



Planning Act 2008  
Infrastructure Planning  
(Applications Prescribed  
Forms and Procedure)  
Regulations 2009

Regulation 5(2)(a)

# North Lincolnshire Green Energy Park

Volume 6

Environmental Statement  
6.2.2 Chapter 2: Policy and Legislative Context

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## Acronyms and Abbreviations

Name	Description
BAT	Best Available Techniques
BEIS	Department for Business, Energy and Industrial Strategy
CHP	Combined Heat and Power
DCLG	Department for Communities and Local Government
DEFRA	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
DCO	Development Consent Order
DHPWN	District Heat and Private Wire Network
EMFs	Electric and Magnetic Fields
ERF	Energy Recovery Facility
EIA	Environmental Impact Assessment
ES	Environmental Statement
EU	European Union
HRA	Habitats Regulations Assessment
IED	Industrial Emissions Directive
LDF	Local Development Framework
MCAA	Marine and Coastal Access Act
MMO	Marine Management Organisation
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
NLGEP	North Lincolnshire Green Energy Park
PV	Photovoltaic
PA	Planning Act
PINS	Planning Inspectorate
PPG	Planning Practice Guidance
SoS	Secretary of State
S21	Solar 21
SOCC	Statement of Community Consultation
SuDS	Sustainable Drainage Systems
TCPA	Town and Country Planning Act
UK	United Kingdom
WFD	Waste Framework Directive
WFD	Water Framework Directive

# 1. INTRODUCTION

1.1.1.1 This chapter provides an overview of the policy and legislative context relevant to the Project.

1.1.1.2 This chapter is structured as follows:

- Section 2 summarises the status of legislation following the UK’s withdrawal from the European Union.
- Section 3 describes the legislative and decision-making framework set out in the Planning Act 2008.
- Section 4 provides an overview of National Policy of most relevance to the Project, including waste policy.
- The local planning documents considered to be of most relevance to the Project are set out in section 5.

1.1.1.3 The table below summarises the key legislation and policies relevant to the consideration of the Development Consent Order (DCO) Application.

**Table 1: Key Legislation & Policy relevant to the Project**

Type	Legislation / Policy
Legislation	European Directives: <ul style="list-style-type: none"> <li>■ EIA Directive (2011/92/EU) as amended by EIA Directive (2014/52/EU)</li> <li>■ Habitats Directive (92/43/EEC)</li> <li>■ Landfill Directive (1999/31/EC)</li> <li>■ Waste Framework Directive (2008/98/EC) (as amended)</li> <li>■ Air Quality Directive (2008/50/EC)</li> <li>■ Industrial Emissions Directive (2010/75/EU)</li> <li>■ Water Framework Directive (2000/60/EC)</li> <li>■ Energy Efficiency Directive (2012/27/EU) (as amended)</li> <li>■ Flood Directive (2007/60/EC)</li> <li>■ Renewable Energy Directive (2009/28/EC)</li> <li>■ Birds Directive (2009/147/EC)</li> </ul>
	The European Union (Withdrawal Agreement) Act 2020
	The Planning Act 2008 (as amended)
	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regulations)
	The Infrastructure Planning (Applications Prescribed Forms and Procedure (APFP)) Regulations 2009
	Environment Act 1995
	Environmental Protection Act 1990 (as amended)
	Wildlife and Countryside Act 1981 (as amended)
	Conservation of Habitats and Species Regulations 2017 as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019
	Control of Pollution Act 1974 (COPA) (as amended)

Type	Legislation / Policy
	The Environmental Permitting (England and Wales) Regulations 2016 (as amended)
	The Hedgerow Regulations 1997 (as amended)
	The Natural Environmental and Rural Communities Act 2006 ('NERC') (as amended)
	Countryside and Rights of Way (CRoW Act 2000)
	The Commons Act (2006)
	Ancient Monument and Archaeological Areas Act (1979)
	Flood and Water Management Act 2010
	Flood Risk Regulations 2009
	Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
	The Water Resources Act 1991
	The Land Drainage Act 1991
	Water Act 2003
	Air Quality (England) Regulations 2000 (Statutory Instrument S.I.2000/928)
	Air Quality (Amendment) (England) Regulations 2002 (S.I. 2002/3043)
	Air Quality Standards (England) Regulations 2010 (S.I. 2010/1001)
	Air Quality Standards (Amendment) Regulations 2016 (S.I. 2016/1184)
	The Highways Act 1980
	Traffic Management Act 2004
	Climate Change Act 2008
	Health and Safety at Work Act 1974
	Construction Design and Management (CDM) Regulations 2015
	Control of Major Accident Hazard (COMAH) Regulations 2015
<b>National Policy</b>	Overarching National Planning Policy Statement for Energy (EN-1) (DECC, 2011a).
	National Policy Statement for Renewable Energy Infrastructure (EN-3) (DECC, 2011b)
	National Policy Statement for Electricity Networks Infrastructure (EN-5) (DECC, 2011)
	National Planning Policy Framework (NPPF) (2021)
	National Planning Policy for Waste (NPPW) (2015)
	Waste Management Plan for England (2021)
<b>Local Policy</b>	The North Lincolnshire Council Local Plan (2003) Saved Policies (2007)
	The Local Development Framework (LDF) Core Strategy (2011)
	The Local Development Framework (LDF) Housing and Employment Land Allocations Development Plan Document (2016)
	The Local Development Framework (LDF) Lincolnshire Lakes Area Action Plan (2016)

<b>Type</b>	<b>Legislation / Policy</b>
	Planning for Renewable Energy Development Supplementary Planning Document (2011)
	Sustainable Drainage Systems (SuDS) and Flood Risk Guidance (2017)
	North Lincolnshire Transport Plan 2011 - 2026
	North Lincolnshire Council's Municipal Waste Management Strategy (2012)

## 2. THE EUROPEAN UNION (WITHDRAWAL AGREEMENT) ACT 2020

2.1.1.1 Based on the outcome of a referendum held in the UK on 23rd June 2016, the UK left the European Union as a member state on 31st January 2020. The Withdrawal Agreement provided for a transition period ending on 31st December 2020. Until that date, EU law in its entirety applied to and in the UK.

2.1.1.2 Much of the UK's environmental legislation and the EIA Regulations that underpin the DCO process itself, are derived from EU Directives. The European Union (Withdrawal) Act 2020 ensured that all EU legislation which had not already been transposed into UK law at the point at which the UK left the EU was transferred to the UK statute. The European Union (Withdrawal) Act 2020 guarantees that those laws remain unchanged until amended or rescinded by Parliament.

### 3. THE PLANNING ACT 2008

- 3.1.1.1 The DCO process is established through the Planning Act 2008 as amended (the 2008 Act) for infrastructure projects of national significance. The Energy Recovery Facility (ERF) element of the Project falls under the definition of a Nationally Significant Infrastructure Project (NSIP) as its generating capacity exceeds the 50 MW threshold stipulated in Section 15(2) of the 2008 Act. Under Section 31 of the 2008 Act, any developer wishing to construct a project classified as an NSIP must apply for Development Consent.
- 3.1.1.2 Section 115 of the 2008 Act provides that, in addition to the development for which development consent is required (the principal development), consent may also be granted for 'associated development', that is, development that is associated with the principal development but is not part of it. This may be development that supports the construction or operation of the NSIP, or which helps to address the impacts of the NSIP. Associated development should be proportionate to the nature and scale of the principal development. Chapter 3 of the ES provides a full list of the elements of the Project considered to be associated development for the purposes of Section 115 of the 2008 Act.
- 3.1.1.3 The 2008 Act (as amended) provides the legal framework for the application, examination and determination of an NSIP project. It creates a consenting system specifically for NSIP projects that includes a number of steps and processes that are not necessary for smaller developments under the Town and Country Planning Act (TCPA) consenting system. By providing an umbrella consent for NSIPs, it also excludes the need for the following:
- planning permission under the Town and Country Planning Act 1990;
  - consent under section 36 or 37 of the Electricity Act 1989;
  - listed building and conservation area consent under the Planning (Listed Buildings and Conservation Areas) Act 1990; and
  - Scheduled Monument consent under the Ancient Monuments and Archaeological Areas Act 1979.
- 3.1.1.4 Under the 2008 Act, the policy framework for examining and determining applications for a DCO is provided by National Policy Statements (NPS).



## 4. NATIONAL PLANNING POLICY

### 4.1 NATIONAL POLICY STATEMENTS

4.1.1.1 The primary policy framework for examining and determining DCO applications in England and Wales is provided by National Policy Statements (NPS). Section 104 of the 2008 Act (as amended) states that in deciding an application for development consent, the Secretary of State must have regard to any relevant NPS, except in cases where:

- it would lead to the United Kingdom being in breach of any of its international obligations;
- it would lead to the Secretary of State being in breach of any duty imposed on the Secretary of State by or under any enactment;
- it would be unlawful;
- the adverse impact of the proposed development would outweigh its benefits; or
- it would be contrary to regulations about how decisions are to be taken.

4.1.1.2 The 2020 UK Government Energy White Paper (EWP) confirms that the government has 'decided that it is appropriate to review the NPS, to ensure that they reflect the policies set out in this white paper and that we continue to have a planning policy framework which can deliver the investment required to build the infrastructure needed for the transition to net zero'.

4.1.1.3 The NPS review has been conducted and it was determined that the existing EN-1 to EN-5 documents should be amended. Subsequently, on 6th September 2021, BEIS published for consultation a suite of five draft National Policy Statements. This consultation sought views on whether the revised NPS represent a suitable decision making framework alongside appraisal on sustainability and habitat regulations grounds. Consultation on the draft National Policy Statements closed on 29th November 2021.. The House of Commons BEIS Committee reported on the Revised (Draft) National Policy Statement for Energy on 22<sup>nd</sup> February 2022, providing recommendations in relation to the suite of revised draft NPSs.

4.1.1.4 In terms of transitional arrangements, the 2021 Planning for New Energy Infrastructure consultation documents confirm that 'for any application accepted for examination before designation of the 2021 amendments, the 2011 suite of NPSs should have effect in accordance with the terms of those NPS. The updated NPSs will therefore have effect only in relation to those applications for development consent accepted for examination after the designation of those updated NPS.

4.1.1.5 NPS EN-1 also confirms that 'any emerging draft NPS (or those designated but not having effect) are potentially capable of being important and relevant considerations in the decision- making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act and with regard to the specific circumstances of each development consent order application'.

4.1.1.6 The expectation is that the updated suite of Energy NPS will be designated in late Spring 2022.

#### **4.1.2 Overarching National Planning Policy Statement for Energy (EN-1)**

4.1.2.1 NPS EN-1 (DECC, 2011a) sets out the national policy for the delivery of energy infrastructure. Part 2 of the NPS recognises that energy is vital to economic prosperity and social well-being and thus establishes that it is important to ensure that the UK has secure and affordable energy. Part 2 also confirms the Government's commitment to meet its (then) legally binding target to cut greenhouse gas emissions by at least 80% by 2050 (compared to 1990 levels), as well as the need to move towards a low-carbon economy so as to reduce greenhouse gas emissions<sup>1</sup>. The importance of having a secure and reliable supply of electricity as the UK moves towards a low-carbon economy is also recognised.

