

Mr E Maund & Mr P Brewer  
The Planning Inspectorate  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol  
Avon  
BS1 6PN

**Our ref:** AN/2022/133243/05-L01  
**Your ref:** EN010116  
**Date:** 1 February 2023

Dear Sirs

**Application by North Lincolnshire Green Energy Park Limited for an Order Granting Development Consent for the North Lincolnshire Green Energy Park Project, on land adj to Flixborough Industrial Estate, Stather Road/First Avenue, Flixborough, DN15 8SF – Deadline 4 submission**

The Environment Agency attended the Issue Specific Hearing on Environmental Matters held on the 26 January 2023 and made oral submissions, summarised below, in relation to the following Agenda items:

***Issues in respect of waste***

**Agenda Item 3 b) Securing consistency with the waste hierarchy through the use of a draft requirement**

Confirmation was provided that the Environment Agency will regulate the site in line with an environmental permit, which will have a series of rules and conditions that reflect industry best practices as set by EU guidance. We will audit and inspect the site in line with those permit conditions. In terms of accountability, there will be potential scores for any breaches and non-conformances. Depending on how and when they occur, we will follow up accordingly in line with the nature of any breaches found through, for example, warning letters, advice and guidance, formal legal notices, or prosecutions etc.

**Agenda Item 3 d) Local waste related concerns raised by Interested Parties**

Confirmation was provided that the permit will control odour within the curtilage of the facility and this could include a requirement for the site to provide an odour management plan, covering the permitted area. However, this would not cover odour issues outside of the site, such as waste being transported to the site.

***Issues in respect of flood risk***

**Agenda Item 4 b) Flood management plan – role of NLC and their view on the suitability of Requirement 12 of the draft Development Consent Order (dDCO)**

The wording of Requirement 12 remains a concern to the Environment Agency, particularly as it was clarified that the plan to be submitted under this requirement is solely for evacuation purposes. There is still a need for the applicant to undertake

further flood risk assessment work (post consent) to inform the detailed design of the flood risk mitigation works. We note that the Applicant has included a reference within Requirement 3 that the detailed design must be in accordance with the submitted flood risk assessment. However, this does not secure the additional assessment required to inform the flood mitigation work.

**Agenda Item 4 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**

The Environment Agency explained that the model resolution used is for a large catchment in the tidal extents of the River Trent (which is the third longest river in the UK), so we would be dealing with huge computational speeds if the model is further refined at this location. At this strategic stage of the design, the model resolution can be at this course level. At the more detailed stage, a finer resolution of the model would be expected, particularly to understand the risks around the wharf area.

In terms of assessing the risk that has been identified, we have asked the consultants to undertake a high-level assessment of what the impact would be if there was an overtopping event at the wharf, and that would assume that the model is incorrect as it stands, so we are taking a conservative look at what the impacts would be. As the consultants acknowledge, there would be ponding by the proposed buildings and flows would generally be deflected in a different direction to AB Agri's site. So, in addition to the proposed flood bund, we believe there is a sufficient level of protection for the site at this stage, and we have no concerns that the risk cannot be mitigated at the detailed design stage.

**Agenda Item 4 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**

The Environment Agency responded to the information from the Applicant that Severn Trent Water (STW) has confirmed there is currently no capacity available in its system to serve the proposed development and it can give no indication of timings for any upgrades required to make capacity available. It is now the Applicant's intention to install a private treatment plant (PTP) for the disposal of domestic foul water; the size of the plant required will not meet general binding rules and therefore it will require an environmental permit.

The Environment Agency will consider permitting the use of a PTP on a temporary basis only; lack of capacity in a mains sewerage system is not an adequate reason not to connect to it. We will expect the Applicant to work with STW towards connecting to the mains system when capacity becomes available. We will consider the details of any permit application made in this respect but cannot provide any assurance that one would be granted. A PTP is not considered to be a long-term sustainable solution and any scheme submitted under Requirement 9 of the DCO will need to reflect this. We welcome the confirmation from the Applicant that we will be included as a specific consultee to Requirement 9 to enable us to provide comments on the submitted foul drainage scheme.

**Agenda Item 4 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)**

The Environment Agency confirmed that it has no concerns in respect of water quality, monitoring and treatment.

**Agenda Item 4 f) Water Framework Directive – understanding of whether there are any outstanding concerns of the EA or if controls proposed through Requirements is satisfactory.**

The Environment Agency confirmed that it has no outstanding concerns in respect of the Water Framework Directive.

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

Yours sincerely

**Annette Hewitson**  
**Principal Planning Adviser**

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