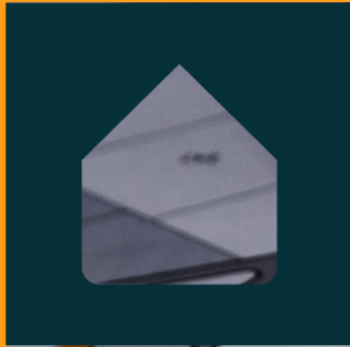


North Lincolnshire Green Energy Park Project – Examination of Development Consent Order

Written Representations on behalf of AB Agri Limited
15 December 2022

Planning Inspectorate Ref: EN010116
Interested Party Ref: 20032351



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Appendix 1 Site Location Plan



1 INTRODUCTION

- 1.1 These Written Representations (WR) have been prepared on behalf of AB Agri Limited and include our response to the Applicant's comments on the Applicant's comments on the Relevant Representations.
- 1.2 In the WR, we explain AB Agri's operations and site context, insofar as relevant to our representations and expand on the matters raised in our Relevant Representations, namely:
- Risks to the Biosecurity of AB Agri's animal feed manufacturing facility;
 - Flood Risk;
 - Access to AB Agri's facility; and
 - Temporary Acquisition.

2 AB AGRILIMITED

- 2.1 AB Agri Limited owns and operates ABN in Flixborough Industrial Estate. The extent of AB Agri's ownership is shown on the site location plan at **Appendix 1**. ABN is a leading British manufacturer of animal compound feed for the commercial poultry industry in Great Britain. The facility in Flixborough is the largest and most strategically important animal feed mill for AB Agri. The plant at Flixborough manufactures specialist breeder feed and produces 0.4million tonnes per annum. The poultry market for the year to June 2022 is estimated to be to be about 4million tonnes. All output is for the domestic market.
- 2.2 The animal feed mill at Flixborough operates 24 hours a day and 7 days a week all year round in order to meet demand. Therefore, any interruption to, or the failure of, the plant will have a serious impact on the poultry and pig farms in the UK, including welfare issues for the industry, ultimately impacting the UK's food supply chain. This would have a direct impact on the general population in terms of shortages of meat and eggs available in supermarkets. Therefore, the animal feed mill at Flixborough plays a vital role in the UK's food supply chain and security and is therefore of national importance.
- 2.3 Relevant Central Government Policy is contained within the Government Food Strategy policy paper published in June 2022. This paper's objective is to deliver a prosperous agri-food sector that ensures a secure food supply. The paper clearly identifies that the UK's agri-food sector underpins the UK's food security.
- 2.4 AB Agri is committed to the existing site at Flixborough for the long term and wishes to ensure that it can continue to operate without interruption or a threat of failure of its plant from external sources which currently do not exist.
- 2.5 AB Agri engaged in the Applicant's pre-application consultation by submitting representations in July 2021. In addition, Associated British Foods (ABF), AB Agri's parent company, first sought information from the Applicant's agent on the proposed land acquisition a month earlier, in June 2021. Since then, meetings were held between AB Agri and the Applicant in December 2021 and December 2022 (with the latter to discuss a Statement of Common Ground) with some written correspondence in between these meetings. While some initial queries were clarified by the Applicant, key issues relative to biosecurity, flood risk and the proposed temporary possession of AB Agri's land remain unresolved and AB Agri will continue to engage with the Applicant to seek to resolve our concerns as far as possible.

3 BIOSECURITY RISKS

- 3.1 The manufacturing of specialist breeder feed at the plant in Flixborough has to be carried out in a biosecure plant to meet UK and other regulatory standards. Biosecurity risks to poultry meat and eggs particularly arise from salmonella contamination, as identified in the 1990s. Since then, AB Agri developed a stringent biosecurity control in consultation with the relevant Government agency.
- 3.2 Risks to the biosecurity of the facility, particularly in terms of potential salmonella contamination from waste handling, are of significant concern to AB Agri, not least as the raw intake area of the facility is close to the proposed Energy Recovering Facility (ERF), and thereby the Refuse Derived Fuel (RDF) delivery route. Salmonella bacteria is highly contagious and can be airborne. Salmonella contamination risks arise from vehicles, rodents and birds' droppings carrying diseases and salmonella and waste facilities. Salmonella contamination can persist for long periods of time and it would result in the disruption or closer of the feed mill facility for a significant period of time. Therefore, salmonella is a major hazard in the animal feed production facility and upmost efforts are made by AB Agri to prevent contamination from entering the facility. Preventative measures involve controlling dust, managing the flow of equipment, preventing rodent infestations, preventing contamination from birds' droppings and

