

Application by North Lincolnshire Green Energy Park Limited for an Order Granting Development Consent for the North Lincolnshire Green Energy Park

Agenda for Issue Specific Hearing 3 (ISH):

Hearing	Date and Time	Location
Issue Specific Hearing 3 (ISH3) on Environmental Matters	<p>Wednesday 25 and Thursday 26 January 2023</p> <p>Hearing Starts at 10.00am.</p> <p>Seating available at venue from 9.00am and virtual Arrangements Conference from 9.30am on both days</p>	<p>Forest Pines Spa and Golf Resort, Ermine Street, Broughton, Brigg, DN20 0AQ</p> <p>and</p> <p>By virtual means using Microsoft Teams</p>

The purpose and Conduct of the Issue Specific Hearing

This hearing on environmental matters is being held to address issues and questions identified by the Examining Authority (ExA) during the Initial Assessment of Principal Issues and following receipt of responses to the ExA written questions, receipt of relevant representations up to Deadline 3.

All IPs are invited to attend the hearing and each IP is entitled to make oral representations at the hearing.

The ExA requests that the following attendees participate in ISH3 Day 1 and Day 2 into the environmental matters relating to the Proposed Development:

- North Lincolnshire Green Energy Park Limited (the Applicant);
 - North Lincolnshire Council (NLC);
 - Environment Agency (EA);
 - United Kingdom Without Incineration Network (UKWIN);
 - AB Agri Ltd; and
 - Any other Interested Parties (IPs) – with an interest in the environmental matters.
- and;
- Natural England;
 - Historic England on Day 1 of ISH3.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required.

Guidance under the Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and

assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

The following agenda is indicative and may be amended by the ExA at the start of the hearing session. Furthermore, the ExA may wish to raise other matters arising from submissions and pursue lines of inquiry in the course of the discussion which are not on the agenda.

The purpose of ISH3 is to enable the ExA to seek an understanding of:

Issues relating to waste.

- a) The quantity of waste available and the capacity to process it regionally and nationally both now and in the future.
- b) Whether the provision of this facility would result in an excess of capacity for the processing of waste either regionally or nationally.
- c) The transport of waste to the site during operation and consequences for other Interested Parties.
- d) The control mechanisms during delivery and transfer.
- e) The potential for odour or other adverse effects during transport or storage, including the relationship to AB Agri Ltd.
- f) Whether appropriate controls are in place through design or mitigation and whether this is appropriately secured.

Issues relating to flood management and risk, control of surface water and water quality.

- a) The appropriateness of site selection and the application of the sequential and exception tests.
- b) The policy approach to the exception test.
- c) Status of the Council's Strategic Flood Risk Assessment (SFRA) and the basis of assessment in light of current use of land and whether a justification for housing in areas of flood risk has influenced the assessment.
- d) Management of surface water across the Development Consent Order (DCO) site and areas of flood storage.
- e) The relationship between the wetland area and the broader water management on the site and whether the wetland area is just to the west of the new access road?
- f) How foul water is intended to be dealt with from the site.
- g) Whether appropriate controls are secured through design or mitigation.

Issues relating to cultural heritage.

- a) Latest position on investigations and timing of submission of evidence.
- b) Methodology of assessment and determining degree of significance.
- c) Understanding of design of mitigation in absence of full information on heritage assets.
- d) How present uncertainty should be addressed.

- e) Assessment of setting of listed buildings within 1km of the Order limits and evidence on conclusion of no adverse impact.
- f) Understanding of position of NLC and Historic England in respect of Flixborough Saxon Nunnery.

Issues relating to design.

- a) Relationship of Design and Access Statement (DAS) to the DCO and the assessment within the Environmental Statement (ES).
- b) Relationship of Design Codes Document to the information presented within the DAS and whether the Codes as drafted provide sufficient confidence that good design would be achieved and the National Policy Statement (NPS) Policy met.
- c) Role of Design Champion, Design Review Panel and the Council in securing Good Design and the suitability of the DCO as drafted in ensuring appropriate safeguards/mechanisms are in place.

Issues relating to Biodiversity, Ecology and HRA

- a) Biodiversity Net Gain and whether there should be a specific commitment to a minimum of 10%.
- b) Great Crested Newts
 - The potential for Great Crested Newts in Ponds 28-30 and the overall conclusion on impacts and the protection offered through the Landscape and Biodiversity Management and Monitoring Plan (LBMMP).
- c) Best and Most Versatile (BMV) Agricultural Land
 - IPs latest position on BMV.
- d) Risby Warren Site of Special Scientific Interest (SSSI)
 - Ammonia and nitrogen deposits at the SSSI, controls, and mitigation and significance of effect.
- e) Habitat management at the SSSI.
- f) Biodiversity Mitigation/Enhancement and whether they should be or are secured.
- g) Habitats Regulations Assessment (HRA)
 - Update on Statement of Common Ground (SoCG) with NE.
 - Sea and river lamprey, evidence of noise effects in the river.
 - Cumulative effect on air quality in conjunction with Keadby 2 and 3 developments.
 - Road traffic effects on air quality and implications for the Humber Estuary SAC and Ramsar.

All Examination documents are provided with a unique identification number for referencing purposes shown in square brackets [].

Agenda for Wednesday 25 January 2023 (Day 1)

1. Welcome, introductions, and arrangements for the Issue Specific Hearing.

Reference will be made in Agenda items 3, 4, 5 and 6 to the Applicant's and IP's responses to Examining Authority's First Written Questions (ExQ1), the comments on those responses provided at Deadlines 2 and 3, and other relevant submissions and responses up to and including Deadline 3.

