



**NORTH  
LINCOLNSHIRE  
GREEN  
ENERGY PARK**

Planning Act 2008

Infrastructure Planning  
(Applications  
Prescribed Forms and  
Procedure) Regulations  
2009

# North Lincolnshire Green Energy Park

Volume 9

9.9 Applicant's Comments on Local  
Impact Report

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## Contents

<b>1. INTRODUCTION</b> .....	<b>4</b>
1.1 Overview .....	4
1.2 The Proposed Development .....	4
1.3 The Purpose and Structure of this Document .....	5
1.4 Applicant’s response to north lincolnshire council lir .....	5

## List of Tables

<b>Table 2.1 Applicant’s Response to NLC Local Impact Report (LIR) Comments</b> .....	<b>6</b>
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## Acronyms and Abbreviations

Name	Description
AGI	Above Ground Installation
APFP	Applications: Prescribed Forms and Procedures
BMV	Best and Most Versatile
CBMP	Concrete Block Manufacturing Plant
CEMP	Construction Environmental Management Plan
CLP	Construction Logistics Plan
CO <sub>2</sub>	Carbon Dioxide
DCO	Development Consent Order
DFE	Design Flood Event
DHPWN	District Heat and Private Wire Network
EA	Environment Agency
EIA	Environmental Impact Assessment
ERF	Energy Recovery Facility
ES	Environmental Statement
EV	Electric Vehicle
FRA	Flood Risk Assessment
H <sub>2</sub>	Hydrogen
ha	Hectare
HGV	Heavy Goods Vehicle
IDB	Internal Drainage Board
LIR	Local Impact Report
LVIA	Landscape and Visual Impact Assessment
NLC	North Lincolnshire Council
NLGEPL	North Lincolnshire Green Energy Park Limited
NPSs	National Policy Statements
NSIP	Nationally Significant Infrastructure Project
NSR	Noise Sensitive Receptor
OLBMMP	Outline Landscape and Biodiversity Management and Monitoring Plan
PINS	Planning Inspectorate
PRF	Plastic Recycling Facility
PV	Photovoltaic
RHTF	Residue Handling and Treatment Facility
SGWMB	Scunthorpe and Gainsborough Water Management Board

<b>Name</b>	<b>Description</b>
SoS	Secretary of State for Business, Energy and Industrial Strategy
SPV	Special Purpose Vehicle
SSSI	Site of Special Scientific Interest
UK	United Kingdom
WSI	Written Scheme of Investigation

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# 1. INTRODUCTION

## 1.1 Overview

- 1.1.1 The Applicant is seeking development consent 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 District Heat and Private Wire networks (DHPWN), hydrogen production, ash treatment, and other associated developments (the Project). The Project is primarily located at Flixborough Industrial Estate, situated at Stather Rd, Flixborough, Scunthorpe (the Application Land).
- 1.1.2 A DCO is required for the Project as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (NSIP) under sections 14(1)(a) and section 15(2) of the 2008 Act.
- 1.1.3 The DCO, if made by the SoS, would be known as the 'North Lincolnshire Green Energy Park Order' (the Order).

## 1.2 The Proposed Development

- 1.2.1 The Project will include 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 (H<sub>2</sub>) refuelling station;
  - Battery storage;
  - A hydrogen and natural gas above ground installations (AGI);
  - A new access road and parking;
  - A gatehouse and visitor centre with elevated walkway;
  - Railway reinstatement works including, sidings by 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.
- 1.2.2 Additional information regarding the proposed development can be found in Chapter 1 and Chapter 3 of the submitted Environmental Statement (APP-049 and APP-051).

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### **1.3 The Purpose and Structure of this Document**

- 1.3.1 This document sets out the Applicant's response to the Examining Authority (ExA) regarding the Local Planning Authority's Local Impact Report (LIR) (dated December 2022).
- 1.3.2 The Applicant's responses are provided in Table 2.1 of this document.

### **1.4 Applicant's response to North Lincolnshire Council LIR**

- 1.4.1 The Applicant's response to the North Lincolnshire Council's Local Impact Report are set out in Table 2.1 on the following pages of this document.
- 1.4.2 A response has been provided to comments within NLC's Local LIR only where considered necessary and useful to the ExA. As such, not all paragraphs have been responded to. Table 2.1 includes the paragraph number for each relevant response, a summary of the LIR comments, and the Applicant's response to each of those comments.

**Table 1.1 Applicant's Response to NLC Local Impact Report (LIR) Comments**

LIR Ref.	Summary of LIR Comments	Applicants Response
<b>Policy</b>		
4.6.13 and 4.6.18	<p>There is general policy support for new waste management facilities in North Lincolnshire, and more specifically within Flixborough Industrial Estate. However, policies W3 and W4 seek to direct new facilities away from areas of flood risk and BMV and require these issues to be fully assessed and justified. These matters need to be fully considered and weighed in the planning balance when a decision is made.</p>	<p>The Applicant notes the general policy support for the Project. Regarding justification for the facilities within areas of flood risk and BMV land, the Applicant's approach to site selection, referred to in the Planning Statement [APP-035] and Chapter 3 of the ES [APP-051] was to identify a suitable and available site for an ERF which met the need for residual waste capacity in the Yorkshire &amp; Humber and East Midlands region to reduce the level of waste going to landfill, an approach which is entirely consistent with Government policy.</p> <p>There are relatively limited sites that are suitable for ERFs and the Applicant reasonably focused on existing industrial sites that have a history of waste-related uses. The ability to secure access to transport materials by the river and rail was also key, and supported by all levels of Government policy, and indeed it is this river-access which has led to a site being selected which is located in Flood Zone 3 and on BMV land. It is therefore necessary for the site to be located in this particular location.</p> <p>The Applicant is carrying out additional work with regard to the effect of the Project on BMV and the extent to which this can be minimised, in response to the ExAs first written questions (Q2.0.2) and this will be submitted at Deadline 3.</p>
4.6.14	<p>NLC also notes guidance set out within the Waste chapter of the Planning Practice Guidance in respect of the principles of self-sufficiency and proximity. Following Issue Specific Hearing 1 it is understood that further clarification/justification of catchment area for waste and</p>	<p>The Applicant would direct NLC to the revised RDF Supply Assessment document (Document Reference 5.2) submitted on 14th December 2022. As stated clearly in NLC's local waste needs assessment, the proximity principle and the principle of self-sufficiency are implemented in the Waste (England and Wales) Regulations 2011. The former requires</p>

LIR Ref.	Summary of LIR Comments	Applicants Response
	overcapacity is to be provided by the Applicant which NLC welcomes.	that waste is managed in one of the nearest appropriate installations. The latter requires the network of European infrastructure to enable the EU as a whole to move towards the aim of self-sufficiency in waste disposal and the recovery of waste. Further information is provided in the Applicant's response to Q14.0.2.
<b>Landscape and Visual</b>		
6.3	NLC is particularly concerned about the impact of the proposed development on visual amenity from receptors at Viewpoint 1 (Amcotts) and Viewpoint 2 (Stather Road, Flixborough). They agree with the assessment presented by the Applicant that there will be major adverse and moderate adverse impacts on these viewpoints, respectively, following the growth of landscape mitigation planting at year 15.	The Applicant notes that NLC is satisfied with the findings of the submitted LVIA [APP-059]. The applicant has sought to mitigate effects on the local landscape where possible. However, as identified in the ES, a significant residual effect has been identified from these viewpoints which is reflective of their close proximity to the proposed development. We note that mitigation planting will assist in reducing the level of effect at year 15 from Viewpoint 2, albeit that a significant (moderate) effect is predicted to remain. Additional mitigation in relation to Viewpoint 1 is set out in Section 7.1.1.8 of the LVIA [APP-059].
<b>Traffic and Transport</b>		
7.11	NLC would like to understand what the reduction in HGV movements would be if movements were made by rail/river modes. They also query timescales for introducing deliveries by rail/river.	The core elements proposed on the Project are estimated to generate an average of 175 one-way vehicle movements per day during operation. If all fuel is transported to the Project by rail, with all other materials by road, then the number of one-way vehicle movements would be reduced to an average of 65 one-way vehicle movements per day (as set out in Para 5.6.6 of the ES Chapter 13: Traffic and Transport (APP-061)). Deliveries of construction materials and feedstock by river can be immediate as the Flixborough Wharf is and will remain operational. The potential capacity of two vessels per day could also provide feedstock requirement.