4.1.2.2 Part 3 of the NPS outlines the need for new energy infrastructure. Notably, paragraph 3.1.3 stresses that the Secretary of State (SoS) should 'assess applications for development consent for the types of infrastructure covered by the energy NPSs on the basis that the Government has demonstrated that there is a need for those types of infrastructure' with the scale and urgency of that need being described in the relevant part of EN-1. Paragraph 3.1.4 confirms that the SoS should give substantial weight to the contribution that all projects would make toward satisfying this need when considering applications under the PA 2008<sup>2</sup>.

4.1.2.3 Paragraph 3.4.3 notes that energy from waste constitutes a form of renewable generation where it reduces the amount of waste going to landfill in accordance with the Waste Hierarchy and recovers energy from that waste as electricity or heat<sup>3</sup>.

4.1.2.4 The general assessment principles against which DCO applications relating to energy infrastructure will be considered are outlined in detail in Part 4 of the NPS. Paragraph 4.1.2 explains that given the level of urgency and need for infrastructure of the types covered by the energy NPS (set out in part 3 of NPS EN-1), the SoS should start with a presumption in favour of granting consent to applications for energy NSIPs. It goes on to state that the presumption applies unless any more specific and relevant policies set out in the relevant NPS clearly indicate consent should be refused.

4.1.2.5 Paragraph 4.1.3 states in considering any proposed development, the decision maker should consider:

- 'its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and

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<sup>1</sup> Section 2.2. of the revised version of NPS EN-1 published for consultation refers to the UK's latest commitments to reach net zero greenhouse gas emissions by 2050.

<sup>2</sup> These matters are reiterated in paragraphs 3.2.5 and 3.2.6 of the revised version of NPS EN-1.

<sup>3</sup> Energy from waste remains a form of renewable energy in the revised version of NPS EN-1.

- its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.’
- 4.1.2.6 In the context of the above, paragraph 4.1.4 states that the decision maker should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels.
- 4.1.2.7 All assessment principles detailed in this Part are considered relevant to the Project at this stage and include: Environmental Statement, Habitat and Species Regulations, alternatives, criteria for “good design” for energy infrastructure, consideration of Combined Heat and Power (CHP), Carbon Capture Storage (CCS) and Carbon Capture Readiness (CCR), climate change adaptation, grid connection, pollution control and other environmental regulatory regimes, safety, hazardous substances, health, common law nuisance and statutory nuisance, and security considerations.
- 4.1.2.8 Part 5 of NPS EN-1 details the generic impacts which can arise from the development of any type of energy infrastructure covered by NPSs, noting the list provided in this Part (as well as those provided in the relevant technology specific NPS) are not exhaustive. Paragraph 5.1.2 confirms that the NPS address those impacts and means of mitigation that are anticipated to arise most frequently; they are not intended to provide a list of all possible effects or ways to mitigate such effects.
- 4.1.2.9 Chapters 5 to 17 of this ES consider the relevant generic impacts of the Project.
- 4.1.2.10 The technology-specific NPS provide further detail on the way in which the generic impacts detailed in NPS EN-1 should be considered in the context of applications for the specific technology in question. The technology-specific NPS relevant to the Project are summarised below. The Planning Statement (**Document Reference 5.1**) provides a detailed assessment of the Project against the requirements of the relevant NPS.

### **4.1.3 National Policy Statement for Renewable Energy Infrastructure (EN-3)**

- 4.1.3.1 NPS EN-3 (DECC, 2011b) describes the position of renewable energy projects within the Government’s vision of a low-carbon economy, including the increasing role of waste combustion in meeting the UK’s energy needs. NPS EN-3 is applicable to the Project since it applies to nationally significant energy from biomass/waste infrastructure in England and Wales with at least 50 MW electrical generating capacity.
- 4.1.3.2 In addition to the general assessment principles outlined in NPS EN-1, Part 2 of NPS EN-3 outlines the assessment principles against which DCO applications relating to renewable energy infrastructure will be considered.
- 4.1.3.3 Section 2.5 of NPS EN-3 relates to biomass and waste combustion processes. Paragraph 2.5.9 refers specifically to the use of solid recovered fuel (SRF) from waste. For clarity and for the purposes of this ES, SRF as referred to in paragraph 2.5.9 of NPS EN-3 is the same as refuse derived fuel (RDF) and, therefore RDF (or ‘feedstock’) is used for consistency.
- 4.1.3.4 The following assessment principles are considered relevant to the Project:

- National designations;
- Air Quality and Emissions;
- Landscape and Visual;
- Noise and Vibration;
- Odour, Insect and Vermin Infestation;
- Waste Management;
- Residue Management, and;
- Water Quality and Resources.

4.1.3.5 Chapters 5 to 19 of this ES consider the relevant renewable energy specific impacts of the Project.

4.1.3.6 NPS EN-3 also details the use of the 'Rochdale Envelope' method to allow flexibility in NSIP projects where some details will not be known at the point of submission or until after consent is granted. The 'Rochdale Envelope' method allows the maximum adverse case scenario to be assessed in the ES and considered by the Examining Authority.

#### **4.1.4 National Policy Statement for Electricity Networks Infrastructure (EN-5)**

4.1.4.1 NPS EN-5 (DECC, 2011) describes the position of electricity generating infrastructure within the Government's vision of a low-carbon economy and desire to maintain security of supply.

4.1.4.2 In addition to the general assessment principles outlined in NPS EN-1, Part 2 of NPS EN-5 outlines the assessment principles against which DCO applications relating to electricity networks infrastructure will be considered. The policy in EN-5 regarding Electric and Magnetic Fields (EMF) is considered relevant to the Project

#### **Revised draft National Policy Statements (EN-1, EN-3 and EN-5), (BEIS, 2021)**

4.1.4.3 As noted above, the suite of energy NPSs are currently being reviewed by the Government.

4.1.4.4 Revised NPS EN-1 continues to give strong support to energy from waste, where it reduces the amount of waste going to landfill in line with the waste hierarchy (paragraph 3.3.33). Energy from waste continues to be recognised as a renewable technology and paragraph 3.3.44 continues to state that the need for such infrastructure is established by the NPS and is urgent.

4.1.4.5 Paragraph 2.4.4 recognises the benefits of introducing carbon capture into energy from waste facilities and states that the Government will incentivise the deployment of carbon capture technology through the Industrial Carbon Capture Business Model for industrial users who often have no viable alternatives available to achieve deep decarbonisation, which could include Energy from Waste facilities.

4.1.4.6 Draft NPS EN-3 contains similar policy criteria to the adopted versions in relation to specific impacts for biomass and waste combustion. In addition it states at paragraph 2.10.4 that applicants must demonstrate that proposed

EfW plants are in line with Defra's policy position on the role of energy from waste in treating municipal waste and (paragraph 2.10.5) that the proposed plant must not result in over-capacity of EfW waste treatment at a national or local level.

4.1.4.7 The House of Commons BEIS Committee Report (February 2022) contains a number of recommendations on the revised draft energy NPSs. A strong and clear recommendation is that the draft NPS need to go further given the urgency of the need. Recommendation 2 states:

"As currently drafted, revised (draft) EN-1 does not provide the "step change" needed to deliver the required scale of new NSIPs at a sufficiently rapid pace to deliver the Government's net zero aims. This is largely due to ambiguity in the drafting about the relative weight of 'climate change' relative to local impacts to be taken into account in making planning decisions. We recommend that revised (draft) EN-1 be further amended to make the Government's commitment to net zero more explicit and to provide a clear and unambiguous direction to the Secretary of State to prioritise the importance of climate change in decision-making. (Paragraph 24)"

4.1.4.8 The report concludes at paragraph 18:

"Overall, we recommend that the revised (draft) NPS needs to place greater emphasis on the impact of climate change and the speed at which new infrastructure will need to be built to meet the Government's net zero target. It must clearly articulate how the decision-making process will weigh the urgent need for developments which contribute to climate change mitigation, against other relevant considerations. It must unambiguously express that the prime consideration for planning consent for NSIPs for renewable energy is the overall contribution to mitigating climate change and reducing emissions. (Paragraph 74)"

## 4.2 NATIONAL PLANNING POLICY FRAMEWORK

4.2.1.1 The National Planning Policy Framework (NPPF), as revised in 2021, sets out the government's planning policies for England and how these are expected to be applied. It sets out economic, social and environmental objectives for achieving sustainable development through development plans and development management decisions.

4.2.1.2 The revised NPPF does not contain waste-specific policies. Instead, paragraph 4 states the Framework should be read in conjunction with the Government's planning policy for waste. The UK Government's National Planning Policy for Waste is outlined in more detail in Section 4.4 below.

4.2.1.3 Paragraph 5 of the NPPF states that the Framework does not contain specific policies for NSIPs which, it confirms, are instead determined in accordance with the decision making framework in the Planning Act (2008) (as amended) and relevant NPS as well as any other matters that are relevant (which may include the NPPF).

4.2.1.4 Appendix B provides a detailed summary of the NPPF policies considered relevant to the Project.

## 4.3 PLANNING PRACTICE GUIDANCE

4.3.1.1 The NPPF is supported by Planning Practice Guidance (PPG) which was first published in March 2015. This guidance is updated on a regular basis and provides advice on the implementation of NPPF policies. The key PPG topics considered relevant to the Project at this stage are as follows:

- Air Quality;
- Climate Change;
- Environmental Impact Assessment;
- Flood Risk and Coastal Change;
- Hazardous substances;
- Historic Environment;
- Land Affected by Contamination;
- Natural Environment;
- Noise;
- Renewable and Low Carbon Energy, and;
- Waste

## 4.4 WASTE POLICY

### 4.4.1 *National Planning Policy for Waste*

4.4.1.1 The National Planning Policy for Waste (Department for Communities and Local Government DCLG, 2014) (now the Department for Levelling Up, Housing and Communities) outlines the government's ambition to work towards a more sustainable and efficient approach to resource use and management. It sets out detailed waste planning policies for England and recognises that positive planning plays a pivotal role in delivering the country's waste ambitions through:

- 'delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy;
- ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;
- providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;
- helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and
- ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport

links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.’

4.4.1.2 The NPPW gives consideration to the need for and appropriate siting of all types of waste management facilities including the siting of low-carbon energy recovery facilities. It sets out the principles upon which proposals for waste management facilities should be determined and highlights the importance of good design in achieving favourable planning outcomes.

