NORTH LINCOLNSHIRE GREEN ENERGY PARK

Planning Act 2008

Infrastructure Planning

North Lincolnshire Green Energy Park

9.1 Applicants comments on Relevant Representations

PINS reference: EN010116

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Glossary

Acronym/term	Full term/description
AAP	Area Action Plan
AGI	Above Ground Installation
AIL	Abnormal indivisible loads
ALC	Agricultural Land Classification
BAT	Best Available Techniques
BMV	Best and most versatile
BNG	Biodiversity Net Gain
CBMF	Concrete Block Manufacturing Facility
CCTV	Closed-circuit television
CCUS	Carbon Capture, utilisation and storage facility
CEMP	Construction Environmental Management Plan
CO_2	Carbon Dioxide
CoCP	Code of Construction Practice
COMAH	Control of Major Accident Hazards
DEFRA	Department for Environment, Food and Rural Affairs
DHPWN	District heating and private wire network
EA	Environment Agency
EFW	Energy from Waste
EIA	Environmental Impact Assessment
EPC	Energy Performance Certificate
ERF	Energy Recovery Facility
ES	Environmental Statement
EV	Electric vehicle
FRA	Flood Risk Assessment
FTE	Full time equivalent
GBR	General Binding Rules
GCN	Great Crested Newts
GWP	Greenhouse warming potential

H2	Hydrogen
HGV	Heavy Goods Vehicle
HLCP	Humber Low Carbon Pipeline
HSE	Health and Safety Executive
LBMMP	Landscape and Biodiversity Management and Monitoring plan
MBT	Mechanical biological treatment
MOD	Ministry of Defence
MW	Megawatt
NLC	North Lincolnshire Council
NLGEP	North Lincolnshire Green Energy Park
NOx	Nitrogen oxides
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPS EN-1	Overarching Energy National Policy Statement
NPS EN-3	National Policy Statement for Renewable Energy Infrastructure
NSIP	Nationally Significant Infrastructure Project
OMP	Odour Management Plan
PHE	Public Health England
PRF	Plastic recycling facility
RDF	Refuse derived fuel
RHTF	Residue handling and treatment facility
SoCC	Statement of Community Consultation
SoCG	Statement of Common Ground
SRN	Strategic Road Network
SuDS	Sustainable Drainage Systems
TA	Transport Assessment
UKWIN	United Kingdom without Incineration Network

CONTENTS

1. INTRODUCTION

Purpose of the report

1.1 The purpose of this report is to provide North Lincolnshire Green Energy Park Limited's (the Applicant) response to the key issues raised in relevant representations submitted by Interested Parties in relation to the North Lincolnshire Green Energy Park application.

1.2 The period for registering as an Interested Party through the submission of a relevant representation ran from 4th August 2022 to 15th September 2022. The Applicant confirmed that it had complied with sections 56 and 59 of the Planning Act 2008 and Regulation 16 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 on 28th September 2022, certifying that it had notified the required persons, made available a copy of the application and accompanying documents and information and publishing it in the required manner.

1.3 A total of 99 relevant representations were submitted to the Examining Authority by Interested Parties. These can be broken down as follows:

a. 1 response from the host authority (i.e. North Lincolnshire Council [RR-92]

b. 10 responses from other statutory consultees (I.e. Lincolnshire Wildlife Trust [RR-09], Canal & River Trust [RR-12], Environment Agency [RR-60], Marine Management Organisation [RR-85], Maritime and Coastguard Agency [RR-86], National Grid Carbon Limited [RR-89], Natural England [RR-90], Northern Powergrid (Yorkshire) PLC [RR-93], Network Rail [RR-98], National Highways [RR-99];

c. 6 responses from the host parish councils (Appleby Parish Council [RR-40], Burton upon Stather Parish Council [RR-48], Flixborough Parish Council [RR-63], Amcotts Parish Council [RR-65].

d. 82 responses from members of the public and businesses, some of whom have an interest in the land.

Structure of the report

1.4 Section 3 of this report provides a response from the Applicant to the matters raised in the relevant representations and is structured as follows:

a. List of the Interested Parties with whom the Applicant is engaging to progress a Statement of Common Ground (SoCG). The relevant representations of these

Interested Parties have been responded to through those SoCG directly but are also addressed in **Appendix 1**.

b. List of the parish councils for areas where the proposed development would take place, elected representatives, international agencies, statutory consultees (excluding those with whom a SoCG is being progressed), and those whose interests would be affected by the Order (again, excluding those with whom a SoCG is being progressed). The relevant representations of these Interested Parties have been addressed in **Appendix 2.**

c. List of the relevant representations received from members of the public and all remaining organisations and businesses. Relevant representations from this group have raised similar matters, and thus matters raised have been grouped and thematic responses are provided by the Applicant in **Appendix 3**.

The Proposed Development

1.5 The North Lincolnshire Green Energy Park (NLGEP), located at Flixborough, North Lincolnshire, comprises an ERF capable of converting up to 760,000 tonnes of residual non-recyclable waste into 95 MW of electricity and a CCUS facility which will treat a proportion of the excess gasses released from the ERF to remove and store CO_2. Prior to emission into the atmosphere. The design of the ERF and CCUS will also enable future connection to the Zero Carbon Humber pipeline to be applied for, when this is consented and operational, to enable the possibility of full carbon capture in the future.

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

1.7 The Project includes the following Associated Development to support the operation of the NSIP:

- a bottom ash and flue gas residue handling and treatment facility (RHTF);
- a concrete block manufacturing facility (CBMF);
- a plastic recycling facility (PRF);
- a hydrogen production and storage facility;
- an electric vehicle (EV) and hydrogen (H2) refueling station;

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

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

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

2.0 INTERESTED PARTIES

Interested Parties with Statements of Common Ground agreed or in progress

2.1 Statements of Common Ground (SoCG) are being developed with the below Interested Parties that will seek to capture the matters raised within their relevant representations. Despite this we have also included responses to their Relevant Representations in **Appendix 1** for completeness.

2.2 These interested parties are as follows:

a. United Kingdom without Incineration Network (UKWIN) (RR-02)

b. Lincolnshire Wildlife Trust (RR-09)

c. Rainham Steel Company Limited (RR-46)

d. British Steel Limited (RR-47)

e. The Environment Agency (RR-60)

f. Enfinium Limited (RR-62)

g. Jacobs UK Limited on behalf of Anglian Water Services Limited (RR-66)

h. Jotun Paints (Europe) Limited (RR-69)

i. Rapleys LLP on behalf of AB Agri Limited (RR-73)

j. Bagmoor Wind Limited (RR-76)

k. BDB Pitmans LLP on behalf of National Grid Carbon Ltd (RR-89)

l. Natural England (RR-90)

m. North Lincolnshire Council (RR-92)

n. Northern Powergrid Yorkshire plc (RR-93)

o. Addleshaw Goddard on behalf of Network Rail Infrastructure Ltd (RR-98)

p. National Highways (RR-99)

Responses to Selected Individual and Technical Consultees

2.3 This section lists the relevant representations received from: parish councils for areas near where the proposed development would take place; elected representatives; international agencies; statutory consultees and undertakers where a SoCG is not being progressed, those with an interest(s) affected by the Order as listed within the Book of Reference; and non-statutory organisations.

2.4 These Interested Parties are as follows:

a. Parish Councils:

- Appleby Parish Council (RR-40)
- Burton upon Stather Parish Council (RR-48)
- Flixborough Parish Council (RR-63)
- Amcotts Parish Council (RR-65)
- Roxby Parish Council (RR-94)

b. Statutory Consultees which we are not forming a SoCG with:

- Canal and River Trust (RR-12)
- Marine Management Organisation (RR-85)
- Maritime and Coastguard Agency (RR-86)

c. Interest Groups:

- Residents Against Incinerators (RAIN) (RR-50)
- Andrew Percy MP (RR-75)
- Holly Mumby-Croft MP (RR-84)

d. Interests affected by the Order:

- Gateley Hamer on behalf of Andrew Gravel t/a ADG Autotech (RR-01)
- Peacock and Smith LTD on behalf of Gleeson Regeneration Ltd (RR-53)
- Rajan Marwha (RR-55)
- Gateley Hamer on behalf of Norris Family (RR-91)

2.5 Full responses to the relevant representations received from these interested parties are detailed within **Appendix 2** of this report.

Themed Responses

2.6 Relevant representations received from members of the public and businesses, beyond those included in the above sections of this report, have been grouped by topic and a thematic response has been prepared in **Appendix C**. The themes are as follows:

1) Adequacy of Consultation;
2) Principle of Development;

3) Climate Change;
4) Cultural Heritage;
5) Health;
6) Environment;
7) Noise;
8) Air Quality;
9) Landscape and Visual;
10) Site Selection;
11) Nypro Disaster;
12) Transport;
13) Flood Risk;
14) Registration of Interest and other comments.

APPENDIX 1: RESPONSES TO INTERESTED PARTIES WITH WHOM A STATEMENT OF COMMON GROUND IS BEING FORMED

The Position of the Interested Party	NLGEP's Response
United Kingdom without Incineration Network (UKWIN) (RR-02)	
UKWIN objects to the proposed development. Claimed benefits are overstated, and potential adverse impacts are understated. The planning balance goes against the proposal, with associated adverse impacts outweighing any benefit of the proposed incineration facility.	Sections 3 and 4 of the Planning Statement (APP-035) sets out the policy and legislative context for the Project and the need case in further detail. The ES assesses the impacts of the Project, with section 5 of the Planning Statement assessing these against relevant national planning policy, primarily that of NPS EN-1 and NPS EN-3. Section 6 assesses the Project against the key local planning policies. The Applicant considers that the benefits of the Project including avoided landfill gas emissions, the offset of the use of fossil fuels and the carbon sequestered by the BNG, will significantly outweigh any harm predicted. Mitigation measures have been identified as set out in ES Chapter 19 (APP-067) to ensure that any potential harm is reduced as far as possible. Having considered each of the elements assessed and their compliance with national and local planning policy, aligned to the need case for the Project, it is considered that the tests in Section 104 of the 2008 Act have been met. Accordingly, the policy presumption in favour of the Project and the overall planning balance are considered to be in favour of development consent being granted.

In summary: 1. The proposed incineration facility could result in local and/or national incineration overcapacity, in contravention of EN-3 (2021) which states: "As the primary function of EfW plants is to treat waste, applicants must demonstrate that proposed EfW plants are in line with Defra's policy position on the role of energy from waste in treating municipal waste. The proposed plant must not result in over-capacity of EfW waste treatment at a national or local level". 2. This position was subsequently confirmed as Government policy in July 2022, with the Government stating: "The Government's view is that Energy from Waste (EfW) should not compete with greater waste prevention, re-use, or recycling. Proposed new plants must not result in an over-capacity of EfW waste treatment provision at a local or national level".	The RDF Supply Assessment (APP-036) has been updated to ensure that the most recently available statistics are provided for in the assessment of RDF availability. This updated assessment will be available for review by UKWIN for Deadline 1. The current document takes into account recycling targets being met and declining export volumes. Local and national arisings of residual municipal waste from both household and commercial & industrial sources continue to be sent to landfill, embedding future release of greenhouse gases as well as other environmental impacts, or to be exported to recovery through EfW at facilities in mainland Europe. Landfill is the bottom of the waste hierarchy, and there is a policy imperative of raising the level of the hierarchy at which residual waste is managed. Export of residual waste represents a lost opportunity to the UK. There is insufficient capacity available; in construction and commissioning, to meet the need to divert this residual waste from landfill, even when ambitious recycling targets are met. Whilst other projects in the planning pipeline may contribute to closing this 'capacity gap', none of these can be relied upon in practice to meet this need. Additionally, the capacity gap may grow as older facilities are withdrawn from operation, and as those unable to be fitted with CCUS become uncompetitive and unattractive on environmental grounds to waste producers.
3. These Government statements add weight to the conclusion highlighted in the Wheelabrator Kemsley North refusal which found that large-scale development can undermine local recycling efforts and divert waste from recycling.	Section 4.1.1.2 of the RDF Supply Assessment (APP-036) identifies compliance with local strategy: "The Strategy aspires to treat residual waste not suitable for recycling in facilities located within North Lincolnshire using energy recovery and public consultations by the council showed strong support from the public for treating non-recyclable waste in a recovery facility within North Lincolnshire. The Strategy recognises the area as an ideal place to locate a waste management facility, as there is abundance of brown-field sites together with well- developed power transmission infrastructure and transport links. Furthermore, as the region has relatively low volume of waste arisings compared to scale of many facilities, the council acknowledges that waste management facilities within North Lincolnshire could treat additional waste from other regions."

	Local circumstances in Kent and the South East of England are entirely different from those in North Lincolnshire and its surrounding regions. Kent already has operating EfW capacity and further consented capacity, while the South East authorities presented to the Kemsley North Examination their intention to meet the regional capacity gap through a distributed approach. As a result, it was unclear from where the facility's throughput would be sourced. Little waste is treated or transferred within Kent. By contrast c.2.9Mt of residual waste is currently managed in North Lincolnshire, of which c.2Mt arises outside the authority boundary and is destined either for local landfill or exported as RDF. It is precisely these wastes that the facility will be capable of receiving as a fuel, and for which Memoranda of Understanding are being finalised. As a result of these sources of waste, there can be no concern that the hierarchy will be compromised, whilst for local arisings of residual waste, management will be pushed up the hierarchy.
4. UKWIN also intends to cite other concerns about how incineration competes with recycling, including Defra research and comments from the Climate Change Committee.	One of the Climate Change Committee' key messages in the Sixth Carbon Budget Methodology Report states the following: "Options for reducing emissions. Mitigation options considered include reduced landfill methane generation (through waste prevention, recycling and banning. biodegradable waste from landfill), reduced residual waste sent to EfW (through waste prevention, recycling), increased landfill methane capture and oxidation, improvements at wastewater treatment and compositing facilities, and installation of CCS on EfW plants". The RDF Supply Assessment (APP-036) takes account of the targets for increased reuse and recycling, reductions in single use plastics. The inclusion of a plastics recycling facility as part of the associated development recognises the need to recycle plastics that can be commercially recycled.
5. Given the proposed facility would treat RDF, it is notable that it takes more than one tonne of waste to produce a tonne of RDF.	The RDF waste stream is delivered as RDF as a result of processing, treatment and sorting. In our calculations we have allowed for removal of mass from the waste stream during the production of RDF. This is labelled 'MBT' removal on the charts in our report, and is assumed to be approximately 2m tonnes nationally (based on analysis of historic data from MBT facilities).

6. We are also concerned about the proposal's climate change impacts, both in terms of the direct emissions from the stack and indirect emissions compared to waste treatment options further up the Waste Hierarchy.	Landfill gas is predominantly composed of carbon dioxide and methane, with the global warming potential of methane being 28x higher than that of CO2. In the short to medium term, methane has a much higher greenhouse warming potential (GWP), which makes diversion of residual waste from landfill an imperative recognised in policy and by the Committee on Climate Change. Climate change impacts can be reduced by the diversion of waste from landfill with the facility recovering energy. The facility will produce beneficial products in the form of electricity exported to the National Grid, and heat, which will be capable of being used by local businesses and dwellings. The supply of energy will avoid the need for other supplies, including those involving the combustion of fossil fuels, notably gas. As a result, greenhouse gases emissions will be avoided elsewhere. Recovery of secondary aggregates from the CBMF will also avoid the need for virgin sources of these materials and their associated greenhouse gas emissions. The overall greenhouse gas (or 'carbon') balance for the facility, including CCUS, is a negative (ie beneficial compared with the counterfactual) one.
7. We are concerned about the poor efficiency and questions regarding the deliverability of the proposed carbon capture element of the proposal (including questions about whether or not the Environment Agency would issue an environmental permit for technology that does not meet best available technique requirements), and the potential adverse health impacts of amine degradation associated with the chosen carbon capture technology.	The facility will be classified as a recovery operation and is expected to attain R1 status. The EA in their Relevant Representation notes that the facility will be classified as recovery based on the assumptions stated in the R1 assessment submitted as part of the planning application. The best available technique has been used to inform the design of the capture plant. The capture plant is designed to use low pressure steam to provide the low grade heat required. NOx and SOx are removed by the ERF flue gas treatment facility. The emissions of the CCS facility are dependent on solvent selection, which will be decided commercially based on the technology provider selected. Emissions associated with this facility have been assessed in the air quality assessment, which is ES Chapter 5: Air Quality (APP-053). A conservative selection of amine has been made to ensure effects are appropriately assessed.

8. The Applicant's May 2022 Chapter on Waste (6.2.15) and the associated RDF Supply Assessment (5.2) are flimsy and full of errors and outdated information. For example, by focussing the need assessment on the situation in 2019 the Applicant fails to properly account for the capacity that came online during and after 2019 or that is currently under construction. These combine to undermine the Application's need case for the proposal, raising concerns about the impact this facility would have on recycling and waste reduction.	The RDF Supply Assessment (APP-036) has been updated to ensure that the most recently available statistics are provided for in the assessment of RDF availability. This updated assessment will be available for Deadline 1. The current document already took into account recycling targets being met and declining export volumes. It also has taken into account the consented energy from waste plants that are likely to be built. Major waste operators and waste aggregators have been engaged in dialogue with the Applicant over the past three years with a view to intercept waste that would otherwise be exported or landfilled. A focus has been maintained on establishing transport to the site by rail and boat which significantly reduces the current carbon footprint for transporting waste. The use of RDF does not displace the levels of recycling that can be achieved with commercial viability. The RDF Supply Assessment (APP-036) takes account of the recycling targets even though the recycling success have plateaued over the past few years and are significantly behind target.
9. The Applicant's May 2022 Climate Chapter (6.2.6) contains a number of significant inaccuracies, inadequately-evidenced assumptions, and approaches that are not in line with good practice. These combine to reduce the weight that should be given to claimed environmental benefits of the proposal.	ES Chapter 6: Climate Change (APP-054) has been prepared in accordance with industry best practice and standards. With no specific references as to which aspects of the Chapter are being questioned, it is not possible to respond further.
10. UKWIN does not believe that the proposal constitutes 'essential infrastructure' that would justify location on a site that is high risk from flooding and functional floodplain.	The Flood Risk Assessment (APP-070) provides further information on this. This classification based on the NPPF guidance was agreed during consultation with the Environment Agency and North Lincolnshire Council.
Lincolnshire Wildlife Trust (RR-09)	
We have already engaged with the developer pre-application and discussed various points. We will be seeking nature's recovery, Biodiversity Net Gain, that all impacts on known local, regional, national and international designated sites for nature are considered and the mitigation hierarchy is applied. Ultimately, that both the biodiversity and climate change crises are addressed, and local initiatives and policies are taken into account in the national planning process.	Further details are available in ES Chapter 10: Ecology and Nature Conservation (APP-058), Table 2 where reference is made to the participation of the Lincolnshire Wildlife Trust in the development of ecological mitigation. Mitigation is described in Section 7 of the chapter and Further Biodiversity Enhancement in Section 9. Appendix I to the chapter provides the Biodiversity Net Gain Report.
The Environment Agency (RR-60)	

1.0 The Environment Agency's Role 1.1 The Environment Agency is an executive non departmental public body, established under the Environment Act 1995. 1.2 We were established to bring together responsibilities for protecting and improving the environment and to contribute to sustainable development. We take an integrated approach in which we consider all elements of the environment when we plan and carry out our work. This allows us to advise on the best environmental options and solutions, taking into account the different impacts on water, land, air, resources and energy. 1.3 We help prevent hundreds of millions of pounds worth of damage from flooding. Our work helps to support a greener economy through protecting and improving the natural environment for beneficial uses, working with businesses to reduce waste and save money, and helping to ensure that the UK economy is ready to cope with climate change. We will facilitate, as appropriate, the development of low carbon sources of energy ensuring people and the environment are properly protected. 1.4 We have three main roles: • We are an environmental regulator – we take a risk-based approach and target our effort to maintain and improve environmental standards and to minimise unnecessary burdens on businesses. We issue a range of permits and consents. • We are an environmental operator – we are a national organisation that operates locally. We work with people and communities across England to protect and improve the environment in an integrated way. We provide a vital incident response capability. • We are an environmental adviser – we compile and assess the best available evidence and use this to report on the state of the environment. We use our own monitoring information and that of others to inform this activity. We provide technical information and	We acknowledge the Environment Agency's role in considering the impacts of the Project. We have undertaken ongoing engagement with them over the duration of the Project as a result of this. We will continue to engage with the Environment Agency throughout the examination and are working to complete a SoCG.

advice to national and local governments to support their roles in policy and decision-making. 1.5 The Environment Agency takes action to conserve and secure proper use of water resources, preserve and improve the quality of rivers, estuaries and coastal waters and groundwaters through pollution control powers and regulating discharge permits. 1.6 We have regulatory powers in respect of waste management and remediation of contaminated land designated as special sites. We also encourage remediation of land contamination through the planning process. 1.7 The Environment Agency is the principal flood risk management operating authority. It has the power (but not the legal obligation) to manage flood risk from designated main rivers and the sea. The Environment Agency is also responsible for increasing public awareness of flood risk, flood forecasting and warning and has a general supervisory duty for flood risk management. We also have a strategic overview role for all flood and coastal erosion risk management. 2.0 Scope of these representations 2.1 These Relevant Representations contain an overview of the project issues, which fall within our remit. They are given without prejudice to any future detailed representations that we may make throughout the examination process. We may also have further representations to make if supplementary information becomes available in relation to the project. 2.2 We have reviewed the Development Consent Order (DCO) application, Environmental Statement (ES) and supporting documents submitted as part of the above-mentioned application, which we received on 1 August 2022. Our comments are presented using the document references and ES Chapter headings relevant to our remit below.	

3.0 4.10 Indicative Landscape and Biodiversity Plans 3.1 We have reviewed this plan, the contents of which are satisfactory.	We appreciate the Environment Agency's confirmation that the contents of the Indicative Landscape and Biodiversity Plans are satisfactory.
4.0 5.4 Combined Heat and Power 4.1 We have undertaken a high-level review of this document, which covers the economics of the proposal and identified end users. This would be a requirement of the permitting process for the proposed activities and therefore covered within conditions as part of an Environmental Permit; for example, requiring formal commissioning plans at the appropriate time. The Requirement contained in Schedule 2, Part 1 of the DCO appears appropriate for planning purposes. 4.2 We would normally expect a DCO application to include an assessment for Carbon Capture Readiness (CCR). We note that this proposal is to have Carbon Capture Usage and Storage (CCUS) from the outset and if this issue is covered in the ES we would be grateful if the applicant could signpost us to the relevant parts for this assessment.	We acknowledge the EA's confirmation that Requirement 17 in Schedule 2 is appropriate for the purposes of the DCO application. CCR is not required for this facility. The facility is not a large combustion plant by definition. The requirement for CCR is also at 300MWe generation capacity. This facility has a generation capacity of up to 95MWe. However, this facility will capture a minimum quantity of CO_2 pursuant to Requirements 18 and 19 of the dDCO within 6 months of the commissioning of the main ERF. You can find details relevant to this within the ES Chapter 3: Project Description and Alternatives (APP-051), Chapter 5: Air Quality (APP-053) and Chapter 6: Climate (APP-054). See requirements 17 and 18 in the dDCO for how the carbon capture facility is secured.
5.0 5.7 Outline Landscape and Biodiversity Management and Monitoring Plan 5.1 We have reviewed this plan, the contents of which are satisfactory.	We appreciate the Environment Agency's confirmation that the contents of the Outline Landscape and Biodiversity Management and Monitoring Plan are satisfactory.
6.0 5.8 Consents and Licences Document 6.1 The Applicant has correctly identified that the proposed operation of the plant(s) will require a permit(s) from the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2016 for Part A(1) activities. 6.2 The Applicant has also identified the need for a bespoke permit for discharge to surface water for dewatering during excavations.	We appreciate the Environment Agency's confirmation that permits will be required for the proposed operation of the plant. We have been engaging with the Environment Agency regarding this and will continue to work closely with them throughout the detailed design and permitting phase. Permits will be applied for before construction if any works within 16m of existing EA defences or the new defences are proposed (once construction methodologies are developed).

6.3 Any works within 16m of the Environment Agency maintained flood defences will also require an environmental permit, as acknowledge in this document. The proposal to construct new flood defences will also require an environmental permit (please see comments in paragraph 12.4 below).	
7.0 5.10 R1 Assessment 7.1 We have undertaken a high-level review of this document, which follows the Environment Agency's guidance and shows the proposed design (based on the assumptions made) would meet the R1 status test, making the proposal a recovery, not a disposal, operation under the Waste Framework Directive.	We acknowledge the Environment Agency's confirmation that the proposed design of the Project would meet the R1 status test, as set out in the R1 Assessment (APP-044).
8.0 6.2.5 Chapter 4 – Air Quality 8.1 We have undertaken a high-level review of this Chapter, which appears satisfactory for planning purposes. The assessment acknowledges the local Air Quality Management Area and appears to assess the risk in line with Environment Agency guidance and relevant methodologies. Please note, we have not undertaken a detailed review of the air quality modelling as the proposed combustion installation □ will require an operating permit under Section 1.1 Part A of the Environmental Permitting Regulations 2016. A detailed review of air quality modelling will be undertaken when we determine the permit application to operate the site. To date we have not received a permit application for this proposal.	We appreciate the EA's confirmation that ES Chapter 5: Air Quality chapter (APP-053) is satisfactory for the purposes of the DCO application. We confirm that the relevant permits will be obtained from the EA.
9.0 6.2.8 Chapter 8 – Ground Conditions, Contamination and Hydrogeology 9.1 The Environment Agency has reviewed this chapter from the perspective of protection of controlled waters only and it considers the assessment undertaken in this respect to be appropriate.	We welcome the confirmation that the Environment Agency considers the approach to land contamination as satisfactory. Draft DCO Requirement 4 requires that a Construction Environmental Management Plan (CEMP) is produced in accordance with the Code of Construction Practice (CoCP) (which includes the need for a remediation strategy at requirement 4(3)) (APP-074) to be reviewed and approved by North Lincolnshire Council in consultation with the EA and others.

