



**Application by North Lincolnshire Green Energy Park Limited for North Lincolnshire Green Energy Park  
The Examining Authority's written questions and requests for information (ExQ2)  
Issued on 2 March 2023**

The following table sets out the Examining Authority's (ExA's) written questions and requests for information – ExQ2. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the [Rule 6 letter](#) of 18 October 2022. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies. Please note that some topics that were included in the ExA's first written questions and request for information (ExQ1) are not included in ExQ2 as the ExA does not wish to ask any further questions on these topics at this point in the Examination. However, this does not preclude further discussion of such topics later in the Examination.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 2 (indicating that it is from ExQ2) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q2.1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [NorthLincolnshireGreenEnergyProject@planninginspectorate.gov.uk](mailto:NorthLincolnshireGreenEnergyProject@planninginspectorate.gov.uk) and include 'North Lincolnshire Green Energy Park ExQ2' in the subject line of your email.

**An Annex is provided in addition to the main table of questions regarding the assessment of waste availability for fuel. This should be completed by Deadline 6.**

**Responses are due by Deadline 6: 20 March 2023.**



**Abbreviations used:**

<b>PA2008</b>	The Planning Act 2008	<b>LBMMP</b>	Landscape and Biodiversity Management and Monitoring Plan
<b>ABP</b>	Associated British Ports	<b>LIR</b>	Local Impact Report
<b>Art</b>	Article	<b>LPA</b>	Local planning authority
<b>ALA 1981</b>	Acquisition of Land Act 1981	<b>MP</b>	Model Provision (in the MP Order)
<b>ALC</b>	Agricultural land Classification	<b>MP Order</b>	The Infrastructure Planning (Model Provisions) Order 2009
<b>AP</b>	Affected Person	<b>NE</b>	Natural England
<b>BAT</b>	Best Available Technique	<b>NLC</b>	North Lincolnshire Council
<b>BMV</b>	Best and Most Versatile	<b>NPS</b>	National Policy Statement
<b>BoR</b>	Book of Reference	<b>NR</b>	Network Rail
<b>CA</b>	Compulsory Acquisition	<b>NRA</b>	Navigation Risk Assessment
<b>CBMF</b>	Concrete Block Manufacturing Facility	<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>CCUS</b>	Carbon Capture Utilisation and Storage	<b>OEMP</b>	Operational Environmental Management Plan
<b>CoCP</b>	Code of Construction Practice	<b>ORR</b>	Office of Road and Rail
<b>CPO</b>	Compulsory purchase order	<b>PPG</b>	Planning Practice Guidance
<b>DAS</b>	Design and Access Statement	<b>PRoW</b>	Public Right of Way
<b>dDCO</b>	Draft DCO	<b>R</b>	Requirement
<b>EA</b>	Environment Agency	<b>RDF</b>	Refuse Derived Fuel
<b>EM</b>	Explanatory Memorandum	<b>SAC</b>	Special Areas of Conservation
<b>ES</b>	Environmental Statement	<b>SI</b>	Statutory Instrument
<b>ExA</b>	Examining authority	<b>SoCG</b>	Statement of Common Ground
<b>FRA</b>	Flood Risk Assessment	<b>SoR</b>	Statement of Reasons
<b>GCN</b>	Great Crested Newt	<b>SoS</b>	Secretary of State
<b>GHG</b>	Greenhouse Gas	<b>SSSI</b>	Site of Special Scientific Interest
<b>HRA</b>	Habitat Regulations Assessment	<b>TP</b>	Temporary Possession
<b>HSE</b>	Health and Safety Executive	<b>tpa</b>	Tonnes per annum
		<b>WFD</b>	Water Framework Directive



### **The Examination Library**

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from this [link](#).

It will be updated as the examination progresses.

### **Citation of Questions**

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ2.1.0.1 – refers to question 1 in this table.



