

NORTH LINCOLNSHIRE COUNCIL

LOCAL IMPACT REPORT

Planning Act 2008 (as amended)

Infrastructure Planning (Examination Procedure) Rules 2010

**SUBJECT: APPLICATION FOR AN ORDER GRANTING DEVELOPMENT
CONSENT FOR THE NORTH LINCOLNSHIRE GREEN ENERGY PARK PROJECT**

APPLICANT: NORTH LINCOLNSHIRE GREEN ENERGY PARK LIMITED

SITE: LAND AT FLIXBOROUGH INDUSTRIAL ESTATE

Planning Inspectorate's Reference: EN010116

December 2022

1. INTRODUCTION

- 1.1 This report has been prepared by North Lincolnshire Council in accordance with the advice and requirements set out in the Planning Act 2008 and Advice Note One: Local Impact Reports (Version 2) issued by the Infrastructure Planning Commission in April 2012.
- 1.2 The Advice Note states that when the Commission decides to accept an application it will ask the relevant local authorities to prepare a Local Impact Report (LIR). Its preparation should be prioritised and indicate where the local authority considers the development would have a positive, negative or neutral effect on the area. The Report may include any topics that they consider to be relevant to the impact of the development on their area as a means by which their existing body of knowledge and evidence on local issues can be fully and robustly reported to the Commission.
- 1.3 As the unitary Local Planning Authority, North Lincolnshire Council (NLC) is the host local authority for the proposed development.
- 1.4 In producing this LIR NLC has not sought the views of local parish councils and local interest groups because the parish councils and other local groups have the opportunity, through the consultation process, to make their observations direct to the Planning Inspectorate.
- 1.5 Set out below is the LIR of North Lincolnshire Council. It identifies the most relevant local development plan policies and the main issues that concern this Council.

2. LOCATION

- 2.1 It is considered that the Application documents appropriately set out the context for the site. NLC does not wish to add significantly to the description of the site that has been set out in the application documents except to describe the general features and characteristics of the site and area.

2.2 The application site is located wholly within North Lincolnshire and can be broken down into 4 distinct areas relating to the different elements of the project as follows:

- The Energy Park Land – containing the core elements of the proposal;
- The Northern District Heat and Private Wire Network (DHPWN) Land;
- The Southern District Heat and Private Wire Network (DHPWN) Land;
- and
- The Railway Reinstatement Land

2.3 The Energy Park Land is located adjacent to the eastern bank of the River Trent, within and to the south of the existing Flixborough Industrial Estate and Flixborough Wharf. The northern and southern district heat and private wire networks (DHPWNs) follow existing roads along the north and west sides of Scunthorpe. The railway line to be reinstated runs in a roughly east-west direction between the main line at Dragonby and Flixborough Wharf, passing the village of Flixborough on its southern side.

2.4 Flixborough Wharf and Industrial Estate have a development boundary as defined on Inset Map 03 (Amcotts & Flixborough Industrial Estate) of the Housing and Employment Land Allocations DPD (HELA DPD) and those elements of the proposal that are located within the industrial estate lie inside of this development boundary. The land to the south, which lies between the industrial estate and the A1077 (Phoenix Parkway) and B1216 (Ferry Road West) is located outside of this defined development boundary and as such is located within the open countryside, as is the majority of the land associated with the railway reinstatement. The land associated with the northern DHPWN is located within the defined development boundary for the Scunthorpe and Bottesford Urban Area, whereas the southern DHPWN lies outside of defined development boundaries, but within the Lincolnshire Lakes Area Action Plan (LLAAP) area.

- 2.5 The existing Flixborough Industrial Estate contains a variety of different industrial buildings and uses, including warehouses, factories, office buildings and open storage areas.
- 2.6 The land adjacent to the River Trent is low-lying and generally flat, with an increase in elevation towards the east as the site moves away from the river.
- 2.7 The energy park land located to the south of the existing industrial estate and wharf is predominantly agricultural land in arable cultivation, with fields being separated by drainage ditches.
- 2.8 The nearest settlements to the application site are the village of Flixborough, which stands on higher ground to the north east and the village of Amcotts, which sits on the west bank of the River Trent, opposite Flixborough Wharf. The principal settlement of Scunthorpe is located to the south and east of the energy park.
- 2.9 There are examples of energy related development in the immediate area including Flixborough Grange Windfarm, which stands immediately to the north of the order limits and Flixborough solar farm, which is located immediately to the south east of Flixborough Industrial Estate, on the opposite side of Stather Road. There is energy related development also visible on the west bank of the River Trent including Keadby windfarm and a large number of electricity pylons and overhead lines associated with the nearby National Grid 400kV substation adjacent to Keadby Power Station.
- 2.10 The site lies directly adjacent to the Humber Estuary Special Area of Conservation (SAC) and Ramsar site, which covers the stretch of the River Trent to the west of the site. Other European sites in the wider area are the Humber Estuary Special Protection Area (SPA) to the north; and Thorne Moor SAC and Thorne and Hatfield Moors SPA both to the west.
- 2.11 The Energy Park Land is located primarily within Flood Zone 2/3 (a) Tidal of the Strategic Flood Risk Assessment (SFRA) for North and North East

Lincolnshire, with a small area adjacent to Flixborough Wharf identified as Flood Zone 2/3 (b) Functional Floodplain.

- 2.12 NLC has noted the Unaccompanied Site Inspection (USI) undertaken by the Examining Authority (ExA). The key publicly accessible vantage points appear to have been covered in the USI, including Trentside at Amcotts; Stather Road, Flixborough; views from the A1077 both close to the site and at Dragonby; and key Public Rights of Way, including Viewpoint 11 [APP-059]. NLC consider that the USI locations will have provided the ExA with a good understanding of the site context and local landscape and do not have any further requests for either USI or ASI locations at this time; but reserve the right to comment on the Applicant's draft itinerary for the ASI when it is published in due course.

3. PLANNING HISTORY

- 3.1 The Planning Statement [APP-035] submitted by the Applicant accurately outlines the planning history of the site at Table 2.1.
- 3.2 In general the planning history relating to the Energy Park Land relates to Flixborough Industrial Estate and Flixborough Wharf and the historic industrial and port related use of this area and more recent renewable energy projects on adjacent land.
- 3.3 There is limited planning history associated with the agricultural land located to the south of the industrial estate and none that is considered to be of particular relevance to the proposed development.
- 3.4 Due to the nature of the northern and southern DHPWN land and the railway reinstatement land, following existing transport related infrastructure, there are numerous historical planning permissions that lie within or adjacent these parcels of land. However, these primarily relate to highway construction works and the development of land adjacent to the highway and railway network.

These historic planning permissions are not considered to be of relevance to the proposed development.

4. POLICY FRAMEWORK

4.1 NATIONAL POLICY STATEMENTS

4.1.1 In accordance with Section 104 of the Planning Act 2008, in determining applications for development consent decision makers must have regard to:

- (a) any national policy statement which has effect in relation to development of the description to which the application relates;
- (aa) the appropriate marine policy documents (if any), determined in accordance with section 59 of the Marine and Coastal Access Act 2009;
- (b) any local impact report submitted to the Secretary of State before the deadline specified in a notice under section 60(2);
- (c) any matters prescribed in relation to development of the description to which the application relates; and
- (d) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.

Paragraph 4.1.5 of the Overarching National Policy Statement (NPS) for Energy (NPS EN-1) clarifies that along with NPS's:

“Other matters that the IPC (now replaced by the Planning Inspectorate) may consider both important and relevant to its decision-making may include Development Plan Documents or other documents in the Local Development Framework. In the event of a conflict between these or any other documents and an NPS, the NPS prevails for the purposes of NID decision making given the national significance of the infrastructure.”

4.1.2 The Overarching National Policy Statement for Energy (NPS EN-1) sets out the Government's policy for the delivery of major energy infrastructure. It is accompanied by five technology-specific NPS's for the energy sector, of which the NPS for Renewable Energy Infrastructure (NPS EN-3) and the NPS for Electricity Networks Infrastructure (NPS EN-5) are relevant to the proposed development.

4.1.3 NPS EN-1 sets out the Government's policy for delivery of major energy infrastructure projects and at paragraph 3.1.1 states:

“the UK needs all the types of energy infrastructure covered by this NPS in order to achieve energy security at the same time as dramatically reducing greenhouse gas emissions”.

4.1.4 Paragraph 3.1.2 goes on to state that:

“It is for industry to propose new energy infrastructure projects within the strategic framework set by Government. The Government does not consider it appropriate for planning policy to set targets for or limits on different technologies”.

4.1.5 Paragraph 3.1.3 sets out that applications for development consent should be assessed *“on the basis that the Government has demonstrated that there is a need for those types of infrastructure”*, whilst paragraph 3.1.4 directs that the IPC (now SoS) *“should give substantial weight to the contribution which projects would make towards satisfying this need”* when considering development consent order applications.

4.1.6 NPS EN-1 at paragraph 3.4.3 identifies 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.

- 4.1.7 Paragraph 3.4.5 sets out the need to bring forward new renewable electricity generating projects as soon as possible, whilst also indicating that this need is urgent.
- 4.1.8 Paragraph 4.1.2 indicates that the SoS should start with a presumption in favour of granting consent to applications for energy NSIPs, unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.
- 4.1.9 NPS EN-3 sets out the specific policies relating to renewable energy infrastructure including generating stations that generate electricity from waste.
- 4.1.10 Section 2.4 of NPS EN-3 deals with good design for energy infrastructure and requires that proposals should demonstrate good design in respect of landscape and visual amenity, and in mitigating impacts such as noise and effects on ecology.
- 4.1.11 Paragraph 2.5.2 recognises the increasingly important role that the recovery of energy from the combustion of waste will play in meeting the UK's energy needs and that it will form an important element of waste strategies in England.
- 4.1.12 Paragraph 2.5.13 identifies that fuel throughput capacity of plants may vary widely. This is not a factor in decision-making, but increases in traffic, changes in air quality and other adverse impacts as a result of the increase in throughput should be considered.
- 4.1.13 NPS EN-3 identifies potential impacts that may be specific to EfW generating stations as: Air Quality and Emissions; Landscape and Visual; Noise and Vibration; Odour, Insect and Vermin Infestation; Waste Management; Residue Management; and Water Quality and Resources.

4.1.14 NPS EN-5 outlines the principles that apply to the consideration of applications for new electricity transmission lines as well as associated infrastructure, such as substations. Technology specific considerations include biodiversity and geological conservation, landscape and visual, noise and vibration and the impacts of electric and magnetic fields.

4.2 *THE WASTE (ENGLAND AND WALES) REGULATIONS 2011*

4.2.1 The Waste (England and Wales) Regulations 2011 (2011 Regulations), originated from the revised Waste Framework Directive (the Waste Directive), which came into force established the overarching framework for the management of waste across the EU. Article 4 of the Waste Directive sets out five steps for dealing with waste, ranked according to environmental impact - the 'waste hierarchy'. It gives top priority to preventing waste. When waste is created, it gives priority to preparing it for re-use, then recycling, then recovery, and last of all disposal (e.g. landfill). A key principle in the backdrop to the hierarchy is to pursue efficient use of resource.

4.3 *NATIONAL PLANNING POLICY FRAMEWORK*

4.3.1 The National Planning Policy Framework (NPPF) and its accompanying Planning Practice Guidance (PPG) sets out the Government's planning policies for England and how these are to be applied. Paragraph 5 of the NPPF makes it clear that the document does not contain specific policies for NSIP's and that NSIP applications should be determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant NPS's, as well as other matters that are considered both important and relevant. Paragraph 5 clarifies that matters considered both important and relevant to NSIP's may include the NPPF.

4.3.2 Paragraph 7 of the NPPF recognises the purpose of the planning system as contributing to the achievement of sustainable development. Paragraph 8 goes on to identify three dimensions of sustainable development: economic, social and environmental. Paragraph 9 goes on to stress that these three

roles are mutually dependent and should not be undertaken in isolation. The NPPF also introduces a presumption in favour of sustainable development.

4.3.3 The following sections of the NPPF are considered to be relevant to the consideration of this application:

- Achieving sustainable development
- Decision making
- Building a strong, competitive economy
- Promoting healthy and safe communities;
- Promoting sustainable transport;
- Making Effective Use of Land;
- Achieving well-designed places;
- Meeting the challenge of climate change, flooding and coastal change;
- Conserving and enhancing the natural environment; and
- Conserving and enhancing the historic environment.

4.4 *LOCAL DEVELOPMENT PLAN*

4.4.1 The current Development Plan for North Lincolnshire comprises the saved policies of the North Lincolnshire Local Plan (NLLP) (2003); the North Lincolnshire Core Strategy (NLCS) (2011); and the North Lincolnshire Housing and Employment Land Allocations Development Plan Document (HELADPD) (2016). There are no Neighbourhood Plans relevant to the determination of this application. It is considered that these Development Plan documents are “important and relevant” considerations as defined in the Planning Act 2008.