9.2 The DCO appears to cover the need for a remediation strategy to be submitted through the Construction Environment Management Plan and Code of Construction Practice (Schedule 2, Part 1, Requirement 4). We welcome being included as a named consultee to the discharge of this Requirement, as we wish to review all additional site investigations, remediation proposals, which may have the potential to create flow paths between potentially contaminated soils and the water environment. 9.3 However, we are concerned that the DCO does not appear to include any requirement that secures investigation/details in respect of piling. Chapter 8, paragraph 7.2.1.2 states that "For any structures that require piling, there will be a requirement to avoid creating flow paths between potentially contaminated soils and/or groundwater in the underlying strata, both during construction and operation. Piling options will be fully defined on conclusion of the scheme specific ground investigation". Paragraph 7.2.1.3 goes onto list the clauses, which are intended to be included in relation to ground conditions, but none of these appear to cover ground investigations in respect of piling. As there is the potential for piling to open up pathways for contaminants to pollute groundwater, we would normally expect to see a separate requirement with regards to this and therefore request the inclusion of the following within Schedule 2 of the DCO: Requirement (1) No piling or any other foundation designs using penetrative methods shall be permitted, until a written piling and penetrative foundation design method statement, informed by a risk assessment, for that part, has been submitted to and, after consultation with the Environment Agency, approved by the relevant planning authority. (2) All piling and penetrative foundation works must be carried out in accordance with the approved method statement. Reason To ensure the development does not cause pollution to groundwater.	We note EA's concerns regarding the risks associated with piling. We propose to address these through a revision to the CoCP as follows: - In Section 5.5 of the CoCP (Issue/Topic Specific Management Plans) add '*Piling and Ground Penetration Works Plan*' to the list of outline plans appended to the CoCP (and to be produced in detail in the CEMP). - As a new Appendix K to the CoCP, add an outline Piling and Ground Penetration Works Plan setting out the required content of a detailed method statement to be produced for the CEMP for the approval of North Lincolnshire Council and the EA. The outline plan in Appendix K will specify the required contents and level of detail to be provided in the detailed plan for the CEMP in terms of: - The nature of piling and other intrusive works covered by the plan; - The risk assessment approach to be adopted; - The general measures to be employed to manage any risks; - The requirement for approval of the Council in consultation with the EA; - The requirement for all piling and intrusive works to be undertaken in accordance with the plan; and, - Monitoring, auditing and reporting requirements for demonstrating full adoption of the plan.
10.0 6.2.9 Chapter 9 – Water Resources and Flood Risk 10.1 Paragraph 8.2.1.1 states that "no water abstractions will be required" during the construction phase. However, should this change then 20m3 of water per day can be abstracted without requiring an	We acknowledge the need for a permit should we need to undertake water abstractions above the amount stated. The Consents and Licences Document (APP-042) identifies the need for a bespoke permit to discharge to surface waters. This will be sought prior to construction if required by the EPC contractor in consultation with EA.

abstraction licence. If the Applicant wishes to abstract more than this volume, they must contact the Environment Agency to obtain a licence. 10.2 Paragraph 8.2.1.3 states that "Construction activities could require the disposal of water" and acknowledges this will require the agreement of the Environment Agency. A permit would be required to discharge dirty water to surface waters and this would need to be applied for in advance of the commencement of the project as the permitting process can take a several months to complete. 10.3 Paragraph 8.2.4.9 outlines the Applicant's intention to connect to a mains sewage system, though it is not specifically stated whether the sewerage undertaker has agreed to this and has capacity available to accommodate the development. On the basis that the sewerage undertaker agrees, this proposal is acceptable. We note that the detailed scheme is to be submitted post consent and this is secured through Requirement 9 in Schedule 2, Part 1, of the DCO. 10.4 Paragraph 9.1.1.3 of the assessment identifies a significant effect on a single receptor, a commercial building to the north of Flixborough Wharf. Further analysis within the Flood Risk Assessment determines that the increased risk to this building because of the development is limited to a breach of the flood defences immediately to the west of the development: in which event the commercial building experiences a depth increase of 117mm. This depth increase does not result in a change to the flood hazard rating (as defined in "Flood Risk Assessment Guidance for New Development: R&D Technical Report FD2320/TR2" [Defra/Environment Agency, 2005] Table 13.1) which is primarily 'very low hazard', and peaks at 'danger to some' immediately to the south of the building. 10.5 Paragraph 9.1.1.3 proposes to manage this impact via a Flood Management Plan. We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. In all circumstances where warning and	A developer enquiry was sent to Severn Trent and a hydraulic model has been undertaken to identify if there is capacity in the existing network to accommodate proposed foul water flows from the site. Severn Trent have informed that the hydraulic results of their modelling shows that the network already has some capacity issues without adding proposed flows. If domestic foul water flows cannot be accommodated within the Severn Trent network as it currently has very limited capacity flows, a separate system will be required to treat the water via an on-site package treatment plant followed by discharge to a large wetland for further polishing of the flow. It is envisaged that the total daily flows will be in excess of the limits detailed within the DEFRA General Binding Rules (GBR) for small sewage discharges and therefore, an appropriate Environment Agency Discharge Permit will be required. A Flood Management Plan and evacuation route plan and flood resilience implementation plan will be developed with North Lincolnshire Council in consultation with the EA as part of the next stage of design. This is secured in requirement 12 of the dDCO.

emergency response is proposed to manage flood risk, we advise the Planning Inspectorate to take advice from the relevant emergency planning authority (North Lincolnshire Council) to assist with determining whether this proposal is acceptable and safe. 10.6 For comments on the Annex 3 Flood Risk Assessment, please see paragraphs 12.1 to 12.5 below.	
11.0 6.2.10 Chapter 10 – Ecology and Nature Conservation 11.1 We welcome the monitoring and control of invasive mink (paragraph 9.1.4.7), as this will provide ongoing benefit (protecting water vole populations in particular) rather than allowing them to recolonize. 11.2 We welcome the inclusion of the biodiversity net gain assessment, which concludes the overall percentage increase will be greater than 10%. We particularly welcome the benefits to be achieved for watercourse units but defer to Natural England to comment on the acceptability of the assessment details for this. 11.3 Although Schedule 2, Part 1, Requirement 7 secures a Landscape and Biodiversity Management and Monitoring Plan (LBMMP), which must accord with the principles in the Outline LBMMP, we are concerned that this does not adequately secure 10% biodiversity net gain delivery based on any final plans. Neither does it specifically secure the required 30 years of management and monitoring within the DCO. We request that the Applicant discusses this issue further with Natural England and considers how both can be adequately secured.	We note the EA's comments on the monitoring and control of invasive mink. In addition to the creation and enhancement of water vole habitat (ditches), mink control has been recommended as a method to further protect a likely declining water vole population. The applicant acknowledges the Environment Agency's support of this proposal. Natural England has been consulted regarding the use of the Defra Biodiversity Metric 3.0 and is satisfied with its use and the demonstration of at least 10% net-gain. The outline Landscape and Biodiversity Management and Monitoring Plan (LBMMP) (APP-041) sets out the principles for the management of existing retained habitats and established vegetation, as well as those that will be enhanced and newly created within the Order Limits during construction and operation of the Project. Habitat creation and enhancement reflects the proposals captured by the Biodiversity Net-Gain assessment, which quantifies a net-gain exceeding 10%. The final LBMMP will build on the principles within the outline LBMMP, and in terms of habitats will set out measures required to ensure new and enhanced habitats achieve their target condition determined within the BNG Metric. The final LBMMP will also secure the 30-year management period required for BNG.
12.0 6.3.3 Annex 3: Flood Risk Assessment (May 2022) 12.1 The Flood Risk Assessment (FRA) indicates that the development will have an impact on flood risk during flood events which exceed the current standard of protection of the adjacent flood defences and in the event of a breach of these defences. The FRA identifies measures to	We welcome the confirmation that the EA have no objection to the Project's flood risk management proposals provided the measures identified in the FRA are followed. We note the EAs support of the hydraulic modelling undertaken to date. The hydraulic modelling was undertaken in consultation with the EA during

manage and mitigate this increase in risk and provided the measures identified in the FRA are followed the Environment Agency has no objection to the proposals. 12.2 We can also confirm that the Environment Agency has undertaken a review of the hydraulic model, which underpins the FRA work. This model utilised the latest UK Climate Projections, as required by paragraph 4.8.6 of the Overarching National Policy Statement for Energy (EN-1), and it is our view that it is fit for purpose. Accordingly, it is also our view that the FRA is proportionate to the risk and appropriate to the scale, nature and location of the project as required by paragraph 5.8.7 of EN-1. 12.3 The final design details for the mitigation measures are yet to be agreed and we welcome the opportunity to work further with the Applicant on this. Accordingly, we welcome the inclusion of the Environment Agency as a specific consultee to the flood resilience implementation plan secured by Requirement 12 in Schedule 2, Part 1 of the DCO. 12.4 The scheme includes the proposal to construct several new flood defences. These will require a permit from the Environment Agency under the Environmental Permitting Regulations 2016, along with any other construction activities which take place within 16m of the Environment Agency maintained flood defences. Permitting requirements are acknowledged in document 5.8 (Consents and Licences Document) as mentioned in paragraph 6.3 above. 12.5 Please note that our advice relates to flooding from tidal and fluvial sources only and has not considered the risk of flooding from ground water, drainage systems, reservoirs, canals or ordinary watercourses as they do not fall under our direct remit.	August 2020 to December 2021 when the final review undertaken of the hydraulic modelling was completed by the EA. It also took into account the latest EA guidance on climate change allowance and sea level rise as described in Appendix B of the Flood Risk Assessment (APP-070). Further modelling will be required during the next stage of design and this will continue to be undertaken in consultation with the EA to agree methodology and discuss refinements to the proposed flood mitigation measures if required. As per Requirement 12 in Schedule 2 of the draft DCO (AS-006) we will engage with the EA on the next stage of design regarding the emerging design for flood mitigation and resilience before they are finalised. Permits will be applied for before construction if any works within 16m of existing EA defences or the new defences are proposed (once construction methodologies are developed).
13.0 6.3.7 Annex 7: Code of Construction Practice 13.1 The potential impact on watercourses such as the Lysaght Drain is acknowledged in the plans and although no specific plans have been	Draft DCO Requirement 4 (AS-006) requires that a Construction Environmental Management Plan (CEMP) is produced in accordance with the Code of construction Practice (CoCP) (APP-074) to be reviewed and

submitted for mitigation, the document discusses the need for water quality monitoring and treatment through methods such as settlement ponds and interceptors. We expect these types of issues to be discussed in detail in the Construction Environmental Management Plan (CEMP) to be submitted post consent, as secured through Requirement 4 in Schedule 2, Part 1, of the DCO. Measures to reduce the impact on watercourses must be considered at each stage of construction. Only clean water should be discharged to a watercourse and any dirty water discharge requires a permit. If a pollution incident should occur, this should be reported to the Environment Agency immediately. 13.2 Appendix F: Outline Construction Flood Management Plan (March 2022) An outline Construction Flood Management Plan is provided. We note that the matters that will be covered (but will not necessarily be limited to) are listed in paragraph 3.1.1.2. For the avoidance of doubt, we request that the final version of this plan should detail how access for flood defence inspection and maintenance purposes will be retained for Environment Agency staff and contractors throughout the construction process. 13.3 The final version of the plan should also identify all flood defence infrastructure within or adjacent to the development boundary and put in place measures to ensure that construction activities do not directly damage these assets, nor do works in the vicinity of these assets endanger their stability or operational performance.	approved by North Lincolnshire Council in consultation with the EA and others. The CEMP will include provisions to deal with the potential impact on watercourses (see Appendix A to the CoCP and also Appendix D Outline Spill Response Plan and Appendix J Outline Soil Management Plan (APP-074)). Further information on access to existing and proposed flood defences will be developed and included in an updated Outline Construction Flood Management Plan (included as Appendix F to the CoCP (APP-074)) and secured by requirement 4 in the dDCO. This will be shared with the EA for review before completion.
14.0 Further Representations 14.1 In summary, we can confirm that we have no objection to the principle of proposed development, as submitted. We are satisfied that the ES has adequately considered issues/topics that fall within our remit. The draft DCO secures appropriate mitigation in relation to these issues/topics, except for piling which can be secured through the inclusion of an additional requirement, as requested in paragraph 9.3 above. The Applicant should discuss an appropriate mechanism for securing BNG with Natural England.	The Applicant notes and appreciates the recognition that the assessment topics pose no significant impact on the elements that fall within the Environment Agency's remit. The Applicant will continue to work closely with the Environment Agency throughout the detailed design and permitting phase.

14.2 We reserve the right to add or amend these representations, including requests for DCO requirements and protective provisions, should further information be forthcoming during the examination.	
Rainham Steel Company Limited (RR-46)	
We are a tenant on one of the sites (14 acres) within the red line boundary and within 50 meters of the Flixborough port. The use the local ports (Flixborough and PD Ports) to import material into the UK is essential to our business operations and the supply of sectional steel to the UK. The inability to import to local ports and have a facility close to these ports will have a major impact on our business.	The Applicant has been in discussions with Rainham Steel for more than two years. The Applicant recognises the importance of the Flixborough Wharf to Rainham Steel. There would be no interruption to Rainham Steel's ability to import material at Flixborough Port as a consequence of the Project. The Applicant has approached North Lincolnshire Council with a view to securing a separate planning consent on a suitable replacement site with good access to the Flixborough Wharf.
British Steel Limited (RR-47)	
British Steel have concerns that the development may have an impact on some of the pipes, water mains and cables in the area which service our site. For example there is a coke oven effluent line and o2 supply to our Biological Effluent Treatment Plant at Normanby Park from the main site. There is also a tidal outfall pipe from the balancing tank at Normandy Park to Neap House and a water rising main from Gunness to our main site that passes under the motor way near Glanford Park. British Steel would like some reassurance that any service media in the area will not be effected by the development and our access rights remain unchanged.	The Applicant is currently undertaking engagement with British Steel regarding their existing assets. We confirm that these existing assets will be protected and are engaging on British Steels' own carbon reduction plans with regards to where the Project can support in the supply of low carbon electricity, heat and hydrogen to British Steel. The parties are working to complete a SoCG.
Enfinium Limited (RR-62)	
Enfinium Ltd would like to register as an interested party to the upcoming examination of the Lincolnshire Green Energy DCO application. We reserve our position and would like the opportunity to participate in written representations and potentially hearing proceedings during the examination stage, where a more detailed case will be presented. A summary of our position is set out here. We believe that there is insufficient waste to substantiate a further 760,000 tonnes per year of energy from waste capacity in the regions that this facility would likely serve; Yorkshire and Humber and East Midlands. We would like to review and query the data used to facilitate this application in more depth using our in-house team and expert advisors.	The RDF Supply Assessment (APP-036) has been updated to ensure that the most recently available statistics are provided for in the assessment of RDF availability. This updated assessment will be available for Deadline 1. The updated document has taken account of recycling targets being met and declining export volumes. It has taken into account the consented energy from waste plants that are likely to be built and will updated figures are included. We are more than willing to meet with Enfinium and their technical experts to discuss the data sources and assumptions used in the calculation of RDF availability. Major waste operators and waste aggregators have been engaged in dialogue with the Applicant over the past three years with a view to intercept waste that would otherwise be exported or landfilled. As competitors in this industry, we will not be at liberty to share

The applicants RDF Supply Assessment correctly points out that if the operational, construction and higher likelihood EfW facilities are considered, then there is no remaining capacity gap. This is then confirmed when you consider that a number of facilities identified the report have subsequently moved from the consented category into construction, accounting for 2.1Mt of additional capacity – with a significant proportion of this likely to be filled with wastes from the identified two English regions.	any detail of commercial discussions with waste aggregators to supply this volume of RDF from 2026 onwards.
Jacobs UK Limited on behalf of Anglian Water Services Limited (RR-66)	
Further to Anglian Water's submission at the scoping stage requesting consultation regarding certain matters, no progress has been made and the draft DCO as submitted with the application does not sufficiently protect Anglian Water's assets. Anglian Water requires protective provisions that are specific to them rather than generic as set out in draft DCO. There are existing water mains located in the boundary of the site which could be adversely affected by the proposed development. These assets are critical to enable Anglian Water to carry out its statutory duties as a statutory water undertaker. A specific risk assessment for the water mains supply network should be undertaken by the applicant with the assistance of Anglian Water as water undertaker.	Anglian Water was initially approached in order to divert any potential water main located within the site that could interact with the proposed development. Since then, discussions and investigations have continued and the Applicant is aware of only one existing commissioned Anglian Water water main that falls within the Application Site. This is to be subject to diversions as shown indicatively on the Indicative Utility Diversion Drawings (APP-031). Please note that further discussions and coordination will be required/undertaken as the Project progresses. The Applicant is agreeable in principle to the inclusion of protective provisions for the benefit of Anglian Water, and discussions are ongoing in respect of the negotiation of these. The Applicant provided comments on Anglian Water's draft protective provisions on 11 November 2022 and a further meeting was held with Anglian Water on 28 November 2022. The Applicant does not anticipate there being any impediments to the parties reaching agreement before the close of the examination.
A specific risk assessment for the water mains supply network should be undertaken by the applicant with the assistance of Anglian Water as water undertaker. Anglian Water is responsible for managing the risks of flooding from surface water, foul water or combined water sewer systems. We note that the Flood Risk Assessment submitted with the application includes all forms of flooding, including surface water and	Based on the existing utility records, the only water mains in the area are Anglian Water's assets and as there are no Anglian Water sewers, it was considered that no consultation with Anglian Water regarding flooding of surface water, foul water or combined water sewer was required.

sewer flooding. This document was prepared following consultation with various bodies but Anglian Water was not one of them. However, we are pleased to see that surface water drainage will be managed through a system of SuDSs rather than being discharged to the sewerage system. It is unclear at this stage the impact of this project on Anglian Water's assets or how they can be properly managed should the proposed development proceed. We look forward to working with the applicant to agree alternative wording to the draft DCO.	As per the above, further discussions and coordination will continue as the Project progresses.
Jotun Paints (Europe) Limited (RR-69)	
Appreciated a wealth of documents, but as the upper tier COMAH site referenced in 6.2.16 of Vol 6, there appears to be only brief reference to our site with regard to risks both during construction and then future running and little understanding of what our specific hazards are, plus release of hydrogen and natural gas appears still to have residua risk in upper ALARP. Reviewed proposed layout NLGEP-FCE-XX-XX-DR-Y-5001 and there is hydrogen production and a loosely termed AGI, across the road from our solvent based warehouse, location of of our highest fire loading on site. Considering residual risk, concerned that this is adequately controlled and that the an incident on this proposed development would be a potential initiator for a major accident on this site.	The Applicant is in the process of engaging with Jotun Paints to discuss the issues and concerns for Jotun Paints' activities surrounding the construction and operation of the Project, and also with regards to the upper tier COMAH status of the Jotun Paints site and the impact that this could have on the operation of the Project and vice versa. While the Applicant notes the concerns of Jotun Paints regarding the siting of the hydrogen production facility and above ground installation (AGI) it is worth considering the following: - The siting of the AGI reflects the presence of an existing gas mains pipe at this location - The hydrogen facility is small in scale and the inventory of hydrogen on the site will be well below the COMAH lower tier threshold. However, it is noted that an initiation event can be in either direction and the risk for Jotun Paints would not be limited to other COMAH qualifying inventory installations. Nevertheless, the elements of the Project with safety considerations will be discussed with the Health and Safety Executive (HSE) and in the future this discussion will reflect the presence and nature of the Jotun Paints facility and any associated safety considerations for both the Project and Jotun Paints operations. It is anticipated that such discussions with the HSE and with Jotun Paints will play key roles in all aspects of health and safety, including emergency evacuation plans.

I have no doubt, we would/will be consulted at design stage as stated in risk assessment but siting what are hazardous installations in such close proximity to the only COMAH site existing on the industrial estate has been done without any consultation.	Jotun Paints have been recontacted to engage in face-to-face discussions relating to the proposed design, construction and operation of the Project. Following a meeting on-site planned in early December, this engagement will be on-going and will include the health and safety elements of construction and operation, COMAH dangerous substances, hazard ranges where known, and any concerns around emergency evacuation plans and emergency services access to the Jotun Paints site.
Further to that, more basic impacts during construction such as access to site, for standard operations but also particularly maintaining access for emergency services, I have not found.	Future discussions with Jotun Paints will address construction-related issues so that the outcomes of these can be incorporated into the Construction Environmental Management Plan (CEMP) and specifically referenced in revisions to the Code of Construction Practice (APP-074). Regarding the maintenance of access including for emergency services, Schedule 3 and Article 11 of the draft DCO (AS-006) sets out the requirements and processes for any works on the public highways, including the role of the 'street authority' in approving such works. It is anticipated that the maintenance of access to adjoining frontages will be a matter for the street authority to consider in its approval process under Article 11.
There may be no impact but nothing in construction stage that affects us, nut only an incident on our site possibly impacting construction work, nothing detailing if there is anything during construction that would limit our ability or emergency services to respond. Lastly we also have land in compulsory purchase section.	The Applicant is engaging with Jotun Paints to discuss and agree construction and operational requirements with a view to establishing a Statement of Common Ground between the parties. Jotun Paints have been identified as the owners of Plot 5-28 which is highway verge, together with Plots 5-29, 5-30, 5-31, and 5-32 which all form part of the public highway. Jotun Paints has been listed as an owner of the subsoil on the basis of the rebuttable presumption that the owners of land that abuts a public or private highway owns the subsoil up to the centreline. The Applicant is seeking rights in this land for the carrying out of works to the same. It is not the intention of the Applicant to prevent any access to Jotun Paints.
UK Health Security Agency (RR-72)	
Following our review of the submitted documentation we are satisfied that the proposed development should not result in any significant adverse impact on public health. On that basis, we have no additional comments to make at this stage and can confirm that we have chosen	The Applicant notes and appreciates the recognition that the health risk assessments pose no significant impact on public health. The Applicant will continue to work closely with the UK Health Agency throughout the detailed design and permitting phase.

NOT to register an interest with the Planning Inspectorate on this occasion. Please do not hesitate to contact us if you have any questions or concerns.	
We note that the results of air quality modelling indicate that emissions associated with this process are predicted to be below Environmental Assessment Levels but there is little detail given around any uncertainty in the emissions and/or other input parameters or within the chemistry module of the model used. It is proposed that once operational, monitoring for N-amines will take place within the flue gases and the wider environment. We would support the proposal for environmental monitoring during operation and the evaluation of the air quality assessment.	Public Health England and the Environment Agency jointly state "PHE's risk assessment remains that modern, well run and regulated municipal waste incinerators are not a significant risk to public health. While it is not possible to rule out adverse health effects from these incinerators completely, any potential effect for people living close by is likely to be very small." This statement captures all emissions from the NLGEP facility, including particulate matter. No industrial activity is 'zero harm' and the overall context is important. Waste materials recovered at NLGEP would be disposed of somewhere, and as such emissions from the facility are not 'new'. In the local context, the overall plant design is driven by the need to achieve acceptable impacts on air quality. NLGEP will be one of the most stringently regulated industrial facilities in terms of the emissions to air. In addition to complying with these emission limits the facility is designed to minimise impacts are meet all of the air quality standards and Environmental Assessment Levels for the wide range of emissions of interest. The Air Quality Impact Assessment (APP-053) has been undertaken in line with the requirements of the Environment Agency and Planning regulations to provide an informed assessment in the context of the existing air quality, local human and ecological receptors and any areas where air quality is already poor. NLGEP is sufficiently distant from Scunthorpe that the overlap of impacts is negligible. The Air Quality Impact Assessment also considers the effects of local meteorology and terrain and the plant has been designed with due consideration of these factors. In order to be allowed to operate, the Project will require an Environmental Permit from the Environment Agency in accordance with the Environmental Permitting (England and Wales) Regulations 2016. Among other matters the permit will set limits and standards and the monitoring activities the Project will be required to undertake to demonstrate that its emission are meeting these limits and standards.

