



Planning Act 2008
Section 37(3)(c)
Infrastructure Planning
(Applications Prescribed
Forms and Procedure)
Regulations 2009
Regulation 5(2)(q)

North Lincolnshire Green Energy Park

Volume 7

7.1 Consultation Report

PINS reference: EN010116

May 2022

Revision number: 1



The North Lincolnshire Green Energy Park Development Consent Order

Consultation Report

Date: May 2022

PINS reference: EN010116

Application Document Reference: 7.1

Author: SEC Newgate UK

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Acronyms and abbreviations

Name	Description
ERF	Energy Recovery Facility
PEIR	Preliminary Environmental Information Report
HRA	Habitats Regulations Assessment
APIS	Air Pollution Information System
SPA	Special Protection Area
SAC	Special Area of Conservation
AQIA	Air Quality Impact Assessment
DEFRA	Department for Environment, Food and Rural Affairs
IAQM	Institute of Air Quality Management
UK	United Kingdom
RDF	Refuse Derived Fuel
PRF	Plastic Recycling Facility
DHPWN	District Heat and Private Wire Network
NLC	North Lincolnshire Council
WSI	Written Scheme of Investigation
NLGEP	North Lincolnshire Green Energy Park
SoCC	Statement of Community Consultation
DCO	Development Consent Order
NSIP	Nationally Significant Infrastructure Project
SSSI	Site of Special Scientific Interest
WFD	Waste Framework Directive
CEMP	Construction Environmental Management Plan
CoCP	Code of Construction Practice
BNG	Biodiversity Net Gain
COMP	Construction Ornithological Monitoring Plan
FRA	Flood Risk Assessment
PINS	Planning Inspectorate
HSC	Hazardous Substances Consent
HSE	The Health and Safety Executive
BEIS	Department for Business, Energy and Industrial Strategy
MHCLG	Ministry of Housing, Communities and Local Government
DLUHC	Department for Levelling Up, Housing and Communities
NRA	Navigational Risk Assessment
ROR	Rail Operations Report
ACT	Accelerated Carbonation Technology
DFE	Design Flood Event
NFPA	National Fire Protection Association
CoPA	Control of Pollution Act
LVIA	Landscape and Visual Impact Assessment
GVA	Gross Value Added
HGV	Heavy Goods Vehicle
TA	Transport Assessment

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WLDC	West Lindsey District Council
CTMP	Construction Traffic Management Plan
PHE	Public Health England
EU	European Union
EIA	Environmental Impact Assessment
RSPB	Royal Society for the Protection of Birds
CLP	Construction Logistics Plan
LBMMP	Landscape and Biodiversity Management and Monitoring Plan
FTE	Full Time Equivalent
CCP	Carbon Capture Plant
EA	Environment Agency
SoCG	Statement of Common Ground
EPC	Engineering, Procurement and Construction
AGI	Above Ground Installation
CPRE	Campaign to Protect Rural England
PPF	Polymer Production Facility

1. Executive summary

- 1.1.1. This Consultation Report relates to the proposed North Lincolnshire Green Energy Park (the Project). The Project meets the criteria to be considered as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 (the 2008 Act) and therefore requires a Development Consent Order (DCO).
- 1.1.2. This Consultation Report has been prepared in fulfilment of Section 37(3)(c) of the 2008 Act. This requires the DCO application to be accompanied by a consultation report giving details of the matters specified in section 37(7).
- 1.1.3. It explains how North Lincolnshire Green Energy Park Limited (the Applicant) has complied with the consultation requirements set out in the 2008 Act (as well as the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) and Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regulations 2017)).
- 1.1.4. Its primary function is to provide evidence to the Planning Inspectorate (PINS) about the Applicant's compliance with the requirements of the pre-application procedure and to demonstrate to people who responded to the consultation how regard has been had to their responses.
- 1.1.5. The Applicant has conducted extensive pre-application consultation in preparing its DCO application across a period of around two years. This included early engagement with stakeholders and the community to introduce the Project, a period of non-statutory consultation, a period of statutory consultation intended to meet the requirements set by the 2008 Act, and targeted statutory consultation in relation to changes made to the Project prior to the submission of a DCO application.
- 1.1.6. Consultation on the Project took place in the context of the COVID 19 pandemic. Specifically, the country was in full lockdown at the start of the non-statutory consultation period, with social mixing restricted to six people outdoors and two people indoors from 1 June 2021 for the remainder of the consultation period. The 'rule of six' remained in place for the majority of the statutory consultation period. The Application also recognised the need for consultation planning to take into account the potential for Government guidance on COVID 19 to change. In common with the rest of the country and reflecting guidance provided by the Government, the Applicant therefore worked in a flexible and proactive way to deliver consultation which allowed people from across the community to respond. This included significant voluntary activity over and above the consultation methods set out in the Applicant's Statement of Community Consultation (SoCC).
- 1.1.7. Chapter 2 of this report sets out the purpose of the document, summarises the context for the consultation and provides an overview of the different stages of consultation which the Applicant carried out.
- 1.1.8. Chapter 3 summarises non-statutory consultation carried out by the Applicant in relation to the Project. This includes early engagement (set out in section 3.2), a period of non-statutory consultation from 26 May 2020 to 14 July 2020 (set out in sections 3.3-3.5) and engagement carried out by the Applicant following the non-

- statutory consultation and prior to statutory consultation (set out in section 3.6). It should be read alongside **Appendices A-1 to A-4 (Document Reference 7.2.1-2.4)**.
- 1.1.9. Chapter 4 confirms that the Project is EIA development as defined by the Infrastructure EIA Regulations 2017 and that the Applicant sought a scoping opinion from the Secretary of State as a result. It should be read alongside **Appendix B-1 (Document Reference 7.2.5)**.
- 1.1.10. Chapter 5 reports on consultation carried out by the Applicant in fulfilment of statutory requirements over the period from 14 June 2021 to 25 July 2021. This includes an overview of the statutory consultation (section 5.1), the preparation of the SoCC (section 5.2), consultation under s42 of the 2008 Act (section 5.3), the notification of the Planning Inspectorate under s46 of the 2008 Act (section 5.4), consultation with the local community in accordance with the SoCC as prescribed by s47(7) of the 2008 Act (section 5.5), and publicity under s48 of the 2008 Act (section 5.6). This chapter also summarises targeted statutory consultation which took place following the main period of statutory consultation (section 5.7). It should be read alongside **Appendices C-1 to H-1 (Document Reference 7.2.6-7.2.17)** and **K-1 (Document Reference 7.2.20)**.
- 1.1.11. Chapter 6 sets out responses to the statutory consultation and summarises the regard had to them by the Applicant. This includes responses from consultees under s42(1)(a) and (b) of the 2008 Act (section 6.2), s42.1(d) of the 2008 Act (section 6.3) and s47 of the 2008 Act (section 6.4). As none of the consultees who responded identified themselves as specifically responding to the s48 notice and given those required to receive the s48 notice are the same consultees as prescribed by s42(1)(a) and (b), those consultees are dealt with together in section 6.2. This chapter also includes a summary of changes made to the Project having regard to consultation feedback (section 6.5). This chapter should be read alongside **Appendix I-1 (Document Reference 7.2.18)**.
- 1.1.12. Chapter 7 concludes by confirming the Applicant's compliance with requirements and guidance for consultation.
- 1.1.13. The Applicant considers that it has complied with MHCLG guidance on the pre-application process (March 2015) and the Planning Inspectorate's Advice note fourteen: Compiling the Consultation Report. Detailed information on compliance with this guidance is included in Chapter 7.
- 1.1.14. The Applicant considers that it has met the statutory requirements of the pre-application process. As set out in section 2.3, the Applicant has undertaken a programme of non-statutory and statutory consultation.
- 1.1.15. At each stage, the Applicant has considered and complied with relevant advice and guidance. The information included in Chapter 7 supports this through direct reference to MHCLG's and the Planning Inspectorate's guidance and advice on the pre-application process.
- 1.1.16. As well as preparing this report, the Applicant has set out how it has complied with guidance and advice on consultation in the **s55 checklist (Document Reference 1.3)** that is also part of the DCO application documents.

2. Introduction

2.1. Purpose of this document

- 2.1.1. This Consultation Report relates to the proposed North Lincolnshire Green Energy Park (the Project). In seeking the legal powers to construct the Project, North Lincolnshire Green Energy Park Ltd (the Applicant) is making an application for a Development Consent Order (DCO) to the Secretary of State. Section 37(3)(c) of the Planning Act 2008 (the 2008 Act) requires the Applicant to submit a Consultation Report as part of the application.
- 2.1.2. The Project meets the criteria to be considered as a Nationally Significant Infrastructure Project (NSIP) under the 2008 Act. The Project is a 'generating station' Nationally Significant Infrastructure Project under section 15(2) of the 2008 Act (as amended) as it is a proposed generating station which would be located within England, would not be offshore, and would have a total generating capacity of more than 50MW.
- 2.1.3. The Applicant recognises the importance of consulting on the proposed development at an early stage in the Project development, and the benefits this can bring in terms of delivering an improved design. This Consultation Report explains how the Applicant has complied with the consultation requirements set out in the 2008 Act (as well as the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) and Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (The Infrastructure EIA Regulations 2017)). Guidance about the report and the pre-application process, including statutory consultation, is found in the Department for Levelling Up, Housing and Communities' (DLUHC) (formerly known as the Ministry for Communities and Local Government (MHCLG)) document Planning Act 2008: guidance on the pre-application process (March 2015) (DLUHC pre-application guidance) and the Planning Inspectorate's Advice Note Fourteen: Compiling the Consultation Report.
- 2.1.4. The Consultation Report's primary function is to provide evidence to the Planning Inspectorate about the Applicant's compliance with the requirements of the pre-application procedure.
- 2.1.5. As stated in DLUHC pre-application guidance, the Consultation Report should:

“provide a general description of the consultation process undertaken, which can helpfully include a timeline;

set out specifically what the applicant has done in compliance with the requirements of the Planning Act, relevant secondary legislation, this guidance, and any relevant policies, guidance or advice published by Government or the Inspectorate;

set out how the applicant has taken account of any response to consultation with local authorities on what should be in the applicant's statement of community consultation;

set out a summary of relevant responses to consultation (but not a complete list of responses);

provide a description of how the application was informed and influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be addressed;

provide an explanation as to why responses advising on major changes to a project were not followed, including advice from statutory consultees on impacts;

where the applicant has not followed the advice of the local authority or not complied with the guidance or any relevant Advice Note published by the Inspectorate, provide an explanation for the action taken or not taken; and

be expressed in terms sufficient to enable the Secretary of State to understand fully how the consultation process has been undertaken and significant effects addressed. However, it need not include full technical explanations of these matters”.

2.2. Consultation context

- 2.2.1. The Project is centred on the Flixborough Industrial Estate, on the River Trent, and its immediate context is industrial. This makes businesses operating at Flixborough Industrial Estate important consultees for the Project.
- 2.2.2. The Project is located entirely within the administrative area of North Lincolnshire Council (the Council), a unitary authority. Scunthorpe, North Lincolnshire’s largest town, lies to the southeast of the Project. North Lincolnshire has a heritage of industrial and technical excellence, with Scunthorpe remaining the UK’s largest steel processing centre.
- 2.2.3. The majority of the Project is within the Council’s Burton upon Stather and Winterton ward, with parts of the District Heating and Private Wire Network (DHPWN) located in Crosby and Park ward. Parts of the Project are located in the parishes of Flixborough, Burton upon Stather, Roxby-cum-Risby, Burringham, Ashby Parkland and Gunness. It is also worth noting that the Project is situated across the River Trent from the village of Amcotts, also located within the Council’s administrative area.
- 2.2.4. While the demographics of the community in the vicinity of the Project broadly mirrors that of North Lincolnshire as a whole, there are some differences. According to the Council, the population of the Burton and Winterton ward is older on average than the wider population of the district, with fewer children aged 0-9 and young people aged 20-39 compared to North Lincolnshire overall, and conversely more residents aged 45-79.¹
- 2.2.5. The Applicant identified seldom heard audiences in the area as including those without internet access, young people, older people, Gypsies and Travellers, shift workers, people with low literacy, ethnic minorities, and LGBT+ people.
- 2.2.6. The Applicant is also cognisant that the Project is located close to the site of the Flixborough disaster of 1974. As a result of an explosion at a chemical works owned by NYPRO UK, 28 people were killed and 36 were seriously injured. Industrial safety is an important concern for the community and the Applicant has responded to this in consultation materials. Further information is presented in Chapter 4.

¹ North Lincolnshire Council, PUBLIC HEALTH OUTCOMES PROFILE 2016/17 BURTON UPON STATHER AND WINTERTON WARD (2016)

The statutory consultation period coincided with the COVID 19 pandemic. This meant that consultation was carried out in a manner consistent with Government requirements for social distancing. Further detail is set out in chapter 4 of this report.

2.3. Summary of consultation activities

2.3.1. **Table 2-1** provides a summary of consultation activities, including non-statutory consultation, ongoing engagement following the non-statutory consultation, and statutory consultation.

2.3.2. The Applicant also notes that both the non-statutory consultation and statutory consultation took place in the context of the COVID 19 pandemic. As this is referenced throughout the report, **Table 2-2** summarises the Applicant’s approach to ensuring that consultation remained open and accessible to all audiences throughout the pandemic.

Table 2-1: Summary of consultation activities

Consultation Activity Undertaken	Date
Non-statutory consultation: Q2 2019 – Q2 2021	
Early engagement with local authorities and statutory consultees (Section 3.2)	May 2019 – May 2020
Non-statutory public consultation (Sections 3.3 – 3.5)	26 May 2020 to 14 July 2020
Ongoing stakeholder engagement to inform design development (Section 3.6)	July 2020 – June 2021
Statutory consultation: Q2 2021 – Q3 2021	
Consultation with host local authorities on the SoCC as prescribed by s47(3) of the 2008 Act (Section 5.2)	1 March 2021 – 30 March 2021

Notice of availability of SoCC in the vicinity of the Project as prescribed by s47(6) of the 2008 Act (Section 5.2)	3 June 2021
Proposed application publicised as prescribed by s48 of the 2008 Act (Section 5.6)	14 June 2021, 17 June 2021 and 24 June 2021
Notification of the proposed application to the Inspectorate as prescribed by s46 of the 2008 Act (Section 5.4)	14 June 2021
SoCC made available in the vicinity of the Project as prescribed by s47(6) of the 2008 Act (Section 5.2)	3 June 2021 – 25 July 2021
Consultation as prescribed under s42 of the 2008 Act (Section 5.3)	14 June 2021 – 25 July 2021
Consultation in accordance with the SoCC as prescribed under s47(7) of the 2008 Act (Section 5.5)	14 June 2021 – 25 July 2021
Targeted statutory consultation regarding changes to the Order limits (Section 5.7)	15 September 2021 – 13 October 2021

Table 2-2: Summary of the Applicant’s approach to consulting during the COVID 19 pandemic

Issue	Applicant’s response
Public exhibitions not possible during non-statutory consultation due to lockdown.	The Applicant sent all consultees within the consultation zone defined in Figure 3-2 a consultation booklet and consultation questionnaire to enable them to find out about the Project and respond to the consultation. This was supplemented with webinars and telephone surgeries as set out in section 3.4 to allow people to ask questions about the Project. The Applicant offered virtual briefings to stakeholders.
Restrictions on social mixing still in place during statutory consultation period.	The Applicant sent all consultees within consultation zone 1 as defined in Figure 5-1 a consultation booklet and consultation questionnaire to enable them to find out about the Project and respond to the consultation. This was supplemented with webinars, a virtual exhibition and telephone surgeries. In addition, the Applicant held ticketed public exhibitions which complied with COVID 19 regulations in force during the statutory consultation as set out in section 5.5.
Hard copy deposits of consultation documents not possible during non-statutory consultation due to lockdown.	The Applicant sent all consultees within the consultation zone defined in Figure 3-2 a consultation booklet and consultation questionnaire to enable them to find out about the Project and respond to the consultation. In addition, all consultation documents were available on the consultation website and on request via Freephone, email and Freepost.
Some members of the community may not be able to access consultation materials online or take part in online consultation events to ask questions.	During both stages of consultation, the Applicant sent a consultation booklet and questionnaire to people within the consultation zones defined in Figure 3-2 and Figure 5-1 . This provided non-technical information directly to members of the community and the means to respond to the consultation without the internet. In addition, at both stages of consultation the Applicant offered telephone surgeries and included details of a Freephone telephone number to allow people who could not access the internet to get in touch with it. During the statutory consultation, the Applicant also held ticketed public exhibitions which complied with COVID 19 regulations in force during the statutory consultation and made hard copies of consultation documents available at deposit points in the local area as set out in section 5.5.

Members of the community may have concerns about meeting in person even following the relaxation of restrictions on social mixing.

During both stages of consultation, the Applicant sent a consultation booklet and questionnaire to people within the consultation zones defined in **Figure 3-2** and **Figure 5-1**. This provided non-technical information directly to members of the community and the means to respond to the consultation without the internet. In addition, the Applicant made all consultation materials available via its website during both rounds of consultation and hosted a virtual exhibition during the statutory consultation. It also offered telephone surgeries and included details of a Freephone telephone number during both stages of consultation. The in-person engagement that the Applicant held during the statutory consultation through ticketed public exhibitions complied with COVID 19 regulations in force at the time and took place in a COVID 19 secure environment.

2.4. Covering letter and completed section 55 checklist

- 2.4.1. A covering letter and completed s55 checklist is submitted within the application documents (**Document Reference 1.3**).
- 2.4.2. The completed s55 checklist provides evidence of compliance with the pre-application consultation requirements within the 2008 Act, APFP Regulations, The Infrastructure EIA Regulations 2017, and the DLUHC pre-application guidance.

3. Non-statutory consultation

3.1. Overview of non-statutory consultation

- 3.1.1. The Applicant conducted extensive consultation prior to the statutory consultation period. This included a period of non-statutory consultation on the Project between **26 May 2020 and 14 July 2020**.
- 3.1.2. The purpose of this period of non-statutory consultation was to support the design development and the process of environmental impact assessment, by gathering feedback from consultees on the Project at an early stage in the design process.
- 3.1.3. This chapter sets out the consultation and engagement activity conducted by the Applicant outside of the period of statutory consultation.

3.2. Early engagement

- 3.2.1. Prior to the non-statutory consultation, the Applicant engaged with the host local authority (North Lincolnshire Council), relevant statutory consultees, and other stakeholders to introduce the Project, seek early feedback, and develop the scope and methodology for the non-statutory consultation. Details of these meetings are set out in **Table 3-1**. This informed the early development of the Project, the approach taken by the Applicant to Environmental Impact Assessment (EIA) scoping and the approach taken to the non-statutory consultation set out in this chapter.
- 3.2.2. This process included engagement with the Department for Business, Energy and Industrial Strategy (BEIS), DLUHC and the Planning Inspectorate to understand the appropriate route for seeking development consent with regards to a potential a) Energy Recovery Centre of Excellence, b) Enterprise Business Park and c) Commercial Glasshouse Development.
- 3.2.3. This informed the submission on 20 December 2019 of a request to the Secretary of State for BEIS and the Secretary of State for Housing, Communities and Local Government (HCLG), for a direction under section 35 of the Planning Act 2008 regarding the inclusion of these elements within the DCO for the Project.
- 3.2.4. The Applicant subsequently received on 20 February 2020 direction that whilst the Secretary of State for HCLG was satisfied that elements a) and b) fell within a business or commercial project of a prescribed description for the purposes of section 35(2)(a)(ii) of the 2008 Act, that element c) did not. The Secretary of State for HCLG went on to assess elements a) and b) against the indicative criteria in the then-MHCLG policy statement “Extension of the nationally significant infrastructure planning regime to business and commercial projects”. He concluded that these proposals would not have a significant impact on an area wider than a single local authority and so was not of the view that they were projects of national significance which would come within the 2008 Act regime. This direction informed the Project presented in subsequent public consultation.

Table 3-1: Summary of early engagement

Stakeholders met	Date	Topics discussed
The Planning Inspectorate	3 May 2019	<ul style="list-style-type: none"> • Introduction to the Project • Potential inclusion of commercial development within DCO • Timescales
North Lincolnshire Council	12 June 2019	<ul style="list-style-type: none"> • Introduction to the Project • Provision of district heating and power to Lincolnshire Lakes development • Flood modelling • Public consultation
S Jackson & Sons Ltd	9 July 2019	<ul style="list-style-type: none"> • Land potentially required for access road and district heating and power network
North Lincolnshire Council and Environment Agency (EA)	10 July 2019	<ul style="list-style-type: none"> • Introduction to the Project • Modelling required for Flood Risk Assessment • Potential requirement for road realignments
North Lincolnshire Council	11 July 2019	<ul style="list-style-type: none"> • Alignment of Project with local planning policy
North Lincolnshire Council	2 September 2019	<ul style="list-style-type: none"> • Approach to non-statutory consultation

The Planning Inspectorate, Natural England, Marine Management Organisation, Environment Agency and North Lincolnshire Council	26 September 2019	<ul style="list-style-type: none">• Site visit
BEIS	27 September 2019	<ul style="list-style-type: none">• Potential request for a direction under Section 35 of the Planning Act 2008
MHCLG	4 October 2019	<ul style="list-style-type: none">• Potential request for a direction under Section 35 of the Planning Act 2008
MHCLG	17 October 2019	<ul style="list-style-type: none">• Potential request for a direction under Section 35 of the Planning Act 2008
North Lincolnshire Council leadership, Andrew Percy, MP for Brigg and Goole, and Nic Dakin, MP for Scunthorpe	18 October 2019	<ul style="list-style-type: none">• Introduction to the Project
Port Authority and harbourmaster for Flixborough Port	4 November 2019	<ul style="list-style-type: none">• Potential extension of Flixborough Wharf• Use of River Trent to transport freight associated with the Project• Future engagement

North Lincolnshire Council	9 April 2020	<ul style="list-style-type: none">• Approach to public consultation during the COVID 19 pandemic
North Lincolnshire Council	21 April 2020	<ul style="list-style-type: none">• Approach to public consultation during the COVID 19 pandemic
North Lincolnshire Council leadership, Andrew Percy MP and Holly Mumby-Croft MP	13 May 2020	<ul style="list-style-type: none">• Update on Project prior to non-statutory consultation• Preview of non-statutory consultation materials

3.3. Scope of the non-statutory consultation

3.3.1. The Applicant conducted a period of non-statutory consultation between 26 May 2020 and 14 July 2020.

3.3.2. The consultation introduced the Applicant's vision for the Project, its proposed approach to developing proposals for the Project in more detail and the process for seeking development consent.

3.3.3. Therefore, the Applicant presented information both on the elements of the Project that would require a DCO (referred to during the consultation as 'the DCO Scheme') and the further potential growth opportunities, using the heat and other outputs generated by the Energy Recovery Facility (ERF), that would require planning permission from North Lincolnshire Council.

3.3.4. This included information about:

- The background to the Project;
- The Applicant;
- The site proposed for the Project;
- Technology to be used in the Project;
- The need for development;
- Initial proposals for development, including the emerging masterplan included at **Figure 3-1**;
- The relationship between the DCO Scheme and wider opportunities for growth;
- The environmental impact assessment process and environmental constraints relevant to the Project;
- The planning process for NSIPs;
- How to take part in the non-statutory consultation; and,
- The timeline for development.

3.3.5. Through the non-statutory consultation, the Applicant sought consultees' views on:

- Its initial proposals for the Project;
- Information regarding the local environment which the Applicant should consider in developing the Project;
- Existing traffic and congestion levels in the local area;
- Potential environmental impacts from the Project;
- Specific local enhancements that could be included with the Project; and,
- Information that could be included at the next round of consultation.



Figure 3-1: Emerging masterplan presented as part of the non-statutory consultation

3.4. Non-statutory consultation activity

3.4.1. The non-statutory consultation took place during a period of ongoing restrictions on social contact due to the COVID 19 pandemic. The Applicant therefore used a range of measures as part of the non-statutory consultation programme to ensure that the community could access the consultation information and respond.

3.4.2. This included directly issuing consultation materials and questionnaires by post, publicising the consultation online and in the local media, holding virtual events,

hosting a virtual public exhibition online, offering telephone and online briefings, and accepting responses to the consultation in a variety of formats.

3.4.3. In preparing its approach to non-statutory consultation, the Applicant had regard to Government guidance on the COVID 19 pandemic and best practice guidance such as the National Infrastructure Planning Association's paper *Development Consent Orders and the Coronavirus Pandemic (21 April 2020)*.

3.4.4. The Applicant also proactively sought the advice of the host local authority, North Lincolnshire Council, on its proposed approach to non-statutory consultation. This included meetings on 9 April 2020 and 21 April 2020 to discuss the Applicant's proposed approach to non-statutory consultation.