LIR Ref.	Summary of LIR Comments	Applicants Response
		<p>The phasing of the reinstatement of the railway is reliant on a number of interrelated matters.</p> <p>The Applicant has proposed a new requirement in the draft DCO to ensure that Work no.3 (reinstatement of the railway line between Flixborough Wharf and the Dragonby sidings including new sidings) is operational by the date of commissioning of the ERF at the latest.</p> <p>Further information on this is set out in the Applicant's response to Q14.0.8.</p>
7.18	<p>NLC query whether allowance has been made in assessments for car sharing. They note that it can be common for workers to car share in these situations, which may reduce the number of workforce travel trips.</p>	<p>Construction vehicle data including construction workforce trips allow for an average vehicle occupancy of 1.5 per vehicle i.e. car sharing has been accounted for in the vehicle numbers used in the assessment. The Outline CLP (Appendix D of APP-061) confirms that car sharing would be promoted as part of the construction workers travel plan.</p>
7.21	<p>It appears that there are two figures provided for the average number of HGV movements to/from the site. Paragraph 6.5.2 gives an average figure of 175 one-way HGV movements, but paragraph 6.5.5 suggests a total daily average of 452 two-way HGV movements. It is unclear which figure is accurate. This paragraph also gives a total daily maximum of 488 two-way HGV movements. Table 6.1 has different figures, although this presumably includes HGV movements associated with the electric vehicle/hydrogen refuelling station and may include two-way movements.</p>	<p>The daily average of 452 two-way HGV movements (paragraph 6.5.5 from the Transport Assessment (Appendix B of APP-061)) is correct. This average assumes a continuous stream of deliveries - the daily maximum of 488 two-way HGV movements takes account of possible delivery variables (due to sourcing and fuel suppliers etc). The peak maximum has been used in the assessment as a worst case.</p> <p>Table 6.1 from the Transport Assessment (Appendix B to APP-061) shows employee numbers not vehicle numbers - Table 6.5 shows the total vehicle trips from the Project as a whole (in + out i.e. two-way) and therefore includes all elements of the</p>

LIR Ref.	Summary of LIR Comments	Applicants Response
		Project, including the electric vehicle and hydrogen refuelling station
7.25	NLC are concerned about the increase in HGVs on Ferry Road West (east of the A1077) as it is a residential area and although HGV access is allowed, this is only to access the existing industrial uses along Scotter Road. NLC is unclear why HGVs would need to travel along this road and this is not covered in the TA.	The increase in HGVs on Ferry Rd West (east of A1077) is small (36 AADT/AAWT) and relates to buses associated with the electric vehicle and hydrogen refuelling station – it has been assumed for the purpose of the assessment that buses using the refuelling station would travel directly to/from their assigned route - a small percentage has been assumed via Ferry Rd West (east of A1077) which is an existing bus route.
7.27	It is noted that at Issue Specific Hearing 1 (ISH1) the Applicant stated that there is potential for a “virtual hydrogen pipeline” to be used should connection to gas supply pipelines not be feasible. This would constitute HGVs being used to distribute hydrogen produced at the site. Has this option has been considered when predicting operational traffic generation and, if not, what level of additional HGV movements could be expected on the highway network.	This has not been considered in calculations to date. If the full capacity of hydrogen was constructed and no buses were refueled, this would require around 5 collections per day (assuming 5 tonnes of hydrogen produced per day and a collection capacity of 1 tonne per tube trailer). The construction of the Humber Low Carbon Pipelines will provide a dedicated hydrogen pipeline. The commercial viability of connecting to the hydrogen pipeline will be improved particularly when the hydrogen pipe can be laid at the same time as the CO2 pipeline. This option would require no additional transport movements apart from the construction period.
7.29	NLC would like to see a more tailored approach to the site wide measures and initiatives once staff travel surveys have been completed. They note that very few incentives are offered.	The Operational Workplace Travel Plan (Appendix C of ES Chapter: Traffic and Transport (APP-061)) sets out preliminary information at this stage - once the baseline employee Travel Surveys have been completed following occupation, the preliminary targets and measures set out in the Travel Plan will be reviewed (and improved where necessary) to ensure that appropriate measures / initiatives are in place to deliver the outcome / targets.

LIR Ref.	Summary of LIR Comments	Applicants Response
7.31	The applicant may wish to consider a site-specific car sharing scheme.	The Applicant will investigate this as part of the Travel Plan
7.43	NLC would expect to be involved in an early stage of any discussions surrounding temporary traffic management and traffic regulation orders, to comment on the proposed methods and to avoid any potential clashes with other works in the area.	It is expected that engagement with NLC would take place at the earliest opportunity in relation to any temporary traffic management / regulation as part of the Detailed CLP to be agreed prior to the commencement of the works
<b>Biodiversity and Ecology</b>		
8.5	Overall NLC has no reason to disagree with the conclusions of the HRA. However, it is noted that wintering bird surveys were limited to the Energy Park Facility and surrounding areas. The Southern District Heat and Private Wire Network, as proposed, will pass through arable land that could theoretically act as “functionally linked land” supporting wintering and passage waterbirds associated with the Humber Estuary SPA and Ramsar site. Table 2 of APP-58 states, “A walkover of the Southern DHPWN is programmed to assess potential for migratory birds are not considered necessary along this linear element of the scheme which is located immediately west of the A1077 and M181 roads and will be subject to temporary impacts only”. Ignoring the apparent typing error, this rationale could usefully have been included in the screening chapter (determination of likely significant effect) of the Report to Inform Habitat Regulations Assessment [APP-043].	The Applicant notes NLC’s comments and thanks them for the very valid observation.
8.7	NLC stress the importance that all available measures be taken to avoid pollution at Risby Warren SSSI, so that recovery of lichen health communities can be encouraged.	The Applicant has discussed the levels of ammonia and deposited nitrogen with Natural England. The predictions made, include multiple precautionary assumptions and hence the levels / loads are overestimated at all sites, including the

LIR Ref.	Summary of LIR Comments	Applicants Response
		<p>Risby Warren SSSI. In practice most ERF plants operate at ammonia limits well below those in the Best Available Techniques Reference (BREF) Documents and that have been used in the modelling. Further, the Applicant will agree to selecting and achieving specific levels for ammonia that avoid significant effects including to the Risby Warren SSSI. Reductions in ammonia will help reduce deposited nitrogen as well. The Applicant has suggested to Natural England that it could undertake some habitat management work on the site to encourage restoration / recreation of the important habitats that have been lost at Risby Warren due the effects of historical air emissions unrelated to the Project.</p>
8.9	<p>It is noted that GCNs are confirmed present in ponds within 0.25 km of Railway Reinstatement Land. Works in these areas will require either conventional or District Level Licensing. Therefore, the decision maker will need to record evidence that the proposal meets the “3 tests” of licensing -particularly in relation to “no alternative” and “reasons of over-riding public interest”.</p>	<p>As GCN have been confirmed as present in ponds within 0.25km of the Railway Reinstatement Land (described in paragraph 7.2.3.5 of ES Chapter 10 [APP-058]) it is recognised that works in these areas will require either conventional or District Level Licensing. It is also recognised that the decision maker will need to record evidence that the proposal meets the “3 tests” of licensing -particularly in relation to “no alternative” and “reasons of over-riding public interest”.</p>
8.14	<p>It is suggested, where lowland dry acid grassland or species rich neutral grassland is present that it may be better to avoid the use of habitat piles and avoid replanting scrub, in order to enhance the spatial extent of grassland swards. The Preliminary Ecological Appraisal for a recent planning application (PA/2022/1247) shows the presence of neutral grassland and acid grassland in this area.</p>	<p>The Applicant notes the NLC preference and will work towards this as part of the SoCG in conjunction with NE and the Lincolnshire Wildlife Trust</p>
8.16	<p>NLC suggests requirement 4 of the draft DCO [APP-007] (re: Construction Environmental Management Plans</p>	<p>The Applicant does not consider the wording in Requirement 4 of the draft DCO needs to be amended to refer to habitats and</p>