the sanitisation of transport vehicles (despite the use of sealed containers to transport raw materials and finished products).

3.3 Therefore, facilities which handle waste are, as a matter of principle, a significant biosecurity risk to animal feed production facilities. For this reason, facilities adjacent to waste handling facilities are under extensive scrutiny from the regulators and customers and require robust control measures to demonstrate satisfactory biosecurity of the facility. Such facilities can also face a reputational damage which cannot fully be addressed by control measures.

3.4 We note the Applicant's comments on our Relevant Representations that HGVs transporting RDF will not use First Avenue except for HGVs transporting RDF in sealed shipping containers from the port. We also note that waste transported to the ERF will be handled in a reception area of a building under negative pressure. However, these measures do not provide adequate control measures to minimise biosecurity risks to AB Agri by virtue of EFR's proximity to AB Agri's raw material intake for the following reasons:

- An increase in vehicles carrying waste materials in the nearby road network (not limited to First Avenue) will increase the biosecurity risks if materials are transported without complete sealing and vehicles are not sanitised regularly.
- A routing plan does not preclude HGVs passing AB Agri on First Avenue with RDF materials in unsealed containers or uncleaned vehicles.
- Birds (particularly seagulls) are attracted by waste facilities handling food and organic waste materials, which in turn poses risks to the feed mill facility from their droppings.

3.5 Put simply, the proposed development's risks to the biosecurity of the animal feed production facility cannot be overstated, as it has the potential to cause a major implication the food supply chain. We consider that the Applicant has not demonstrated that risks to the animal feed facility have been considered and addressed, as proportionate to the critical nature of the risks involved.

3.6 The animal feed production facility has been operating from Flixborough for a number of years. The site currently has very low risk to biosecurity, as it is surrounded by aggregates facilities and it has not been exposed to potential source of salmonella contamination. During AB Agri's discussions with the Applicant, reference to the existing power station (Glanford Power Station) on Eighth Avenue in Flixborough Industrial Estate was made by the Applicant. Glanford Power Station uses Meat and Bone Meals (MBM) and poultry litter as a fuel. Biosecurity risks from this facility are mitigated by the following factors:

- Glanford Power Station is not directly adjacent to the AB Agri site.
- The waste storage building is located in the northern part of Glanford Power Station Site, providing a sufficient distance between the potential source of salmonella contamination and pest infestation and AB Agri's facility.
- It receives waste fuels in sealed trailers and the delivery route uses Fourth Avenue or Third Avenue, minimising the transmission of salmonella.
- AB Agri's intake area is located to the south west of the main mill building, which acts as an effective screen from any potential transmission of salmonella from Glanford Power Station.
- The Environment Permit for the operation of Glanford Power Station seeks to prevent the presence of pests within the site.

3.7 Glanford Power Station had been operational when AB Agri began its operation at the Flixborough site. The above factors are taken into consideration in the ongoing risk assessment, concluding that there is no increased risk from pest activity and potential salmonella transmission from Glanford Power Station's operation. On the other hand, the proposed NLGEP proposal increases biosecurity risks owing to the following factors:

- The proposed site adjoins AB Agri, with the proposed ERF located to the north of the site, bringing the potential source of salmonella contamination and pest activity close to the animal feed facility.
- Delivery vehicles by rail will exit the site via First Avenue with risks arising from vehicles transporting waste materials in unsealed containers without cleaning and sanitisation.
- The total waste processing capacity of the proposed NLGEP is 760,000 tonnes per annum (far greater than the total capacity of Glanford Power Station) which requires a significant number of vehicles for transportation. A large number of vehicles would transport waste materials in unsealed containers, without sanitisation, using the road network in close proximity to AB Agri.