Consultees

3.4.5. The primary audience for the non-statutory consultation was the local community. The Applicant consulted with:

- The host local authority: North Lincolnshire Council;
- Parish councils in the vicinity of the Project: Flixborough Parish Council, Burton upon Stather Parish Council, Roxby-cum-Risby Parish Council, Amcotts Parish Council and Gunness Parish Council;
- Members of Parliament whose constituencies include part of the Project: Andrew Percy MP and Holly Mumby-Croft MP;
- The local community: identified as residents, businesses, and organisations within a 3km radius of the Project's location and a 1.5km zone either side of the railway line proposed for reinstatement. This was considered to reflect the extent of the Project at the time of consultation. This comprised 2,402 addresses and is shown in **Figure 3-2**; and,
- Local stakeholder and interest groups: including the Humber Local Enterprise Partnership and the Greater Lincolnshire Local Enterprise Partnership. A list of groups contacted as part of the consultation is included in **Appendix A-1 (Document Reference 7.2.1)**.

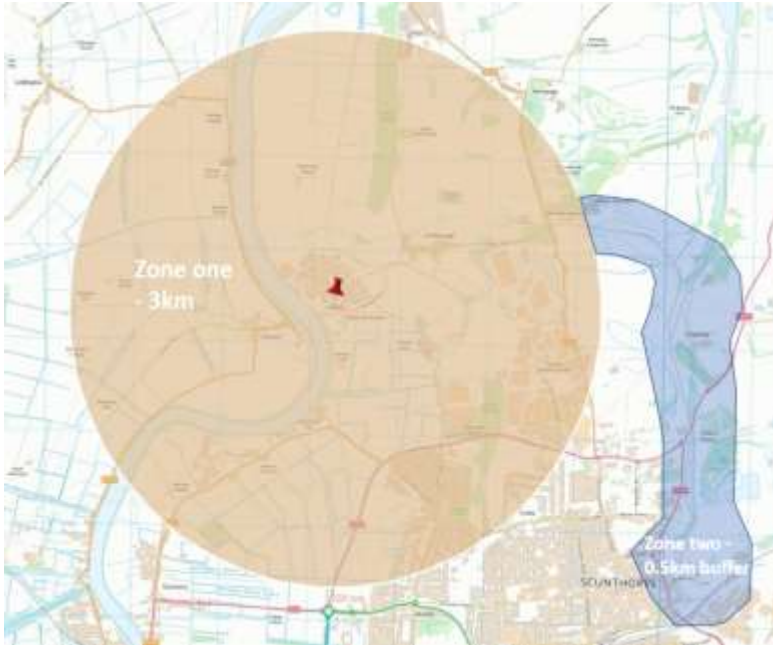


Figure 3-2: Consultation zones for non-statutory consultation

Consultation publicity

3.4.6. The Applicant publicised the consultation by:

- Writing to elected representatives, including parish councillors, district councillors, county councillors, and Members of Parliament within the consultation zone shown in **Figure 3-2**;
- Writing to the 2,402 addresses within the consultation zone included in **Figure 3-2** at the start of the consultation period;
- Issuing a press release to media outlets including the Scunthorpe Telegraph on 26 May 2019;
- Placing an advert in the Scunthorpe Telegraph on 26 May 2019;
- Launching a Project website with details of the consultation. Evidence of the Project website is presented in **Appendix J-1 (Document Reference 7.2.19)**.

Consultation information and events

3.4.7. The Applicant made a range of means available for consultees to find out more about the Project in the context of the COVID 19 pandemic.

3.4.8. At the outset of the consultation, the Applicant launched a Project website as evidenced in **Appendix J-1 (Document Reference 7.2.19)**. This included a summary of the consultation information, links to download consultation materials, details of how to take part in the consultation and contact details for the Applicant.

3.4.9. As part of the consultation, the Applicant published a booklet summarising the Project and setting out how to respond to the consultation. This was sent directly to the consultees identified in 3.4.5 alongside a consultation questionnaire, to ensure they had direct access to the core consultation information and could respond in a

convenient manner. Information was sent to addresses in the areas shown in **Figure 3-2** by post and to other consultees identified in 3.4.5 by post or email.

- 3.4.10. The Applicant hosted online information webinars during the consultation period. These included a presentation from the Applicant about the Project which offered an opportunity to ask questions about the proposals. Details of how to register for the webinars were included in the consultation publicity, and recordings were placed on the Project website after each webinar.
- 3.4.11. Details of the date and time of each webinar are set out in **Table 3-2** below. Recordings of the webinars are available on the Project website **Appendix J-1 (Document Reference 7.2.19)** and on request from the Applicant.

Table 3-2: Non-statutory consultation webinars

Date	Time
4 June 2020	6:00pm-7:00pm
4 July 2020	2:00pm-3:00pm

- 3.4.12. The Applicant recognised that some consultees might not be able to make use of the online consultation channels provided as part of the non-statutory consultation. It therefore invited consultees to book telephone meetings to allow a further opportunity for them to ask questions about the Project. The Applicant held seven telephone meetings, with individual people, during the consultation period.
- 3.4.13. The Applicant also met virtually with Flixborough Parish Council on 24 June 2020, providing an overview of the Project and responding to questions.
- 3.4.14. Throughout the consultation, the Applicant maintained a number of communications channels for enquiries. These included a Freephone number (0800 130 3353), email address hosted via the Project website and Freepost address (FREEPOST RTXY-USYY-HAXE, c/o Newgate Communications, Sevendale House, 5-7 Dale Street, Manchester, M1 1JA).
- 3.4.15. All materials published as part of the non-statutory consultation were made available at the Project website for the duration of the consultation period. Copies are included in **Appendix A-2 (Document Reference 7.2.2)**.

Responding to the consultation

- 3.4.16. Respondents to the consultation were invited to complete a consultation questionnaire. This included the following questions:
- What are your initial impressions of the proposals for the North Lincolnshire Green Energy Park?
 - Do you have any insight in relation to the Project or local environment which you think we should consider while developing the proposal?
 - What is your current experience of traffic and congestion within the local area and are there any specific issues that we should be aware of?

- Do you have any comments or questions relevant to the potential environmental impacts of our proposal?
- Are there any specific enhancements locally you feel could be included as part of the Project?
- Is there anything you would like to find out more about at the next round of consultation?
- Do you have any further comments?

3.4.17. The consultation questionnaire was sent directly by post to addresses in the area set out in **Figure 3-2** and by email to other consultees. It was also made available at the Project website.

3.4.18. Consultees were able to respond via the consultation website or in writing to the Freepost address (FREEPOST RTXY-USYY-HAXE, c/o Newgate Communications, Sevendale House, 5-7 Dale Street, Manchester, M1 1JA).

3.5. Outcome of the non-statutory consultation

3.5.1. Following the non-statutory consultation, the Applicant analysed all of the responses received by the deadline of 14 July 2020.

3.5.2. Overall, the Applicant received 41 completed questionnaires in response to the non-statutory consultation. The Applicant also received written responses from the following groups and organisations:

- Flixborough Parish Council;
- Burton-upon-Stather Parish Council; and,
- Lincoln Diocesan Trust.

3.5.3. Copies of responses from these organisations are included in **Appendix A-3**.

3.5.4. **Table 3-3** summarises feedback to the consultation and sets out the frequency with which key themes were raised.

Table 3-3: Key themes raised in non-statutory consultation responses

Theme	Frequency
Transport	66
Concern that the Project will worsen/cause existing traffic issues	15
Concern around how the increase in traffic impacts on A1077/M180	7
Desire for improvements to foot and cycle paths	6
Questions regarding impact from HGVs on local roads	5
Concerns that HGVs will ignore bridge weight limits	4
Concerns about rat-running through Flixborough	4
Roads through Flixborough/Gunness are not suitable for HGVs	4

Questions about how freight would be delivered to the ERF	4
Suggestion that the Applicant should build required infrastructure for additional traffic	3
Concerns over the loss of access to disused railway for walking dogs or cycling	2
Concern about traffic going to and from Flixborough Industrial Estate	2
Suggestion to widen the bank of the River Trent to make it accessible for walking	1
Request to build a high bridge over the River Trent with bridlepath	1
Concern about use of Ferry Road West	1
Support for proposal so long as traffic impacts are managed	1
Question about the number of trains (and wagons) arriving every 24hrs and expected increase in HGVs every 24hrs as well as what time of day	1
Concern that consultation materials did not include numbers of vehicle movements	1
Concern that there are a lack of footpaths or cycle paths to the site	1
Support for use of rail and or river transport	1
Issue with use of the wharf not being able to handle increased shipping	1
Request to pedestrianise the area between Flixborough and Normanby roads	1
<i>Environmental impacts</i>	63
Concern regarding the Project's impact on air quality	13
Concern regarding noise impacts from the Project	12
General concern about environmental impact	8
Concern over impact on wildlife	6
Concern regarding possible flooding	5
Concern regarding visual impacts	4
Questions regarding screening of visual impacts	4

Concern regarding light pollution from the Project	2
Concern regarding water pollution from the Project	2
General support for approach proposed to environmental impacts	2
Question regarding the frequency of environmental monitoring once the Project is operational	1
Question about how wind turbines will affect the emissions from the flue of the ERF	1
Desire for management of environmental impacts should go above and beyond requirements	1
Question about how potential impacts on air quality will be managed within the facility	1
Concern about visual impacts from the stack	1
<i>Principle of development</i>	41
General opposition to proposals	23
General support for proposals	13
Question about how much the Project would reduce electricity and heat prices	2
Request for compensation for local residents	2
Question about the planning route for the ERF and wider growth opportunities	1
<i>Location</i>	30
Concern about proximity of the Project to homes	11
Questions about the possibility of other sites being used	6
Concern about impact of proposals on house prices	5
Concern over the number of green energy schemes in the area	4
Concern about use of greenfield and agricultural land	4
<i>Operations</i>	30

Concern about odour once Project is operational	17
Concern about waste source	8
Concern that Project will exacerbate existing issues with flies	2
Question about how odours will be prevented when Refuse Derived Fuel (RDF) is unloaded	1
Concern about increase in working hours and noise levels in comparison to Port Authority operation hours	1
Concern about impact of operating hours on noise experienced by residents	1
Consultation process	22
Request that comments are shown due regard	5
Concern that COVID 19 has limited residents' ability to take part in the consultation	4
Concern about lack of information about impacts on Amcotts in the consultation	3
Question whether age and occupation are really needed in responses	2
Request to keep parish councils informed	2
Question about whether consultation is genuine given the stage the proposals are at	2
Question about why residents were not notified about the proposals earlier	1
Concern that Gunness not included in consultation zone	1
Question about engagement with stakeholders	1
Expression of desire for a tour of a similar facility	1
Safety	11
Concern about potential for industrial accident as a result of the Project in the context of the 1974 Flixborough disaster	9
Questions about how safety will be managed through the design of the Project	2
Design	7

Concern over the size of the area shown in plans included in consultation materials	3
Request for more detail about design of the Project	2
Question about the height of the stack	1
Good design for the ERF itself will mean residents are less worried about screening	1
Technology	7
Request for more detail about hydrogen storage	4
Concern over the safety of ash treatment and how any dust generated will be kept away from the local area	2
Question about the difference between energy recovery and incineration	1
Health	4
Concern regarding health impacts as a result of potential air quality impacts from the Project	4
Employment and Skills	4
Questions regarding what the positive impact on the local area will be regarding jobs and growth	3
Question about how apprenticeships will be created	1

3.5.5. Comments from the non-statutory consultation influenced the ongoing evolution of the Project design. The iterative process of designing the Project, including the way that consultation feedback and the EIA informed design, is set out in detail in the Design and Access Statement (**Document Reference 5.3**). **Table 3-4** sets out actions taken by the Applicant in response to feedback from the non-statutory consultation.

Table 3-4: Project changes following non-statutory consultation

Feedback	Action
Concerns about the impacts of extending Flixborough Wharf on residents in Amcotts.	The Applicant withdrew its proposal to extend Flixborough Wharf.
Recycling facilities should be included in the Project.	The Applicant added a proposed Plastic Recycling Facility (PRF) to the Project.

Concern about use of greenfield and agricultural land.

The Applicant updated its proposals to relocate the ERF and other elements of the Project, designed to use by-products from the energy recovery process, on to land that had been previously developed.

Traffic surveys should take into account vehicle movements from periods outside of COVID 19 lockdown.

The Applicant extended traffic surveys to measure vehicle movements in the surrounding area once these had returned to normal after the first COVID 19 lockdown. The Applicant agreed its approach to traffic surveys with North Lincolnshire Council.

Concern about flooding.

The Applicant carried out detailed flood risk modelling with involvement from the Environment Agency and the Local Drainage Board. As a result of this, the Applicant updated the proposed layout of the Project to avoid any adverse impact from flooding on surrounding properties and businesses even in the event of extreme events.

The project should improve the area around the River Trent by rewilding the river edge and improving walking access.

The Applicant updated the Project to give the public access to an area of wetland to be created next to the River Trent. This will include closing Stather Road to through traffic so that it can be used as a recreational path along the riverbank. Additional footpaths and cycleways will join up with the existing network to facilitate greater public access. The planting schemes planned seek to attract and sustain more flora and fauna than were previously in the area (Biodiversity Net Gain) and will make it easier for plants and animals to move and propagate from one habitat area to another.

Concern about increase in rail traffic due to reinstatement of railway.

The Applicant proposed to create rail sidings at Dragonby, and sidings and a rail head south of Stather Road to reduce, as far as possible, the need for rail movements at night.

Concern about noise from operational activity.	The facilities where processing will take place have been located away from homes and will be provided with sound insulation to minimise any noise experienced in nearby residential areas.
Concerns about impacts of storing Refuse Derived Fuel (RDF) on site.	The Applicant reduced the proposed storage of RDF from 55,000 tonnes to 15,000 tonnes – less than one week’s supply. Although dust, odour and vermin are all readily controllable in any event, the reduction in volume is aimed at helping to allay concerns.
Request to make the district heating and power network available to residents in Scunthorpe.	The district heat and power network has been extended to a length of 12km so that it has the capacity to supply domestic and commercial properties in the centre of Scunthorpe, including the proposed new Scunthorpe Hospital.

3.6. Ongoing engagement

3.6.1. Throughout the development process, the Applicant has engaged with stakeholders outside of the non-statutory and statutory consultation periods. Early engagement undertaken ahead of the non-statutory consultation is set out in **Section 3.2**. Details of ongoing engagement with key stakeholders undertaken from the time of the non-statutory consultation in July 2020 up until the start of the statutory consultation in June 2021, including the composition of each group, when the engagement took place and a summary of the engagement is provided in **Table 3-5**. Where engagement referenced below is relevant to EIA, further detail is provided as appropriate in the relevant chapter of the Environmental Statement (**Document Reference 6.0**).

Table 3-5: Summary of ongoing engagement

Stakeholders met	Date	Topics discussed
Environment Agency	5 August 2020	Introductory meeting to identify requirements for the Flood Risk Assessment (FRA), including which hydraulic flood model to use and the climate change considerations to be factored in.

Scunthorpe and Gainsborough Internal Drainage Board	21 October 2020	Introductory meeting regarding existing surface water drainage.
Associated British Ports	17 November 2020	Introductory meeting to discuss the potential extension of Flixborough Wharf and subsequent marine requirements for the DCO application.
Environment Agency	27 November 2020	Presentation of the latest Project proposals and the impact on flood risk. A number of breach scenarios and sensitivity tests were identified to be undertaken.
North Lincolnshire Council, National Highways	30 November 2020	Scoping of Transport Assessment.
The Planning Inspectorate	14 January 2021	Project update following receipt of EIA Scoping Opinion.
Associated British Ports	14 January 2021	A meeting to discuss vessel movement information.
North Lincolnshire Council	10 February 2021	Provision of an early draft of the Statement of Community Consultation prior to formal consultation on the document.
North Lincolnshire Council	11 February 2021	A meeting to discuss highways proposals, the New Link Road, shared footway proposals, existing public rights of way and traffic data.
North Lincolnshire Council	12 February 2021	Project update meeting illustrating progress to date and outlining key technical matters being addressed.
Associated British Ports	17 February 2021	A meeting to review marine traffic assessments.

Environment Agency	2 March 2021	The Environment Agency suggested a freeboard of 600mm but said that reduced freeboard can be acceptable if justification provided. Discussion also included ownership and maintenance responsibilities for proposed flood mitigation measures, flood gates and indicative details of flood mitigation measures.
North Lincolnshire Council	11 March 2021	Project update meeting focused on flooding impacts and possible construction impacts/closures on the local road network.
Associated British Ports	11 March 2021	A meeting to discuss the development of the preliminary Navigation Risk Assessment.
North Lincolnshire Council	25 March 2021	A meeting with North Lincolnshire Council highways to discuss the proposed routing of the DHPWN.
Associated British Ports	26 March 2021	A meeting to discuss the Marine Traffic Assessment.
National Highways	1 April 2021	A meeting to discuss the routing of the DHPWN.
North Lincolnshire Council	15 April 2021	Presentation given showing the latest masterplan framework, initial landscape narrative and initial visuals.
Homes England	22 April 2021	Introduction to the Project.
Environment Agency	22 April 2021	The Environment Agency agreed in principle the updates made to the hydraulic modelling and the flood risk management strategy presented and indicated that a review of the hydraulic model will be required and that this should ideally be completed before the DCO submission.
Natural England	6 May 2021	Initial discretionary advice meeting for project, including update following Scoping report, ecology survey results to date, aquatic surveys and Biodiversity Net Gain (BNG).

Scunthorpe and Gainsborough Water Management Board and North Lincolnshire Council	10 May 2021	A meeting in which Scunthorpe and Gainsborough Water Management Board provided further information relating to the Neap House Drain and the existing B1216 culvert. It also advised that, when developing the flood mitigation strategy, changes to existing drainage ditches and hydraulic structures should be avoided.
North Lincolnshire Council	13 May 2021	Project update meeting focused on design of visitor centre, flood risk, district heating and power network and consultation strategy.
Scunthorpe and Gainsborough Water Management Board and North Lincolnshire Council	24 May 2021	A meeting to discuss impact of extreme tidal event on the Neap House drain.
Lincolnshire Wildlife Trust	9 June 2021	Introduction to the Project.

3.6.2. In addition, the Applicant sent an update newsletter to 197 people who had registered for updates via its website on 1 June 2021. This set out details of how the Applicant had responded to feedback from the non-statutory consultation, provided an update on changes to the Project since the non-statutory consultation, and informed recipients about the upcoming statutory consultation. A copy of the newsletter is included in **Appendix A-4 (Document Reference 7.2.4)**.

4. EIA scoping

- 4.1. The Project is considered to be “EIA development” as defined by the Infrastructure EIA Regulations 2017. As a result, the Applicant proceeded straight to EIA scoping without requesting a screening opinion from the Secretary of State (to confirm whether the Project was EIA development). As such, the Applicant prepared a Scoping Report in support of its application to the Secretary of State for a scoping opinion as to the scope, and level of detail of the information to be provided in its Environmental Statement.
- 4.2. On 30 October 2020 the Applicant submitted its request for a scoping opinion under Regulation 10(1) of the EIA Regulations 2017 to the Planning Inspectorate (on behalf of the Secretary of State) and at the same time gave its notification under Regulation 8(1)(b) of the EIA Regulations 2017 that the Applicant proposed to provide an Environmental Statement in respect of the Project.
- 4.3. A scoping opinion was adopted by the Secretary of State on 9 December 2020. The Environmental Statement (**Document Reference 6.0**) as part of the DCO application is based on the scoping opinion and the scoping opinion was also considered in the production of the Preliminary Environmental Information Report (PEIR) published during the statutory consultation.
- 4.4. In addition, following receipt of the scoping opinion, the Applicant reviewed the list of consultees contacted by the Planning Inspectorate as part of its consultation on the scoping report. These are the bodies listed in Appendix 1 of the Planning Inspectorate’s scoping opinion. This was to ensure that all organisations contacted by the Planning Inspectorate were included in subsequent consultation activity.
- 4.5. The Applicant did not receive notification of additional consultees under Regulation 11(1)(c) of the EIA Regulations 2017.
- 4.6. The Scoping Report is available as Annex 1 of the **Environmental Statement (Document Reference 6.3.1)**. A copy of the response letter from the Planning Inspectorate is provided within **Appendix B-1 (Document Reference 7.2.5)** of this report.
- 4.7. Compliance with the consultation requirements of Regulations 12 and 13 of the Infrastructure EIA Regulations 2017 is addressed in the following section of this report.

5. Statutory consultation

5.1. Overview

- 5.1.1. The Applicant conducted a period of statutory consultation on the Project from **14 June 2021 to 25 July 2021**.
- 5.1.2. The purpose of this consultation was to seek the views of statutory consultees and the public on the Project; the potential short and long term impacts of the Project during construction, operations, and decommissioning; and the Preliminary Environmental Information Report (PEIR).
- 5.1.3. The Applicant conducted consultation under s42, s47 and s48 of the 2008 Act and Regulation 13 of the Infrastructure EIA Regulations 2017 in parallel. This meant that all materials made available for consultation under s47 and s48 of the 2008 Act were available to consultees under s42 of the 2008 Act and Regulation 13 of the Infrastructure EIA Regulations 2017.
- 5.1.4. Consultees were provided with 42 days to comment. This exceeded the 28-day minimum set out in section 45(2) of the 2008 Act and Regulation 4(3)(i) of the APFP Regulations.

5.2. Preparation of the SoCC

- 5.2.1. As prescribed by s47(1) of the 2008 Act, the Applicant prepared a Statement of Community Consultation (the SoCC) setting out how it proposed to consult people living in the vicinity of the land affected by the Project about its proposal.
- 5.2.2. Before preparing the SoCC, the Applicant consulted with the relevant local authority (see 5.2.14 below) on a draft of the SoCC, as required by s47(2) of the 2008 Act.
- 5.2.3. Prior to that formal consultation, the Applicant had also undertaken various informal discussions on the SoCC with the relevant local authority, as set out in **Table 3-5**.
- 5.2.4. The Applicant then finalised the SoCC, having regard to the responses from the relevant local authority, before publishing it in accordance with s47(6) of the 2008 Act.

Identification of local authorities within s43(1) of the 2008 Act

- 5.2.5. The Applicant identified North Lincolnshire Council as the sole local authority within s43(1) of the 2008 Act for the purposes of consultation on the SoCC under section s47(2) of the 2008 Act (the host authority).

Development of the SoCC

- 5.2.6. The Applicant's preparation of a draft SoCC took into account best practice and guidance from the Planning Inspectorate, early engagement with the host authority (as set out in **Table 3-5**), lessons learned from the non-statutory public consultation (as summarised in **Chapter 3** of this report), and desk-based research.
- 5.2.7. In preparing its approach to consultation, the Applicant considered Government guidance on COVID 19 and advice from the host authority. In addition to this, the Applicant also considered the results of earlier consultation and best practice guidance such as the National Infrastructure Planning Association's paper *Development Consent Orders and the Coronavirus Pandemic (21 April 2020)*.

- 5.2.8. The Applicant also recognised the potential for the Government’s advice regarding the COVID 19 pandemic to change during the consultation or between the publication of the SoCC and the beginning of the consultation. The Applicant therefore included in the SoCC the different approaches that it proposed to take if the Government’s COVID 19 alert level changed.
- 5.2.9. The Applicant proactively sought the views of the host authority on the proposed approach to community consultation during the preparation of the SoCC. Initially, the Applicant shared an early draft SoCC for informal discussion with the host authority on 10 February 2021.
- 5.2.10. The host authority provided comments on this early draft on 19 February 2021. These set out that the host authority deemed the approach to consultation included in the draft to be acceptable and welcomed the inclusion of flexibility regarding the COVID 19 pandemic
- 5.2.11. A copy of the host authority’s feedback on the early draft of the SoCC provided on 10 February 2021 is included in **Appendix C-1 (Document Reference 7.2.6)**.

Contents of the draft SoCC

- 5.2.12. The draft SoCC included the following information and proposals for consulting with the local community:
- An overview of the document;
 - A statement of the Applicant’s intention to submit a DCO application and details of where to find out more about the planning process;
 - A summary of the Project;
 - A definition of consultees under s47 of the 2008 Act, including three zones of consultation categorising consultees based on their proximity to the Project;
 - Details of the scope of the consultation as being to seek views on the Project, the potential short and long term impacts of the Project during construction, operations, and decommissioning, and the PEIR;
 - Details of the methods the Applicant proposed to engage with the local community;
 - Details of the Applicant’s proposed approach to consultation in the context of the COVID 19 pandemic, including how it would publicise any change in the consultation required due to changes in social distancing requirements; and, Details of how the Applicant would have regard to comments received and how it would move forward with a DCO application following the statutory consultation.
- 5.2.13. The draft SoCC did not include consultation dates. This was to avoid the risk of needing to consult the host authority on the SoCC again if the programme for consultation changed. However, the Applicant set out in its covering email accompanying the draft SoCC that at that time it intended to consult over a 42-day period from 13 May 2021 to 24 June 2021.