LIR Ref.	Summary of LIR Comments	Applicants Response
	(CEMPs)) be amended to refer to habitats and designated sites as well as protected species, invasive species and soils.	designated sites. Habitats will be protected by a combination of measures through existing plans (soil management, waste management, dust management, spill management, habitat retention - see OLBMP [APP-041]). The Applicant will consider updating the CoCP [AS-011] to reflect this position.
<b>Cultural Heritage</b>		
9.2 - 9.6	Potential to impact directly on the known and potential archaeological, geo-archaeological and paleoenvironmental resources across the application site. Significant acknowledged as 'currently unknown; (with potential to be high).	All newly identified assets will be assessed for significance and potential impact by the proposed development and reported in the same format as the previously submitted ES Chapter 12: Archeology and Cultural Heritage [APP-060], as an addendum. Mitigation measures will be considered for these new assets and likely residual effects reported.
9.7 – 9.12	NLC requested a staged programme of archaeological field evaluation to prepare a robust assessment of the heritage significance of the site and inform any appropriate mitigation for inclusion in the ES. They note that none of the fieldwork advised was carried out prior to the PEIR, with only preliminary non-intrusive stages of the evaluation completed pre-submission.	A staged programme of non-intrusive archaeological fieldwork began in late 2021. It is now largely complete (as of November 2022). The intrusive phase of evaluation, informed by the non-intrusive surveys that preceded it began on the 5th December 2022.
9.16 – 9.18	NLC asks when the final report for the geoarchaeological assessment is to be expected – the WSI was agreed with the HER on behalf of the LPA in April 2022.	The second phase of the geoarchaeological evaluation fieldwork was carried out in September 2022 and a draft final report and deposit model was submitted to NLC on 30th November 2022. This report has been well received and the results discussed in a meeting between ERM (on behalf of the Applicant) and NLC on 1st December 2022. The report has also been shared with Historic England. A final version of the report is to be delivered at the end of February 2023 (we are currently awaiting the results of the radiocarbon and OSL dating and for a small section of ERT survey to be complete).

LIR Ref.	Summary of LIR Comments	Applicants Response
9.22	<p>NLC requests the WSI for the archaeological trial trenching include geo-referenced Ordnance Survey base maps at appropriate scales on which the trench locations should be accurately displayed.</p>	<p>The OS based maps are being completed to supplement the plans already submitted.</p> <p>This has been agreed in the meeting between ERM and NLC on the 1st December 2022.</p>
9.23 – 9.24	<p>It is noted that the Applicant notified the HER that the archaeological contractor was due to commence on site on 5th December, dependent on receipt of:</p> <ul style="list-style-type: none"> <li>• The geoarchaeological final report and updated deposit model</li> <li>• Agreement of the WSO</li> <li>• Further details from the contractor in their method statement.</li> </ul> <p>The completion of the field evaluation prior to the determination of the DCO is necessary to ensure the identification of any previously unknown remains, and to date and characterise all the heritage assets, the results to update the assessment of heritage significance in the EIA and inform the preparation of an appropriate archaeological mitigation strategy, in line with national and local planning policy.</p>	<p>These three conditions were met and there was agreement from NLC that the work could commence on the 5th December. The first site meeting between NLC, ERM and the contractor to review the trial trenching on site took place on the 15th December.</p> <p>It has been agreed with NLC that Flixborough Industrial Estate and the port area will be evaluated post-consent due to their current industrial land use.</p>
9.25 – 9.26	<p>NLC notes with concern that core elements of the proposed Project described in Chapter 3 of the ES (Project Description and Alternatives) [APP-051] are not referred to in section 4.1.1.2 and section 6.7 of Chapter 12 of the ES [APP-060], or within the submitted archaeological reports and WSIs, such as the construction of a new access road,</p>	<p>The updated version of the trial trench WSI reviewed by NLC does include a plan showing these elements and the potential impacts of all these elements have been discussed at length using the published work plans on the 1st December 2022. The reason why they were not assessed in detail is that these Project components are all situated within the floodplain</p>

LIR Ref.	Summary of LIR Comments	Applicants Response
	<p>new roundabout, railhead, SUDs features, new waterbodies, and landscaping proposals.</p> <p>Prior to the publication of the ES and Work Plans, these details were not forthcoming in response to NLCs HER queries and requests for information when considering the proposals. This has potential implications for agreement of the adequacy of the archaeological evaluation, the scope of the archaeological surveys and the trial trenching WSI, as well as for the applicant's impact assessment and mitigation strategy set out in Chapter 12 of the ES.</p>	<p>(referred to as Area 2 within ES, Chapter 12 [APP-060]) and it was thought very likely that the impact on buried archaeological deposits would be minimal because of the thick body of undifferentiated flood silts that was thought to extend across this whole area. The new geoarchaeological deposit model (produced in November 2022) has plotted the extent of these thick deposits in detail and shows that this assumption was largely true.</p> <p>In the meeting on the 1st December, it was agreed between ERM and NLC that trial trench evaluation should be limited (for now) to the south and east of Area 2, where this silt was known to be &lt;1m in depth.</p>
9.27 – 9.30	<p>NLC set out a number of areas that they propose need updating:</p> <ul style="list-style-type: none"> <li>• The assessment of the heritage assets within the spatial scope presented in Section 4.6 of APP-060 will need updating on completion of the archaeological evaluation (4.8.1.1).</li> <li>• The methodology referred to in Section 5.1.1.1 should include the assessment of the significance of archaeological heritage assets, known and potential, identified through archaeological field evaluation, as required in the national and local planning policies.</li> <li>• Section 5.5.3.1 refers to predicted impacts that may need to be revised; as the archaeological field evaluation has not been completed in time for the results to be incorporated into the EIA and inform the</li> </ul>	<p>The Applicant is in agreement with all these proposed updates following the completion of the evaluations.</p> <p>An updated Chapter 12 [APP-060] will be submitted to the examination as soon as possible following completion of the fieldwork reporting in February 2023.</p>

LIR Ref.	Summary of LIR Comments	Applicants Response
	<p>design of the development and other mitigation measures, and whilst further evaluation is ongoing, the assessment of the results of the work and of the project impacts will need to be revised during the Examination and pre-determination period.</p>	
9.31 and 9.39	<p>NLC is concerned that reference to a ‘comprehensive watching brief’ at section 5.5.4.2 of Chapter is not suitable terminology. They continue that EIA archaeological evaluation should inform the most appropriate suite of archaeological techniques for a comprehensive mitigation strategy. NLC anticipates that important archaeological remains identified via thorough evaluation will be appropriately excavated and recorded in advance of any construction works commencing; a programme of archaeological monitoring and recording during construction should only be used to manage the residual risk of encountering previously unknown remains following the undertaking of formal, set-piece mitigation schemes.</p>	<p>The Applicant is in agreement with this statement and will amend the terminology used. The Applicant is committed to a comprehensive programme of archaeological mitigation and is committed to designing this following further in-depth engagement with NLC.</p>
9.37 – 9.38	<p>NLC considers that there is currently insufficient information available in the ES to assess the appropriateness of mitigation measures. Until further results from the completed archaeological evaluation are available to allow further understanding the planning authority cannot agree any mitigation measures that may be required.</p>	<p>The Applicant is in agreement with this statement and is committed to designing a comprehensive programme of archaeological mitigation following further in-depth engagement with NLC.</p>
9.40 – 9.43	<p>NLC have identified a number of mitigation proposals that they do not consider suitable:</p> <ul style="list-style-type: none"> <li>• Archaeological excavation only down to proposed foundation levels</li> </ul>	<p>The Applicant is in agreement with these statements. As discussed in a meeting with NLC on 01/12/22 the Applicant will be exploring the options for investigating the brick kiln site which had until now been scoped out of the trial trench</p>