- AB Agri's raw material intake is located to the south west of the site, with no screening between the raw material intake and the NLGEP site.

3.8 Notwithstanding the Applicant's comments on the Relevant Representations relative to the design and storage capacity of ERF and the transport route, we consider that the following mitigation measures are necessary to minimise biosecurity risks posed by the proposed development to an acceptable level, particularly on the basis of the Applicant's submissions to date indicating that it is not possible to separate RDF from materials 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 pest management plan, and
- A routing agreement that HGVs do not drive past AB Agri, unless the first conditions are agreed and enforced.

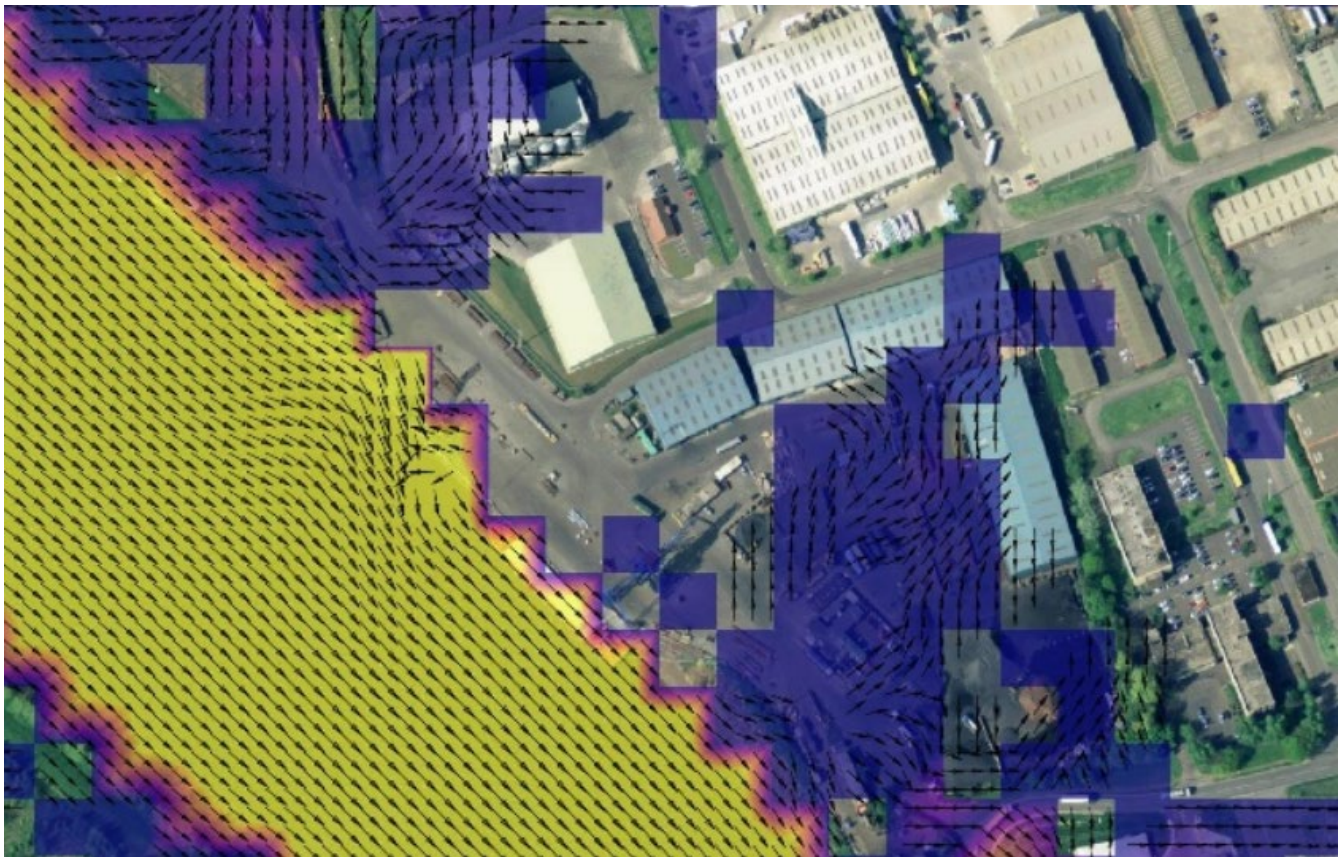
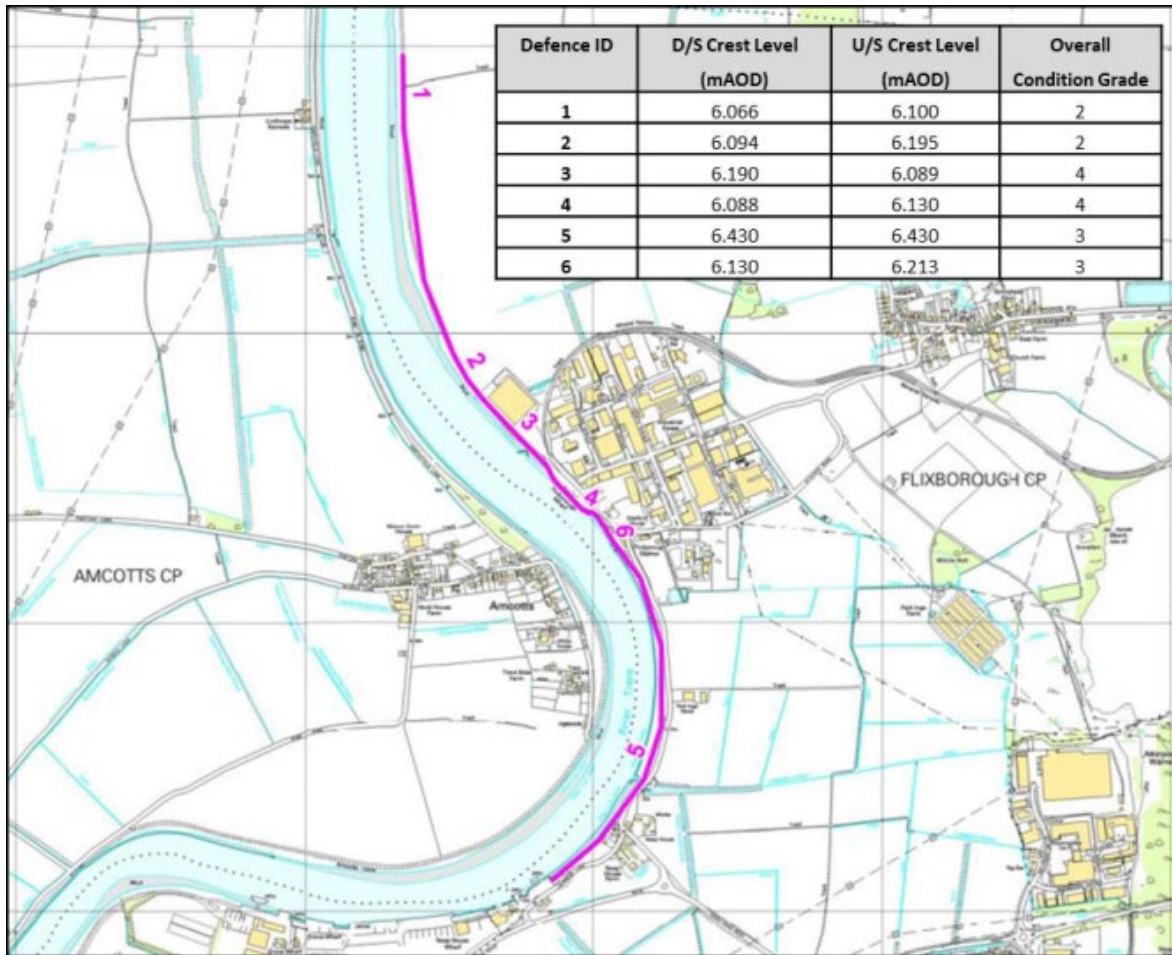
3.9 If these measures are not applied, then AB Agri's operations will be substantially prejudiced and a knock-on effect on the UK's food supply chain as described above will arise, unless wide ranging and costly measures are applied at the animal feed facility to mitigate the biosecurity risk that would rise otherwise.