Consultation on the draft SoCC

5.2.14. The Applicant wrote to the Council on 1 March 2021 enclosing a copy of the draft SoCC and requesting comments by 30 March 2021.

5.2.15. The host authority therefore received more than 28 days to respond to the draft SoCC, in accordance with s47(3) of the 2008 Act.

5.2.16. A copy of the draft SoCC issued to the host authority for consultation and the covering email is included in **Appendix C-2 (Document Reference 7.2.7)**.

Local authority responses to the draft SoCC

5.2.17. The Applicant received a response to the draft SoCC from the Council on 31 March 2021.

5.2.18. This presented the host authority's response to the draft SoCC. The response sets out that, 'the LPA agrees with the proposed approach to consultation. The challenges presented by potential changes to COVID restrictions during the consultation period are understood as is the need for some flexibility within the scheme of consultation to respond to this. We are happy that the scheme of consultation is robust and acceptable.'

5.2.19. A copy of the host authority's response is included in **Appendix C-3 (Document Reference 7.2.8)**.

Regard had to local authority responses to the draft SoCC

5.2.20. The Applicant has had regard to responses provided by the host authority consulted on the draft SoCC as required by s47(5) of the 2008 Act. To this end, it retained the scheme of consultation deemed robust and acceptable by the host authority in its response of 31 March 2021 within the SoCC.

5.2.21. The Applicant made two substantive changes to the SoCC following consultation with the host authority and prior to publication:

- Confirming the consultation dates as 14 June 2021 to 25 July 2021. This allowed the same number of days for comment as the original period suggested in the covering email provided to the host authority with the draft SoCC.
- Adding a supplementary consultation booklet to the consultation materials included in the SoCC. The purpose of this supplementary consultation booklet was to present non-technical information about the Applicant's EIA.

Publication of the SoCC

5.2.22. As prescribed by s47(6) of the 2008 Act, the Applicant made the SoCC available online at the Project website presented in **Appendix J-1 (Document Reference 7.2.19)** from 3 June 2021. A copy of the SoCC as published is available in **Appendix C-4 (Document Reference 7.2.9)**.

5.2.23. The Government has confirmed that placing materials on a website, maintained by or on behalf of the Applicant, meets the requirement to place information on public deposit in the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020 (the 2020 Regulations).

5.2.24. The Applicant also publicised the availability of the SoCC in a newspaper circulated in the vicinity of the land, as prescribed by s47(6) of the 2008 Act. This was the *Scunthorpe Telegraph* on 3 June 2021. A copy of the final SoCC notice as published, which clearly confirms the name of the publication and the date, is provided within **Appendix C-4 (Document Reference 7.2.9)**.

5.3. Consultation under s42 of the 2008 Act

5.3.1. S42 of the 2008 Act requires an applicant to consult with the prescribed consultees (s42(1)(a)); landowners, those with an interest in the land and those who would or might be entitled to make a relevant claim (s42(1)(d)); and relevant local authorities (s42(1)(b)).

Identification of consultees under s42(1)(a)

5.3.2. Prescribed consultees are listed in Schedule 1 of the APFP Regulations. Schedule 1 also sets out, through a ‘circumstances’ test, when there is a requirement to consult those listed. **Appendix D-1 (Document Reference 7.2.10)** sets out each consultee prescribed in Schedule 1 of the APFP Regulations, whether they were included in the consultation, and an explanation as to why they were or were not consulted. Regard was had to the Planning Inspectorate’s Advice Note Three: EIA Notification and Consultation in identifying the consultation bodies.

Identification of consultees under s42(1)(b)

5.3.3. S42(1)(b) of the 2008 Act requires the Applicant to consult with the local authorities identified in s43 of the 2008 Act, which sets out four categories of authority:

- A is a neighbouring local authority (s43(2)) that shares a boundary with a unitary council or lower-tier district ‘B’ council, within whose area development is situated;
- B is either a unitary council or a lower-tier district council within whose area the development is situated – a host local authority;
- C is an upper-tier county council within whose area the development is situated – a host local authority; and,
- D is either a unitary council or an upper tier county council which shares a boundary with a host ‘C’ authority – a neighbouring local authority (s43(2A)).

5.3.4. Details of the identification of relevant local authorities, including whether they are an A, B, C or D authority, and the criteria for their identification, are included in **Table 5-1**.

Table 5-1: Identification of consultees under S42(1)(b) of the 2008 Act

Name	A, B, C or D authority	Rationale
Bassetlaw District Council	A	Bassetlaw District Council is a lower tier authority which shares a boundary with North Lincolnshire Council, the host authority.
Doncaster Council	D	Doncaster Council is a unitary authority which shares a boundary with the host authority, North Lincolnshire Council.
East Riding of Yorkshire Council	D	East Riding of Yorkshire Council is a unitary authority which shares a boundary with the host authority, North Lincolnshire Council.
Lincolnshire County Council	D	Lincolnshire County Council is an upper tier authority which shares a boundary with the host authority, North Lincolnshire Council.
North Lincolnshire Council	B	North Lincolnshire Council is a unitary authority in which the Project is situated.
North East Lincolnshire Council	D	North East Lincolnshire Council is a unitary authority which shares a boundary with the host authority, North Lincolnshire Council.
Nottinghamshire County Council	D	Nottinghamshire County Council is an upper tier authority which shares a boundary with the host authority, North Lincolnshire Council.

West Lindsey District Council A

West Lindsey District Council is a lower tier authority which shares a boundary with North Lincolnshire Council, the host authority.

Figure 5-0: Identification of local authorities under s42(1)(b) of the 2008 Act



Identification of consultees under S42(1)(d)

5.3.5. S42(1)(d) of the 2008 Act requires the applicant to consult each person who is within one or more of the categories set out in s44 of the 2008 Act. This requires the developer to consult with landowners, lessees, tenants or occupiers (Category 1 persons, as per s44(1)); those with an interest in the land or certain powers with respect to the land (Category 2 persons, s44(2)); and those who the Applicant thinks would or might be entitled to make a relevant claim (Category 3 persons, s44(4)).

5.3.6. A ‘relevant claim’ is defined by s44(6) as meaning:

- a claim under Section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase);

- a claim under Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors caused by use of public works); and
- a claim under Section 152(3) of the 2008 Act (compensation in case where no right to claim in nuisance).

5.3.7. Section 44 places a duty on applicants to make 'diligent inquiry' as to the identification of Category 1, 2, or 3 persons (the 'Section 44 persons'). The term 'diligent inquiry' is not defined in the 2008 Act but it sets a threshold of inquiry to allow the termination of that inquiry when reasonable and recognised avenues of research have been exhausted.

5.3.8. The Applicant's land referencing company employed a number of methods to identify Section 44 persons taking account of best practice and relevant guidance, including Planning Inspectorate Advice Note 4 'Section 52' (March 2017). Methods included the issue of Request For Information (RFI) letters to potentially affected landowners/occupiers; searches at HM Land Registry; review of legal title reports; Companies House and Electoral Roll searches; searches for registered correspondence to the relevant address (where appropriate); site visits; and discussions with known owners/occupiers, amongst others.

5.3.9. Where an interest remained in 'unknown' ownership or where it was not clear whether an interest existed or not (in each case following diligent inquiry), the Applicant erected a site notice on or close to the land in question as part of the statutory consultation. The other consultation methods set out within this chapter (including local and national newspaper adverts/notices, press releases and posters) also had the potential to notify those interested in the relevant land of the proposed Project.

5.3.10. It is important to note that the Applicant's land referencing company continued with the methods seeking to identify Section 44 persons throughout the pre-application stage, in order to ensure the greatest possible chance of identifying people who may be relevant, and where additional Section 44 persons were identified they were consulted in accordance with Section 42.

5.3.11. Based on the identification of sensitive receptors (including residential properties) by the Applicant's Project Team in the vicinity of the Order Limits and District Heating Network, together with an appraisal of potential nuisance effects such as noise, vibration and dust generation during construction and operation of the proposed Project, potential claimants were identified who could potentially make a 'relevant claim' (such as pursuant to Part 1 of the Land Compensation Act 1973) due to those factors.

5.3.12. A list of land interests consulted (noting their interest in the land) during the statutory consultation phase is provided in **Appendix D-2 (Document Reference 7.2.11)**. Persons as identified within **Appendix D-2** and the **Book of Reference (Document Reference 3.1)** (at that time) were consulted. **Appendix D-2** also confirms those parties were consulted under s42(1)(d) but are no longer in the **Book of Reference (Document Reference 3.1)**.

Consultation under S42 of the 2008 Act

5.3.13. The Applicant wrote formally to all consultees identified under s42 of the 2008 Act to notify them of the consultation.

5.3.14. The Applicant wrote to consultees under s42(1)(a) and s42(1)(b) of the 2008 Act on 7 June 2021, setting out the background to the Project, the Applicant's intention to submit a DCO application, the fact that the Applicant had identified them as a consultee under s42(1)(a) or s42(1)(b) of the 2008 Act, the documents being provided as part of the consultation, and how to respond to the consultation.

5.3.15. The Applicant enclosed with the letter:

- a copy of the consultation booklet, which provided more information about the Project;
- a copy of the supplementary consultation booklet setting out additional information about the Applicant's EIA;
- a plan showing the proposed Order limits of the Project;
- a copy of the consultation questionnaire; and,
- a notice of the proposed application which was publicised in accordance with s48 of the 2008 Act and the requirements set out in Regulation 4 of the APFP Regulations.

5.3.16. The letter also made these documents, alongside the PEIR and its non-technical summary, available electronically on the Project website (presented in **Appendix J-1 (Document Reference 7.2.19)**). This information was provided in an electronic form to minimise the provision of paper or electronic documentation which would have been physically handled during the COVID 19 pandemic.

5.3.17. The Applicant wrote to consultees under s42(1)(d) of the 2008 Act on 7 June 2021 setting out the background to the Project, the Applicant's intention to submit a DCO application, the fact that the Applicant had identified them as a consultee under s42(1)(d) of the 2008 Act, the documents being provided as part of the consultation, and how to respond to the consultation.

5.3.18. The Applicant enclosed with the letter:

- a copy of the consultation booklet, which provided more information about the Project;
- a copy of the supplementary consultation booklet setting out additional information about the Applicant's EIA;
- a plan showing the proposed Order limits of the Project; and,
- a copy of the consultation questionnaire.

5.3.19. The letter also made these documents, alongside the PEIR and its non-technical summary, available electronically from the Project website (presented in **Appendix J-1 (Document Reference 7.2.19)**). This information was provided in an electronic form to minimise the provision of paper or electronic documentation which would have been physically handled during the COVID 19 pandemic.

5.3.20. Examples of the letters sent to consultees under s42 of the 2008 Act are included in **Appendix D-3 (Document Reference 7.2.12)**. Consultation materials sent to consultees under s42 of the 2008 Act are available to view in **Appendices G-1 to G-2 (Document Reference 7.2.15-16)**. A copy of the notice issued under s48 of the 2008 Act is provided in **Appendix H-1 (Document Reference 7.2.17)**.

Further engagement with consultees under s42

5.3.21. The Applicant also had further engagement with a number of consultees under s42 of the 2008 Act during the consultation period.

5.3.22. **Table 5-2** summarises further engagement with consultees under s42 of the 2008 Act during the consultation period.

Table 5-2: Further engagement with consultees under s42 of the 2008 Act during the consultation period

Consultee engaged	Date	Summary of engagement
Northern Powergrid	17 June 2021	A meeting to discuss connection strategy, private wire network and utility diversions.
North Lincolnshire Council	25 June 2021	A meeting to discuss the statutory consultation, Towns Fund and the UK Infrastructure Bank.
Burton upon Stather Parish Council, Flixborough Parish Council, Roxby-cum-Risby Parish Council	1 July 2021	Briefing to answer questions from parish councillors about the Project. Topics covered included the energy recovery status of the Project, the Order limits, noise monitoring, use of the reinstated railway, air quality, the phasing of project elements, safety and impacts on wildlife.
North Lincolnshire Council, RSPB and Lincolnshire Wildlife Trust	8 July 2021	Meeting to discuss the initial proposals for Biodiversity Net Gain included in the PEIR.
North Lincolnshire Council	14 July 2021	Meeting with North Lincolnshire Council highways to discuss the routing of the DHPWN.

Historic England and North
 Lincolnshire Council 16 July 2021

Meeting to discuss the
 archaeological survey and
 assessment strategy, following
 receipt of Historic England’s
 consultation response.

5.4. Section 46 (notifying the Planning Inspectorate)

- 5.4.1. Pursuant to s46 of the 2008 Act, an applicant must send the Planning Inspectorate (on behalf of the Secretary of State) the s42 consultation documents before commencing the s42 consultation. The Applicant wrote to the Planning Inspectorate on 14 June 2021 to provide the documents listed in Section 5.3.19.
- 5.4.2. Alongside these documents, the Applicant provided a covering letter which set out the background to the Project, the Applicant’s intention to submit a DCO application, details of the documents included and the fact they would be sent to consultees under s42 of the 2008 Act, and a summary of the consultation process.
- 5.4.3. The Applicant received an acknowledgement from the Planning Inspectorate of the receipt of its notification under s46 of the 2008 Act on 16 June 2021.
- 5.4.4. A copy of the letter and the plan showing the Order limits sent to the Planning Inspectorate is provided in **Appendix E-1 (Document Reference 7.2.13)**. A copy of the consultation booklet and questionnaire is available in **Appendices G-1 and G-2 (Document Reference 7.2.15-16)**. A copy of the section 48 notice is available in **Appendix H-1 (Document Reference 7.2.17)**.

5.5. Section 47 (local community consultation)

- 5.5.1. The Applicant consulted with the local community in accordance with the SoCC provided in **Appendix C-4 (Document Reference 7.2.9)** as prescribed by s47(7) of the 2008 Act.

Definition of consultees

- 5.5.2. For the purposes of community consultation, the Applicant defined three zones of consultations. These are described in **Table 5-3**.

Table 5-3: Zones of consultation

Zone	Parameters
Zone 1	<p>People living and working in the immediate vicinity of the proposed Project, as well as their political representatives (at a parish, district, county and parliamentary level) as defined in Figure 5-1. This is defined as a radius of 3km from the Order limits, as well as a 0.5km buffer around the proposed district heating and power network and railway line serving the site.</p> <p>This comprises 18,653 addresses.</p>

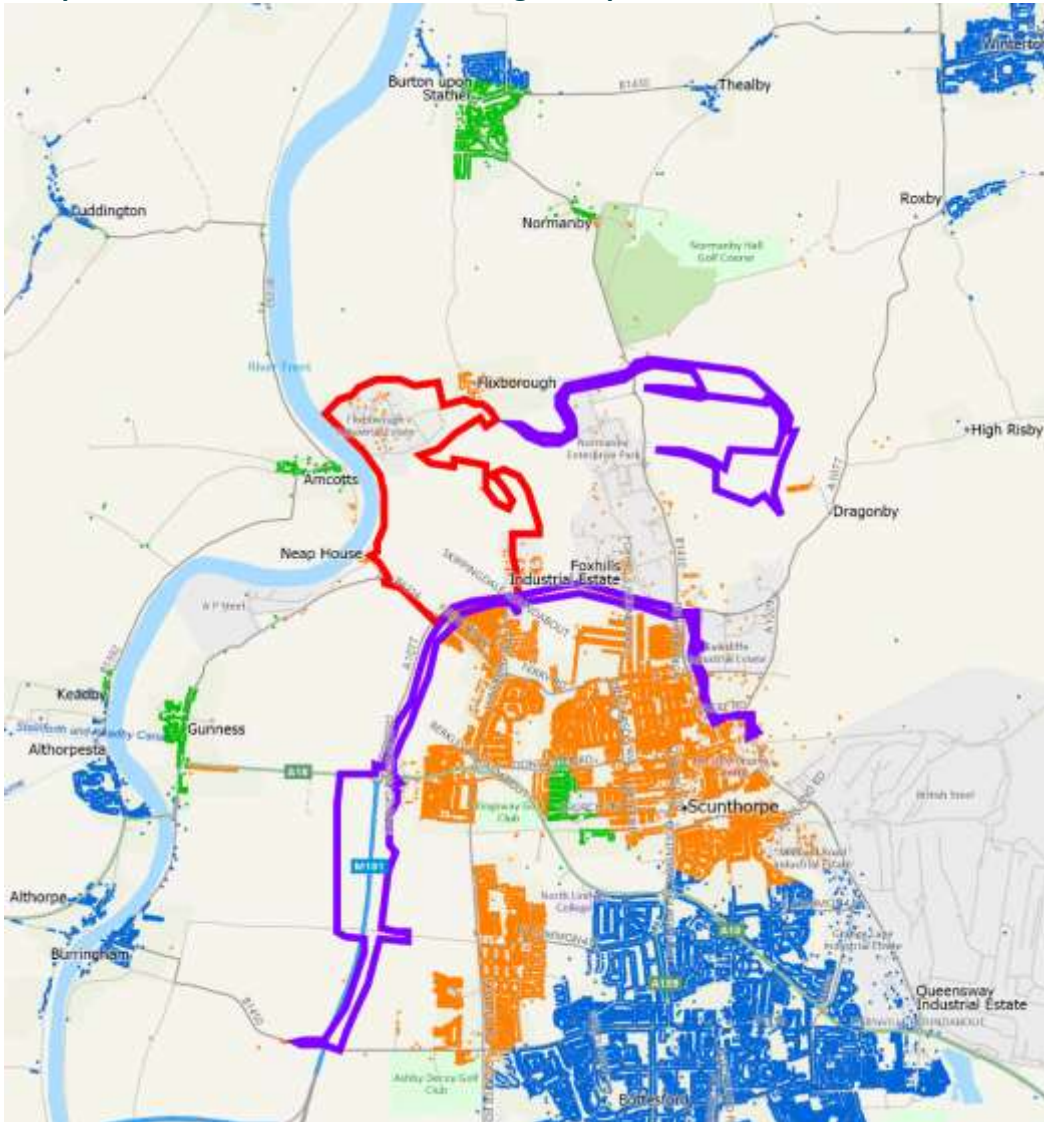
Zone 2

People who may be interested in the wider potential impacts of the proposed Project, such as transport, visual impact and creating new jobs. The zone is based on a 10km radius around the site, which draws on the Zone of Theoretical Visibility for the project.

Zone 3

People living and working in the host local authority of North Lincolnshire Council outside of consultation zone 1.

Figure 5-1: Consultation zone 1. Addresses within 3km of the site of the proposed Project are shown in green. Addresses in the 1.5km buffer from the railway line and proposed district heating and power network are shown in orange. Properties outside of the zone are shown in blue.



5.5.3. In addition, the Applicant consulted with a range of relevant community organisations and other relevant bodies in the vicinity of the Project. These were identified through a combination of desk research, engagement with local authorities and other stakeholders, and the non-statutory consultation. A list of these organisations is included in **Appendix F-1 (Document Reference 7.2.14)**.

Consultation publicity

5.5.4. The Applicant notified the local community about the consultation by:

- Writing to all addresses within consultation zone 1 including a copy of the consultation booklet, the supplementary consultation booklet, the consultation questionnaire and a pre-addressed Freepost envelope. This was to ensure that people living in consultation zone 1 had direct access to the core consultation information and could respond easily and in a convenient manner;
- Writing to elected representatives, parish councils and community groups within consultation zones 1 and 2 with details of the consultation and offering direct engagement. A list of groups contacted as part of the consultation is included in **Appendix F-1 (Document Reference 7.2.14)**;
- Sending an email to 339 people who had registered for updates the Project website (presented in **Appendix J-1 (Document Reference 7.2.19)**);
- Sharing a poster with consultation details with parish councils and community groups within consultation zones 1 and 2;
- Writing to the Leader and Chief Executive of local authorities within consultation zones 1, 2 and 3;
- Advertising the consultation in the Scunthorpe Telegraph, the Lincolnshire Echo, the Yorkshire Post and the Hull Daily Mail via an advert placed in these titles on 17 June 2021;
- Issuing a press release on 14 June 2021 to media outlets including the Scunthorpe Telegraph, the Lincolnshire Echo, the Yorkshire Post, the Hull Daily Mail and BBC Radio Lincolnshire; and,
- Advertising the consultation online via an advertorial placed on the Scunthorpe Live website on 15 June 2021 and promoted via targeted online advertising with 160,000 impressions.

5.5.5. Copies of materials used to publicise the consultation to the local community alongside media coverage are included in **Appendix G-1 (Document Reference 7.2.15)**.

Consultation materials

5.5.6. In support of consultation with the local community, the Applicant prepared materials including:

- A consultation booklet providing a non-technical overview of the Project, the EIA process, the consultation and planning process, and proposed next steps;
- A supplementary booklet providing further information on EIA topics;
- An interactive version of the consultation booklet available on the Project website (**Appendix J-1 (Document Reference 7.2.19)**);
- A virtual exhibition setting out information about the proposals and how to take part in the consultation, available on the Project website (**Appendix J-1 (Document Reference 7.2.19)**);
- Information boards for display at public exhibitions;

- Presentations to be given as part of webinars;
- A video presenting information about the Project;
- The PEIR, accompanied by a non-technical summary, available to view on the Project website (**Appendix J-1 (Document Reference 7.2.19)**); and,
- A consultation questionnaire designed to collect responses to the consultation.

5.5.7. Copies of the consultation materials are available to view in **Appendix G-2 (Document Reference 7.2.16)**.

Consultation activity

5.5.8. The Applicant used a range of techniques to consult the community. These were designed to allow people with different needs across the community to take part in the consultation in a way that is convenient to them whilst complying with Government guidance on COVID 19. These included:

- Sending a copy of the consultation booklet, supplementary consultation booklet, consultation questionnaire and a pre-addressed Freepost envelope to all addresses in consultation zone 1. This was to ensure that people living in consultation zone 1 had direct access to the core consultation information and could respond in a convenient manner;
- Inviting residents to take part in telephone surgeries. These were intended to provide residents who did not have access to the internet the opportunity to ask questions about the Project. Details of how to register for a telephone surgery appointment were included in the publicity materials included in **Appendix G-1 (Document Reference 7.2.15)**;
- Publishing consultation information online the Project website (**Appendix J-1 (Document Reference 7.2.19)**) and at locations in the vicinity of the Project. Details of these locations are provided in **Table 5-4**;
- Hosting webinars including a presentation regarding the proposals and an opportunity to ask questions. Details of the times and dates of the webinars are provided in **Table 5-5**;
- Making the virtual exhibition available online at the Project website (**Appendix J-1 (Document Reference 7.2.19)**);
- Hosting ticketed consultation hub events in the vicinity of the Project. Details of the dates and location of these events are provided in **Table 5-6**; and,
- Inviting enquiries and responses online through the Project website (**Appendix J-1 (Document Reference 7.2.19)**) by Freephone on 0800 130 3353, email or Freepost at North Lincolnshire Green Energy Park Consultation, FREEPOST reference RTRB-LUJJ-AGBY, c/o SEC Newgate UK, Sky Light City Tower, 50 Basinghall Street, London, EC2V 5DE.

5.5.9. The Applicant did not receive any requests for telephone surgery appointments during the consultation period. This is likely to be because the Applicant was able to

make opportunities for consultees to meet in-person, over and above the activity included in the SoCC, available during the consultation period.

- 5.5.10. In line with the Government’s confirmation that placing materials on a website maintained by or on behalf of the applicant meets the requirement to place information on public deposit in the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020 (the 2020 Regulations), all consultation materials were made available online on the Project website (**Appendix J-1 (Document Reference 7.2.19)**) for the duration of the consultation period. The Applicant confirms that this is a website maintained on its behalf. This was reflected in the SoCC.
- 5.5.11. In addition, the Applicant identified the opportunity to make hard copies of consultation materials available at venues in the vicinity of the Project during the consultation period. These locations are set out in **Table 5-4**.
- 5.5.12. Given the ongoing COVID 19 pandemic, the Applicant noted in the SoCC and consultation materials that access to these locations was subject to Government guidance and requested that consultees check the Project website (**Appendix J-1 (Document Reference 7.2.19)**) or contact the Applicant prior to making plans to visit one.

