

NLC Response to Rule 17 letter dated 14 February 2023

Rule 17 Question	NLC Response
<p>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.</p> <p>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.</p> <p>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.</p>	<p>NLC maintain the view that it would not be appropriate to designate the whole of the DCO land as operational. This is due to the size and nature of the DCO land, which includes large areas that are proposed to be essentially undeveloped (i.e. wetland, biodiversity enhancement areas, open fields). Including these areas within the designation of operational land would potentially open them up to future uncontrolled development under permitted development rights.</p> <p>NLC acknowledge that there are restrictions in place with regards to Schedule 2 of the General Permitted Development Order. However, one of the main controls in this regard is to limit works for certain undertakings to operational land.</p> <p>NLC are of the view that a more restrictive approach is merited and that the designation of operational land should relate to the developed parts of the DCO land only, such as the land associated with the ERF facility etc.</p> <p>Following recent discussions with the applicant dated 21/02/2023 it has been agreed that a more refined approach to the designation of operational land will be investigated with the aim of reaching an agreed position with NLC.</p>
<p>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.</p>	<p>Following recent discussions with the applicant it is understood that Severn Trent Water have updated their position and confirmed that the Project's domestic effluent can be accepted by their network. As such NLC understands that the applicant is no longer proposing a package treatment plant as domestic effluent will be discharged to mains drainage.</p> <p>The applicant has also confirmed that it is their intention that trade effluent water will be recycled on site for reuse within the facility and that the plant required for the treatment of trade effluent will be contained entirely within the turbine hall of the ERF facility. It is understood that no additional buildings or structures will be required to house water</p>

	<p>treatment facilities and that there will be no discharge of trade effluent water from the site.</p> <p>On the basis that Severn Trent Water have agreed the discharge of domestic water to their network and that all trade effluent water will be treated and reused within the proposed facility NLC are comfortable that there is unlikely to be any significant effects in respect of foul drainage infrastructure and that no further assessment is required in this regard.</p>
<p>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?</p>	<p>As no sewage package treatment plant is now proposed as part of the development there would be no requirement for further definition in this regard.</p> <p>It is understood that the plant associated with the treatment and reuse of trade effluent water would be contained within the ERF facility and would not require additional land or buildings/structures beyond those already proposed and assessed. On this basis NLC has no concerns to raise.</p>
<p>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?</p>	<p>As no package treatment plant is now proposed and domestic flows will be discharged into the mains sewer it is considered that no further clarity is required in this regard.</p> <p>Trade effluent water is proposed to be reused on site with no discharge off-site, or within the wetland areas. The plant associated with the treatment of this water is understood to be contained entirely within the ERF facility building. As such full parameters of this equipment are not considered to be required. It would, however, be helpful to understand the capacity of the trade effluent water treatment plant in relation to the anticipated amount of trade effluent water to be produced and what would happen if the trade effluent water could not be reused within the facility for any reason.</p>
<p>If one of the plants is a closed system, how is this secured?</p>	<p>It is noted that Requirement 9 of the dDCO will secure the detailed design of the foul water drainage scheme and will be required to be agreed by NLC as the LPA in consultation with the EA.</p>
<p>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</p>	<p>It is understood that a package treatment plant is no longer required/proposed and as such it is assumed that the concern raised by the EA at ISH3 has now been addressed.</p>

<p>have a time limit built into it limiting the time period that a plant or plants could operate prior to a permanent solution?</p>	
<p>Should the ES now be updated to provide clear descriptions of these works, both within Chapters 3 and 9 or any other relevant chapter</p>	<p>As no package treatment plant is now proposed this element will not necessitate any update to the ES.</p> <p>REP4-007 provides an explanation of how trade effluent will be dealt with. The specific plant for treatment will be developed at the detailed design stage. It is not considered that any further update to Chapter 3 (REP4-007) will be required.</p> <p>It is proposed that the trade effluent water will be treated and reused within the facility, with no discharge and as such additional impact on the water environment is not anticipated and would not need to be assessed. However, at present Chapter 9 of the ES (APP-057) states at para 8.2.4.9 that <i>“The on site sewage system will connect to the mains sewage system, and all site effluent will be disposed of via this route”</i>. This conflicts with the current proposal to treat and reuse trade effluent water and should be updated for clarity and consistency.</p>
<p>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.</p>	<p>As no package treatment plant is now proposed this element will need to be removed from Schedule 1 of the dDCO.</p> <p>It is not considered that the reuse of trade effluent water constitutes a change to the propose development. Nor would there be any materially new or different environmental impacts beyond what has already been assessed through the ES and other application documents. As such, NLC do not consider that there is a need to request a change to the Application or carry out any further consultation.</p>