4 FLOOD RISK

4.1 In our Relevant Representations, we raised a concern that the flood model used to inform the Flood Risk Assessment is coarse (a grid size of 25m x 25m) and is only able to predict flooding to an accuracy of ± 25 mm. The coarseness of the assessment is such that it is not an adequate basis to represent flood mechanisms, such as flow paths, depths and velocities (and hence flood hazard). Therefore, it is not suitable for detailed design of food defences or for informing a flood management and evacuation plan. We note from the Applicant's comments on the Relevant Representations and the Environment Agency's summary of oral representations that more detailed flood modelling will be required at the next stage of design in order to inform the details of the necessary mitigation measures. We seek to continue to engage with the Applicant on the detailed flood modelling to ensure that necessary flood defence measures are agreed.

4.2 The other concern we raised in the Relevant Representations relates to whether potential overtopping of the existing flood defences is accurately reflected in the modelling. The flood modelling that has been carried out by Buro Happold shows that there is a low flood risk to the AB Agri stie as the existing flood defences are not overtopped under current day conditions. Their Flood Risk Assessment (FRA) shows that the existing defences along the section of the River Trent at the dock area, in the vicinity of AB Agri site, are not predicted to be overtopped in a future day condition when the impacts of climate change are considered (albeit this has only been assessed up to the year 2065). Our key concern is whether the potential overtopping of the existing defences along the dock area has been represented accurately in their model.

4.3 Below is an extract from their FRA which shows the defence locations and crest elevations. Defence 4 is the one located at the docks. The FRA does not provide peak water levels along the River Trent for the climate change scenario so these cannot be compared against the crest heights to understand whether overtopping would occur or not. However, in the flood management note, Buro Happold provided in October 2021, they include an image that shows the flood mechanism in the 200 year plus climate change tidal flood event (see bottom image). This appears to show that the defences immediately upstream (number 6) and downstream (number 3) of the dock defence are overtopped. As the upstream and downstream defences have higher crest elevations than the dock defence, it is not clear why the model is not showing overtopping at the docks also.



5 TEMPORARY POSSESSION OF AB AGRI'S LAND

5.1 AB Agri'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 AB Agri requires full access around all buildings and temporary land take would be a disturbance to the business.

- 5.2 We note from the Applicant that there is an error in the DCO application and it has been clarified that AB Agri's land (plot no 5-54) is required for the construction of a flood defence, subject to the detailed FRA at the next design stage. Plot 5-54 comprises an approximately 6-metre deep strip of land along the entire 100-m southern boundary of AB Agri's site and for 60 metres along the western boundary, with the northern-most possession abutting the main entrance to the proposed plant. Possession for three years of approximately one third of the perimeter of the AB Agri's site and one half of its road frontage will significantly compromise AB Agri's enjoyment of its land. Construction works and activities within AB Agri's site in extremely close proximity to the raw material intake of the animal feed production plant will significantly increase the biosecurity risk of the site even with usual construction environmental management plan. Furthermore, the possession will pose a contamination risk from potential airborne contaminants from the construction works and activity, as well as potential ground contamination that could in turn put the viability of the business at risk.
- 5.3 It is understood from the Applicant that the temporary possession is sought on a worst-case basis in the event that the necessary flood defence cannot be constructed from the area outside AB Agri's land. The Applicant has not demonstrated an alternative which avoids the temporary possession of AB Agri's land, such the construction method or justification why a flood defence would need to be constructed from AB Agri's land. Following the meeting on 9 December 2022, AB Agri is awaiting further information from the Applicant on the proposed temporary possession.
- 5.4 The Order provides for compensation for 'loss and damage' (clause 31(5)). In the worst-case scenario airborne and ground contamination could result in a business extinguishment claim incurring a cost disproportionate to the purposes of the possession and which may have a significant impact on the viability of the project. Our concerns about the proposed compulsory acquisitions are therefore not addressed by the compensation provision in the Order. The Applicant has not demonstrated a compelling case to take temporary possession in light of the potential damage that it may cause AB Agri's business.