#### **4.4.2 'A Green Future: Our 25 Year Plan to Improve the Environment'**

4.4.2.1 The UK government’s environment plan sets out goals for improving the environment within a generation and leaving it in a better state and details how this is to be achieved. Amongst other goals and targets, chapter 4 of the environment plan seeks to minimise waste, reuse materials and manage materials at the end of their lifetime to minimise the impact on the environment by:

- ‘working towards our ambition of zero avoidable waste by 2050
- working to a target of eliminating avoidable plastic waste by end of 2042
- meeting all existing waste targets – including those on landfill, reuse and recycling – and developing ambitious new future targets and milestones
- seeking to eliminate waste crime and illegal waste sites over the lifetime of this Plan, prioritising those of highest risk. Delivering a substantial reduction in litter and littering behaviour
- significantly reducing and where possible preventing all kinds of marine plastic pollution – in particular material that came originally from land’

#### **4.4.3 Resources and Waste Strategy**

4.4.3.1 The Resources and Waste Strategy (2018) sets out how the government will preserve material resources by minimising waste, promoting resource efficiency and moving towards a circular economy in England. It sets out how the government will minimise the damage caused to the natural environment by reducing and managing waste safely and carefully, and by tackling waste crime.

4.4.3.2 The Strategy combines actions with firm commitments for the coming years and gives a clear longer-term policy direction in line with the 25 Year Environment Plan. Such actions include driving greater efficiency of energy from waste plants by encouraging use of the heat the plans produce.

#### **4.4.4 Waste Prevention Programme for England**

4.4.4.1 The Waste Prevention Programme for England is a requirement of the revised Waste Framework Directive (2008/98/EC). It sets out the government’s view of the key roles and actions which should be taken to move towards a more resource efficient economy.

4.4.4.2 In 2021 the government consulted on a new waste prevention programme titled ‘Waste Prevention Programme for England: Towards a Resource Efficient Economy’. Strategic goals of this new Programme include increasing

resource efficiency, minimising waste and reducing greenhouse gas emissions.

#### **4.4.5 Waste Management Plan for England**

4.4.5.1 The recently updated Waste Management Plan for England (Department for Environment Food and Rural Affairs (DEFRA), 2021) provides an overview of the current waste management situation in England and is designed to meet mandatory requirements of the Waste Framework Directive and the Waste (England and Wales) Regulations 2011.

4.4.5.2 The Plan describes the position of energy recovery from waste within a waste management hierarchy, stating that the government supports efficient energy recovery from residual waste and recognises that energy from waste is generally the best management option for waste that cannot be reused or recycled in terms of environmental impact and getting value from the waste as a resource. The Plan also recognises that energy recovery from waste plays an important role in diverting waste from landfill.

#### **4.4.6 Energy from Waste Guidance**

4.4.6.1 In 2014, DEFRA produced “Energy from waste – A guide to the debate” (DEFRA, 2014). It sets out the environmental case for energy from waste or energy recovery facilities versus other waste destinations such as landfill and gives an overview of the key issues relating to energy recovery and the planning and development of energy recovery facilities.



## 5. LOCAL PLANNING POLICY CONTEXT

5.1.1.1 Whilst NPS are the primary policy documents used to determine DCO applications, NPS EN-1 recognises that other matters may also be important in the decision-making process such as Development Plan Documents or other legacy documents prepared under the former Local Development Framework system.

5.1.1.2 In local policy terms, the Project lies entirely within the administrative district of North Lincolnshire Council (North Lincolnshire), which is a unitary authority.

5.1.1.3 The key local planning policy and guidance documents considered relevant to the Project are as follows:

- The North Lincolnshire Council Local Plan (2003) Saved Policies (2007);
- The Local Development Framework (LDF) Core Strategy (2011);
- The Local Development Framework (LDF) Housing and Employment Land Allocations Development Plan Document (2016);
- The Local Development Framework (LDF) Lincolnshire Lakes Area Action Plan (2016);
- Planning for Renewable Energy Development Supplementary Planning Document (2011);
- Sustainable Drainage Systems (SuDS) and Flood Risk Guidance (2017);
- North Lincolnshire Transport Plan 2011 – 2026, and;
- North Lincolnshire Council Municipal Waste Management Strategy (2012).

5.1.1.4 Whilst the Application Land primarily lies outside any specific local policy designations, the Housing and Employment Land Allocations Development Plan Document proposals map (which incorporates the saved North Lincolnshire Local Plan Policies) indicates that the Energy Park Land partially lies within the development limits of Flixborough Industrial Estate and small parts of the Application Land are subject to the following policy designations<sup>4</sup>:

- Cycle Route – Saved Local Plan Policy T7;
- Area for future sand extraction - Saved Local Plan Policy M12 (site reference M12-1);
- Landscape Proposal – Saved Local Plan Policy LC15 (site references, LC15-1 and LC15-2);
- Environmental Enhancement and Habitat Restoration – Saved Local Plan Policy IG2 (site reference IG2-3);
- Local Nature Reserve – Saved Local Plan Policy LC3 (site reference LC3-2);

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<sup>4</sup> The Order Limits were overlaid onto pdf versions of the Housing and Employment Land Allocations Development Plan Document proposals map available online. Therefore, the precise position of the Order Limits in relation to the policy designations should not be measured off these plans.

- Site of Special Scientific Interest – Saved Local Plan Policy LC2;
- Proposed Employment - (allocation site references SCUE-1<sup>5</sup>);
- Proposed Motorised Recreations – Saved Local Plan Policy IG6;
- Proposed Geological Research – Saved Local Plan Policy IG7;
- Area of Amenity Importance – Saved Local Plan Policy LC11; and
- Proposed Housing Land – (allocation site references SCUH-1<sup>6</sup> and SCUH-10<sup>7</sup>).

5.1.1.5 Figure 1 - 5 in Appendix A illustrates the extent of the Application Land combined with the relevant Housing and Employment Land Allocations Development Plan Document proposals map and insets.

5.1.1.6 North Lincolnshire Council is currently in the process of preparing a new Local Plan and in October 2021 began public consultation on their Publication Draft. The consultation ran from 15<sup>th</sup> October until 26<sup>th</sup> November 2021. Once formally adopted it will replace the current saved North Lincolnshire Local Plan, the Core Strategy, the Housing and Employment Land Allocations Development Plan Document and the Lincolnshire Lakes Area Action Plan.

5.1.1.7 Appendix B contains a summary of the adopted and emerging Local Plan policies considered relevant to the Project. Local policies specific to each technical topic are also described in more detail in the respective chapters of this ES.

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<sup>5</sup> Employment allocation taken forward in North Lincolnshire Council's Draft Local Plan (Publication Draft) under site reference EC1-1 – Normanby Enterprise Park.

<sup>6</sup> Housing allocation taken forward in North Lincolnshire Council's Draft Local Plan (Publication Draft) under site reference H1P-1 – Land at Phoenix Parkway Phase 1.

<sup>7</sup> No longer a housing allocation in North Lincolnshire Council's Draft Local Plan (Publication Draft).

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- North Lincolnshire Council (2016a). The Local Development Framework (LDF) Housing and Employment Land Allocations Development Plan Document.

- North Lincolnshire Council (2016b). The Local Development Framework (LDF) Lincolnshire Lakes Area Action Plan.
- The North Lincolnshire Council Local Plan (2003) Saved Policies (2007)
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## **APPENDIX A      FIGURES**

Date: May 2022

North Lincs Green Energy Park

**Title** Figure 1 - Housing and Employment Land Allocations Development Plan Document proposals map

**Client Information**

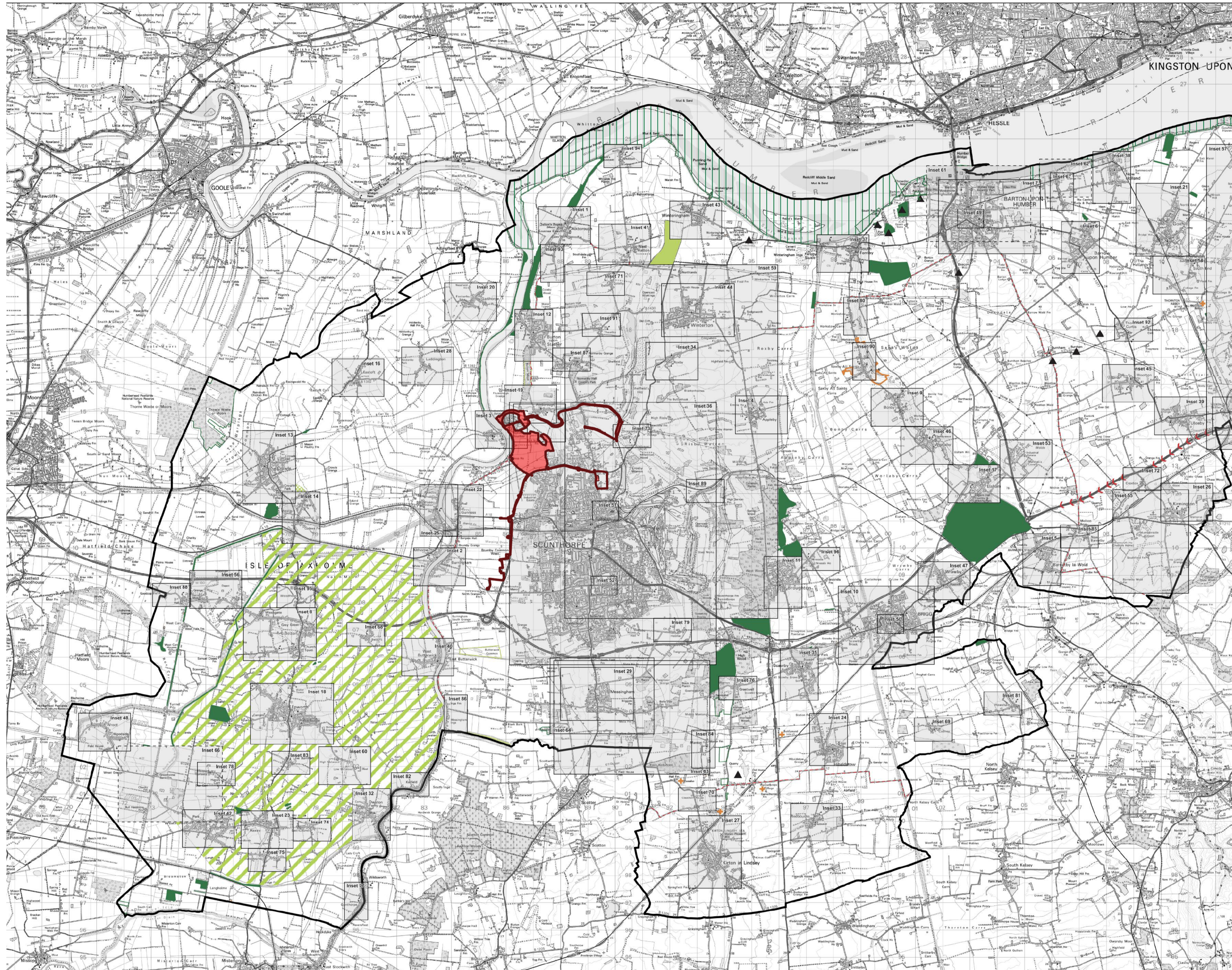
**Client** North Lincolnshire Green Energy Park Limited  
**PINS Proj No** EN010116  
**Date** 2022-01-11  
**Drawn by** KW  
**Checked by** SC  
**Version** P0