Table 5-4: Locations of deposit points

Location	Opening hours
Fenestra Conference Centre 24 High St, Flixborough, Scunthorpe DN15 8RL	By appointment only.
Scunthorpe Central Library Carlton Street, Scunthorpe, North Lincolnshire, DN15 6TX	Monday 9:30am–12:30pm / Tuesday 9:30am–12:30pm / Wednesday 1–4pm Thursday 1–4pm / Friday 9:30am–12:30pm Saturday - Closed / Sunday - Closed
Crowle Community Hub The Market Hall, Market Place, Crowle, North Lincolnshire, DN17 4LA	Monday 9am–12:30pm / Tuesday - Closed / Wednesday 9:30am–4:30pm Thursday - Closed / Friday 9:30am–12:30pm Saturday - Closed / Sunday - Closed
Winterton Library 54 West Street, Winterton, Scunthorpe, North Lincolnshire, DN15 9QF	Monday 9am–12pm, 4:30pm–7:30pm / Tuesday - Closed Wednesday 9am–12pm, 4:30pm–7:30pm Thursday 9am–12pm, 4:30pm–7:30pm Friday 9am–12pm, 4:30pm–7:30pm / Saturday - Closed / Sunday 9am–12pm

5.5.13. On 16 June 2021, the Applicant became aware that North Lincolnshire Council’s library service had not been able to distribute consultation materials from the arranged point of delivery at Scunthorpe Central Library to Crowle Community Hub and Winterton Library.

5.5.14. The Applicant therefore arranged for these materials to be distributed by hand to Crowle Community Hub and Winterton Library. The Applicant did not receive any enquiries checking arrangements for viewing materials at these locations prior to 16 June 2021 and copies of the materials were available at the other deposit points and the Project website (**Appendix J-1 (Document Reference 7.2.19)**) throughout the consultation period. The Applicant therefore considers that no consultee was disadvantaged in accessing the consultation materials.

5.5.15. **Table 5-5** sets out details of webinars held during the consultation period. Recordings of the webinars are available on the Project website (**Appendix J-1 (Document Reference 7.2.19)**) and on request from the Applicant.

Table 5-5: Webinars held as part of the consultation

Time	Date
7:00pm-8:00pm	Thursday 24 June 2021
2:00pm-3:00pm	Saturday 26 June 2021

5.5.16. The Applicant scheduled webinars at different times of the week and published recordings of the webinars online to account for different consultees’ availabilities.

5.5.17. The webinars which took place on 24 June 2021 and 26 June 2021 were scheduled towards the start of the consultation period. Details of these webinars were included in the SoCC, the consultation booklet, and on the Project website (**Appendix J-1 (Document Reference 7.2.19)**). Each of these webinars included a presentation by the Applicant and the Project Team covering a variety of topics, followed by a question-and-answer session.

5.5.18. The Applicant was also able to hold a series of ticketed consultation hub events during the consultation period. These were not included in the SoCC and became possible from 17 May 2021 when the Government moved to step 3 of the roadmap out of lockdown published on 22 February 2021.

5.5.19. These offered an opportunity to book an appointment to view a public exhibition about the Project and to speak with members of the Project Team in person. Consultees were able to book an appointment for themselves via the Project website or by contacting the Applicant directly.

5.5.20. Details of the times, dates and locations of the ticketed consultation hub events are included in **Table 5-6**.

Table 5-6 Consultation hub events

Time and date	Location
9:00am-5:00pm, 1 July 2021	Fenestra Conference Centre 24 High St, Flixborough, Scunthorpe DN15 8RL
9:00am-5:00pm, 2 July 2021	Fenestra Conference Centre 24 High St, Flixborough, Scunthorpe DN15 8RL
9:00am-5:00pm, 3 July 2021	Fenestra Conference Centre 24 High St, Flixborough, Scunthorpe DN15 8RL
9:00am-5:00pm, 8 July 2021	Fenestra Conference Centre 24 High St, Flixborough, Scunthorpe DN15 8RL
9:00am-5:00pm, 9 July 2021	Fenestra Conference Centre 24 High St, Flixborough, Scunthorpe DN15 8RL
9:00am-5:00pm, 10 July 2021	Fenestra Conference Centre 24 High St, Flixborough, Scunthorpe DN15 8RL

5.5.21. The Applicant also had further engagement with a number of community consultees during the statutory consultation.

5.5.22. **Table 5-7** summarises further meetings with community consultees during the consultation period.

Table 5-7: Further engagement with community consultees during the consultation period

Consultee engaged	Date	Summary of engagement
Department for Work and Pensions, North Lincolnshire Council, North Lindsey College, Hull and Humber Chamber of Commerce, Humber Engineering Training Association	23 June 2021	A workshop to discuss maximising the employment and economic benefits of the Project.
Lincolnshire Ramblers	8 July 2021	A meeting at the consultation hub event referenced on this day in Table 5-6 to discuss public rights of way.

Collection of responses

5.5.23. To capture participants' feedback, the Applicant produced a consultation questionnaire inviting comments on the different elements of the Project. The questionnaire was made available by direct mail to people living in consultation zone 1, online at the Project website (**Appendix J-1 (Document Reference 7.2.19)**), at the deposit point locations set out in **Table 5-4** and on request.

5.5.24. The questionnaire asked the following questions:

- Are you particularly interested in:
 - The Energy Recovery Facility
 - Hydrogen production and storage
 - Ash treatment and concrete block manufacturing
 - The reinstatement of the railway and creation of a new railhead
 - The new woodland and wetland landscapes
 - The visitor centre
 - Carbon capture, storage and utilisation
 - Battery storage
 - The proposed district heating and private wire network
 - The new access road
 - New pedestrian and cycle routes
 - The creation of new employment and training opportunities
- Do you have any comments on our updated proposals for the North Lincolnshire Green Energy Park as a whole?
- Do you have any comments on the potential environmental impacts of the scheme or our proposals for environmental mitigation and/or enhancements?
- Do you have any comments on the contribution that the scheme will make to the local community through the creation of new jobs and training opportunities?

- Do you have any comments on our proposals for a new visitor centre, which will create opportunities for local schools and the wider community?
- Do you have any comments on our proposals to create new wetland and woodland landscapes, which will enhance local biodiversity and create new pedestrian and cycle routes?
- Do you have any further comments?

5.5.25. Consultees were able to respond by completing a questionnaire online at the Project website (**Appendix J-1 (Document Reference 7.2.19)**) or returning a completed questionnaire by email or post to North Lincolnshire Green Energy Park consultation, FREEPOST reference RTRB-LUUI-AGBY, c/o SEC Newgate UK Communications, Sky Light City Tower, 50 Basinghall Street, London, EC2V 5DE.

5.5.26. The Applicant also accepted written responses by email and by letter to North Lincolnshire Green Energy Park consultation, FREEPOST reference RTRB-LUUI-AGBY, c/o SEC Newgate UK Communications, Sky Light City Tower, 50 Basinghall Street, London, EC2V 5DE.

Compliance with the SoCC

5.5.27. Details of the way in which the Applicant complied with commitments made in the SoCC are set out in **Table 5-8**.

Table 5-8: Compliance with SoCC

Page and section	Commitment	Compliance	
6	The planning process	We will use the feedback that we receive during the statutory consultation to help us develop our final proposals for the Project.	The Applicant has had regard to responses to the consultation as set out in Chapter 5 and Appendix I-1 (Document Reference 7.2.18) of this report.
6	The planning process	We will submit a Consultation Report detailing our approach to consultation, the feedback that we received during the statutory consultation, and how we have had regard to it.	This report fulfils this commitment.
8	Environmental Impact Assessment	Following the consultation, we will finalise our assessments and report on them in a document called an Environmental Statement (ES). This will form part of our DCO application.	The DCO application includes an Environmental Statement (Document Reference 6.0).

9	Consulting the community	In this period of statutory public consultation, we will make available further information about the proposed Project, including details of our advanced design proposals. This will be an opportunity for members of the community to influence the project by submitting feedback.	The Applicant published further information about the Project through the materials set out in 5.5.6.
10	What will we consult on?	<p>During the statutory consultation, we will be asking for views on:</p> <ul style="list-style-type: none">• The proposed North Lincolnshire Green Energy Park• The short term and long term impacts of the proposed North Lincolnshire Green Energy Park including:<ul style="list-style-type: none">• Construction impacts• Environmental impacts• Operational impacts• The Preliminary Environmental Information Report	The Applicant sought views on these topics using the consultation questionnaire. This was made available by direct mail to people living in consultation zone 1, online at the Project website (Appendix J-1 (Document Reference 7.2.19)), at the locations set out in Table 5-4 and on request.
10	Who will we consult?	We will consult widely in accordance with this SoCC and encourage participation in the consultation by any person or group who is interested in the proposed North Lincolnshire Green Energy Park within the zones set out in Table 4-3 .	The Applicant used a range of techniques to consult the community. These were designed to allow people with different needs across the community to take part in the consultation in a way that is convenient to them whilst complying with Government guidance on COVID 19. These techniques are set out in section 5.5.8.

12	How we will consult?	We will use a range of techniques to consult the community, which will be guided by the zones of consultation. These are designed to allow people with different needs across the community to take part in the consultation in a way that is convenient to them, while complying with Government guidance on COVID 19.	The Applicant used a range of techniques to consult the community. These were designed to allow people with different needs across the community to take part in the consultation in a way that is convenient to them whilst complying with Government guidance on COVID 19. These techniques are set out in section 5.5.8.
12	How will we consult	Writing to all addresses within consultation zone 1.	The Applicant wrote to all addresses in consultation zone 1 enclosing a copy of the consultation booklet, supplementary consultation booklet, consultation questionnaire and a pre-addressed Freepost envelope at the outset of the consultation period. Copies of these materials are included in Appendix G-2 (Document Reference 7.2.16) .
12	How will we consult	Writing to elected representatives, parish councils and community groups within consultation zones 1 and 2 with details of the consultation	The Applicant contacted elected representatives, parish councils and community groups within these zones with details of the consultation by email. Copies of the emails are included in Appendix G-1 (Document Reference 7.2.15) and a list of groups contacted as part of the consultation is included in Appendix F-1 (Document Reference 7.2.14) .
12	How will we consult	Sharing a poster with consultation details with parish councils and community groups within consultation zones 1 and 2	The Applicant sent a poster with consultation details to parish councils and community groups within consultation zones 1 and 2 by email. A copy of the poster is included in Appendix G-1 (Document Reference 7.2.15) and a list of groups contacted as part of the consultation is included in Appendix F-1 (Document Reference 7.2.14) . The poster was also designed to be shareable as a graphic on social media.

12	How will we consult	Writing to the Leader and Chief Executive of local authorities within all consultation zones	The Applicant wrote to the Leader and Chief Executive of North Lincolnshire Council at the outset of the consultation period. A copy of the letter is included in Appendix D-3 (Document Reference 7.2.12) .
12	How will we consult	Publicising the consultation in the Scunthorpe Telegraph	The Applicant issued a press release to the Scunthorpe Telegraph on 14 June 2021, as well as placing an advert in the same newspaper on 17 June 2021. Copies of the press release and advert are included in Appendix G-1 (Document Reference 7.2.15) .
12	How will we consult	Publicising the consultation via regional and local broadcasters including BBC Radio Lincolnshire	The Applicant issued a press release to BBC Radio Lincolnshire and BBC Look North on 14 June 2021. Copies of the press release and media coverage are included in Appendix G-1 (Document Reference 7.2.15) .
12	How will we consult	Advertising the consultation online	The Applicant placed an advertorial on the Scunthorpe Live website on 15 June 2021. This was promoted via targeted social media advertising with 160,000 impressions. A copy is included in Appendix G-1 (Document Reference 7.2.15) .
12	How will we consult	Publicising the consultation in the Lincolnshire Echo, Yorkshire Post, Hull Daily Mail	The Applicant issued a press release to the Lincolnshire Echo, Yorkshire Post and Hull Daily Mail on 14 June 2021, as well as placing an advert in the same newspapers on 17 June 2021. Copies of the press release and advert are included in Appendix G-1 (Document Reference 7.2.15) .

12	How will we consult	Sending a copy of the consultation booklet with a consultation questionnaire and a pre-addressed Freepost envelope to addresses in consultation zone 1.	The Applicant wrote to all addresses in consultation zone 1 enclosing a copy of the consultation booklet, a supplementary consultation booklet, a consultation questionnaire and a pre-addressed Freepost envelope at the outset of the consultation period. Copies of these materials are included in Appendix G-2 (Document Reference 7.2.16) .
12	How will we consult	Inviting residents in consultation zones 1 and 2 to take part in telephone surgeries	Consultation publicity materials including the consultation booklet, consultation website, virtual exhibition, advert in local newspapers and letters and emails to elected representatives, parish councils and community groups within these zones advertised the availability of telephone surgeries and included details of how to book an appointment. Copies of these materials are included in Appendix G-1 and G-2 (Document Reference 7.2.15-16) .
12	How will we consult	Providing copies of consultation materials for review at deposit points in the local area if permitted by Government guidance	Materials were placed on deposit in the local area as set out in Table 5-4 .
12	How will we consult	Contacting community and voluntary organisations within the zone to offer direct engagement	The Applicant contacted elected representatives, parish councils and community groups within these zones by email to offer engagement. Copies of the emails are included in Appendix G-1 (Document Reference 7.2.15) and list of groups contacted as part of the consultation is included in Appendix F-1 (Document Reference 7.2.14) .

12	How will we consult	Sharing a consultation information pack designed to support stakeholders promoting consultation through their own existing communication channels such as social media feeds with local authorities, parish councils and community groups within the zone	The Applicant contacted elected representatives, parish councils and community groups within these zones with details of the consultation by email. This included a graphic with details of the consultation which could be used on social media feeds and other existing channels. Copies of the emails are included in Appendix G-1 (Document Reference 7.2.15) and list of groups contacted as part of the consultation is included in Appendix F-1 (Document Reference 7.2.14) .
12	How will we consult	Publication of consultation information online at the Project website	All consultation materials were published at the Project website (Appendix J-1 (Document Reference 7.2.19)) at the outset of the consultation period.
12	How will we consult	Inviting elected representatives within consultation zones 1, 2 and 3 to take part in briefings through a digital meeting	The Applicant wrote by email to all North Lincolnshire Council members, Andrew Percy MP and Holly Mumby-Croft MP on 14 June 2021 offering a briefing. A copy of the email is included in Appendix G-1 (Document Reference 7.2.15) .
12	How will we consult	Hosting webinars which will include a presentation regarding the proposals and an opportunity to ask questions	The Applicant hosted webinars as set out in Table 5-5 .
12	How will we consult	Hosting a virtual exhibition on the consultation website	A virtual exhibition setting out information about the proposals and how to take part in the consultation, available the Project website (Appendix J-1 (Document Reference 7.2.19)).

12	How will we consult	Inviting enquiries and responses online through the consultation website, by freephone, freepost or email	The Applicant invited enquiries and responses online through the Project website (Appendix J-1 (Document Reference 7.2.19)), by Freephone on 0800 130 3353, by email or by post to Freepost at North Lincolnshire Green Energy Park Consultation, FREEPOST reference RTRB-LUJ-AGBY, c/o SEC Newgate UK, Sky Light City Tower, 50 Basinghall Street, London, EC2V 5DE. These details were included in consultation materials as included in Appendices G-1 and G-2 (Document Reference 7.2.15-16) .
13	Changes to consultation arrangements	<p>If the alert level is changed to Level 1 or 2, which would mean the Government considers the threat posed by COVID 19 to have reduced, we will consider holding in-person engagement at physical locations on a voluntary basis. The nature and type of this activity would depend on the degree to which restrictions had been lifted. The holding of in-person engagement will require time to organise and to get the right agreements.</p> <p>We will therefore assess on 2 July 2021 whether it will be possible to undertake these activities. If the alert level remains as 3 or higher on this date, we do not consider it possible to deliver this additional voluntary activity within the consultation period.</p> <p>We will publicise changes in consultation arrangements due to COVID 19 by:</p> <ul style="list-style-type: none">• Writing to all addresses and elected representatives within consultation zone 1	<p>The Applicant was able to hold a series of ticketed consultation hub events during the consultation period. These were not included in the SoCC due to uncertainty as to whether they would be possible due to COVID 19 restrictions.</p> <p>However, the Government confirmed on 17 May 2021 that it had moved to step 3 of the roadmap out of lockdown published on 22 February 2021. This took place after consultation with North Lincolnshire Council on the SoCC.</p> <p>The Applicant was therefore able to publicise the consultation hub events at the outset of the consultation period, as set out in section 5.5.8.</p> <p>Given that in-person engagement was scheduled at the start of the consultation period, the Applicant did not believe there was a need to schedule further in-person engagement on 2 July 2021.</p>

- Writing to all elected members at North Lincolnshire Council
- Writing to all parish councils within consultation zone 2
- Publicising the change of arrangements in the Scunthorpe Telegraph, Lincolnshire Echo, Yorkshire Post, Hull Daily Mail, which cover zones 1, 2 and 3
- Publicising the change of arrangements online

13	Consultation information	<p>We will produce a range of materials providing information as part of the consultation:</p> <ul style="list-style-type: none">• A consultation booklet providing a non-technical overview of the proposed North Lincolnshire Green Energy Park, the EIA process, the consultation and planning process, and proposed next steps• A supplementary booklet providing further non-technical information on EIA topics• A virtual exhibition setting out information about the proposals and how to take part in the consultation• Presentations to be given as part of webinars• The PEIR, accompanied by a non-technical summary	<p>The Applicant produced each of these materials as set out in section 5.5.6 and available in Appendix G-2 (Document Reference 7.2.16).</p>
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- A consultation questionnaire designed to collect responses to the consultation

13	Consultation information	Copies of consultation information will be made available for review free of charge online at the Project website and, should it become possible as outlined above, at public deposit points. Hard copies of documents will also be made available on request using the contact details in this booklet.	The Applicant placed materials on deposit in the local area as set out in Table 5-4 . All consultation materials were made available at the Project website (Appendix J-1 (Document Reference 7.2.19)). Consultees were able to contact the Applicant online through the Project website, by Freephone on 0800 130 3353, by email or by post at Freepost at North Lincolnshire Green Energy Park Consultation, FREEPOST reference RTRB-LUJ-AGBY, c/o SEC Newgate UK, Sky Light City Tower, 50 Basinghall Street, London, EC2V 5DE to request copies of consultation materials.
13	Collection of responses	<p>To capture feedback, we will produce a consultation questionnaire inviting comments on the different elements of the proposed North Lincolnshire Green Energy Park. A copy of the questionnaire will be posted to everyone living in consultation zone 1. It will also be available online through the proposed Scheme website and on request.</p> <p>Consultees will be able to respond during the consultation period by completing a questionnaire online or returning a completed questionnaire using the contact details set out in this document. Pre-addressed Freepost envelopes will also be made available on request.</p>	<p>To capture participants' feedback, the Applicant produced a consultation questionnaire inviting comments on the different elements of the Project. The questionnaire was made available by direct mail to people living in consultation zone 1, online via the Project website (Appendix J-1 (Document Reference 7.2.19)), at the locations set out in Table 5-4 and on request.</p> <p>Consultees were able to respond by completing a questionnaire online at the Project website (Appendix J-1 (Document Reference 7.2.19)) or returning a completed questionnaire by email or by post to North Lincolnshire Green Energy Park consultation, FREEPOST reference RTRB-LUJ-AGBY, c/o SEC Newgate UK Communications, Sky Light City Tower, 50 Basinghall Street, London, EC2V 5DE.</p>

			<p>The Applicant also accepted written responses by email and by letter to North Lincolnshire Green Energy Park consultation, FREEPOST reference RTRB-LUJ-AGBY, c/o SEC Newgate UK Communications, Sky Light City Tower, 50 Basinghall Street, London, EC2V 5DE. Consultees could contact the Applicant using these details to request pre-addressed Freepost envelopes.</p>
14	Seldom heard audiences	<p>Holding webinars at a variety of times, including evenings and weekends, to enable participation by people with different time commitments and making recordings of webinars available afterwards.</p>	<p>The Applicant scheduled webinars on a weekday evening and weekend day and made recordings available online afterwards as set out in Table 5-5.</p>
14	Seldom heard audiences	<p>Make a provision for people who do not have access to the internet through the consultation programme. This will include sending a copy of the consultation booklet and consultation questionnaire to every address in consultation zone 1, offering one-to-one telephone appointments to people living in consultation zone 1 and making hard copies of consultation materials available on request.</p>	<p>The Applicant wrote to all addresses in consultation zone 1 enclosing a copy of the consultation booklet, supplementary consultation booklet, consultation questionnaire and a pre-addressed Freepost envelope at the outset of the consultation period. These included details of how to book a telephone appointment or consultation hub event appointment. Copies of these materials are included in Appendix G-2 (Document Reference 7.2.16).</p> <p>Consultees were able to contact the Applicant online through the Project website (Appendix J-1 (Document Reference 7.2.19)), by freephone on 0800 130 3353, by email or by post to Freepost at North Lincolnshire Green Energy Park Consultation, FREEPOST reference RTRB-LUJ-AGBY, c/o SEC Newgate UK, Sky Light City Tower, 50 Basinghall Street, London, EC2V 5DE to request copies of consultation materials.</p>
14	Seldom heard audiences	<p>Choosing accessible venues for public information points, if it is safe to deposit hard copy documents.</p>	<p>The Applicant considered accessibility in selecting the deposit points set out in Table 5-4. These were all public buildings which provided access for people with disabilities.</p>

14	Seldom heard audiences	Producing our consultation materials in accessible formats.	The Applicant considered accessibility in the production of consultation materials. This included the use of graphics and pictures to communicate technical information in consultation materials. Consultation information was provided in a range of formats, including a video, print and online booklets, webinar presentations, a virtual exhibition and an interactive version of the consultation booklet.
14	Seldom heard audiences	Contacting community and voluntary organisations including parish councils and schools within consultation zone 1 to offer direct engagement and sharing a consultation information pack designed to support them in promoting consultation through their own existing communication channels such as social media feeds.	The Applicant contacted elected representatives, parish councils and community groups within consultation zone 1 with details of the consultation by email. This included a graphic with details of the consultation which would be used on social media feeds and other existing channels. Copies of the emails are included in Appendix G-1 (Document Reference 7.2.15) and a list of groups contacted as part of the consultation is included in Appendix F-1 (Document Reference 7.2.14) . Schools within consultation zone 1 received a consultation information pack including a copy of the consultation booklet, supplementary consultation booklet, consultation questionnaire and pre-addressed Freepost envelope by post.
14	Seldom heard audiences	Providing a variety of communications channels including a Freephone number, email address and Freepost address for those seeking information.	The Applicant invited enquiries and responses online through the Project website (Appendix J-1 (Document Reference 7.2.19)), by Freephone on 0800 130 3353, by email or by post at Freepost at North Lincolnshire Green Energy Park Consultation, FREEPOST reference RTRB-LUJ-AGBY, c/o SEC Newgate UK, Sky Light City Tower, 50 Basinghall Street, London, EC2V 5DE. These details were included in consultation materials as included in Appendices G-1 and G-2 (Document Reference 7.2.15-16) .

15	How we will consider the responses	We will consider all the views that we receive and continue to develop our design for the proposed North Lincolnshire Green Energy Park ahead of submitting our DCO application to the Secretary of State.	The Applicant has had regard to responses to the consultation as set out in Chapter 5 and Appendix I-1 (Document Reference 7.2.18) of this report.
15	How we will consider the responses	Any comments received will be collected and processed by the Applicant and its appointed agents in accordance with its privacy policy, available to view on the Project website.	Responses have been collected and processed in accordance with the Applicant’s privacy policy.

5.6. Section 48 (newspaper notices)

5.6.1. S48 of the 2008 Act imposes a duty on the Applicant to publish a notice of the proposed application in accordance with Regulation 4 of the APFP Regulations.

5.6.2. **Table 5-9** includes details of the newspapers used to publicise the proposed application, including national, local, and the London Gazette.

5.6.3. The notice published under of the 2008 Act gave the deadline of 25 July 2021 for responses (more than 28 clear days from the date when the notice was last published).

Table 5-9: Publication of newspaper notices under s48 of the 2008 Act

Name	Week 1	Week 2 (local only)
National Newspaper		
The London Gazette	14 June 2021	N/A
The Daily Express	17 June 2021	N/A
Local Newspaper		
Scunthorpe Telegraph	10 June 2021	17 June 2021

5.6.4. Copies of the newspaper notices as noted in **Table 5-9** are provided within **Appendix H-1 (Document Reference 7.2.17)**.

5.6.5. In accordance with Regulation 13 of the Infrastructure EIA Regulations 2017, the Applicant issued a copy of the section 48 notice to EIA consultation bodies as defined in Regulation 3 of the Infrastructure EIA Regulations 2017 (being those bodies prescribed under s42(1)(a) of the 2008 Act and set out in Schedule 1 of the APFP Regulations and the authorities within s43 of the 2008 Act). This took place at the

same time as publishing notice of the proposed application under s48(1) of the 2008 Act and the consultation under s42 of the 2008 Act as set out in section 5.3. The s48 notice was sent to the prescribed consultees as part of the consultation materials as set out in section 5.3.19.

5.7. Further engagement

5.7.1. The Applicant has continued to consult and engage following the statutory consultation period, up until the submission of the DCO application. This includes a period of targeted consultation in relation to changes to the Order limits and further direct engagement with consultees.