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ExQ2	Question to:	Question:
<b>1. General and Cross-topic Questions</b>		
Q2.1.0.1	The Applicant and All Parties entering into a Statement of Common Ground with the Applicant	<p><b>Statements of Common Ground</b></p> <p>A significant number of matters remain unresolved in the various Statements of Common Ground. In each case, could the Applicant please indicate your expectations in terms of reaching a conclusion, or highlight any fundamental problems that you may be experiencing in progressing negotiations.</p> <p>Please note that should matters not be resolved in a SoCG, the ExA will require the submission of Final Position Statements from relevant parties by no later than Deadline 9.</p>
Q2.1.0.2	Cadent Gas	<p>Deadline 3 Submission - 4.17 Indicative Utility Diversion Drawings - Revision: 01 [REP3-010] pages 7 and 8 show, in addition to existing Cadent medium pressure pipes, an existing Cadent intermediate pressure gas pipeline crossing land within the proposed Order limits and continuing both to the north and south of that land.</p> <p>(i) Following on from the response to first written questions [REP2-090], and identification of preferred protective provisions [REP2-091] can you provide the latest position of Cadent with regard to the proposed development, any negotiations that have taken place with the Applicant and your current position in respect of any easements, land rights, or infrastructure in place within the order limits.</p> <p>(ii) Please identify if any concerns remain with regard to the proposed development.</p>
Q2.1.0.3	Enfinium	<p><b>Enfinium</b></p> <p>Enfinium registered as an Interested Party and submitted a Relevant Representation. Since then, it has taken no further part in the Examination. Can Enfinium confirm that its concerns have been resolved?'</p>
Q2.1.0.4	The Applicant, NLC	<p><b>Community Impacts</b></p> <p>In the LIR [REP1-019] NLC identified concerns over impacts on local accommodation in the event that the proposed development was to coincide with any other major project. Are NLC content with the explanation provided by the Applicant on this matter.</p>
Q2.1.0.5	AB Agri	<p>During the ASI when visiting the wharf and the AB Agri premises, it was apparent that the AB Agri site currently attracts large numbers of birds to the roof of its building. In light of this and that this would appear to be a risk AB Agri are willing to accept under current operating</p>

ExQ2	Question to:	Question:
		procedures. Can AB Agri explain what evidence there is that the new facility would materially increase the number of birds to the vicinity over the number already attracted to the area and AB Agri premises.
Q2.1.0.6	The Applicant	<p><b>Associated Development</b></p> <p>In the Explanatory Memorandum [REP5-00+] at the third bullet point under paragraph 3.7 as part of the justification for and explanation of the relationship between the ERF and PRF you state <i>“the Applicant will be able to ask for the waste stream to be source segregated (avoiding the need for an additional permit for sorting waste on site) and can then divert the recyclable plastics into the PRF, thereby supporting the operation of the ERF, whilst seeking to maximise recycling of waste. The PRF will not receive plastic from any other sources, it will only accept plastic from the RDF waste stream purchased for the ERF”</i></p> <p>(i) Please advise how these assurances are secured.</p>
<b>2.</b>	<b>Agriculture</b>	
Q2.2.0.1		<b>No further questions at this time</b>
<b>3.</b>	<b>Air Quality and Emissions</b>	
Q2.3.0.1	The Applicant, EA (ii only), NLC (ii and iii only)	<p><b>Odour Assessment</b></p> <p>In light of the update to the Air Quality Chapter of the ES [REP4-009]</p> <p>(i) Could the Applicant clarify the information set out in Table 10 of [REP4-009] to advise of the following:</p> <ul style="list-style-type: none"> <li>• distance/ direction of pathway to River Trent receptor;</li> <li>• mitigation/ controls relied on to assign a “low” IAQM ranking to odour potential;</li> <li>• how these mitigation measures are secured</li> </ul> <p>(ii) Section 7.2 references an Odour Management Plan being prepared as part of the Environmental Permit. Are the EA and NLC content this would provide adequate controls in a timely manner?</p> <p>(iii) Can NLC provide comment on the assessment?</p>