4.4.2 The Development Plan policies relevant to the consideration of this application are set out below.

4.4.3 North Lincolnshire Local Plan (NLLP) (2003):

- RD2 – Development in the Open Countryside;
- T1 – Location of Development;
- T2 – Access to Development;
- T6 – Pedestrian Routes and Footpaths;
- T8 - Cyclists and Development;
- T9 – Promoting Buses and Trains;
- T11 – Protecting Rail Routes;
- T14 – The North Lincolnshire Strategic Road Network (NLSRN);
- T15 – Highway Improvements and New Highway Construction;
- T19 – Car Parking Provision & Standards;
- T22 – Rail Freight;
- T23 – Water Freight;
- T24 – Road Freight;
- R5 – Recreational Paths Network;
- LC1 – Special Protection Areas, Special Areas of Conservation and Ramsar Sites;
- LC2 – Sites of Special Scientific Interest and National Nature Reserves;
- LC3 – Local Nature Reserves;
- LC4 – Development Affecting Sites of Local Nature Conservation Importance;
- LC5 – Species Protection;

- LC6 – Habitat Creation;
- LC7 – Landscape Protection;
- LC12 – Protection of Trees, Woodland and Hedgerows;
- LC15 – Landscape Enhancement;
- IG2 – Environmental Enhancement and Habitat Restoration;
- IG6 – Motorised Recreation;
- IG7 – Geological Research;
- HE8 – Ancient Monuments;
- HE9 – Archaeological Evaluation;
- W1 – Applications for Waste Management Facilities;
- W3 – Flood Risk Areas;
- W4 – Waste Management Facilities and the Best and Most Versatile
Agricultural Land;
- W6 – Transportation of Waste;
- W9 – Handling of Waste;
- DS1 – General Requirements;
- DS3 – Planning Out Crime;
- DS7 – Contaminated Land;
- DS11 – Polluting Activities;
- DS12 – Light Pollution;
- DS13 – Groundwater Protection and Land Drainage;
- DS14 – Foul Sewage and Surface Water Drainage;
- DS16 – Flood Risk; and
- DS17 – Renewable Energy.

4.4.4 North Lincolnshire Core Strategy (NLCS) (2011):

- CS1 – Spatial Strategy for North Lincolnshire;
- CS2 – Delivering More Sustainable Development;
- CS3 – Development Limits;
- CS5 – Delivering Quality Design in North Lincolnshire;
- CS6 – Historic Environment;
- CS11 – Provision and Distribution of Employment Land;
- CS16 – North Lincolnshire’s Landscape, Greenspace and Waterscape;
- CS17 – Biodiversity;
- CS18 – Sustainable Resource Use and Climate Change;
- CS19 – Flood Risk;
- CS20 – Sustainable Waste Management;
- CS25 – Promoting Sustainable Transport;
- CS26 – Strategic Transport Infrastructure Proposals; and
- CS27 – Planning Obligations

3.4.5 North Lincolnshire Housing and Employment Land Allocations Development Plan Document:

- PS1 – Presumption in favour of sustainable development;
- SCUE-1 – Normanby Enterprise Park;
- SCUH-1 – Land at Pheonix Parkway Phase 1; and
- SCUH-10 – Land South of Ferry Road west.

4.5 EMERGING NORTH LINCOLNSHIRE LOCAL PLAN (ENLLP)

4.5.1 North Lincolnshire Council is currently in the process of preparing a new Local Plan to 2038. Once formally agreed this document will replace the current North Lincolnshire Local Plan (2003), North Lincolnshire Core Strategy (2011) and Housing and Employment Land Allocations DPD (2016).

4.5.2 NLC submitted the new Local Plan and supporting evidence to the Government's Planning Inspectorate for examination on 11 November 2022.

4.5.3 The policies within the emerging Local Plan that are deemed relevant to the determination of the proposed development are as follows:

- SS1 – Presumption in Favour of Sustainable Development;
- SS2 – A Spatial Strategy for North Lincolnshire;
- SS3 – Development Principles;
- SS11 – Development Limits;
- EC2 – Existing Employment Areas;
- EC5 – Wharves;
- TC2 – Place Making and Good Urban Design;
- RD1 – Supporting Sustainable Development in the Countryside;
- DQE1 – Protection of Landscape, Townscape and Views;
- DQE3 – Biodiversity and Geodiversity;
- DQE4 – Local Nature Reserves;
- DQE5 – Managing Flood Risk;
- DQE6 – Sustainable Drainage Systems;
- DQE7 – Climate Change and Low Carbon Living;
- DQE8 – Renewable Energy Proposals;
- DQE10 – Important Open Space;
- DQE11 – Green Infrastructure Network;
- DQE12 – Protection of Trees, Woodland, and Hedgerows;
- HE1 – Conserving and Enhancing the Historic Environment;
- CSC1 – Health and Wellbeing;
- WAS1 – Waste Management Facilities;
- WAS2 – Waste Facilities;

- WAS3 – Waste Management Provision;
- WAS6 – Waste Management in Development;
- T1 – Promoting Sustainable Transport;
- T3 – New Development and Transport;
- T4 – Parking;
- T5 – Cycle and Motorcycle Parking;
- T6 – Freight;
- DM1 – General Requirements;
- DM3 – Environmental Protection;
- ID1 – Delivering Infrastructure;

4.6 *OTHER POLICY DOCUMENTS AND GUIDANCE*

4.6.1 In addition to the Development Plan policies listed above, there are a number of supplementary planning documents and guidance documents which have relevance to the proposed development as set out below:

- Lincolnshire Lakes Area Action Plan (AAP) (2016);
- North Lincolnshire Planning for Renewable Energy Development Supplementary Planning Document (2011);
- Sustainable Drainage Systems (SuDS) and Flood Risk Guidance (2017);
and
- Landscape Character Assessment & Guidelines (1999).

4.6.2 The Lincolnshire Lakes Area Action Plan (AAP) sets out the planning policy framework to deliver the Lincolnshire Lakes development in a consistent and properly planned way. The Lincolnshire Lakes Project is planned to create a number of high quality, sustainable village communities on land between the western edge of Scunthorpe and the River Trent. The Lincolnshire Lakes boundary extends across part of the Order Limits to the south of Flixborough Industrial Estate and over much of the land across which the Southern DHPWN follows as this tracks the alignment of the A1077 to the south. However, the development proposals of the Lincolnshire Lakes AAP are

located further to the south of the Lincolnshire Lakes AAP area, some distance outside of the Order Limits.

4.6.3 The Council's Planning for Renewable Energy Development Supplementary Planning Document (SPD) (2011) supports renewable energy and views this as being a key part of the transformation of North Lincolnshire's economy. This document sets out a number of policy considerations specific to proposals for renewable energy development including: Biodiversity; Landscape; Visual Effects; Heritage Assets; Soil and Hydrology; Flood Risk; Community Impact; Cumulative Effects; Highways & Rights of Way; and Local Grid Connections & Ancillary Equipment.

4.6 *PLANNING POLICY OVERVIEW*

4.6.1 The local Development Plan does not make specific allocation of land for new energy generation development, nor for new waste management facilities.

4.6.2 Whilst the Order limits lie largely outside of local policy allocations, part of the Energy Park Land lies within the development limits of the Flixborough Industrial Estate. This industrial estate is proposed to be safeguarded for employment uses through policy EC2 of the emerging local plan. The indicative Site Layout Plan [APP-025] indicates that this includes the land that will house the Energy Recovery Facility (ERF), the emission stacks, the Carbon Capture plant and the larger part of the residue handling and concrete block manufacturing facility.

4.6.3 Other parts of the Energy Park Land are located outside of, but immediately adjacent the Flixborough Industrial Estate development boundary. The proposed visitor centre, plastic recycling facility and part of the residue handling and concrete block manufacturing facility are located adjacent to the development boundary to the south; whereas a hydrogen production facility, an above ground installation and a ERF substation are located adjacent the development boundary to the east, between the industrial estate and Stather Road.

- 4.6.4 The proposed new road linking to the B1216 Ferry Road West, a hydrogen production facility, above ground installation, battery storage area and vehicle refuelling station are shown grouped together adjacent to the B1216 Ferry Road West, some distance from any defined development boundary.
- 4.6.5 The railway reinstatement land and that associated with the southern DHPWN are located predominantly outside of defined development limits; whereas both route options for the northern DHPWN are located predominantly within the development limits of the Scunthorpe and Bottesford Urban Area.
- 4.6.6 Due to the scale and nature of the proposed development and the location of the application site, there are a number of adopted and emerging development plan policies that are relevant to establishing the principle of development. This includes those policies relevant to the identification and provision of employment land, those related to renewable energy generation, those policies that relate to waste management and policies that deal with development within the countryside.

Employment

- 4.6.7 There is some policy support for the proposal with regards to economic growth with the energy sector, which is identified as one of the main business sectors within North Lincolnshire (NLCS Chapter 9 para. 9.11). Policy CS11 of the NLCS seeks to support the continued expansion of and improvement of North Lincolnshire's economy in order to create a step change in the area's role both regionally and nationally. It seeks to do this primarily through the identification of key strategic sites for future employment related development; with regards to other locations policy CS11 seeks to support development that would meet local employment needs and maximise other special locations. The application site does not fall within one of the identified strategic employment areas; however it is located within and adjacent to an existing employment site (Flixborough Industrial Estate), with multi-modal transport opportunities via the River Trent and potential connection to the railway and

strategic highway networks. It is also located in an area with existing energy developments (Flixborough Grange Windfarm & Flixborough Solar Farm) and grid connections. Therefore, the site does offer specific locational benefits for the proposed development sufficient to constitute a special location in accordance with policy CS11.

Renewable energy

4.6.8 The proposed development also benefits from policy support with regards to sustainable development and the provision of renewable energy development. Policy DS21 of the NLLP is supportive of new renewable energy development in principle subject to an appropriate assessment of impacts, including upon amenity and the environment. Policy CS18 of the NLCS seeks to actively promote development that utilises natural resources as efficiently and sustainably as possible. It sets out a number of measures to achieve this aim including the use of waste for energy where appropriate; supporting renewable sources of energy in appropriate locations, where possible, and ensuring development maximises the use of combined heat and power; and supporting new technology and development for carbon capture and best available clean and efficient energy technology to help reduce CO2 emissions.

Waste

4.6.9 With regards to waste management, the introductory text to the waste policy chapters in both the NLLP (para. 16.47) and the NLCS (para. 12.26) acknowledge the potential of waste as a fuel to generate electricity and heat. Paragraph 12.26 of the NLCS in particular identifies the strategic aim that *“North Lincolnshire is aiming to develop a green economy and potential to become a renewable energy hub. The use of waste as a resource could contribute to this”*.

4.6.10 Policy CS20 of the NLCS is the adopted development plan policy which sets out the strategic approach towards waste management in North Lincolnshire.

Whilst this policy does not identify specific sites for new waste management facilities it does consider the need for such facilities and provides a number of broad strategic areas for their location; Flixborough Industrial Estate is identified as one of these strategic areas. Policy CS20 then goes on to set out a sequential approach for the location of waste management facilities within the broad strategic areas; of which locations at established industrial sites is identified as the 5th most preferable location following on-site management, neighbourhood self-sufficiency, co-location and mineral extraction and landfill sites.

4.6.11 It is noted that the identification of strategic areas for new waste management facilities is removed from emerging policy WAS1 and that this is replaced by a requirement to manage waste through the waste hierarchy, with new disposal sites only permitted where it can be demonstrated that they meet a need that cannot be met by treatment higher within the waste hierarchy. Emerging local plan policy WAS2 provides further guidance on the location of new waste management facilities, requiring them to be located in sustainable locations following a sequential approach. Employment sites suitable for industrial uses are identified as the third preference following existing allocated/consented waste sites and employment sites where so-location of waste facilities is possible.

4.6.12 Other policies relevant to the determination of new waste management facilities of the nature proposed are found within the NLLP. Policy W1 is permissive of new waste management facilities subject to a number of criteria, including those to protect amenity and secure good design. This policy also requires new facilities to be located close to the strategic road network. Policy W3 seeks to direct new waste management facilities to areas where they will not be at risk of coastal erosion or tidal/river flooding. Policy W4 seeks to protect best and most versatile (BMV) agricultural land and only permits new waste management facilities on such land where the proposal overrides the need to protect the land. Finally policy W6 seeks to promote the sustainable transport of waste and precludes the transportation by road where there is the

potential for transport via river or rail; this policy is supportive of proposals to transport waste by rail and/or river.

4.6.13 There is therefore general policy support for new waste management facilities in North Lincolnshire and more specifically within Flixborough Industrial Estate. There is further support with regards to the use of river and rail to transport waste to new facilities. However, policies W3 and W4 seeks to direct new facilities away from areas of flood risk and BMV agricultural land and require these issues to be fully assessed and justified. The Energy Park Land includes both areas at high risk of flooding from the River Trent and BMV agricultural land.