In addition, we acknowledge that the Environmental Statement (ES) has not identified any issues which could significantly affect public health.	We note the UK Health Security Agency's acknowledgement of the Environmental Statement (APP-049 to APP-075) not identifying any issues regarding public health.
Rapleys LLP on behalf of AB Agri Limited (RR-73)	
AB Agri Limited owns and operates ABN in Flixborough Industrial Estate. ABN is a leading British manufacturer of animal compound feed for the commercial pig and poultry industry in Great Britain. The manufacturing of specialist breeder feed at the plant in Flixborough is carried out in a biosecure plant to meet UK and other regulatory standards. The animal feed production at Flixborough produces 0.4million tonns of animal feed per annum and is of national importance to the UK food security and its failure will have a serious impact on the supply chain, leading to a shortage of meat available to the general population. AB Agri engaged in the public consultation undertaken by the Applicant in June – July 2021, through a submission of a letter and a subsequent workshop held by the Applicant in December 2021. This was followed by written correspondence between the Applicant and AB Agri, including letters from the Applicant and AB Agri in February and April 2022, respectively. Part of the AB Agri site is included within the DCO limits, proposed for temporary possession (plot no 5-54). Notwithstanding that AB Agri's agent sought to engage with the Applicant's agent on this matter, there has been no meaningful engagement from the Applicant. We also raised serious concerns about a prejudicial impact on the existing operation arising from increased risks to biosecurity and flood risk during the pre-application stage. However, the Applicant's response and the DCO application have not satisfactorily addressed our concerns. Therefore, we object to the proposed development on specific grounds as outlined below:	The Applicant's Agent received contact via email on 27th October 2022 and has now opened up dialogue with AB Agri's agent. AB Agri's agent requested additional information on 16 November 2022 and the Applicant responded 17 November 2022. The Applicant has set out the regard had to the response made by this consultee to the statutory consultation in Table 3 of Appendix I-1 of the Consultation Report (APP-094). The Applicant has provided transport routes to AB Agri showing that only waste in sealed containers that will be transported by river, will pass along the private road leading to First Avenue. Any deliveries by road or rail will not pass the AB Agri site.
Biosecurity: The raw materials intake of ABN plant is located in close proximity to the proposed ERF and the RDF delivery route. Risks to the biosecurity of the ABN's plant, particularly potential salmonella contamination from waste handling, are of significant concern. The Applicant's response to AB Agri's concern is stated in 'Regard had to consultation responses' document (ref: 7.2.18) but the details set out in the Application do not provide adequate mitigations, as it confirms that	The Applicant intends to engage closely with AB Agri to understand their concerns in more detail and establish suitable means to address them which can then be incorporated into the operational procedures for the Project and set out in a revised outline Operational Environmental Management Plan (APP-075). The discussions will cover the matters raised by AB Agri and related matters as follows:

not all RDF materials will be delivered in sealed containers, and materials to be delivered by HGV will be in bales on curtain sided trucks/tippers (which goes against assurances made in their pre-application correspondence). We note that the delivery routes to the ERF are on the southern face of the building, away from AB Agri, but it does not preclude HGVs passing AB Agri on First Avenue with RDF materials in bales and/or uncleaned vehicles. The Applicant states that they are continuing to engage with AB Agri to resolve all outstanding technical issues, but there has been no engagement from the Applicant since February 2022. We consider that the following mitigation measures are necessary: - A condition requiring RDF to exclude no material of animal origin; - A condition requiring all RDF to be delivered in sealed containers and wrapped/sealed bales; - A condition requiring an Operational Environmental Management Plan to include wheel washing and disinfectant regime for RDF delivery vehicles, and - A routing agreement that HGVs do not drive past ABN. If these measures are not applied, then AB Agri's operations will be substantially prejudiced and a knock on effect on the supply chain as described above will arise, unless wide ranging and costly measures are applied on site to mitigate the biosecurity risk that would rise otherwise.	- The manner in which RDF will arrive at the Project by river rail and road in terms of containment and avoidance of biosecurity risks to AB Agri's operations. - All RDF will be unloaded into the reception pit in a building under negative pressure - Potential (residual) risk pathways between the Applicant's operations and those of AB Agri and additional measures that could be taken to avoid, minimise or reduce risks and included in the Operational Environmental Management Plan - Routing of operational RDF deliveries to the Applicant's site, albeit noting that a) the Applicant will only transport RDF in sealed containers up First Avenue from vessels unloading at the wharf; and, b) all deliveries by road and rail will not use First Avenue (see Table 22 of ES Chapter 13: Traffic and Transport (APP-061)).
Flood Risk: We note that the flood model used to inform the Flood Risk Assessment is coarse and is only able to predict flooding to an accuracy of ±25mm. In addition, the model does not appear to be representing a potential key flood route (overtopping of the wharf). Therefore, as we raised at the pre-application stage, we do not consider that the model is appropriate for a detailed assessment of flood risk, which gives rise to a concern whether the proposed flood defence options are adequate to ensure development does not result in an increased flood risk to the AB Agri site.	The hydraulic flood model used for the Flood Risk Assessment was developed in consultation with the Environment Agency. Based on the information to date on the topography at the wharf and the estimated future flood levels, the wharf is not considered to be overtopped. However, as part of the next stage of design more detailed flood modelling will be undertaken and, if refinement to the proposed flood mitigation measures are required, then this will be undertaken at this stage.
Temporary Acquisition: ABN's operation at Flixborough is a nationally critical animal feed mill site. As such, AB Agri cannot agree to any of the site being released on a temporary basis, as operationally ABN requires full access around all buildings and temporary land take would be a disturbance to the business. There are also inconsistencies in the	The Applicant is seeking temporary possession of Plot 5-54. Schedule 12 of the draft DCO (AS-006) contains the Plots within the Order Land over which the Applicant is seeking temporary possession. Schedule 12 (both parts 1 and 2) makes clear that the Applicant is seeking temporary possession over Plot 5-54 for the purpose of facilitating construction and carrying out the

DCO application, in that it is identified as needed for temporary construction purposes (including potential works, signage and utilities) in Schedule 12 of the draft DCO and for the construction of a flood defence in the document ref: 7.2.18 and the Environmental Statement. We request the applicant's clarification on the matter. Fundamentally, the Applicant has not engaged with AB Agri's agent (JLL) on this issue to date and therefore AB Agri does not have the necessary information to ascertain the impact on the business from the proposed temporary acquisition. In this context, AB Agri has no choice but to reserve its position until further information is made available.	authorised development, carrying out the authorised development and for access for carrying out the authorised development. However, the Applicant does note that there is an error in respect of the reference to Work Nos 10 and 11 for which Plot 5-54 is required. For clarity, Plot 5-54 is required on a temporary basis for carrying out Work No 13 (construction of flood defences) as shown on Works Plan A11 (AS-009). The Applicant will correct this error in the updated draft DCO to be submitted at Deadline 2. Notwithstanding this typo, the other documents referred to by AB Agri are correct. The Applicant is not intending to interfere with or disrupt the ongoing operations of AB Agri's access via First Avenue and Second Avenue. The Applicant's understanding is that Plot 5-54 is an area of non-operational grassland, part of which falls within the fence line of AB Agri's land, occupation of which should not cause interference to AB Agri's operations. The Applicant received an email from JLL acting for AB Agri on 27 October 2022 and has been in correspondence since. The Applicant will be seeking to agree the practical effects of the use of Plot 5-54 on a temporary basis with AB Agri and discussions are ongoing.
Access: It is requested that the phasing of the construction works ensures that access to ABN for all vehicles is maintained for the duration of the works. We therefore wish to reserve our right to submit a full representation on the basis of the above during the Examination process.	The Applicant has engaged with AB Agri and discussed these points and has agreed to ongoing communication through detailed design and construction with agreed operation procedures between the parties so as to facilitate access during the construction works.
Bagmoor Wind Limited (RR-76)	
Bagmoor Wind Farm is located approximately 2 miles from the proposed development site. The disused railway, which we understand from an initial review of the documents available, is proposed to be reinstated and will cross through this operational wind farm, passing close to a number of turbine locations. Bagmoor Wind Farm has concerns over the proposal to reinstate this section of disused railway, where it crosses through the site boundary of the wind farm, due to the proximity of the route to the turbine locations.	The extant railway formation predated the planning and development of the Wind Farm, and the promoters would have been aware of its existence and the potential for its reinstatement. The maximum height of the trains would be 4m and therefore present no operational risk to the operation of the turbines, and being entirely driven by diesel traction would not present any risk of electromagnetic interference.

In addition to the turbines, at Bagmoor Wind Farm, there are buried high voltage cables and other services, plus overhead 33kV lines to consider. We need to make sure that the correct separation distances are maintained between the existing infrastructure and the proposed new development. Bagmoor Wind Farm would welcome the opportunity to engage on this topic to ensure the proposed plans are agreeable, and safe, for all involved parties.	The Applicant has established contact with the windfarm operators and a meeting is scheduled for 7 December 2022 to discuss any concerns. The location of the buried HV cables is known and the overhead cables present no risk.
BDB Pitmans LLP on behalf of National Grid Carbon Ltd (RR-89)	
This is a Relevant Representation submitted by National Grid Carbon Limited (NGCL) requesting that NGCL is treated as an Interested Party throughout the Examination process of the Development Consent Order (DCO) application for The North Lincolnshire Green Energy Park Development Consent Order (PINS ref: EN010116). NGCL, as part of National Grid Ventures, is a division of National Grid plc, responsible for both developing and operating businesses in our UK and US territories, and is proposing to develop Humber Low Carbon Pipelines (HLCP); the deployment of a terrestrial pipeline network in the Humber region. HUMBER LOW CARBON PIPELINES (HLCP) PROJECT The HLCP Project intends to establish a pipeline network in the region to transport carbon dioxide (CO2) and hydrogen (H2) to facilitate Carbon Capture Usage and Storage (CCUS). HLCP is in the pre-application stage, with stakeholder engagement underway. This includes dialogue with the Planning Inspectorate over the potential form and content of its associated future Development Consent Order application, which will be inclusive of the terrestrial environment only to Mean Low Water Springs (MLWS) (PINS ref: EN070006). A non–statutory consultation was held in Autumn 2021 on a number of potential network configurations in respect of the proposed CO2 and H2 pipelines. A preferred route corridor was announced by NGCL in Spring 2022. NGCL is currently developing and carrying out further assessments to refine pipeline routeing and above ground installation siting within this route corridor, ahead of a statutory consultation planned for later this year. The CO2 export pipeline below MLWS and the CO2 storage site under the North Sea (known as the Endurance saline aquifer) will be the subject of separate	The Applicant has engaged extensively with National Grid Ventures and is a member of the East Coast Cluster Partnership as part of Zero Carbon Humber. Since the Applicant undertook the Ecology surveys over the past three years, the route of the proposed pipeline has changed several times. The Applicant is making substantive representations to the statutory consultation for the Humber Low Carbon Pipelines (HLCP) project, which is closing on 5 December 2022. This representation will ask for a proposed amendment to include a short additional connection to the NLGEP. The shortest route would be to include a small extension to connect into the southern extent of the District Heat and Private Wire Network (DHPWN) to the south of NLGEP. The cable corridor is already included in our DCO, and we would not need any amendment to the Order Limits to facilitate the hydrogen and carbon pipelines. An alternative is a route to the east of Scunthorpe, via the northern DHPWN. This would not be difficult to include at this stage and would be entirely consistent with the approach to other projects proposed to be connected to the HLCP, which are not as advanced as the NLGEP Project. Conversely, if connection is not included, it would be a considerable missed opportunity to enable significantly greater reductions in CO_2.

consent applications, under the Petroleum Act 1998 and the Energy Act 2008, being promoted by the licensed operator of the store, bp, on behalf of the Northern Endurance Partnership. NGCL is part of the East Coast Cluster (ECC) bid, combining Humber and Teesside regions, as submitted to the department of Business Energy and Industrial Strategy (BEIS) as part of the Carbon Capture and Storage (CCUS) cluster sequencing consultation. On 19 October 2021, BEIS announced that ECC, along with the HyNet northwest cluster, had been confirmed as Track-1 clusters for deployment in the mid-2020s and would therefore be taken forward to Track-1 negotiations. On 12 August 2022, BEIS announced that a short list of power CCUS, industrial carbon capture, waste and CCUS-enabled hydrogen projects to connect to the Track-1 clusters had been selected to proceed to the due diligence stage of the Cluster Sequencing programme. NGCL's INTEREST IN THE NORTH LINCOLNSHIRE GREEN ENERGY PARK DCO Whilst the project which is the subject of this application was not amongst those selected to proceed to the next stage of the Cluster Sequencing programme, NGCL notes that the Applicant has stated that it intends for the project to connect to the proposed pipeline network (APP-051). The Applicant's draft DCO (APP-007) does not include powers to form such a connection at this time. We trust that this relevant representation is of assistance and look forward, where appropriate, to participating in the forthcoming examination process.	
Natural England (RR-90)	
Summary of Natural England's Advice Natural England's advice is that, in relation to identified nature conservation issues within its remit, there is no fundamental reason of principle why the project should not be permitted. However, Natural England considers that the applicant has provided insufficient evidence and is not yet satisfied that the following issues have been addressed: • *Internationally designated sites*	The topic relating to Natural England's written representations on the HRA were discussed with Natural England on the 24 November 2022. The position is subject to ongoing consultation with Natural England and will be set out in full in a joint Statement of Common Ground

1. Impacts from ammonia emissions, and nutrient nitrogen deposition (Construction and Operation phase) on Humber Estuary SAC/SPA/Ramsar ('amber'). 2. Impacts from ammonia emissions and nutrient nitrogen deposition (Operation phase) on Thorne and Hatfield Moors SPA and Thorne Moor SAC ('amber'). 3. Impacts from dust emissions (Construction Phase) on Humber Estuary SAC and Ramsar designated features ('amber'). 4. Impact of potential disturbance to the migration route of river lamprey and sea lamprey (Constriction phase) associated with Humber Estuary SAC/Ramsar ('amber'). 5. Impacts from noise, vibration and visual disturbance on Humber Estuary Ramsar (construction and operation phase) ('amber'). 6. Impacts from potential loss of functionally linked land associated with Humber Estuary SPA/Ramsar (construction phase) ('amber'). 7. Impacts from noise, vibration and visual disturbance on functionally linked land associated with Humber Estuary SPA/Ramsar (construction and operation phase) ('amber').	
• *Nationally designated sites* 1. Impacts from ammonia emissions, and nutrient nitrogen deposition (Construction and Operation phase) on Humber Estuary SSSI ('amber'). 2. Impacts from ammonia emissions, nutrient nitrogen deposition, and acid deposition (Operation phase) on Thorne Crowle and Goole Moors SSSI ('amber').	The topic relating to Natural England's written representations on the nationally designated sites and air quality were discussed with Natural England on the 24 November 2022. The position is subject on ongoing consultation with Natural England and will be set out in full in a joint Statement of Common Ground.

3. Impacts from ammonia emissions, nutrient nitrogen deposition, and acid deposition (Operation phase) on Risby Warren SSSI ('amber'). 4. Impacts from acid deposition (Operation phase) on Messingham Heath SSSI ('amber'). 5. Impacts from dust emissions (Construction Phase) on Humber Estuary SSSI designated features ('amber'). 6. Impact of potential disturbance to the migration route of river lamprey and sea lamprey (Constriction phase) associated with Humber Estuary SSSI ('amber'). 7. Impacts from noise, vibration and visual disturbance on Humber Estuary SSSI (construction and operation phase) ('amber'). 8. Impacts from potential loss of functionally linked land associated with Humber Estuary SSSI (construction phase) ('amber'). 9. Impacts from noise, vibration and visual disturbance on functionally linked land associated with Humber Estuary SSSI (construction and operation phase) ('amber').	
• *Protected species* 1. Further information is required to determine that the project will not adversely affect water voles, great crested newts, bats and badgers ('amber').	Within the Order Limits, evidence of water voles was recorded at the eastern end of the Lysaght's Drain, as well as a drain connecting to the western section of the Lysaght's Drain. The distance between the two locations is approximately 900 m and no further evidence of water voles was identified between them. Both locations will remain connected to suitable water vole habitat provided by surrounding ditches and the Lysaght's Drain is proposed to be enhanced along its length, increasing the suitability of the habitat for water voles. The road crossing and adjacent development (at the western end of the drain) will result in temporary disturbance during construction; however, the road crossing will be designed

	to maintain connectivity along the banks of the drain. As such, in the long-term it is not anticipated that connectivity along the Lysaght's Drain will be significantly affected for water vole. Limitations to the Great Crested Newts (GCN) survey are addressed within Technical Appendix C of the ES Chapter 10: Ecology and Nature Conservation (APP-058). Reasonable effort was made to arrange access to all ponds within the survey area, however a small number of ponds could not be surveyed due to land owners denying access or were physically not possible/safe to access. The latter includes two ponds located in Conesby Quarry, one pond to the north of Conesby Quarry and one pond within the NLGEP Land off Stather Road. A land owner adjacent to the eastern section of the Order Limits repeatedly denied access to four ponds. Inaccessible ponds were situated close to other ponds which could be surveyed and the majority were still subject to a constrained HSI assessment, both of which informed an assessment of the likely presence of GCN. The mitigation strategy for GCN includes appropriate licencing (traditional or district-level), which will assume presence of GCN in ponds where no negative survey result could be determined. We disagree that all ponds must be accessed, this is unreasonable where health and safety issues take precedence or where there are repeated refusals to permit access for survey. We believe sufficient effort and information has been gathered through survey and desk study to assess the likely effects of the proposals on local GCN populations. Building descriptions are provided within Appendix E of the Bat Survey Report (Appendix F to ES Chapter 10: Ecology and Nature Conservation (APP-058)). The descriptions identify the two 'low' potential buildings as having minor structural cracks and potential gaps underneath a section of flat roof. As neither building will be directly impacted by the proposed scheme (both buildings are now located outside of the Order Limits), they were scoped out of any emergence/re-entry surveys. The CEMP and other documentation of relevance to protected species (including any method statements prepared for licence applications), will state clearly that a minimum 30 m disturbance buffer will be established during construction around badger setts, with no heavy machinery, or excessive noise/vibration (or other disturbing activities) permitted within the

	buffer until setts have been appropriately excluded/destroyed under licence (if required).
• *Soils and best and most versatile agricultural land* 1. The Agricultural Land Classification (ALC) Grade should be calculated for all agricultural land subject to development or disturbance. 2. Insufficient justification has been included in the assessment in order to conclude that BMV agricultural land is a low sensitivity receptor due to the relative abundance on the development site. Natural England's full representation will be submitted via email.	As described in paragraph 6.8.1.3 of ES Chapter 14: Economic, Community and Land Use Impacts (APP-062) the baseline data for best and most versatile (BMV) agricultural land from the Agricultural Land Classification (ALC) system, which classifies agricultural land in England and Wales into five grades from excellent quality Grade 1 land to very poor-quality Grade 5 land. BMV is conventionally defined as grades 1, 2, and 3a of the agricultural land classifications. However, the published regional agricultural land classification mapping does not differentiate between Grade 3a and Grade 3b land. As a consequence, the assessment of the impacts of BMV agricultural land in the ES includes grades 1, 2, 3a and 3b which represents a worst case. The area of BMV agricultural land permanently lost to the Project equates to 15% of the BMV land within the Order Limits (noting that a larger percentage will be affected during construction) (see Table 20 of ES Chapter 14: Economic, Community and Land Use Impacts, (APP-062). As a percentage of 'local' BMV agricultural land this figure would be considerable smaller. Therefore, according to the assessment criteria presented in Table 6 of ES Chapter 14 it is reasonable to conclude that the BMV agricultural land lost permanently to the Project is of local importance at most and therefore can be classed for EIA purposes as 'low sensitivity'.
North Lincolnshire Council (RR-92)	
North Lincolnshire Council – Relevant Representation Submission for the North Lincolnshire Green Energy Park NSIP 15/09/2022 North Lincolnshire Council is aware that as the host Authority we will be automatically registered as an Interested Party in the North Lincolnshire Green Energy Park examination, under Section 102(1)(c) of the Planning Act 2008, and therefore the Council's views will be considered for the duration of the examination. To assist the Examining Authority in forming its initial assessment of principal issues in advance of the preparation of the draft examination timetable, and ahead of the submission of our Local Impact Report,	We acknowledge the North Lincolnshire Councils role as Host Authority for this Project.

North Lincolnshire Council wishes to make the following initial representation to identify its main areas of interest at this stage in relation to the Development Consent Order Application.	
North Lincolnshire Council acknowledge that there is a recognised need and support for renewable and low carbon energy technology through national planning policy and that the proposed development would contribute towards the targets set for the UK's greenhouse gas emission reduction and increasing the country's energy supply from more renewable sources. There is also support through national policy in respect of reducing the amount of waste sent to landfill. Notwithstanding this 'in principle' national policy support, the impacts of the proposal must be fully assessed in order to complete a full, fair and detailed planning balance assessment.	It is acknowledged that the impacts of the proposal must be fully assessed in order to complete a full, fair and detailed planning balance assessment. We are pleased that NLC recognise the need and support for renewable and low carbon energy technology in national policy and that the project would contribute towards greenhouse gas emission targets and increasing the country's energy supply from more renewable sources. Sections 3 and 4 of the Planning Statement (APP-035) set out the policy and legislative context for the Project and the need case in further detail. The Environmental Statement assesses the impacts of the Project, with section 5 of the Planning Statement assessing these against relevant national planning policy, primarily that of NPS EN-1 and NPS EN-3. Section 6 assesses the Project against the key local planning policies. The Applicant considers that the benefits of the Project will very significantly outweigh any harm predicted. Mitigation measures have been identified as set out in ES Chapter 19: Mitigation (APP-067) to ensure that the harm is reduced as far as possible. Having considered each of the elements assessed and their compliance with national and local planning policy, aligned to need case for the Project, it is considered that the tests in Section 104 of the 2008 Act have been met. Accordingly, the policy presumption in favour of the Project and the overall planning balance are in favour of development consent being granted.

North Lincolnshire Council considers that the main issues arising at this stage from the proposal that need to be weighed in the planning balance is: - Landscape and visual impacts of the proposed development - Cultural heritage - Ecological impacts and considerations, including mitigation and enhancement - Amenity impacts - Traffic and transport - Air quality - Noise - Light - Contamination - Flood risk and drainage - Socio-economic impacts.	The ES, submitted as part of the application (APP- 049 to APP-075), considers the impacts of the project on each of the main issues that North Lincolnshire Council have raised in their Relevant Representation. This document includes details of assessments and surveys undertaken, the impacts the Project may have and, where necessary, sets out proposed mitigation against these impacts. It also includes several outline Plans/strategies that the Project would be required to carry out their works in accordance with should consent be granted.
With regards to local planning policy, the Application Site is not allocated for development as part of the Development Plan for North Lincolnshire and is located partially within and partially outside of defined development boundaries. North Lincolnshire Council will, at the required time, be producing a Local Impact Report which will set out its position in full on the above and its view on the broader planning issues relating to this DCO application. We will continue to engage with the applicant with the aim of providing a completed and signed Statement of Common Ground during the examination.	It is recognised that the Application Site is not allocated for development. A large proportion of the Project lies within the boundaries of Flixborough Industrial Estate, which is classified as an existing employment area, but it is acknowledged that part of the Project lies outside defined development boundaries. It is acknowledged that the Project lies partly within the Lincolnshire Lakes Area Action Plan (AAP) boundary, however the land is not formally identified for the Lincolnshire Lakes development (which lies further to the south). We look forward to the Council's Local Impact Report in due course and are working with them to produce a Statement of Common Ground.
Northern Powergrid Yorkshire plc (RR-93)	
The following representations are submitted on behalf of Northern Powergrid (Yorkshire) PLC as an electricity undertaker for the area within which the North Lincolnshire Green Energy Park project is located. Northern Powergrid is in principle supportive of the above project but has concerns regarding the impacts the proposed project will have on existing assets and their pending improvement works.	We are pleased with Northern Powergrid Yorkshires principal support of the North Lincolnshire Green Energy Park application and acknowledge their concerns regarding our impacts on existing assets and their pending improvement works. We will continue to engage with Northern Powergrid regarding their assets and any forthcoming improvement works.

Areas shown within the proposed development boundary have a direct impact on Northern Powergrid's existing critical national infrastructure which serve significant numbers of customers in the local and wider area, and the rights for these assets are essential in maintaining an uninterrupted power supply to the customers which Northern Powergrid serves. The proposed development seeks to interfere with Northern Powergrid's existing 132kV primary substation, pylons, overhead cables, underground cables and access and servicing rights. Each of these are vital for Northern Powergrid's existing operations. The accompanying compulsory purchase order for the development seeks to acquire land and interests which, if acquired, would adversely affect Northern Powergrid's ability to use, access and maintain it's substation. It is not necessary to acquire these interests where an agreement between the parties would be more appropriate.	The Applicant has been engaged with Northern PowerGrid (NPG) since 2018, including engagement regarding the diversion of overhead cables. The grid import and export connection at Scunthorpe North will support the cost of the upgrading of Northern Powergrid's assets at Keadby and Scunthorpe North. The Applicant will continue to work closely Northern Powergrid through detailed design and construction. There is no compulsorily purchase identified for any Northern Powergrid assets, just temporary access through construction which will only be carried out by Northern PowerGrid as part of existing grid connection agreements.
In addition to the technical impacts of the proposed development, Northern Powergrid has concerns over the proposed protective provisions contained within the draft Development Consent Order ('DCO') as they do not take into account site specific issues and do not accord with Northern Powergrid's standard protective provision requirements. Northern Powergrid is keen to engage with the applicant's legal representative to agree appropriate amendments to the protective provisions currently contained in the draft DCO.	The Applicant is liaising with Northern Powergrid's solicitors to agree a form of bespoke protective provisions. Discussions are ongoing and the draft protective provisions are currently with Northern Powergrid for review. The Applicant does not anticipate that there will be any impediments to the parties reaching agreement before the close of the Examination.
Addleshaw Goddard on behalf of Network Rail (RR-98)	
This is the section 56 representation of Network Rail Infrastructure Limited (Network Rail) provided in respect of North Lincolnshire Green Energy Park Limited's (Promoter) application for a development consent order (Order) for the North Lincolnshire Green Energy Park (Scheme). Network Rail is a statutory undertaker and owns, operates and maintains the majority of the rail infrastructure of Great Britain, including the the South Humberside Mainline (Railway). The Order sought by the Promoter includes consent and powers to for the construction and operation of a combined heat and power (CHP) enabled energy generating development, with an electrical output of up to 95 megawatts (MWe), incorporating carbon capture, associated	The Applicant first engaged with Network Rail's freight team in September 2020 regarding the operation of trains to and from the main line, including pathing of trains across the wider rail network. The Scheme has requested to enter into agreement with Network Rail on the technical and procedural aspects of the proposals. The Applicant looks forward to working with Network Rail and/or any successor body (eg the current proposals for GB Railways) to develop the scheme post-determination through the appropriate governance in place at that time.

district heat and private wire networks (DHPWN), hydrogen production, ash treatment, and other associated developments for the Project on land at Flixborough Industrial Estate, situated at Stather Rd, Flixborough, Scunthorpe. The Promoter seeks authority and powers in the draft Order for new rights to be compulsorily acquired over two plots of land owned by Network Rail: to the Railway located west of M181, Scunthorpe (plot 2-6) and to the disused Flixborough Mineral Railway located west of High Street, Dragonby (plot 8-2). Network Rail wishes to ensure that the Scheme will not have a detrimental impact on the operation of the Railway and that the safety of the Railway is maintained during the construction, operation and ongoing maintenance requirements of the Scheme. As the Promoter proposes to compulsorily acquire new rights to be exercised in close proximity to the Railway, Network Rail wishes to object to the making of the Order on the ground that the rights sought might interfere with the safe and efficient operation of the Railway. In order for Network Rail to be in a position to withdraw its objection Network Rail will require adequate protective provisions and/or requirements to be included within the Order and an agreement with the Promoter to ensure that the new rights sought are exercised in regulated manner to prevent adverse impacts to the Railway. Network Rail is continuing to review the Promoter's plans, draft Order and application documents, and will continue to work constructively with the Promoter to clarify any issues raised. The Examining Authority and the Secretary of State will need to be satisfied that railway safety and operations will not be compromised by the making of the Order. Network Rail respectfully requests that the Examining Authority treats Network Rail as an Interested Party for the purposes of the Examination, and reserves the right to produce additional and further grounds of concern when further details of the Scheme and its effects on Network Rail's assets are available.	The Applicant has been liaising with Network Rail in respect of the form of protective provisions to be included in the draft DCO. Discussions are ongoing. The Applicant does not anticipate there being any impediments to the parties reaching agreement before the close of the Examination.
National Highways (RR-99)	
National Highways objects to the Project for the following reasons. National Highways is a statutory undertaker and is appointed by the	The Applicant acknowledges National Highways objection to the Project for the reasons set out in their relevant representation.

