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The Applicant,
North Lincolnshire Council
The Environment Agency

Your Ref:

Our Ref: EN010116

Date: 14 February 2023

Dear Sir/ Madam

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

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

Request for further information

We are writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010.

1. During Issue Specific Hearing 2 (ISH2) in examining the draft Development Consent Order (dDCO), the Examining Authority (ExA) queried the approach to Article 42, now Article 43 of the dDCO and whether it was appropriate to designate the whole of the Development Consent Order (DCO) land as operational. During the Hearing North Lincolnshire Council (NLC) indicated they would not be content with this, and the Applicant agreed that this issue would be revisited.

Both parties subsequently set out their position in response to First Written Question 7.1.25. This difference of view is not subsequently referenced within the Statement of Common Ground (SoCG) between the parties.

In order to assist the ExA prior to the next DCO Issue Specific Hearing (ISH) can both NLC and the Applicant update the ExA of their relative position on this matter and provide a justification for their position.

2. During ISH3 in examining environmental matters, the ExA asked the Applicant for information on where within the Environmental Statement (ES) the assessment of a package treatment plant as an alternative to a mains connection for dealing with foul water could be found. At the hearing the Applicant's team advised they would provide a response following the hearing.

This response is set out in the Applicant's summary of oral submissions, where the Applicant says the following:

*“Process water treatment is covered in Section 8.2.3 of APP-057 and treatment and attenuation in paragraph 8.2.4.8 a **packaged sewage treatment plant has not been specifically addressed**. A STP would be a small facility effectively contained within the much larger infrastructure, such that its construction and operational presence would not have any environmental effects that could be differentiated from the overall development. Its treated effluent would pass via the surface water treatment and attenuation ponds before eventually discharging to Lysaught's drain. The effects on the water quality of a surface water feature that drains agricultural land would not be significant. The operational performance and monitoring of the STP would be addressed within the terms of the Environmental Permit (or the CEMP, APP-075)” (My emphasis)*

Section 8.2.3 refers to water demand and Section 8.2.4.8 refers to surface water run off, so neither element appears to address waste water treatment.

This would appear to have resulted in a change to Schedule 1 of the dDCO and the description of the 'Authorised Development' with the addition of two elements

- Work No 1 (x) trade effluent treatment plant, and
- Work No 2 (c) domestic flow treatment plant.

It is not clear from the submission to date whether the responses provided fully assess and clarify the position in respect of both proposed plants.

The ExA are therefore seeking views of North Lincolnshire Council, the Environment Agency and the Applicant on the following questions, please ensure you address each plant in turn and any cumulative effects that would need to be covered:

- The Applicant confirmed in their response that a package treatment plant has not specifically been assessed within the ES, do the parties consider there could be any significant effects from either plant or any cumulative effects which would need to be addressed. In responding, please set out a justification in support of your submission.
- The Applicant's description of the sewage treatment plant (STP) as 'small', is not precise and the level of effect in these circumstances is equally imprecise, do the parties agree that the scale of each plant and the potential effects would need to be defined for each plant?
- Clarity is required from the Applicant on the two plants, the scale that they would operate at, and the methods they would use for the disposal of waste water. Do the parties consider parameters are required for each plant so that their scale, capacity and potential effect is understood?
- If one of the plants is a closed system, how is this secured?
- In light of the Environment Agency concern raised at ISH3 that a long term solution would be required, how the potential for a conflict between the DCO and any Environmental Permit might be addressed. Should the DCO have a time limit built into it limiting the time period that a plant or plants could operate prior to a permanent solution?

- Should the ES now be updated to provide clear descriptions of these works, both within Chapters 3 and 9 or any other relevant chapter and
- Whether as a consequence, the changes now described in Schedule 1 of the latest version of the dDCO should have formed part of a change request as set out within the Planning Inspectorate (PINS) [Advice Note 16](#) and be subject to consultation.

Responses should be submitted by **Deadline 5 (Tuesday 21 February 2023)**.

Other Interested Parties may also wish to respond to this request.

Yours sincerely

Edwin Maund

Edwin Maund
Lead Member of the Panel of Examining Inspectors

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