6 ACCESS

- 6.1 In our Relevant Representations, we requested that the phasing of the construction works ensures that access to AB Agri for all vehicles is maintained for the duration of the works, as AB Agri operates 24 hours a day, 7 days a week, all year round (except for Christmas Day). In response to our Representations, we note the Applicant's confirmation that:
- construction road traffic will primarily use the new access road, diverting construction traffic away from the Stather Road and the Neap House constraint;
 - once construction requires the Stather Road closure, traffic for the Flixborough Industrial Estate will then use the new access road;
 - the railway will be used where possible for construction traffic;
 - traffic flow and construction planning will include liaison with businesses on the Flixborough Industrial Estate.
- 6.2 We request that the above measures are included in the construction traffic management plan to be secured by a condition in order to ensure that construction of the Project will not disrupt the 24/7/364 operation of the AB Agri facility. We request the Applicant to engage with AB Agri on the traffic flow and construction planning as per their commitment to do so.

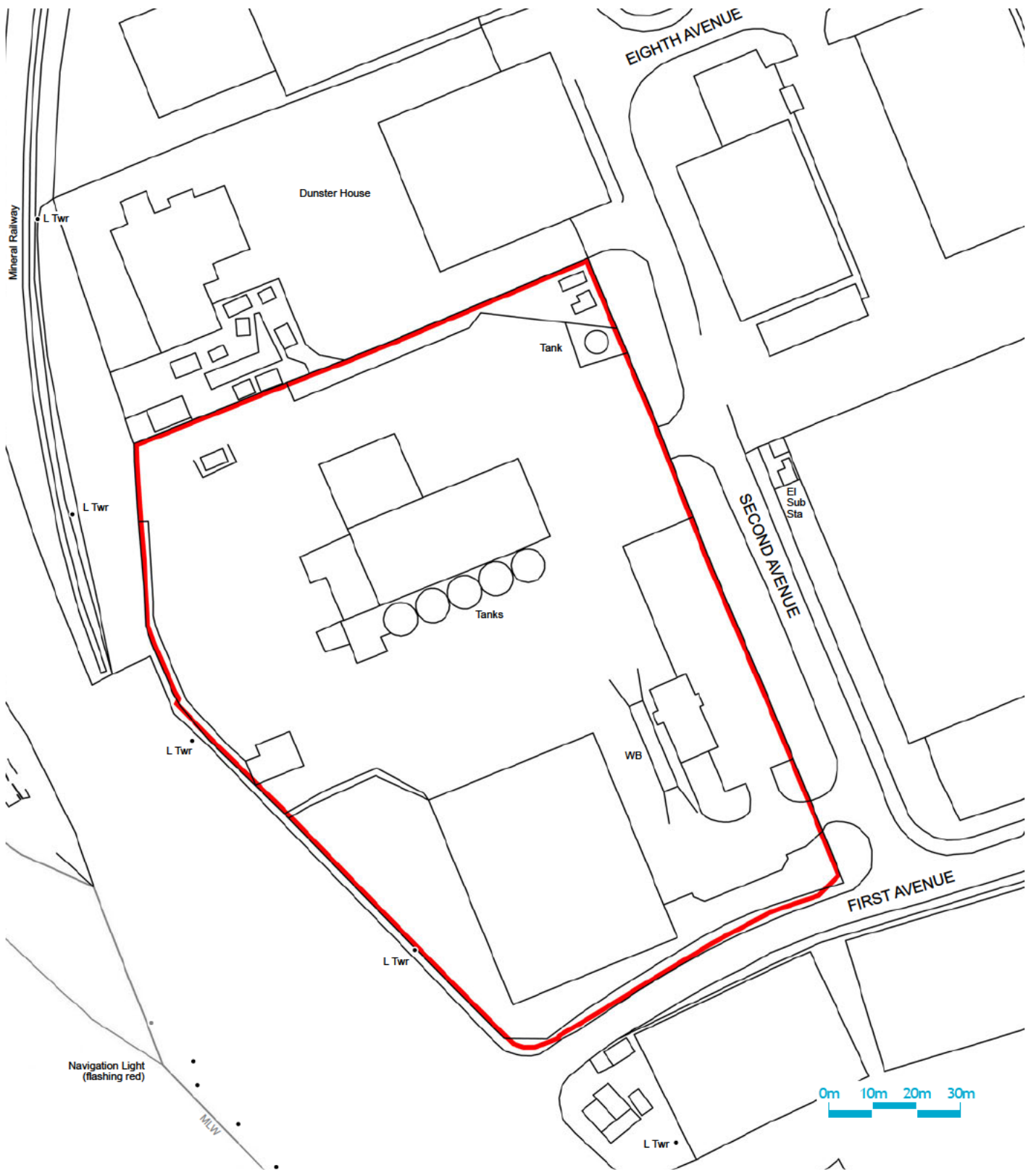
7 CONCLUSION

- 7.1 These written representations expand on the matters raised in our Relevant Representations, and address the following matters relating to AB Agri's long-standing animal feed mill adjacent to the application proposals.
- 7.2 **Risks to Biosecurity** - the measures proposed by the applicant do not provide adequate control measures to minimise biosecurity risks, the need for which cannot be overstated, as it has the potential to cause a major implication the food supply chain. We consider that the Applicant has not demonstrated that risks to the animal feed facility have been considered and addressed, as proportionate to the critical nature of the risks involved.
- 7.3 The animal feed production facility has been operating from Flixborough for a number of years, and has a very low risk of biosecurity. Biosecurity risks from the Glanford Power Station facility are mitigated by a range of measures, whereas the proposed NLGEP proposal increases biosecurity risks owing a range of identified factors.