**Map Information**

**CRS EPSG** n/a  
**CRS** n/a  
**Name** n/a  
**Scale** n/a  
**QGIS File** n/a

**Legend**

- Application Land
- Order Limits
- North Lincolnshire Boundary
- Inset Area (with relevant inset no.)
- Minerals Inset (with relevant inset no.)
- Historic Landscape Value
- Area of Amenity Importance
- Ramsar/SPA
- SSSI
- Local Nature Reserve
- Sites of Importance for Nature Conservation
- Landscape Proposal/Defined Industrial Area Buffer
- Conservation Area
- Listed Building
- Ancient Monument
- Wharf Location
- Projected New Route
- Cycle Routes
- Playing Field
- RIGS
- Proposed Footpath



# North Lincs Green Energy Park

**Title** Figure 2 - Housing and Employment Land Allocations Development Plan Document proposals Inset Map 03- Amcotts & Flixborough Industrial Estate








## Client Information

**Client** North Lincolnshire Green Energy Park Limited  
**PINS Proj No** EN010116  
**Date** 2022-01-11  
**Drawn by** KW  
**Checked by** SC  
**Version** P0

## Map Information

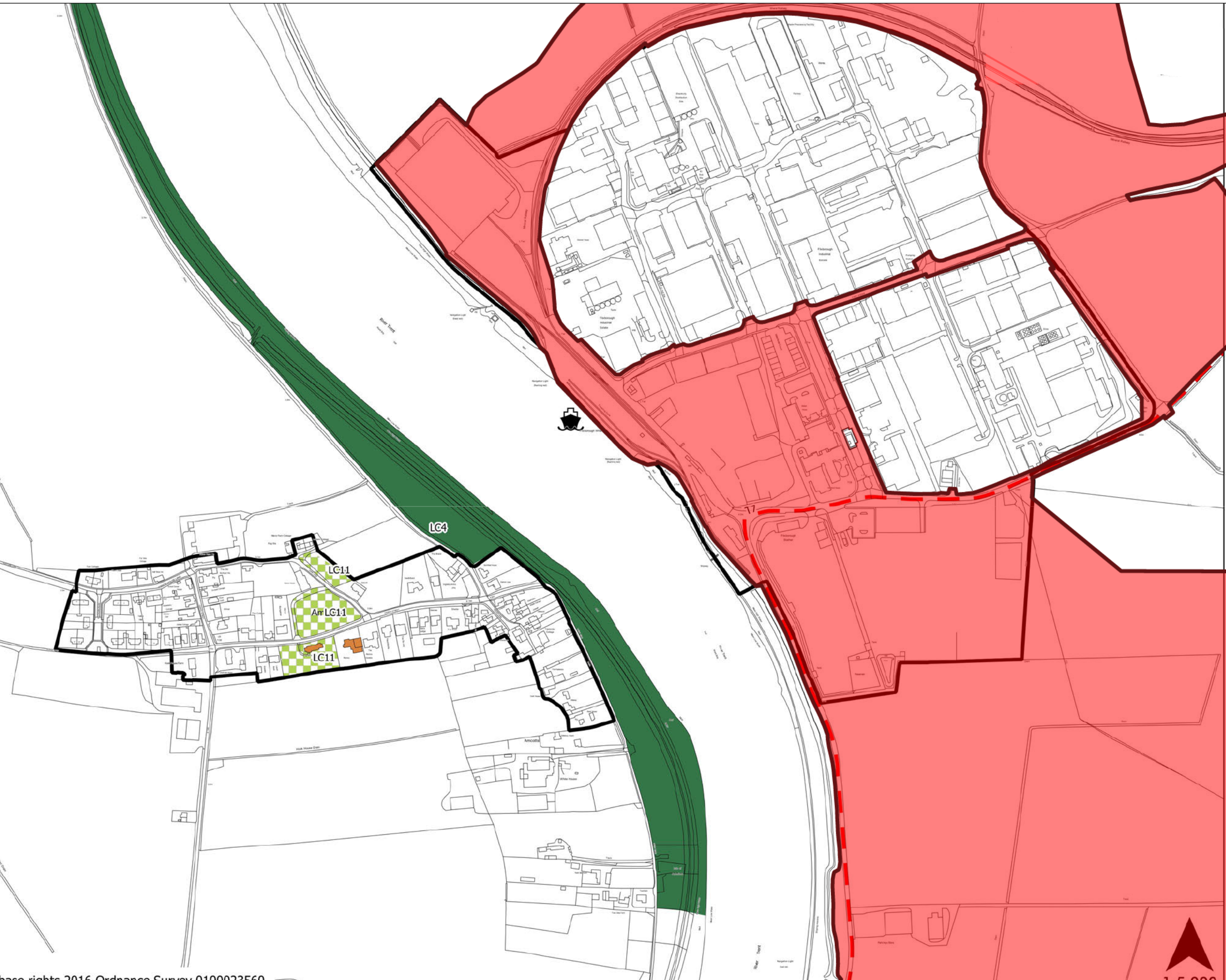
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## Legend

-  Application Land
-  Order Limits
-  Site of Importance for Nature Conservation
-  Area of Amenity Importance
-  Listed Buildings
-  Cycle Path
-  Development Limit

## Map Information/Comments

Base Map: North Lincolnshire Council's Housing and Employment Land Allocations Development Plan Document proposals map



# North Lincs Green Energy Park

**Title** Figure 3 - Housing and Employment Land Allocations Development Plan Document Proposals Inset Map 19- Flixborough

## Client Information

<b>Client</b>	North Lincolnshire Green Energy Park Limited
<b>PINS Proj No</b>	EN010116
<b>Date</b>	2022-01-11
<b>Drawn by</b>	KW
<b>Checked by</b>	SC
<b>Version</b>	P0

## Map Information

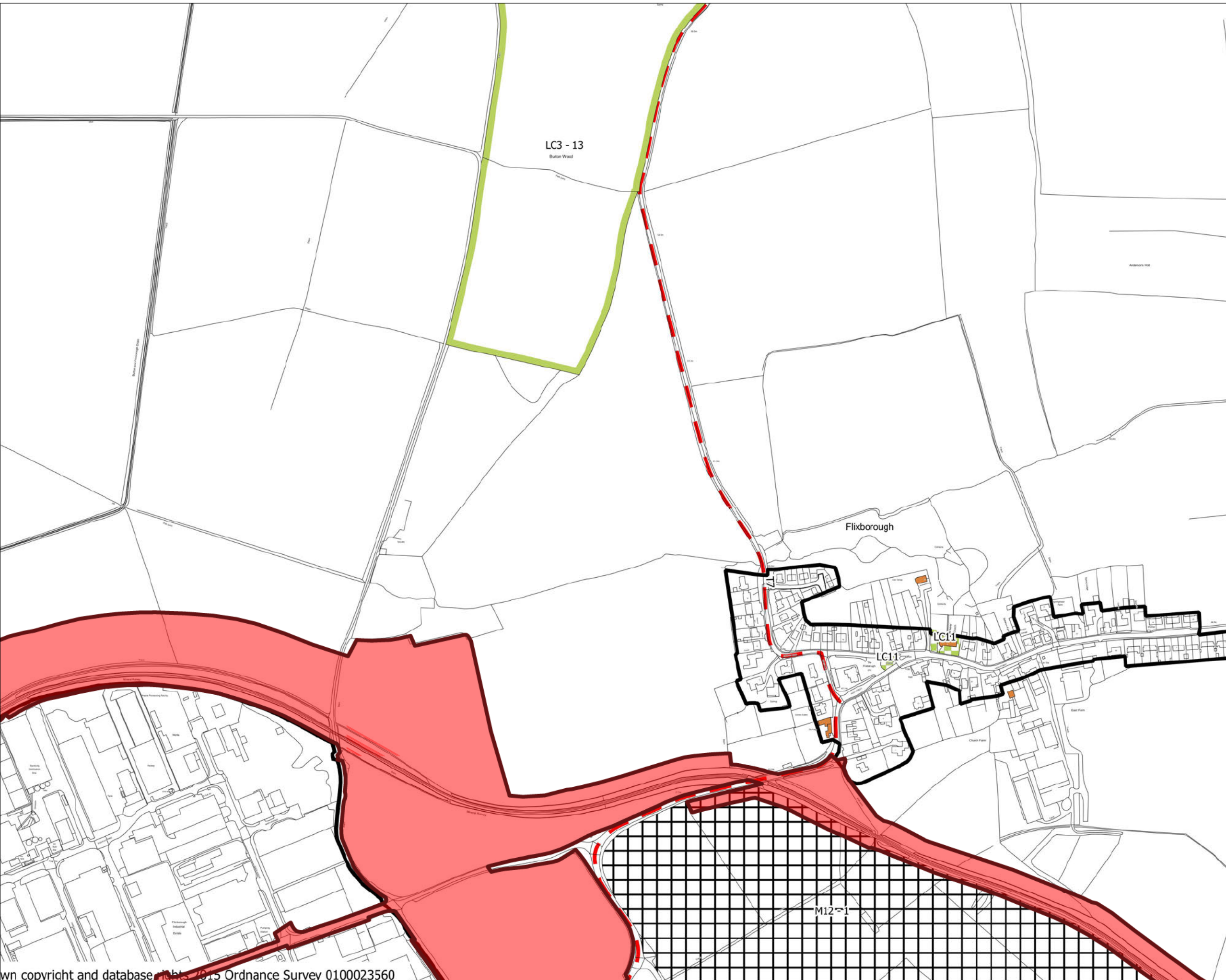
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<b>QGIS File</b>	n/a

## Legend

- Application Land
- Order Limits
- Local Nature Reserve
- Area of Amenity Importance
- Listed Building
- Cycle Path
- Area For Future Sand Extraction
- Development limits

## Map Information/Comments

Base Map: North Lincolnshire Council's Housing and Employment Land Allocations Development Plan Document proposals map





**North Lincs Green Energy Park**

**Title** Figure 4 - Housing and Employment Land Allocations Development Plan Document Proposals Inset Map 36- Scunthorpe and Bottesford Urban Area

**Client Information**

**Client** North Lincolnshire Green Energy Park Limited  
**PINS Proj No** EN010116  
**Date** 2022 01 11  
**Drawn by** KW  
**Checked by** SC  
**Version** P0