4.6.14 NLC is also cognisant of the guidance set out within the Waste chapter of the Planning Practice Guidance (PPG) in respect of the principles of self sufficiency and proximity. At the present time the catchment area for the waste is not fully understood, nor whether the proposed development would result in an overcapacity of waste management facilities within the catchment given the proposal to process up to 760,000 tonnes of RDF annually and the potential presence of other existing/consented facilities. Following Issue Specific Hearing 1 (Scope of the DCO) it is understood that further clarification/justification is to be provided by the Applicant on these matters, which NLC would welcome.

Development in the countryside

4.6.15 Large parts of the application site lie outside of defined development limits and as such policies RD2 of the North Lincolnshire Local Plan and CS2 and CS3 are relevant in assessing the principle of development. These policies seek to generally direct development within defined development limits and to previously developed sites. However, Policy RD2 does allow employment related development appropriate to the open countryside provided that the open countryside is the only appropriate location and that the development cannot reasonably be accommodated within development boundaries.

Policies CS2 and CS3 similarly make allowance for uses that require a countryside location.

4.6.16 Industrial development is not normally considered to be development appropriate to the open countryside. However, in this instance the proposal seeks to construct a new energy recovery facility within, and a range of associated plant and infrastructure adjacent to, Flixborough Industrial Estate. Given the scale and nature of the development proposed it is unlikely to be possible to be located within existing development boundaries; this is not uncommon for new energy/renewable energy developments. Furthermore, it is acknowledged that the location is also driven by the need for multi-modal transport opportunities which further limits the ability to site the development wholly within existing developments limits. Therefore there is a justification for siting elements of the proposal outside of defined development limits should those elements be deemed essential to the development as a whole.

Summary

4.6.17 Overall it is considered that the proposed development generally accords with the aims of the Development Plan in respect of sustainable economic development, the generation of renewable energy (incorporating CHP & CCU technologies) and sustainable waste management in accordance with the waste hierarchy and the need to divert waste from landfill. These matters weigh in favour of the development and the principle of development is considered to be merited subject to conformity with the relevant policies of the plan, including those that seek to protect the environment and amenity of the area.

4.6.18 Notwithstanding this, some potential for policy conflict has also been identified in relation to the siting of new waste management facilities on best and most versatile agricultural land and within an area of high flood risk; also due to some significant adverse impacts being identified in the Environmental Statement. These matters need to be fully considered and weighed in the planning balance when a decision is made.

5. PRE-APPLICATION CONSULTATION

- 5.1 North Lincolnshire Council has previously expressed the opinion that it has no objection to the degree of community consultation undertaken and that this consultation has been undertaken as required by Sections 42, 47 & 48 of the Planning Act 2008 (as amended).

6. LANDSCAPE AND VISUAL IMPACT

- 6.1 The Council has assessed the submitted information concerning the assessment of the landscape and visual impacts and the potential cumulative impact of this proposed development. This is included in ES Chapter 11 [APP-059]. During pre-application discussions NLC advised that landscape and visual impacts need to be considered in terms of the adopted Landscape Assessment and Guidelines and the Countryside Design Summary. The use of the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3, 2013), produced by the Landscape Institute and the Institute of Environmental Management & Assessment was also advised. Core Strategy Spatial Objective 10, policies CS5 and CS16 and Saved Local Plan Policies LC7 and RD2 also needed to be considered. Submitted ES Chapter 11 complies with this advice and as such NLC is satisfied that the submitted assessment can be relied upon as a reasoned explanation of the potential impacts of the proposed development.
- 6.2 Potential impacts on local and more distant views and landscape character types have been assessed. Night-time views and effect of lighting are also included in the assessment. A range of adverse effects, from minor to major adverse, has been predicted from various viewpoints, with the worst affected viewpoints being from Amcotts and Stather Road, Flixborough.
- 6.3 Of particular concern to NLC is the impact of the proposed development on visual amenity from receptors at Viewpoint 1 (Amcotts) and Viewpoint 2 (Stather Road, Flixborough). These impacts are outlined in tables 25 and 26

of ES Chapter 11 [APP-059] and accrue from the short-range nature of the views and the scale of the proposed development and individual structures. Despite the presence of existing industrial development associated within Flixborough Wharf and Industrial Estate, the proposed development would be larger in scale and form and have an appreciable impact on views from these locations. NLC agree with the assessment presented by the Applicant which demonstrates that there will still be major adverse and moderate adverse impacts on viewpoints 1 and 2 respectively even following the growth of landscape mitigation planting at year 15. This is concerning.

- 6.4 Impact mitigation measures are set out in section 7.1.1.5 of the ES Chapter 11 and in the submitted Indicative Landscape and Biodiversity Plans [APP-024]. These include, planting woodland strips and blocks, extending habitat from existing ancient woodland creating grassland and wetland areas, hedgerow reinstatement and formal landscaping.
- 6.5 In addition to the landscape mitigation proposals outlined above paragraphs 7.1.1.8 and 7.1.1.9 of APP-059 set out the approach to the detailed design of the project aimed at mitigating the visual impact of the development and delivering good design. This includes such architectural measures as varying roof heights and massing; use of colour; integrating building infrastructure; the provision of a visual barrier; and limiting the overall height of the buildings and stacks where feasible. These measures are incorporated within the Design Principle and Codes document [APP-046]. Securing high quality design at the detailed design stage will be essential in minimising visual impacts as much as possible.
- 6.6 Given the scale and massing of the proposed development, irrespective of mitigation, it will not be feasible to eliminate the visual impacts of the development and as such there will be residual effects which weigh against the proposal. Despite this fact it is noted that this location already supports industrial developments which contribute to the character of the area and that the largest structures are located within or directly adjacent to the existing industrial estate.

7. TRAFFIC AND TRANSPORT

7.1 The Council has assessed the submitted information concerning the assessment of potential traffic and transport effects of the proposed development. This is set out in ES Chapter 10 [APP-058] and includes the Transport Assessment (TA), Operational Workers Travel Plan and Construction Logistics Plan (CLP).

7.2 This section of the Local Impact Report considers the proposed impact of the development on the highway network, during both the construction and operational phases.

Baseline data

7.3 Collision data for the five year period prior to September 2021 has been analysed. The five year assessment period is standard for a project of this size. A total of 62 collisions were recorded within the study area and although there were some common attributes identified, there is no data to suggest that the highway layout is a contributory factor.

7.4 The existing baseline year has been identified as 2022, representing the DCO submission date. The TA identifies an opening year of 2028, with two future assessment years of 2033 and 2038.

7.5 Traffic surveys were undertaken in October 2020, outside of school holidays, to obtain classified turning counts and queue length data. The survey dates fell during the Covid-19 pandemic, it was therefore agreed that the results of the 2020 surveys would be compared with previous traffic flow data and an 'uplift' factor applied to the 2020 flows if required.

7.6 NLC provided data from 2014 and 2015 for two junctions within the study area. TEMPRO growth factors were applied to these flows to calculate 2019 flows, which could then be compared with the 2020 flows. The applicants also

considered 2019 Annual Average Daily Traffic Flows from nearby Department for Transport sites and compared these with the 2020 counts. Both methods demonstrated that the 2020 traffic count data was around 15% lower than the 2019 data, which was to be expected. An uplift factor was calculated and applied to the 2020 traffic count data, to provide '2020 uplifted baseline' traffic flows. This approach was agreed with the applicant as both a robust and pragmatic approach to collecting traffic count data during the Covid-19 pandemic.

- 7.7 An exercise was undertaken in March 2022 by NLC, to determine whether traffic flows had reverted to pre-pandemic levels. Five areas were identified on A roads in North Lincolnshire, where 24/7 data collection was undertaken for a week, both before March 2020 and in 2021. This showed that in three locations, traffic flows in 2021 were significantly lower than the earlier counts. For the remaining locations, traffic flows were marginally lower in 2021. This indicates that current traffic levels are still generally lower than pre-pandemic levels. Therefore, it is considered that the approach adopted by the Applicant is robust and does provide a worst-case basis for the assessment.

Sustainable freight movement

- 7.8 The proposed site is located adjacent to the River Trent and within close proximity to Flixborough Wharf. There is also a disused rail connection from Flixborough Wharf connecting into the national rail network at Dragonby Sidings. Part of the project proposals include reinstating the disused branchline, along with a new railhead at Flixborough Wharf.
- 7.9 From the information provided, the applicant seeks to maximise deliveries by rail and river where possible, during the construction and operational phases. The Council is supportive of the aspirations of the proposals to transport freight by rail/river in the future as this would offer both environmental benefits and reduce the number of vehicle movements associated with the project in accordance with policies W6, T22 and T23 of the NLLP and CS25 of the NLCS.

- 7.10 Notwithstanding this, NLC are pleased to note that the Applicant's assessment has assumed that all deliveries during both the construction and operational phases will be made by road. This offers a worst-case scenario assessment and ensures that vehicle movements can be adequately accommodated on the highway network, without creating any capacity issues.
- 7.11 The ES considers movements that could be transferred to rail/river and the number of movements that could be made by these modes. However, this doesn't appear to be translated into what the reduction in HGV movements would be, or provide any timescales for introducing deliveries by rail/river. Given the work needed to reinstate the disused branch line, coupled with agreeing paths with Network Rail and securing a freight operating company, we would not envisage rail being a feasible mode of transport until at least the later stages of the construction phase.

Construction phase impacts

- 7.12 The ES assumes that all construction related traffic will travel by road, which represents the worst-case scenario and ensures that a robust assessment has been completed. Construction traffic can be split into deliveries (primarily HGVs) and workforce traffic (mostly car/LGVs).
- 7.13 Year 2 (2024) is predicted to have the greatest number of delivery vehicles, with an estimated 985 – 2,260 vehicles per month, which equates to 45 – 105 vehicles per day. Year 3 (2025) is predicted to be slightly less. Workforce travel is expected to peak in Year 4 (2026), with 11,730 – 16,020 vehicles per month, or 585 – 800 per day.
- 7.14 It is acknowledged that these are preliminary estimates, which will be developed and updated as the design progresses. Revised figures will be included within the detailed Construction Logistics Plan.

7.15 The percentage increase of construction traffic on the highway network has been calculated. The greatest increase is on the new access road and the B1216 to the east of the new access road, which is to be expected. After this, the greatest impact is seen on the A1077, primarily to the south of the site but also northbound to a lesser extent. Based on annual average daily traffic flows in 2025 (the peak year for construction traffic) this equates to a:

- 4.2% increase in total vehicles on the A1077, south of the B1216
- 2.1% increase in total vehicles on the A1077, north of the B1216
- 2.4% increase in total vehicles on the A1077, south of the A18.
- 2.4% increase in total vehicles on the M181, north of the M180

7.16 Although the numbers of construction vehicle trips will be high, the actual percentage increase is minimal and is not expected to have a significant impact on the highway network or existing road users.

7.17 It is anticipated that construction workers will be working 07:00 – 19:00 and vehicle trips will therefore predominantly occur outside of highway peak hours, reducing the impact on the highway network further. Deliveries will be spread throughout the working day.

7.18 There are references within the Construction Logistics Plan (CLP) to measures that can be considered to reduce single car occupancy for workforce travel. The nature of the work means that car is likely to be the most practical form of travel for workers, but it is unclear whether any allowance has been made for car sharing. It can be common for workers to car share in these situations, which may reduce the number of workforce travel trips.

Operational phase impacts

7.19 The predicted number of employees across the core elements of the Project is 257. Each element will have its own workforce with differing shift patterns.

From the information provided on the shift patterns, it is anticipated that the peak hours for workforce travel trips will be:

- 07:00 – 08:00, 52 arrivals, 53 departures
- 14:00 – 15:00, 61 arrivals
- 22:00 – 23:00, 53 arrivals, 5 departures

These will fall outside of the highway peak hours and will have a minimal impact on the highway network.

7.20 The modal split for travel to work is based on 2011 census data, which showed 86% of workers travelling by car, either as a driver or passenger. This split has been retained in the TA, although the percentage for walking has been reduced due to the distance between the Project and the existing residential area. The mode share has been increased for cycling, bus and train. Whilst cycling would be a realistic mode of travel, the location of the Project, coupled with shift times mean that bus/train are not practical modes of travel for employees.

7.21 As mentioned earlier, the applicant proposes to maximise the use of rail/river to transport freight where possible. We are supportive of this as it will offer significant benefits. However, to ensure a robust assessment the applicant has assumed all freight will be transported by road. Two figures appear to be provided for the average number of HGV movements to/from the site. Paragraph 6.5.2 gives an average figure of 175 one-way HGV movements, but paragraph 6.5.5 suggests a total daily average of 452 two-way HGV movements. It is unclear which figure is accurate. This paragraph also gives a total daily maximum of 488 two-way HGV movements. Table 6.1 has different figures, although this presumably includes HGV movements associated with the electric vehicle/hydrogen refuelling station and may include two-way movements. Table 6.1 also shows the Project peak hour as 14:00 – 15:00, whereas it is specified as 13:00 – 14:00 in paragraph 6.5.5.