LIR Ref.	Summary of LIR Comments	Applicants Response
	<ul style="list-style-type: none"> <li>• The mitigation measures for the bunker hall should include archaeological excavation of the bunker area</li> <li>• Brick kiln site should be evaluated and assessed prior to a decision on appropriate mitigation</li> <li>• Mitigation works in H2 refuelling station will need to be informed by results of the stage 2 geoarchaeological evaluation and trial trench evaluation of this area</li> </ul>	<p>evaluation because it was located too close to the road. NLC pointed out in meeting on 01/12/22 that the location as shown on historic maps may be inaccurate and the Applicant agrees that this merits further work.</p>
9.44	<p>NLC consider that Section 8.1 will need to be reviewed following the completion of the archaeological evaluations.</p>	<p>The Applicant confirms that Section 8.1 will be reviewed and updated as necessary following the completion of the archaeological evaluations.</p>
9.45	<p>NLC request that Section 8.2 consider beyond individual designated assets, such as the character and settings of historic villages of Flixborough and Amcotts.</p>	<p>These settlements do not have Conservation Areas and therefore have not been considered as heritage assets. The historic core of Amcotts is set well back from the river and is screened from Flixborough Port by trees so, like the listed buildings within it, any impacts from the operational facilities of NLGEP will be minimal. The NLGEP infrastructure will not be visible from Flixborough village and noise impacts (as set out in the noise assessment) will be minimal.</p>
9.46 – 9.47	<p>It is agreed that the view west from the scheduled monument of ‘Flixborough Saxon nunnery’ across the floodplain to the River Trent is important to the setting. Photomontages for Year 15 shows a block of tree planting that will affect the ability to appreciate the setting of the monument, the siting of the settlement and its relationship for the river, for trade, communication and defence. It should be possible to avoid or minimise this harm through careful design of the landscaping scheme and siting of tree</p>	<p>The Applicant can confirm that the cultural heritage consultants will work together with the design team to ensure that this view is not compromised.</p>

LIR Ref.	Summary of LIR Comments	Applicants Response
	planting. It is important that the respective consultants to this project work together to revise the landscaping scheme accordingly.	
9.48	NLC requests that detailed evaluation results and updated assessments are made available at earliest stage to fully inform decision making and mitigation requirements.	The Applicant will make the results of evaluations and assessments available to the NLC at the earliest stage possible.
9.49	Enhancement proposals are most welcome. NLC encourages working with themselves and Historic England to produce beneficial enhancements for the scheduled monument and other archaeological sites around the proposed development. Amcotts parish too, could benefit from heritage enhancements, potentially building on their work with North Lincolnshire Museum Service.	The Applicant will look at the possibility of supporting the community heritage work within Amcotts Parish as part of the proposed enhancement project.
9.50	In September 2021 the HER and Historic England advised the applicant that the mitigation plan could only be produced once all the evaluation stages were completed and should consist of an overarching mitigation strategy for all proposals relating to the historic environment. This is to ensure that all parties are aware of the archaeological implications of the development, both to inform the detailed design of the development and for the archaeological mitigation work to be timetabled to avoid any unnecessary delay to the construction programme. Once produced the detailed Archaeological Mitigation Plan should be referenced appropriately within the CEMP.	The Applicant is in full agreement with this statement and is committed to producing an overarching mitigation strategy as soon as the evaluation programme is complete. The Applicant is also committed to ensuring that the detailed design takes account of the results of the archaeological mitigation. The Applicant agrees that this should be referenced where appropriate within the CEMP.
9.51	NLC asks for evidence to be provided which confirms that there is no impact on the setting of the grade II* listed building within 1km of the application site and 11 grade II buildings within 1km of the application site	Six Grade II listed buildings are situated within 1km of the main NLGEP infrastructure. The impacts of the proposals on the setting of these assets is provided in Section 8.2 of Chapter 12 of the ES [APP-060]. The remainder referred to by NLC lie

LIR Ref.	Summary of LIR Comments	Applicants Response
		within 1km of the proposed DHPWN only, the effect of which will be limited to localized impacts during construction. These have not been directly addressed in the ES because there will be no impact on their significance.
9.52	NLC would expect a settings assessment on each individual listed building to be provided as set out in by the Historic England Historic Environment Good Practice Advice in Planning Note 3 The Setting of Heritage Assets. This should detail impacts of the proposed development and mitigation details to offset identified harm.	Please refer to 9.51.
9.53 – 9.54	NLC considers that the no adverse impact on setting conclusion in the ES does not have evidence to support it and is therefore not adequate.	Please refer to 9.51.
<b>Noise</b>		
10.9 - 10.13	It is unclear how the omission of the requirement for a BS4142 assessment including acoustic feature corrections is justified. Concern that the final results appear to have a lower impact on nearby noise sensitive receptors without penalties. It is also noted that there has been no allowance for uncertainty in the data included. Therefore, it is unclear the actual impact of the proposed development on noise.	<p>As stated in the ES Chapter 7: Noise [APP-055], an acoustic feature correction has not been applied in this assessment because it is most likely that the need for a correction can be avoided during the detailed design phase.</p> <p>Paragraph 9.2.1.3 of [APP-055] notes that ‘A noise-monitoring and management programme will be developed and agreed with NLC, 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’, and it goes on to note that one of the aims is ‘Identification of equipment with potentially distinctive noise characteristics from equipment</p>

LIR Ref.	Summary of LIR Comments	Applicants Response
		<p>and consideration of alternatives/mitigation based on test data and commissioning measurements’.</p> <p>A Noise Management Plan, as part of the Operational Environmental Management Plan [APP-075] secured under requirement 4 of the draft DCO, 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.</p>
10.14	<p>NLC consider that noise levels are excessive enough to investigate the installation of a barrier along the western side of the railhead. They query whether alternative methods of constructing a barrier, building or enclosure have been considered beyond the option previously considered unviable.</p>	<p>Further mitigation will be considered in more detail during detailed design. However, based on flood modelling no alternative barrier design could be adopted during the ES.</p> <p>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.</p> <p>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.</p>

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10.15	A noise-monitoring and management programme is proposed as a form of mitigation to be agreed with NLC. It is proposed that the programme will be to demonstrate noise from the operation of the Project is no higher than reported in the ES. It is essential therefore that the ES accurately reflects the noise from the proposal, including all feature corrections and uncertainties as mentioned above.	As stated in the ES, an acoustic feature correction has not been applied in this assessment because it is most likely that the need for a correction can be avoided during the detailed design phase.
10.16	Significant noise effects at nearby NSRs from vessels using the river are considered unlikely and have been scoped out of further assessment. NLC would query whether this can be controlled in the future?	The Flixborough Wharf is located on a tidal river which allows two vessels to navigate the river to dock and unload per tide – so a maximum of four vessels per day. The Harbour Authority have confirmed that the commercial capacity of the River Trent would not facilitate more than the four vessels per day. This controls the number of vessels using the river. The assessment is based on the foreseeable requirements of the facility and it therefore enables the likely effects to be determined.
10.17	No comment has been made regarding the increase in background noise levels following the proposed development and the impact this may have on the area and for future developments. If the development is given permission to operate as proposed at this stage, background levels will be raised in this area by in excess of 12dB before penalties have been applied, not allowing for any uncertainties. This is of concern to NLC both with regard to the impact on local noise sensitive receptors and due to the potential for the upward creep of background noise levels in this area.	<p>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.</p> <p>During operation, the Project has the potential to result in moderate daytime noise impacts at the closest residential receptors close to Ingelhook 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.</p>