Secretary of State for Transport to operate and maintain the strategic road network ("SRN") in England.	
The book of reference as submitted by the Applicant identifies 9 plots of land owned by or occupied by National Highways ("Plots") in respect of which compulsory acquisition powers to acquire new rights are sought. The compulsory acquisition powers sought are described in the book of reference as being the creation and compulsory acquisition of new rights over land and the temporary possession of land ("Compulsory Powers").	The Applicant is seeking new rights over land and temporary possession of land as explained further in this response below.
National Highways understands that the Applicant proposes to route heating and cooling pipes carrying hydrogen gas alongside the M181 road as far as A1077. To safeguard National Highways' interests and the safety and integrity of the SRN, National Highways objects to the inclusion of the Plots in the Order and to Compulsory Powers being granted in respect of them. The Plots constitute land acquired by National Highways for the purpose of its statutory undertaking and, accordingly, this representation is made under section 56 and sections 127 and 138 of the Planning Act 2008.	The Applicant met with National Highways to discuss impacts on the Strategic Road Network (SRN) on 21 November 2022. The discussion outlined the proposed works and any impacts on the strategic road network (SRN) and it was agreed that the Scheme did not impact on the network from a technical perspective.
National Highways considers that there is no compelling case in the public interest for the Compulsory Powers and that the Secretary of State, in applying section 127 of the Planning Act 2008, cannot conclude that new rights and restrictions over the Plots can be created without serious detriment to National Highways' undertaking and no other land is available to National Highways to make good the detriment. National Highways also objects to all other compulsory powers in the Order that affect, and may be exercised in relation to, National Highways' property and interests.	The Applicant has set out its reasons why there is a compelling case in the public interest for the Scheme and, consequently, for the use of compulsory acquisition powers for the Scheme in section 7 of the Statement of Reasons (APP-011). The Applicant is not aware of any plots where National Highways owns the freehold of the relevant plot, that has been included for compulsory acquisition in the Book of Reference (APP-010). The Applicant is however looking to acquire new rights in land, as well as take temporary possession of land, in which National Highways does hold an interest. The relevant plots are as follows: Plots 2-9, 3-3, 3-9, 3-21, 3-22, and 3-25 (acquisition of rights) and Plots 2-11, 3-2, and 3-10 (temporary possession). The nature of the interest held by National Highways in respect of these plots varies but generally relates to being the beneficiary of rights of access, rights for apparatus, drainage rights and over which National Highways has the

	benefit of restrictive covenants. The majority of works required in respect of the above plots relate to the provision of the DHPWN and for use as temporary laydown areas for the construction of the DHPWN. The Applicant's view is that the works listed above do not have an impact on the SRN or on National Highways ability to operate the same. In light of the above the Applicant's view is that any compulsory acquisition of land would not result in serious detriment to National Highways' undertaking and as such the test in section 127(6)(a) would be met.
In order for National Highways to be in a position to withdraw its objection, National Highways requires: (a) the inclusion of protective provisions in the Order for its benefit; and (b) agreements with the Applicant that regulate (i) the manner in which rights over the Plots are acquired and the relevant works are carried out including terms which protect National Highways' statutory undertaking and agreement that compulsory acquisition powers will not be exercised in relation to such land; and (ii) the carrying out of works in the vicinity of the SRN to safeguard National Highways' statutory undertaking. National Highways reserves the right to produce additional grounds of concern if further details of the impact to National Highways' assets become available.	Notwithstanding the above, the Applicant is in the early stages of discussions with National Highways in respect of National Highways' request for protective provisions. Discussions are ongoing and the Applicant does not anticipate that there will be any impediments to the parties reaching agreement before the close of the Examination.

APPENDIX 2: RESPONSES TO SELECTED INDIVIDUAL AND TECHNICAL CONSULTEES

The Position of the Interested Party	NLGEP's Response
Parish Councils	
Appleby Parish Council (RR-40)	
To provide a representation on behalf of the Councillors and residents of the parish of Appleby.	We acknowledge Appleby Parish Councils representation on behalf of Councillors and residents of the parish of Appleby.
Burton upon Stather Parish Council (RR-48)	
Burton upon Stather Parish Council objects to the proposed development and has the following concerns: 1. Few residents of Burton upon Stather (BUS) were provided with the public consultation pack in September 2021. They were unaware of the chance to consult the applicant.	The Applicant has consulted the community widely, in accordance with the Statement of Community Consultation (SoCC) published prior to statutory consultation. This defined three zones of consultation for the purpose of community consultation: • Zone 1, comprising people living and working in the immediate vicinity of the proposed Project, as well as their political representatives (at a parish, district, county and parliamentary level) as defined in Figure 5-1 of the Consultation Report (APP-076). There were 18,653 addresses in this area; • Zone 2, comprising people who may be interested in the wider potential impacts of the proposed Project, such as transport, visual impact and creating new jobs. The zone is based on a 10km radius around the site, which draws on the Zone of Theoretical Visibility for the Project; and, • Zone 3, comprising people living in the North Lincolnshire Council area outside zone 1. The Applicant consulted North Lincolnshire Council on the development of zones of consultation included in the SoCC, as well as the techniques it used to publicise the consultation and consult within each zone. North Lincolnshire Council supported the approach to consultation included in the SoCC, as set out in its response included as Appendix C-3 of the Consultation Report (APP-084).

	The Applicant used different techniques to publicise the consultation and consult within each zone, summarised in 5.5.12 of the Consultation Report (APP-076). This included issuing a copy of the consultation booklet, supplementary consultation booklet and consultation questionnaire to each address within consultation zone 1. Parts of Burton-upon-Stather are within 3km of the Project and therefore fell within consultation zone 1. Addresses within this zone received copies of the consultation booklet, supplementary booklet and questionnaire through the post. The remainder of Burton-upon-Stather fell within consultation zone 2. The Applicant publicised the consultation in this zone by methods including writing to elected representatives and advertising in local papers and online. The Applicant therefore considers that it publicised the consultation appropriately within Burton-upon-Stather. Table 5-8 of the Consultation Report (APP-076) sets out how the Applicant complied with the commitments it made to consult in the SoCC. A copy of the SoCC as published is included in Appendix C-4 of the Consultation Report (APP-085). The Applicant therefore considers that it has consulted adequately. This was confirmed by the acceptance of its DCO application for Examination.
2. The reopening of the railway line from the industrial estate to Dragonby will destroy the natural wildlife that now inhabits this route.	A suite of ecological surveys has been conducted along the disused railway route to inform the potential ecological impacts to protected and notable wildlife, as presented in ES Chapter 10: Ecology and Nature Conservation (APP-058). No significant effects were identified with regards to species, including bats, badger, reptiles and amphibians, primarily due to the small scale of the proposed works to reinstate the railway which will require very limited removal of habitat. Furthermore, operational effects are assessed as insignificant, due to the low number of trains running per day.

3. The proposed full-time jobs created on completion mentions that some positions will be filled by local residents. This will have little effect on creating jobs locally.	An Economic & Employment Group has been established to help ensure that the economic benefits of the scheme are maximised locally. The group includes various regional stakeholders, such as North Lincolnshire Council, DWP, Hull and Humber Chamber of Commerce, North Lindsey College, CATCH, Greater Lincolnshire LEP, HETA and Lincolnshire Chamber of Commerce. Its objective is to: • maximise job opportunities for local people; • maximise supply chain opportunities for local businesses; • work with local training providers to ensure that local people have the right skills to take advantage of the opportunities the Project presents, including reskilling people that are unemployed; and • raise awareness of the green jobs offered by the Project and encourage local people, particularly under-represented groups, to consider a career in 'net zero' industries. The Applicant will prepare an Employment and Skills Policy to maximise the uptake of local employment opportunities and in addition is committed to supporting training and apprenticeship schemes. The Project will result in the creation of up to 290 FTE new jobs once it is operational. These will be a mix of full and part-time jobs including operatives, shift team leaders, mechanical engineers and thermal energy specialists. As part of the Applicant's commitment to developing local skills, we plan to create new apprenticeships incorporating the re-training of mature participants, post-graduate programmes, and funded research placements. By providing low-carbon heat and power, the Project could become an attractive place for businesses to locate, providing an additional 1000 jobs at the site.

	As set out in ES Chapter 14: Economic, Community and Land Use Impacts (APP-062), construction of the Project could result in the creation of up to 3350 full time equivalent (FTE) jobs over the whole duration of the construction phase. Not all the jobs will be taken up by residents of the LIA and WIA and overall, the net direct job creation from construction is 2280 FTE, taking account of direct leakage and displacement. The Project is likely to directly provide around 290 FTE jobs once operational. Direct construction employment could also lead to opportunities for local businesses to supply the project or to benefit from expenditure of construction workers.
4. Climate Central's coastal risk screening tool consisting of Sea Level Rise and Coastal Flood maps predicts that by 2030, the proposed site will be below the annual flood level and if the water level rises by 1.0m then the proposed site could be flooded. This goes against the National Planning Policy Framework no.159.	The Climate Central maps is a tool to provide indicative information regarding estimated sea level rise in relation to the topography of a site. It extrapolates the level in the sea into the land and does not take into account how this level may vary along the estuary. It also does not include local variations in topography for example due to flood defences. The Flood Risk Assessment (Annex 3 to the ES) (APP-070) was undertaken based on the latest hydraulic flood model approved by the Environment Agency utilising site specific information and in accordance with the National Planning Policy Framework.
5. The North Lincolnshire Council (NLC) Core Strategy 2011 CS19 only allows development on a flood risk site if it demonstrates wider sustainability benefits to the community, whilst National Planning Policy Framework 159 and National Policy Statements (NPS) for Energy EN-1 5.5.1 mention inappropriate development on a flood risk area should be avoided. The NPS Renewable Energy (EN-3) states the application must set out the development's resilience to climate change.	The area is currently protected by flood defences. The development, including access, has been designed to sit above the extreme tidal 1 in 200yr (plus allowance for climate change) flood level, including scenarios in which the flood levels are breached. Additional to this, the development has been designed to not increase flood risk elsewhere. The Flood Risk Assessment (FRA) was undertaken in accordance with the National Planning Policy Framework and the wider sustainability benefits have been further set out in the FRA (Annex 3 to the ES, APP-070).
6. NLC Core Strategy 2011 CS2 states that where large freight movements are involved the use of rail and water transport should be maximised. Since	The existing HGV access route via Stather Road is currently unsuitable (the road is narrow and generally unsuitable for two-way

the proposed development states the use of rail and water transport the building of a new road should not be required.	HGV movements) - the New Access Road is intended to serve the Project as well as the surrounding industrial estate. At this stage of the project assumptions have been made around the use of the River Trent and Flixborough Wharf in order to provide flexibility to the development. Following engagement with the Harbour Authorities (ABP) it was made clear that based on the current conditions of the river it is very tidal dominated and only limited vessel movements can take place with an assumed maximum vessel movement of two vessels in and two vessels out during each high tide. During construction the use of the river is expected to be kept to a minimal with no abnormal indivisible loads (AILs) expected on the river or the wharf.
7. No noise monitoring took place at the far end of Stather Road, BUS despite noise being heard from Flixborough Wharf here. This area has climate topographical anomalies, which must be considered.	Baseline sound levels have been used to inform the noise assessment in ES Chapter 7: Noise (APP-055). For receptors towards the southern end of Stather road (represented in the assessment by Neap House), baseline noise measurements carried out nearby at Inglenook, Amcotts have been adopted as representative. Their use in the assessment is likely to be conservative as Neap House is closer than Inglenook to industrial works off Gunness Lane and the A1077. Predictions of noise from the Project have been carried out using a widely recognised 3D software modelling computer package SoundPLAN. Ground topography as well as the main buildings close to the site of the Project have been included in the model. The area of hardstanding surrounding the site as well as the river are assumed to be acoustically hard, reflective surfaces. Elsewhere the ground is assumed to be partly absorbent.
8. Evidence suggests that noise from operations at the wharf and industrial estate, adjacent to the proposed development site, already exceeds the permitted base line figures.	The potential for operational noise effects from the site have been assessed in ES Chapter 7: Noise of the ES (APP-055). The assessment, following national standards and guidance, considers increases in noise from the Project and also takes account

	of the local context. No loading or unloading activities will take place at the Wharf or the railhead during the night. The Project has the potential to result in moderate daytime noise impacts at the closest residential receptors close to Ingelnook in Amcotts, during a loading or unloading event at the railhead. At all other receptors, the predicted effects are considered minor or not significant when the context of the noise is taken into account. The Project will continue to develop the design and operational procedures and where there is the opportunity to do so, examine practicable means of further reducing noise levels from operating plant and equipment. A Noise Management Plan, as part of the Operational Environmental Management Plan (APP-075) secured under requirement 4, will be formulated in order to keep delivery noise (e.g., use of tonal reversing alarms, doors opening/closing etc.) to a minimum. There will also be a requirement to consider noise when procuring new equipment. Operational noise will be monitored and the results will be reported to North Lincolnshire Council.
9. The height of the chimney stack will affect the residents of BUS due to much of the village being approximately 65m above sea level. There are concerns about the impact this will have on residents' health and wellbeing.	The atmospheric dispersion model used to predict the behaviour of emissions to air from the Project is a widely used model and recognised for this purpose by the Environment Agency. The model included a terrain file that set the height of the ground above sea level for the plant and the wider study area. The model then applied the heights of the stack and plant buildings onto the defined topography. A 'worst-case' approach was taken in the assessment whereby effects on people were assessed based on the maximum off-site impacts (which included consideration of receptors at elevated locations with respect to the stacks). Since the worst-case predicted

	impacts were negligible according to the criteria used by the Institute of Air Quality Management, no more detailed assessment at specific human receptor locations was deemed necessary. The assessment concluded that operational impacts on air quality at sensitive human receptors will be negligible and there will be no significant effects on human health due to airborne concentrations of pollutants. Further information on this issue can be found in the Air Quality impact assessment (APP-053).
10. The proposed site was affected by the NYPRO explosion in 1974. Is the developer certain that there are no toxins in the ground that could affect the atmosphere if released?	The Applicant is cognisant of the sad history relating to the loss of life as a result of the Nypro disaster and will seek to establish an area in the Visitor Centre and wetland area dedicated to those who lost their lives as a result of that incident. The Applicant has undertaken contamination reports and has access to recently undertaken penetrative surveys within the footprint of the ERF which show no contamination of significant impact. The Code of Construction Practice Section 6.3.7 (APP-074) deals with the management of any unexpected contamination in the event should any soil be found to be contaminated.
11. The applicants 5.2 RDF Supply Assessment states that 760,000 tonnes per year of household and commercial waste will be processed each year, but there is no evidence that this amount of waste will be available. The supply assessment links Yorkshire & the Humber with the East Midlands which is irrelevant when the waste is not coming from local areas. It is unclear as to why this site has been chosen since the proposed development appears to be on an inappropriate site with the risk of flooding due to climate change. There must be more appropriate sites in the area, which do not appear to have been investigated.	The RDF Supply Assessment (APP-036) has been updated to ensure that the most recently available statistics are provided for in the assessment of RDF availability. This updated assessment will be available Deadline 1. The current document already took into account recycling targets being met and declining export volumes. It also has taken into account the consented energy from waste plants that are likely to be built. Major waste operators and waste aggregators have been engaged in dialogue with the Applicant over the past three years with a view to intercept waste that would otherwise be exported or landfilled and transported through the region. The site selection process undertaken by the Applicant is described in detail in section 9.4 of ES Chapter 3: Project Description and Alternatives (APP-051). Following a commercial site finding exercise and review of two short listed sites against various criteria (see paragraph 9.4.3.3), the site at Flixborough was chosen as it

	performed better in terms of transport access as, in addition for access by road and rail, there was also the option to utilise the existing Wharf. In terms of flooding and climate change, a site-specific Flood Risk Assessment (FRA) (APP-070) has been provided with the application as it is acknowledged the majority of the Application Land is located within Flood Zone 3a, The FRA provides a detailed assessment of the risk of flooding to the Scheme and concludes that with the proposed mitigation in place, the overall flood risk to the Project is Low. The impact of the Project to offsite locations is minimised through the proposed mitigation and is considered negligible. The Applicant has also worked closely with the Environment Agency who in summary stated "We can confirm that we have no objection to the principle of proposed development, as submitted. We are satisfied that the Environmental Statement has adequately considered issues/topics that fall within our remit. The draft DCO secures appropriate mitigation in relation to these issues/topics."
Flixborough Parish Council (RR-63)	
Flixborough Parish Council objects to the proposed development and give the following concerns: 1. The closed railway line is home to many native flora and fauna. It provides a natural environment for numerous invertebrates, butterflies, deer as well as protected species badgers and bats. The expanse of nature reserve must be taken into consideration since its boundaries are close to the proposed site and will cause distress to the habitat. Much violation will be caused to the riverbank and surrounding woodland.	We acknowledge Flixborough Parish Councils objection to the North Lincolnshire Green Energy Park application. Ecological effects to species and habitats within the Railway Reinstatement Land are assessed as not significant, due to the small area of habitats to be lost and limited disturbance from the low numbers of trains running per day. Likely impacts on nature reserves surrounding and adjacent to the proposed development have been assessed within ES Chapter 10: Ecology and nature conservation (APP-058) and mitigation to prevent direct harm to habitats will be implemented via the CEMP.
2. Loss of farmland when the nation relies on Lincolnshire agricultural land.	Notwithstanding that much of the Project will occupy 'brownfield' land, agricultural land used to construct the Project will fall into the following main categories when work is complete: • part of the operational Project and kept under the control of the Applicant;

	• reinstated and returned to agricultural use (with aftercare); • used for drainage or replacement floodplain storage areas, which may also retain some agricultural use; or • used for ecological and/or landscape mitigation. The assessment concluded that while some agricultural land classed as 'best and most versatile' will be lost to the Project, such land is common and well-represented in the local area and that the effect on agricultural land resource would not be significant (see ES Chapter 14: Economic, Community and Land Use Impacts, APP-062).
3. The closing of the road from the industrial estate to Neap House will increase residents drive to local towns. This is not green or environmentally friendly.	The New Access Road runs parallel with Stather Road - its location and alignment has been determined based on the topography, location of utilities, flood mitigation and other local environmental constraints – using this New Access Road as opposed to Stather Road (which will be closed) is unlikely to significantly change car journey times from Neap House to local towns.
4. Flixborough will suffer with air and light pollution from the chimney stack. Recent fires at local waste companies have affected the air quality and residents are concerned that this further development will be detrimental to their health and wellbeing.	Emissions from the stack have been assessed through the application of an atmospheric dispersion model predict the behaviour of emissions to air from the Project. The model used is a widely used model and recognised for this purpose by the Environment Agency. A 'worst-case' approach was taken in the assessment whereby effects on people were assessed based on the maximum off-site impacts. The worst-case predicted impacts were negligible according to the criteria used by the Institute of Air Quality Management. The assessment concluded that operational impacts on air quality at sensitive human receptors will be negligible and there will be no significant effects on human health due to airborne concentrations of pollutants. Further information on this issue can be found in the Air Quality impact assessment (APP-053) and ES Chapter 17: Health, (APP-065). The need or otherwise for the stack to have aircraft warning lighting is currently being established with the Civil Aviation Authority and the MOD.

5. The proposed full-time jobs created on completion mentions that some positions will be filled by local residents, so will not be beneficial to the local working population.	An Economic & Employment Group has been established to help ensure that the economic benefits of the scheme are maximised locally. The group includes various regional stakeholders, such as North Lincolnshire Council, DWP, Hull and Humber Chamber of Commerce, North Lindsey College, CATCH, Greater Lincolnshire LEP, HETA and Lincolnshire Chamber of Commerce. Its objective is to: • maximise job opportunities for local people; • maximise supply chain opportunities for local businesses; • work with local training providers to ensure that local people have the right skills to take advantage of the opportunities the Project presents, including reskilling people that are unemployed; and • raise awareness of the green jobs offered by the Project and encourage local people, particularly under-represented groups, to consider a career in 'net zero' industries. The Applicant will prepare an Employment and Skills Policy to maximise the uptake of local employment opportunities and in addition is committed to supporting training and apprenticeship schemes. The Project will result in the creation of up to 290 FTE new jobs once it is operational. These will be a mix of full and part-time jobs including operatives, shift team leaders, mechanical engineers and thermal energy specialists. As part of the Applicant's commitment to developing local skills, we plan to create new apprenticeships incorporating the re-training of mature participants, post-graduate programmes, and funded research placements. By providing low-carbon heat and power, the Project could become an attractive place for businesses to locate, providing an additional 1000 jobs at the site. As set out in ES Chapter 14: Economic, Community and Land Use Impacts (APP-062), construction of the Project could result in the

	creation of up to 3350 full time equivalent (FTE) jobs over the whole duration of the construction phase. Not all the jobs will be taken up by residents of the LIA and WIA and overall, the net direct job creation from construction is 2280 FTE, taking account of direct leakage and displacement. The Project is likely to directly provide around 290 FTE jobs once operational. Direct construction employment could also lead to opportunities for local businesses to supply the project or to benefit from expenditure of construction workers.
6. Climate Central's coastal risk screening tool consisting of Sea Level Rise and Coastal Flood maps predicts that by 2030, the proposed site will be below the annual flood level and if the water level rises by 1.0m then the proposed site could be flooded. This goes against the National Planning Policy Framework no.159.	The Climate Central maps is a tool to provide indicative information regarding estimated sea level rise in relation to the topography of a site. It extrapolates the level in the sea into the land and does not take into account how this level may vary along the estuary. It also does not include local variations in topography for example due to flood defences. The Flood Risk Assessment (Annex 3 to the ES) (APP-070) was undertaken based on the latest hydraulic flood model approved by the Environment Agency utilising site specific information and in accordance with the National Planning Policy Framework.
7. The North Lincolnshire Council (NLC) Core Strategy 2011 CS19 only allows development on a flood risk site if it demonstrates wider sustainability benefits to the community, whilst National Planning Policy Framework 159 and National Policy Statements (NPS) for Energy EN-1 5.5.1 mention inappropriate development on a flood risk area should be avoided. The NPS Renewable Energy (EN-3) states the application must set out the development's resilience to climate change.	It is recognised that the Project involves land within both Flood Zones 2 and 3 and it is therefore necessary to apply the 'Sequential Test' in order to demonstrate that the Applicant has sought to locate it within the areas with the lowest probability of flooding (e.g. Flood Zone 1) when compared to alternative sites. The Applicants' approach to applying both the Sequential and Exception Tests is set out at paragraphs 5.7.15 to 5.7.34 of the Planning Statement (APP-035). The area is currently protected by flood defences. In the future, the development, including access, has been designed to sit above the extreme tidal 1 in 200yr (plus allowance for climate change) flood level, including scenarios in which the flood levels are breached. Additional to this the development has been designed to not increase flood risk elsewhere. The Flood Risk Assessment (FRA) was undertaken in accordance with the National Planning Policy

	Framework and the wider sustainability benefits have been further set out in the FRA (APP-070).
8. NLC Core Strategy 2011 CS2 states that where large freight movements are involved the use of rail and water transport should be maximised. Since the proposed development states the use of rail and water transport the building of a new road should not be required.	The existing HGV access route via Stather Road is currently unsuitable (the road is narrow and generally unsuitable for two-way HGV movements) - the New Access Road is intended to serve the Project as well as the surrounding industrial estate. At this stage of the project assumptions have been made around the use of the River Trent and Flixborough Wharf in order to provide flexibility to the development. Following engagement with the Harbour Authorities (ABP) it was made clear that based on the current conditions of the river it is very tidal dominated and only limited vessel movements can take place with an assumed maximum vessel movement of two vessels in and two vessels out during each high tide. During construction the use of the river is expected to be kept to a minimal with no abnormal indivisible loads (AILs) expected on the river or the wharf.
9. The catchment area for the waste is nationwide so will be transported around the country rather than being treated/recycled in its local area. NLC has contracts with local waste disposal companies so the proposed development will not be taking local waste.	Major waste operators and waste aggregators have been engaged in dialogue with the Applicant over the past three years with a view to intercept waste that would otherwise be exported or landfilled which is currently transported through the region. A focus has been maintained on establishing transport to the site by rail and boat which significantly reduces the current carbon footprint for transporting waste. Local Authorities will not contract waste management until after sites are consented. The Applicant is in discussions with the current contract holder about supply when the existing contract is retendered in 2026. The Applicant would look to provide cost savings to the local authorities for their waste management if consented and once the facility is operational.
10. The applicants 5.2 RDF Supply Assessment states that 760,000 tonnes per year of household and commercial waste will be processed each year, but there is no evidence that this amount of waste will be available. The supply assessment links Yorkshire & the Humber with the East Midlands which is irrelevant when the waste is not coming from local areas. It is	The RDF Supply Assessment (APP-036) is a fundamental projection of supply and demand, and is not based on specific waste contracts. We believe undertaking this at the regional level is a reasonable approach given the transport options available at the site (road, river,

unclear as to why this site has been chosen since the proposed development appears to be on an inappropriate site due to the distance the waste will be transported and the risk of flooding due to climate change.	rail). For example there are several examples of rail-connected facilities which receive waste over similar (or longer) distances. The RDF Supply Assessment (APP-036) has been updated to ensure that the most recently available statistics are provided for in the assessment of RDF availability. This updated assessment will be available at Deadline 1.
Amcotts Parish Council (RR-65)	
Amcotts Parish Council objects to the proposed project on the following grounds: NOISE POLLUTION There is already a longstanding issue with noise pollution from Flixborough Wharf and Flixborough Industrial Estate which is severely affecting the health and wellbeing of residents. The building of this proposed development will add a detrimental downward spiral to this. The additional noise pollution will no doubt cause the lapwings in the area (25 scrapes) to evacuate. This and the trouble it will cause to the award-winning bat colonies and butterfly garden would be catastrophic to the environment.	ES Chapter 10: Ecology and Nature Conservation (APP-058) contains an assessment of effects on Ecology and Nature Conservation including the effects on bats, birds and invertebrates including butterfly's and concludes that there will be no significant effects on those species. The potential for operational noise effects from the site have been assessed in ES Chapter 7: Noise (APP-055). The assessment, following national standards and guidance, considers increases in noise from the Project and also takes account of the local context. No loading or unloading activities will take place at the Wharf or the railhead during the night. The Project has the potential to result in moderate daytime noise impacts at the closest residential receptors close to Ingelnook in Amcotts, during a loading or unloading event at the railhead, noting that the associated rail movements will be one every four hours at most (see e.g. Section 7.11.5 of ES Chapter 3: Project Description and Alternatives (APP-051). At all other receptors, the predicted effects are considered minor or not significant when the context of the noise is taken into account. The Project will continue to develop the design and operational procedures and where there is the opportunity to do so, examine practicable means of further reducing noise levels from operating plant and equipment. A noise management plan, as part of the Operational Environmental Management Plan (APP-075) will be formulated in order to keep

	delivery noise (e.g. use of tonal reversing alarms, doors opening/closing etc.) to a minimum. There will also be a requirement to consider noise when procuring new equipment. Operational noise will be monitored and the results will be reported to North Lincolnshire Council.
OVERCAPACITY AND RECYCLING The UK has more incinerator capacity than it has waste to burn, not including the projects which are being proposed/examined. This is both harmful to recycling, as much of the waste is readily recyclable, and would impact our local councils above national recycling rates. There seems to be a profusion of hydrogen capturing projects plus other incinerators currently which could lead to overcapacity in this area which will not be recycling North Lincolnshire waste anyway. All this would make the target of 65% of waste to be recycled by 2035 unachievable. Overcapacity has already been acknowledged and actioned by the Welsh and Scottish governments and they have called a moratorium on new incinerators. There has also been a move nationally from single use plastics which also increases the capacity of the existing incinerators.	The RDF Supply Assessment (APP-036) has been updated to ensure that the most recently available statistics are provided for in the assessment of RDF availability. This updated assessment will be available for Deadline 1. The current document already took into account recycling targets being met and declining export volumes. It also has taken into account the consented energy from waste plants that are likely to be built. Major waste operators and waste aggregators have been engaged in dialogue with the Applicant over the past three years with a view to intercept waste that would otherwise be exported or landfilled. The use of RDF does not displace the levels of recycling that can be achieved with commercial viability. The RDF Supply Assessment (APP-036) allows for a significant increase in recycling and composting, to allow for future government targets to be met. Nonetheless, we note that there is a considerable gap between the current rate achieved and the future ambition, with the result that a greater amount of residual waste landfilled than is consistent with policy and the recommendations of the Committee on Climate Change. The Applicant has actively supported the recycling of plastic with the inclusion of the plastic recycling facility that will recycle segregated plastic waste where commercially viable. There are insufficient plastic recycling facilities in the UK to recycle the target volumes and the Applicant supports the preference to recycle plastic, metal and aggregate where commercially viable. Nearly c2Mt of waste is received in North Lincolnshire from sources outside of the authority for treatment and transfer, largely to landfill and for export as RDF. We understand that c0.3 Mt of residual waste was exported through Humber ports as RDF in the most recent 12-month period for which data is available.
ADVERSE EFFECT ON AIR POLLUTION As the waste will be brought to this facility from out of the area the additional traffic needed will have an adverse	The overall plant design is driven by the need to achieve acceptable impacts to air quality. The North Lincolnshire Green Energy Park will