- 7.22 It is predicted that vehicle movements will be spread across the working day between 06:00 and 20:00, with 48 HGV movements in the am peak hour and 54 HGV movements in the pm peak hour (based on Table 6.1.) Therefore, whilst the core element of the Project is predicted to generate a significant number of HGV movements, they will be spread across the day and there will only be a small number of vehicle movements within peak hours.
- 7.23 All freight movements are expected to travel along the B1216 (west of the A1077) and the A1077, which are designed to accommodate high traffic flows and avoid residential areas.
- 7.24 The percentage increase of operational traffic on the highway network has been calculated. The greatest increase is on the new access road and the B1216 to the east of the new access road, which is to be expected. After this, the greatest impact is seen on the A1077, primarily to the south of the site but also northbound to a lesser extent. Based on annual average daily traffic flows in 2028 (the peak year for construction traffic) this equates to a:
- 4.1% increase in total vehicles on the A1077, south of the B1216
 - 1.7% increase in total vehicles on the A1077, north of the B1216
 - 2.4% increase in total vehicles on the A1077, south of the A18
 - 2.4% increase in total vehicles on the M181, north of the M180
- 7.25 In addition to this, a 5.4% increase in all vehicles is predicted on Ferry Road West (east of the A1077), or 15.3% increase in HGVs. The increase in HGVs on this road is a concern to NLC as it is a residential area and although HGV access is allowed, this is only to access the existing industrial uses along Scotter Road. It is unclear why HGVs would need to travel along this road and this is not covered in the TA.
- 7.26 Junction modelling was undertaken at the A1077/B1216 signalised junction. The output shows that the junction will operate with a Degree of Saturation (DoS) less than 90% in 2028 (opening year) and 2033 (five years after

opening). The DoS increases to 95% in 2038 on the A1077 (south west approach), however the modelling has assumed that 3,000 dwellings from the Lincolnshire Lakes will be complete at this time. The predicted queuing should be capable of being accommodated within the lane capacity. As the majority of trips will occur outside of the peak hours, the Project will not have an adverse impact on this junction.

- 7.27 At Issue Specific Hearing 1 (ISH1) the Applicant stated that there is potential for a “virtual hydrogen pipeline” to be used should connection to gas supply pipelines not be feasible. This would constitute HGVs being used to distribute hydrogen produced at the site. It is unclear whether this option has been considered when predicting operational traffic generation and if not what level of additional HGV movements could be expected on the highway network.

Operational workers travel plan

- 7.28 The travel plan sets out the general strategy for managing multi-modal access to the Project, whilst focussing on promoting access by sustainable modes. The applicant will be responsible for providing sufficient funding and resources to implement and monitor the Travel Plan.
- 7.29 The site wide measures and initiatives that are currently proposed are fairly generic and focus primarily on the provision of information, with very few incentives offered. We would like to see a more tailored approach, once staff travel surveys have been completed.
- 7.30 The location of the Project, coupled with shift patterns mean that the car is likely to be the predominant mode of travel, in terms of time and safety concerns. Whilst some residential areas fall within a 30 minute walk, in reality this is only likely to encompass a small number of employees. Cycling is a more realistic option and new cycleways are being provided as part of the development, however people’s willingness to cycle will depend upon shift patterns and workplace facilities, such as lockers, changing rooms and drying facilities.

- 7.31 As mentioned earlier, bus/rail are unlikely to be practical modes of travel. Car sharing has the potential to reduce single occupancy trips, but there is no dedicated car sharing scheme in North Lincolnshire, so the applicant may wish to consider a site-specific scheme.

Proposed highway improvements

- 7.32 The main highway improvement is the construction of a new access road between Stather Road and the B1216 Ferry Road West. This will serve both the Project and the existing Flixborough Industrial Estate and Flixborough Wharf. The new road will remove the need for HGVs to use the existing section of Stather Road along the River Trent, via Neap House. The Neap House bend is signal controlled as it is unsuitable for two-way HGV movements. The new access road will be built to adoptable standards and include a 3m wide shared footway/cycleway to support and encourage sustainable travel to/from the industrial area. The speed limit and classification of the road have been agreed with NLC as local highway authority. The location and alignment of the new road have been agreed in principle with NLC as local highway authority.
- 7.33 The new access road will be constructed at the start of the Project, to ensure that it is open for use by construction vehicles during the peak construction period. This is an essential requirement.
- 7.34 The new access road will offer significant benefits to both road users and residents at Neap House and NLC as the highway authority are supportive of this aspect of the proposal. As part of these works, it is proposed to stop up Stather Road between Flixborough Industrial Estate and the existing pumping station to the north of Neap House.
- 7.35 It will be necessary to relocate the existing main access to Flixborough Wharf as a result of stopping up Stather Road. This will be relocated to their

secondary access on Bellwin Drive and has been agreed in principle with the wharf operator.

- 7.36 Highway improvements are also proposed on First Avenue to allow two-way HGV movements, and the provision of double yellow lines along both sides of First Avenue (between Flixborough Wharf and Second Avenue) to ensure unrestricted two-way access. A new section of 3m shared footway/cycleway is also proposed along First Avenue, between Bellwin Drive and Second Avenue. This will improve connectivity for any pedestrians/cyclists as the existing facilities on Flixborough Industrial Estate are limited.
- 7.37 In addition to the facilities mentioned above, it also proposed to provide a new 3m wide shared footway/cycleway along the B1216, between the new access road and the A1077. The existing traffic signals at the A1077/B1216 junction will be enhanced to provide a toucan crossing facility, to allow pedestrians/cyclists to safely cross the A1077. These proposals will significantly improve pedestrian/cycle connectivity between existing residential areas to the east of the A1077, the Project and Flixborough Industrial Estate.

Construction logistics plan

- 7.38 An outline Construction Logistics Plan (CLP) has been produced and it is envisaged that the applicant will submit a detailed CLP to NLC for approval prior to work commencing on site. NLC as local highway authority are satisfied with the principles outlined in the CLP, particularly around the proposals for managing construction traffic.
- 7.39 The main route for construction traffic to/from site is identified as the Strategic Road Network, A1077 and B1216 (west) to the new access road. NLC are satisfied with this routing. Obviously, this will primarily relate to construction deliveries, and we are pleased to see measures are outlined in the CLP as to how these routes will be communicated to delivery drivers, monitored, and enforced.

- 7.40 With regards to construction workforce travel, it is more challenging to identify agreed routes. However, it is proposed that the detailed CLP will include an element of travel planning and how to make workforce travel more sustainable. Onsite parking will be provided for construction workers.
- 7.41 All vehicles accessing the site will be screened by traffic marshals and then directed to either the loading bay or vehicle holding zone. The screening area will be of sufficient size to accommodate vehicles on site, to avoid any queuing on the highway network. Similarly, the vehicle holding zone, will also be located on site to prevent vehicles queuing on the highway.
- 7.42 The CLP also includes proposals for a Community Engagement Officer, who will be in regular contact with local businesses and surrounding communities to share information, advise on potential disruptions and act as a point of contact for any queries. This type of role is crucial for a development of this size and nature.
- 7.43 The CLP refers to the need for temporary traffic management and traffic regulation orders and states that any permits/licences deemed necessary will be identified in the detailed CLP and progressed in accordance with the processes set out in the DCO and finalised Code of Construction Practice. NLC would expect to be involved in an early stage of any discussions surrounding these, to comment on the proposed methods and to avoid any potential clashes with other works in the area.

8. BIODIVERSITY AND ECOLOGY

- 8.1. The Council has assessed the submitted information concerning the assessment of potential ecological effects of the proposed development. This is set out in ES Chapter 10 [APP-058]. It is considered that Table 13 of APP-058 provides a reasonable summary of baseline interest features and likely significant effects, mitigation, and residual effects, subject to the comments below.

Habitat regulations

- 8.2 The application site lies adjacent to the Humber Estuary SAC and Ramsar site. Atmospheric dispersion modelling has been necessary to evaluate the potential for air pollution effects on more distant sites, such as Humber Estuary SPA, Thorne Moor SAC and Thorne and Hatfield Moors SPA.
- 8.3 The applicant has provided the Planning Inspectorate, as Competent Authority, with all the information reasonably required for a Habitats Regulations Assessment (HRA) in the form of a shadow HRA. Potential impacts, such as noise and visual impacts on birds and air pollution impacts appear to have been assessed appropriately, taking into account Natural England's advice.
- 8.4 Of all the potential effects considered, only atmospheric emissions and potential disturbance of mallards were considered to present a likely significant effect on the Humber Estuary SAC, SPA and Ramsar site, Thorne Moor SAC, Hatfield Moor SAC and Thorne and Hatfield Moors SPA. Following Appropriate Assessment, and consideration of mitigation options which form part of the committed design of the Proposed Development, the HRA concluded that emissions to air would not have an adverse effect on the integrity of any European Sites. It also concluded that any short-term and small-scale disturbance to the mallard present along a short section of the River Trent and its immediately adjacent banks would have no adverse effects on the site integrity of the Humber Estuary SPA.
- 8.5 Overall NLC has no reason to disagree with the conclusions of the HRA. However, it is noted that wintering bird surveys were limited to the Energy Park Facility and surrounding areas. The Southern District Heat and Private Wire Network, as proposed, will pass through arable land that could theoretically act as "functionally linked land" supporting wintering and passage waterbirds associated with the Humber Estuary SPA and Ramsar site.

- 8.6 Table 2 of APP-58 states, “A walkover of the Southern DHPWN is programmed to assess potential for migratory birds are not considered necessary along this linear element of the scheme which is located immediately west of the A1077 and M181 roads and will be subject to temporary impacts only”. Ignoring the apparent typing error, this rationale could usefully have been included in the screening chapter (determination of likely significant effect) of the Report to Inform Habitat Regulations Assessment [APP-043].

Sites of Special Scientific Interest (SSSI)

- 8.7 The submitted air quality assessment concludes that ammonia, nitrogen and acid deposition are predicted to have a significant effect on Risby Warren SSSI, a nationally important site for lowland dry acid grassland, which is already significantly affected by emissions to air. Although the proposed project is only one contributory factor, it is important that all available measures are taken to avoid further pollution of this site, so that recovery of lichen heath communities can be encouraged.

Protected and priority species

- 8.8 NLC has considered this application in accordance with Natural England's standing advice for protected species. Having considered Chapter 10 of the ES [APP-058] it is considered that the survey methods used and the survey effort deployed are appropriate for the site in question.
- 8.9 At the Preliminary Ecological Appraisal Report stage, it appeared that great crested newts (GCNs) would not be affected by the proposals. Now, Sections 7.2.3.5 and 7.2.3.6 of ES Chapter 10 [APP-058] highlight that GCN have been confirmed as present in ponds within 0.25 km of the Railway Reinstatement Land. Works in these areas will require either conventional or District Level Licensing. Therefore, the decision maker will need to record evidence that the proposal meets the “3 tests” of licensing -particularly in relation to “no alternative” and “reasons of over-riding public interest”.

8.10 ES Chapter 10 [APP-058] and associated appendices deal appropriately with the following species/groups in terms of Impact avoidance, Construction Phase Mitigation, Habitat Creation, Likely Impacts and Effects, and Mitigation and Enhancement Measures:

- Plants (terrestrial and aquatic).
- Invertebrates (terrestrial and aquatic).
- Badgers
- Bats
- Breeding birds
- Reptiles
- Riparian mammals (water vole and otter)

8.11 The outline Invasive Non-Native Species (INNS) Management Plan is welcomed.

Existing biodiversity value/evaluation

8.12 ES Chapter 10 [APP-058] and associated appendices deal appropriately with the following habitats/features in terms of Development Design and Impact Avoidance, Likely Impacts and Effects, and Mitigation and Enhancement Measures:

- Hedgerows/trees
- Drains
- Ephemeral/ short perennial vegetation
- Scrub
- Woodland
- Ponds
- Watercourses
- Local Wildlife Sites.
- Statutorily designated sites (SSSI, SAC, SPA, Ramsar)

8.13 In particular the following measures are welcomed:

- Following on from the scoping stage, the red-line boundary has been tightened to exclude some large areas of sensitive habitat.
- Care has been taken to minimise impacts on undesignated acid grassland and terrestrial invertebrate communities of national importance.

8.14 Paragraph 7.2.1.5 of APP-058 sets out appropriate measures to deal with impacts on trees and shrubs in Atkinson's Warren and Phoenix Parkway Local Nature Reserves. However, where lowland dry acid grassland or species-rich neutral grassland is present, it may be better to avoid the use of habitat piles, and perhaps avoid replanting scrub, in order to enhance the spatial extent of grassland swards. The Preliminary Ecological Appraisal for a recent planning application (PA/2022/1247) shows the presence of neutral grassland and acid grassland in this area.