2. Purpose and Conduct of the Hearing.

3. Issues relating to cultural heritage

a) Archaeology

- Applicant to provide an update on progress of investigations, results or reports that are now available and whether there are any implications for the baseline and assessment of conclusions.
- Understand the position of NLC and Historic England on these matters.
- Latest understanding of views on protocol to suspend work in the event it were to be necessary to protect assets,
- Historic England's view on NLC concern as set out in [REP2-042] about the potential for substantial harm if the development results in the destruction of unknown remains,
- Applicant's view on Outline Archaeological Strategy and Historic England's request to provide one.

b) Setting of Listed Buildings

- Whether the assessment undertaken is appropriate and provides for sufficiently detailed information to fully understand any implications in respect of affect on setting.

c) Flixborough Saxon Nunnery

- Understand the difference of view between Historic England and NLC as to the magnitude of harm.

4. Issues relating to design

a) Status of the DAS in light of response to ExQ1, comments of NLC and revised documentation presented at Deadline 3.

b) Relationship of Design Codes Document to the information presented within the DAS and whether the Codes as drafted provide sufficient confidence that good design would be achieved and the NPS Policy met.

c) Role of Design Champion, Design Review Panel and the Council in securing Good Design and the suitability of the DCO as drafted in ensuring appropriate safeguards/mechanisms are in place.

5. Biodiversity, Ecology and HRA

a) Biodiversity Net Gain (BNG) and whether there should be a specific commitment to a minimum of 10%

- In light of the advice from NE and the potential for a requirement of a minimum of 10% BNG which may come through from the Environment Bill, would it not be appropriate to stipulate there will be a minimum 10% BNG in a requirement.

b) Great Crested Newts (GCN)

- Are NE now satisfied with position in respect of concern identified about potential for GCN in Ponds 28-30 and the overall conclusion on impacts and the protection offered through the LBMMP.
- c) BMV
- IPs latest position on BMV.
- d) Risby Warren SSSI
- Applicant (8.7 of [REP2-034]) states assessment is precautionary. States it will agree to selecting and achieving specific levels for ammonia to avoid significant effects at the SSSI – this will also help to reduce deposited nitrogen.
 - How is this secured?
 - Please advise whether this is considered to have significant effects?
 - Biodiversity Mitigation/Enhancement.
- e) Can NLC expand on specific concerns? ie does it think some mitigation is not properly secured in the ways detailed above?
- f) HRA
- Update on SoCG with NE.
 - Sea and river lamprey, what evidence of noise effects in the river from piling does NE have, and what additional information does NE need from the Applicant.
 - Cumulative effect on air quality in conjunction with Keadby 2 and 3 developments relative to the stack heights as set out in Schedule 1 Part 3 of the dDCO.
 - Road traffic effects on air quality and implications for the Humber Estuary SAC and Ramsar – whether additional mitigation might be required for ammonia as a result of operational traffic emissions.
- g) Update on concerns identified by NE in respect of:
- potential for impacts from noise, vibration, and visual disturbance on Humber Estuary Ramsar.
 - potential loss of functionally linked land associated with Humber Estuary SPA/Ramsar.
 - potential impact from noise, vibration and visual disturbance on functionally linked land associated with Humber Estuary SPA/Ramsar.

6. Update on progress on SoCG.

7. Review of issues and actions arising.

8. Any other business.

9. Closure of the Hearing.

Agenda for Thursday 26 January 2023 (Day 2)

1. Welcome, introductions, and arrangements for the Issue Specific Hearing.

Reference will be made in Agenda items 3, 4, 5 and 6 to the Applicant's and IP's responses to Examining Authority's First Written Questions (ExQ1), the comments on those responses provided at Deadlines 2 and 3, and other relevant submissions and responses up to and including Deadline 3.

2. Purpose and Conduct of the Hearing.

3. Issues in respect of waste.

- a) The likely balance between waste as fuel (WaF) supply and energy from waste (EfW) capacity in England until 2035.
- b) Securing consistency with the waste hierarchy through the use of a draft requirement.
- c) Sustainable transport policy and how that might be secured.
- d) Local waste related concerns raised by Interested Parties.
- e) The carbon intensity of incineration v landfill and incineration v displaced power generation.

4. Issues in respect of flood risk and the water environment

- a) Application of the Sequential and Exception Tests, whether these have been carried out appropriately?
- b) Flood management plan – role of NLC and their view on the suitability of Requirement 12 of the draft Development Consent Order (dDCO).
- c) AB Agri comment on the (Flood Risk Assessment) FRA questions the suitability of the model used and whether it accurately reflects the risks of flooding in light of the relative crest heights of current defences, and
- d) Severn Trent Water have indicated a limited capacity for accommodating foul water. Has it been determined if an on site package treatment plant would be required?
 - If this is necessary does this form part of the DCO?
 - Whether the Environment Agency have any outstanding concerns on this matter.
- e) Water Quality, monitoring and treatment - Should this be controlled now through the Code of Construction Practice (CoCP) rather than as suggested form part of the Construction Environmental Management Plan (CEMP)?
- f) Water Framework Directive – understanding of whether there are any outstanding concerns of the EA or if controls proposed through Requirements is satisfactory.

5. Review of issues and actions arising.

6. Any other business.

7. Closure of the Hearing.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the Hearing. The details set out above are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.