ExQ2	Question to:	Question:
Q2.3.0.2	NLC, The Environment Agency	<p><b>Odour Assessment</b></p> <p>(i) In light of the addition of an Odour Assessment as set out in Chapter 5 and the indication that any odour would be controlled through an EP from the EA are there any outstanding concerns in this respect which have not been addressed by the assessment undertaken or the methods of control indicated.</p>
Q2.3.0.3	The Applicant, NLC, the EA	<p><b>Odour Assessment – Mitigation</b></p> <p>(i) Can the applicant explain what controls would be in place to manage odour in the event there was a failure of a system.</p> <p>(ii) In order to assist the ExA understand the potential implications of such an eventuality, please provide an indication of what time frames might such a failure cover and what processes could be put in place to manage such an eventuality.</p> <p>(iii) How could such a process be secured through the DCO? Or would this be secured through the EP?</p>
Q2.3.0.4	The Applicant	<p><b>Outdoor Storage</b></p> <p>Can the Applicant clarify if the commitment to there being no outside storage of waste applies across the whole DCO site and therefore goes beyond just the ERF to cover the other parts of the proposed development.</p>
<b>4.</b>	<b>Alternatives</b>	
Q2.4.0.1	The Applicant, NLC	<p><b>Option A and/or Option B</b></p> <p>(i) The response to the ExA first written questions [REP2-033] Q4.0.1 (ii) suggests that prior to the end of the Examination the Applicant will decide which option to take forward, is this a correct understanding of this response?</p> <p>(ii) If this is the case when would the decision be made, and revised dDCO provided?</p>
<b>5.</b>	<b>Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))</b>	
Q2.5.0.1	The Applicant, NLC	<p><b>Grasslands</b></p> <p>At Deadline 1 NLC stated “<i>where lowland dry acid grassland or species-rich neutral grassland is present, it may be better to avoid the use of habitat piles, and perhaps avoid replanting scrub, in order to enhance the spatial extent of grassland swards.</i>”</p>

**ExQ2: 2 March 2023**

**Responses due by Deadline 6: 20 March 2023**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>At Deadline 2 in response [REP2-034 para 8.14] the Applicant commits to working towards NLC preference through discussion with NE and Lincolnshire Wildlife Trust, and it appeared this would be set out within the SoCG.</p> <p>Could each party update the ExA on the latest position and if appropriate include within the SoCG.</p>
Q2.5.0.2	The Applicant	<p><b>Best and Most Versatile (BMV) Agricultural Land</b></p> <p>Please provide an update on the assessment of BMV to be lost (as expected at Deadline 5) and explain any consequential effects this may have with regard to the calculation of Biodiversity Net Gain (BNG).</p>
Q2.5.0.3	The Applicant, NLC	<p><b>Biodiversity Mitigation/Enhancements</b></p> <p>The LIR from NLC [REP1-019] at para 8.18 references that biodiversity enhancement should be secured by implementing the measures set out in Sections 7 and 9 of ES Chapter 10 and the OLBMMP. While there was no obvious comment on this from the Applicant in [REP2-034], the Applicant did reference in [REP4-028] that NLC would identify what habitat/sites were to be identified. This is not obviously picked up in NLC's summary of ISH [REP4-030]</p> <p>Could the parties clarify their respective positions on this issue, and if appropriate set this out within the SoCG.</p>
Q2.5.0.4	The Applicant	<p><b>Construction Ornithological Monitoring Plan (COMP)</b></p> <p>(i) Does the COMP secure control over the timing of loud construction activities, such that they can be timed to avoid sensitive months of the year?</p> <p>(ii) If this is currently not the case as this would appear to be a monitoring plan, please explain within which document the mitigation to secure protection for wildlife is secured and thereby provide potential mitigation for potential adverse effect on birds and other wildlife?</p>
<b>5.1</b>	<b>Habitats regulation assessment (HRA)</b>	
Q2.5.1.1	The Applicant	<p>In earlier submissions the Applicant has indicated a Revised Report to inform HRA will be submitted at D6. Please ensure this is provided by Deadline 6 in order to facilitate the production of the RIES.</p>