8.15 Loss of the calcareous grassland priority habitat is predicted along the Railway Reinstatement Land (paragraph 6.3.1.6 of APP-058 and survey target notes TN18 & TN21). These areas may meet the criteria for selection as Local Wildlife Sites, applying criterion CG1 of "Local Wildlife Site Guidelines for Greater Lincolnshire 3rd edition" (Greater Lincolnshire Nature Partnership 2013). They also reportedly support the red listed (vulnerable) species smooth cat's-ear and sulphur clover and the northern marsh orchid, which has very few records in Greater Lincolnshire (BSBI Plant Atlas).

8.16 NLC are of the view that proposed requirement 4 of the draft DCO [APP-007] (re: Construction Environmental Management Plans (CEMPs)) needs to be amended to refer to habitats and designated sites as well as protected species, invasive species and soils. Requirements 5 to 8 are welcomed in relation to ecological matters.

Biodiversity enhancement

8.17 Policy CS17 of the NLCS states:

“The council will promote effective stewardship of North Lincolnshire’s wildlife through:

1. Safeguarding national and international protected sites for nature conservation from inappropriate development.
2. Appropriate consideration being given to European and nationally important habitats and species.
3. Maintaining and promoting a North Lincolnshire network of local wildlife sites and corridors, links and stepping stones between areas of natural green space.
4. Ensuring development retains, protects and enhances features of biological and geological interest and provides for the appropriate management of these features.
5. Ensuring development seeks to produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for.
6. Supporting wildlife enhancements that contribute to the habitat restoration targets set out in the North Lincolnshire’s Nature Map and in national, regional and local biodiversity action plans.
7. Improving access to and education/interpretation of biodiversity sites for tourism and the local population, providing their ecological integrity is not harmed.”

8.18 With this application, biodiversity enhancement should be secured by implementing the measures set out in Sections 7 and 9 of ES Chapter 10

[APP-058] and in the submitted Outline Landscape and Biodiversity Management and Monitoring Plan (LBMMP) [APP-041]. That is, subject to the caveats already mentioned. The proposals for species-rich grassland creation, including soil testing and soil stripping, are welcomed as such a focus on soil type and soil nutrient status is likely to be a pre-requisite for success.

- 8.19 At the time of writing, the requirement for Nationally Significant Infrastructure Projects to deliver 10% biodiversity net gain, as set out in the Environment Act 2021, has not yet come onto force. Nevertheless, the submitted Biodiversity Net Gain Report (Appendix I to APP-058) states that:

“The Metric demonstrates a net-gain in biodiversity overall, with hedgerows and watercourses achieving well above the minimum target of 10%. Habitat delivery also exceeds 10% at 13.7%. This is despite the Order Limits incorporating large areas to the east of the Energy Park Land which will simply be retained as arable cropland, neutral grassland and unenhanced ditches [...]. The inclusion of these areas within the calculator is a significant constraint on achieving a higher net gain percentage for habitats, i.e. if they were excluded, the net-gain for habitats would be considerably higher”

- 8.20 Whilst NLC have not seen the details of the biodiversity metric, taken at face value, these results are acceptable. Indeed, to check the biodiversity metric for a project of this scale and complexity would be a huge undertaking. Overall, the approach to biodiversity net gain is considered to be acceptable in terms of Policy CS17.

9. CULTURAL HERITAGE

- 9.1 The Council has assessed the submitted information set out in ES Chapter 12 [APP-060]. This comprises the applicant’s assessment to date of the significance of the known Archaeology and Cultural Heritage interest of the development site, designated and non-designated heritage assets, and of the

impact of the proposed development. NLC has the following comments to make in this regard.

Archaeological assessment

- 9.2 The available Historic Environment data indicates that the construction of the proposed development has high potential to impact directly on the known and potential archaeological, geo-archaeological and palaeoenvironmental resource across this extensive application site.
- 9.3 This potential resource ranges from buried land surfaces and evidence of activity that may date from the Mesolithic and Early Neolithic periods preserved beneath peat deposits that formed between the Mesolithic and Iron Age periods; artefacts and ecofacts preserved within the peat deposits and overlying sediments.
- 9.4 The blown sands against the Liassic escarpment were favoured for early settlement with the marshland providing rich resources and trade routes along the Trent. On the east side of the Trent, a number of significant Bronze Age finds have come from the floodplain at the southern end of the proposed scheme on Burringham Common. These finds include a hoard of rapiers and a spearhead, a superb bronze shield, as well as a hoard of bronze axes from the riverbed at Keadby Bridge.
- 9.5 Cropmark sites of potential late prehistoric/Romano-British occupation are recorded on the edge of the floodplain; the Flixborough Saxon settlement and site of All Saints medieval church and burial ground (Scheduled Monument List Entry No: 1009382); medieval and post-medieval settlement and wharf at Flixborough Staithe on the River Trent; post-medieval drainage features and remains associated with the process of warping to improve agricultural fertility of the land in the late 18th and 19th centuries, and Second World War defences.

9.6 The applicant's Archaeological Desk-Based Assessment report further summarises the recorded heritage assets and identifies the potential for unrecorded archaeology within four zones based on a broad understanding of the geoarchaeology (ES, Chapter 12 [APP-060] Appendix B). The significance of the potential unrecorded archaeology within each of these zones across the application site is currently unknown but maybe of high significance.

Archaeological evaluation

9.7 NLCs Historic Environment Record (HER) advised at the pre-application stage that desk-based assessment would not be sufficient for EIA and planning purposes and that undertaking a staged programme of archaeological field evaluation would be necessary to prepare a robust assessment of the heritage significance of the site and inform any appropriate mitigation for inclusion in the Environmental Statement.

9.8 Archaeological mitigation measures may include avoiding or minimising impacts that necessitate design and layout changes, and/or excavation and recording where remains would be lost in whole or part, to be carried out either in advance of, or during construction. As such, it is important that the detail of this information is available in the Environmental Statement to inform the decision-making and to be secured in the DCO. This will in turn facilitate the subsequent timely discharge of any Requirements should consent be granted.

9.9 The following archaeological field evaluation stages were advised:

- A programme of hand and/or machine drilled coring to produce a detailed deposit model of the sub-surface topography of the application area, to identify and model the deposit sequence and former land surfaces, and provide an understanding of the development of the landscape; and to obtain appropriate samples for assessment of preservation potential and the potential for palaeo-environmental evidence to inform the archaeological record; this assessment should

include all relevant palaeo-environmental indicators and provision for a programme of scientific dating of the deposit sequence; specialist geo-archaeological expertise should inform the preparation of a specification for this work to be agreed with the HER prior to commencement;

- Dependent on ground conditions, field surveys such as fieldwalking, geophysical survey and gridded test pitting;
- Excavation of sample trial trenches to determine the nature, extent, state of preservation and importance of any archaeological remains, such as those associated with the warping channels mapped in this area, the peat deposits and the pre-peat landscape.

9.10 None of the fieldwork advised was carried out prior to the PEIR and the need to complete all the above stages of the evaluation during the EIA was reiterated in our consultation response to the PEIR in July 2021 and as a matter of urgency during subsequent discussions with the applicant's consultant.

9.11 When it became clear that insufficient time had been allowed to undertake and report on all stages of the archaeological evaluation to include the results in the ES for submission of the DCO application in May 2022, it was agreed the fieldwork would continue and if not completed in time, that the results not reported on in the ES would be made available as supplementary information. The ES would refer to this ongoing process and provide detailed Written Schemes of Investigation (WSI) for the outstanding stages of evaluation with a clear timescale for the submission of the reports to the Examining body. ES Chapter 12 [APP-060] Appendix G sets out this timetable to be completed by November 2022.

9.12 Of the three archaeological evaluation stages recommended in December 2020, only the preliminary non-intrusive stages of the evaluation were

completed pre-submission. This included the first part of the geoarchaeological assessment programme (first bullet point above) comprising the monitoring in August/September 2021 of non-archaeological ground investigations by qualified geoarchaeologists.

- 9.13 The objective of this piece of work being to gain an initial understanding of the geoarchaeological and palaeoenvironmental potential of the site, create a series of projected profiles across the site showing the main deposits encountered, to test and refine the initial desk-based geoarchaeological zoning of the site (referred to in the ES), and to make recommendations for a second stage of purposive geoarchaeological investigations to fill in the gaps in the preliminary datasets and enhance our understanding of the site, and in particular to inform the most effective archaeological techniques for the next stages of the evaluation including where geophysical surveys (second bullet) would be effective and subsequent archaeological trial trenching (third bullet) should be targeted.
- 9.14 The results of the initial geoarchaeological monitoring and recording work and the proposals for further geoarchaeological assessment are included in the Environmental Statement (APP-060 Appendices C and E respectively).
- 9.15 The report at Appendix C confirms the differing areas of archaeological and palaeoenvironmental potential across the application site, including of channels infilled with peat, organic silts and clays with potential for well-preserved remains in waterlogged deposits, and areas of higher drier land within and to the east of the floodplain where archaeological remains may be found. The report presents a preliminary deposit model based on the observed GI boreholes and test pits and goes on to recommend further geoarchaeological works to refine the deposit model and obtain scientific dating to provide a chronological framework of the underlying sequence to provide a secure understanding of the landscape development of the application site.

- 9.16 Appendix E (Geoarchaeological Borehole and ERT Survey WSI) sets out an appropriate scope and methodology for the second stage of the geoarchaeological assessment the results of which were intended to inform the subsequent stages of the archaeological evaluation (bullets two and three). The WSI was agreed with the HER on behalf of the LPA in April 2022. Fieldwork commenced and interim results of works were shared with the HER in June 2022, including recommendations for further machine boreholes to provide greater resolution and infill gaps in the auger transects in order to produce an updated deposit model and provide a better understanding of archaeological and palaeoenvironmental potential within the development area.
- 9.17 It is understood that this work has been underway over summer/autumn 2022 (APP-060 Appendix G Evaluation Programme) however the applicant has yet to submit a final report which the HER is given to understand is imminent. It is unclear whether the proposed ERT survey to complement the geoarchaeological results, and included in the WSI (Appendix E), has been undertaken.
- 9.18 In the meantime, and regrettably uninformed by the completed geoarchaeological results and final deposit modelling, geophysical survey of parts of the application site have been undertaken and a report submitted with the ES (APP-060, Appendix D). The forthcoming geoarchaeological assessment report may identify areas where additional geophysical survey could be carried out and should be used to inform the targeting of archaeological trial trenching.
- 9.19 The geophysical survey identified several anomalies in the data that are likely to represent archaeological cut features, including enclosures that could evidence settlement activity in the area of the proposed AGI on the sandy drier area along the escarpment north of Flixborough Saxon settlement site and in proximity to previously recorded archaeology and burials of prehistoric and Roman date. The ground penetrating radar survey at the Inland Port Area on the site of the main development revealed features that are likely to

represent the remains of the former buildings at Flixborough Staithe including the Inn.

- 9.20 The exact nature of the various potential archaeological features detected by the geophysical survey is unclear and as a result their significance is uncertain. Archaeological trial trenching is required to confirm the survey results and investigate these features to determine their extent, depth, character, date and level of preservation in order to assess their significance.
- 9.21 The applicant has submitted a Written Scheme of Investigation (WSI) for the archaeological trial trenching with the ES which has yet to be agreed with the HER and LPA (APP-060, Appendix F) further to comments provided in June, July and September 2022. This specification is based on the results of the preliminary surveys to date and once the geoarchaeological evaluation report and updated deposit model is available should be revised to incorporate the results before the fieldwork is undertaken, in the nature of the iterative evaluation procedure as advised previously. This will ensure that the location and placement of trenches is appropriate to maximise opportunities for meaningful data collection. The geoarchaeological report was imminent on 10/11/22 but not received at the time of writing.
- 9.22 The HER and LPA has informed the applicant that the illustrations in the WSI of the trench locations superimposed on aerial images is unsatisfactory; geo-referenced Ordnance Survey base maps at appropriate scales are required on which the trench locations should be accurately displayed together with the development proposals as shown on the application Work Plans, and superimposed on the geophysical survey results shown on the interpretation figures from Appendix D, to ensure that the investigations are robust and acceptable to the LPA. These and other final information were requested in September 2022.
- 9.23 ES Chapter 12 [APP-060] Appendix G indicates that the trial trenching programme was scheduled to take place between July and November 2022; the applicant has notified the HER that the archaeological contractor is due to

commence on site on the 5th December, dependent on receipt of the geoarchaeological final report and updated deposit model, the agreement of the WSI, and of further details from the contractor in their Method Statement.

- 9.24 The completion of the field evaluation prior to the determination of the DCO is necessary to ensure the identification of any previously unknown remains, and to date and characterise all the heritage assets, the results to update the assessment of heritage significance in the EIA and inform the preparation of an appropriate archaeological mitigation strategy, in line with national and local planning policy.