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		<p>Whilst it is accepted that there will be some change to baseline noise levels due to constant noise from the plant buildings, this will be limited to approximately 6 dB based on the data in Table 19 of ES Chapter 7: Noise [APP-055].</p> <p>It is also acknowledged that the noise levels are predicted to be higher than background noise during loading and unloading operations which will take place during the day. However, the unloading does not occur all day, and the method of quantifying background noise tends towards the lower noise levels in a given time period (through use of the LA90 index). Therefore, the increases in representative background noise levels are likely to be less than 12 dB.</p>
10.18	<p>Data included in the operational noise model is provided at Appendix C. From this data a total figure for ‘source noise’ is provided at each noise sensitive receptor (NSR). Source noise for each process/activity i.e. energy recovery facility, plastic recycling facility is not provided. It is unclear therefore what noise level each process/activity is contributing and which one may therefore be the cause of high noise levels at the NSR’s.</p>	<p>The individual source term assumptions for each building housing the various parts of the process and the noise sources in the noise model are shown in Appendix C (Table 2).</p> <p>In accordance with the requirements of BS 4142, the noise predictions at NSRs are given as overall noise levels from all of the noise sources associated with processes and activities from the site.</p>
10.19	<p>Appendix C Section 4, provides details of vessel noise and unloading activities. The noise levels in the report have been derived based on measurements made at the nearest receptor when vessels were alongside Flixborough Wharf. It should be noted that NLC is currently investigating complaints from residents of Amcotts village regarding excessive noise from unloading activities at Flixborough</p>	<p>The method for deriving baseline noise for the noise assessment, following BS 4142, requires a representative baseline noise level. The existing activities are part of the existing noise environment. However, the method required for deriving baseline for BS 4142 tends to result in the lower noise levels (often due to relative continuous sources such as distant traffic or industrial buildings) being selected. This method</p>

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	<p>Wharf which are proving complex to resolve. If further development of this nature goes ahead, this may compound the situation, particularly if suitable mitigation measures are not found to reduce predicted noise levels. NLC are concerned that noise levels monitored at this location are being considered as the normal acoustic environment experienced by local residents and that consideration of context has been given to these noise levels. We have recently been advised that a suitable method of mitigation has been sourced and should resolve the situation within approximately 3-4 months which will lower noise levels at this location by a considerable amount. It is NLCs view that monitoring undertaken at this location cannot be considered to be representative.</p>	<p>tends to exclude noise during high peaks in noise levels such as might be experienced from the existing wharf operations, which is a cautious approach to noise assessment.</p> <p>Therefore, the monitoring is representative of the noise in the area (following BS 4142), and the assessment is not based on a comparison with the existing unloading events.</p>
10.20	<p>Residual impacts and Cumulative impacts may need to be reconsidered once Acoustic Feature Corrections and uncertainties in the data have been reconsidered.</p>	<p>A Noise Management Plan, as part of the Operational Environmental Management Plan [APP-075] secured under requirement 4 of the draft DCO, will be formulated. The ES (9.2.1.3) notes that ‘A noise-monitoring and management programme will be developed and agreed with NLC, 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’. It goes on to note that one of the aims is ‘Identification of equipment with potentially distinctive noise characteristics from equipment and consideration of alternatives/mitigation based on test data and commissioning measurements’.</p>

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10.23	<p>The noise measures listed in Appendix A, Summary of Mitigation Measures and Securing Mechanisms during Construction are limited in nature and do not contain sufficient detail for a project of this nature.</p>	<p>At this stage of the project it is not possible to specify exactly which mitigation measures will be appropriate.</p> <p>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.</p>
<b>Air Quality</b>		
11.3 – 11.4	<p>The applicant confirms that the only sensitive receptors included in modelling is for those close to the road network in relation to operational traffic impacts. NLC are of the view that human receptors that could be affected by the operation of the proposed development should be identified and included on relevant figures and the predicted impact. This is further supported by the IAQM/EPUK Guidance which states “Local receptors should be identified, including residential and other properties close to and within the proposed development, as well as alongside roads significantly affected by the development, even if well away from the development site, and especially if within AQMAs.”</p>	<p>Impacts associated with road traffic on nearby trunk roads have been screened out as not significant using IAQM and Defra TG(16) (which was current at the time) guidance. For the new access road only annual mean nitrogen dioxide need be considered. There are a small number of relevant receptors, and these were captured in the model. Modelled impacts were insignificant.</p> <p>The impact assessment for the main ERF plant and shipping and rail sources follows Environment Agency guidance, whereby impacts are assessed on the basis of the maximum off-site concentrations. This applies to all pollutants of interest including nitrogen dioxide. Again, these are insignificant, and when taken together at the receptors identified for the traffic model, impacts remain insignificant.</p>



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		On this basis, no further or more detailed assessment of impacts at specific sensitive receptors is considered necessary.
11.5 – 11.6	Section 6 of APP-053 discusses baseline conditions and the various different sources of data that have been used to gather this information including: DEFRA background maps and monitoring locations across the UK (Scunthorpe, Hull, Birmingham, Warwickshire etc.) Satisfactory justification for the use of these locations has not been provided. One year of data has also been included from these varying locations, it is not clear why these years have been selected and inter – year variations have not been considered. Pollutant concentrations vary on a year by year basis due to operational activities and meteorological data and it would not be representative to consider one year in isolation.	<p>The baseline data is derived from sources that are considered to be representative of the baseline at the sensitive human receptors. These are overwhelmingly rural villages and isolated properties with few sources of emissions and light traffic flows. Whilst the Project is located in an existing industrial estate, this is relatively small and local sources of emissions are not anticipated to have a significant impact on the air quality at the nearby sensitive receptors, and therefore a rural baseline is acceptable.</p> <p>The monitoring data has been derived from the most up-to-date data that has not been compromised by the Covid pandemic. Furthermore, the most up to date Defra mapping data is 2018, and therefore where possible 2018 data was used for consistency.</p> <p>The point around inter-annual variations is acknowledged. However, for the large majority of the pollutants of interest, the baseline concentrations at sensitive receptors are very low, and any inter-annual variability would be inconsequential to the results. For those pollutants where there might be expected to be slightly more variability, nitrogen dioxide for example, the baseline and the process contribution is sufficiently small that even allowing for a large variability this would make no material impact on the outcome of the impact assessment.</p>
11.7	In addition, the assessment has utilised several non-local monitoring locations due to their location within a rural	As noted in response to 11.5/11.6 whilst the project is in an industrial estate, the sensitive receptors are not, and are not

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	<p>location and a lack of local rural monitoring programmes. The definition of a rural monitoring location in accordance with LAQM TG16 is “An open countryside location, in an area of low population density distanced as far as possible from roads, populated and industrial areas.” It is unclear how this conclusion has been drawn given the site’s location within and adjacent to an operational wharf and industrial estate.</p>	<p>located sufficiently proximal to the industrial estate to be expected to experience a substantially worse baseline.</p>
11.8	<p>In the absence of robust and representative background concentrations, NLC are of the opinion that a project of this scale would have benefited from site specific monitoring for some of the pollutants. As stated within the IAQM Guidance:  “Model verification will be important, especially where predicted concentrations are close to the objective, and should be based on the most appropriate available monitoring data (and for some schemes it may be necessary to carry out specific monitoring to allow robust model verification to be undertaken) A description of available monitoring data will be important to help define baseline conditions and put the model results into context. Where monitoring data are included in the report, it will be important to include details of the monitoring locations, the monitoring method, sampling period, data capture and any adjustments applied to the data, such as diffusion tube bias adjustment factor.”</p>	<p>The comment from NLC is discussing ‘diffusion tube bias adjustment factor’, and therefore the assumption is made that NLC are referring only to site specific monitoring for nitrogen dioxide.</p> <p>The model verification that is being discussed for nitrogen dioxide is not appropriate for industrial sources, as the project does not yet exist, and the wide range of other local sources cannot be meaningfully modelled. Therefore, the assumption is also made that this comment refers specifically to road traffic sources.</p> <p>One element of the project will be the construction of a new access road to replace the existing road passing Neap House. As such, the road with the greatest change in traffic associated with the project does not yet exist and therefore monitoring to provide model validation is not possible. Whilst this would be possible on existing roads (A1077 for example), significant impacts on these roads have been screened out on the basis of IAQM and Defra screening criteria and therefore this was not considered an appropriate step.</p>