Targeted consultation in relation to changes to the Order limits

5.7.2. Following the statutory consultation, the Applicant made two changes to the Order limits:

- First Avenue was included within the Order limits to allow for flexibility of routing of utilities between the ERF, switchyard and gas Above Ground Installation (AGI), ensuring that the utility connections can be delivered safely; and,
- Mannaberg Way, Bessemer Way and Warren Road were included within the Order limits as an alternative route to that routing the DHPWN along Normanby Road.

5.7.3. The Applicant identified 41 consultees under s42(1)(d) of the 2008 Act whose interest in land was potentially affected by the changes set out in section 5.7.3. This was done in accordance with the process for the identification of land interests set out in section 5.3.8.

5.7.4. The Applicant therefore consulted with these parties under s42(1)(d) of the 2008 Act from **15 September 2021 to 13 October 2021**. This provided 28 days for parties to respond to the consultation.

5.7.5. As part of the consultation, the Applicant wrote to the parties identified explaining the nature of the changes to the Order limits, enclosing a plan showing the updated Order limits, and inviting comment by 13 October 2021.

5.7.6. The parties consulted as identified in **Appendix E-2 (Document Reference 7.2.13)**. A copy of the letter and plan showing the changes to the Order limits are included in **Appendix K-1 (Document Reference 7.2.20)**.

Ongoing diligent enquiry

5.7.7. In addition, the Applicant has continued the process of diligent enquiry set out in 5.3.8 up to the submission of the DCO application. Where the Applicant has identified interests after 25 July 2021, it has written to the parties in question inviting a response to the consultation under s42(1)(d) and providing a minimum of 28 days to respond.

5.7.8. These parties and the consultation dates provided are set out in **Appendix D-2 (Document Reference 7.2.11)**. Examples of letters sent to parties after 25 July 2021

are included in **Appendix K-1 (Document Reference 7.2.20)**. Section K-1.6 of **Appendix K-1 (Document Reference 7.2.20)** includes a letter sent to consultees dated 1 December 2021 stating the period for responses was 1 – 28 December 2021. As the consultation period started the day after receipt of the letter, it in fact started on 2 December 2021 and ran until 29 December 2021; the Applicant allowed this period for responses. No responses were received in this period.

Direct engagement

5.7.9. Throughout the development process, the Applicant has engaged with stakeholders outside of the non-statutory and statutory consultation periods. Details of ongoing engagement with key stakeholders undertaken following the close of statutory consultation on 25 July 2021 until the submission of the DCO application is set out in **Table 5-10**. Where engagement referenced below is relevant to EIA, further detail is provided as appropriate in the relevant chapter of the Environmental Statement (**Document Reference 6.0**).

Table 5-10: Engagement following statutory consultation

Stakeholders met	Date	Topics discussed
North Lincolnshire Council, RSPB and Lincolnshire Wildlife Trust	4 August 2021	Site visit to discuss biodiversity net gain.
Environment Agency	26 August 2021	Discussion regarding updates to the flood modelling since the PEIR submission, including updates to the baseline model, such as amending attributes to the B1216 culvert based on survey data and incorporation of new flood mitigation measure to include reprofiling of landscape rather than changes to existing culvert structure.
North Lincolnshire Council	10 September 2021	Update meeting to share results of statutory consultation and next steps.

North Lindsey College, Department for Work and Pensions, Greater Lincolnshire Local Enterprise Partnership, North Lincolnshire Council	15 September 2021	Workshop to discuss employment and skills strategy for the Project.
Historic England, North Lincolnshire Council	15 September 2021	Development of Written Scheme of Investigation for archaeology.
Flixborough Parish Council	7 October 2021	Written response to matters raised during statutory consultation.
AB Agri Ltd	19 October 2021	Written response to matters raised during statutory consultation.
Anglian Water	22 November 2021	Site visit to discuss utility diversions, requirements for Stather road stop-up and decommissioning.
North Lincolnshire Council	26 November 2021	A meeting to provide an update on archaeological surveys and geophysics.
AB Agri Ltd	3 December 2021	A workshop to discuss biosecurity, flood risk, ground conditions and transport and access.
Environment Agency	3 December 2021	The Environment Agency confirmed via correspondence that it had completed a review of the hydraulic flood model and considered fit for purpose.
North Lincolnshire Council	1 February 2022	A meeting with North Lincolnshire Council highways to share the proposed design with other colleagues and to confirm the speed limit and category of the proposed road.

Severn Trent Water	8 February 2022	A meeting to discuss sewer modelling.
North Lincolnshire Council	11 February 2022	Follow up meeting to confirm which works discussed at the previous meeting can be undertaken under Section 106.
AB Agri Ltd	14 February 2022	Written response to matters raised at workshop on 3 December 2021.
North Lincolnshire Council	16 February 2022	A discussion regarding Public Right of Way 178.
North Lincolnshire Council	2 March 2022	A meeting providing an update prior to the submission of the DCO application, including on the Zero Humber pipeline, DHPWN, highways, archaeology, railway crossing and local employment policy.
North Lincolnshire Council	27 April 2022	A meeting to discuss land and titles owned by North Lincolnshire Council within the Order limits.
North Lincolnshire Council	10 May 2022	A meeting to discuss the impact of the wording of the DCO on North Lincolnshire Council's highways responsibilities.

6. Consultation responses

6.1. Overview

- 6.1.1. This chapter of the Consultation Report provides an overview of responses received from consultees under s42, s47 and s48 of the 2008 Act, as well details of the regard had to them by the Applicant.
- 6.1.2. As recommended by Planning Inspectorate *Advice note fourteen: Compiling the Consultation Report*, in preparing this section we considered grouping the responses under the three strands of consultation – s42, s47 and s48. All consultees prescribed under s42(1)(a) and (b) are required to receive the s48 notice. None of the consultees who responded identified themselves as specifically responding to the s48 notice, and given those required to receive the s48 notice are the same consultees as prescribed by s42(1)(a) and (b), those consultees (plus any responses from additional consultees notified under Regulation 11(1)(c)) are dealt with together in section 6.2. Responses from Category 1, 2 and 3 people, pursuant to sections 42(1)(d) and 44 are addressed in section 6.3 and responses from the local community, consulted under s47, are addressed in section 6.4. The approach to s48 consultees is explained briefly at section 6.5.
- 6.1.3. Within each section, responses are sorted by theme, setting out the regard had to the responses by the Applicant, as well as whether they have led to a change in matters such as siting, route, design, form or scale of the Project itself, or to mitigation or compensatory measures proposed, or have not led to a change.

6.2. Section 42(1)(a) and (b) (s42) consultation: prescribed consultees and local authorities

- 6.2.1. The Applicant solicited written responses to consultation under s42 of the 2008 Act by letter or email. A number of consultees also submitted their feedback using the consultation questionnaires, available both in hard copy and online.
- 6.2.2. A total of 32 responses were received from consultees under s42(1)(a) and (b) of the 2008 Act. Each comment and the Applicant's response to it, is included within **Appendix I-1 (Document Reference 7.2.18)** of this document.
- 6.2.3. The responses received to the consultation under s42(1)(a) and (b) of the 2008 Act have been analysed and considered by the Project Team and are presented according to the following themes set out in this section:

- Air quality;
- Alternatives assessment;
- Archaeology and cultural heritage;
- Climate change;
- Construction;
- Consultation;
- Cumulative impacts;
- Design;
- District Heating and Private Wire Network;
- Ecology;
- EIA – general;
- Ground conditions, contamination and hydrogeology;
- Human health and wellbeing;
- Landscape and visual impact;
- Major accidents and hazards;

- Noise and vibration;
- Operations;
- Socioeconomics;
- Transport;
- Waste; and,
- Water resources and flood risk.

Air quality

6.2.4. The following consultees provided substantive comments on air quality:

- Environment Agency;
- Flixborough Parish Council;
- Natural England;
- Public Health England; and,
- North Lincolnshire Council.

6.2.5. The matters raised by the above consultees included:

- An Environmental Permit will prevent the two types of ash produced by the ERF being mixed and will contain conditions to ensure that there are no significant emissions from the site from the handling or treatment of the ash;
- The creation of the access road and re-instating the railway will increase traffic movements and along with the energy plant itself will increase air pollution;
- A number of features scoped out of the air quality assessment of effects on habitats should be scoped. These include effects from acid deposition on European sites and effects from acid or nitrogen deposition on water-based sites, vascular plant assemblages and invertebrate assemblages and sand dune habitats;
- Clarity is needed in terms of the human receptors used with the Air Quality Impact Assessment (AQIA). Human receptors that could be affected by the operation of the proposed development should be identified and included on relevant figures and predicted impact;
- Questions about why more recent meteorological data has not been used and why a more local site such as Humberside Airport has not been utilised for the AQIA;
- The AQIA should include an evaluation of the combined impact from all emission sources on short and long-term air quality (i.e. a combined assessment of the operational transport (road and rail) emissions, installation (stack and fugitive) emissions, and background emissions from nearby facilities and transport); and,
- The AQIA makes no assessment of odour. To state that the odour is principally controlled through best practice design is not satisfactory.

6.2.6. The Applicant has responded to all comments relating to air quality in **Chapter 5: Air Quality** of the **Environmental Statement (Document Reference 6.2.5)**. This provides additional details regarding the AQIA and proposed mitigation measures.

Alternatives assessment

6.2.7. The following consultee provided substantive comments on alternatives assessment:

- Flixborough Parish Council.

6.2.8. The matters raised by the above consultee included:

- Disagreement with the site chosen for the Project. An alternative site should be chosen.

6.2.9. Flixborough Industrial Estate is considered an ideal site for a facility of this type. It was selected based on the local availability of RDF feedstock supplies currently going either to landfill or export through the Humber ports, the availability of available grid export capacity and the availability of an operational port providing rail and sea links within an established industrial zone. Opportunities have also been identified to supply heat to new homes on the consented Lincolnshire Lakes Development, a new business park planned on the Lincolnshire Lakes site and a proposed new hospital site in Scunthorpe through a district heating and private power network.

6.2.10. As set out in **Chapter 3: Project Description and Alternatives**, in the **Environmental Statement (Document Reference 6.2.3)** other sites were considered, but these did not facilitate transport by rail and sea.

Archaeology and cultural heritage

6.2.11. The following consultees provided substantive comments on cultural heritage:

- Historic England; and,
- North Lincolnshire Council.

6.2.12. The matters raised by the above consultees included:

- Concern about the use of a fixed radius approach to the consideration of setting impacts in advance of more work to understand the specific setting sensitivity of assets in the area in relation to the height and massing of the Project in its cultural landscape context;
- The need for Historic Environment matters to be addressed in detail both in respect of direct physical impacts upon buried remains and setting impacts upon the historic environment, particularly the historic ferry crossing between Amcotts and Flixborough Stather, the setting of the scheduled Saxon Nunnery at Flixborough and other designated heritage assets in views across and along the Trent Navigation;

- Lack of agreement about the banding of importance of assets, particularly where it places Grade II listed buildings and Conservation Areas in the Moderate category;
- Advice to consider Historic England's GPA 3 Setting of Heritage Assets in assessing impacts on the setting of assets;
- Concern that Sections 6 – 10 of Chapter 12 of the PEIR and the appended Archaeological Desk Based Assessment the initial assessments of impact are premature in the absence of a structured processes of evaluation and assessment;
- A view that there is a significant disconnect between the archaeological potential of this complex landscape and the responses proposed and this needs to be rectified through significant additional work prior to submission of an application; and,
- A requirement for field evaluation to take place as part of this additional work.

6.2.13. The Applicant has responded to all comments relating to archaeology and cultural heritage in **Chapter 12: Archaeology and Cultural Heritage** of the **Environmental Statement (Document Reference 6.2.12)**.

6.2.14. Following the statutory consultation, the Applicant engaged with both Historic England and North Lincolnshire Council to agree a scope and methodology for further assessment of archaeological and cultural heritage impacts.

Climate change

6.2.15. The following consultee provided substantive comments on climate change:

- Forestry Commission.

6.2.16. The matters raised by the above consultee included:

- The Applicant should consider climate change when developing their proposed development. The predicted changes in temperature along with introduced plant pests and diseases mean that there is a need to create and manage woodlands that are more resilient to these threats.

6.2.17. The Applicant has responded to all comments relating to climate change in **Chapter 6: Climate** of the **Environmental Statement (Document Reference 6.2.6)**. This includes additional details of the Applicant's approach to providing resilience to climate change.

6.2.18. The Applicant recognises the importance of ensuring that planting at the Project is resilient to climate change. The Applicant has held further discussions with North Lincolnshire Council and North Lincolnshire Wildlife Trust to inform landscaping designs and species lists as set out in **Table 5-10**, with up to 20% of trees comprising native species outside their natural range.

6.2.19. This comment is particularly relevant to the new woodland landscape proposed as part of the Project. The **Design and Access Statement (Document Reference 5.3)** provides more detail on how new planting will be delivered and managed.

Construction

6.2.20. The following consultees provided substantive comments on construction:

- Network Rail; and,
- North Lincolnshire Council.

6.2.21. The matters raised by the above consultees included:

- Consideration should be given to ensure that the construction and subsequent maintenance can be carried out without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land;
- A view that the Applicant should prepare a Construction Environmental Management Plan (CEMP); and,
- A request that a draft CEMP is submitted with the DCO application.

6.2.22. The Applicant has submitted a draft Code of Construction Practice (CoCP) (**Document Reference 6.3.7**). This sets out the Applicant's proposed approach to managing the construction of the Project and responds to all comments relating to construction.

Consultation

6.2.23. The following consultee provided substantive comments on consultation:

- Burton upon Stather Parish Council.

6.2.24. The matters raised by the above consultee included:

- There are a number of households in Burton upon Stather that have not received a consultation pack.

6.2.25. As set out in section 5.5.6, the Applicant sent a copy of the consultation booklet, supplementary consultation booklet, consultation questionnaire and a pre-addressed Freepost envelope by post to all addresses in consultation zone 1.

6.2.26. Where details of specific households have been provided, the Applicant has investigated reports by the consultee that households in Burton upon Stather did not receive the consultation pack. In these cases, the households in question were in consultation zone 2 rather than consultation zone 1.

6.2.27. As set out in section 5.5.6, the Applicant publicised the consultation in this zone by writing to elected representatives, parish councils and community groups and advertising in the Scunthorpe Telegraph and online.

Cumulative impacts

6.2.28. The following consultees provided substantive comments on cumulative effects:

- Natural England; and,
- North Lincolnshire Council.

6.2.29. The matters raised by the above consultees included:

- Highlighting the importance of considering in-combination effects on designated sites, including the Humber Estuary SSSI and Risby Warren SSSI;
- Advice that assessment of potential in-combination effects on designated sites should use a search radius for be measured from the nearest point on the designated site to the proposal being assessed, or the nearest area of sensitive habitat, if known;
- A view that the Applicant should make a thorough check that all relevant emissions are included in the baseline assessment for the purposes of assessing cumulative impacts; and,
- Agreement that the method and approach to the assessment of potential cumulative impact is acceptable.

6.2.30. The Applicant has responded to all comments relating to cumulative effects in **Chapter 18: Cumulative and Indirect Effects Assessment** of the **Environmental Statement (Document Reference 6.2.18)**.

Design

6.2.31. The following consultee provided substantive comments on design:

- Humberside Fire and Rescue.

6.2.32. The matters raised by the above consultee included:

- Adequate access for firefighting must be provided to all buildings or extensions to buildings; and,
- Where it is a requirement to provide access for firefighting to high reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes.

- 6.2.33. The Applicant has responded to comments relating to design through the **Design and Access Statement (Document Reference 5.3)**.
- 6.2.34. All buildings have sufficient space around their boundaries to facilitate firefighting equipment. The buildings will also be designed with internal firefighting equipment where necessary, such as sprinklers, gas suppression and directional water cannons.
- 6.2.35. All hardstanding will be designed with sufficient load bearing capacity where required. The areas for which this is required will be confirmed during the detailed design phase. The Engineering, Procurement and Construction (EPC) contractor will be required to produce a fire strategy report in accordance with chapter 4 of National Fire Protection Association (NFPA) 850.

District Heat and Private Wire Network (DHPWN)

6.2.36. The following consultee provided substantive comments regarding the DHPWN:

- Burton upon Stather Parish Council.

6.2.37. The matters raised by the above consultee included:

- Concern about how hot water from the ERF will be used if the Lincolnshire Lakes development does not come forward.

6.2.38. The Project meets the R1 energy efficiency criteria set out in the Waste Framework Directive 2008/98/C (WfD) to qualify as an energy recovery operation and is therefore an ERF rather than an incinerator.

6.2.39. The Applicant anticipates significant demand for low-carbon heat and power from the Project and are looking at a number of potential recipients in the local area. These include the planned new Scunthorpe Hospital, local housing development, a local business park and our on-site plastic recycling and carbon capture facilities.

Ecology

6.2.40. The following consultees provided substantive comments on ecology:

- Burton upon Stather Parish Council;
- Environment Agency;
- Flixborough Parish Council;
- Natural England; and,
- North Lincolnshire Council.

6.2.41. The matters raised by the above consultees included:

- Concerns about effects from lighting on bats and other wildlife;
- Potential additional measures to enhance the biodiversity value of the Project, including using raingardens alongside road verges to create pollinator habitat and filter pollutants from surface water runoff;

- A request that consideration be given to the potential to enhance the ditches currently on and adjacent to the site to extend the habitat availability for otter and water vole;
- Concerns about loss of biodiversity due to the reinstatement of the railway and loss of agricultural land;
- Support for the potential of the proposed new woodland and wetland landscapes to deliver gains in biodiversity;
- An expectation that the Habitats Regulations Assessment (HRA) included with the DCO application will identify the potential for all construction and operational impacts of the proposed development on each interest feature of the European sites in question, both alone and in-combination with other plans and projects;
- The potential for offsite impacts should be considered in assessing what, if any, potential impacts the proposal may have on European sites;
- The need for mitigation measures to be included within a Construction Ornithological Monitoring Plan (COMP) should highly disturbing works, such as piling close to the River Trent, be scheduled for between October and March;
- A requirement to carry out bird surveys to determine the population status of both wintering birds and passage birds, alongside guidance on the scope and methodology for these surveys;
- The need for assessments to identify Site of Scientific Special Interest (SSSI) species as well as Special Area of Conservation (SAC) species;
- A recommendation that water vole displacement should be implemented where work will impact sections of watercourse used by water vole;
- Guidance on requirements for surveys for Great Crested Newt and badgers;
- Environmental benchmarks for air quality emissions at Risby Warren SSSI are already exceeded and this should be a key consideration when undertaking the in-combination assessment;
- The proposed development could have potential significant effects on the interest features for which designated sites have been notified;
- Support for the preparation of a detailed Environmental Management Plan to include details of the creation and ongoing management of mitigation habitat, alongside the enhancement of existing habitat; and,
- Support for plans to deliver Biodiversity Net Gain.

6.2.42. The Applicant has responded to all comments relating to ecology in **Chapter 10 Ecology and Nature Conservation** of the **Environmental Statement (Document Reference 6.2.10)**.

EIA – general

6.2.43. The following consultees provided substantive comments about the EIA as a whole:

- Forestry Commission; and,
- North Lincolnshire Council.

6.2.44. The matters raised by the above consultees included:

- The Applicant should consider approaching the Forestry Commission to provide an opinion as to whether or not an Environmental Impact Assessment is needed under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended; and,
- Clarity will be required as to whether mineral activities will be regulated by the Environment Agency or Local Authority.

6.2.45. With regards the need for an Environmental Impact Assessment under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, the Project is an NSIP and therefore a scoping opinion was sought from the Planning Inspectorate as set out in Chapter 3 of this report. An Environmental Impact Assessment is required and is submitted as part of the DCO application in the form of the **Environmental Statement (Document Reference 6.0)**.

6.2.46. The scoping opinion was reviewed by and comments were received from the local authority, North Lincolnshire Council, in their capacity as host authority and statutory consultee.

6.2.47. With regards mineral activities, the ash treatment facility and flue gas treatment residue treatment facility will require bespoke permits (EA permits for activities that fall under waste treatment/waste incineration).

6.2.48. The concrete block manufacturing may require a new bespoke installation permit (DAA to main bespoke installation permit) for waste treatment or possible Local Authority Part B permit. The Applicant does not yet know whether the concrete block manufacture will be managed by a separate operator at this stage, depending on the decision taken on the operation of the concrete block manufacturing, the operations will either be part of the bespoke Part A1 permit, or form a standalone Part A2/Part B permit as appropriate, regulated by the Local Authority.

Ground conditions, contamination and hydrogeology

6.2.49. The following consultees provided substantive comments about ground conditions, contamination and hydrogeology:

- Environment Agency; and,
- North Lincolnshire Council.

6.2.50. The matters raised by the above consultees included:

- Advice to consult with the Environment Agency at early stage about securing a license for groundwater abstraction if the Applicant to abstract more than 20 cubic metres of water per day from a surface water source; and,
- Site investigations should take place to provide more detailed data on soil and groundwater conditions.

6.2.51. The Applicant has responded to all comments relating to ground conditions, contamination and hydrogeology in **Chapter 8: Ground Conditions, Contamination and Hydrogeology** of the **Environmental Statement (Document Reference 6.2.8)**. This includes details of the methodology used for site investigations into soil and ground conditions and their results.

Human health and wellbeing

6.2.52. The following consultee provided substantive comments around human health and wellbeing:

- Public Health England.

6.2.53. The matters raised by the above consultee included:

- The health baseline data should include local data in relation to mental health and wellbeing; and,
- There should be an estimation of community anxiety and stress included as part of the assessment of the proposed plans.

6.2.54. The Applicant has responded to all comments relating to human health and wellbeing in **Chapter 17: Health** of the **Environmental Statement (Document Reference 6.2.17)**.

Landscape and visual impact

6.2.55. The following consultees provided substantive comments on landscape and visual impact assessment:

- Burton upon Stather Parish Council; and,
- North Lincolnshire Council.

6.2.56. The matters raised by the above consultees included:

- A view that the provision of new woodland and wetland landscapes does not constitute an enhancement as it will negatively impact landscape character;
- A recommendation that, if external lighting is proposed, a light impact assessment should be included as part of the application;
- Acknowledgement that there are existing industrial structures within the local landscape and that the proposed landscape mitigation will provide a degree of landscape integration by year 15;

- Agreement that there will be a major adverse impact on visual amenity when viewed from Amcotts and moderate adverse impact from Flixborough even at year 15 following the growth of landscaping;
- Particular concern with regards to relatively short range views across the River Trent from Amcotts to the west; and,
- Further mitigation, such as the architectural mitigation suggested in the PEIR, should be considered in detail and secured via DCO Requirements.

6.2.57. The Applicant has responded to all comments relating to landscape and visual impact in **Chapter 11: Landscape and Visual Impact** of the **Environmental Statement (Document Reference 6.2.11)**.

Major accidents and hazards

6.2.58. The following consultees provided substantive comments about major accidents and hazards:

- Burton upon Stather Parish Council; and,
- The Health and Safety Executive.

6.2.59. The matters raised by the above consultees included:

- An emphasis on the community's concern about safety in the context of the 1974 Flixborough disaster;
- Confirmation that the Project is not within the consultation zones of any major accident hazard site or major accident pipeline;
- Advice that presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) would require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended; and,
- Confirmation that there are no licensed explosives sites in the vicinity.

6.2.60. The Applicant has responded to all comments relating to major accidents and hazards in **Chapter 16: Major Accidents and Hazards** of the **Environmental Statement (Document Reference 6.2.16)**.

Noise and vibration

6.2.61. The following consultees provided substantive comments about noise:

- Burton upon Stather Parish Council;
- Natural England; and,
- North Lincolnshire Council.

6.2.62. The matters raised by the above consultees included:

- Concern about the impact of noise from the access road on residents of Flixborough;
- A requirement that the specifics of noise mitigation measures be detailed in the CoCP and agreed with Natural England;
- Potential for noise, vibration and visual disturbance as a result of the construction and operation of the development should be a key consideration of the HRA process;
- In addition to the standards and guidance listed in the assessment, reference and consideration should also be made to World Health Organisation Environmental Noise Guidelines for the European Region (2018), World Health Organisation Guidelines for Community Noise (1999) and World Health Organisation Night Noise Guidelines for Europe (2009);
- A view that the cumulative operational rating levels according to BS4142 should not exceed background levels; and,
- A view that any consent should include a requirement for the submission of a Construction Environmental Management Plan (CEMP) setting out measures to minimise construction noise and vibration and provide a further assessment of construction noise and vibration, including confirmation of receptor based mitigation provision.

6.2.63. The Applicant has responded to all comments relating to noise and vibration in **Chapter 7: Noise of the Environmental Statement (Document Reference 6.2.7)**.

Operations

6.2.64. The following consultee provided substantive comments on the operation of the Project:

- Burton upon Stather Parish Council.

6.2.65. The matters raised by the above consultee included:

- Questions about the way in which plastics will be cleaned and stored prior to recycling at the Plastic Recycling Facility; and,
- Questions about the way in which Refuse Derived Fuel (RDF) will be unloaded from road, river and rail transport.