**Map Information**

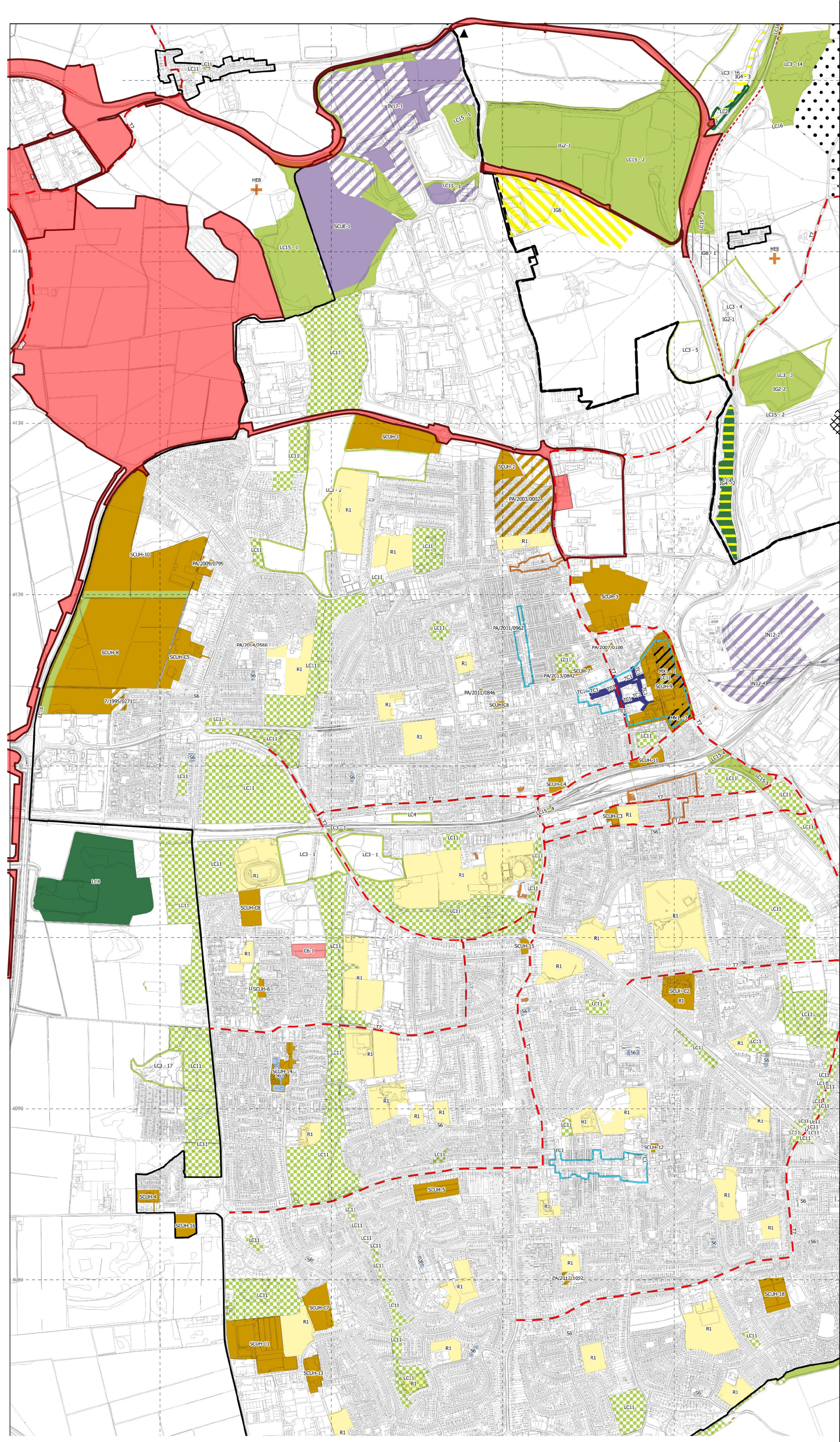
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**Legend**

- Application Land
- Order Limits
- Development Limit
- Committed Housing
- Proposed Housing
- Proposed Employment
- Town/District Shopping Centre
- Inset Area (with relevant Inset no.)
- Area of Amenity Importance
- Local Nature Reserve
- Site of Importance for Nature Conservation
- Landscape Proposal /Defined Industrial Area Buffer
- Local Shopping Area
- Primary Shopping Frontage
- Conservation Area
- Listed Building
- + Ancient Monument
- Highway Improvement
- Cycle Route
- Cemetery
- Playing Field
- Mixed Use
- Proposed Motorised Recreation
- SSSI
- Informal Recreation
- Bulk Rail Freight Handling Facilities
- Proposed Non Inert Waste Tipping

**Map Information/ comments**

Base Map: North Lincolnshire Council's Housing and Employment Land Allocations Development Plan Document proposals map



# North Lincs Green Energy Park

**Title** Figure 5 - Housing and Employment Land Allocations Development Plan Document Proposals Inset Map 73-Dragonby

## Client Information

**Client** North Lincolnshire Green Energy Park Limited  
**PINS Proj No** EN010116  
**Date** 2022-01-11  
**Drawn by** KW  
**Checked by** SC  
**Version** P0

## Map Information

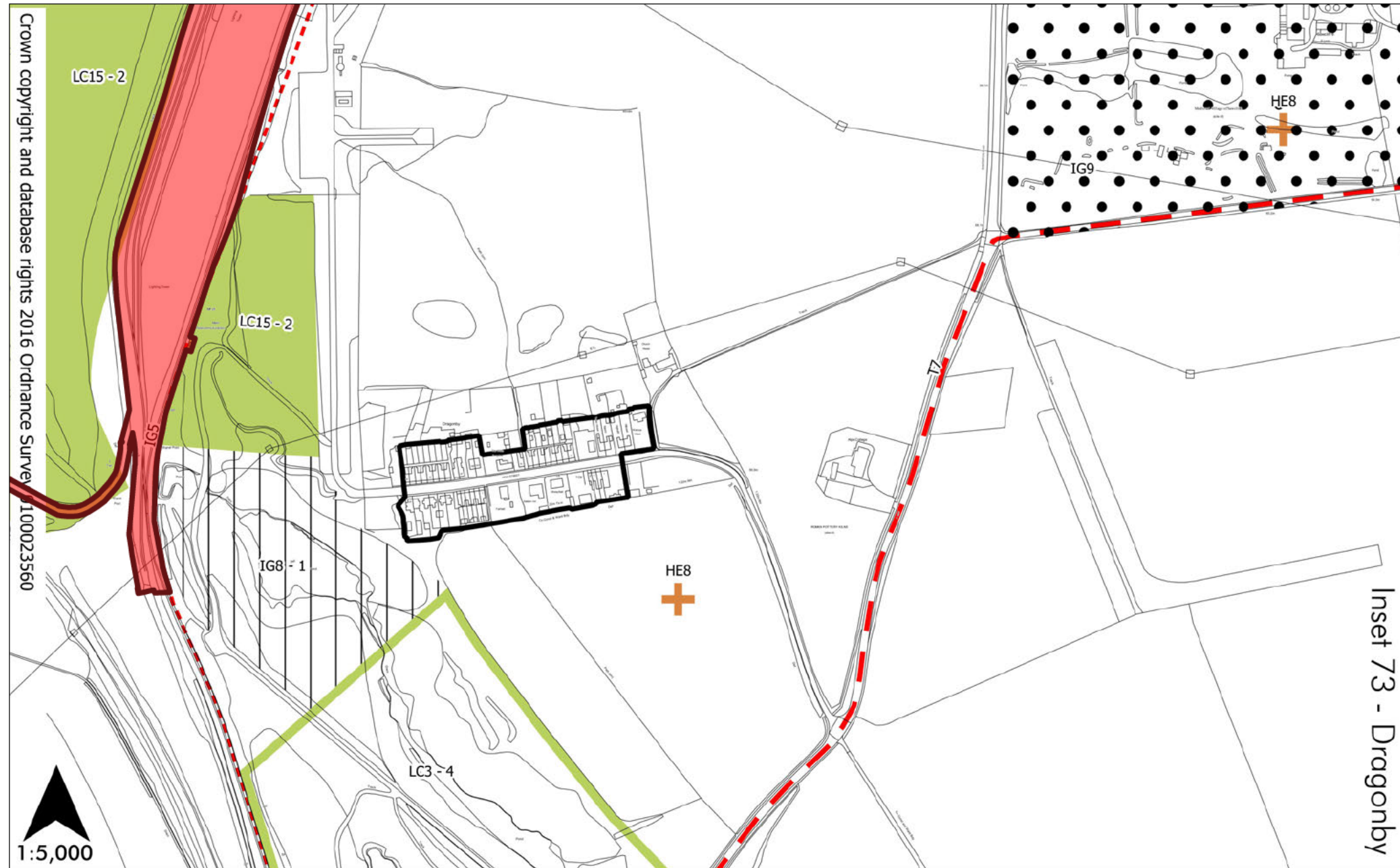
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**Scale** 1:5000  
**QGIS File** n/a

## Legend

- Application Land
- Order Limits
- Landscape Proposal/ Defined Industrial Area Buffer
- Local Nature Reserve
- Area Safe Guarded From Future Development
- Proposed Non Inert Waste Tipping
- Development Limit
- + Ancient Monument
- Cycle Path
- Footpath/Cycleway

## Map Information/Comments

Base Map: North Lincolnshire Council's Housing and Employment Land Allocations Development Plan Document proposals map



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## **APPENDIX B      POLICY BACKGROUND**

Date: May 2022



# NORTH LINCOLNSHIRE GREEN ENERGY PARK

Planning Act 2008  
Infrastructure Planning  
(Applications Prescribed Forms  
and Procedure) Regulations 2009

## North Lincolnshire Green Energy Park

Appendix B – Policy Background

Chapter 2 Policy and Legislative  
Context

May 2022

Pins No.: EN010116

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## Acronyms and Abbreviations

Name	Description
AGI	Above Ground Installation
ACC	Air Cooled Condensers
BAT	Best Available Techniques
CBR	California Bearing Ratio tests
CO2	Carbon Dioxide
CHP	Combined Heat and Power
BEIS	Department for Business, Energy and Industrial Strategy
DCLG	Department for Communities and Local Government
DEFRA	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
DCO	Development Consent Order
DHPWN	District Heat and Private Wire Network
DHN	District Heat Network
EMFs	Electric and Magnetic Fields
EV	Electric Vehicle
ERF	Energy Recovery Facility
EIA	Environmental Impact Assessment
ES	Environmental Statement
EU	European Union
FGTr	Flue Gas Treatment residue
HRA	Habitat Regulations Assessment
MWHe	Electrical generation in megawatt-hours (electric)
MWhth	Heat generation in megawatt-hours (thermal)
H2	Hydrogen
IBA	Incinerator Bottom Ash
LDF	Local Development Framework
MCAA	Marine and Coastal Access Act
MMO	Marine Management Organisation
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
NLGEP	North Lincolnshire Green Energy Park

Name	Description
PV	Photovoltaic
PA	Planning Act
PINS	Planning Inspectorate
PPG	Planning Practice Guidance
PRF	Plastic Recycling Facility
PWN	Private Wire Network
RDF	Refuse Derived Fuel
RHTF	Residue Handling and Treatment Facility
SoS	Secretary of State
S21	Solar 21
SOCC	Statement of Community Consultation
SuDS	Sustainable Drainage Systems
TCPA	Town and Country Planning Act
UK	United Kingdom

# 1. NATIONAL PLANNING POLICY

## 1.1 National Planning Policy Framework (NPPF)

1.1.1.1 The latest National Planning Policy Framework was published in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. At its heart is a presumption in favour of sustainable development.

