

The Examining Authority
Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: AN/2022/133243/02-L01
Your ref: EN010116
Date: 30 November 2022

Dear Sirs

Application by North Lincolnshire Green Energy Park Limited for an Order Granting Development Consent for the North Lincolnshire Green Energy Park Deadline 1 Submission (Summary of Relevant Representation)

To fulfil the Examining Authority's request, outlined in its letter dated 18 October 2022, please find below the Environment Agency's summary of its Relevant Representation (which exceeded 1500 words), submitted in connection with the above project.

The Environment Agency reviewed the Development Consent Order (DCO) application, the Environmental Statement (ES) chapters and supporting documents relevant to its remit and is of the view that:

1. the Landscape and Biodiversity Plans (including the Management and Monitoring Plan) and assessment are satisfactory;
2. the Combined Heat and Power assessment covers economic issues and identified end users but does not appear to include information regarding Carbon Capture Readiness. We note that this proposal is to have Carbon Capture Usage and Storage (CCUS) from the outset and if this issue is covered in the ES, we would be grateful if the Applicant could signpost us to the relevant parts for this assessment;
3. the Applicant has correctly identified the additional consents and licences, which fall under the Environment Agency's jurisdiction, and will be required to construct and operate the proposed development;
4. the R1 Assessment has followed appropriate guidance and shows the proposed design (based on the assumptions made) would meet the R1 status test, making the proposal a recovery, not a disposal, operation under the Waste Framework Directive;
5. a high-level review of the Air Quality chapter acknowledges the local Air Quality Management Area and appears to assess the risk in line with Environment Agency guidance and relevant methodologies; noting that a detailed review of air quality modelling will not be undertaken by the Environment Agency until it determines a permit application to operate the site - also noting that a permit application has not been received to date;
6. the assessment relating to Ground Conditions, Contamination and Hydrogeology,

(reviewed in respect of the protection of controlled waters only), is appropriate. The need for a remediation strategy to be submitted is secured through Requirement 4 (Schedule 2, Part 1) through the Construction Environment Management Plan and Code of Construction Practice. However, it is the Environment Agency's view that an additional requirement for a piling and penetrative foundation design method statement, informed by a risk assessment should also be included;

7. the assessment in respect of water resources is appropriate. The Applicant's intention to connect to the mains sewage system is welcomed, providing agreement that there is capacity available to accommodate the development is obtained from the sewerage undertaker.
8. the assessment of flood risk is proportionate to the scale, nature and location of the development and is underpinned by hydraulic modelling, which is fit for purpose. The assessment identifies a significant effect on a single receptor, a commercial building to the north of Flixborough Wharf. Further analysis within the Flood Risk Assessment determines that the increased risk to this building because of the development is limited to a breach of the flood defences immediately to the west of the development: in which event the commercial building experiences a depth increase of 117mm. This depth increase does not result in a change to the flood hazard rating¹, which is primarily 'very low hazard' and peaks at 'danger to some' immediately to the south of the building. This impact will be managed via a Flood Management Plan and North Lincolnshire Council will need to assist with determining the acceptability of this;
9. the inclusion of biodiversity net gain of greater than 10%, particularly benefits to be achieved for watercourse units, is welcomed. The Applicant should discuss the mechanism for securing this with Natural England;
10. the Code of Construction Practice acknowledges impacts on watercourses, and we expect to see further discussion on this within the detailed Construction Environmental Management Plan (secured through Requirement 4 in Schedule 2, Part 1);
11. an Outline Construction Flood Management Plan is provided, and we request the final version details how access for flood defence inspection and maintenance purposes will be retained for Environment Agency staff and contractors throughout the construction process; as well as measures to ensure flood assets are not damaged.

We have no objection to the principle of the proposed development, as submitted. We reserve the right to add or amend these representations, including requests for DCO requirements and protective provisions, should further information be forthcoming during the examination.

Yours faithfully

Annette Hewitson
Principal Planning Adviser

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¹ As defined in "Flood Risk Assessment Guidance for New Development: R&D Technical Report FD2320/TR2" (Defra/Environment Agency, 2005)