6.2.66. Plastics will be cleaned using high friction scrubbing, in the presence of hot water, with the addition of caustic and a detergent. The plastics will then be rinsed to remove excess chemicals before further processing. This process will produce an effluent stream, which will be screened for particles up to 1mm and treated with chemicals. The process will produce a sludge which will be removed from site to a suitably licenced facility.

6.2.67. Pre-processed plastic will be stored on site in a dedicated, sealed building. Post-processed plastic will be stored on site in sealed silos. Storage will consist of baled and

wrapped RDF and purpose-built RDF containers, which provide the safe transport of RDF by ship, train or road. Reach stackers / slave bins will be used to unload the RDF. The RDF in containers will remain sealed until they are emptied.

Socioeconomics

6.2.68. The following consultees provided substantive comments on socioeconomics:

- Burton upon Stather Parish Council;
- Flixborough Parish Council;
- Lincolnshire County Council;
- Natural England;
- North Lincolnshire Council; and,
- Public Health England.

6.2.69. The matters raised by the above consultees included:

- Concerns that employment and training opportunities will not be accessible to the community;
- Concerns about the impact of people moving to work at the Project from outside of the community on local infrastructure;
- A view that less agricultural land would be required for the Project is the visitor centre was not part of it;
- Advice that the Applicant should consider whether an Agricultural Land Classification survey is required to identify the presence of Best and Most Versatile agricultural land;
- The impact of the Project on the use of the allotments in the vicinity of the proposed DHPWN should be re-assessed and include consultation with the allotment holders to identify potential significance of the effects, mitigation and benefits that can be gained during the restoration process;
- The Project could play a valuable role in meeting the aims of the North Lincolnshire Economic Growth Plan;
- In regard to potential GVA values in both the construction phase and operation the Applicant should information drawn from regional data source alongside national data and the figure for GVA per worker should take into account the local economy;
- The potential for between 247-319 total jobs supported during construction phase of the Project will be a positive moderate effect and significant economic benefit through the provision of temporary jobs creating opportunities for local businesses as part of the construction phase;
- The potential for between 100-129 total jobs supported during the operation of the Project is a moderate benefit as the operational figures indicated are low compared to the size of the development;
- Agreement with the Applicant's proposal to enter into a Local Labour Agreement to provide additional job opportunities to enable local residence to enhance their skills and qualifications within the green energy sector;

- A view that the Visitor Centre has the potential to support to the local communities and the wider area, whilst also having the potential to positively impact on North Lincolnshire’s visitor economy; and,
- Concern that there is the potential for shortages in temporary accommodation should the development be brought forwards alongside other major proposed developments in the local area.

6.2.70. The Applicant has responded to all comments relating to socioeconomics in **Chapter 14: Economics, Community and Land Use Impacts** of the **Environmental Statement (Document Reference 6.2.14)**.

6.2.71. The Applicant has established a working group of economic development stakeholders including the Humber Local Enterprise Partnership, the Department for Work and Pensions, North Lincolnshire Council and skills and education providers to maximise the socioeconomic benefits of the Project.

Transport

6.2.72. The following consultees provided substantive comments on transport:

- The Canal and River Trust;
- Flixborough Parish Council;
- The Marine and Coastguard Agency;
- Network Rail;
- North Lincolnshire Council; and,
- West Lindsey District Council.

6.2.73. The matters raised by the above consultees included:

- Concerns about the use of river, rail and road transport;
- A request for confirmation that future boat movements at Flixborough will likely be to and from the north, with limited use of the Inland Waterway Network;
- The use of waterways for the transportation of waterborne freight (especially bulk materials and abnormal loads) is a form of sustainable transport, which would help in reducing greenhouse gas emissions, reduce congestion on the local highway network and, in the case of abnormal indivisible loads, accord with Government guidance;
- A request that West Lindsey’s highways network is considered in future assessments;
- Support for the creation of new foot and cycle paths;
- A recommendation that the Environmental Statement includes a Navigational Risk Assessment (NRA) and that the impact on shipping and navigation on the River Trent is fully assessed in consultation with ABP Humber; and,
- A request for further engagement with Network Rail regarding the proposed reinstatement of the railway.

6.2.74. The Applicant has responded to all comments relating to transport in **Chapter 13: Traffic and Transport** of the **Environmental Statement (Document Reference 6.2.13)**.

Waste

6.2.75. The following consultee provided substantive comments on waste:

- Burton upon Stather Parish Council.

6.2.76. The matters raised by the above consultee included:

- Questions about the operation of the Plastic Recycling Facility; and,
- Questions about the disposal of heavy metals and carcinogenic chemicals removed from fly ash.

6.2.77. The Applicant has responded to all comments relating to waste in **Chapter 15: Waste** of the **Environmental Statement (Document Reference 6.2.15)**.

Water resources and flood risk

6.2.78. The following consultees provided substantive comments on transport:

- The Environment Agency;
- Humberside Fire and Rescue;
- Natural England;
- North Lincolnshire Council; and,
- Scunthorpe and Gainsborough Water Management Board.

6.2.79. The matters raised by the above consultees included:

- Adequate provision of water supplies for firefighting appropriate to the proposed risk should be considered. If the public supplies are inadequate it may be necessary to augment them by the provision of on-site facilities;
- Ditches provide vital connecting habitat that delivers for climate change resilience and culverting should be avoided wherever possible;
- Should there be likely significant impacts on the water quality of any receiving waterbody, a Water Framework Directive (WFD) assessment may still be required;
- A recommendation that drainage systems to collect on-site surface water runoff are designed and maintained in a way which enhance biodiversity and actively improves the water quality;
- A request for clarification about whether Park Ings Store will be removed as part of the Project given that it appears to be impacted significantly during the range of flood events modelled;
- The detailed design of the culverts conveying flood flows beneath the raised road should demonstrate that there is sufficient capacity to convey flows and include appropriate levels of freeboard where necessary;

- It may also be necessary to undertake an assessment of the impact of blockage of the culverts to understand the impact on flood risk;
- Confirmation of the long term ownership of the Project and having a robust maintenance plan in place is important given the importance of the flood risk mitigation measures;
- The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which take place within 16m of a flood defence on a Tidal Main River or for activities which are likely to divert or obstruct flood waters from Main River;
- The potential for water quality impacts should be considered in the HRA; and,
- Advice on the level of engagement requirement from the relevant Internal Drainage Board for different levels of discharge and disposal of surface water.

6.2.80. The Applicant has responded to all comments relating to water resources and flood risk in **Chapter 9: Water Resources** and Flood Risk of the **Environmental Statement (Document Reference 6.2.9)**.

6.3. Section 42(1)(d) and Section 44 (s44) consultation

6.3.1. In response to the consultation carried out under s42(1)(d) and s44 of the 2008 Act, a total of 12 consultees responded during the initial statutory consultation which took place from 14 June and 25 July 2021. The Applicant received one further response through the additional consultation under s42(1)(d) and s44 of the 200 Act described in section 5.7.

6.3.2. Of these responses, 6 were in a letter format and 7 used the consultation questionnaire provided.

6.3.3. The matters raised by the consultees included the following:

- Support for the positive environmental effects of the Project and the creation of employment;
- Support for the provision of a visitor centre;
- Questions about the reasons that land had been included within the Order limits;
- Objections due to perceived negative impacts from the Project on consultees' land;
- Questions about traffic on Glebe Road;
- A view that there should be no animal origin material to be included in RDF (i.e. animal origin material to be removed from RDF at the pre-treatment stage before the transportation of RDF to the site) and this should be enforced by a condition;
- The transportation of RDF in sealed containers should be enforced by a condition;
- Unloading, storage and transportation of RDF to the boiler should be undertaken within an enclosed building with the door closed and necessary measures to prevent any contaminated air to be released externally, which should be enforced by a condition;
- Concern about loss of access due to flood risk mitigation measures;
- Concern about environmental impacts from the Project, including those on air quality, ecology, flood risk, and noise;

- Concern about the devaluation of property;
- A view that flood risk should be modelled up to the year 2125;
- A view that a greater degree of ground investigation and necessary mitigation to control risks from impacted soils, groundwater and ground gas needs to be in place; and,
- Requests for further information about:
 - how dust will be mitigated during construction;
 - management of construction on First Avenue and Second Avenue.

6.3.4. The Applicant has responded to the feedback received to the consultation carried out under s44 of the 2008 Act in full in **Appendix I-1 (Document Reference 7.2.18)** of this Consultation Report.

6.4. Section 47 (s47) consultation

Overview

6.4.1. This section sets out responses received to section 47 consultation, that is, from local people living in the vicinity of the Project. It includes an analysis of responses received raised by theme and the regard had to them by the Applicant.

Response collection

6.4.2. The Applicant solicited responses to consultation under s47 of the 2008 Act primarily through the consultation questionnaire and also accepted written responses submitted as letters and emails. The consultation questionnaire could be submitted online or in hard copy.

6.4.3. Hard copy consultation questionnaires were collected via a Freepost address. Electronic questionnaires were received via Questionpro which was accessible by a link on the consultation website.

6.4.4. Through the consultation questionnaire, the Applicant asked for comments on a range of topics as set out in section 5.5. The consultation questionnaire also included tick-box demographic monitoring questions and provision to supply contact details.

6.4.5. The questionnaire included a tick-box question designed to gauge levels of interest in different parts of the Project and a series of open-ended questions allowing consultees to provide detailed responses using a text box. Individual feedback responses received and how the Applicant has had regard to these responses are included in **Appendix I-1 (Document Reference 7.2.18)**.

6.4.6. In total, 234 community responses were received to the s47 consultation between 14 June 2021 and 25 July 2021. A summary of the results is presented below. For each question, the Applicant has coded responses into frequency tables shown in **Tables 6-4 to 6-10** below.

Source of responses

6.4.7. During the section 47 consultation period, the Applicant received:

- 229 completed consultation questionnaires; and,

- 6 pieces of feedback via email or as letters.

6.4.8. Of the completed questionnaires, 139 (61%) were received by Freepost and 90 (39%) were received using the online questionnaire.

6.4.9. Feedback received by letter or email included responses from representatives and organisations including Andrew Percy MP, the North Lincolnshire Council ward members for Burton upon Stather and Winterton ward and CPRE North Lincolnshire.

6.4.10. In summary:

- 98 respondents provided their address. Of these:
 - 84% gave an address within consultation zone 1;
 - 12% gave an address within consultation zone 2;
 - 4% gave an address within consultation zone 3 or further afield;
- Of the 193 respondents who provided their age range with their response, 45% were aged 60-79 and 37% were aged 40-59; and,
- Of the 183 respondents who gave their occupational status, 48% were retired while 37% said they work full-time.

6.4.11. **Figures 6-1 to 6-3** and **Tables 6-1 and 6-2** provide further information on the source of responses.

Figure 6-1: Location of addresses given with consultation zones 1 and 2



Figure 6-2: Age ranges provided by respondents

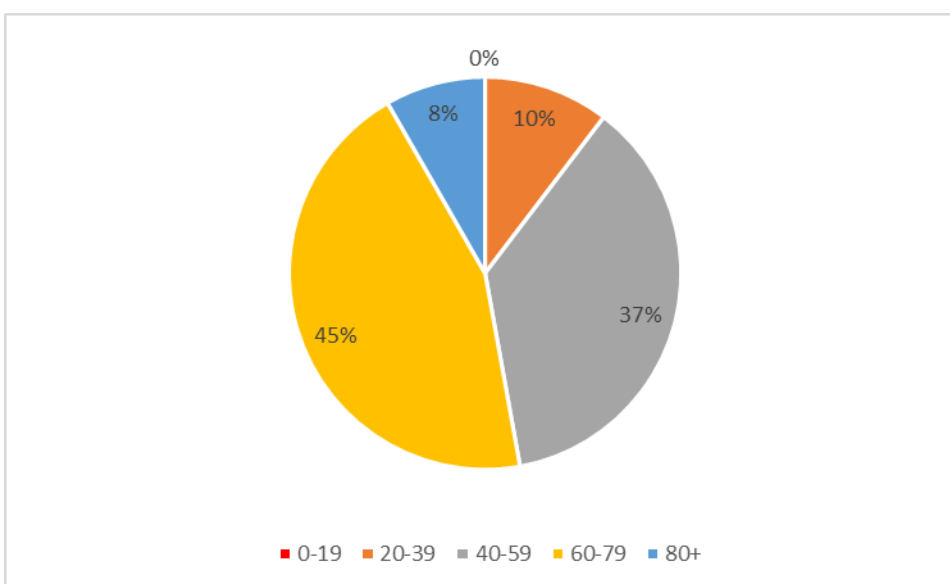


Table 6-1: Age ranges provided by respondents

Age range	Frequency	Percentage
0-19	0	0%
20-39	20	10%
40-59	71	37%
60-79	86	45%
80+	16	8%

Figure 6-3: Occupational status provided by respondents

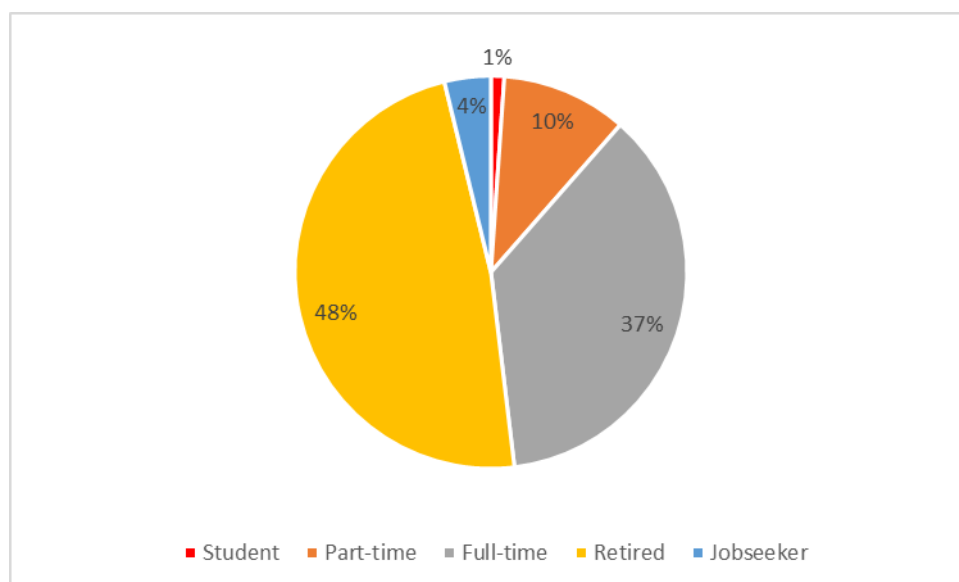


Table 6-2: Occupational status provided by respondents

Occupational status	Frequency	Percentage
Student	2	1%
Part-time	19	10%
Full-time	67	37%
Retired	88	48%
Jobseeker	7	4%

Analysis of responses

6.4.12. Respondents could answer any number of questions included in the feedback form.

6.4.13. Out of the 229 completed feedback questionnaires received, **Table 6-3** outlines how many responses were received for each question.

6.4.14. Many respondents used the questionnaire to provide general comments on the Project overall, either using the second or last questions to give their responses.

6.4.15. This section offers a breakdown of the responses received to each questionnaire by the frequency with which each theme was raised. Detail of the regard had to issues raised through the consultation is included in **Appendix I-1 (Document Reference 7.2.18)**.

Table 6-3: Number of responses received to questions within the consultation questionnaire

Question	Number of responses	Percentage
Are you particularly interested in:	177	77%
<ul style="list-style-type: none"> • The Energy Recovery Facility • Hydrogen production and storage • Ash treatment and concrete block manufacturing • The reinstatement of the railway and creation of a new railhead • The new woodland and wetland landscapes • The visitor centre • Carbon capture, storage and utilisation • Battery storage • The proposed district heating and private wire network • The new access road • New pedestrian and cycle routes • The creation of new employment and training opportunities 		
Do you have any comments on our updated proposals for the North Lincolnshire Green Energy Park as a whole?	182	91%

Do you have any comments on the potential environmental impacts of the scheme or our proposals for environmental mitigation and/or enhancements?	139	61%
Do you have any comments on the contribution that the scheme will make to the local community through the creation of new jobs and training opportunities?	147	64%
Do you have any comments on our proposals for a new visitor centre, which will create opportunities for local schools and the wider community?	147	64%
Do you have any comments on our proposals to create new wetland and woodland landscapes, which will enhance local biodiversity and create new pedestrian and cycle routes?	144	63%
Do you have any further comments?	145	63%

Question 1: Interest in different elements of the Project

6.4.16. This question was designed to assess respondents’ interests in different aspects of the Project. It offered a choice of different elements of the Project and respondents were invited to tick all that applied to their interest. It was answered by 77% of respondents – the second highest rate of response to the questions.

Figure 6-4: Responses to Question 1

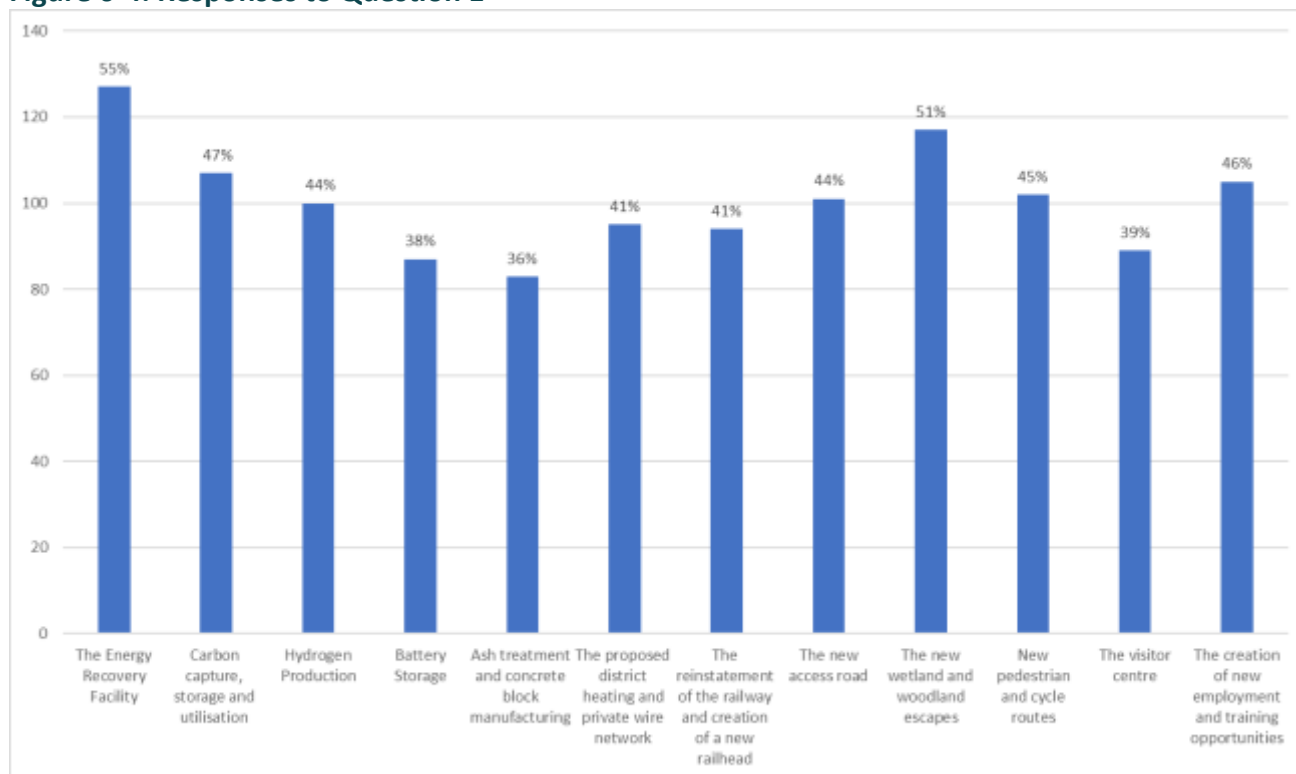


Table 6-4: Responses to Question 1

Response	Frequency	Percentage
The Energy Recovery Facility	127	55%
Carbon capture, storage and utilisation	107	47%
Hydrogen Production	100	44%
Battery Storage	87	38%
Ash treatment and concrete block manufacturing	83	36%
The proposed district heating and private wire network	95	41%

The reinstatement of the railway and creation of a new railhead	94	41%
The new access road	101	44%
The new wetland and woodland escapes	117	51%
New pedestrian and cycle routes	102	45%
The visitor centre	89	39%
The creation of new employment and training opportunities	105	46%

Question 2: Do you have any comments on our updated proposals for the North Lincolnshire Green Energy Park as a whole?

6.4.17. This was the question to which the most (91%) respondents provided an answer. It invited responses on the updated proposals for the Project as a whole and provided a text box for consultees to answer in their own words. It is worth noting that a higher proportion of respondents supported the Project than opposed it.

Table 6-5: Responses to Question 2

Theme	Frequency
General	71
General support for the Project	53
General objection to the Project	16
Concern that Project elements will not be delivered	1
Request for information about regulatory status of use of hydrogen within gas grid	1
EIA – air quality	41
Concern that a combination of the stack height and the prevailing wind direction will lead to air quality impacts at Flixborough and Burton upon Stather	8
Concern about existing poor air quality	7
General concern about impacts from odour	6
General concern about air quality	4

Concern about impact from nearby wind turbines on dispersion of emissions	3
Request for further information	2
Concern about odour impacts at Burton upon Stather	2
Concern about impacts from dust	2
Concern about potential for dust from ash treatment and concrete block production	2
Support so long as there are not negative impacts on odour	1
Concern about impacts from Particulate Matter	1
Concern about odour impacts at Roxby-cum-Risby	1
Request for legally binding limits on air quality impacts	1
View that data on emissions should be made easily accessible online	1
Waste	35
View that the Project constitutes an incinerator	20
Request for information about chemicals used within Plastic Recycling Facility	4
Request for information about source of plastic	4
Concern that domestic waste includes plastic and that this will be combusted by the Project	2
Request for information about whether local landfill waste will be accepted by the Project	1
Question about relationship between the Project and the existing landfill facility at Roxby Gullet	1
Request for information about whether waste from abroad will be accepted by the Project	1
Support for Plastic Recycling Facility	1
Request for information about waste source	1
EIA - transport	20
General concern about operational traffic	3

Request for further information about use of reinstated railway	2
Concern that new access road will not mitigate traffic impacts	2
General concern about construction traffic	2
Request for further information about river transport	1
Concern about traffic impacts at Ferry Road West	1
Request that Applicant consider separating foot and cycle paths	1
Support for reinstatement of railway	1
Objection to changes to public rights of way network	1
Concern about traffic impacts on businesses at the Flixborough Industrial Estate	1
Request for information about transport of plastic	1
Support for approach to managing transport impacts	1
View that river, road and rail links are excellent and mean location is appropriate for the Project	1
View that Project should include cycle paths connecting to Scunthorpe	1
View that parking should use only plastic grids/grass parking reinforcement mesh	1
Alternatives assessment	20
General objection to Project location	12
Concern that the Project is inappropriate to the local area	3
View that the Project should be located whether there is already infrastructure to support it	1
Request for information about alternate sites considered	1
View that the Project should be located at Eggborough	1
Project should include use of River Trent to generate power	1
Project should include solar energy generation	1
EIA – noise	18

General concern about noise impacts	4
General concern about noise impacts from railway, road and river transport	3
Support so long as there are not negative impacts on noise	2
Request for further information	2
Concern about noise impacts from railway, road and river transport at Amcotts	1
Concern about potential for 24/7 noise from operations	1
Request for legally binding limits on noise impacts	1
Concern about noise impacts from new access road	1
Concern about noise impacts at Neville Road	1
Support for approach to managing noise impacts	1
Concern about noise impacts at night	1
EIA - socioeconomics	17
Concern about impact of Project on property prices	6
Support for creation of new employment opportunities	6
Request for further information	2
Concern about loss of agricultural land	1
View that job creation will not be significant	1
Support for Visitor Centre	1
EIA - Major accidents and disasters	10
Concern about the risk of major accidents or disasters in the context of the NYPRO disaster	5
General concern about safety of hydrogen storage	3
Concern about safety risk of storing hydrogen in proximity to Amcotts	2
EIA – human health and wellbeing	7
General concern about impacts on human health and wellbeing	6

Request for further information about impacts on human health and wellbeing	1
EIA - ecology	7
General concern about impact on wildlife	4
Concern about impacts on Alkborough Flats	2
Support for approach to managing ecological impacts	1
EIA - LVIA	6
Concern about impacts from lighting	2
Concern about impact of additional overhead lines	1
General concern about visual impacts	1
Concern about impact of Project on local countryside	1
Concern about visual impacts at Amcotts	1
Operations	6
Request for information about management of unloading waste	3
Concern that Project will result in litter issues locally	1
Request that Project is maintained properly	1
Request for information about storage of waste	1
EIA – climate change	6
Concern about climate impacts from transport of waste	3
Concern that ERF is carbon intensive and not consistent with UK Government policy on climate change	1
Concern about climate impacts from concrete production	1
Request for project to provide climate change balance sheet	1
Consultation	5
Concern that consultation materials have not communicated impacts on Amcotts	3
Request that webinars are placed online	1

Concern that some residents did not receive consultation pack	1
Land	4
Request for further information about impacts on property	3
Concern about potential use of compulsory purchase powers	1
Design	4
View that all walls should be green walls	1
View that the Project should provide more publicly accessible green spaces	1
View that the Project should include recycling bins across the whole site	1
Request for further information about stack height	1
Commercial	3
Request for information about management of the Project if it becomes financially unviable	1
Project does not constitute value for money	1
Request for information about funding of the Project	1
EIA – water resources and flood risk	3
Concern about flooding at Flixborough north of Ferry Road	2
Support for approach to managing flood risk	1
District Heating and Private Wire Network	3
Request for information about use of district heating if water cannot be accepted by the Lincolnshire Lakes development	2
Support for District Heating and Private Wire Network	1
EIA – ground conditions	1
Request for further information about potential impacts on ground conditions	1

Question 3: Do you have any comments on the potential environmental impacts of the scheme or our proposals for environmental mitigation and/or enhancements?