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		Furthermore, the project is proposing to provide hydrogen for the fueling of HGV traffic, noting that fuel cell HGVs do not have emissions of oxides of nitrogen.
11.9	The Air Quality Impact Assessment makes no assessment of odour. This was raised in NLCs pre-application comments. NLC would expect to see a robust and fully justified odour assessment that quantifies the odour impact from the operation of the Proposed Development. To state that the odour is principally controlled through best practice design is not satisfactory.	<p>The Environment Agency provide guidance on the assessment of odour in the H4 guidance document. The method provided in H4 is based on a risk-based assessment approach FIDOR: Frequency; Intensity; Duration; Offensiveness; Receptor.</p> <p>The ERF plant and its waste handling operations are inherently designed to be odour free (as detailed in Chapter 5 of the EIA [APP-053]). As such, the FIDOR approach cannot be used as the Frequency; Intensity; Duration; Offensiveness are all designed to be negligible. There is, therefore, no basis on which to undertake a more detailed odour impact assessment.</p>
<b>Land Contamination</b>		
12.8	In making our response we have considered the risks posed to human health only. The advice of the Environment Agency should be taken with regard to risks posed to controlled waters and any proposed pilling activities to take place.	Environment Agency advice will be followed upon receipt. It is anticipated that risks posed to controlled waters and any proposed pilling activities to take place will be addressed through the CEMP.
<b>Hydrology and Flood Risk</b>		
14.3	It is noted that the Internal Drainage Board will need to be consulted to agree discharge rates into the downstream watercourse network.	The proposed surface water drainage strategy, set out in the Indicative Drainage Strategy in Annex 5 of the Environmental Statement (Document Reference 6.3.5) (APP-072) and the flood mitigation measures as set out in the Flood Risk Assessment (Document Reference 6.3.3) (APP-070) have been designed to include Scunthorpe & Gainsborough Water

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		<p>Management Board's requirements. Relevant consents will be applied for.</p> <p>The proposed surface water drainage strategy was presented to Scunthorpe and Gainsborough Waste Management Board and discharge rate from the site was agreed. The current strategy is to discharge to ordinary watercourses across the site. The agreed discharge will be restricted to 1.4l/s/ha.</p>
14.4	<p>It is also anticipated that the Environment Agency will provide specialist commentary on the flood risk assessment, the effectiveness of mitigation measures and any residual risk</p>	<p>The EA have confirmed they have no objection to the Project's flood risk management proposals provided the measures identified in the FRA are followed.</p> <p>The EA have confirmed support of the hydraulic modelling undertaken to date. The hydraulic modelling was undertaken in consultation with the EA during 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 (Document Reference 6.3.3) (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.</p> <p>The EA have confirmed support of the general design principles for the development outlined in the FRA. Development levels and equipment levels will be set above the design flood event (DFE) level with allowance for freeboard</p>

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		<p>and climate change to ensure the site remains operational during the DFE. Likewise, safe access and egress routes will be set above the DFE. This information is available as part of the Flood Risk Assessment in Annex 3 of Chapter 3: Project Description of the Environmental Statement (Document Reference 6.3) (APP-051). Further modelling during the detailed design stage post planning will confirm culvert sizes to provide sufficient capacity with sensitivity tests undertaken to understand impacts of blockage. Maintenance plans will also be developed at the detailed design stage to ensure appropriateness of measures, as per requirements written by the EA.</p> <p>A Flood Management Plan and evacuation route plan and flood resilience implementation plan will be developed with North Lincolnshire Council in consultation with the Environment Agency as part of the next stage of design</p>
<b>Socio-economic Impact</b>		
15.6	<p>The skills and experience gained and developed for businesses and workers, has the potential to lead to opportunities with future local developments. This should be secured by a Requirement to secure the submission and implementation of an Employment, Skills and Training Plan.</p>	<p>The Applicant is working with NLC and has established an Economic &amp; Employment Group 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 objectives are to:</p> <ul style="list-style-type: none"> <li>• maximise job opportunities for local people;</li> <li>• maximise supply chain opportunities for local businesses;</li> </ul>

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		<ul style="list-style-type: none"> <li>• 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</li> <li>• 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.</li> </ul> <p>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. This will be agreed with North Lincolnshire Council as part of the Construction Environmental Management Plan (CEMP). An Annual Monitoring Report will be produced which reports on the criteria set in the Employment and Skills Policy, including the number of local people employed during the construction and operational periods and as apprentices. Progress against targets set out in the Employment and Skills Policy will be reviewed by the Economic &amp; Employment Group on a quarterly basis with a report published annually.</p>
15.8	<p>NLC has concerns regarding the 13 occupied premises that are proposed to be demolished to accommodate the development. It is noted that 8 of the buildings are associated with Flixborough Wharf, but the buildings within Wharfside Court contain a number of micro/small businesses. The mitigation of this impact is essential.</p>	<p>The Applicant proposes to integrate the port operational staff within the ERF administration offices as they will form an integral part of the port operations. Some of the storage facilities will be re-located into the large steel stocking shed. The 18 staff currently employed by RMS Ports at Flixborough Wharf will continue to be employed.</p>

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		<p>The Applicant has looked at the options for alternative accommodation for the occupants of Wharfside Court in the area and some occupants have identified that they could re-locate with some financial assistance. The Applicant is looking to negotiate a private commercial agreement with the owner/occupiers and all the occupants and is in discussions with all of the landowners at Wharfside Court. In the unlikely event that no suitable alternative premises are located there is a risk of some permanent loss.</p> <p>The Applicant is working with NLC to identify potential alternative premises/sites in the area. However, the socio-economic impact of complete loss is included within [APP-062] which states at paragraph 8.2.1.6:</p> <p>“The Applicant has consulted each of the affected businesses in Wharfside Court and there are currently a number of relocation opportunities within the local area which are being explored. There would be a direct loss of up to 40 jobs associated with the relocation of the businesses at Wharfside Court unless these businesses are able to relocate locally within the LIA. For the purposes of assessment, it has been assumed that all of these jobs will be lost.”</p> <p>This compares to 3,550 jobs created during construction of the Project (see Table 16 of APP-062) and 290 direct jobs during operation (see Table 19 of APP-062). Although APP-062 describes the effect as temporary, it would be permanent if these businesses are not able to find alternative premises.</p>

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		<p>However, the overall calculation of benefit/loss assumes that all of these jobs would be lost, although this is considered a worst case for the reasons given above. The impact in terms of jobs is still overall net beneficial and the loss of 40 jobs, whilst important to the businesses that provide them, is not considered significant in the context of the number created.</p> <p>The Applicant did originally set land aside for the re-location of any displaced businesses to be delivered as part of the DCO, however there was a concern that this may not meet the tests of associated development, particularly given the relatively low numbers of jobs associated with the premises and that a significant environmental effect had not been identified. The Applicant is therefore working with local landowners and NLC to try and secure alternative facilities around the Flixborough Industrial Estate using the Town and Country Planning Act 1990 planning process.</p> <p>See Applicant's response to the ExA's first written question Q15.0.1.</p>
15.9 – 15.10	<p>Whilst NLC appreciate the commercial agreement outlined in paragraph 8.2.1.4 the Council would raise concerns to any potential loss of Flixborough Wharf as an operational port facility. This is a significant wharf within the area and could be used as part of future trade opportunities and economic growth across the Humber and Greater Lincolnshire region. Ports &amp; Logistics are recognised as key sectors both locally within the North Lincolnshire Economic Growth Plan but also wider with the formation of the Humber Freeport proposition and the Greater</p>	<p>The Applicant has chosen the site based on the presence of an operational port facility. The Applicant's commercial agreement with the port facilitates the ongoing port operations in addition to the Applicant's Project. The Project will support the operational growth of the port back to the full commercial capacity achieved historically and supported by the Harbour Authorities assessment of the River Trent's commercial capacity. The Applicant endorses the NLC Policy in EC5.</p>