- 7.4 Notwithstanding this, a range of mitigation measures are sought to minimise biosecurity risks posed by the proposed development to an acceptable level. If these measures are not applied, then AB Agri's operations will be substantially prejudiced and a knock-on effect on the UK's food supply chain as described above will arise, unless wide ranging and costly measures are applied at the animal feed facility to mitigate the biosecurity risk that would rise otherwise.
- 7.5 **Flood Risk** - the flood model used to inform the Flood Risk Assessment is not suitable for detailed design of food defences or for informing a flood management and evacuation plan. AB Agri continues to engage with the Applicant on the detailed flood modelling to ensure that necessary flood defence measures are agreed. It is also concerned that the potential overtopping of the existing defences along the dock area may have been represented accurately in the applicant's model.
- 7.6 **Access to AB Agri's facility** - AB Agri operates 24 hours a day, 7 days a week, all year round (except for Christmas Day) and requires constant access as a result. As a result, AB Agri seeks a range of measures to be included in the construction traffic management plan to be secured by a condition. We request the Applicant to engage with AB Agri on traffic flow and construction planning as per their commitment to do so.
- 7.7 **Temporary Acquisition** - possession for three years of approximately one third of the perimeter of the AB Agri's site and one half of its road frontage will significantly compromise AB Agri's enjoyment of its land, not least due to AB Agri requiring full access around all buildings and temporary land, and the biosecurity and contamination risks that would arise. The Applicant has not demonstrated a compelling case to take temporary possession in light of the potential damage that it may cause AB Agri's business.

Site Location Plan – AB Agri





SITE LOCATION PLAN
 ABN, Second Avenue,
 Flixborough Industrial Estate,
 SCUNTHORPE, DN15 8SD



Scale @ A4 : 1:1250
 Plan No. : 21-01256_SLP01



LONDON
 BIRMINGHAM
 BRISTOL
 CAMBRIDGE
 EDINBURGH
 HUNTINGDON
 MANCHESTER

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