Assessment parameters and methodology

- 9.25 NLC notes with concern that certain of the core elements of the proposed Project described in Chapter 3 of the ES (Project Description and Alternatives) [App-051] are not referred to in section 4.1.1.2 and section 6.7 of Chapter 12 of the ES [APP-060], or within the submitted archaeological reports and WSIs, such as the construction of a new access road, new roundabout, railhead, SUDs features, new waterbodies, and landscaping proposals.
- 9.26 Prior to the publication of the ES and Work Plans, these details were not forthcoming in response to NLCs HER queries and requests for information when considering the proposals. This has potential implications for agreement of the adequacy of the archaeological evaluation, the scope of the archaeological surveys and the trial trenching WSI, as well as for the applicant's impact assessment and mitigation strategy set out in Chapter 12 of the ES.
- 9.27 The assessment of the heritage assets within the spatial scope presented in Section 4.6 of APP-060 will need updating on completion of the archaeological evaluation (4.8.1.1).

- 9.28 The methodology referred to in Section 5.1.1.1 should include the assessment of the significance of archaeological heritage assets, known and potential, identified through archaeological field evaluation, as required in the national and local planning policies.
- 9.29 In addition to noise, setting contributing to the significance of a heritage asset can be affected by a variety of other factors such as odour, dust, smoke plumes, lighting, or any other effect affecting the human senses that contribute to the ability to experience and understand the heritage asset (5.2.2.3).
- 9.30 Section 5.5.3.1 refers to predicted impacts that may need to be revised; as the archaeological field evaluation has not been completed in time for the results to be incorporated into the EIA and inform the design of the development and other mitigation measures, and whilst further evaluation is ongoing, the assessment of the results of the work and of the project impacts will need to be revised during the Examination and pre-determination period.
- 9.31 Section 5.5.4.2 refers to a 'comprehensive watching brief' rather than a comprehensive programme of archaeological monitoring, identification and recording that is the more usual terminology. This proposal should not be taken as a blanket mitigation strategy for a project of this magnitude; EIA archaeological evaluation should inform the most appropriate suite of archaeological techniques for a comprehensive mitigation strategy. On a project of this scale, NLC would anticipate that important archaeological remains identified via thorough evaluation will be appropriately excavated and recorded in advance of any construction works commencing; a programme of archaeological monitoring and recording during construction should only be used to manage the residual risk of encountering previously unknown remains following the undertaking of formal, set-piece mitigation schemes.

Impact areas and assessment

- 9.32 With a project of this scale, over 600ha of land, the associated groundworks will be very extensive and physical impacts throughout are likely to result in the destruction of irreplaceable archaeological evidence.
- 9.33 Until the results of the outstanding stages of the field evaluation are made available, NLCs HER cannot advise on the specific impacts of the many elements of this application, or of the mitigation measures that may be appropriate to avoid, minimise or off-set harm through a considered programme of further archaeological fieldwork.
- 9.34 Because the archaeological evaluation necessary to adequately inform the impact assessment is incomplete and ongoing, the applicant's assessment of impact set out in sections 6.7 and 8.1, and on figures 4 & 5 of APP-060, should be taken as preliminary with further results of evaluation to inform a detailed update of the impacts.
- 9.35 The proposed development entails very extensive groundworks, including but not limited to the following:
- Site preparation engineering earthworks including cut and fill, removal of peat deposits,
 - Creation of compounds and laydown areas etc
 - Construction of the new spinal access road and roundabout and other road works to the B1216
 - New rail line and railhead
 - Drainage and SUDs features
 - Large building footprints
 - Wetland creation, ponds and scrapes
 - Landscaping schemes, tree planting.
- 9.36 Until the archaeological and geoarchaeological evaluation are complete and the presence of any archaeological assets identified, their character, date, preservation and significance adequately assessed, including an assessment

of the nature of the residual risk of further unidentified remains, it will not be possible to more accurately consider the impact of the site-wide and individual elements of the development on the archaeological significance within each of these Areas.

Mitigation

- 9.37 NLC are of the view that there is currently insufficient information available in the applicant's Environmental Statement to assess the appropriateness of mitigation measures. Until further results from the completed archaeological evaluation are available to allow the archaeological significance to be properly understood and the true extent of the impacts of the proposed development on the known and potential archaeological resource can be more accurately assessed, the planning authority cannot agree any mitigation measures that may be required.
- 9.38 Section 7.1.1.4 of APP-060 implies that monitoring and recording will be the mitigation in all impact areas; it is unlikely that such programmes of work conducted during construction will be considered appropriate across the application site.
- 9.39 Section 7.1.1.5 again refers to 'Watching briefs', the use of outdated terminology should be avoided wherever possible. Watching briefs during construction should be referred to as programmes of archaeological monitoring and recording. Such programmes of work have a role in residual risk management following the implementation of other specific archaeological evaluation and subsequent mitigation measures designed to minimise the risk of encountering unexpected archaeology on large scale developments such as this where archaeological identification and recording can be extremely challenging and unsatisfactory leading to the loss of irreplaceable archaeological evidence without adequate record, and furthermore carries high risk to the construction timescale.

- 9.40 Section 7.1.1.7 suggests that archaeological excavation will take place only down to proposed foundation levels. This would be unsatisfactory. Wherever archaeological excavation is employed, it is expected that remains will be fully excavated, including where necessary beyond foundation levels, to ensure archaeological integrity and meaningful preservation by record given that the development constructed above may alter preservation conditions of the underlying deposits and will remove any opportunity for future investigation of the remains.
- 9.41 Section 7.1.1.9-10 the mitigation measures to be considered for the bunker hall should include the archaeological excavation of the bunker area. A programme of archaeological monitoring and recording during construction is unlikely to be appropriate given the construction techniques and health and safety concerns that would most likely prevent archaeological access to the bunker to enable meaningful recording work, and it is more likely that it would be necessary to archaeologically excavate the area of the bunker hall as noted above. This would also apply to the CBMF and the PRF (section 7.1.1.3), the substation and Gas AGI (7.1.1.20), the proposed flood bund (7.1.1.23) and any other excavation area for mitigation.
- 9.42 Section 7.1.1.14, the brick kiln site should be evaluated and assessed prior to a decision on appropriate mitigation. This is a previously unrecorded site of mid-late 18th century and has potential to inform on brickmaking before the development of the later 19th century brickyards along the Trent and the Humber estuary.
- 9.43 Section 7.1.1.17 re: the H2 refuelling station, any mitigation works in this area will need to be informed by the results of the stage 2 geoarchaeological evaluation and the trial trench evaluation of this area. It is premature to be stating that 'watching brief' during construction may be required.
- 9.44 Section 8.1 referring to the physical impacts of the development will need to be reviewed following completion of the archaeological evaluations. This assessment, according to the criteria and matrices set out in tables 4-6, is

dependent on the results of the evaluation to assess the significance of the archaeological heritage assets. The evaluation findings may result in changes to the value or significance of the archaeology, as well as a greater understanding of the effects of the proposed development such that the assessment of whether the overall effect is significant may need to change.

- 9.45 Section 8.2 Impacts on Setting have only considered the individual designated heritage assets. The very considerable impacts of the siting and scale of the proposed development on the character and settings of the historic villages of Flixborough and Amcotts, with their collection of designated and non-designated historic buildings and monuments, and their respective relationships with the river do not appear to have been assessed from a cultural heritage perspective.
- 9.46 Section 8.2.1.4, it is agreed that the view west from the scheduled monument of 'Flixborough Saxon nunnery' across the floodplain to the River Trent is important to the setting. The baseline photograph at viewpoint 11 in Chapter 11 of the ES [APP-059] is taken from a central point within the scheduled monument just beyond the northern edge of the wooded area within the site and affords a view towards the river to the west. The river is key to understanding the strategic location of the Saxon settlement and its security at the time of the Viking invasion. Only a short stretch of the waterline is visible in the baseline view. The photomontage for Year 1 appears to show this part of the site unchanged, maintaining this view with the main development structures to the north. However, the photomontage for Year 15 shows a block of tree planting introduced in the intervening landscape that will obscure this view of the river from within the scheduled monument. This will affect the ability to appreciate setting of the monument, the siting of the settlement and its relationship to the river, for trade, communication and defence.
- 9.47 This adverse effect on the contribution of the setting harms the significance of the designated monument with the level of harm assessed as less than substantial. However, it should be possible to avoid or minimise this harm to

the setting by the careful design of the landscaping scheme and siting of the tree planting to ensure that a visual link between the river and the scheduled monument can be retained. It is important that the respective consultants to this project work together to revise the landscaping scheme accordingly.

- 9.48 Section 9.3 refers to specific sites, however, until there is a more thorough understanding of the archaeological and palaeoenvironmental landscape context of the development site through the detailed evaluation results, assessment that focusses on individual known heritage assets and proposes mitigation directed at these discrete sites, can only be considered preliminary and will be subject to change. It is important that this information and updated assessment is made available at the earliest stage in the ongoing application process to inform the mitigation requirements and design process, some of which cut across several of the specialist areas such as archaeology, ecology and landscape, in order that the decision making is fully informed.
- 9.49 Section 9.4 Enhancement, these enhancement proposals are most welcome. Flixborough parish council have approached NLCs HER in a bid to improve the environs of the scheduled monument and site of burial ground within the woodland. Working with ourselves and Historic England could produce beneficial enhancements for the scheduled monument and other archaeological sites around the proposed development. Amcotts parish too, could benefit from heritage enhancements, potentially building on their work with North Lincolnshire Museum Service.
- 9.50 In September 2021 the HER and Historic England advised the applicant that the mitigation plan could only be produced once all the evaluation stages were completed and should consist of an overarching mitigation strategy for all proposals relating to the historic environment, including enhancements, and should include setting out the scope and methodologies for further programmes of archaeological work and making provision for detailed WSIs for individual pieces of work to be prepared by the archaeological contractor appointed to undertake the programme of archaeological mitigation work. This is to ensure that all parties are aware of the archaeological implications of the

development, both to inform the detailed design of the development and for the archaeological mitigation work to be timetabled to avoid any unnecessary delay to the construction programme. Once produced the detailed Archaeological Mitigation Plan should be referenced appropriately within the CEMP.

Listed Buildings

- 9.51 The Environmental Statement has identified a grade II* listed building within 1km of the application site and 11 grade II buildings within 1km of the application site. Whilst it is stated that there is no impact on their settings there is no evidence provided to confirm this.
- 9.52 NLC would expect a settings assessment on each individual listed building to be provided as set out in by the Historic England Historic Environment Good Practice Advice in Planning Note 3 The Setting of Heritage Assets. This should detail impacts of the proposed development and mitigation details to offset identified harm.
- 9.53 Whilst it is acknowledged that a number of the listed buildings are identified due to their proximity to the northern DHPWN and the railway reinstatement land, the listed buildings within Amcotts are within close proximity to the Energy Park Land and as such there is the potential for impact.
- 9.54 A statement within the ES that there is no adverse impact on setting without any evidence to support this conclusion is not considered to be adequate.

10. NOISE

- 10.1 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of noise. This is set out in ES Chapter 7 [APP-0525].

10.2 This Chapter presents the results of the assessment of noise and vibration from:

- Construction;
- Operation; and
- Decommissioning of the Project.

10.3 The assessment takes into account relevant local and national policy, guidance and regulations in identifying likely significant effects.

10.4 It also describes the methodologies which have been followed in quantifying the existing baseline (background) conditions, the potential effects from the Project, including construction and operation phases, the mitigation measures included to address any likely significant adverse effects and the potential residual effects following mitigation.

Construction

10.5 The construction noise and vibration levels have been assessed using appropriate guidance. These assumptions have been developed with the project engineers to represent a reasonable worst case. It is reported that the residual effects of construction noise impacts are predicted to be of moderate significance. To manage construction noise, works will be undertaken in accordance with a Construction Environmental Management Plan (CEMP). Lead contractors will submit the CEMP for agreement with North Lincolnshire Council. The CEMP will set out BPM measures to minimise construction noise and vibration, including control of working hours.

Operation

10.6 It is reported that a BS4142:2014 assessment of likely significant noise effects from the operation of the Project has been carried out. The potential for increase in offsite road/rail noise do not fall within the scope of BS4142 and

have therefore been assessed separately. The prediction of noise levels has been carried out to inform the assessment using a computer software package, SoundPLAN.

- 10.7 It is reported that mitigation options have been included in the assessment, as a result options for further mitigation are not expected to significantly change the predicted noise levels.
- 10.8 During the review of mitigation measures the possibility of a barrier alongside of the railhead to screen noise from rail loading/unloading operations was considered. An assessment of risk of flooding demonstrated that with a noise barrier installed the flood risk increases to areas outside the Order Limits, including Flixborough Industrial Estate and Amcotts village during a breach event. For these reasons a noise barrier has not been proposed to mitigate noise.
- 10.9 When carrying out the S 4142:2014+A1:2019 assessment Tables 15-19 provide the predicted source noise levels as 'predicted rating level', however, a rating level is the source noise plus any feature corrections. No corrections for acoustic characteristics have been applied. The report provides the following justification:

“An acoustic feature correction has not been applied in this assessment because it is most likely that the need for a correction can be avoided during the detailed design phase”.