6.4.18. 61% of respondents provided an answer to this question. The question invited responses on the potential environmental impacts and the Applicant’s proposals for environmental mitigation and/or enhancements and provided a text box for consultees to answer in their own words.

Table 6-6: Responses to Question 3

Theme	Frequency
EIA - air quality	68
Concern about odour	28
General concern about air quality	27
Concerns about Particulate Matter	5
Concerns about harmful emissions	3
Concern about carbon dioxide emissions	2
Concerns about the release of ash and soot	2
Concern about odour at Burton upon Stather	1
General	18
General support for the Project	10
General object for the Project	3
Suggestion that the Project is a 'back door incinerator'	3
Suggestion that site will be well maintained visually	2
Suggestion that site is not cost effective	1
Query as to how long the site will be active for	1
EIA – transport	16
Support for creation of new foot and cycle paths	8
Concern about new HGV movements	4
Positive comments about reductions on traffic	2

Disagreement with need for cycle paths	1
Concerns about times of HGV movements	1
EIA – general	11
View that the environmental impact of the Project outweighs any environmental benefits.	6
Concern Project will undo environmental work done by the community in Amcotts	3
General positive environmental comment	2
Design	5
Support for creation of new wetland landscape	4
Negative comments about creation of new wetland landscape	1
EIA - landscape and visual impact	5
General concern about visual impact from Project	3
Concerns about the impact if the town's 'image'	1
Concern about the impact of lighting	1
EIA – ecology	3
Concern about wildlife at Alkborough Flats	2
Concern about loss of habitats	1
EIA – socioeconomics	3
Concern about loss of agricultural land	2
Concern about impacts on biodiversity	1
Operations	2
Query asking whether wetlands will be monitored to prevent flytipping	1
Query asking whether wetlands will maintained to prevent contamination	1
EIA – noise	2
Concern about noise impacts	2

EIA - major accidents and disasters	1
Concern about storage of explosive/flammable material	1

Question 4: Do you have any comments on the contribution that the scheme will make to the local community through the creation of new jobs and training opportunities?

6.4.19. 64% of respondents provided an answer to this question. The question invited responses on the Project’s contribution to the local community through the creation of new jobs and training opportunities and provided a text box for consultees to answer in their own words.

Table 6-7: Responses to Question 4

Theme	Frequency
Employment	55
Support for creation of new jobs in Scunthorpe	16
Scepticism about employment figures cited in consultation materials	15
Concern employment opportunities will not be accessible to local people	10
Request to ensure jobs accessible to young people	4
Concern that contractors will not be local	3
View that employment opportunities should be well paid	3
View that employment opportunities are not core to the Project	1
Disagreement that skilled jobs will be created by the Project	1
View that unemployment is low in the local area	1
Concern that other businesses will lose employees to the Project	1
General	20
General positive comment	10
General negative comment	9
Support for inclusion of PRF in the Project	1
EIA	13

Impacts on environment outweigh creation of employment opportunities	10
Concern about pressure from additional employees on local infrastructure	2
Concern about traffic impacts	1
Construction	8
Request for use of local labour during construction	6
View that employment opportunities will largely be during construction	2
Training	6
Request for Applicant to form partnerships with local educational bodies	3
Support for reskilling opportunities	1
Request for a dedicated skills centre	1
Support for diversity of training opportunities	1

Question 5: Do you have any comments on our proposals for a new visitor centre, which will create opportunities for local schools and the wider community?

6.4.20. 64% of respondents provided an answer to this question. The question invited responses on proposals for a new visitor centre as part of the Project and provided a text box for consultees to answer in their own words.

Table 6-8: Responses to Question 5

Theme	Frequency
General	61
General support for the visitor centre	34
Question about need for visitor centre	12
General objection the inclusion of the visitor centre	7
General objection to the Project	4
View that the visitor centre constitutes a community benefit	2
General support for the Project	1
Concern that delivery of visitor centre is not guaranteed	1

Use	19
Centre should facilitate visits from young people	6
Centre should facilitate learning about renewable energy	3
Support for school visits and invitations	2
Centre should facilitate learning about the environment	2
Centre should facilitate learning about waste management	2
View that local environment already provides learning opportunities	2
Concern about visitor numbers	1
View that visitor centre should be free to attend	1
Design	9
Concern about proximity to waste management facility	5
Request to use glass in the design of the visitor's centre	1
Support for design of visitor centre	1
Concern that artist's impression is not representative	1
View that the visitor centre should be located elsewhere	1
EIA	4
Concern about air quality impacts of the Project	2
View that areas for wildlife are already present locally	1
Concern about impacts from visitor centre on wildlife	1
Facilities	3
Request to include café in the visitor centre	2
Concern about management of car park	1
Access	3
Concerns about accessibility and transport to the site	2
Concern for lack of investment in walking routes	1

Consultation	3
Concerns about the site being a safe environment for children	2
Concern that consultation information is misleading	1

Question 6: Do you have any comments on our proposals to create new wetland and woodland landscapes, which will enhance local biodiversity and create new pedestrian and cycle routes?

6.4.21. 63% of respondents provided an answer to this question. The question invited responses on proposals to create new wetland and woodland landscapes, as well as new pedestrian and cycle routes, and provided a text box for consultees to answer in their own words.

Table 6-9: Responses to Question 6

Theme	Frequency
General	39
General support for the wetland and woodland landscapes	24
View that the wetland and woodland landscapes are unnecessary	4
General objection of the wetland and woodland landscapes	2
View that the wetlands and woodlands are a token gesture	2
View that benefits of the woodland and wetland landscapes are outweighed by the negative impacts of the Project	2
View that woodland and wetland landscapes are being offered to reduce objections	1
View that woodland and wetland landscapes are a waste of money	1
View that woodland and wetland landscape could be provided without the Project	1
View that the Project should be built in a different location	1

General objection to the ERF	1
EIA – transport	14
Support for walking routes in the woodlands	2
View that cycle and pedestrian routes should be connected	2
Support for pedestrian and cycle routes	2
Support for access from Neap House	1
View that cycle and pedestrian routes should be traffic free	1
View that access will be denied during construction process	1
Concern about a loss of access routes for cycling and walking	1
Concerns about whether it would be safe to walk round the site	1
Concerns about who will use the pedestrian and cycle routes	1
View that cycle and pedestrian routes are needed for safety	1
Concern about road maintenance and repairs	1
EIA – ecology	13
Support for more nature and increased biodiversity	10
Concern that biodiversity will not be enhanced	1
View that the local area is already biodiverse	1
Concerns about the impact on protected species close to the river	1
Operations	4
Concern about rats	2

Concern about maintenance of wetland and woodland landscapes	2
EIA – general	3
Concerns about environmental impact	2
View the wetland and woodlands will be contaminated by the Project	1
Facilities	2
Request to include bins	1
View that this is negated by the environmental impact of the park	1
EIA - air quality	1
Concern about odour	1
EIA - water resources and flood risk	1
Request for the monitoring of possible flooding	1
EIA - human health and wellbeing	1
Concern about impact of Project on human health and wellbeing	1

Question 7: Do you have any further comments?

6.4.22. 64% of respondents provided an answer to this question. The question provided an opportunity for respondents to submit any further comments they felt were not addressed by the other questions using a text box to answer in their own words.

Table 6-10: Responses to Question 7

Theme	Frequency
General	49
General support for the Project	25
General objection to the Project	23
Suggestion of a tourist train around the Project	1
EIA - air quality	17

Concern about existing air quality	5
Concern about odour	3
Concern about odour impacts in Amcotts	3
Concern about impact of wind turbines on dispersal of emissions	1
Concern about dust impacts in Amcotts	1
Concern about dust from concrete block manufacture	1
General concern about air quality impacts	1
Concern about odour impact in Burton upon Stather	1
Concern about odour impacts in Normanby	1
EIA – socioeconomics	12
Concern about impact on property prices	5
Question about cheaper energy bills for residents	3
Desire for investment in local area	2
Concern about loss of agricultural land	1
View that local labour should be used during construction	1
Consultation	122
View that consultation should be repeated with face-to-face engagement	2
View that consultation materials are misleading	2
Welcome level of detail provided through consultation	2
Request that Applicant has due regard to comments received	2
Concern about use of abbreviations in consultation materials	1
EIA – transport	10
Question about consideration of weak bridges in HGV routing	1
Request to minimise HGV movements	1

General concern about traffic	1
Concern about loss of PROWs	1
Question about 24 hour use of river transport	1
View that transport assessment underestimates need for HGV transport	1
Request for transport of construction materials by river	1
Request for traffic calming measures	1
Desire for more information about site access	1
Concern about traffic impacts on A1077	1
EIA – noise	7
Concern about noise impacts	2
Concern about existing noise levels	2
Question about noise from loading and unloading at the new railhead	1
Concern about noise impacts on Amcotts	1
Concern about noise from 24 hour operations	1
EIA - landscape and visual impact	7
Concern about visual impact	2
Question about benefits for local residents	2
Concern about impact on landscape character	2
Concern about impact from lighting	1
Alternatives assessment	6
View that the Project should be located elsewhere	5
Question about whether alternative sites have been considered	1
EIA – waste	5
View that the Project constitutes an incinerator	2

Question about disposal of heavy metals	1
Question about whether waste from North Lincolnshire will be accepted	1
View that Applicant should seek to influence Government policy on waste disposal	1
EIA – ecology	5
Concern about impact on wildlife	2
Request that Project consider pollinators	1
Concern about impact on bat colonies	1
Concern about impact on designated sites	1
EIA - major accidents and disasters	4
View that the Project is inappropriate in the context of the 1974 Flixborough disaster	3
Concern about risk of major accidents	1
EIA - human health and wellbeing	4
Concern about impact from Project on pre-existing respiratory conditions	2
Request for guarantee that emissions will not harm human health	1
General concern about impact on human health	1
Operations	3
Concern about vermin	1
Question about unloading of RDF	1
Concern about storage of waste on site	1
Design	2
Question about whether height of the stack considers height of nearby ridge	1
Question about lighting of routes around the Project	1

EIA - cumulative impact	2
View that North Lincolnshire already hosts too many energy developments	2
EIA - water resources and flood risk	1
Concern about flood risk	1
Question about why properties in Burton upon Stather were not included in consultation zone	1
District heating and private wire network	1
Question about supply of heat and power to hospital	1
Visitor centre	1
Question about provision of café at visitor centre	1
Carbon Capture, Storage and Utilisation	1
Question about delivery of Carbon Capture, Storage and Utilisation	1

6.5. Section 48 (s48) consultation

- 6.5.1. As set out in section 5.6, the Applicant solicited responses from consultees under s48 of the 2008 Act.
- 6.5.2. None of the respondents to the consultation identified themselves as responding specifically under s48 of the 2008 Act.

6.6. Regard had to responses

- 6.6.1. The progress of the design response from site selection, to option development, testing and refinement has always been informed by community and stakeholder consultation.
- 6.6.2. The non-statutory public consultation at the beginning of the design process also brought to the attention of the design team the concerns and considerations from local people on the impact of a development of this scale, which has stayed at the forefront of everyone’s mind and been a key consideration in the decision making.
- 6.6.3. The statutory consultation summarised in this chapter has allowed statutory consultees, the community and other stakeholders an opportunity to review the emerging proposals. The full scope of responses, and the regard had to them by the Applicant, is set out in **Appendix I-1 (Document Reference 7.2.18)**. Changes made in response to comments from consultees under section 42 are also summarised in **Table 6-11** below.

6.6.4. In summary, a number of issues were raised which related to the assessment, detailed development or long term management of the Project, which did not necessitate an alteration of the proposed design of the Project. These include:

- Resilience of forests to changing climate;
- Assessment of air quality, light and cumulative impacts;
- Methodology for assessment of heritage and archaeological impacts, in particular fieldwork strategies employed;
- Impact on ecology of the site;
- Land agricultural classification;
- Consideration of health impacts; and,
- Landscape and visual impacts.

6.6.5. In terms of impacts that resulted in direct changes to the Project, these included:

- The management strategy of proposed woodland;
- Amending the Order limits to allow for flexibility of routing of utilities between the ERF, switchyard and gas AGI, ensuring that the utility connections can be delivered safely;
- Including Mannaberg Way, Bessemer Way and Warren Road within the Order limits as an alternative route to that routing the DHPWN along Normanby Road, in order to help alleviate traffic and noise impacts;
- Moving away from culverting existing ditches and avoiding reductions in the size of culverts to prevent blockages;
- Further refinement showing access routes around all buildings to allow for fire fighting;
- Further refinement to footpaths and other public provision; and,
- Refinement of landscape planting.

Table 6-11: Summary of changes with regard to responses from consultees under section 42 of the Planning Act 2008

Consultee	Topic	Comment	Response
Natural England	Air quality	Screening up to a minimum of 15 km of the Order Limits should be undertaken. Due to the nature of the proposed development and habitat sensitivities, it may also be appropriate to consider Hatfield Moor SAC and Thorne and Hatfield Moors SPA.	As a result of this advice from Natural England, air quality modelling has been extended to include a buffer of 15 km from the ERF stack. We note the presence of Hatfield Moor SAC just outside this buffer zone and will consider the need to include this site dependent on the modelling results. Thorne Moor SAC and Thorne and Hatfield Moors SPA are included within the 15 km search area and are considered in the assessment.

North Lincolnshire Council	Cultural Heritage	<p>Subsequent to the scoping response the approach and methodology for the archaeological EIA was discussed with the applicant and their archaeological consultant on 10 March 2021.</p> <p>Given the short timescale to commission, undertake and report on the above iterative stages to inform and present the results in the ES, the urgency of commencing this programme of work was stressed.</p> <p>It seems that no field evaluation has been undertaken to date. A further meeting with the applicant was held on 16 July 2021, with Historic England and the HER reiterating the necessity of producing the results of this work for the ES and DCO application.</p>	<p>Subsequent to this, there has been further correspondence with Historic England and the North Lincolnshire Council’s archaeological advisor, followed by a call on 15 September 2021 when a strategy for iterative fieldwork (geoarchaeological, geophysical and trial trenching) was set out and agreed. Two Written Schemes of Investigation – for geoarchaeological investigation and geophysical investigation of the central and eastern parts of the site – have been agreed and work has been commenced. It was agreed that the Environmental Statement (Document Reference 6.0) should set out a programme of iterative archaeological survey, and an outline mitigation strategy document.</p>
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North Lincolnshire Council	Cultural heritage	<p>The baseline evidence produced from the desk-based assessment is insufficient to identify all heritage assets of archaeological interest within the development site, including potential but currently unknown archaeology, or to adequately assess the significance of these assets for the purposes of the EIA.</p> <p>The PEIR acknowledges that this potential for unknown archaeological remains is high 'as a result of the considerable potential for evidence of human occupation from the earliest periods to the present day and the potential for well-preserved palaeoenvironmental remains under alluvium' (PEIR, 6.2.2.3). In order to more accurately locate, identify and characterise unrecorded archaeology within the proposed development site and assess the significance of the remains to inform the EIA, archaeological field evaluation is required as outlined above.</p>	<p>A programme of archaeological field evaluation has been discussed in outline with Historic England and the North Lincolnshire Council's archaeological advisor. WSI's for the first phases of this have been agreed. The programme of works will continue during and after ES submission. The programme for these works will be included in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Document Reference 6.2.12).</p>
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<p>North Lincolnshire Council</p>	<p>Cultural heritage</p>	<p>The PEIR states (section 4.4) that the ES will be supported by data collected from preliminary works (non-archaeological geotechnical investigations) and programmes of non-intrusive and intrusive surveys, to be reported in the ES.</p> <p>We welcome that this programme would be developed and agreed with the NLC, however, contrary to paragraph 4.4.1.2, Section 10.1.1.1 (Residual Effects and Monitoring) does not provide a scope for this pre-assessment survey work.</p>	<p>An iterative programme of archaeological survey was agreed in a call with Historic England and North Lincolnshire Council’s archaeological advisor on September 15th 2021. WSI’s for the first phases of this have been agreed. The programme of works will continue during and after submission of the Environmental Statement. The programme for these works is included in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Document Reference 6.2.12).</p>
<p>North Lincolnshire Council</p>	<p>Cultural heritage</p>	<p>Sections 6 – 10 of the PEIR chapter relating to the baseline evidence, mitigation, assessment of likely effects, further mitigation and residual effects and monitoring, are considered premature until the archaeological field evaluation is completed and heritage assets are sufficiently well identified and understood to assess their significance and the impact of the proposed development and opportunities for mitigation or to off-set harm that cannot be avoided.</p>	<p>As agreed with Historic England and North Lincolnshire Council’s archaeological advisor in the call of 15 September 2021, an outline mitigation strategy document is included in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Document Reference 6.2.12) to be updated and completed following completion of evaluation surveys.</p>

North Lincolnshire Council	Cultural heritage	<p>The LPA is concerned about the considerable gaps in the information provided in the PEIR chapter and appendices and what is necessary to inform the EIA.</p> <p>It is advised that appropriate field evaluation will need to be undertaken at the earliest opportunity to inform the pre-determination EIA and DCO examination process, and that any mitigation measures resulting from the findings of the evaluation should be set out in a final Mitigation WSI, the implementation of which may be secured by an appropriately worded DCO requirement.</p>	<p>Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Document Reference 6.2.12) contains updated baseline information addressing the gaps identified in the PEIR. A programme of evaluation fieldwork is underway based on WSI's approved by North Lincolnshire Council's archaeological advisor. A programme setting out completion of these surveys is included in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Document Reference 6.2.12) along with a draft mitigation strategy to be finalised after the evaluation work is complete.</p>
Natural England	Cumulative impacts	<p>Finally, in-combination effects have not been considered at this stage and we would welcome this information when it becomes available.</p>	<p>We have assessed cumulative impacts in Chapter 18: Cumulative and Indirect Effects Assessment of the Environmental Statement (Document Reference 6.2.18).</p>

Natural England	Cumulative impacts	Based on the plans submitted, Natural England considers that the proposed development could have potential significant effects on the interest features for which the sites have been notified. Chapter 10 correctly identifies SSSIs for assessment.	We have assessed cumulative impacts in Chapter 18: Cumulative and Indirect Effects Assessment of the Environmental Statement (Document Reference 6.2.18) . This includes assessing cumulative impacts on SSSIs in close proximity to the Project.
Natural England	Cumulative impacts	Environmental benchmarks for air quality emissions at Risby Warren SSSI are already exceeded, and this should be a key consideration when undertaking the in-combination assessment.	This is noted. We have assessed cumulative impacts in Chapter 18: Cumulative and Indirect Effects Assessment of the Environmental Statement (Document Reference 6.2.18) . This takes into consideration air quality emissions at Risby Warren SSSI.
Natural England	Cumulative impacts	When assessing the effects on designated sites, Natural England recommends that the search radius for be measured from the nearest point on the designated site to the proposal being assessed, or the nearest area of sensitive habitat, if known. This would likely identify those proposals which are likely to affect overlapping geographic extents within the designated site in question.	We have assessed cumulative impacts in Chapter 18: Cumulative and Indirect Effects Assessment of the Environmental Statement (Document Reference 6.2.18) . This considers the cumulative impact on ecological sites.

Natural England	Cumulative impacts	Chapter 18 of the PEIR provides a list of projects to be included in an assessment of the potential in-combination effects. Keadby II Power Station has been identified for consideration within the baseline and is scoped out of the in-combination assessment. Natural England notes that the air quality screening assessment uses DEFRA Background Mapping dated 2018 and APIS background data dated 2017 - 2019. It is not clear whether emissions to air from Keadby II Power Station are included within these background data. The Applicant should make a thorough check that all relevant emissions are included in the baseline assessment.	We have assessed cumulative impacts in Chapter 18: Cumulative and Indirect Effects Assessment of the Environmental Statement (Document Reference 6.2.18) . This considers plans or projects as per the criteria outlined.
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Natural England	Ecology	Chapter 10, Appendix E Ornithology Surveys recorded a peak count of 42 mallard roosting and feeding along the banks of the River Trent. Mallard are an assemblage species of the Humber Estuary SPA/ Ramsar and this represents 4% of the Humber Estuary population (based on a five year average from 2015/16 – 2019/20). The River Trent therefore is considered functionally linked land and the potential for bird disturbance should be a key consideration within the HRA.	Noted. The potential for disturbance to qualifying interest bird species on functionally linked land is considered in the HRA.
District Heating and Private Wire Network	Wickes Building Supplies Ltd	Whilst the B 1431, according to the PIER, may be impacted on by construction and operational traffic, it is unclear from the submission documents, specifically chapter 13 'Traffic & Transport' from the PIER, why the 'Order Limits' extend as far as Glebe Road and what the red 'square' denotes. There does not appear to be any mitigation proposed on this part of the highway or any construction or similar compounds.	The section of the DHPWN route which runs to Glebe Road has now been removed from the Project, removing direct impacts on the store. This is due to transport and noise impacts of constructing the DHPWN along this section of road.

District Heating and Private Wire Network	Wickes Building Supplies Ltd	We object to the proposal insofar as it may have a material impact on the operation and trading performance of their Glebe Road store.	The area referred to has been removed, and the DHPWN now takes a route further north, along the junction of Normanby Road and Warren Road.
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7. Conclusion

7.1. Compliance with advice and governance

7.1.1. The Applicant has undertaken a consultation process which complies with the DLUHC (then MHCLG) guidance on the pre-application process (March 2015), as well as relevant advice from the Planning Inspectorate.

7.1.2. **Table 7-1** evidences how the Applicant has complied with DLUHC guidance on the pre-application process (March 2015):

Table 7-1: Compliance with DLUHC guidance on the pre-application process (March 2015)

Para:	Requirement:	Evidence of compliance:
17	When circulating consultation documents, developers should be clear about their status, for example ensuring it is clear to the public if a document is purely for purposes of consultation.	Documents produced as part of the consultation clearly stated their status. Letters issued to consultees as part of the s42 and s47 consultations set out that they contained details of statutory consultation. The status of the consultation booklet is set out in its page 2, the supplementary consultation booklet on its page 2 and the status of the consultation questionnaire on its page 3. Copies of these documents can be found in Appendix D-3 (Document Reference 7.2.12), G-1 and G-2 (Document Reference 7.2.15-16) .
18	Early involvement of local communities, local authorities and statutory consultees can bring about significant benefits for all parties.	The Applicant engaged early with local communities, local authorities, and statutory consultees, including a round of non-statutory consultation from 26 May 2020 and 14 July 2020. Early engagement is summarised in sections 3.2 and 3.4.

19 The pre-application consultation process is crucial to the effectiveness of the major infrastructure consenting regime. A thorough process can give the Secretary of State confidence that issues that will arise during the 6 months examination period have been identified, considered, and – as far as possible – that applicants have sought to reach agreement on those issues.

The Applicant has conducted a thorough consultation process which has allowed it to identify, consider and, as far as possible, seek to reach agreement on issues likely to arise during the examination. The early engagement and non-statutory consultation set out in Chapter 3 of this report provided the opportunity to identify and consider issues early in the development of the Project. The statutory consultation set out in Chapter 4 of this document built on this understanding and further identified and considered issues likely to arise. **Appendix I-1 (Document Reference 7.2.18)** includes evidence of how the Applicant has considered issues raised through the statutory consultation. Where appropriate, the Applicant is working to prepare Statements of Common Ground (SoCGs) with relevant statutory consultees to demonstrate areas of agreement.