1.1.1.2 Paragraph 5 of the revised NPPF states that:

*'The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.'*

1.1.1.3 Paragraph 8 of the revised NPPF is clear that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are:

- 'an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

1.1.1.4 The following paragraphs summarise the sections of the NPPF considered relevant to the Project and the scope of the EIA presented in Chapters 5 to 19 of the ES (**Document References 6.2.5 to 6.2.19**).

1.1.1.5 Section 6 (building a strong, competitive economy) seeks to ensure that planning decisions help create a strong and competitive economy. More specifically paragraph 81 states;

*'significant weight should be placed on the need to support economic growth and productivity, taking into account both local*



*business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential’.*

- 1.1.1.6 Section 8 (promoting healthy and safe communities) states planning decisions should aim to achieve healthy, inclusive and safe spaces which: promote social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 100 recognises the importance of public rights of way to the health of communities and states that;

*‘planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails’.*

- 1.1.1.7 Section 9 (promoting sustainable transport) sets out the approach for promoting sustainable transport. Paragraph 104 states that transport issues should be considered from the earliest stages of development proposals so that, amongst other matters, the potential impacts of development on transport networks can be addressed and opportunities to promote walking, cycling and public transport use are identified and pursued.
- 1.1.1.8 Section 11 (making effective use of land) aims to ensure that planning decisions promote an effective use of land meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 120 specifically states that planning decisions should, amongst other things: encourage multiple benefits from both urban and rural land including through opportunities to achieve net environmental gains, recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation and give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- 1.1.1.9 The Government also seeks to secure well-designed places. Section 12 (achieving well-designed places) requires all development to achieve high standards of design to produce visually attractive development and specifies that design quality should be considered throughout the evolution and assessment of individual proposals. The NPPF also emphasises how good design is a key aspect of sustainable development. Paragraph 130 makes clear that developments should be sympathetic to the local character, function well and add to the overall quality of an area. Paragraph 134 goes on to state that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design i.e. the National Design Guide and the National Model Design Code.

1.1.1.10 Section 14 (meeting the challenge of climate change, flooding and coastal change) recognises the planning system has a role in supporting the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

1.1.1.11 In respect of flood risk, paragraph 159 states that

*‘inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere’.*

1.1.1.12 Section 15 (conserving and enhancing the natural environment) seeks to ensure planning decisions contribute to and enhance the natural and local environment. More specifically paragraph 174 states that such contributions can be made by protecting and enhancing valued landscapes, minimising impacts on and providing net gains for biodiversity and preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

1.1.1.13 Paragraph 182 states

*‘the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.’*

1.1.1.14 Section 16 (conserving and enhancing the historic environment) sets out the Government’s policies for the conservation and enhancement of designated and non-designated features of the historic environment. This is to ensure that they can be enjoyed for their contribution to the quality of life of existing and future generations. In determining planning applications, paragraph 194 states that an applicant should identify any heritage assets affected by a proposed development as well as describe its significance, including any contribution made by their setting. Paragraph 203 confirms that the effect of development proposals on the significance of a non-designated heritage asset should also be taken into account.

## 2. LOCAL PLANNING POLICY

- 2.1.1.1 In local policy terms, the Project lies entirely within the administrative district of North Lincolnshire Council (North Lincolnshire), which is a unitary authority.
- 2.1.1.2 The North Lincolnshire local planning policy and guidance documents considered relevant to the Project are detailed in the corresponding chapter to this Appendix (Chapter 2).
- 2.1.1.3 Whilst the Application Land primarily lies outside any specific local policy designations, the Housing and Employment Land Allocations Development Plan Document proposals map (which incorporates the saved North Lincolnshire Local Plan Policies) indicates that the Energy Park Land partially lies within the development limits of Flixborough Industrial Estate and parts of the Application Land are subject to some policy designations which are listed in full in Chapter 2.
- 2.1.1.4 Figures 1 – 5 in Appendix A illustrates the extent of the Application Land combined with the relevant Housing and Employment Land Allocations Development Plan Document proposals map and insets. The Figure references are outlined below with the extent of the Application Land on each figure denoted by red hatching.
- Figure 1 - Housing and Employment Land Allocations Development Plan Document proposals map;
  - Figure 2 - Housing and Employment Land Allocations Development Plan Document proposals Inset Map 03 – Amcotts and Flixborough Industrial Estate;
  - Figure 3 - Housing and Employment Land Allocations Development Plan Document proposals Inset Map 19 – Flixborough;
  - Figure 4 - Housing and Employment Land Allocations Development Plan Document proposals Inset Map 36 – Scunthorpe and Bottesford Urban Area;
  - Figure 5 - Housing and Employment Land Allocations Development Plan Document proposals Inset Map 73 – Dragonby.
- 2.1.1.5 The following tables and paragraphs contain a summary of the adopted and emerging local plan policies considered relevant to the Project, taking into account Figures 1 to 5 above. Local policies specific to each technical topic are also described in more detail in the respective chapters of this ES.

**Table 1: Relevant North Lincolnshire Council Local Plan (2003) Saved Policies (2007)**

Chapter	Policy Reference	Title	Summary
Rural Development	RD1	Development Involving High Quality Agricultural Land	Proposals for the development or change of use of agricultural land will only be permitted where this would not result in the loss of the best and most versatile land (Grades 1, 2 and 3a) unless it can be demonstrated that the proposed development cannot be accommodated on: land within settlement boundaries, or land which is allocated for development, or previously developed land or land of a lower agricultural grade. Where development of agricultural land is unavoidable, areas of poorer quality land should be developed in preference to those of higher quality, except where other sustainability considerations suggest otherwise. For development to be permitted on higher grades of land there has to be an overriding need for the development.
	RD2	Development in the Open Countryside	Seeks to control development in the open countryside. The policy lists types of development for which planning permission will be granted, subject to a number of criteria.
Transportation	T1	Location of Development	Provides guidance on the location of development which is likely to create a significant volume of traffic in relation to the settlement hierarchy of the existing highway network and public transport.
	T2	Access to Development	Requires all development to provide satisfactory access. Larger developments should be served adequately by being readily accessible by a choice of transport modes, existing public transport services, additions or extensions to such services and the existing highway network.
	T6	Pedestrian Routes and Footpaths	Requires major new developments to include links to nearby existing or proposed pedestrian routes.
	T8	Cyclists and Development	Requires new developments to i) include cycle links with existing or proposed routes where such opportunity exists; and ii) ensure that the provision of cycle parking facilities are in accordance with the standards set out in Appendix 2.
	T9	Promoting Buses and Trains	Encourages the use of buses and trains as alternative modes of transport. Details provision will be made for a number of schemes, including improvements to the local rail network.
	T11	Protecting Rail Routes	Safeguards the existing network of rail freight and passenger routes. States disused railway alignments will be protected from development where there is a reasonable prospect of their re-use for transport purposes or where there is potential for recreational use.

Chapter	Policy Reference	Title	Summary
	T14	The North Lincolnshire Strategic Road Network (NLSRN)	States traffic will be concentrated on the Strategic Road Network and developments, which compromise the function of the NLSRN in traffic and safety terms, will not be permitted
	T15	Highway Improvements and New Highway Construction	States that where new highway infrastructure is being developed, or is included as an element of a development proposal, the design of the highway should take into account: ease and safety of movement and the need to conserve important cultural, archaeological and natural environment features.
	T19	Car Parking Provision & Standards	Requires car parking provision to meet the operational needs of businesses and comply with the Parking Provision Guidelines set out in Appendix 2 of the Local Plan
	T22	Rail Freight	Encourages the use of rail for goods traffic.
	T23	Water Freight	Recognises water transport represents an efficient means of moving a variety of freight cargoes. Requires new water freight development to demonstrate that the movement of heavy goods by road is minimised by making use of deep-water frontages by locating on deep-water frontages, and ensuring transfer of bulk goods from sea to inland makes optimum use of railways, rivers, canal sand pipelines/ conveyor belts where appropriate.
	T24	Road Freight	Seeks to safeguard settlements from heavy goods vehicles. States the environmental impact of moving freight by road will be reduced by: concentrating lorries into the North Lincolnshire Strategic Road Network, banning heavy good vehicles from sensitive, encouraging the development of rail freight facilities, and encouraging the use of the waterways.
Leisure and Recreation	R5	Recreational Paths Network	Seeks to secure better access to the open countryside which will significantly enhance informal recreation opportunities. Supports development proposals which provide additional links to the recreational paths network and will improve the condition and appearance of existing links in the network.
Landscape and Conservation	LC1	Special Protection Areas	Seeks to protect SPA's, proposed SPA's, SAC's or candidate SAC's from development proposals which may have significant effects on the sites.

Chapter	Policy Reference	Title	Summary
		(SPA), Special Areas of Conservation (SAC) and Ramsar Sites	
	LC2	Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR)	Seeks to safeguard SSSI's and NNRs. Explains that in all cases where development is permitted which would damage the nature conservation value of the sites, such damage should be kept to a minimum
	LC3	Local Nature Reserves	Designates a number of Local Nature Reserves. Site LC3-2 is known as Atkinsons Warren. Phoenix Parkway is also a LNR, although it is not designated as such in this policy.
	LC4	Development Affecting Sites of Local Nature Conservation Importance	Seeks to protect Local Nature Reserves, Sites of Importance for Nature Conservation and Regionally Important Geological Sites from adverse effects and minimise any damaging effects.
	LC5	Species Protection	States planning permission will not be granted for development or land use changes which would have an adverse impact on badgers or species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended). Where development is permitted that may have an effect on those species, conditions or the use of planning agreements will be considered to minimise impacts on the species.
	LC6	Habitat Creation	Recognises there are opportunities to create new habitats to complement existing areas and to contribute to biodiversity. Details that provision will be made for the creation of nature reserves and new wildlife habitats both in rural and urban areas.
	LC7	Landscape Protection	Seeks to protect the scenic quality and distinctive local character of the landscape.
	LC11	Areas of Amenity Importance	Recognises there are many areas of landscape which make a significant contribution to the character and amenity of settlements. States development will only be permitted where it would

Chapter	Policy Reference	Title	Summary
			not adversely affect their open character, visual amenity or wildlife value or compromise the gap between conflicting land uses.
	LC12	Protection of Trees, Woodland and Hedgerows	Seeks to ensure all new development proposals, retain trees, woodland and hedgerows wherever possible.
	LC15	Landscape Enhancement	Details a number of landscape enhancement schemes. Site LC15-1 relates to North West Escarpment. LC15-2 relates to Conesby Quarry/Sawcliffe.
Ironstone Gulleets	IG2	Environmental Enhancement and Habitat Restoration	Outlines Environmental Enhancement and Habitat Restoration Schemes. Site IG2-3 refers to Conesby Quarry.
	IG6	Motorised Recreation	Outlines that the eastern part of the former Tarmac site (south of Conesby Quarry) is proposed for motocross and other motorised recreational activities.
	IG7	Geological Research	Details that the mineral face of the Yorkshire East Gullet (south) will be conserved for geological research.
Historic Environment	HE8	Ancient Monuments	Outlines that development proposals which would result in an adverse effect on Scheduled Ancient Monuments and other nationally important monuments, or their settings, will not be permitted.
Waste	W1	Applications for Waste Management Facilities	Details that proposals for waste management facilities will only be permitted where a number of factors can be demonstrated.
	W3	Flood Risk Areas	States proposals for waste management facilities will not be permitted in areas likely to be significantly and adversely affected by coastal erosion or tidal or river flooding and where such proposals are at direct risk. Nor will they be permitted where they will significantly reduce the capacity of the floodplain and impede the flow of floodwater thereby significantly increasing the risk of flooding elsewhere.

