



Mr E Maund & Mr P Brewer
The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
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Our ref: AN/2022/133243/03-L01
Your ref: EN010116
Date: 15 December 2022

Dear Sirs

Application by North Lincolnshire Green Energy Park Limited for an Order Granting Development Consent for the North Lincolnshire Green Energy Park Project, on land adj to Flixborough Industrial Estate, Stather Road/First Avenue, Flixborough, DN15 8SF – Deadline 2 submission: Written Representations

On 15 September 2022 the Environment Agency made Relevant Representations [RR-060] on the proposal by North Lincolnshire Green Energy Park Limited ('the Applicant') to construct an Energy Recovery Facility capable of converting up to 760,000 tonnes of non-recyclable waste into 95 MW of electricity ('the Project') on land at Flixborough, North Lincolnshire. The purpose of these Written Representations is to provide an update on the issues, which required further discussion/negotiation, as outlined in those Relevant Representations.

Environmental Permit

A permit to operate the plant(s) will be required from the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2016. The Applicant met with representatives of our National Permitting Service on 17 October 2022 to commence pre-application discussions.

Carbon Capture Usage and Storage (CCUS) was discussed during this meeting and it was agreed that a Carbon Capture Readiness assessment was not required for the Project. Accordingly, we withdraw the request for such an assessment, which was included in our Relevant Representations.

It is our understanding that the Applicant will be submitting the permit application to us within the next 2-3 months. Our estimated determination period is 8-12 months and therefore it is unlikely that we will be able to provide any further information on this issue during the Examination period.

Ground conditions, contamination and hydrogeology

The Environment Agency is concerned that the Development Consent Order (the 'DCO') does not appear to include any requirement that secures investigation/details in

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respect of piling. Accordingly, we requested the inclusion of an additional requirement within Schedule 2 of the DCO to cover this issue. The Applicant is proposing to address our concerns through a revision of the Code of Construction Practice (CoCP), to include an additional Appendix (to be Appendix K) entitled Outline Piling and Ground Penetration Works Plan. This will set out the required content of a detailed method statement to be produced under the Construction Environmental Management Plan (CEMP); the Environment Agency will be a specific consultee for this plan when it is submitted to the relevant planning authority for approval. We will undertake a review of the revised CoCP when available (together with the additional DCO drafting on this matter) and update the Examining Authority on its acceptability to us through the Statement of Common Ground (SoCG).

To ensure the Project's surface water drainage strategy aligns with any recommendations relating to contamination, remediation and ground conditions, we also request that the Environment Agency is included as a specific consultee to Requirement 8 (surface water drainage). For the avoidance of doubt, the Environment Agency's interest in the surface water drainage strategy relates only to the protection of controlled waters; it would not provide comments in respect of surface water flooding.

Foul water disposal

The Application (Chapter 9, paragraph 8.2.4.9) outlined an intention to connect to the mains sewage system, which was acceptable to us on the basis that the sewerage undertaker confirmed its agreement, and that capacity was available to accommodate the development.

The Applicant has been advised by the sewerage undertaker, Severn Trent Water, that there are already some capacity issues within its system, and it may not be able to accommodate any additional flows from this Project. The Applicant has suggested that a separate system may be required to treat water via an on-site package treatment plant (PTP) followed by discharge to a large wetland for further polishing of the flow – a small sewage discharge permit would be required.

The Environment Agency does not support the use of PTPs in locations where it may be reasonable (in deciding what is reasonable we will take into account cost, practicality and environmental considerations) to connect to mains sewer. This is because discharges from wastewater treatment plants owned and operated by sewerage undertakers are significantly less likely to cause pollution than discharges from private treatment plants treating domestic sewage or trade effluent: public sewerage systems are much more likely to meet the standards set in their environmental permit as a result of effluent receiving more comprehensive and reliable treatment.

The presumption against relying on private sewerage systems in areas where it is reasonable to connect to the public sewer applies to temporary as well as permanent arrangements. Lack of capacity in the receiving public sewer is not a valid reason for not connecting to an otherwise available public sewer.

We will continue to work with the Applicant to understand the reasons why capacity may not be available to serve the Project and what the potential is for Severn Trent Water to provide additional capacity within the development timeframe. Notwithstanding this, we are currently of the view that if the Environment Agency is added to Requirement 9 as a specific consultee, prior to approval by the relevant planning authority, this will enable us to provide further advice and comment on the detailed foul water drainage scheme to ensure the water environment is adequately protected. We will also continue to update the Examining Authority on this issue through the SoCG.

Flood risk mitigation scheme

In our Relevant Representation, we noted the matters that will be covered (but will not necessarily be limited to) in the Construction Flood Management Plan, as secured through Requirement 4(3)(e) (Schedule 2 Part 1) of the DCO. We are now of the view that further clarity is required on the remit of this Construction Flood Management Plan and the Flood Management Plan secured through Requirement 12, i.e. which Plan will include the built-in (physical) mitigation scheme? If it is the intention that the mitigation measures to be built into the development are included under the Flood Management Plan secured through Requirement 12, then the wording of this will need to be amended to secure its submission before the commencement of development; to leave it to the pre-commissioning stage will not provide an opportunity for consultation on the adequacy of the scheme before the development is constructed.

We expect the Applicant will need to undertake further modelling once the culvert designs have been completed to ensure that they are of sufficient capacity to convey flood flows. It is therefore important that the Environment Agency is able to comment on this prior to that part of the development commencing, as well as any built-in mitigation for the project buildings etc.

Further Representations

Once again, we would like to confirm that the Environment Agency has no objection to the principle of the development; the outstanding matters mentioned above are all capable of resolution through further negotiation and agreement. However, 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 on issues within our remit.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me at the number below.

Yours sincerely

Annette Hewitson
Principal Planning Adviser

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