effect on the air pollution in our and neighbouring villages. If the use of rail and water transportation is to be used, why is there a need to build a new road?	be one of the most stringently regulated industrial facilities in terms of the emissions to air. In addition to complying with these emission limits the facility is designed to minimise impacts and meet all of the air quality standards and Environmental Assessment Levels for the wide range of emissions of interest. The Air Quality Impact Assessment (APP-053) has been undertaken in line with the requirements of the Environment Agency and Planning regulations to provide an informed assessment in the context of the existing air quality, local human and ecological receptors and any areas where air quality is already poor. The North Lincolnshire Green Energy Park is sufficiently distant from Scunthorpe that the overlap of impacts is negligible. The Air Quality Impact Assessment also considers the effects of local meteorology and terrain and the plant has been designed with due consideration of these factors. The Project has been located to minimise road traffic wherever possible by using trains and ships, to maximise the efficiency of delivery. North Lincs is also proposed to incorporate a plant for the generation of hydrogen for road vehicles which will benefit air quality as hydrogen fuel cells are 'zero emission' at point of use. A new access road is proposed that will move traffic away from existing receptors to the south of the facility. The new road is also proposed to avoid traffic movements to and from the facility through villages, instead being routed to the A1077 and trunk road network to the south of the site. Other users of the port will also use the new access road. The Project has also been designed to avoid emissions of dust from arising in the first place. Waste arriving at the facility is pre-baled and sealed in containers on the trucks, ships and trains. These bales are only opened once inside the reception hall which is, itself, under negative pressure to avoid dust escaping. Ash handling processes and the manufacture of concrete block is undertaken in an enclosed environment with active dust collection. This is in contrast to the composting and waste transfer station that previously occupied the site where wastes were handled in the open and in an uncontained

	manner. The various control measures will be secured through the dDCO Operation environmental management plan (requirement 4) and an Environmental Permit issued by the Environment Agency and monitored in accordance with the Environmental Management System required by the permit
ODOUR POLLUTION The odour pollution will have an adverse effect on the health and wellbeing of residents. The odour pollution will also add to the damage caused to the lapwings, bats and butterflies.	Sections 4.3.14 and 7.2 of the Air Quality impact assessment (APP-053) describes the measures that will be taken to contain odours and avoid offsite nuisance. These measures apply both to the design of the facility and to the manner in which the fuel will be contained when it is delivered. The measures will be secured through the Environmental Permit issued by the Environment Agency and monitored in accordance with the Environmental Management System required by the permit. In order to be allowed to operate, the Project will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016. As part of the process involved in obtaining the Environmental Permit, the Project will be required to submit an Odour Management Plan (OMP) which demonstrates adequate steps will be taken to manage potential odour, including any monitoring and reporting. The Refuse Derived Fuel (RDF) will arrive at the facility fully contained and sealed until it is used in the energy production process. It will not therefore be in a condition that would attract insects or vermin. Taking into account appropriate odour mitigation and monitoring, there are no significant effects anticipated with regards to wildlife occupying habitats close to the proposed development.
Roxby Parish Council (RR-94)	
Roxby cum Risby Parish Council, which represents the residents of Dragonby village, wishes to register to become an interested party.	We acknowledge the relevant representation from Roxby Parish Council and welcome their involvement in the examination process.
Statutory Consultees	
Canal and River Trust (RR-12)	

The Canal & River Trust are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust has been previously consulted on the proposals under S42. At the time, we noted that the application site is located to the east of the River Trent, and includes proposals to expand wharf facilities on the river. However, we also noted that the Trust is not Navigation Authority for the River Trent downstream of Gainsborough. As a result, our interests in the proposal are limited to secondary impacts on our network, which nearby consists of the River Trent upstream of Gainsborough and the Stainforth & Keadby Canal, which connects with the Trent at Keadby Lock.	We acknowledge the relevant representation from the Canal and River Trust and their previous engagement on the application under S42.
We previously asked for clarity as to whether any changes to waterbourne transport to and from site could have indirect impacts on our network, should the wharf be designed to accommodate inland transport. Within their submission, the applicant has clarified within their Submitted Navigation Risk Assessment (Documents Reference 6.36) that the use of the Inland Waterway Network is not envisaged, and that no direct impact on transport using the Trust's assets would be expected. We assume that boats utilising Flixborough Wharf from the Humber Estuary are not required to travel further upstream upon the River Trent (for example, for turning), where large boats could have the potential to impact upon the safety of smaller vessels utilising Keadby Lock. We would welcome confirmation upon this from the applicant. Please do not hesitate to contact me with any queries you may have.	Based on our current understanding from discussions with Harbour Authority and RMS Ports, vessels that operate from Flixborough Wharf turn in the area adjacent to the wharf using their own bow thrusters and do not require additional supporting vessels, a pilot is always onboard too. Due to the constraints of the River Trent larger vessels are not envisaged to operate than those presently used. As such, it is assumed that movements of vessels and operations are limited to the area around Flixborough Wharf.
Marine Management Organisation (RR-85)	
On 3 August 2022, the Marine Management Organisation (the "MMO") received notice under Section 56 of the Planning Act 2008 (the "PA 2008") that the Planning Inspectorate ("PINS") had accepted an application made by North Lincolnshire Green Energy Park Ltd (the "Applicant") for a development	We acknowledge the representation from the Marine Management Organisation and their previous engagement on the application under S42.

consent order (the "Application") (MMO ref: DCO/2020/00005; PINS ref: EN010116). The Application includes a draft development consent order (the "dDCO") and an Environmental Statement (the "ES"). The Application seeks authorisation to construct, operate and maintain North Lincolnshire Green Energy Park. The MMO have reviewed the Application and note that the dDCO does not include a draft Deemed Consent under Part 4 (Marine Licensing) of the Marine and Coastal Access Act 2009 (the "Deemed Marine Licence/DML"). As part of the formal scoping request received June 14 2021, and subsequent PEIR review, the MMO notified the Applicant that no works were identified below Mean High Water Springs within the proposals. We requested confirmation of this from the Applicant and issued a formal response to PINS on 4 August 2021 stating the MMO had no comment to make. The MMO's remit only includes works to be undertaken within the UK marine area, as defined by Section 42 of the Marine and Coastal Access Act 2009, including works below Mean High Water Springs. Following the receipt of the notification of application acceptance from the Applicant, the MMO requested confirmation that there are no planned works within the UK marine area. The Applicant has since confirmed this. The MMO therefore seek to have no further involvement in the DCO process and will not register as an interested party at this time. The MMO reserves the right to amend this position if the scope of the proposed scheme is further revised to include any licensable activities within the UK marine area. If such marine works are considered, we request you to engage with the MMO as an interested party in the examination process, at an earliest convenience.	
Maritime and Coastguard Agency (RR-86)	
The Maritime and Coastguard Agency (MCA) has an interested in any works undertaken below the Mean High Water Level and their impact on the safety of navigation and emergency response in the UK. We note all of the works that are required to be undertaken in the marine environment as part of the proposed development, fall entirely within the statutory harbour area managed by ABP. They are therefore responsible for maintaining the safety of navigation within their area of jurisdiction. The MCA would point the developers in the direction of the Port Marine Safety Code (PMSC) and its Guide to Good Practice; they should liaise and consult with the Statutory	We acknowledge the relevant representation from the Maritime and Coastguard Agency. We note their recommendation to consult with the Statutory Harbour Authority and can confirm that we have been engaging with ABP as the Harbour Authority and will continue to do so throughout the examination.

Harbour Authority to develop a robust Safety Management System (SMS) for the project under this code.	
Interest Groups	
Residents Against INcinerators (RAIN) (RR-50)	
RAIN (Residents Against INcinerators) is a group of residents from Burton upon Stather, Flixborough, Amcotts and Dragonby who object to the proposed development and give their following concerns: 1. None of the residents of Dragonby, were provided with the public consultation pack in September 2021. Only a few residents of BUS were, despite being affected by this proposed development. They were unaware of the chance to consult the applicant.	We acknowledge the Residents against Incinerators objection to the Project. The Applicant has consulted the community widely, in accordance with the Statement of Community Consultation (SoCC) published prior to statutory consultation. This defined three zones of consultation for the purpose of community consultation: • zone 1, comprising people living and working in the immediate vicinity of the proposed Project, as well as their political representatives (at a parish, district, county and parliamentary level) as defined in Figure 5-1 of the Consultation Report (APP-076). There were 18,653 addresses in this area, including properties in Dragonby and part of Burton-upon-Stather; • zone 2, comprising people who may be interested in the wider potential impacts of the proposed Project, such as transport, visual impact and creating new jobs. The zone is based on a 10km radius around the site, which draws on the Zone of Theoretical Visibility for the Project; and, • zone 3, comprising people living in the North Lincolnshire Council area outside zone 1. The Applicant consulted North Lincolnshire Council on the development of zones of consultation included in the SoCC, as well as the techniques it used to publicise the consultation and consult within each zone. North Lincolnshire Council supported the approach to consultation included in the SoCC, as set out in its response included as Appendix C-3 of the Consultation Report (APP-084). The Applicant used different techniques to publicise the consultation and consult within each zone, summarised in 5.5.12 of the Consultation Report (APP-076). Publicity included:

	• Writing to elected representatives, parish councils and community groups within consultation zones 1 and 2 with details of the consultation and offering direct engagement. A list of groups contacted as part of the consultation is included in Appendix F-1 of the Consultation Report (APP-090); • Sending an email to 339 people who had registered for updates the Project website (presented in Appendix J-1 (APP-094)); • Sharing a poster with consultation details with parish councils and community groups within consultation zones 1 and 2; • Writing to the Leader and Chief Executive of local authorities within consultation zones 1, 2 and 3; • Advertising the consultation in the Scunthorpe Telegraph, the Lincolnshire Echo, the Yorkshire Post and the Hull Daily Mail via an advert placed in these titles on 17 June 2021; • Issuing a press release on 14 June 2021 to media outlets including the Scunthorpe Telegraph, the Lincolnshire Echo, the Yorkshire Post, the Hull Daily Mail and BBC Radio Lincolnshire; and, • Advertising the consultation online via an advertorial placed on the Scunthorpe Live website on 15 June 2021 and promoted via targeted online advertising with 160,000 impressions. The Applicant therefore publicised the consultation using multiple techniques within Dragonby and Burton-upon-Stather. Table 5-8 of the Consultation Report (APP-076) sets out how the Applicant complied with the commitments it made to consult in the SoCC. A copy of the SoCC as published is included in Appendix C-4 of the Consultation Report (APP-085). The Applicant therefore considers that it has consulted adequately. This was confirmed by the acceptance of its DCO application for Examination.
2. The proposed full-time jobs created on completion mentions that some positions will be filled by local residents, but they may not have the skills required, so this will not be beneficial to the local working population.	An Economic & Employment Group has been established to help ensure that the economic benefits of the scheme are maximised locally. The group includes various regional stakeholders, such as North Lincolnshire Council, DWP, Hull and Humber Chamber of

	Commerce, North Lindsey College, CATCH, Greater Lincolnshire LEP, HETA and Lincolnshire Chamber of Commerce. Its objective is to: • maximise job opportunities for local people; • maximise supply chain opportunities for local businesses; • work with local training providers to ensure that local people have the right skills to take advantage of the opportunities the Project presents, including reskilling people that are unemployed; and • raise awareness of the green jobs offered by the Project and encourage local people, particularly under-represented groups, to consider a career in 'net zero' industries. The Applicant will prepare an Employment and Skills Policy to maximise the uptake of local employment opportunities and in addition is committed to supporting training and apprenticeship schemes. The Project will result in the creation of up to 290 FTE new jobs once it is operational. These will be a mix of full and part-time jobs including operatives, shift team leaders, mechanical engineers and thermal energy specialists. As part of the Applicant's commitment to developing local skills, we plan to create new apprenticeships incorporating the re-training of mature participants, post-graduate programmes, and funded research placements. By providing low-carbon heat and power, the Project could become an attractive place for businesses to locate, providing an additional 1000 jobs at the site. As set out in ES Chapter 14: Economic, Community and Land Use Impacts (APP-062), construction of the Project could result in the creation of up to 3350 full time equivalent (FTE) jobs over the whole duration of the construction phase. Not all the jobs will be taken up by residents of the LIA and WIA and overall, the net direct job creation from construction is 2280 FTE, taking account of direct leakage and

	displacement. The Project is likely to directly provide around 290 FTE jobs once operational. Direct construction employment could also lead to opportunities for local businesses to supply the project or to benefit from expenditure of construction workers.
3. Climate Central's coastal risk screening tool consisting of Sea Level Rise and Coastal Flood maps predicts that by 2030, the proposed site will be below the annual flood level and if the water level rises by 1.0m then the proposed site could be flooded. This goes against the National Planning Policy Framework no.159.	The Climate Central maps is a tool to provide indicative information regarding estimated sea level rise in relation to the topography of a site. It extrapolates the level in the sea into the land and does not take into account how this level may vary along the estuary. It also does not include local variations in topography for example due to flood defences. The Flood Risk Assessment (APP-070) was undertaken based on the latest hydraulic flood model approved by the Environment Agency utilising site specific information and in accordance with the National Planning Policy Framework.
4. The North Lincolnshire Council (NLC) Core Strategy 2011 CS19 only allows development on a flood risk site if it demonstrates wider sustainability benefits to the community, whilst National Planning Policy Framework 159 and National Policy Statements (NPS) for Energy EN-1 5.5.1 mention inappropriate development on a flood risk area should be avoided. The NPS Renewable Energy (EN-3) states the application must set out the development's resilience to climate change.	The area is currently protected by flood defences. In the future, the development, including access, has been designed to sit above the extreme tidal 1 in 200yr (plus allowance for climate change) flood level, including scenarios in which the flood levels are breached. Additional to this the development has been designed to not increase flood risk elsewhere. The Flood Risk Assessment (FRA) was undertaken in accordance with the National Planning Policy Framework and the wider sustainability benefits have been further set out in the FRA (APP-070). The FRA demonstrates how the development passes the sequential test at the site level and the Exception Test. Details of the sequential approach to site selection is detailed in paragraphs 5.7.15 to 5.7.31 of the Planning Statement (APP-035).

5. NLC Core Strategy 2011 CS2 states that where large freight movements are involved the use of rail and water transport should be maximised. Since the proposed development states the use of rail and water transport the building of a new road should not be required.	The existing HGV access route via Stather Road is currently unsuitable (the road is narrow and generally unsuitable for two-way HGV movements) - the New Access Road is intended to serve the Project as well as the surrounding industrial estate. At this stage of the project assumptions have been made around the use of the River Trent and Flixborough Wharf in order to provide flexibility to the development. Following engagement with the Harbour Authorities (ABP) it was made clear that based on the current conditions of the river it is very tidal dominated and only limited vessel movements can take place with an assumed maximum vessel movement of two vessels in and two vessels out during each high tide. During construction the use of the river is expected to be kept to a minimal with no abnormal indivisible loads (AILs) expected on the river or the wharf.
6. Evidence suggests a long-standing noise issue with operations at the wharf and industrial estate, adjacent to the proposed development site, already exceeds the permitted base line figures.	The potential for operational noise effects from the site have been assessed in ES Chapter 7: Noise (APP-055). The assessment, following national standards and guidance, considers increases in noise from the Project and also takes account of the local context. No loading or unloading activities will take place at the Wharf or the railhead during the night. The Project has the potential to result in moderate daytime noise impacts at the closest residential receptors close to Ingelnook in Amcotts, during a loading or unloading event at the railhead. At all other receptors, the predicted effects are considered minor or not significant when the context of the noise is taken into account. The Project will continue to develop the design and operational procedures and where there is the opportunity to do so, examine practicable means of further reducing noise levels from operating plant and equipment. A noise management plan will be formulated, as part of the Operational Environmental Management Plan (APP-075) secured in requirement 4, in order to keep delivery noise (e.g. use of tonal reversing alarms, doors opening/closing etc.) to a minimum. There

	will also be a requirement to consider noise when procuring new equipment. Operational noise will be monitored, and the results will be reported to North Lincolnshire Council.
7. The height of the chimney stack will affect the residents of BUS due to much of the village being approximately 65m above sea level. There are concerns about the impact this will have on the health and wellbeing of the residents.	The atmospheric dispersion model used to predict the behaviour of emissions to air from the Project is a widely used model and recognised for this purpose by the Environment Agency. The model included a terrain file that set the height of the ground above sea level for the plant and the wider study area. The model then applied the heights of the stack and plant buildings onto the defined topography. A 'worst-case' approach was taken in the assessment whereby effects on people were assessed based on the maximum off-site impacts (which included consideration of receptors at elevated locations with respect to the stacks). Since the worst-case predicted impacts were negligible according to the criteria used by the Institute of Air Quality Management, then no more detailed assessment at specific human receptor locations was deemed necessary. The assessment concluded that operational impacts on air quality at sensitive human receptors will be negligible and there will be no significant effects on human health due to airborne concentrations of pollutants. Further information on this issue can be found in the Air Quality impact assessment (APP-053).
8. The catchment area for the waste is nationwide so will severely affect the green credentials of the park and is at odds with the European Environment Agency's Proximity Principle. NLC has contracts with local waste disposal companies so the proposed development will not be taking local waste.	Major waste operators and waste aggregators have been engaged in dialogue with the Applicant over the past three years with a view to intercept waste that would otherwise be exported or landfilled which are currently transported through the region. A focus has been maintained on establishing transport to the site by rail and boat where feasible which significantly reduces the current carbon footprint for transporting waste. Local Authorities will not contract waste management until after sites are consented and operational. The Applicant would look to provide cost savings to the local authorities for their waste management if consented and once the facility is operational. The proximity principle is often perhaps understandably misinterpreted as requiring waste to be managed as close to its

	source as possible. It is properly interpreted in Section 2.1-2.4 of the North Lincolnshire local needs assessment which refers to its implementation in UK law of the Waste Framework Directive of the Waste (England and Wales) Regulations 2011. The intention is for the European Union as a whole to become self-sufficient and for waste to be managed within Member States (and now within England) in one of the nearest appropriate facilities.
9. The applicants 5.2 RDF Supply Assessment states that 760,000 tonnes per year of household and commercial waste will be processed each year, but there is no evidence that this amount of waste will be available. The supply assessment links Yorkshire & the Humber with the East Midlands which is irrelevant when the waste is not coming from local areas. It is unclear as to why this site has been chosen since the proposed development appears to be on an inappropriate site due to the distance the waste will be transported and the risk of flooding due to climate change.	The RDF Supply Assessment (APP-036) has been updated to ensure that the most recently available statistics are provided for in the assessment of RDF availability. This updated assessment will be available for Deadline 1. The current document already took into account recycling targets being met and declining export volumes. It also has taken into account the consented energy from waste plants that are likely to be built. Major waste operators and waste aggregators have been engaged in dialogue with the Applicant over the past three years with a view to intercept waste that would otherwise be exported or landfilled and transported through the region. The site selection process undertaken by the Applicant is described in detail in section 9.4 of ES Chapter 3: Project Descriptions and Alternatives (APP-051). Following a commercial site finding exercise and review of two short listed sites against various criteria (see paragraph 9.4.3.3), the site at Flixborough was chosen as it performed better in terms of transport access as, in addition for access by road and rail, there was also the option to utilise the existing Wharf. With regard to flooding and climate change, a site-specific Flood Risk Assessment (FRA) (APP-070) has been provided with the application as it is acknowledged the majority of the Application Land is located within Flood Zone 3a, The FRA provides a detailed assessment of the risk of flooding to the Scheme and concludes that with the proposed mitigation in place, the overall flood risk to the Project is Low. The impact of the Project to offsite locations is minimised through the proposed mitigation and is considered negligible. The Applicant has

	also worked closely with the Environment Agency who in summary stated "we can confirm that we have no objection to the principle of proposed development, as submitted. We are satisfied that the Environmental Statement has adequately considered issues/topics that fall within our remit. The draft DCO secures appropriate mitigation in relation to these issues/topics".
Andrew Percy MP (RR-75)	
I have been contacted by a great number of constituents making me aware of their concerns about the proposals for the North Lincolnshire Green Energy Park and the impacts it would have locally. Residents from a number of locations in close proximity to the site, including but not limited to: Amcotts, Burton-upon-Stather, Flixborough, Gunness, Keadby, Neap House, and Skippingdale, have voiced their concerns to me about the proposed development. Firstly, residents have raised concerns with regards to the environmental impact the burning of waste at this site would have on the local area. Residents are worried about the potential air pollution as a result of the emission of fine particulates and toxic metals, and the impact these could have on the health and wellbeing of local people.	Public Health England and the Environment Agency jointly state "PHE's risk assessment remains that modern, well run and regulated municipal waste incinerators are not a significant risk to public health. While it is not possible to rule out adverse health effects from these incinerators completely, any potential effect for people living close by is likely to be very small." This statement captures all emissions from the North Lincolnshire Green Energy Park facility, including particulate matter. No industrial activity is 'zero harm' and the overall context is important. Waste materials used at the North Lincolnshire Green Energy Park would be disposed of somewhere, and as such emission from the facility are not 'new'. In the local context, the overall plant design is driven by the need to achieve acceptable impacts to air quality. The North Lincolnshire Green Energy Park will be one of the most stringently regulated industrial facilities in terms of the emissions to air. In addition to complying with these emission limits the facility is designed to minimise impacts are meet all of the air quality standards and Environmental Assessment Levels for the wide range of emissions of interest. The Air Quality Impact Assessment (APP-053) has been undertaken in line with the requirements of the Environment Agency and Planning regulations to provide an informed assessment in the context of the existing air quality, local human and ecological receptors and any areas where air quality is already poor. The North Lincolnshire Green Energy Park is sufficiently distant from Scunthorpe that the overlap of impacts is negligible. The Air Quality Impact Assessment also considers the effects of local meteorology and terrain and the plant has been designed with due consideration of these factors.

Some of my constituents are furthermore concerned by the fact that most of the waste will be brought in from other parts of the country. Indeed, I understand the local authority has in place contracts with local waste companies for the disposal of both domestic and commercial waste. The applicant's Refuse Derived Fuel (RDF) Supply Assessment suggests that 760,000 tonnes of household and commercial waste will be processed each year, however residents have highlighted that there is already an abundance of incinerator sites across the UK and that a new site would be surplus to requirements.	The RDF Supply Assessment (APP-036) has been updated to ensure that the most recently available statistics are provided for in the assessment of RDF availability. This updated assessment will be available for Deadline 1. The current document already took into account recycling targets being met and declining export volumes. It also has taken into account the consented energy from waste plants that are likely to be built. Major waste operators and waste aggregators have been engaged in dialogue with the Applicant over the past three years with a view to intercept waste that would otherwise be exported or landfilled. A focus has been maintained on establishing transport to the site by rail and boat where feasible which significantly reduces the current carbon footprint for transporting waste. The use of RDF does not displace the levels of recycling that can be achieved with commercial viability. The RDF Supply Assessment takes account of the recycling targets which have plateaued over the past few years and are significantly behind target. The Applicant has actively supported the recycling of plastic with the inclusion of the plastic recycling facility that will recycle segregated plastic waste where commercially viable. There are insufficient plastic recycling facilities in the UK to recycle the target volumes and the Applicant supports the preference to recycle plastic, metal and aggregate where commercially viable. Circa 0.3 Mt of RDF is exported through Humber ports and significant landfill continues in the region. The Applicant selected the site in part based on the volume of waste already transported into the region either for landfill or export through the Humber Ports. Based on previous experience, new waste contracts with local authorities can only be secured once a facility is consented and operational.
My constituents have also raised specific concerns about the scale and appearance of the development, in particular the chimney stack, which would tower over the area. The site is in open countryside and is not allocated for development in the North Lincolnshire Local Plan. Indeed, part of the proposed development falls outside of defined development boundaries. Residents feel that the entire development would be out of context with the North Lincolnshire landscape.	The effects of the Proposed Development on landscape and on views are set out in ES Chapter 11: Landscape and Visual Impacts (APP-059). Visualisations have been prepared to illustrate the likely appearance of the Proposed Development, including the stack, within the landscape. These are also included in APP-059. The Design and Access Statement (DAS) (APP-037) provides an explanation of how the design of the Project has evolved in the lead-

	up to submission of the Application. Furthermore, the individual chapters of the ES explain how the Project has been designed, including the mitigation embedded in its design, to minimise and mitigate impacts. The principles built into the illustrative design are set out in the Design Principles and Codes Document (APP-046), compliance with which is secured by Requirement 3 in the draft DCO (AS-006). It is recognised in the Planning Statement (APP-035) that the Application Site is not allocated for development. A large proportion of the Project lies within the boundaries of Flixborough Industrial Estate, which is classified as an existing employment area, but it is acknowledged that part of the Project lies outside defined development boundaries.
Furthermore, residents have raised concerns with me about light pollution, in respect to the bright lights that are required at the top of the chimney stack; in addition to concerns about the visual impact the polluting plumes would have on the area.	The effects of the Proposed Development on landscape and on views are set out in ES Chapter 11: Landscape and Visual Impact (APP-059). The visual appearance of the plume is addressed in this document. The need or otherwise for the stack to have aircraft warning lighting is currently being established with the Civil Aviation Authority.
The plans include the reinstatement of a disused railway, linking Flixborough Wharf and the steelworks, and a number of residents are concerned about the impact this would have on local flora and fauna, with habitats being destroyed. Moreover, residents are concerned about the impact the site would have on local infrastructure, in particular during the construction phase, with regards to traffic and transport, as well as the impact it would have on residential amenity. Government policy does not support incineration and the development would therefore be classified as an Energy Recovery Facility (ERF), however that does not take away from the fact that this is an incinerator for household waste. It is not the green energy project we were initially led to believe it was. With that in mind, and given the weight of residents' concerns, I do not support the proposals. Andrew Percy	It is acknowledged that it is important to minimise any disruption during the construction phase for neighbouring communities - a Construction Logistics Plan, including traffic management plans will be agreed with the local highway authority prior to the works - these may include the temporary diversions of pedestrian routes - all traffic management proposals would be subject to the appropriate approval process prior to the works. In terms of impacts, the ES Chapter 13: Traffic and Transport (APP-061) concludes that the increase in construction traffic would result in temporary adverse effects of minor or negligible significance during the demolition and construction phase. The ES Chapter 10: Ecology (APP-058) concludes there will be no significant construction or operational effects on wildlife using the