It is unclear how this justifies the omission of this requirement of a BS4142 assessment. With penalties, the rating levels may be up to 18dB higher than source noise levels. By omitting penalties, the results are unclear and the final results appear to have a lower impact on nearby noise sensitive receptors.

- 10.10 The BS4142:2014 impact results have been moderated from 'Adverse Impact', and 'Significant Adverse Impact' to medium impact and large impact respectively which has the effect of diminishing the actual impact.
- 10.11 Section 11 of BS4142 requires that an initial estimate of the impact is obtained and presented giving a result of adverse impact, significant impact etc, before context is considered. However, the report has omitted this section of BS4142 and gives the results after considering context. In Tables 15-19 presenting impacts at monitoring locations close to residential properties, impacts of 'adverse impact' are reported as 'small' impact, and 'significant adverse impact' as 'medium' impact. In addition, Table 20 reports 'significant adverse impact' as a 'Minor' impact. Predicted daytime source noise levels resulting in a noise exceedance of +12dB over background when loading or unloading indicating a 'significant noise impact' are reported as 'Moderate' after considering context. However, as above, no penalties have been applied and no allowance for uncertainty has been made.
- 10.12 No allowance for uncertainty in the data has been included (Appendix C 3.1.1.1) which further reduces confidence in the outcome of the assessment.
- 10.13 The report states that the predicted operational noise levels are below the target levels for residential external areas, however, as previously highlighted no penalties have been applied to the predicted source noise, and no uncertainty has been allowed for. It is unclear therefore the actual impact of the proposed development at this stage.
- 10.14 Regarding mitigation measures during operation, noise levels are considered sufficiently excessive to investigate the installation of a barrier along the western side of the railhead to screen the noise from rail loading and unloading operations. However, this has been considered unviable due to the potential for flooding and no further mitigation measures have been considered. NLC would query whether alternative methods of constructing a barrier, building or enclosure have been considered.

- 10.15 A noise-monitoring and management programme is proposed as a form of mitigation to be agreed with NLC. It is proposed that the programme will be to demonstrate noise from the operation of the Project is no higher than reported in the ES. It is essential therefore that the ES accurately reflects the noise from the proposal, including all feature corrections and uncertainties as mentioned above.
- 10.16 It is reported that there will be 1-2 boats per day arriving during the daytime. Vessels are expected to be infrequent at night (approximately one per month). Significant noise effects at nearby NSRs are considered unlikely and have been scoped out of further assessment. NLC would query whether this can be controlled in the future?
- 10.17 No comment has been made regarding the increase in background noise levels following the proposed development and the impact this may have on the area and for future developments. If the development is given permission to operate as proposed at this stage, background levels will be raised in this area by in excess of 12dB before penalties have been applied, not allowing for any uncertainties. This is of concern to NLC both with regard to the impact on local noise sensitive receptors and due to the potential for the upward creep of background noise levels in this area.
- 10.18 Data included in the operational noise model is provided at Appendix C. From this data a total figure for 'source noise' is provided at each noise sensitive receptor (NSR). Source noise for each process/activity i.e. energy recovery facility, plastic recycling facility is not provided. It is unclear therefore what noise level each process/activity is contributing and which one may therefore be the cause of high noise levels at the NSR's.
- 10.19 Appendix C Section 4, provides details of vessel noise and unloading activities. The noise levels in the report have been derived based on measurements made at the nearest receptor when vessels were alongside Flixborough Wharf. It should be noted that NLC is currently investigating complaints from residents of Amcotts village regarding excessive noise from

unloading activities at Flixborough Wharf which are proving complex to resolve. If further development of this nature goes ahead, this may compound the situation, particularly if suitable mitigation measures are not found to reduce predicted noise levels. NLC are concerned that noise levels monitored at this location are being considered as the normal acoustic environment experienced by local residents and that consideration of context has been given to these noise levels. We have recently been advised that a suitable method of mitigation has been sourced and should resolve the situation within approximately 3-4 months which will lower noise levels at this location by a considerable amount. It is NLCs view that monitoring undertaken at this location cannot be considered to be representative.

- 10.20 Residual impacts and Cumulative impacts may need to be reconsidered once Acoustic Feature Corrections and uncertainties in the data have been reconsidered.

Code of Construction Practice (CoCP)

- 10.21 The Code of Construction Practice (CoCP) presented at Annex 7 of APP-055 is a strategic level document that sets out the framework for effective environmental management during the construction of the Project, to a sufficient level of detail to support the Development Consent Order (DCO) for the Project in terms of the mechanisms for securing the mitigation measures described in the Environmental Statement (ES).
- 10.22 This CoCP contains a strategic level of detail. It will provide the basis for a Construction Environmental Management Plan (CEMP) to be developed by the contractor prior to commencement of works.
- 10.23 The noise measures listed in Appendix A, Summary of Mitigation Measures and Securing Mechanisms during Construction are limited in nature and do not contain sufficient detail for a project of this nature.

11. AIR QUALITY

- 11.1 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of air quality. This is set out in ES Chapter 5 (APP-053).
- 11.2 NLC have the following comments to make in relation to this document.
- 11.3 The applicant confirms that the only sensitive receptors included in modelling is for those close to the road network in relation to operational traffic impacts. NLC are of the view that human receptors that could be affected by the operation of the proposed development should be identified and included on relevant figures and the predicted impact.
- 11.4 This is further supported by the IAQM/EPUK Guidance which states *“Local receptors should be identified, including residential and other properties close to and within the proposed development, as well as alongside roads significantly affected by the development, even if well away from the development site, and especially if within AQMAs.”*
- 11.5 Section 6 of APP-053 discusses baseline conditions and the various different sources of data that have been used to gather this information including: DEFRA background maps and monitoring locations across the UK (Scunthorpe, Hull, Birmingham, Warwickshire etc.) Satisfactory justification for the use of these locations has not been provided.
- 11.6 One year of data has also been included from these varying locations, it is not clear why these years have been selected and inter – year variations have not been considered. Pollutant concentrations vary on a year by year basis due to operational activities and meteorological data and it would not be representative to consider one year in isolation.
- 11.7 In addition, the assessment has utilised several non-local monitoring locations due to their location within a rural location and a lack of local rural monitoring programmes. The definition of a rural monitoring location in accordance with

LAQM TG16 is “An open countryside location, in an area of low population density distanced as far as possible from roads, populated and industrial areas.” It is unclear how this conclusion has been drawn given the site’s location within and adjacent to an operational wharf and industrial estate.

- 11.8 In the absence of robust and representative background concentrations, NLC are of the opinion that a project of this scale would have benefited from site specific monitoring for some of the pollutants. As stated within the IAQM Guidance:

“Model verification will be important, especially where predicted concentrations are close to the objective, and should be based on the most appropriate available monitoring data (and for some schemes it may be necessary to carry out specific monitoring to allow robust model verification to be undertaken) A description of available monitoring data will be important to help define baseline conditions and put the model results into context. Where monitoring data are included in the report, it will be important to include details of the monitoring locations, the monitoring method, sampling period, data capture and any adjustments applied to the data, such as diffusion tube bias adjustment factor.”

- 11.9 The Air Quality Impact Assessment makes no assessment of odour. This was raised in NLCs pre-application comments. NLC would expect to see a robust and fully justified odour assessment that quantifies the odour impact from the operation of the Proposed Development. To state that the odour is principally controlled through best practice design is not satisfactory.

Construction

- 11.10 The dust impact assessment concluded that the impacts are such that the construction activity for the ERF and new road is classified as “high risk” of causing dust nuisance due to demolition, earthworks, construction and track out. Therefore, mitigation measures applicable to “high risk” sites will be

implemented. The applicant has also submitted a Framework Construction Environmental Management Plan (CEMP).

- 11.11 In relation to dust, Appendix B of the CoCP contains an outline dust management plan. This document contains all mitigation measures listed in the IAQM Guidance on the assessment of dust from demolition and construction for a high-risk site.

12. LAND CONTAMINATION

- 12.1 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of contaminated land. This is set out in ES Chapter 8 and its appendices.

Appendix E – ERM, Phase II 2 Environmental Site Assessment

- 12.2 The report confirms that additional sampling was undertaken in August and September 2021. The Phase 1 (Appendix D) was also revised and updated prior to the intrusive investigation and identified several potential areas of concern. The main areas were to the north of the proposed site and close to the Flixborough Industrial Estate. The Phase 2 Site Investigation was undertaken to establish the soil, groundwater and ground gas baseline regime.
- 12.3 The results have confirmed that the site is suitable for use. The results were conservatively compared against the Generic Assessment Criteria (GAC) for residential with plant uptake end use to allow for the current land usage which is agricultural. Towards the northern end of the site, elevated levels of beryllium, chloromethane and nickel exceeded the GAC for residential with plant uptake. However, as the proposed development will be classed as commercial land and based on the current use, the risk drivers for residential with plant uptake scenario were not considered suitable as these areas are not going to be used for agricultural purposes and are all below the

commercial GAC. The report concludes: *“The concentrations recorded are not considered to present a risk to Human Health”*.

- 12.4 The report also confirms that no other recorded soil concentrations or groundwater concentrations, based on a conservative residential with plant uptake end use are likely to present a risk to Human Health on either the Energy Park land or the Southern DHPWN land.
- 12.5 The report recognises that limited sampling has taken place particularly in the northern end of the site in the wharf area. Three boreholes were proposed, but due to access, and ground conditions, this was not possible. The report suggests that there may be localised areas of contamination which may arise during development.
- 12.6 Two of the made ground samples (MW6 and WS104) identified asbestos fibres (<0.001%). The report has recommended that an asbestos management plan is formulated in case hotspots of asbestos containing material are encountered during development.
- 12.7 With regards to groundwater the report confirms that: *“ERM does not consider there to be a risk to human health or controlled waters due to construction or operation of the proposed facility”*.
- 12.8 In making our response we have considered the risks posed to human health only. The advice of the Environment Agency should be taken with regard to risks posed to controlled waters and any proposed piling activities to take place.

Appendix F – ERM, Ground Gas Monitoring

- 12.9 Five monitoring wells were installed on the NLGEP land. Eight rounds of ground gas monitoring were undertaken in each of the wells between September 14th and December 6th 2021, over a thirteen week period and over a range of barometric weather conditions (falling and rising).

- 12.10 The ground gas results were assessed against the guidance detailed within CIRIA report C665 and the British Standard BS8485:2015+1:2019 guidance. The results have confirmed that the majority of locations returned a Characteristic Gas Situation (CGS) 1 (very low) indicative of natural ground with low organic content or typical made ground.
- 12.11 However, MW8d, has produced a CGS 2 (low) and MW1d a CGS of 2 to 3 (medium) was calculated depending on the flow rate. The report suggests that this is due to the underlying peat layers in the superficial deposits. Therefore, based on the gas results, remedial measures would be required.
- 12.12 The report has recommended that further investigation is required once the footprints of the proposed development have been finalised to enable a detailed quantitative risk assessment (DQRA) which will inform the detail and design of the buildings in these areas of concern.
- 12.13 NLC agrees with the findings and outcomes of the additional site investigation for risk to Human Health.

13. LIGHT

- 13.1 The Council has assessed the submitted Indicative Lighting Strategy (Doc ref: 6.3.4 Annex 4, APP-071). The lighting strategy has been submitted to demonstrate the impact of obtrusive light and undue light spill on surrounding areas, protected natural environments and sensitive receptors, including the River Trent and proposed new areas of wetland habitats.
- 13.2 The illumination of the port loading bay and extended section of railway to the railhead are addressed, with specific lighting treatments to avoid undue light spill onto the River Trent. The document submitted demonstrates that relevant guidance including the Institute for Lighting Engineers - Guidance Note for the Reduction of Obtrusive Light (2021) can be met and lighting will not exceed

the permissible levels of light spill outside the Order Limits of the Project onto the surrounding areas and adjacent properties.

- 13.3 Furthermore, the draft Development Consent Order includes the requirement for a detailed scheme of external lighting to be submitted and approved prior to the operation of external lighting.

14. HYDROLOGY AND FLOOD RISK

- 14.1 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of flood risk and drainage. This is set out in ES Chapter 9 [APP-057]. We have also reviewed the indicative drainage strategy [APP/072].
- 14.2 The submitted assessment is considered to provide an acceptable level of information relating to surface water flood risk and SuDS compliance.
- 14.3 It is noted that the Internal Drainage Board will need to be consulted to agree discharge rates into the downstream watercourse network.
- 14.4 It is also anticipated that the Environment Agency will provide specialist commentary on the flood risk assessment, the effectiveness of mitigation measures and any residual risk.
- 14.5 Draft DCO Requirements 8, 9 and 12 necessitates the submission and agreement of a detailed surface water drainage strategy, foul water drainage strategy and flood management plan respectively. North Lincolnshire Council is satisfied that subject to the acceptable discharge of these requirements, the impact of the proposals on flood risk and drainage will be adequately mitigated.

