inspectorate advises the Applicant to redraft these plans to correct these errors.	A cross check has been undertaken to ensure that all designated heritage assets have been assessed within the ES. The Plans showing Statutory or non-statutory historic or scheduled monument sites or features of the historic environment (Document Reference 4.7) have been updated to include all designated heritage assets.
Plans showing stat or non stat historic or scheduled monument sites or features of the historic environment	The Inspectorate also notes that the plans identify features within a 1km buffer zone, which does not cover the full extent of the 7.5km study area applied in the ES with regard to impacts on setting. The Inspectorate advises the Applicant to ensure that the plans in Document 4.7 encompass the study area identified in the ES.	We are now submitting four Plans within the Document Reference 4.7 pack, this includes a Plan which shows the full extent of the 7.5 km study area.
Further consultation	The Inspectorate encourages the Applicant to continue to engage with relevant consultation bodies up until the submission of the application. The Applicant is advised to update all relevant documents (including the Consultation Report, the ES, the FRA and the Report to Inform HRA) with details of consultation it has undertaken that has not been documented.	All application documents are up to date with regards to records of consultation with stakeholders.
Carbon Capture calculations	There are discrepancies throughout the Application documents as to the amount of CO2 that would be captured by the CCUS. The dDCO describes Work No. 1B as a carbon capture facility capable of capturing up to 55,000 tonnes of CO2 per annum, the Design and Access Statement states 650,000 tonnes per annum and ES Chapter 6 Climate states approximately 7.5% of CO2 or 42,109 tCO2e per annum (Table 11). The application documents should provide a consistent explanation of the CO2 to be captured and the volume calculated should be fully explained. The Applicant should explain how this is to be secured in the DCO, or not as the case may be.	The CCUS must have capacity to capture at least 54,387 tonnes per annum and the application documents have been updated where necessary. A requirement has been included in the dDCO (Document Reference 2.1) to ensure that a minimum quantity of CO2 is captured for the lifetime of the development. This is the lesser of 54,387 tonnes per annum and 8.37% of the ERF waste throughput which is consistent with Chapter 6.
Flow Chart of control documents	It has proven helpful in other cases to have a flow chart showing how the DCO and control documents are linked with any hierarchy between documents clearly set out to ensure that the mitigation offered is delivered and how.	A flow chart showing how the DCO and Control documents are linked, and the hierarchy between these, has been produced and submitted as part of the Explanatory Memorandum (Document Reference 2.2).
Explanatory Memorandum	The Applicant was advised by the Planning Inspectorate in feedback on their draft documents to include information within the Explanatory Memorandum on the s35 direction issued from BEIS; no information has been included in the submitted application documents.	The Applicant has included some text in the Explanatory Memorandum (Document Reference 2.2) about the section 35 request which was made in December 2019. However, as the request was refused, no direction was issued.
Explanatory Memorandum	1.4 page 3 - Wording in Explanatory Memorandum 1.4 p.3 'an utility connections and diversions'.	The wording in the Explanatory Memorandum (Document Reference 2.2) has been updated to address this typo.
Explanatory Memorandum	Schedule 1 – It is not clear in DCO Schedule 1 precisely which works are Associated Development, e.g., Part 2 of Sch 1 'Other Associated Development': 'In connection with and in addition to Work Nos 1, 1A-D and 2-15' – these are all of the works listed in Part 1 and there appears to be no differentiation, although this is set out within the Explanatory Memorandum.	Text has been added to Schedule 1 of the draft DCO (Document Reference 2.1) using a similar approach to that adopted in the South Humber Bank Energy Centre Order 2021 to make it clear which elements are associated development.
Statement of Reasons	7.24 - Paragraph 8 of Compulsory Acquisition Guidance states that the Applicant should demonstrate to the satisfaction of the SoS that all reasonable alternatives to Compulsory Acquisition (CA) have been explored. Paragraph 7.24 of the Statement of Reasons states that 'The land scheduled in the BoR is necessary and appropriate, there are no suitable alternatives' but there appears to be no further information provided on how the Applicant came to this conclusion.	Text has been added to the Statement of Reasons (Document Reference 3.2) to further support the conclusion.
Grid Connection Statement	Offer in-principle for increased capacity from NPG; please provide information on when this will be made available	NPG has confirmed that they can provide the increased capacity required for the Project. We are still in discussion regarding the detail of the offer.