	railway line. Any removal of habitats will be limited to only what is required to ensure the movement of trains along the track (e.g., pruning adjacent trees rather than felling) and the reinstatement proposals include the planting of new woodland and enhancement of grassland areas. The Project comprises the works as set out in Schedule 1 of the draft DCO (AS-006) and includes an electricity generation station fuelled by refuse derived fuels. It is recognised that this generation station is an Energy Recovery Facility (ERF) which can meet the R1 status confirming it as a recovery facility (see APP- 044). Section 4 of the Planning Statement (APP-035) outlines in detail the growing body of UK energy policy and guidance which highlights an urgent need for new energy generation infrastructure, particularly from renewable sources such as energy from waste and carbon capture equipped power stations.
Holly Mumby-Croft MP (RR-84)	
Many of my constituents have approached me about the proposals for the North Lincolnshire Green Energy Park and the adverse impact this will have locally. Although the proposed site is not within my constituency, there are neighbouring residential areas I represent who have raised grave concerns with me about the proposed development's impact on the wider environment, amongst other things. Constituents have expressed concerns that the proposal is an over-intensive form of development, both in scale and appearance, not suited to the local area. Despite not being included in the North Lincolnshire Local Plan, the proposed site is essentially open countryside therefore the development would adversely impact the surrounding landscape.	The effects of the Proposed Development on the landscape of the proposed site and the surrounding area are set out in ES Chapter 11: Landscape and Visual Impacts (APP-059). It is recognised in the Planning Statement (APP-035) that the Application Site is not allocated for development. A large proportion of the Project lies within the boundaries of Flixborough Industrial Estate, which is classified as an existing employment area, but it is acknowledged that part of the Project lies outside defined development boundaries. Table 6.1 in Section 6 of the Planning Statement assesses the compliance of the Project with key adopted and emerging North Lincolnshire Council Local Plan Policies.
Naturally, many of my constituents are also concerned about the environmental impact, particularly on the potential operation of a site of this scale emitting unacceptable levels of air pollution adversely affecting local air quality and human health by incinerating household waste that may contain toxic metals and fine particulates. My constituents are also concerned about the impact the site will have on local infrastructure, including traffic and	Public Health England and the Environment Agency jointly state "PHE's risk assessment remains that modern, well run and regulated municipal waste incinerators are not a significant risk to public health. While it is not possible to rule out adverse health effects from these incinerators completely, any potential effect for people living close by is likely to be very small." This statement captures all emissions from

transport as well as residential amenity. Because of the inaccuracies in the application and a lack of information, I am requesting a holding objection. Holly Mumby-Croft MP	the North Lincolnshire Green Energy Park facility, including particulate matter. No industrial activity is 'zero harm' and the overall context is important. Waste materials used at North Lincs would be disposed of somewhere, and as such emission from the facility are not 'new'. In the local context, the overall plant design is driven by the need to achieve acceptable impacts to air quality. The North Lincolnshire Green Energy Park will be one of the most stringently regulated industrial facilities in terms of the emissions to air. In addition to complying with these emission limits the facility is designed to minimise impacts are meet all of the air quality standards and Environmental Assessment Levels for the wide range of emissions of interest. The Air Quality Impact Assessment (APP-053) has been undertaken in line with the requirements of the Environment Agency and Planning regulations to provide an informed assessment in the context of the existing air quality, local human and ecological receptors and any areas where air quality is already poor. The North Lincolnshire Green Energy Park is sufficiently distant from Scunthorpe that the overlap of impacts is negligible. The Air Quality Impact Assessment also considers the effects of local meteorology and terrain and the plant has been designed with due consideration of these factors.
Interests affected by the Order	
Gateley Hamer on behalf of Andrew Gravel t/a ADG Autotech (RR-01)	
The scheme as proposed does not make any provision to replace units situated on land that the applicant is seeking to acquire to deliver the scheme. There is an adequate amount of land within or immediately adjacent to the red line boundary that could be used to re-provide units without any significant detriment to the applicant's scheme or immediate land holdings.	The DCO process does not itself facilitate the relocation of displaced businesses as proposed. In order to minimise the effects on local businesses as far as possible, the Applicant has committed to use reasonable endeavours to relocate the businesses using separate planning applications on land adjacent to the red line boundary to retain the businesses and staff within the vicinity. Mr Gravel is aware of the ongoing discussions in respect of this and the Applicant will continue to engage with Mr Gravel regarding these points. Mr Gravel will be able to submit any claim for compensation arising from any displacement under the Compensation Code.
Peacock and Smith LTD on behalf of Gleeson Regeneration Ltd (RR-53)	

Dear Sir/Madam WRITTEN REPRESENTATION IN RESPONSE TO NORTH LINCOLNSHIRE GREEN ENERGY PARK CONSULTATION - PLANNING INSPECTORATE REFERENCE: EN010116 GLEESON REGENERATION LTD We act on behalf of our client, Gleeson Regeneration Ltd ('Gleeson'), who were recently invited to respond to the North Lincolnshire Green Energy Park Consultation. We understand that 'The North Lincolnshire Green Energy Park' (NLGEP) ("the Project"), located at Flixborough, North Lincolnshire, is a Nationally Significant Infrastructure Project (NSIP) that is seeking consent for an Energy Recovery Facility (ERF) capable of converting up to 760,000 tonnes of non-recyclable waste into 95 MW of electricity. Gleeson acquired full planning permission on 30 June 2021 under application reference PA/2020/2049, for the construction of 158 two, three and four-bedroomed, 2 storey traditional residential homes with associated garages and access infrastructure on land to the south of Phoenix Parkway, Scunthorpe, DN15 8NH (please see Location Plan and Site Layout Plan at Appendix 1). This development is located adjacent to the Northern District Heat and Private Wire Network (DHPWN) element of the wider DCO application. Construction of the Gleeson development has commenced and the first completed home is expected to be available for occupation in February 2023. The development is forecast to be fully completed during the financial year ending March 2027.	We welcome comments from Gleeson Regeneration and look forward to continuing to engage with them. We acknowledge the presence of the development adjacent to the proposed DHPWN element of our application. The construction of the NLGEP will be undertaken within the provisions of a Construction Environmental Management Plan (CEMP) which will be developed by the EPC contractor prior to commencement of works (see also DCO Requirement 4 – Environmental management). The CEMP will be submitted to NLC for review and approval before construction can begin. The CEMP will address such matters as dust and noise management and working hours and many other matters besides. Where necessary it will include mitigation to protect specific individual receptors. The EPC contractor will have to develop the CEMP in accordance with the requirements of the Code of Construction Practice which was included in the application documents (APP-074).
Gleeson does not object to the principle of the proposed Development Control Order (DCO) for the North Lincolnshire Green Energy Park. However, our client would like to raise a number of points to protect the Company's interests during the construction of the Phoenix Parkway development and to safeguard the amenity and convenience of customers who will ultimately occupy the new homes. In this context Gleeson's main points of concern about the DHPWN element of the wider DCO application are as follows: ?	We appreciate Gleesons support for the principle of the proposed development and note the concerns that they have raised in their relevant representation.

Vehicular access to the Gleeson site must be maintained at all times to avoid disruption to the site construction programme, and to avoid inconvenience to future occupiers of the new homes; ?	The Gleeson site is in proximity to the Northern DHPWN and it is acknowledged that construction activity for both projects could potentially overlap in time. Conversations have been ongoing with North Lincolnshire Council's Highways Department regarding the construction of the DHPWN and the mitigation required. As set out in ES Chapter 13: Traffic and Transport (APP-061) any localised temporary lane closures and/or traffic management required as part of the service diversions/installations during the construction phase will be submitted as part of a Construction Traffic Management Plan for agreement with the highway authority prior to the construction phase. Any temporary traffic management measures would seek to minimise disruption to other road users wherever possible.
There should be no severing of, or interruption to, services and drainage at the Gleeson site. Where works are taking place that could potentially have an impact on services and drainage Gleeson would expect to be consulted before such works commence in order that safeguards can be put in place; ?	No interruption of the proposed surface water to the Gleeson site is envisaged as the surface water strategy of the proposed development will connect to IDB ditches within the site boundary.
Our client would expect to be consulted about the details of any proposed ground engineering works and boundary treatment works where the DHPWN adjoins the Gleeson site; ?	The Applicant will engage with all landowners across the Project through the detailed design phase.
A Construction Method Statement should be provided by the Applicant detailing arrangements to avoid adverse amenity impacts in respect of noise, dust and air quality. Details of proposed construction hours and a Site Management contact should also be provided. We thank you for the opportunity to submit comments in relation to the North Lincolnshire Green Energy Park Consultation. We would be grateful if you could confirm receipt of this submission and keep us informed about future developments with the DCO application. Should you have any questions in relation to the contents of this submission, please contact Tom Procter or Mark Eagland at Peacock + Smith on [redacted] or tom.procter[redacted] or mark.eagland[redacted]. Yours Sincerely, PEACOCK + SMITH Cc: M Smith, Gleeson Regeneration ENC	A Construction Environmental Management Plan (CEMP) will be developed by the EPC contractor prior to commencement of works (see also DCO Requirement 4 – Environmental management). The CEMP will be submitted to NLC for review and approval before construction can begin. The CEMP will address such matters as dust and noise management and working hours and many other matters besides. The EPC contractor will have to develop the CEMP in accordance with the requirements of the Code of Construction Practice which was included in the application documents (APP-074).
Rajan Marwaha (RR-55)	

I own bellwin house land and buildings earmarked to be taken ovee to accomodate this proposed projects . I have been approached by THE DEVELOPERS AGENTS DDM Agricultural to entef negotiations for its sale to them as early as 2021. I previously obtained planning permission from the respective local authority to run a viable business offering storage . The developers are yet to consider the business loss and profit aspect of my agreement for its sale and have offered only renumeration based on their assesment of the value of the land not the potential the planning approval granted which the prijections based on national statistics for return on investment my approved scheme would have generated as profit. I need clarity as to when my full and loss analysis will be conducted as if or when the DCO is granted the cumpolsory purchase order giving a degree of considersble power over my development should be considered with respect to value as yo the loss in potentol business losses suffered as a consequense of the scheme now proposed by the developers Solar 21. Kind Regards Rajan Marwaha	The Applicant has been in discussions with Mr Marwaha for over a year. Currently the title of the property is not registered to Mr Marwaha and notwithstanding that Mr Marwaha is claiming to be the owner of the property, Mr Marwaha has yet to provide evidence that the legal title has passed to him. The Applicant has offered to pay for legal assistance for Mr Marwaha to correct this error and provide evidence of title, that will enable the Applicant to present a formal offer for the derelict site. Mr Marwaha will be able to submit any claim for compensation arising from any disturbance to his business under the Compensation Code. The Applicant will continue to hold discussions with Mr Marwaha.
Gateley Hamer on behalf of Norris Family (RR-91)	
1) The North Lincolnshire Green Energy Park Planning Inspectorate Reference: EN010116 affects land within the ownership of our clients Lee and Elizabeth Norris. Our clients are 'affected persons' within the meaning of the Planning Act 2008 and related legislation. 2) Our clients object to the DCO Application by North Lincolnshire Green Energy Park Limited and wish to take a full part in the examination, including any issue specific hearing and compulsory acquisition hearings relevant to its interests and the matters set out herein.	We welcome this relevant representation from the Norris Family and note their ownership of land affected by the Project.
3) The DCO Applicant has failed to effectively engage with our clients and other stakeholders at the crucial 'frontload' stage in respect of key details of the scheme prior to the DCO application and has in turn produced a draft DCO that overreaches and fails to justify the powers it seeks in principle and detail.	The Applicant consulted with the consultee as set out at 5.3 of the Consultation Report (APP-076) and Appendix D-2 of the Consultation Report (APP-082). It has had due regard to all responses received during the statutory consultation as set out in Appendix I-1 of the Consultation Report (APP-094). In addition, the Applicant, through its land agent, has been in discussions with the Norris Family in respect of reaching an agreement for the voluntary acquisition of the property. Discussions are ongoing with a view to the preparation of Heads of Terms.

	The Applicant's justification for the powers of compulsory acquisition that it is seeking is contained in the Statement of Reasons at section 7 (page 20) (APP-011).
4) With the notable exception of Wharfeside Court the DCO Project Limit excludes the majority of the operational employment areas within the Flixborough industrial Estate. Wharfeside Court comprises 14 fully occupied small industrial/workshop units accommodating approximately 10 businesses, most of which are well established and have been operating from the units for a number of years. Availability of replacement units of this size in the area is low and it is highly likely that displaced businesses will not be able to relocate with the resultant loss of employment and services provided. 5)The footprint of the Wharfside Court complex is small and situated on the periphery of the extensive DCO Project Limit. We question the need to include this compact area within the DCO boundary, and propose that it could be excluded with little if any material detriment to the project.	The DCO process itself does not facilitate the relocation of displaced businesses as proposed. The Applicant has committed to use reasonable endeavours to relocate the businesses using the local Town and Country Planning process on land adjacent to the red line boundary to maintain the businesses and staff within the vicinity of Wharfside Court, and which it has been in discussions in relation to Mr and Mrs Norris regarding. The Applicant is offering favourable and flexible terms to the occupiers of the Wharfeside Court units to minimise business and employment impacts. Compensation for loss of land and disturbance to business is dealt with outside of the DCO process and through the Compensation Code. To ensure that the majority of the Scheme is carried out on brownfield land, the full extent of the area up to Bellwin Drive is required as shown on the Indicative Site Layout for the ERF and Associated Development (APP-025).
6)The impact on affected established small to medium sized enterprises occupying Wharfside Court is in stark contrast to the applicants' aims which is to serve its own profitable business venture.	The Applicant considers that there is a compelling case in the public interest for powers of compulsory acquisition to be granted, which outweighs the infringement of private rights. In particular there is a pressing need for the generation of energy. The Applicant will continue to negotiate acquisition of rights and land by voluntary agreement where possible. The Applicants full consideration of the compelling case in the public interest is set out in the Statement of Reasons (APP-011), with the conclusion at paragraph 7.37 (page 37) of the same document.
6)The human rights of our client and affected businesses will be interfered with if the DCO is confirmed.	The Applicant notes that the granting of the DCO does have the potential to infringe the human rights of persons who hold interests in the Application Land. Such infringement can be authorised by law provided the appropriate statutory procedures for making the DCO are followed and there is made out a compelling case in the public interest for the compulsory acquisition and the interference with Convention Rights (granted by the European Convention on Human

	Rights and incorporated into domestic law by the Human Rights Act 1998) is proportionate. On the basis of decisions of the courts, the test of proportionality is satisfied if the DCO strikes a fair balance between the public benefit sought and the interference with the rights in question. The Applicant has weighed the potential infringement of Convention Rights in consequence of the inclusion of compulsory powers within the DCO with the potential public benefits if the DCO is made. The Applicant considers that there would be significant public benefit arising from the grant of development consent. That benefit is only likely to be realised if the DCO includes powers of compulsory acquisition. The significant public benefits on balance outweigh the effects upon persons who own property and rights within the Application Land. Further details of the Applicant's consideration on the effects on human rights is set out in the Statement of Reasons (see section 9, page 49) [APP-011].
7) The DCO Applicant has failed to adequately consult and engage with our clients in relation to the acquisition of their property interests in advance of the powers now being sought to compulsory purchase.	The Applicant consulted with the consultee as set out at 5.3 of the Consultation Report [APP-076] and Appendix D-2 of the Consultation Report [APP-082]. It has had due regard to all responses received during the statutory consultation as set out in Appendix I-1 of the Consultation Report [APP-094]. In addition, the Applicant, through its land agent, has been in discussions with the Norris Family in respect of reaching an agreement for the voluntary acquisition of the property. Discussions are ongoing with a view to the preparation of Heads of Terms.

APPENDIX 3: RESPONSE TO RELEVANT REPRESENTATIONS BY TOPIC

Table 3-1: Adequacy of Consultation

Matter	Summary of points raised	PINS' reference	NLGEP's Response
Failure to consult fully.	• Consultation pack wasn't distributed widely enough and	RR-35, RR-51, RR-56, RR-71, RR-41	The Applicant has consulted the community widely, in accordance with the Statement of Community Consultation (SoCC) published prior to statutory consultation. This defined

	therefore didn't reach enough people.		three zones of consultation for the purpose of community consultation: • zone 1, comprising people living and working in the immediate vicinity of the proposed Project, as well as their political representatives (at a parish, district, county and parliamentary level) as defined in Figure 5-1 of the Consultation Report [APP-076]. There were 18,653 addresses in this area, including properties in Dragonby and part of Burton-upon-Stather; • zone 2, comprising people who may be interested in the wider potential impacts of the proposed Project, such as transport, visual impact and creating new jobs. The zone is based on a 10km radius around the site, which draws on the Zone of Theoretical Visibility for the Project; and, • zone 3, comprising people living in the North Lincolnshire Council area outside zone 1. The Applicant consulted North Lincolnshire Council on the development of zones of consultation included in the SoCC, as well as the techniques it used to publicise the consultation and consult within each zone. North Lincolnshire Council supported the approach to consultation included in the SoCC, as set out in its response included as Appendix C-3 of the Consultation Report [APP-084]. The Applicant used different techniques to publicise the consultation and consult within each zone, summarised in 5.5.12 of the Consultation Report [APP-076]. Publicity included: • Writing to elected representatives, parish councils and community groups within consultation zones 1 and 2 with details of the consultation and offering direct engagement. A list of groups contacted as part of the consultation is included in Appendix F-1 of the Consultation Report [APP-090];

			• Sending an email to 339 people who had registered for updates the Project website (presented in Appendix J-1 [APP-094]); • Sharing a poster with consultation details with parish councils and community groups within consultation zones 1 and 2; • Writing to the Leader and Chief Executive of local authorities within consultation zones 1, 2 and 3; • Advertising the consultation in the Scunthorpe Telegraph, the Lincolnshire Echo, the Yorkshire Post and the Hull Daily Mail via an advert placed in these titles on 17 June 2021; • Issuing a press release on 14 June 2021 to media outlets including the Scunthorpe Telegraph, the Lincolnshire Echo, the Yorkshire Post, the Hull Daily Mail and BBC Radio Lincolnshire; and, • Advertising the consultation online via an advertorial placed on the Scunthorpe Live website on 15 June 2021 and promoted via targeted online advertising with 160,000 impressions. The Applicant therefore publicised the consultation using multiple techniques within Dragonby and Burton-upon-Stather. Table 5-8 of the Consultation Report [APP-076] sets out how the Applicant complied with the commitments it made to consult in the SoCC. A copy of the SoCC as published is included in Appendix C-4 of the Consultation Report [APP-085]. The Applicant therefore considers that it has consulted adequately. This was confirmed by the acceptance of its DCO application for Examination. With regards to the availability of information at public libraries, on 16 June 2021, the Applicant became aware that North Lincolnshire Council's library service had not been able to distribute consultation materials from the arranged point of

			delivery at Scunthorpe Central Library to Crowle Community Hub and Winterton Library. The Applicant therefore arranged for these materials to be distributed by hand to Crowle Community Hub and Winterton Library. The Applicant did not receive any enquiries checking arrangements for viewing materials at these locations prior to 16 June 2021 and copies of the materials were available at the other deposit points and the Project website (Appendix J-1 [APP-095]) throughout the consultation period. The Applicant therefore considers that no consultee was disadvantaged in accessing the consultation materials. The Applicant therefore considers that it has consulted adequately, as set out in detail in the Consultation Report [APP-076]. In particular, section 5.3 sets out consultation under s42 of PA2008, section 5.4 sets out compliance with s46 of PA2008, section 5.5 sets out compliance with s47 of PA2008 and section 5.6 sets out compliance with s48 of PA 2008. Table 5-8 sets out compliance with the Applicant's SoCC. Tables 7-1 and 7-2 set out compliance with advice and guidance on consultation from DLUHC and PINS. The adequacy of the Applicant's consultation was confirmed by the acceptance of its DCO application for Examination.
Form of consultation	• The consultation was too heavily reliant on the internet and not all those affected can use the internet.	RR-70, RR-41	The Applicant notes that both the non-statutory consultation and statutory consultation took place in the context of the COVID 19 pandemic. In preparing its approach to consultation, the Applicant considered Government guidance on COVID 19 and advice from the host authority, North Lincolnshire Council. In addition to this, the Applicant also considered the results of earlier consultation and best practice guidance such as the National Infrastructure Planning Association's paper Development Consent Orders and the Coronavirus Pandemic (21 April 2020).

			The Applicant took a number of steps to ensure that its approach to consultation during the COVID 19 pandemic was appropriate and inclusive: • The Applicant sent hard copy consultation materials to people living within the consultation zones defined in Figure 3-2 of the Consultation Report [APP-076] during the non-statutory consultation and Figure 5-1 of the Consultation Report [APP-076] during the statutory consultation; • This was supplemented by webinars and telephone surgeries during the non-statutory consultation, summarised at 3.4 of the Consultation Report [APP-076], and webinars, telephone surgeries and a virtual exhibition during the statutory consultation, summarised at 5.5 of the Consultation Report [APP-076]; • The Applicant also held ticketed in-person public exhibitions during the statutory consultation, summarised at 5.5 of the Consultation Report [APP-076]. The in-person engagement that the Applicant held during the statutory consultation through ticketed public exhibitions complied with COVID 19 regulations in force at the time and took place in a COVID 19 secure environment; • At both stages of consultation, all consultation documents were available on the consultation website and on request via Freephone, email and Freepost; and, • In addition, during the statutory consultation, the Applicant made hard copies of consultation documents available at deposit points in the local area as set out at 5.5 of the Consultation Report [APP-076]. The Applicant therefore used a range of consultation techniques to ensure that people with limited or no internet access could find out about the consultation and take part during the COVID 19 pandemic. Further information about the Applicant's approach to consulting during the COVID 19

			pandemic is provided in Table 2-2 of the Consultation Report [APP-076].
Details in consultations	• The in-person events did not offer real details on the proposal.	RR-70, RR-56	During the non-statutory and statutory consultation process, the Applicant produced a range of materials to provide information on the proposed Project. As well as non-technical materials such as the consultation booklets produced at both stages of consultation, this included more detailed information such as the supplementary consultation booklet during the statutory consultation and the Preliminary Environmental Information Report. The Applicant therefore considers that it provided detailed information during the consultation process. Copies of consultation materials are set out in Appendix A-2 of the Consultation Report [APP-078] for the non-statutory consultation and Appendix G-2 [APP-092] for the statutory consultation.
Acknowledgement of consultation responses	• Consultation responses not acknowledged or acted upon • Failure to adequately consult and engage in relation to the acquisition of property • Concerns regarding lack of engagement around use of the railway • Responses not adequately addressed concerns in regards to impact on the existing operation arising from increased risks to biosecurity and flood risk during the pre-application stage	RR-52, RR-79, RR-80, RR-91	The Applicant has had due regard to all responses received during the statutory consultation as set out in Appendix I-1 of the Consultation Report [APP-094]. The Applicant publicised consultation activity widely during both the non-statutory consultation and statutory consultation periods, using techniques summarised at 3.4.8 of the Consultation Report for the non-statutory consultation [APP-076] and at 5.5.6 of the Consultation Report [APP-076] for the statutory consultation. The Applicant has also issued email updates to members of the community who have registered an interest in the Project outside of consultation periods, as set out in 3.6.2 of the Consultation Report [APP-076]. The Applicant consulted with land interests as required by s42(1)(d) of the Planning Act 2008. The Applicant identified consultees under s42(1)(d) through a process of diligent inquiry, including the issue of Request For Information (RFI) letters to potentially affected landowners/occupiers; searches at HM Land Registry; review of legal title reports; Companies

			House and Electoral Roll searches; searches for registered correspondence to the relevant address (where appropriate); site visits; and discussions with known owners/occupiers, amongst others. Further details of the Applicant's approach to identifying consultees under s42(1)(d) are provided in section 5.3 of the Consultation Report [APP-076]. The Applicant wrote to consultees on 7 June 2021 setting out the background to the Project, the Applicant's intention to submit a DCO application, the fact that the Applicant had identified them as a consultee under s42(1)(d) of the 2008 Act, the documents being provided as part of the consultation, and how to respond to the consultation. A list of those consulted under s42(1)(d) is provided in Appendix D-2 of the Consultation Report [APP-087] and copies of letters sent to these consultees are included in Appendix D-3 of the Consultation Report [APP-088]. The Applicant also consulted directly with people living and working in the area around the railway line. Properties within 1.5km of the railway line were within consultation zone 1 as defined in the Applicant's Statement of Community Consultation (Appendix C-4 of the Consultation Report [APP-085)]. The Applicant therefore sent copies of the consultation booklet, supplementary consultation booklet and consultation questionnaire to these addresses, as well as inviting residents to take part in webinars, consultation events and telephone surgeries. The Applicant also presented information about the use of the railway at both stages of consultation. This included on page 10 of the consultation booklet published during the non-statutory consultation (Appendix A-2 of the Consultation Report [APP-077]) and page 8 of the consultation booklet published during the statutory consultation (Appendix G-2 of the Consultation Report [APP-092]).