15. SOCIO-ECONOMIC IMPACT

- 15.1 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of socio economics. This is set out in ES Chapter 14 [APP-062].
- 15.2 North Lincolnshire Council are satisfied that the approach to the assessment of socio-economic impacts presented in Chapter 14 is robust. The methodology used to determine the impact of the project is clear and helpful, indicating levels that can be easily measured. The data and statistics are relevant and appropriate.

Positive impacts

- 15.3 From previous delivery of large-scale projects in the area NLC are of the view that it is realistic that there will be a moderate positive impact on employment created during the construction phase of the development. It is understood that these will be temporary jobs and so the benefits will be short-term and a proportion of the jobs will be drawn from outside of the local area. The operational jobs created, although much lower in numbers, will have a minor positive long-term impact on the area.
- 15.4 Both temporary and permanent jobs generated by the development will result in additional spend to the area through accommodation, leisure use and local shops/services as well as the potential for additional work given to local supply chain companies. Although a minor impact, local companies may also secure long-term contracts once the facility is operational.
- 15.5 The proposed development has the potential to support further growth of the construction and energy sectors in North Lincolnshire. In addition to the value added GVA, it would provide an opportunity to address highlighted skills shortages in this key sector (highlighted in local and regional Industrial Strategies), therefore positively influencing the ability to attract and retain skilled workers over the lifetime of the proposed development.

- 15.6 The skills and experience gained and developed for businesses and workers, has the potential to lead to opportunities with future local developments. This should be secured by a Requirement to secure the submission and implementation of an Employment, Skills and Training Plan.
- 15.7 The energy sector has been identified as a key growth sector across the Humber and the Greater Lincolnshire regions. This sector is identified in the North Lincolnshire Economic Growth Plan as a growth sector within the area. The proposal also aligns to some degree with the wider Humber Plus (Hull and East Yorkshire LEP & Greater Lincolnshire LEP) policies for an emerging sector around Carbon Capture and Utilisation and Storage (CCUS).

Negative impacts

- 15.8 NLC has concerns regarding the 13 occupied premises that are proposed to be demolished to accommodate the development. It is noted that 8 of the buildings are associated with Flixborough Wharf, but the buildings within Wharfside Court contain a number of micro/small businesses. The mitigation of this impact is essential.
- 15.9 Whilst NLC appreciate the commercial agreement outlined in paragraph 8.2.1.4 the Council would raise concerns to any potential loss of Flixborough Wharf as an operational port facility. This is a significant wharf within the area and could be used as part of future trade opportunities and economic growth across the Humber and Greater Lincolnshire region.
- 15.10 Ports & Logistics are recognised as key sectors both locally within the North Lincolnshire Economic Growth Plan but also wider with the formation of the Humber Freeport proposition and the Greater Lincolnshire LEP Industrial Strategy & Strategic Economic Plan. NLC is seeking to safeguard its existing wharf and jetty facilities on the Rivers Humber and Trent through policy EC5 of the emerging local plan.

- 15.11 It is noted that paragraph 8.2.1.4 outlines an intention that Flixborough Wharf would be retained as an operational port; however NLC would not want to see this being for the benefit of the proposed project only. The second option of relocating to other facilities within Gunness and Althorpe is also a concern given the sites referred to are currently on the market for sale.
- 15.12 Paragraph 8.2.1.5 sets out the position with regards to Rainham Steel, this local business has continued to grow year on year within the region through several economic cycles and NLC would be concerned with the potential relocation of this business given the known issues relating to constraints at other sites operated by the business. NLC would like to understand the potential relocation and new site requirements to understand wider cumulative impacts this may have.
- 15.13 Due to issues related to wider indigenous business needs for temporary accommodation, associated with large scale industrial 'shut downs' (e.g. steel works, oil refineries and energy intensive industries), there is the potential for a significant impact at 'pinch points' throughout the construction period. This alongside other emerging large-scale projects in the area is likely to push demand into more rural regions associated predominantly with the visitor economy. This may have negative impacts on the longer-term visitor economy offer post construction. NLC would like to see that the Applicant has assessed this issue and that potential impacts are appropriately mitigated to prevent displacement of the existing visitor offer via the removal of temporary accommodation during the construction period. We would not want to see demand caused by the development outweighing the supply and distorting market conditions in the short term leading to longer term reputational damage.
- 15.14 NLC also notes that the proposed development will result in the loss of a significant area of best and most versatile agricultural land. Whilst there is an abundance of BMV land within North Lincolnshire, this is an important local (and national) resource and any permanent loss should be robustly assessed and justified.

Overall

15.15 North Lincolnshire Council is committed to supporting economic growth and is a key strategic partner within the Humber & Greater Lincolnshire's drive for clean energy production. Energy security continues to play a significant strategic importance considering political uncertainties at home and abroad and therefore green renewable energy remains a primary focus. The scheme presented by the applicant is aligned to these ambitions and will offer significant new employment opportunities as a tangible output not factoring in further potential benefits for our Small and Medium Enterprise (SME) businesses within the supply chain and the additional spend in the local economy as a result of the employment.

15.16 However, North Lincolnshire Council's Economic Development team does have concerns based around the proposed future use of the wharf, a key strategic asset for our wider economic growth ambitions and the potential long-term loss of high-quality agricultural land. We must also have considerations for those business displaced in the proposed development area and the economic impact this could have if not properly mitigated.

16. dDCO

16.1 North Lincolnshire Council wishes to make the following comments on the articles and schedules contained within the Applicant's draft Development Consent Order.

Articles

16.2 Part 3 of the dDCO (Articles 11-21) relate to powers in respect of streets. NLC has reviewed these Articles and, whilst wishing to raise no objection to the proposed powers in principle, has the following comments to make:

- 16.3 Article 11 – NLC as local highway authority believe that this Article needs redrafting to ensure that reinstatement of affected streets following completion of works is secured, particularly with regards to subsections a, b and c. Similar wording to that used in Article 12(2) could be used.
- 16.4 Furthermore, the details of the local highway authority issuing consent are not explicit, including what say we would have over the powers (traffic management requirements, diversion routes, co-ordination with other works on the network etc.). Nor does Article 11 detail how much notice the local highway authority would be given of the intention to exercise the powers.
- 16.5 The local highway authority are more comfortable with Article 12, which includes a requirement to reinstate affected streets and gives a clear timeframe for issuing consent. However it would be helpful if this Article detailed what information would need to be submitted with a request for consent form the local highway authority. The points raised in respect to Article 11 above, relating to agreeing traffic management/co-ordination with other works on the network also apply.
- 16.6 Articles 13 (4) and 14 (4) need to make it explicit who is responsible for paying compensation as a result of the suspension of a private right of way.
- 16.7 Article 16 needs to specify the details that will need to be submitted to the local highway authority when seeking consent in respect of new accesses.
- 16.8 The local highway authority would appreciate further clarification on the rationale for this Article and when the Applicant would envisage it to be required. How does this Article relate to Schedule 7?
- 16.9 Part 6 sets out supplemental powers with respect to the felling or lopping of trees and the removal of hedgerows. These are understood to be common powers included within development consent orders. Nevertheless, given the site area there is the potential to impact or indeed fell a significant number of

trees/shrubs. NLC would not like to see these powers wielded unnecessarily and the impact upon trees and hedgerows should be kept to a minimum.

Requirements

- 16.10 NLC has the following comments to make in respect of the currently drafted Requirements set out in Schedule 2 of the dDCO.
- 16.11 The local highway authority would like more clarification on the definition of preliminary works in respect of Requirement 10, particularly with regards to the level of traffic expected to be associated with these preliminary works. It is also suggested that this Requirement may need to include more detail such as reference to routing, management of abnormal and indivisible loads and the management of river use etc.
- 16.12 NLC as highways authority would question whether there should be an additional Requirement for NLC to approve the construction details of the new access road? If not, how is this approval going to be secured? This also relates to the proposed toucan crossing on A1077 and the cycleway improvements on Flixborough Industrial Estate and the B1216.
- 16.13 The draft DCO includes Requirement 11 for Archaeology. NLC advises that amendments to the wording will need to be considered once the archaeological field evaluation is complete and reported on, and a detailed Archaeological Mitigation Plan is prepared and agreed with the local planning authority and decision-making body.
- 16.14 Whilst there is no objection to the drafting of Requirement 3 as such, it is noted that the proposed development constitutes a number of different works of differing scales and type. It is questioned whether this Requirement needs to be drafted to allow different details to be submitted for the different types of works (railway reinstatement works, DHPWN works, habitat creation works etc.). The current drafting does not appear bespoke to the proposed development at present.

- 16.15 Requirement 4 does not currently contain any reference to noise and vibration, nor does it refer to temporary lighting that may be required during the preliminary/construction phases. NLC would also question whether Requirement 4 should specify the details of what is to be included in the preliminary environmental management plan, so that it is consistent with the approach taken towards the construction and operational management plans.
- 16.16 Requirement 4 of the draft DCO (re Construction Environmental Management Plans (CEMPs)) also needs to be amended to refer to habitats and designated sites as well as protected species, invasive species and soils.
- 16.13 Requirement 14 should include a clause to secure completion of the access road prior to any part of the development being brought into operation.
- 16.14 Requirement 18 reference the Plastic Recycling Facility, to secure the provision of this facility within a set timeframe. This facility forms a key part of the proposed process by allowing for a potential reduction in the plastic content of RDF processed in the ERF.
- 16.15 NLC are of the view that the dDCO should include an additional Requirement to secure a procedure for dealing with unexpected/previously unidentified contamination that may be encountered during construction.
- 16.16 It is not clear where construction working hours are secured. This should be referenced in Requirement 4 (CEMP) or a separate Requirement .
- 16.17 Given the fact that no Environmental Permit has yet been granted and that the ES has been undertaken on the worst-case basis that the ERF plant will process up to 760,000 tonnes of RDF annually NLC are of the opinion that this limit on the throughput of waste should be secured either by inclusion in the definition of Work No 1 in Schedule 1, or in a Requirement within Schedule 2.

- 16.18 NLC would like to see a Requirement to prevent the outdoor storage of waste/fuel or plastic in the interest of protecting the amenity of the local area.
- 16.19 NLC would like to see a Requirement to secure the submission and approval of an Employment, Skills and Training Plan detailing arrangements to promote employment, skills and training development opportunities for local residents during construction and operation of the authorised development. This is a Requirement that has been secured on a number of energy related DCO's within North Lincolnshire and will ensure that the local benefits of the proposed development are maximised.
- 16.20 It is not understood exactly why a single Requirement has been used to secure both the commencement period and the phasing scheme, rather than 2 separate Requirements. Whilst there is no objection to this approach in principle, the heading of the Requirement should be re-drafted for clarity and to ensure that it is clear where the requirement to provide a phasing scheme can be found (it is not referenced in the heading for Requirement 2 at present).

17. CONCLUSION

- 17.1 National guidance on Local Impact Reports recommends that a view is given by the local planning authority of the relative importance of different social, environmental or economic issues and impacts of the scheme on them.
- 17.2 Short term negative social and environmental impacts are anticipated during the construction phase. Such impacts include increased traffic generation, construction disturbance and increased emissions.
- 17.3 Longer term residual adverse impacts include the visual intrusion caused by the buildings and structures; the potential impact on heritage assets; and the potential for noise and odour impacts. The proposal will also result in the loss of a significant area of BMV land and will necessitate the relocation of existing

businesses from the application site. Whilst there is the potential to mitigate a number of these impacts, it will not be possible to eradicate them completely.

- 17.4 The development will have beneficial economic impacts in terms of job creation and inward investment into North Lincolnshire but is not considered to have a significant long-term benefit to the local economy. Through the proposed Requirements the development will also provide an opportunity to address highlighted skill shortages in a key sector strategically promoted for growth by the Council in this area. These beneficial impacts are considered to be of moderate importance.
- 17.5 The Council also considers that the proposed development could provide a positive impact in terms of low carbon electricity generation, which could help to deliver carbon reduction policies set out in the NPPF, UK Clean Growth Strategy, Environment Bill, Humber Clean Growth Local White Paper and the North Lincolnshire Core Strategy. The development might contribute to a reduction in the carbon emissions of the energy supply in the UK and providing a secure and stable energy source. The development might also have the potential to make a contribution towards the sustainable management of waste in accordance with the waste hierarchy, by redirecting waste that would otherwise go to landfill and making an efficient use of this resource. Although it is noted that NLC already have in place a long-term contract for our waste disposal. The Council believes that these impacts have to be balanced against the potential environmental impacts of the proposed scheme.