20 Experience suggests that, to be of most value, consultation should be:

- Based on accurate information that gives consultees a clear view of what is proposed including any options;
- Shared at an early enough stage so that the proposal can still be influenced, while being sufficiently developed to provide some detail on what is being proposed; and
- Engaging and accessible in style, encouraging consultees to react and offer their views.

For both the non-statutory consultation and statutory consultation, the Applicant shared information at an early enough stage to allow the proposal to be influenced, while being sufficiently developed to provide some detail on what is being proposed. In each consultation, the Applicant developed a clear scope for what could be influenced by consultees. For the non-statutory consultation, this was to support design development and the process of environmental impact assessment by gathering feedback from consultees on the initial Project. As set out in **Table 3-4**, the Applicant made a number of changes to the Project in response to feedback from the non-statutory consultation. For the statutory consultation, this was to present updated information on the Project and the initial outcomes of the EIA as set out in the PEIR.

For each consultation, the Applicant published a booklet written in an engaging and accessible style, setting out what it was possible to influence at that stage, providing accurate information that gave consultees a clear view of what was proposed, and encouraging them to respond and offer their views. A copy of the booklet produced for the non-statutory consultation is included with **Appendix A-2 (Document Reference 7.2.2)**.

The Applicant produced a wider range of materials designed to ensure the statutory consultation was engaging and accessible. As well as the consultation booklet, this included a supplementary consultation booklet, a video, a virtual exhibition and an interactive version of the consultation booklet. Copies of materials produced for the statutory consultation are included in **Appendix G-2 (Document Reference 7.2.16)**.

- 25 Consultation should be thorough, effective and proportionate. Some applicants may have their own distinct approaches to consultation, perhaps drawing on their own or relevant sector experience, for example if there are industry protocols that can be adapted. Larger, more complex applications are likely to need to go beyond the statutory minimum timescales laid down in the Planning Act to ensure enough time for consultees to understand project proposals and formulate a response. Many proposals will require detailed technical input, especially regarding impacts, so sufficient time will need to be allowed for this. Consultation should also be sufficiently flexible to respond to the needs and requirements of consultees, for example where a consultee has indicated that they would prefer to be consulted via email only, this should be accommodated as far as possible.
- The Applicant has conducted a thorough, effective and proportionate consultation. At 42 days, the period provided for comment during consultation under s42, s47, and s48 of the 2008 Act was significantly longer than the 28 days as prescribed by s45(2) of the 2008 Act. The Applicant has also been conscious of the need to be sufficiently flexible to respond to the needs and requirements of consultees. As set out in section 5.5.23, the Applicant provided a variety of means to respond to the statutory consultation, including completing the questionnaire online, completing and returning a hard copy of the questionnaire, submitting comments by letter, or submitting comments by email. The Applicant also provided a variety of means of finding out about the proposal, including sending a copy of the consultation booklet and supplementary consultation booklet to all addresses in consultation zone 1 alongside the consultation questionnaire and pre-addressed Freepost envelope, a virtual public exhibition, webinars, telephone surgeries, and accepting enquiries by Freephone, email or Freepost. Details of this are set out in section 5.5.
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- 26 The Planning Act requires certain bodies and groups of people to be consulted at the pre-application stage, but allows for flexibility in the precise form that consultation may take depending on local circumstances and the needs of the project itself. Sections 42 – 44 of the Planning Act and Regulations set out details of who should be consulted, including local authorities, the Marine Management Organisation (where appropriate), other statutory bodies, and persons having an interest in the land to be developed. Section 47 in the Planning Act sets out the applicant’s statutory duty to consult local communities. In addition, applicants may also wish to strengthen their case by seeking the views of other people who are not statutory consultees, but who may be significantly affected by the project.
- The Applicant has identified and consulted with parties prescribed by s42, s43, and s44 of the 2008 Act, as well as the local community as prescribed in s47 of the 2008 Act and defined in the SoCC. Details of how the Applicant consulted in accordance with each of these sections of the 2008 Act are set out in Chapter 5 of this report. In addition, the Applicant sought the views of a range of groups which were not statutory consultees but were deemed to have a potential interest. Details of these are set out in **Appendix F-1 (Document Reference 7.2.14)**.
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- 27 The Planning Act and Regulations set out the statutory consultees and prescribed people who must be consulted during the pre-application process. Many statutory consultees are responsible for consent regimes where, under section 120 of the Planning Act, decisions on those consents can be included within the decision on a Development Consent Order. Where an applicant proposes to include non-planning consents within their Development Consent Order, the bodies that would normally be responsible for granting these consents should make every effort to facilitate this. They should only object to the inclusion of such non-planning consents with good reason, and after careful consideration of reasonable alternatives. It is therefore important that such bodies are consulted at an early stage. In addition, there will be a range of national and other interest groups who could be make an important contribution during consultation. Applicants are therefore encouraged to consult widely on project proposals.
- Statutory consultees such as the Environment Agency, Natural England and Historic England were engaged with early in the development of the Project, prior to the non-statutory consultation. Early engagement is set out in **Table 3-1**. These bodies continued to be engaged in the period between this and the statutory consultation as set out in **Table 3-5**. They were then consulted under s42 of the 2008 Act as set out in section 5.3. In addition, the Applicant sought the views of a range of groups which were not statutory consultees but were deemed to have a potential interest. Details of these are set out in **Appendix F-1 (Document Reference 7.2.14)**.
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- 29 Applicants will often need detailed technical input from expert bodies to assist with identifying and mitigating the social, environmental, design and economic impacts of projects, and other important matters. Technical expert input will often be needed in advance of formal compliance with the pre-application requirements. Early engagement with these bodies can help avoid unnecessary delays and the costs of having to make changes at later stages of the process. It is equally important that statutory consultees respond to a request for technical input in a timely manner. Applicants are therefore advised to discuss and agree a timetable with consultees for the provision of such inputs.
- The Applicant sought technical input from relevant expert bodies at every stage of the Project development. This was achieved through the early engagement set out in **Table 3-1** and the ongoing engagement set out in **Table 3-5**, as well as during the statutory consultation set out in Chapter 5 of this report.
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- 38 The role of the local authority in such discussions should be to provide expertise about the make-up of its area, including whether people in the area might have particular needs or requirements, whether the authority has identified any groups as difficult to reach and what techniques might be appropriate to overcome barriers to communication. The local authority should also provide advice on the appropriateness of the applicant's suggested consultation techniques and methods. The local authority's aim in such discussions should be to ensure that the people affected by the development can take part in a thorough, accessible and effective consultation exercise about the proposed project.
- The Applicant engaged early with host local authorities to seek expertise on these issues. This included early engagement as set out in **Table 3-1** and ongoing engagement as set out in **Table 3-5**. This included engagement on community consultation methods, and the Applicant shared a draft of the SoCC on an informal basis before consulting with the host authority formally. As prescribed by s47 of the 2008 Act, the Applicant prepared a SoCC setting out how it proposed to consult people living in the vicinity of the Project and consulted with each local authority that is within s43(1) of the 2008 Act on the SoCC. The regard that the Applicant had to responses received as part of this consultation is set out in section 6.6.
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41	Where a local authority raises an issue or concern on the Statement of Community Consultation which the applicant feels unable to address, the applicant is advised to explain in their consultation report their course of action to the Secretary of State when they submit their application.	The regard that the Applicant had to responses received as part of this consultation is set out in Appendix I-1 (Document Reference 7.2.18) .
50	It is the applicant's responsibility to demonstrate at submission of the application that due diligence has been undertaken in identifying all land interests and applicants should make every reasonable effort to ensure that the Book of Reference (which records and categories those land interests) is up-to-date at the time of submission.	The Applicant has diligently sought to identify all land interests and ensure that the Book of Reference (Document Reference 3.1). remains up to date. Details of this are set out in section 5.3.8 and the Book of Reference (Document Reference 3.1).
54	In consulting on project proposals, an inclusive approach is needed to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. Applicants should use a range of methods and techniques to ensure that they access all sections of the community in question. Local authorities will be able to provide advice on what works best in terms of consulting their local communities given their experience of carrying out consultation in their area.	The Applicant has adopted an inclusive approach to consultation to ensure that different groups have had the opportunity to participate and have not been disadvantaged in the process. The SoCC included proposals to support the participation of seldom heard groups in the consultation. Details of compliance with the approach set out in the SoCC are included in Table 5-8 .

- 55 Applicants must set out clearly what is being consulted on. They must be careful to make it clear to local communities what is settled and why, and what remains to be decided, so that expectations of local communities are properly managed. Applicants could prepare a short document specifically for local communities, summarising the project proposals and outlining the matters on which the view of the local community is sought. This can describe core elements of the project and explain what the potential benefits and impacts may be. Such documents should be written in clear, accessible, and non-technical language. Applicants should consider making it available in formats appropriate to the needs of people with disabilities if requested. There may be cases where documents may need to be bilingual (for example, Welsh and English in some areas), but it is not the policy of the Government to encourage documents to be translated into non-native languages.
- For each consultation, the Applicant published a booklet written in an engaging and accessible style, setting out what it was possible to influence at that stage, providing accurate information that gave consultees a clear view of what was proposed, and encouraging them to react and offer their views. A copy of the booklet produced for the non-statutory consultation is included with **Appendix A-2 (Document Reference 7.2.2)**.
- The Applicant produced a wider range of materials designed to ensure the statutory consultation was engaging and accessible. As well as the consultation booklet, this included a supplementary consultation booklet, a video, a virtual exhibition and an interactive version of the consultation booklet. Copies of materials produced for the statutory consultation are included in **Appendix G-2 (Document Reference 7.2.16)**.
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- 57 The Statement of Community Consultation should act as a framework for the community consultation generally, for example, setting out where details and dates of any events will be published. The Statement of Community Consultation should be made available online, at any exhibitions or other events held by applicants. It should be placed at appropriate local deposit points (e.g. libraries, council offices) and sent to local community groups as appropriate.
- As set out in section 5.2, the Applicant included a framework for community consultation in the SoCC, including where details and dates of events would be published. The SoCC was made available on the consultation website, which is presented as **Appendix J-1 (Document Reference 7.2.19)** from 3 June 2021. The Government has confirmed that placing materials online meets the requirement to place information on public deposit in the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020 (the 2020 Regulations).
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- 58 Applicants are required to publicise their proposed application under section 48 of the Planning Act and the Regulations and set out the detail of what this publicity must entail. This publicity is an integral part of the public consultation process. Where possible, the first of the 2 required local newspaper advertisements should coincide approximately with the beginning of the consultation with communities. However, given the detailed information required for the publicity in the Regulations, aligning publicity with consultation may not always be possible, especially where a multi-stage consultation is intended.
- The Applicant publicised the proposed application under s48 of the 2008 Act as set out in **Table 5-9**. The dates of publication coincided as closely as possible with the start of consultation given the publication schedules of the relevant local newspapers.
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- 68 To realise the benefits of consultation on a project, it must take place at a sufficiently early stage to allow consultees a real opportunity to influence the proposals. At the same time consultees will need sufficient information on a project to be able to recognise and understand the impacts.
- For both the non-statutory public consultation and statutory consultation, the Applicant shared information at an early enough stage to allow the proposal to be influenced, while being sufficiently developed to provide sufficient information on what is being proposed to enable consultees to recognise and understand its impacts. This is evident in the regard had to responses by the Applicant – shown in **Table 3-4** for the non-statutory consultation and **Appendix I-1 (Document Reference 7.2.18)** for the statutory consultation.
- For the non-statutory consultation, this was to support design development and the process of environmental impact assessment by gathering feedback from consultees on the initial Project. For the statutory consultation, this was to present updated information on the Project and the initial outcomes of the EIA as set out in the PEIR.
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For each consultation, the Applicant published a booklet written in an engaging and accessible style, setting out what it was possible to influence at that stage, providing accurate information that gave consultees a clear view of what was proposed, and encouraging them to react and offer their views. A copy of the booklet produced for the non-statutory consultation is included with **Appendix A-2 (Document Reference 7.2.2)**.

The Applicant produced a wider range of materials designed to ensure the statutory consultation was engaging and accessible. As well as the consultation booklet, this included a supplementary consultation booklet, a video, a virtual exhibition and an interactive version of the consultation booklet. Copies of materials produced for the statutory consultation are included in **Appendix G-2 (Document Reference 7.2.16)**.

- 72 The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range and scale of the impacts. The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation documents. It is expected that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly larger or more controversial ones, may require longer consultation periods than this. Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project. It is also important that consultees do not withhold information that might affect a project, and that they respond in good time to applicants. Where responses are not received by the deadline, the applicant is not obliged to take those responses into account.
- The period provided for comment during consultation under s42, s47, and s48 of the 2008 Act was significantly longer than the 28 days as prescribed by s45(2) of the 2008 Act.
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73	<p>Applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation unless the project proposals have changed very substantially. However, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may well be needed. This may be necessary if, for example, new information arises which renders all previous options unworkable or invalid for some reason. When considering the need for additional consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors.</p>	<p>None of the changes to the Project have been so substantial that they require additional consultation.</p>
77	<p>Consultation should also be fair and reasonable for applicants as well as communities. To ensure that consultations is fair to all parties, applicants should be able to demonstrate that the consultation process is proportionate to the impacts of the project in the area that it affects, takes account of the anticipated level of local interest, and takes account of the views of the relevant local authorities.</p>	<p>The Applicant has sought to ensure that the consultation process is proportionate to the impacts of the Project in the area that it affects, takes account of the anticipated level of local interest, and takes account of the views of the relevant local authorities. Prior to both the non-statutory and statutory consultation, the Applicant engaged with the host local authority to seek its views on whether the Applicant's proposals for consultation were proportionate and took into account the likely level of local interest. As set out in 5.2.18 the host authority's response to the consultation on the SoCC shows that it felt the approach to consultation proposed was appropriate and robust.</p>

84 A response to points raised by consultees with technical information is likely to need to focus on the specific impacts for which the body has expertise. The applicant should make a judgement as to whether the consultation report provides sufficient detail on the relevant impacts, or whether a targeted response would be more appropriate. Applicants are also likely to have identified a number of key additional bodies for consultation and may need to continue engagement with these bodies on an individual basis.

Details of the regard that the Applicant has had to consultation responses is set out in **Appendix I-1 (Document Reference 7.2.18)**. As set out in **Table 5-10**, the Applicant continued to engage with a number of stakeholders following the close of consultation.

7.1.3. The Applicant has also considered the advice given in the Inspectorate’s *Advice note fourteen: Compiling the Consultation Report*. Details of compliance with this text is included in **Table 7-2**.

Table 7-2 Compliance with the Inspectorate’s Advice note fourteen: Compiling the Consultation Report

Advice:	Evidence of compliance:
Format and content of the Consultation Report: Introductory text	
Introductory text should provide an overview including: <ul style="list-style-type: none"> • A summary of the consultation activities undertaken; and • a table or timeline summarising both statutory and non-statutory consultation in chronological order. 	This is provided in section 2.3.
This section should explain the relationship between any initial strategic options stage, any subsequent non-statutory consultation that may have taken place, and the statutory consultation carried out under the PA2008.	This is provided in section 2.1.

Many Nationally Significant Infrastructure Projects (NSIP) evolve over an extended period of time with previous proposals that may have been consulted on then abandoned; in which case, a brief description of any historic consultation activity, including any information available about the scale and nature of the response at that time, would be of interest. A detailed planning history of the site is not necessary in this report.

Not applicable.

Format and content of the Consultation Report: Multi-stage consultations

Where the pre-application consultation included more than one stage of statutory consultation then it is usually helpful to reflect this in the structure of the report. In this way, each stage of consultation can be presented and explained chronologically in a separate chapter or section of the report, including any non-statutory consultation that took place. This can also include separate summary schedules of consultation responses.

The statutory and non-statutory consultations are presented separately, in chapters 3 and 5.

Format and content of the Consultation Report: Duty to consult (s42)

The report should include a list of all persons and bodies that were consulted, and when they were consulted.

This is included in **Appendices D-1, D-2 and D-3 (Document Reference 7.2.10-12)**. Evidence is also provided in section 5.3 of this report.

<p>The list of the prescribed organisations should follow the order they are presented in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations). Any variations between the Applicant’s list of prescribed consultees and the list of organisations set out in Schedule 1 of the APFP Regulations should be robustly justified.</p>	<p>This is reflected in Appendix D-1 (Document Reference 7.2.10).</p>
<p>A short description of how s43 of the PA2008 has been applied in order to identify the relevant local authorities should be included. This could be supported by a map showing the site and identifying the boundaries of the relevant local authorities.</p>	<p>This is included in section 5.2.5.</p>
<p>The Applicant must demonstrate that diligent enquiry was undertaken to identify persons under s44 of the PA2008 and to ensure that an up to date Book of Reference is submitted. In that context, it is useful to set out the methodology for identifying persons in Category 3 (those who may make a relevant claim).</p>	<p>This is included in section 5.3.8.</p>
<p>The Consultation Report should explain how many persons with an interest in land were consulted, under which category and when.</p>	<p>A list of land interests consulted (noting their interest in the land and dates of consultation) is provided in Appendix D-2 (Document Reference 7.2.11).</p>
<p>If additional persons with an interest in land were added and consulted following changes to the project boundary during the Pre-application stage, it is useful to describe:</p> <ul style="list-style-type: none">• How many additional persons with an interest in land were consulted;• when they were consulted;• how they were consulted; and	<p>This is set out in section 5.7 and Appendix D-2 (Document Reference 7.2.11).</p>

- what information they were consulted with.

Format and content of the Consultation Report: Duty to consult the local community (s47)

The Secretary of State needs to be satisfied that the Applicant has complied with the Statement of Community Consultation (SoCC) preparation process. Evidence should be submitted as part of the Consultation Report which shows:

This is set out in section 5.2.

- Which local authorities were consulted about the content of the draft SoCC;
- what the local authorities' comments were;
- confirmation that the local authorities were given 28 days to provide their comments; and
- a description about how the Applicant had regard to the local authorities' comments.

Applicants should make the SoCC available for inspection online. Evidence that this has been done should be provided in the Consultation Report, for example, a screenshot of the relevant webpage showing the published SoCC (including the full website address and relevant telephone number for enquiries as required by the 2020 Regulations) and confirmation that the public could access the webpage free of charge.

A copy of the SoCC as published is available in **Appendix C-4 (Document Reference 7.2.9)**. Screenshots from the Project website are included in **Appendix J-1 (Document Reference 7.2.19)**.

Copies of the published SoCC notice as it appeared in the local press should be provided along with confirmation of which local newspapers it was published in and when.

A copy of the final SoCC notice as published, which clearly confirms the name of the publication and the date, is provided within **Appendix C-4 (Document Reference 7.2.9)**.

Where more than one SoCC was prepared for a project, eg where a SoCC was subject to one or more updates, the updated SoCC or SoCCs should be included together with a narrative about why the preceding SoCC was reviewed and updated.	Only one SoCC was prepared for the Project.
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Where there are any inconsistencies between the SoCC and the consultation carried out this should be clearly explained and justified eg where additional consultation took place that was not included in the SoCC or SoCCs.	The consultation was carried out in line with the SoCC.
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Format and content of the Consultation Report: Duty to publicise (s48)

A scanned copy of the s48 notice as it appeared in the local and national newspapers and journals, clearly showing the publication's name and date of publication, should be included in the report.	A copy of the section 48 notice is available in Appendix H-1 (Document Reference 7.2.17) .
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Where it was not possible to place the notice in printed newspapers, then screen shots of the notice as it was published in online newspaper publications should be provided (including the full website address and relevant telephone number for enquiries as required by the 2020 Regulations), ensuring the date of publication is visible.	The notice was published in printed newspapers.
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Applicants should provide confirmation that the s48 notice was sent to the Environmental Impact Assessment (EIA) consultation bodies at the same time as the notice was published.	This is confirmed in 5.1.3.
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Format and content of the Consultation Report: Non-statutory consultation and engagement

In circumstances where statutory consultees were informed of non-material changes to the project, this should also be reported. It would also be helpful to provide a brief rationale about why the changes were considered to be non-material and an explanation of how consultees were informed. Where only some consultees were selected to be informed about a change, please justify the approach taken.

Details of consultation on changes to the Order limits following the close of statutory consultation are set out in section 5.7.

Any consultation not carried out under the provisions of the PA2008 should be clearly indicated and identified separately. Applicants should describe the non-statutory consultation that took place to the same level of detail as the statutory consultation.

Section 3 provides a detailed description of non-statutory consultation undertaken.

If targeted consultation takes place, please explain the nature and purpose of the consultation.

This is set out in section 5.7.

If a reduced number of prescribed consultees were consulted, please explain the rationale for the selection.

Details of the prescribed consultees consulted are set out in **Appendix E-1 (Document Reference 7.2.13)**.

Format and content of the Consultation Report: EIA Regulations consultation

Consultation undertaken as part of the EIA process is separate to that required under the PA2008 e.g. statutory consultation on a Scoping Report following a Scoping Request to the Secretary of State. Applicants may wish to draw attention to consultation responses received under the EIA process, but any reference to that consultation should be addressed separately from the statutory consultation carried out under the provisions of the PA2008.

Consultation undertaken as part of the EIA scoping process is reported in Chapter 4.

Format and content of the Consultation Report: Report appendices

Appendices should be used to provide evidence that demonstrates compliance with the requirements of the PA2008. Careful consideration should be given to the structure and logic of the appendices so that they can be clearly signposted in the main body of the report. A helpful approach is to have separate appendices for each element of statutory consultation and publicity. Where multiple stages of consultation took place then it may be helpful to have a separate appendix for each stage, subdivided into the different strands of consultation.

Appendices are provided and divided according to the different stages of consultation undertaken, as well as being subdivided into different strands.

Evidence of non-statutory consultation should be assembled chronologically in a separate appendix.

Please see **Appendices A-1, A-2 and A-3 (Document Reference 7.2.1-3)**. These are presented chronologically.

If a large volume of consultation responses were received and reported on, then it usually makes sense to include the summary response tables in an appendix or appendices. A chronological approach which demonstrates the journey through the consultation is usually easier for the reader to understand and navigate.

Response tables are included in **Appendix I-1 (Document Reference 7.2.18)**.

Reporting statutory consultation responses

It is necessary to demonstrate compliance with section 49 of the PA2008 by providing evidence that consultation responses have been taken into account during the preparation of the application. Evidence is provided in Chapter 6.

Reporting statutory consultation responses: Issues-led approach

If the level of response was significant it may be appropriate to group responses under headline issues. Care must be taken to ensure that in doing this the responses are not presented in a misleading way or out of context from the original views of the consultee. This advice has been considered in the grouping of responses in Chapter 6.

An explanation of the process by which consultation responses were grouped and organised (coded) is helpful, including any safeguards and cross checking that took place to ensure that the responses were grouped appropriately. Please see 6.1.3 and 6.4.6.

Reporting statutory consultation responses: Summary of responses

A summary of the individual responses received should be provided and categorised in an appropriate way. Please see sections 6.2, 6.3 and 6.4.

The summary of the responses should identify comments that are relevant (directly or indirectly) to changes made to the project during the Pre-application stage. Please see section 6.6.

It is also necessary to explain why responses have led to no change, including where responses have been received after deadlines set by the Applicant. The Applicant has summarised where responses have led to no change and why in section 6.6 and provided full detail in **Appendix I-1 (Document Reference 7.2.18)**.

Virtual consultation methods

If virtual consultation methods were planned, then this should be reflected in the SoCC. In the usual way, the relevant local authorities will have been consulted about this and their feedback reported in the Consultation Report.	The local authority's response to the SoCC is detailed in 5.2.18 and evidence of their feedback is provided in Appendix C-1 (Document Reference 7.2.6) and Appendix C-3 (Document Reference 7.2.8) .
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Where virtual consultation methods were deployed as a reaction to external circumstances then it is important that the views of the relevant local authorities are captured in the Consultation Report.	The local authority's response to the SoCC is detailed in 5.2.18 and evidence of their feedback is provided in Appendix C-1 (Document Reference 7.2.6) and Appendix C-3 (Document Reference 7.2.8) .
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If no review and update of the SoCC took place under the provisions of the PA2008, then this should be justified in the Consultation Report with reference to the views of the relevant local authorities about the approach adopted.	Regard had to local authority responses to the draft SoCC is reported in section 5.2.20-21.
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Data protection and redaction guidance

Applicants must ensure that the Consultation Report complies with data protection legislation eg personal data of individuals is treated appropriately.	Personal data has been redacted in compliance with data protection legislation.
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7.1.4. The Applicant considers that it has met the statutory requirements of the pre-application process. As set out in section 2.3, the Applicant has undertaken a programme of non-statutory and statutory consultation.

7.1.5. At each stage, the Applicant has considered and complied with relevant advice and guidance. The information included in **Tables 7-1 and 7-2** supports this through direct reference to DLUHC's and the Planning Inspectorate's guidance on the pre-application process.

7.1.6. As well as preparing this report, the Applicant has set out how it has complied with guidance and advice on consultation in the s55 checklist that is also part of the DCO application documents.