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	Lincolnshire LEP Industrial Strategy & Strategic Economic Plan. NLC is seeking to safeguard its existing wharf and jetty facilities on the Rivers Humber and Trent through policy EC5 of the emerging local plan.	
15.11	It is noted that paragraph 8.2.1.4 outlines an intention that Flixborough Wharf would be retained as an operational port; however NLC would not want to see this being for the benefit of the proposed project only. The second option of relocating to other facilities within Gunness and Althorpe is also a concern given the sites referred to are currently on the market for sale.	The Applicant has chosen the site based on the presence of an operational port facility. The Applicant's commercial agreement with the port facilitates the ongoing port operations in addition to the Applicant's Project. The Project will support the operational growth of the port back to the full commercial capacity achieved historically and supported by the Harbour Authorities assessment of the River Trent's commercial capacity. The second option has been removed with the focus on Flixborough Wharf.
15.12	Paragraph 8.2.1.5 sets out the position with regards to Rainham Steel, this local business has continued to grow year on year within the region through several economic cycles and NLC would be concerned with the potential relocation of this business given the known issues relating to constraints at other sites operated by the business. NLC would like to understand the potential relocation and new site requirements to understand wider cumulative impacts this may have.	The Applicant recognises the importance that Rainham Steel places on the proximity of a steel stock site close to an operational port. The Applicant did originally set land aside for the re-location of the Rainham Steel stocking site to be delivered as part of the DCO. However there was a concern that this may not meet the tests of associated development. The Applicant is therefore working with local landowners and NLC to try and secure alternative facilities around the Flixborough Industrial Estate with direct access to the port using the Town and Country Planning Act 1990 planning process. A land swap with betterment with access to the port is the preference of both the Applicant and Rainham Steel. The consenting of a suitable site based on the absence of alternative sites using the Town and Country Planning Act 1990 planning process will require the support of NLC as the local planning authority. The Applicant will continue to work closely with NLC on this matter.

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15.13	<p>Due to issues related to wider indigenous business needs for temporary accommodation, associated with large scale industrial ‘shut downs’ (e.g. steel works, oil refineries and energy intensive industries), there is the potential for a significant impact at ‘pinch points’ throughout the construction period. This alongside other emerging large-scale projects in the area is likely to push demand into more rural regions associated predominantly with the visitor economy. This may have negative impacts on the longer-term visitor economy offer post construction. NLC would like to see that the Applicant has assessed this issue and that potential impacts are appropriately mitigated to prevent displacement of the existing visitor offer via the removal of temporary accommodation during the construction period. We would not want to see demand caused by the development outweighing the supply and distorting market conditions in the short-term leading to longer term reputational damage.</p>	<p>The Applicant is cognisant of the impact of an influx of construction workers for major infrastructure works. The Applicant will continue to work closely with NLC to look at medium term solutions including the conversion of redundant buildings into hotel accommodation that could continue to serve the local community after the construction phase of the Project is complete.</p> <p>The assessment has included the inclusion of apprenticeship roles using the local training establishments to facilitate additional local roles including the retraining of a skilled workforce looking for redeployment. This will help to reduce the some of the concerns and deliver the local skills based envisaged by the local training and educational establishments.</p> <p>The Applicant believes a close liaison with NLC will mitigate some of the concerns raised.</p>
15.14	<p>NLC also notes that the proposed development will result in the loss of a significant area of best and most versatile agricultural land. Whilst there is an abundance of BMV land within North Lincolnshire, this is an important local (and national) resource and any permanent loss should be robustly assessed and justified.</p>	<p>The Applicant has attempted to balance the desire to achieve a 10% biodiversity net gain by enhancing the habitat on disused mineral workings to avoid using the best and most versatile land for this use. The site has been optimised to utilise brownfield land where possible.</p> <p>The Applicant is carrying out additional work with regard to the effect of the Project on BMV and the extent to which this can be minimised, in response to the ExAs first written questions (Q2.0.2) and this will be submitted at Deadline 3.</p>

dDCO

LIR Ref.	Summary of LIR Comments	Applicants Response
16.3	Article 11 – NLC as local highway authority believe that this Article needs redrafting to ensure that reinstatement of affected streets following completion of works is secured, particularly with regards to subsections a, b and c. Similar wording to that used in Article 12(2) could be used.	The Applicant has amended this article to reflect the wording used in article 12(2) to address this point.
16.4	Furthermore, the details of the local highway authority issuing consent are not explicit, including what say we would have over the powers (traffic management requirements, diversion routes, co-ordination with other works on the network etc.). Nor does Article 11 detail how much notice the local highway authority would be given of the intention to exercise the powers.	The updated drafting in article 11 addresses these comments.
16.5	The local highway authority are more comfortable with Article 12, which includes a requirement to reinstate affected streets and gives a clear timeframe for issuing consent. However it would be helpful if this Article detailed what information would need to be submitted with a request for consent from the local highway authority. The points raised in respect to Article 11 above, relating to agreeing traffic management/co-ordination with other works on the network also apply.	Noted. The Applicant believes that the current drafting of article 12 provides a sufficient level of detail for the purposes of the dDCO. Article 12(3) requires that "relevant information" is submitted alongside the application which may be different depending on the works that are required to the street and so including the granular detail within the dDCO is not appropriate. The article provides that the decision is with the street authority as to whether or not the application is approved, and determining if sufficient information has been provided would form part of that assessment.
16.6	Articles 13 (4) and 14 (4) need to make it explicit who is responsible for paying compensation as a result of the suspension of a private right of way.	The Applicant has amended these articles to reflect the fact that it would be the Applicant, as undertaker, who would be responsible for paying any such compensation. This is reflected in the dDCO submitted at Deadline 2.
16.7 – 16.8	Article 16 needs to specify the details that will need to be submitted to the local highway authority when seeking consent in respect of new accesses. The local highway	The purpose of this article is to allow the Applicant flexibility to undertake such works for the purposes of carrying out the Scheme. Whilst every effort has been made to identify all

LIR Ref.	Summary of LIR Comments	Applicants Response
	<p>authority would appreciate further clarification on the rationale for this Article and when the Applicant would envisage it to be required. How does this Article relate to Schedule 7?</p>	<p>accesses and all works required to those accesses, it is possible that unknown or informal accesses exist or the need to improve an access or lay out a further access will only come to light as the Scheme is carried out. This article does not relate to Schedule 7, which sets out the clearways.</p>
16.9	<p>Part 6 sets out supplemental powers with respect to the felling or lopping of trees and the removal of hedgerows. These are understood to be common powers included within development consent orders. Nevertheless, given the site area there is the potential to impact or indeed fell a significant number of trees/shrubs. NLC would not like to see these powers wielded unnecessarily and the impact upon trees and hedgerows should be kept to a minimum.</p>	<p>The Applicant notes NLC's concerns. Part (1) of article 38 (relating to felling or lopping of trees) states that the power can only be used where the undertaker "reasonably believes it to be necessary". This is then further qualified under subsections (a) and (b) which specify the scenarios under which the power can be exercised. Subsection (a) states the power can be used where a tree or shrub is "obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development". Subsection (b) states the power can be used where a tree or shrub is "constituting a danger to persons using the authorised development". Article 39(1)(a) and (b) (removal of hedgerows) limits removal of hedgerows/important hedgerows to those specified in Schedule 13. Article 39(1)(c) then allows for removal or translocation of any hedgerows within the Order limits, however this power is caveated so that it may only be exercised with the consent of the local authority.</p>
16.11	<p>The local highway authority would like more clarification on the definition of preliminary works in respect of Requirement 10, particularly with regards to the level of</p>	<p>"Preliminary works" is defined in article 2(1) of the dDCO as being "works consisting of site clearance and removal of minor structures, environmental surveys, investigations for the</p>