Table 3-2: Principle of Development

Matter	Summary of points raised	PINS' reference	NLGEP's Response
Railway use	• Concern that railway line is no longer viable to be used • Existing rights of way over the railway line a concern.	RR-03, RR-08, RR-80.	The branch line railway connecting Flixborough Wharf with Network Rail at Dragonby Sidings has remained in place following the cessation of steel exports. The proposal would be to deliver a proportion of the fuel for the power station by rail in the same direction as the former steel exports to the wharf, with the additional potential for moving bottom ash and/or CO2 by rail back to the main line. There are many industrial sites around the country which are served by single-track railways, whose successful operation has not been affected by the rare possibility of derailments. Should such an occurrence happen on the branch line, a range of road and rail-based equipment is available to reach the point of derailment and recover the rolling stock, drawing on years of experience by the railway industry in dealing with such events. We have walked the entire length of the branch line and do not consider it to be incapable of being restored to operational condition with suitable modern trackwork. The railway safety procedures address the safety aspects of safe access across the railway line. The process of reinstating the Flixborough branch line to full operational status, prior to any train movements along it, will involve approval from the Office of Rail & Road (ORR) as the Government's appointed body on health and safety across all railway networks regardless of ownership. The provisions of the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS) would apply, the Applicant and train operator needing to demonstrate the ability to operate and maintain the branch line safely. Notwithstanding the previous use of the branch line, the arrangements for each of

			the at-grade and overline crossings of the railway will be updated to the latest standards in line with the requirements of the ORR and ROGS.
Marketing/premise of project flawed	• Concern around an incinerator being proposed, when previously, it was said to be a power plant. • Concerns about the energy recovery facility, hydrogen production and storage, ash treatment and concrete block manufacturing. • Incineration isn't green energy as its more carbon intensive than landfill. It would be better to reduce packaging and increase recycling, composting and anaerobic digestion • Incineration interferes with and hampers recycling strategies. • The development shouldn't be marketed as a Green Energy Park when it isn't green. • The efficiency of the park can become diminished over time unless the infrastructure is very well maintained.	RR-07, RR-08, RR-18, RR-21, RR-22, RR-23, RR-27, RR-33, RR-35, RR-38, RR-54, RR-57, RR-58, RR-70, RR-74, RR-79, RR-80, RR-81, RR-95	The Project comprises the works as set out in Schedule 1 of the draft DCO (AS-006) and includes an electricity generation station fuelled by refuse derived fuels. It is recognised that this generation station is an Energy Recovery Facility (ERF) which can meet the R1 status confirming it as a recovery facility (not classed as an incinerator) (see APP- 044). The fuel that the Energy Recovery Facility will burn is Refuse-Derived Fuel. This is the final product that cannot be recycled, or is not economically recyclable from municipal black bag waste. This could otherwise go to landfill. Landfill is still the highest contribution to waste emissions as analysed in the Sixth Carbon Budget Methodology Report where it states: "Waste sector emissions rose with increases in landfill methane in the early 1990s, but since then have shown significant reductions. This is primarily due to falls in the amount of biodegradable waste being landfilled, driven by the UK's landfill tax diverting waste away from landfill. Landfill methane capture rates also increased significantly in the period up to the early 2010s, with policy support under the Renewables Obligation." The Report goes on to suggest part of the solution is to introduce carbon capture: "Installation of CCS at energy-from-waste plants, involving post-combustion carbon capture technology being installed at EfW plants and capturing 90-95% of the flue gas CO2 for sequestration. EfW encompasses waste combustion, gasification and/or pyrolysis, for power (and heat) generation." The facility has committed to carbon capture in support of this solution (see requirements 18 and 19 in the dDCO (AS-006)). The recycling targets which over recent years have plateaued, will

			be driven by the commercial viability of recycling waste and lifestyle choices. The RDF supply will target waste that currently is already landfilled or exported from the region. In order to maximise the re-use of the waste stream, carbon dioxide captured from combustion will be mixed with ash to form concrete products. The reinstatement of the railway will enable waste already transported by rail to be delivered with a low carbon footprint. The RDF Supply Assessment (APP-036) takes account of the targets for increased reuse and recycling, reductions in single use plastics. The inclusion of a plastics recycling facility as part of the associated development recognises the need to recycle plastics that can be commercially recycled. The commitment to carbon capture utilisation and storage as part of the Energy Recovery Facility supports the most significant element to reach Net Zero by 2050 – the sequestration of carbon dioxide. The commitment to a heat and power network will displace the use of fossil fuels. Without projects like these committing to carbon reduction, the legally binding Net Zero by 2050 target will not be met. Considering the landfill reductions planned and without significant changes in lifestyle choices, the recycling targets will not be met. The NLGEP facilities will be well maintained with an Operations and Maintenance contract to ensure long-term efficiency of operations.
Need for the project	• Not enough residual feedstock to feed the incinerators already in operation. • Concerns that most of the waste will be brought in from other parts	RR-03, RR-22, RR-31, RR-38, RR-41, RR-56, RR-59, RR-64, RR-68, RR-70, RR-71, RR-74,	Section 4 and Section 7.2 of the Planning Statement (APP-035) summarises the significant public benefits and need for the Project in relation to urgently delivering low carbon renewable energy to meet the aim of decarbonising the UK's electricity supplies by 2050; providing security of supply as

	of the country and not local. The proximity principle is not being applied. • Concerns around effect on recycling rates which goes against the ethos of the government to recycle. • There is no need for another incinerator in the UK as it is reaching overcapacity. • By the time the project is built, the technology would be obsolete. • In the long-term will be funded by tax payers, so should be seen as milking the tax payer. • Wrong technology in the wrong location. The applicant's reference "limited remaining capacity at waste management facilities in the region" and "the impact of landfill closure". There is a very large unfilled landfill site operating in the locality. • Concern around overall size of project. • Loss of farmland in an increasing population.	RR-79, RR-83, RR-87, RR-95	well as affordability for end consumers. On a national level, National Policy Statement EN3 in particular relates to renewable energy infrastructure, including energy from waste developments. The RDF Supply Assessment (APP-036) has been updated to ensure that the most recently available statistics are provided for in the assessment of RDF availability. This updated assessment will be available for Deadline 1. The current document already took into account recycling targets being met and declining export volumes. It also has taken into account the consented energy from waste plants that are likely to be built. Major waste operators and waste aggregators have been engaged in dialogue with the Applicant over the past three years with a view to intercept waste that would otherwise be exported or landfilled. A focus has been maintained on establishing transport to the site by rail and boat which significantly reduces the current carbon footprint for transporting waste. Given the excellent multimodal connections available at the site, the size of the Project was optimised to take advantage of these. This optimisation included associated developments such as the Plastic Recycling facility. Major waste operators and waste aggregators have been engaged in dialogue with the Applicant over the past three years with a view to intercept waste that would otherwise be exported or landfilled which is currently transported through the region. A focus has been maintained on establishing transport to the site by rail and river which significantly reduces the current carbon footprint for transporting waste. Local Authorities will not contract waste management until after sites are consented and operational. The Applicant

			would look to provide cost savings to the local authorities for their waste management if consented and once the facility is operational. The use of RDF does not displace the levels of recycling that can be achieved with commercial viability. The RDF Supply Assessment (APP-036) takes account of the recycling targets which have plateaued over the past few years and are significantly behind target. The Applicant has actively supported the recycling of plastic with the inclusion of the plastic recycling facility that will recycle segregated plastic waste where commercially viable. There are insufficient plastic recycling facilities in the UK to recycle the target volumes and the Applicant supports the preference to recycle plastic, metal and aggregate where commercially viable. Changes in lifestyle choices will help to support recycling target and the RDF Supply Assessment accounts for the recycling target being achieved. The assertion that the technology will be obsolete is not substantiated. Conventional moving grate EfW technology and the use of RDF is a well-understood and mature technology, found by many local authorities to be a sound basis for their long-term waste management needs through extensive due diligence. Alternative thermal treatment technologies, although advocated for several decades, have not been found to be viable and, where commissioned, projects have been abandoned. Conventional EfW technology, as proposed in the development, continues to evolve. Through an increasing recovery as energy in the form as heat, and in the design of carbon capture and use technology, which will allow it to become a net sink of carbon.

			Notwithstanding that much of the Project will occupy 'brownfield' land, agricultural land used to construct the Project will fall into the following main categories when work is complete: • part of the operational Project and kept under the control of the Applicant; • reinstated and returned to agricultural use (with aftercare); • used for drainage or replacement floodplain storage areas, which may also retain some agricultural use; or • used for ecological and/or landscape mitigation. The assessment concluded that while some agricultural land classed as 'best and most versatile' will be lost to the Project, such land is common and well-represented in the local area and that the effect on agricultural land resource would not be significant (see ES Chapter 14: Economic, Community and Land Use Impacts, APP-062).
Support for the Project	• The carbon footprint will be less and the odour levels will be better than the present landfill site at Roxby, then the advantages far outweigh the disadvantages. • Support, provided transport infrastructure is adequate. • Support provided jobs are created. • Support for the project – wanting the road to be closed due to noise issues.	RR-19, RR-25, RR-96, RR-15	The Applicant notes and appreciates the support and the recognition that the facility supports the diversion of waste from landfill and export. A full transport assessment has been undertaken, including traffic modelling, that indicates the existing highway, rail and river infrastructure is sufficient to support the project. We are working closely with the Local Authority, the training networks and the business community to publicise ahead of a DCO decision the job roles and training apprenticeships that will be available. This will include school and adult education presentations and business events. Stather Road cannot be closed until the proposed stopping up / closure has been approved as part of the DCO

			application.
Storage of waste on site	• Concerns around unknown nature of waste stored on site, the potential smell and contamination. • Concern around potential for a disaster due to the waste being flammable and stored in large quantities as well as hydrogen being stored on site (recently two large scale waste storage fires locally). • Concern around stored waste attracting vermin.	RR-27, RR-28, RR-36, RR-38, RR-39, RR-41, RR-44, RR-59	Any waste stored on site will either be in sealed containers or within a negative pressure building to minimise any risk of odour from the facility. While earlier versions of the Project did include storage of waste onsite, this was removed from the application in response to the non-statutory Consultation with the community. The Applicant covered Major Accidents and Hazards in Section 6.2.16 of the ES (APP-064). The design and operation of the facility will be subject to the permitting requirements of the Environment Agency and the Health and Safety Executive. The safety track record for energy from waste facilities are exemplary – where the quoted reference to fires relates to the waste handling and waste aggregation facilities. Waste is processed to form RDF before it reaches the site. All RDF onsite will be stored in an enclosed bunker, equipped with fire suppression systems. The Applicant has covered the potential impact on the local community in the ES with topics covered in Chapter 4: Environmental Impact Assessment (APP-053), Chapter 5: Air Quality (APP-053) (APP-054), Chapter 14: Economic, Community and Land Impacts (APP-062). The Refuse derived Fuel (RDF) will arrive at the facility fully contained and sealed until it is used in the energy production process. It will not therefore be in a condition that would attract insects or vermin.
General impacts	• Concerns regarding noise, smell, increased traffic, flora and fauna, visual impact, traffic, health, air quality.	RR-21, RR-27, RR-34, RR-38, RR-39, RR-42, RR-57, RR-70, RR-74, RR-77, RR-79, RR-80,	The Applicant has covered the potential impact on the local community in the ES with topics covered in Chapter 4: Environmental Impact Assessment (APP-053), Chapter 5: Air Quality (APP-053), Chapter 6: Climate (APP-054), Chapter 7: Noise (APP-055), Chapter 10: Ecology (APP-058), Chapter 11: Visual Impact Assessment (APP-059), Chapter 13: Traffic

	• Not enough consideration given by the developer to all of these issues. • The incinerator will produce a huge amount of CO2. • The Bottom Ash they produce is extremely difficult to dispose of and produces long term problems in order to track where it is. • Location not appropriate, environmental and social impacts. • Loss of farmland in an increasing population. • Impact on property value. • Incineration causes toxic air pollution both in chemicals and particulates.	RR-81, RR-82, RR-83, RR-88, RR-95	and Transport (APP-061), Chapter 14: Economic, Community and Land Impacts (APP-062) Chapter 17: Health (APP-065). It is of note that the Applicant will voluntarily deliver a biodiversity net gain above 10% as part of the Project which will significantly improve the habitat for flora and fauna above its current level. Carbon capture has been designed into the proposal and a minimum proportion of carbon capture has been committed to from the outset. The process to remove carbon dioxide reduces additional particulates and contaminants in the condensate. An independent study of the impact of energy from waste facilities on domestic property values across seven sites in the UK didn't identify a negative impact on property values. The purpose of the ash treatment facility and concrete block manufacture addresses the need to clean and treat the ash to recycle metal and to utilise some of the carbon dioxide captured. All bottom ash and fly ash will be totally traceable as concrete products. The Planning Statement (APP-035) demonstrates that the Project is supported both in principle and within the detail of the Project, when considered against the relevant 'assessment principles' and 'generic impacts' required by NPSs EN-1, EN-3 and EN-5. Alongside the need case for the project (which is outlined in Section 4), the Statement details that as a guiding principle, Paragraph 4.1.2 of EN1 confirms that, given the level and urgency of need for energy infrastructure, decisions should include a "presumption in favour of granting consent to applications for energy NSIPs". That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.

			In addition to the above, the Planning Statement (APP-035) explains how the Project is generally supported in principle when considered against the NPPF and North Lincolnshire Council's adopted and emerging Local Plan, recognising that such matters may be material considerations in the context of an application for development consent. The following policies are considered particularly relevant to the acceptability of the principle of the development: • Core Strategy Policy CS20 – Sustainable Waste Management. States that the Council will consider new and enhanced facilities for the treatment and management of waste in locations across the area, including at Flixborough Industrial Estate. CS20 seeks a sequential approach to siting the location of waste management facilities. • Emerging NLC Local Plan Policy WAS2 – Waste Facilities. States that proposals for Energy from Waste facilities will be supported provided they meet the criteria set out within the policy, as well as emerging policy DQE8 (Renewable Energy Proposals). Notwithstanding that much of the Project will occupy 'brownfield' land, agricultural land used to construct the Project will fall into the following main categories when work is complete: • part of the operational Project and kept under the control of the Applicant; • reinstated and returned to agricultural use (with aftercare); • used for drainage or replacement floodplain storage areas, which may also retain some agricultural use; or • used for ecological and/or landscape mitigation. The assessment concluded that while some agricultural land classed as 'best and most versatile' will be lost to the Project, such land is common and well-represented in the local area

			and that the effect on agricultural land resource would not be significant (see ES Chapter 14: Economic, Community and Land Use Impacts, APP-062).

Table 3-3: Climate Change

Matter	Summary of points raised	PINS' reference	NLGEP's Response
CO2 emissions	• The incinerator would add to CO2 emissions at a critical time and for its lifespan. • Queries around poor efficiency and deliverability of carbon capture. • An incinerator would emit more carbon per KW of electricity produced, and coal power stations are being replaced for that reason.	RR, 29, RR-39, RR-42, RR-56, RR-59, RR-67, RR-71, RR-79, RR-96	The facility design exceeds the requirements for R1 accreditation (see APP-044). The greenhouse gas assessment (APP-054) shows that the facility presents a net carbon benefit, diverting waste away from landfill and allowing for energy recovery and displacing fossil fuels from the electricity grid. The carbon capture facility is 858585to be delivered with the ERF facility, ensuring a minimum level of carbon capture and the carbon benefit is achieved. Demonstrator facilities are planned and are operating at smaller scales for carbon capture on similar facilities. The design of the Energy Recovery Facility is in line with government planning policy objectives to consider and implement uses of combined heat and power. Also, with the inclusion of carbon capture, utilisation and storage (CCUS), the Project is aligned with government objectives for all new energy recovery facilities to have CCUS or be CCUS ready from the end of the 2020s. The assessment of greenhouse gas emissions associated with the Project concluded that there will be a net reduction in greenhouse gas emissions from the Project compared to the alternative scenario of all the waste going to landfill. Publicly available statistics state that "Burning 1 kg of bituminous coal will produce 2.42 kg of carbon dioxide". For RDF this usually equates to 1kg of CO2 for each kg of RDF, depending on the biomass content. The Applicant agrees that carbon capture post combustion is seen as essential to meet

			the 2050 legally binding target for Net Zero.

Table 3-4: Cultural Heritage

Matter	Summary of points raised	PINS' reference	NLGEP's Response
Amcotts Ferry site	• The Amcotts Ferry site which is of historical significance will probably be destroyed	RR-51	The Project will have no direct physical impact on the Amcotts ferry site as it is on the opposite side of the River Trent. A historical mapping exercise reported in ES Chapter 12: Archaeology and Cultural Heritage (APP-060) found that the former landing stage of the Amcotts-Flixborough ferry lies on the river foreshore outside of the Order Limits.

Table 3-5: Health

Matter	Summary of points raised	PINS' reference	NLGEP's Response
Toxins	• Technology failed elsewhere where toxins found in food chain. • Ash from the process is toxic	RR-03	The ES included a Human Health Risk Assessment (ES Chapter 17: Health, APP-065) that used the results of the air quality impact assessment (ES Chapter 5: Air Quality, APP-053). For dioxins, the total exposure over a lifetime for two sets of hypothetical individuals was calculated: a farmer located at the worst affected location; and a local resident. The distinction was made to accommodate a very conservative case of a farmer exclusively consuming food produce from the home farm over a lifetime (to reflect the importance of diet in exposure to dioxins) versus a local resident with primary exposure via the atmosphere. The additional intake (i.e. on top of existing intake levels without the Project) was compared with the existing likely intakes and the UK Committee on Toxicity's recommended maximum Total Daily Intake. The maximum contribution of the ERF to the recommended maximum Total Daily Intake was predicted to be up to 2.4% for the farmer receptor and 0.2% for the residential receptor. These predicted

			values are very low and are also based on a very conservative approach to the assessment. The design of the Energy Recovery Facility includes tried and tested methods for removing dust from emissions and this dust (flue gas residue) along with the incinerator bottom ash (the residue from combusting the waste) will be cleaned and treated to produce an aggregate material for use in concrete block manufacture. It is acknowledged that the flue gas residue contains hazardous materials; however as explained in Section 3.2.3 of ES Chapter 3: Project Description and Alternatives (APP-051) the treatment process renders the aggregate material, and hence the concrete blocks, as non-hazardous. Use of such material in the building industry is now common place, meeting the required safety standards. Sections 4.3.14 and 7.2 of the Air Quality impact assessment (APP-053) describes the measures that will be taken to contain odours and avoid offsite nuisance. These measures apply both to the design of the facility and to the manner in which the fuel will be contained when it is delivered. The Refuse Derived Fuel (RDF) will arrive at the facility fully contained and sealed until it is used in the energy production process. It will not therefore be in a condition that would attract insects or vermin.
Environmental impact	• Dioxins, furans and particulates from incinerator – particularly due to the height of the chimney and the village. • Impact on local mortality from waste that isn't locally generated. • Concerns regarding dust, fumes, insects, vermin.	RR-07, RR-10, RR-13, RR-18, RR-29, RR-33, RR-42, RR-43, RR-56, RR-64, RR-67, RR-70, RR-80, RR-81, RR-83, RR-88, RR-96, RR-97	The ES included a Human Health Risk Assessment (ES Chapter 17: Health, APP-065) that used the results of the air quality impact assessment (ES Chapter 5: Air Quality, APP-053). For dioxins, the total exposure over a lifetime for two sets of hypothetical individuals was calculated: a farmer located at the worst affected location; and a local resident. The distinction was made to accommodate a very conservative case of a farmer exclusively consuming food produce from the home farm over a lifetime (to reflect the importance of diet in

	• Light pollution from the project, especially during winter		exposure to dioxins) versus a local resident with primary exposure via the atmosphere. The additional intake (i.e. on top of existing intake levels without the Project) was compared with the existing likely intakes and the UK Committee on Toxicity's recommended maximum Total Daily Intake. The maximum contribution of the ERF to the recommended maximum Total Daily Intake was predicted to be up to 2.4% for the farmer receptor and 0.2% for the residential receptor. These predicted values are very low and are also based on a very conservative approach to the assessment. The design of the Energy Recovery Facility is in line with government planning policy objectives to consider and implement uses of combined heat and power. Also, with the inclusion of carbon capture, utilisation and storage (CCUS), the Project is aligned with government objectives for all new energy recovery facilities to have CCUS or be CCUS ready from the end of the 2020s. The assessment of greenhouse gas emissions associated with the Project concluded that there will be a net reduction in greenhouse gas emissions from the Project compared to the alternative scenario of all the waste going to landfill. Sections 4.3.14 and 7.2 of the Air Quality impact assessment (APP-053) describes the measures that will be taken to contain odours and avoid offsite nuisance. These measures apply both to the design of the facility and to the manner in which the fuel will be contained when it is delivered. The Refuse Derived Fuel (RDF) will arrive at the facility fully contained and sealed until it is used in the energy production process. It will not therefore be in a condition that would attract insects or vermin.

			An Indicative Lighting Strategy has been developed which aims to limit the impact of obtrusive light and undue light spill on to surrounding areas, protected natural environments and sensitive receptors (APP-071). The need or otherwise for the stack to have aircraft warning lighting is currently being established with the Civil Aviation Authority.

Table 3-6: Environment

Matter	Summary of points raised	PINS' reference	NLGEP's Response
Rivers	• Concerns around the impact on the River Trent and River Humber from waste spillages including plastics.	RR-13, RR-41	Waste (i.e. the Refuse Derived Fuel, RDF) will be delivered to the Project site in sealed containers and vehicles. Once delivered to site, the waste will be transferred to a bunker. The bunker will be located in a sealed building maintained at negative pressure (i.e. atmospheric air will be drawn from outside the building into the building). The bunker will be accessed via fast acting doors, which will normally be closed. There is no feasible route whereby RDF delivered to the facility could escape to the outside environment and into the River Trent and further afield.
Geology/water table	• Concerns regarding the detrimental impact on the village, its roads, livelihoods of its residents and any possible impact the Proposed Development may have on the geology and water table.	RR-70, RR-78	Effects on geology and water resources are assessed in ES Chapter 8: Ground Conditions, Contamination and Hydrogeology (APP-097) and ES Chapter 9: Water Resources and Flood Risk (APP-057). The Project will have no significant effects on geology. The Project will not abstract groundwater and therefore will not lower the water table. The Project will include flood mitigation measures and drainage controls such that there will be no significant effects in terms of raising the water table (see Indicative Drainage Strategy, APP-072).
Wildlife	• Increasing pollution will have a detrimental effect on wildlife.	RR-10, RR-23, RR-96	ES Chapter 10: Ecology and Nature Conservation (APP-058) and associated appendices provide details on mitigation for habitats and protected species, as well as a Biodiversity Metric

	• Concern about impact of reinstating railway on flora and fauna due to habitats being destroyed.		calculator and habitat enhancement plan aimed at achieving over 10% net-gain in biodiversity units. The Ecology Chapter concludes there will be no significant construction or operational effects on wildlife or habitats located along the route of the disused railway. Any removal of habitats will be limited to only what is required to ensure the movement of trains along the track. Wildlife, including bats, badger, reptiles and amphibians will be protected from direct harm through the implementation of method statements, and where required, works will be completed under an appropriate protected species licence. The Railway Reinstatement Land also proposes to enhance valuable grassland habitats and deliver an increase in woodland habitat.

Table 3-6: Noise

Matter	Summary of points raised	PINS' reference	NLGEP's Response
Noise pollution	• Anticipated increased noise pollution from the railway and shipping, as well as the road. • The line shouldn't be operated between dusk and dawn due to noise. • Increase in HGV movements only 200m from the edge of Amcott, causing noise issues. • Anticipated increase in noise at night. • Concerns regarding increased noise at wharf at night	RR-13, RR-21, RR-28, RR-29, RR-30, RR-36, RR-37, RR-41, RR-45, RR-56, RR-58, RR-59, RR-67, RR-81, RR-83, RR-88.	The potential for noise effects from road, rail and river transport as well as loading and unloading operations have been assessed in ES Chapter 7: Noise (APP-055). The assessment, following national standards and guidance, considers increases in noise from the Project and also takes account of the local context. During operation, the Project has the potential to result in moderate daytime noise impacts at the closest residential receptors close to Ingelnook in Amcotts, during a loading or unloading event at the railhead. At all other receptors, the predicted effects are considered minor or not significant when

	• Sealed containers only seal when new. • Impact on noise nuisance in Amcotts due to 24 hour working. • The noise assessment carried out by Solar 21 was compromised by existing noise nuisance from the Flixborough Industrial Estate and is not a true reflection of where noise levels should be at Amcotts.		the context of the noise is taken into account. At night there will be no loading or unloading activities. The Project will continue to develop the design and operational procedures and where there is the opportunity to do so, examine practicable means of further reducing noise levels from operating plant and equipment. A Noise Management Plan will be formulated as part of the Operational Environmental Management Plan (APP-075) secured by requirement 4 in the dDCO (AS-006) in order to keep delivery noise (e.g. use of tonal reversing alarms, doors opening/closing etc.) to a minimum. There will also be a requirement to consider noise when procuring new equipment. Operational noise will be monitored and the results will be reported to North Lincolnshire Council. Up to 2 vessels may use the river per day with a level of noise likely to be similar to those currently using the river and will last only briefly as they pass, which is unlikely to be significant. Similarly, increases in noise from rail traffic (which will be daytime only), are assessed as not significant. A total of 3 trains per day are likely to be required. The proposals for NLGEP would create a similar order of magnitude of rail traffic on the Flixborough branch line to that which currently operates to and from the separate Roxby Gullett landfill site. At the time of writing Roxby Gullett receives around 3 trains per week of residual waste between the hours of 04:38 and 22:36. The proposals for NLGEP involve less trains than in previous years when industrial activity was more established in the local area, the trains being limited to 25mph and timed as far as possible to allow for an evenly-distributed

			arrival pattern throughout each 24 hour period, as each train would require 3-4 hours to travel to and from the site before the next train could arrive. A total of 3 trains per day are likely to be required. Increases in noise from rail traffic between Dragonby Sidings and the Energy Park (which will be daytime only), are assessed as not significant. In order to manage construction noise, construction works will be undertaken in accordance with a Construction Environmental Management Plan (CEMP) secured by requirement 4 of the dDCO (AS-006). The CEMP will set out detailed measures to minimise construction noise as far as is reasonably practicable and will be agreed with North Lincolnshire Council before construction work is undertaken. With mitigation, construction noise impacts are likely to be no higher than moderate at most. The residual effects from the operation of the Project at a small number of noise sensitive receptors are predicted to be of no greater than moderate significance when the context of the noise impact is considered. This assumes the integral mitigation which is described in Section 7.3 of the noise assessment. A noise-monitoring and management programme will be developed and agreed with NLC as part of the operational environmental management plan to be approved pursuant to requirement 4 of the dDCO, and will be implemented before the development becomes operational. The purpose of the programme will be to demonstrate noise from the operation of the Project is no higher than reported in the ES and where practicable to reduce noise levels below those that have been predicted. As part of the Project, Stather Road (west), between the roundabout close to Neap House Drain and Bellwin Drive (on

			the Flixborough industrial estate) will be closed and a new access road built further to the east, between Ferry Road and Bellwin Drive. Increases in noise from road traffic (which will be daytime only), are assessed as not significant.