Chapter	Policy Reference	Title	Summary
	W4	Waste Management Facilities and the Best and Most Versatile Agricultural Land	States that Applications for waste management facilities on the best and most versatile agricultural land in Grades 1, 2 and 3a will only be permitted where: i) the proposal overrides the need to protect the land; ii) restoration and aftercare proposals will achieve reinstatement of the land to an equivalent or higher grade where appropriate
	W6	Transportation of Waste	Details that proposals involving the transportation of waste by road will not be permitted where the potential for rail and river transportation exists. Development proposals involving the transportation of waste by rail and/or river will be supported.
	W9	Handling of Waste	Supports proposals for the use of land and the erection of plant and buildings for the recycling, transfer, storage and other treatment or handling of waste will be permitted provided that it satisfies a number of criteria.
Development Standards	DS1	General Requirements	Expects developments proposals to achieve a high standard of design in both built-up areas and the countryside. Details a number of design criteria which all proposals will be considered against.
	DS3	Planning Out Crime	Seeks to ensure that development proposals take into account personal safety and the security of people and property by a number of methods including, ensuring the development is well integrated into the existing pattern of pedestrian and vehicular movement.
	DS7	Contaminated Land	States permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.
	DS11	Polluting Activities	Seeks to prevent adverse or dangerous polluting effects from development proposals.
	DS12	Light Pollution	Only supports applications which involve light generating equipment where it can be demonstrated that there would be no adverse impacts on local amenities.
	DS13	Groundwater Protection and Land Drainage	Requires all development proposals to take account of the need to secure effective land drainage measures and groundwater protection in order to control the level of water in the land drainage system.



Chapter	Policy Reference	Title	Summary
	DS14	Foul Sewage and Surface Water Drainage	Requires development proposals to provide satisfactory means for the disposal of foul and surface water.
	DS16	Flood Risk	States that development proposals will not be permitted in floodplains where, amongst other matters, it would increase the number of people or buildings at risk, impede the flow of floodwater, reduce the storage capacity of the floodplain, or increase the risk of flooding elsewhere.
	DS21	Renewable Energy	Supports proposals for the generation of energy from renewable resources where any detrimental impacts are outweighed by environmental benefits and proposals include details of associated developments.

**Table 2: Relevant North Lincolnshire Core Strategy (2011) Policies**

Chapter	Policy Reference	Title	Summary
Spatial Strategy for North Lincolnshire	CS1	Spatial Strategy for North Lincolnshire	Sets out the broad framework around which the spatial development strategy for North Lincolnshire will be based. It provides clear priorities for the distribution and location of future development and a distinct direction for moving the area forward and achieving the spatial vision and objectives.
	CS2	Delivering more Sustainable Development	Details that the spatial strategy described in policy CS1 will be implemented using a sequential approach to the location of future development that is based on the settlement hierarchy and taking into account other sustainability criteria.
	CS3	Development Limits	Details that development limits will be applied to the Scunthorpe urban area, the Market Towns and Rural Settlements and outlines that they will not be applied to rural settlements in the countryside. Outlines a number of considerations which will be taken into account in applying development limits.
Renaissance across North Lincolnshire	CS4	Creating a Renaissance in North Lincolnshire	Sets out the major transformational projects which are aimed at delivering area wide renaissance in North Lincolnshire – includes the Lincolnshire Lakes.

Chapter	Policy Reference	Title	Summary
Delivering Quality Design in North Lincolnshire	CS5	Delivering Quality Design in North Lincolnshire	Requires all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place.
	CS6	Historic Environment	Seeks to ensure that North Lincolnshire's important sites and areas of historic and built heritage value are protected, conserved and enhanced in order that they continue to make an important contribution to the area's scene and the quality of life for local people.
Delivering Greater Economic Success in North Lincolnshire	CS11	Provision and Distribution of Employment Land	Aims to ensure that the right amount and quality of employment land is available in North Lincolnshire to support the growth of the local economy and help deliver the vision for the area.
Environment and Resources	CS16	North Lincolnshire's Landscape, Greenspace and Waterscape	Seeks to ensure that the key strategic spaces relating to landscape, greenspace, archaeology and estuary and water environments are protected and enhanced, contributing to the formation of sustainable linked communities.
	CS17	Biodiversity	Promotes effective stewardship of North Lincolnshire's wildlife via a number of methods including safeguarding national and international protected sites for nature conservation from inappropriate development, maintaining and promoting a North Lincolnshire network of local wildlife sites and corridors, links and stepping-stones between areas of natural green space and ensuring development seeks to produce a net gain in biodiversity.
	CS18	Sustainable Resource Use and Climate Change	Promotes development that utilises natural resources as efficiently and sustainably as possible.
	CS19	Flood Risk	Seeks to safeguard people and property from the risks of flooding. States development will be required, wherever practicable, to incorporate Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage.
Sustainable Waste Management	CS20	Sustainable Waste Management	Details that the Council will consider new and enhanced facilities for the treatment and management of waste at a number of broad strategic areas, including Flixborough Industrial Estate.

Chapter	Policy Reference	Title	Summary
Transport and Communication – Connecting North Lincolnshire	CS25	Promoting Sustainable Transport	Seeks to ensure that future Local Development Documents and development control decisions take into account the need to deliver the objectives for sustainable and high quality transport set out in this strategy.
	CS26	Strategic Transport Infrastructure Proposals	Supports strategic infrastructure proposals to enhance North Lincolnshire's internal and external transport connections and provide access to the area's key strategic economic development locations by road, rail, air, water and information technology.
Delivering and Implementing Development in North Lincolnshire	CS27	Planning Obligations	Sets out the council's approach to the process of negotiating planning obligations agreements

**Table 3: Relevant North Lincolnshire Council Housing and Employment Land Allocations Development Plan Document Policies (2016)**

Chapter	Policy Reference	Title	Summary
Presumption in favour of sustainable development	PS1	Presumption in favour of sustainable development	Explains that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
Employment Land Allocations	SCUE-1	Normanby Enterprise Park	Land at Normanby Enterprise Park (35.10 ha) is allocated for employment use
Housing Land Allocations	SCUH-1	Land at Phoenix Parkway Phase 1	Allocated land for 246 dwellings.
	SCUH-10	Land south of Ferry Road West	Allocated land for 721 dwellings.

**Table 4: Relevant emerging North Lincolnshire Council Local Plan Publication Draft Policies (2021)**

Chapter	Policy Reference	Title	Summary
A Spatial Strategy for North Lincolnshire	SS1	Presumption in Favour of Sustainable Development	States that when considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
	SS2	A Spatial Strategy for North Lincolnshire	Sets out the level of new development that is needed in North Lincolnshire up to 2038, together with how, and where, it will take place. The policy seeks to support the spatial development needs for North Lincolnshire through a spatial strategy. Sets out the settlement hierarchy.
	SS3	Development Principles	Requires new development in North to contribute towards the creation of sustainable communities and a sense of place. Requires all development proposals reflect a number of key principles (unless in practical terms they are not considered relevant by the case officer).
	SS7	Strategic Site Allocation – Lincolnshire Lakes.	Details the Strategic Site allocation of the Lincolnshire Lakes. Explains that by 2038, the first phase of Lincolnshire Lakes will deliver 2150 dwellings by creating three sustainable villages in a waterside setting. The policy is supported by 3 sub-policies which refers to the 3 strategic allocations within the Lincolnshire Lakes i.e: <ul style="list-style-type: none"> <li>■ SS7-1. Northern Strategic Allocation - 1,275 dwellings.</li> <li>■ SS7-2. Southern Strategic Allocation. 875 dwellings.</li> <li>■ SS7-3. Strategic Mixed Use Area. 25.15 hectares of employment, and supporting community and leisure land.</li> </ul>
	SS11	Development Limits	Details that development limits will be applied to the Scunthorpe & Bottesford urban area, Principal Towns, Large Service Centres, Larger Rural Settlements and Smaller Rural Settlements. Development outside these defined limits will be restricted to that which is essential to the functioning of, or to meet a special need associated with the countryside.
Meeting Our Housing Need	H1	Site Allocations	Allocates a number of sites for housing development. Includes allocations H1P-1 - Phoenix Parkway Phase 1. States that the density of development within this locality indicates that 158 dwellings can be delivered on this site
Delivering Jobs & Supporting Our Economy	EC2	Existing Employment Areas	States existing employment areas as identified on the Policies Map will be safeguarded for employment uses. Flixborough Industrial Estate is identified as an existing employment site.

Chapter	Policy Reference	Title	Summary
Prosperous Town Centres	TC2	Placemaking and Good Urban Design	Details that Development proposals will be supported where they improve poor existing urban and natural environments, enhance special qualities of North Lincolnshire's settlements and better reveal the significances of the historic environment. Outlined a number of design points which development proposals should adhere to.
Supporting Sustainable Development in North Lincolnshire's Countryside	RD1	Supporting Sustainable Development in the Countryside	Outlines outside settlement development limits land will be regarded as the countryside and details the forms of development which will be supported, where proposals respect the intrinsic character of their surroundings. The forms of development include employment uses where it is an appropriate scale to its location and it respects the character of the surrounding landscape. Such employment uses should, amongst other criteria, be within or adjacent to an existing industrial estate.
Delivering a Quality Environment	DQE1	Protection of Landscape, Townscape and Views	Requires development proposals to contribute to the conservation or enhancement of the local landscape where possible.
	DQE3	Biodiversity and Geodiversity	Requires development proposals to take opportunities to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale through site layout, design of new buildings and proposals for existing buildings. Requires schemes to use the DEFRA biodiversity metric to demonstrate that the proposal will deliver a minimum of 10% net gain for biodiversity (unless national standards increase this in the future).
	DQE4	Local Nature Reserves	Seeks to protect currently declared Local Nature Reserves.
	DQE5	Managing Flood Risk	Seeks to safeguard people and property from the risks of flooding
	DQE6	Sustainable Drainage Systems	Requires development proposals (in the first instance) to consider water re-use measures to encourage the conservation of water to manage surface water where feasible. Development of Major Sites must incorporate appropriate sustainable surface water drainage systems (SuDS) appropriate to the nature of the site, unless clearly demonstrated to be inappropriate.