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	<p>traffic expected to be associated with these preliminary works. It is also suggested that this Requirement may need to include more detail such as reference to routing, management of abnormal and indivisible loads and the management of river use etc.</p>	<p>purpose of assessing ground conditions including gas monitoring, erection of any temporary means of enclosure, temporary display of notices or installation of a site compound".</p> <p>Requirement 4(1) of the dDCO provides that no preliminary works may commence until the undertaker has submitted a permitted preliminary development works construction environmental management plan (PPDW CEMP) as described in section 5.3 of the Code of Construction Practice (CoCP) to the local planning authority and that this has been approved.</p> <p>Section 5.3 of the CoCP (paragraph 5.3.1.5) includes a list of items that the PPDW CEMP will address in respect of the preliminary works, and this includes site access and traffic management.</p> <p>The construction traffic management plan (requirement 10) would address routing, management of abnormal and indivisible loads and the management of river use (if applicable to the proposed works) so the Applicant does not consider that further detail is required at this stage.</p>
16.12	<p>NLC as highways authority would question whether there should be an additional Requirement for NLC to approve the construction details of the new access road? If not, how is this approval going to be secured? This also relates to the proposed toucan crossing on A1077 and the cycleway improvements on Flixborough Industrial Estate and the B1216.</p>	<p>Pursuant to requirement 3, no part of the authorised development may commence (save for preliminary works) until various details have been submitted to and approved by the relevant planning authority. This includes the new access road that would be approved as part of the authorised development by the relevant planning authority.</p> <p>Further, under requirement 2(2), the authorised development must not be commenced until a written scheme setting out the</p>

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		<p>proposed phasing of the authorised development has been submitted to and approved by the relevant planning authority, and the approved phasing scheme must be complied with thereafter.</p> <p>Finally article 11(3) provides that any works to be carried out in any street require the approval of the street authority. The Applicant considers that this would give NLC the relevant authority to approve the details of the toucan crossing and the cycleway improvements.</p>
16.13	<p>The draft DCO includes Requirement 11 for Archaeology. NLC advises that amendments to the wording will need to be considered once the archaeological field evaluation is complete and reported on, and a detailed Archaeological Mitigation Plan is prepared and agreed with the local planning authority and decision-making body.</p>	<p>The Applicant is in discussion with NLC in respect of the written scheme of investigation and can discuss and agree any further amendments required to requirement 11.</p>
16.14	<p>Whilst there is no objection to the drafting of Requirement 3 as such, it is noted that the proposed development constitutes a number of different works of differing scales and type. It is questioned whether this Requirement needs to be drafted to allow different details to be submitted for the different types of works (railway reinstatement works, DHPWN works, habitat creation works etc.). The current drafting does not appear bespoke to the proposed development at present.</p>	<p>The Applicant is considering this request and will discuss further with NLC.</p>
16.15	<p>Requirement 4 does not currently contain any reference to noise and vibration, nor does it refer to temporary lighting that may be required during the preliminary/construction phases. NLC would also question whether Requirement 4 should specify the details of what is to be included in the preliminary environmental management plan, so that it is</p>	<p>Requirement 4 of the dDCO is the requirement to provide a construction and environmental management plan (CEMP) for the relevant part prior to commencement of that part of the authorised development has been submitted and approved by the relevant planning authority.</p>

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	<p>consistent with the approach taken towards the construction and operational management plans.</p>	<p>The CEMP is to be submitted and approved in accordance with the Code of Construction Practice (CoCP) and is to incorporate a number of management plans. The Applicant has updated the dDCO to include reference to a noise management plan at requirement 4(3)(k). In addition mitigation measures in respect of vibration are contained in the CoCP and this is secured through Requirement 4. Construction lighting is also addressed in the CoCP.</p> <p>Lighting for the Project is secured through Requirement 5 which requires that a scheme for all permanent external lighting is to be submitted and approved by the relevant planning authority. The scheme submitted is to be in accordance with the indicative lighting strategy. The Code of Construction Practice [AS-011] states that project activities that will be included in the CEMP during construction will include “site lighting, monitoring to ensure that any required lighting is suitably cowed and not directed onto environmentally sensitive areas.”</p> <p>Requirement 4(6) lists out the plans that are to be included in the operational management plan.</p>
16.16	<p>Requirement 4 of the draft DCO (re Construction Environmental Management Plans (CEMPs)) also needs to be amended to refer to habitats and designated sites as well as protected species, invasive species and soils.</p>	<p>See response to paragraph 8.16 above.</p>

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16.13 (repeat number)	Requirement 14 should include a clause to secure completion of the access road prior to any part of the development being brought into operation.	<p>Pursuant to Article 13(2)(a), the Applicant cannot stop up the street specified in column (2) of Schedule 4 unless the new street to be substituted for it, which is specified in column (4) of that Schedule, has been completed to the reasonable satisfaction of the relevant street authority and is open for use (13(2)(b) allows for a temporary alternative route to be provided and maintained until the completion and opening of the new street in accordance with 13(2)(a)).</p> <p>The street identified in column (2) of Schedule 4 is part of Stather Road (from points A1 to A2 on the rights of way and access plans sheets 4 and 5) and the new street to be substituted as identified in column (4) is the new access road (from point B1 to B2 on the rights of way and access plans sheets 4 and 5). The ERF is being built over part of Stather Road and therefore this road has to be stopped up in order for the development to proceed and the Applicant will need to comply with article 13(2) in order to be able to do so. Therefore the Applicant considers that the completion of the access road is already adequately secured.</p>
16.14 (repeat number)	Requirement 18 reference the Plastic Recycling Facility, to secure the provision of this facility within a set timeframe. This facility forms a key part of the proposed process by allowing for a potential reduction in the plastic content of RDF processed in the ERF.	<p><b>Requirement 18</b></p> <p>We note that NLC regard the PRF as a key part of the proposed development. At this stage the Applicant is not in a position to secure the provision of this facility within a set timeframe until a technology provider is secured. The Applicant will keep this under review during the course of the Examination.</p>
16.15 (repeat number)	NLC are of the view that the dDCO should include an additional Requirement to secure a procedure for dealing	Through the submission and agreement to the CEMP under requirement 4 of the dDCO, the undertaker is to include a remediation strategy (see requirement 4(3)(b) of the dDCO)



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	with unexpected/previously unidentified contamination that may be encountered during construction.	which will cover any unexpected/previously unidentified contamination. This is also included in the CoCP in Annex A, under the heading "Chapter 8".
16.16 (repeat number)	It is not clear where construction working hours are secured. This should be referenced in Requirement 4 (CEMP) or a separate Requirement .	Construction working hours are included in the CoCP (see paragraph 1.6). The CEMP is to be submitted in accordance with the CoCP pursuant to requirement 4.
16.17	Given the fact that no Environmental Permit has yet been granted and that the ES has been undertaken on the worst-case basis that the ERF plant will process up to 760,000 tonnes of RDF annually NLC are of the opinion that this limit on the throughput of waste should be secured either by inclusion in the definition of Work No 1 in Schedule 1, or in a Requirement within Schedule 2.	The Applicant has amended the definition of Work No. 1 in Schedule 1 to refer to the processing of 760,000 tonnes of RDF annually. This is included within the dDCO submitted at Deadline 2.
16.18	NLC would like to see a Requirement to prevent the outdoor storage of waste/fuel or plastic in the interest of protecting the amenity of the local area.	We note that NLC would like to secure the prevention of outdoor storage of waste, fuel or plastic. Storage and handling of these materials will be subject to the requirements of the Environmental Permit (EP). As such they will be addressed in the Environmental Management System required by the EP and/or as part of the OEMP (see Table 1) (APP-075) to be approved pursuant to requirement 4(6).
16.19	NLC would like to see a Requirement to secure the submission and approval of an Employment, Skills and Training Plan detailing arrangements to promote employment, skills and training development opportunities for local residents during construction and operation of the authorised development. This is a Requirement that has been secured on a number of energy related DCO's within North Lincolnshire and will ensure that the local benefits of the proposed development are maximised.	This is contained in the CoCP and will form part of the CEMP. We note what NLC suggests in relation to other DCOs and this can be discussed further as part of ongoing discussions on the SOCG.

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16.20	<p>It is not understood exactly why a single Requirement has been used to secure both the commencement period and the phasing scheme, rather than 2 separate Requirements. Whilst there is no objection to this approach in principle, the heading of the Requirement should be re-drafted for clarity and to ensure that it is clear where the requirement to provide a phasing scheme can be found (it is not referenced in the heading for Requirement 2 at present).</p>	<p>The Applicant has amended the heading of the requirement 2 to include reference to phasing of the authorised development. This is included within the dDCO submitted at Deadline 2.</p>