Table 3-7: Air Quality

Matter	Summary of points raised	PINS' reference	NLGEP's Response
Local Air Quality	• Already poor air quality in the area. The proposal will exacerbate it, if not from the Green Park itself, from the traffic associated with it. • Concerns regarding emissions of heavy metals, dioxins, particles, and greenhouse gases. • The area is often windy, so air quality impacts shouldn't be underestimated. • With the prevailing winds from the south west/west it is likely the Flixborough and the west of Scunthorpe will be significantly impacted. • Those properties above the Trent Valley are downwind of the site and will experience any pollution from the development. • Concern due to height of chimney stack, will disperse pollution over the village.	RR-04, RR-07, RR-08, RR-11, RR-16, RR-20, RR-21, RR-27, RR-38, RR-39, RR-41, RR-42, RR-49, RR-52, RR-59, RR-61, RR-67, RR-68, RR-70, RR-71, RR-82, RR-83, RR-88, RR-96, RR-97	Public Health England and the Environment Agency jointly state "PHE's risk assessment remains that modern, well run and regulated municipal waste incinerators are not a significant risk to public health. While it is not possible to rule out adverse health effects from these incinerators completely, any potential effect for people living close by is likely to be very small." This statement captures all emissions from the North Lincolnshire Green Energy Park facility, including particulate matter. No industrial activity is 'zero harm' and the overall context is important. Waste materials used at the North Lincolnshire Green Energy Park would be disposed of somewhere, and as such emission from the facility are not 'new'. In the local context, the overall plant design is driven by the need to achieve acceptable impacts to air quality. The North Lincolnshire Green Energy Park has also been designed to avoid emissions of dust from arising in the first place. Waste arriving at the facility is pre-baled and sealed in containers on the trucks, ships and trains. These bales are only opened once inside the reception hall which is, itself, under negative pressure to avoid dust escaping. Ash handling processes and the manufacture of concrete block is undertaken in an enclosed environment with active dust collection. This is in contrast to the composting and waste transfer station that previously occupied the site where wastes were handled in the open and in an uncontained manner.

	• Flixborough village is 50m above sea level and has prevailing Westerly winds. Any odours from the waste from shipping, rail, road would impact Flixborough directly. • Trent side villages at risk of harmful combustion gases and odours. • Easterly winds would impact Amcotts, and South Westerly winds would impact Burton Upon Stather and Normanby where the popular local country park is located. • Previously the recycling and composting plant on the Site was shut down due to odours emitted, so why should this proposal be allowed? • Storage of RDF creates foul odours which would impact residents of Amcotts. • What measures will be in place to measure the toxins in the air and what frequency?		The Project will be one of the most stringently regulated industrial facilities in terms of the emissions to air. In addition to complying with these emission limits the facility is designed to minimise impacts are meet all of the air quality standards and Environmental Assessment Levels for the wide range of emissions of interest. The Air Quality Impact Assessment (APP-053) has been undertaken in line with the requirements of the Environment Agency and Planning regulations to provide an informed assessment in the context of the existing air quality, local human and ecological receptors and any areas where air quality is already poor. The North Lincolnshire Green Energy Park is sufficiently distant from Scunthorpe that the overlap of impacts is negligible. The Air Quality Impact Assessment also considers the effects of local meteorology and terrain and the plant has been designed with due consideration of these factors. The North Lincolnshire Green Energy Park has been located to minimise road traffic wherever possible by using trains and ships, to maximise the efficiency of delivery. The North Lincolnshire Green Energy Park is also proposed to incorporate a plant for the generation of hydrogen for road vehicles which will benefit air quality as hydrogen fuel cells are 'zero emission' at point of use. A new access road is proposed that will move traffic away from existing receptors to the south of the facility. The new road is also proposed to avoid traffic movements to and from the facility through villages, instead being routed to the A1077 and trunk road network to the south of the site.
Odour	• Concerns regarding odour from the project. • Query regarding what measures are being taken to eliminate odour.	RR-07, RR-13, RR-29, RR-37, RR-43, RR-45, RR-81	Sections 4.3.14 and 7.2 of the Air Quality impact assessment (APP-053) describes the measures that will be taken to contain odours and avoid offsite nuisance. These measures apply both to the design of the facility and to the manner in which the fuel will be contained when it is delivered.

	• What by-products will there be and how will these be disposed of to ensure no odour?		Waste arriving at the facility is pre-baled and sealed in containers on the trucks, ships and trains. These bales are only opened once inside the reception hall which is, itself, under negative pressure to avoid odours escaping. This is in contrast to the composting and waste transfer station that previously occupied the site where wastes were handled in the open and in an uncontained manner. In order to be allowed to operate, the Project will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016. As part of the process involved in obtaining the Environmental Permit, the Project will be required to submit an Odour Management Plan (OMP) which demonstrates adequate steps will be taken to manage odour, including any monitoring and reporting.
Modelling	• Concerns around the sufficiency of the process equipment and air quality and dispersion modelling to mitigate potential health impacts from the flue gas emissions. • What effect will the existing local Wind Turbines have on the distribution of the discharge from the proposed incinerator stack?	RR-54, RR-95	The atmospheric dispersion model used to predict the behaviour of emissions to air from the Project is a widely used model and recognised for this purpose by the Environment Agency. A 'worst-case' approach was taken in the assessment whereby effects on people were assessed based on the maximum off-site impacts. The worst-case predicted impacts were negligible according to the criteria used by the Institute of Air Quality Management. The assessment concluded that operational impacts on air quality at sensitive human receptors will be negligible and there will be no significant effects on human health due to airborne concentrations of pollutants. Further information on this issue can be found in the Air Quality impact assessment (APP-053). The effect of the existing wind turbines on the dispersion of atmospheric pollutants was fully considered in applying the atmospheric dispersion model (see paragraph 4.3.4.2 of ES Chapter 5: Air Quality, APP-053).

Table 3-8: Landscape and Visual

Matter	Summary of points raised	PINS' reference	NLGEP's Response
Light Pollution	• Existing flood lights on the wharf cause harm. • Concerns regarding the lights required on the top of the chimney stack.	RR-36, RR-43.	An Indicative Lighting Strategy has been developed which aims to limit the impact of obtrusive light and undue light spill on to surrounding areas, protected natural environments and sensitive receptors (APP-071), secured by DCO Requirement 5 'Lighting Scheme' (APP-007). The need or otherwise for the stack to have aircraft warning lighting is currently being established with the Civil Aviation Authority.
Visual Intrusion	• Impact of the view of the chimney (85m high), with the village being elevated and several wind turbines in the vicinity too – what will the true impact be? • Concern regarding scale and appearance, the chimney stack will tower over the area. • Development out of context with the North Lincolnshire landscape. • Impact on views within Flixborough which is set within countryside, and the general character. • The development site is open countryside, and therefore the proposal will adversely affect the landscape.	RR-21, RR-41, RR-43, RR-52, RR-54, RR-56, RR-59, RR-67, RR-68, RR-77, RR-78, RR-79, RR-83.	The effects of the Proposed Development on landscape and on views are set out in ES Chapter 11: Landscape and Visual Impact (APP-059). The assessment is based on a maximum stack height of 120m. Visualisations have been prepared to illustrate the likely appearance of the Proposed Development, including the stack, within the landscape. The assessment considered the existing context including the wharf operations and buildings, the Flixborough industrial complex and the wind farm, and also potential cumulative effects with other proposed developments that may come into existence at the same time as the Project.

	• Visual impact on the surrounding villages for many miles.		
Public rights of way	• Loss of public walkways/bridle ways could isolate the village. • Impact on walking routes. • The siting and height of this proposed structure will have vast visual impact on the riverbank which has incorporated into it an RHS Award winning Tiddy Mun Trail and viewing area.	RR-41, RR-51, RR-70	The effects of the Proposed Development on views from local footpaths are set out in ES Chapter 11: Landscape and Visual Impact (APP-059). Existing footpaths in the area will be retained and additional footpaths and cycleways will be formed as part of the Proposed Development, as set out in the Rights of Way and Access Plans (APP-015). Detailed assessments of the settings impacts on designated sites, including those that draw value from views across and along the Trent Navigation are included in ES Chapter 12: Archaeology and Cultural Heritage (APP-060).

Table 3-9: Site Selection

Matter	Summary of points raised	PINS' reference	NLGEP's Response
Location	• The location of the site selected should be more remote from dwellings and villages. • Flixborough, which is currently a small, quiet, peaceful, rural community, will end up surrounded by the Energy Park. The development is too close to dwellings. • Amcotts is only 200m from the proposed development. • Site too close to industrial units. • Alternate Industrial sites are currently available with good	RR-13, RR-22, RR-31, RR-19, RR-41, RR-56, RR-64, RR-67, RR-68, RR-77, RR-88	The site selection process undertaken by the Applicant is described in detail in section 9.4 of ES Chapter 3: Project Description and Alternatives (APP 051). Following a commercial site finding exercise that considered a long list of other sites including many 'brown field sites, and considered various factors including: • commercial viability included the size of the site; • the availability of refuse derived fuel sources; • availability of a suitable grid connection; • potential users of heat and power in the vicinity; • proximity to existing ERFs; • amount of waste within the region going to landfill; • transport links; • potential expansion area to include future best available techniques such as carbon capture; and

	infrastructure e.g. Killingholme/Immingham so why Flixborough rather than other sites/development areas? • An incinerator should be located in an appropriate location near to the origin of the waste, with good transport links, instead of transporting waste to the site. • Transporting hazardous, medical and corrosive waste products on Large Goods vehicles on such a scale doesn't makes sense. • The County is historically based on agriculture which should be the priority. • Jobs and infrastructure currently under pressure and won't be able to cope with pressure of proposal. • It hasn't been demonstrated why this site is the best site/technology; • The land is highly contaminated.		• the willingness of landowners to enter into commercial negotiations. The above review yielded two short listed sites which were further considered against various criteria (see paragraph 9.4.3.3), and the site at Flixborough was chosen as it performed better in terms of transport access as, in addition for access by road and rail, there was also the option to utilise the existing Wharf. The proximity to the proposed carbon pipeline due to connect to the Keadby Power Station has established an additional benefit to the site. The Applicant has designed the layout to maximise the use of brownfield land that has been in industrial use for decades on an operating port which historically has handled up to one million tonnes of steel and freight and serviced by a railway line that has been in operation since the 1930's to supply the steel works. The transport links for rail, river and road have established the Flixborough Industrial Estate as a suitable location. The Applicant covered Major Accidents and Hazards in Section 6.2.16 of the ES (APP-064). The design and operation of the facility will be subject to the permitting requirements of the Environment Agency and the Health and Safety Executive. The safety track record for energy from waste facilities are exemplary. Waste is processed to form RDF before it reaches the site. All RDF onsite will be stored in an enclosed bunker, equipped with fire suppression systems. Major waste operators and waste aggregators have been engaged in dialogue with the Applicant over the past three years with a view to intercept waste that would otherwise be exported or landfilled and transported through the region by road. A focus has been maintained on establishing transport to the site by rail and boat where feasible which significantly

			reduces the current carbon footprint for transporting waste. The Applicant would draw attention to the fact that the waste classifications for RDF do not include hazardous, medical or corrosive waste and in fact they are specifically ruled out. The waste aggregators and processors are responsible for guaranteeing the waste type and these facilities are permitted and inspected by the Environment Agency. The largest area of agricultural land utilised is the 65 acres of proposed wetland to achieve an overall biodiversity net gain of 10% across the whole site. Other areas proposed for biodiversity are reclaimed land works and are not cropped. Over 200 acres of agricultural land within the red line boundary will remain in agricultural use but will contribute to flood retention in the event of a river bank breach. The Applicant is compelled by legislation to deploy "Best Available Techniques". 'Best available techniques' (BAT) means the available techniques which are the best for preventing or minimising emissions and impacts on the environment. Section 6.2.3 Project Description and Alternatives (APP-051) describes some of the alternatives considered including the site selection. An Economic & Employment Group has been established to help ensure that the economic benefits of the scheme are maximised locally. The group includes various regional stakeholders, such as North Lincolnshire Council, DWP, Hull and Humber Chamber of Commerce, North Lindsey College, CATCH, Greater Lincolnshire LEP, HETA and Lincolnshire Chamber of Commerce. Its objective is to: • maximise job opportunities for local people;

			• maximise supply chain opportunities for local businesses; • work with local training providers to ensure that local people have the right skills to take advantage of the opportunities the Project presents, including reskilling people that are unemployed; and • raise awareness of the green jobs offered by the Project and encourage local people, particularly under-represented groups, to consider a career in 'net zero' industries. The Applicant will prepare an Employment and Skills Policy to maximise the uptake of local employment opportunities and in addition is committed to supporting training and apprenticeship schemes. The Project will result in the creation of up to 290 FTE new jobs once it is operational. These will be a mix of full and part-time jobs including operatives, shift team leaders, mechanical engineers and thermal energy specialists. As part of the Applicant's commitment to developing local skills, we plan to create new apprenticeships incorporating the re-training of mature participants, post-graduate programmes, and funded research placements. By providing low-carbon heat and power, the Project could become an attractive place for businesses to locate, providing an additional 1000 jobs at the site. As set out in ES Chapter 14: Economic, Community and Land Use Impacts (APP-062), construction of the Project could result in the creation of up to 3350 full time equivalent (FTE) jobs over the whole duration of the construction phase. Not all the jobs will be taken up by residents of the LIA and WIA and overall, the net direct job creation from construction is 2280

			FTE, taking account of direct leakage and displacement. The Project is likely to directly provide around 290 FTE jobs once operational. Direct construction employment could also lead to opportunities for local businesses to supply the project or to benefit from expenditure of construction worker.
Contamination and flooding	• The site is highly contaminated which will be exposed due to the applicant wishing to excavate to accommodate a storage bunker to well over 10 metres. • A site more suitable for such a project is available within four miles that isn't classed as a high-risk flood zone. • Inappropriate development in a flood zone.	RR-31, RR-68, RR-79	The Applicant has undertaken site investigation works which show that the majority of the site is uncontaminated and, where there is any contamination, the levels are sufficiently low as not to be a concern for human health of the environment. More information is provided in ES Chapter 8: Ground Conditions, Contamination, and Hydrogeology, (APP-097). The Code of Construction Practice Section 6.3.7 (APP-074) deals with the management of materials in the event any contaminated soil is found during construction. The area is currently protected by flood defences. In the future, the development, including access, has been designed to sit above the extreme tidal 1 in 200yr (plus allowance for climate change) flood level, including scenarios in which the flood levels are breached. Additional to this, the development has been designed to not increase flood risk elsewhere. Information on the site selection process can be found in the Planning Statement (APP-035) and further information on the design approach to reduce the impact of flooding to and from the site can be found in the Flood Risk Assessment (APP – 070).
Planning Policy	• The proposal will prejudice the North Lincs Core Strategy, and the Draft North Lincs Local Plan, due to be adopted in	RR-56	It is acknowledged that the Project lies partly within the Lincolnshire Lakes Area Action Plan (AAP) boundary, however the land is not formally identified for the Lincolnshire Lakes

	2023. The Lincolnshire Lakes project would be impacted, as some of this allocated development land is on the project boundary. • The Council states, in its draft Plan, it does not support large scale plans for renewable energy proposals.		development (which lies further to the south). With regards to renewable energy proposals, the Council's emerging Local Plan (Publication Draft Addendum) recognises North Lincolnshire is fast becoming a major energy capital in terms of energy generation which includes the emerging renewable energy and off-shore wind sectors. Emerging Policy WAS2 (Waste Facilities) details, amongst other things, that Proposals for Energy from Waste Facilities will be supported provided that they meet the criteria set out in this policy and policy DQE9, Renewable Energy Proposals. This latter policy recognises energy from waste as a renewable and low carbon form of energy generation. Section 6 of the Planning Statement (APP-035) sets out in detail how the Project is considered to comply with North Lincolnshire Council's existing and emerging planning policy.

Table 3-10: Nypro Disaster

Matter	Summary of points raised	PINS' reference	NLGEP's Response
Impact on residents	• Concerns regarding the emotional health of the residents of Amcott due to the Flixborough NYPRO Disaster in 1974. To reposition a new structure to store hydrogen on that same site is a concerning and traumatising proposition for residents. • Concerns regarding the recent two large scale fires in the area within a 36-hour time frame of each other. Both fires were at waste sites and have proved	RR-13, RR-20, RR-21, RR-51, RR-56, RR-68, RR-70, RR-79, RR-80	The Applicant is cognisant of the sad history relating to the loss of life as a result of the Nypro disaster and will seek to establish an area in the Visitor Centre and wetland area dedicated to those who lost their lives as a result of that incident. The site was chosen because of the industrial location of the Flixborough Wharfe and the railway which has served the steel works since the 1930's. The proximity to the proposed carbon pipeline due to connect to the Keadby Power Station has established an additional benefit to the site.

	an ongoing challenge to contain. • Insensitivity proposing an incinerator on the site of the disaster.		The Applicant covered Major Accidents and Hazards in Section 6.2.16 of the ES (APP-064). The design and operation of the facility will be subject to the permitting requirements of the Environment Agency and the Health and Safety Executive. The safety track record for energy from waste facilities are exemplary – where the quoted reference to fires relates to the waste handling and waste aggregation facilities. Waste is processed to form RDF before it reaches the site. All RDF onsite will be stored in an enclosed bunker, equipped with fire suppression systems. The removal of carbon dioxide post combustion has now been established as a key government strategy for reaching Net Zero by 2050. The location of the facility within the industrial complex of the Flixborough Industrial Estate, predominantly on brownfield land, was selected to minimise the operational impact. The Environment Agency will be responsible for permitting all activities including the production and storage of hydrogen. Hydrogen fuel is stored at 14 operating fuel stations around the UK in urban areas. This sector is heavily regulated and inspected on a regular basis.

Table 3-11: Transport

Matter	Summary of points raised	PINS' reference	NLGEP's Response
River transport	• Expected increase in river transport	RR-23, RR-37	There is anticipated to be some increase to the river traffic although, due to the constraints of the River Trent the increase in vessels movements, it will be limited. Please refer to the Navigation Risk Assessment (APP-073) for further detail.
Proposed transport	• The transport infrastructure is unsuitable and unsustainable. The waste proximity rules are	RR-21, RR-22, RR-31, RR-37, RR-41, RR-42,	Assuming 100% of fuel is transported by road, there would be an increase in HGV movements of 175 one-way per day - but rail /river modes are also being considered which will potentially reduce this number of road trips - if rail transport is

	not being taken into consideration. • What will the increase in all forms of transport be? • Has the weak bridge been taken into consideration? • Will the rail/river transportation carriages be open? And if so, how will this be controlled? • Connecting to the A1077 will cause queues in all directions off and onto the Orbital Rd. If the glasshouses go ahead that will also increase additional traffic build up on the smaller road that joins the A1077. • Concern regarding inconsistency in application about vehicle movements per day (stated increase in one place and stated decrease in another). • Reinstatement of the disused railway is totally unacceptable due to increase in noise. • Railway also crosses a used PRoW (FP178). • Concern about impact of reinstating railway on flora and fauna due to habitats being destroyed. • Local community will see significant increases in traffic without significant investment.	RR-43, RR-68, RR-88, RR-96	used then the number of vehicle trips could be reduced to around 65 vehicle movements one-way per day. The use of rail and river modes will continue to be explored as the scheme develops. Full details of vehicle trip generation are set out in the supporting Transport Assessment (TA) (APP-061 – Appendix B). The material being shipped via the river is anticipated to be stored in containers so will be sealed. All heavy goods vehicle movements to/from the Project will arrive/depart via the strategic road network (A1077 and M181) - similarly, all other traffic would use these routes with only a small number of car trips (around 2%) possibly via Flixborough village - a new toucan crossing is proposed at the A1077 / B1216 signal junction which will include minor alterations / improvements to the signal timings and the capacity analysis contained in the Transport Assessment submitted with the planning application shows that this junction is expected to operate satisfactorily 5 years after opening (2033). A new public right of way will be provided connecting FP/FLIX/177 with FP/FLIX/178 to provide a new walking route to the south of Flixborough village. It will provide a formalised alternative route to the unconsented use along the existing railway. ES Chapter 10: Ecology and Nature Conservation (APP-058) concludes there will be no significant construction or operational effects on wildlife or habitats located along the route of the disused railway. Any removal of habitats will be limited to only what is required to ensure the movement of trains along the track. Wildlife, including bats, badger, reptiles and amphibians will be protected from direct harm through the implementation of method statements, and where required,

			works will be completed under an appropriate protected species licence. The Railway Reinstatement Land also proposes to enhance valuable grassland habitats and deliver an increase in woodland habitat.
Mitigation	• Traffic calming measures would be essential, safe foot paths out of the village including onto Normanby Rd, Cycle Lanes and improved roads as traffic would impact massively. • Proposals around traffic management are flawed as traffic will centre on the local village as part of routing from local areas. • Concerns regarding impact on local infrastructure during the construction phase in terms of traffic and transport. • Existing roads won't accommodate further heavy vehicle usage on top of that already from the existing industrial site.	RR-42, RR-70, RR-78, RR-88.	There are pedestrian / cycle improvements proposed in the vicinity of the Project that will improve pedestrian and cycle connectivity for the surrounding area - in particular, a new 3m shared pedestrian footway is proposed between the A1077 and Flixborough industrial estate and a new toucan crossing at the A1077 / B1216 signal junction (see APP-061 Appendix B). All heavy goods vehicle movements to/from the Project will arrive/depart via the strategic road network (A1077 and M181) - similarly, all other traffic would use these routes with only a small number of car trips (around 2%) possibly using Flixborough village. It is acknowledged that it is important to minimise any disruption during the construction phase for neighbouring communities - a Construction Logistics Plan, including traffic management plans will be agreed with the local highway authority prior to the works pursuant to requirement 10 of the dDCO - these may include the temporary diversions of pedestrian routes - all traffic management proposals would be subject to the appropriate approval process prior to the works. In terms of impacts, ES Chapter 13: Traffic and Transport (APP-061) concludes that the increase in construction traffic would result in temporary adverse effects of minor or negligible significance during the demolition and construction phase.

Table 3-12: Flood Risk

Matter	Summary of points raised	PINS' reference	NLGEP's Response

Flood risk	• Concern around increased flood risk at Burton upon Stather. • Question around sustainability of building on a flood plain when it is predicted to flood within the next 30 years and the low-lying land unsalvageable within 50 years.	RR-11, RR-41, RR-54	The development has been designed to not increase flood risk elsewhere. Further information on the flood risk strategy can be found in the Flood Risk Assessment (Annex 3 to the ES) (APP-070). The area is currently protected by flood defences. In the future, the development, including access, has been designed to sit above the extreme tidal 1 in 200yr (plus allowance for climate change) flood level, including scenarios in which the flood levels are breached. Additional to this, the development has been designed to not increase flood risk elsewhere. The Flood Risk Assessment was undertaken in consultation with the Environment Agency.

Table 3-13: Registration of interest and other comments

Matter	Summary of points raised	PINS' reference	NLGEP's Response
Registering interest	• Request to be kept abreast of the proposal as it progresses. • Inaccuracies in application. Holding objection.	RR-05, RR-06, RR-14, RR-15, RR-17, RR-24, RR-26, RR-27, RR-32, RR-40.	These stakeholder's input is welcomed and we look forward to engaging with them in the future.
Benefits	• The proposal won't provide any benefits to the village of Amcotts but will reduce the value of properties • What benefits are there from the proposal? • Criticism of profitability of the company as opposed to any positives it will provide.	RR-18, RR-23, RR-42, RR-43, RR-45, RR-59, RR-68, RR-74	The Applicant is The North Lincolnshire Green Energy Park Limited which is a company incorporated in England and Wales with the company number 10949653. Further details of the company structure can be found at Companies House and in the Funding Statement submitted with this Application (APP-012). Chapter 14: Economic, Community and Land Use Impacts (APP-062) outlines the socio-economic benefits to the local community in jobs and an inward investment to the region

	• Criticism that company isn't based in the UK, so the profits won't benefit the UK economy. • Claimed benefits are overstated and adverse impacts understated.		estimated at £1.5bn. The Gross Value Added per job is estimated at £47,650 netting a net benefit of £8.34m per annum (section 8.2.3.6) plus an additional £140m through construction. Considering this, the Applicant considers that the Project would significantly benefit the local economy. An independent study of the impact of energy from waste facilities on domestic property values across seven sites in the UK did not identify a negative impact on property values.
Planning Policy	• The proposals impinge on the Local Plan and are neither required nor beneficial.	RR-31	The Project has given consideration to both North Lincolnshire Council's adopted and emerging Local Plan. A large proportion of the Project lies within the boundaries of Flixborough Industrial Estate, which is classified as an existing employment area. It is acknowledged that the Project lies partly within the Lincolnshire Lakes Area Action Plan (AAP) boundary, however the land is not formally identified for the Lincolnshire Lakes development (which lies further to the south). With regards to the need for the Project, Section 4 and Section 7.2 of the Planning Statement (App-035) summarises the significant public benefits and need for the Project in relation to urgently delivering low carbon renewable energy to meet the aim of decarbonising the UK's electricity supplies by 2050; providing security of supply as well as affordability for end consumers. With regards to renewable energy proposals, the Council's emerging Local Plan (Publication Draft Addendum) recognises North Lincolnshire is fast becoming a major energy capital in terms of energy generation which includes the emerging renewable energy and off-shore wind sectors. Emerging Policy WAS2 (Waste Facilities) details, amongst other things, that Proposals for Energy from Waste Facilities will be supported provided that they meet the criteria set out in this policy and policy DQE9, Renewable Energy Proposals. This latter policy recognises energy from waste as a renewable and low carbon form of energy generation. Section 6 of the Planning Statement

			(APP-035) sets out in detail how the Project is considered to comply with North Lincolnshire Council's existing and emerging planning policy.
Employment	• Increase of employment isn't realistic as it is taking over the employees of the local port. • It will not provide jobs for local people. • Question of what proportion of new jobs are contained in the 'Ancillary Plant' as opposed to the 'Energy Recovery Facility'?	RR-54, RR-71, RR-96	An Economic & Employment Group has been established to help ensure that the economic benefits of the scheme are maximised locally. The group includes various regional stakeholders, such as North Lincolnshire Council, DWP, Hull and Humber Chamber of Commerce, North Lindsey College, CATCH, Greater Lincolnshire LEP, HETA and Lincolnshire Chamber of Commerce. Its objective is to: • maximise job opportunities for local people; • maximise supply chain opportunities for local businesses; • work with local training providers to ensure that local people have the right skills to take advantage of the opportunities the Project presents, including reskilling people that are unemployed; and • raise awareness of the green jobs offered by the Project and encourage local people, particularly under-represented groups, to consider a career in 'net zero' industries. The Applicant will prepare an Employment and Skills Policy to maximise the uptake of local employment opportunities and in addition is committed to supporting training and apprenticeship schemes. The Project will result in the creation of up to 290 FTE new jobs once it is operational. These will be a mix of full and part-time jobs including operatives, shift team leaders, mechanical engineers and thermal energy specialists. As part of the Applicant's commitment to developing local skills, we plan to create new apprenticeships incorporating the re-training of

			mature participants, post-graduate programmes, and funded research placements. By providing low-carbon heat and power, the Project could become an attractive place for businesses to locate, providing an additional 1000 jobs at the site. ES Chapter 14: Economic, Community and Land Use Impacts (APP-062), construction of the Project could result in the creation of up to 3350 full time equivalent (FTE) jobs over the whole duration of the construction phase. Not all the jobs will be taken up by residents of the LIA and WIA and overall, the net direct job creation from construction is 2280 FTE, taking account of direct leakage and displacement. The Project is likely to directly provide around 290 FTE jobs once operational. Direct construction employment could also lead to opportunities for local businesses to supply the project or to benefit from expenditure of construction workers.