Chapter	Policy Reference	Title	Summary
	DQE7	Climate Change and Low Carbon Living	Sets out how development proposals should contribute to mitigating the impacts of climate change and minimising carbon emissions to meet the climate change challenge.
	DQE8	Renewable Energy Proposals	Supports proposals for renewable energy development where any significant adverse impacts are satisfactorily minimised and the residual harm is outweighed by the public benefits of the proposal.
	DQE10	Important Open Space	Safeguards areas identified as Important Open Space on the Policies Map. Includes Phoenix Parkway Local Nature Reserve.
	DQE11	Green Infrastructure Network	Outlines the Council's aims to maintain and improve the green infrastructure network by enhancing, creating and managing multifunctional green space within and around settlements that are well connected to each other and the wider countryside and contribute to a Nature Recovery Network. Details that Proposals that cause loss or harm to this network will not be permitted unless the need for and benefits of the development demonstrably outweigh any adverse impacts.
	DQE12	Protection of Trees, Woodland and Hedgerows	Seeks to ensure new development will, wherever possible, retain trees, woodland and hedgerows.
Managing our Historic Environment	HE1	Conserving and Enhancing the Historic Environment	Requires development proposals value, protect, conserve and seek opportunities to enhance the historic environment of North Lincolnshire.
Creating Sustainable Communities and Better Places	CSC1	Health and Wellbeing	Seeks to ensure development proposals consider the impacts and potential for achieving positive mental and physical health outcomes. Sets out a number of ways in which the Council will seek to improve health and wellbeing in North Lincolnshire.
Sustainable Waste Management	WAS1	Waste Management Principles	Sets out the council's strategic planning framework and principles for sustainable waste management, reflecting the requirements of national policy and guidance, as well as the Waste Framework Directive. Details that Development that encourages and supports the minimisation of waste production, and the re-use and recovery of waste materials will normally be supported. Sates

Chapter	Policy Reference	Title	Summary
			the Proposals for waste management facilities will be encouraged based on a number of principles, including – managing waste through the waste hierarchy in a sequential order.
	WAS2	Waste Facilities	States that new waste management facilities should be located in sustainable locations that are appropriate to the proposed waste management use and its operational characteristics, and where impacts on the community and the environment can be avoided or addressed appropriately. Details that proposals for Energy from Waste Facilities will be supported provided that they meet the criteria set out in this policy and policy DQE8 Renewable Energy Proposals.
	WAS3	Waste Management Provision	States net self-sufficiency in waste management will be achieved through the provision of the waste-management capacity needs of North Lincolnshire. This capacity will be met through existing operation waste management facilities (and extensions, where appropriate) and new facilities.
	WAS6	Waste Management in Development	Seeks to ensure that new development proposals support the efficient use and recovery of resources throughout its lifetime including during construction, operation and/or occupation. This should include giving due consideration to sustainable waste management.
Connecting North Lincolnshire	T1	Promoting Sustainable Transport	Supports measures that promote more sustainable transport choices.
	T3	New Development and Transport	Supports new development where it is accessible, or can be made accessible, by sustainable modes of transport and addresses its likely transport impact.
	T4	Parking	Outlines a range of parking requirements for development proposals.
	T5	Cycle and Motorcycle Parking	Requires development proposals that generate additional parking demand provide adequate cycle and motorcycle parking provision is made
	T6	Freight	Safeguards the existing network of rail freight routes and infrastructure. Encourages the use of rail for goods traffic.
Development Management	DM1	General Requirements	Requires all new development proposals achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. Outlines a number of design principles and amenity considerations.

Chapter	Policy Reference	Title	Summary
	DM3	Environmental Protection	Requires development proposals to demonstrate that environmental impacts on receptors have been evaluated and appropriate measures have been taken to minimise the risks of adverse impacts to air, land and water quality, whilst assessing vibration, heat, energy, light and noise pollution.
Delivering Infrastructure	ID1	Delivering Infrastructure	Requires all developments to meet the on and off-site infrastructure requirements needed to support the development and mitigate the impact of the development on the existing community and environment to make it acceptable in planning terms.



## 2.2 The Local Development Framework (LDF) Lincolnshire Lakes Area Action Plan (2016)

2.2.1.1 The Lincolnshire Lakes Area Action Plan establishes the planning policy framework to deliver the Lincolnshire Lakes development which consists of

*‘a number of high quality, sustainable village communities on land between the western edge of Scunthorpe and the River Trent, set within an attractive waterside environment with major opportunities for leisure, sport and recreation.’*

2.2.1.2 The AAP outlines the extensive Lincolnshire Lakes Study area and its boundary which extends from the M180 at its southern extent, northwards towards the southern boundary of Flixborough Industrial Estate. Parts of the Study Area therefore lie within the Order Limits. However, the Policies Map and Parameter Plans within the AAP confirm that the fixed, key elements of the Lincolnshire Lakes scheme are only located at the southern extent of the Order Limits which relates to the Southern District Heat and Private Wire Network (DHPWN).

2.2.1.3 Most policies within the AAP are specific to the Lincolnshire Lakes scheme and are therefore considered to be of limited relevance to the Project. Nevertheless, strategic policy SS4 (Development Limits) is considered relevant at this stage due to the fact it outlines the intention to keep the ‘status quo’ of agricultural land that lies within the AAP boundary, but beyond the strategic site allocations. More specifically, the policy states that no built development will be permitted in the AAP area outside of the allocated built development limits.

2.2.1.4 Site specific policies SSA1 (Strategic Mixed Use Area and District Centre) and SSA6 (Village 6 and Lake 4) are also likely to be relevant in terms of the Southern DHPWN.

## 2.3 Planning for Renewable Energy Development Supplementary Planning Document (2011)

2.3.1.1 This Supplementary Planning Document (SPD) recognises that North Lincolnshire is already significantly involved in the power generation industry, producing around 7% of the country’s electricity requirement. It states that North Lincolnshire

*‘is strongly supportive of renewable energy and views it as being a key part of the transformation of its economy’.*

2.3.1.2 The SPD sets out North Lincolnshire Council’s approach to planning for renewable energy and reinforces the relevance of a number of policies outlined in the Core Strategy, namely CS1, CS2, CS16, CS17 and CS18. Saved Local Plan Policies DS21, RD2, LC7 and DS1 are also reinforced.

2.3.1.3 Chapter 5 of the SPD recognises the various types of renewable energy, including energy generated from waste. Chapter 6 details the number of considerations that need to be taken into account when determining proposals for renewable energy development which includes: targets for renewable energy, environmental impacts, community impacts, cumulative

impacts, other impacts, national and other policy related to energy provision and climate change and local planning policy including the Core Strategy and adopted Local Plan.

2.3.1.4 A number of policies specific to the potential environmental impacts of renewable energy schemes are also outlined in Chapter 6, with those considered relevant to the Project summarised below,

**Table 5: Relevant Planning for Renewable Energy Development Supplementary Planning Document (2011) Policies**

Chapter	Policy Reference	Title	Summary
Policy Considerations	Policy 1	Biodiversity	Requires developers assess the effects of potential renewable energy developments, alone or cumulatively on biodiversity sites, habitats and species and identify measures to avoid or mitigate harm to them and secure their conservation and enhancement
	Policy 2	Landscape	Encourages developers to give early consideration in the design of schemes to the character and quality of the landscape, the extent of the physical change involved, and the ability of the landscape to accommodate the change.
	Policy 3	Visual Effects	Requires visual amenity effects to be considered.
	Policy 4	Heritage Assets	Requires developers to consider the impact of their proposal for renewable energy development, both during and after construction on heritage and the historic environment.
	Policy 5	Soil and Hydrology	Seeks to ensure developers consider the effects of their proposal for renewable energy development on the soil, hydrology, groundwater and water quality in and around a site.
	Policy 6	Flood Risk	Details the requirements for Flood Risk Assessments.
	Policy 7	Community Impact	Encourages developers to work with local communities which will be affected by the proposals to address key concerns.
	Policy 10	Cumulative Effects	Requires developments to address the cumulative impact of the Project, taking into account existing and approved developments/
	Policy 13	Highways & Rights of Way	Seeks to ensure developers consider access to proposed sites for renewable energy related development as well as impacts of the proposals on existing Public Rights of Way.

Chapter	Policy Reference	Title	Summary
	Policy 14	Local Grid Connections & Ancillary Equipment	Seeks to ensure developers properly integrate the layout of the development with the landscape and topography of the site.

## 2.4 North Lincolnshire Transport Plan 2011 - 2026

- 2.4.1.1 The North Lincolnshire Transport Plan sets out how strategic transport improvements will be delivered in North Lincolnshire until 2026.
- 2.4.1.2 Chapter 4 of the Transport Plan outlines the five Local Transport Goals for North Lincolnshire during this period which includes: facilitating economic growth, protecting the natural and built environment through sustainable transport solutions, improving transport safety and security, providing equal opportunities through improvements in accessibility and enhancing people’s health and well-being through the promotion of healthy modes of travel.
- 2.4.1.3 Whilst Chapter 8 of the Transport Plan identifies a number of preferred transport options to be implemented in North Lincolnshire, the Council are now in the process of developing a new Integrated Transport Strategy for North Lincolnshire which intends to encompass all modes of transport and shape transport improvements across North Lincolnshire over the coming years.

## 2.5 Sustainable Drainage Systems (SuDS) and Flood Risk Guidance (2017)

- 2.5.1.1 The Sustainable Drainage Systems (SuDS) and Flood Risk Guidance gives advice for developers and designers on sustainable drainage systems appropriate for developments in order to avoid increasing the risk of flooding to the site and surrounding areas.
- 2.5.1.2 Whilst there are no specific policies within this guidance, the documents aim to provide practical guidance on what type of SuDS are appropriate to the development, depending on the size and location. Wetlands are recognised as a suitable mechanism for most sites.

## 2.6 North Lincolnshire Council Municipal Waste Management Strategy (2012)

- 2.6.1.1 The objectives of North Lincolnshire’s Municipal Waste Management Strategy aim to reflect the changing demands on the waste management system. The objectives seek, amongst other things, to develop a more sustainable system of waste management (promoting waste prevention in the first instance, encouraging re-use and recycling, and minimising the quantity of waste disposed of without recovering value from it), as well as meet the challenging targets set by Government to recover value from waste and to move towards a ‘zero waste’ system by 2020.

2.6.1.2 The Strategy looks at options for the development and operation of the Council's municipal waste collection and disposal services, including Energy from Waste. It notes that whatever the preferred approach, complementary planning policies would need to be developed and consents secured for any Council-owned/promoted projects.