**ExQ2: 2 March 2023**

**Responses due by Deadline 6: 20 March 2023**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
Q2.5.1.2	The Applicant	<p>The ExA understands that the Applicant intends to submit a revised HRA Report once work has been completed in undertaking the assessment using ‘the reasonable operating scenario’</p> <p>(i) In order for the ExA and subsequently the SoS to be reassured this revised assessment could be given weight in the reporting and decision making process, any revised outputs that the Applicant relies upon in undertaking the assessment would need to be secured through the DCO. Please explain how this is to be achieved.</p> <p>(ii) It would also appear that specific operating levels for ammonia could be achieved. In advance of the Environmental Permit (EP) what weight can the ExA attribute to these submissions?</p> <p>(iii) Can the Applicant clearly set out how these measures would be secured.</p>
Q2.5.1.3	The Applicant, Natural England	<p><b>Construction Phase Traffic Emissions</b></p> <p>(i) Can both the Applicant and NE clarify their position in respect of construction traffic emissions. The initial concerns identified by NE in [RR-090] related to the construction phase. The subsequent draft SoCG would appear to address operational traffic.</p>
Q2.5.1.4	The Applicant, Natural England	<p><b>Operational Phase Traffic Emissions</b></p> <p>(i) The Applicant appears to be relying upon using hydrogen vehicles, how would this be secured?</p> <p>(ii) Does the assessment rely on this being delivered to ensure an appropriate level of impact?</p>
Q2.5.1.5	The Applicant	<p><b>New Access Road</b></p> <p>In [REP2-033] the Applicant confirmed the road was within 100m of the Humber, at D4 the Applicant has subsequently stated the new access road will be &gt;200m from the Humber Estuary. Can the position be clarified, it would not appear that the plans have been changed, do they need to be?</p>
Q2.5.1.6	The Applicant, Natural England (ii only)	<p><b>Lamprey</b></p> <p>(i) Prior to Deadline 5 the Applicant’s responses to NE’s concerns about impacts to lamprey were predicated on the basis of piling being non-percussive. Can the Applicant advise the ExA of their current assessment to take into account the fact that impact piling could take place?</p>

ExQ2	Question to:	Question:
		(ii) Is NE content with the mitigation measures proposed in the revised CoCP Appendix K, should impact piling be required?
Q2.5.1.7	The Applicant	<p><b>Thorne Crowle and Goole Moors SSSI and the Thorne Moors SAC</b></p> <p>At Deadline 4, the Applicant stated that it will discuss opportunities to improve the condition of the units within the Thorne Crowle and Goole Moors SSSI (which underpin the Thorne Moors SAC) in order to offset potential effects of small increases in nitrogen. Has any progress been made in this regard, and can the Applicant provide reassurance that such measures can be viewed as mitigation rather than compensation?</p>
Q2.5.1.8	Natural England	<p>NE identified a number of concerns with the Applicant's assessment in its relevant representation, however, has not submitted any further representations into the Examination. The ExA understands that NE is discussing matters with the Applicant outside of the Examination.</p> <p>(i) The ExA would appreciate an update from NE on what matters remain unresolved, specifically whether it considers there to still be potential for adverse effects on the integrity of any European site(s).</p> <p>(ii) If this is the case, is there a need for the ExA to consider the application of alternatives and imperative reasons of overriding public interest (IROPI) and the need for compensatory measures, in relation to any of the features for which an adverse effect on integrity has been identified or which remains uncertain?"</p>
<b>6.</b>	<b>Climate Change</b>	
Q2.6.0.1	The Applicant	<p><b>Carbon Capture Requirements</b></p> <p>The SoS has recently issued the Keadby 3 decision which includes at Requirement 33 a restriction on the gas fired power station being commercially operational only when the carbon capture and compression plant was commercially operational.</p> <p>(i) While the ExA understands there is a different position set out in NPS EN-1 for schemes generating in excess of 300MW, does the approach the SoS has taken indicate a shift in emphasis to ensure compliance with the Climate Change Act?</p> <p>(ii) If there has been a shift would this necessitate a greater need for carbon capture in this scheme?</p>

**ExQ2: 2 March 2023**

**Responses due by Deadline 6: 20 March 2023**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		(iii) Can the Applicant confirm its understanding of the position in respect of how this scheme complies with the latest Climate Change obligations?
Q2.6.0.2	The Applicant, Environment Agency	<p><b>Carbon Capture Requirements</b></p> <p>(i) Can the Applicant and EA advise whether they consider there is sufficient land available within the DCO to accommodate additional carbon capture facilities to meet the outputs from the development proposed should they be deemed necessary in the future.</p> <p>(ii) Are you aware of any barriers that would prevent such future installation?</p>
<b>7. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b>		
Q2.7.0.1	The Applicant, Openreach Ltd. (i only) National Highways (ii only)	<p><b>Protective Provisions</b></p> <p>(i) According to the Negotiation Schedule [REP4-026] Openreach Ltd confirmed by way of correspondence, protective provisions as drafted were acceptable. Please provide a copy of the correspondence into the examination.</p> <p>(ii) According to the same schedule National Highways confirmed at a meeting on 21 November 2022 that the scheme does not impact on the Strategic Road Network and that subsequently confirmation has been received that protective provisions are not required. Please provide confirmation to the examination on both these points.</p>
Q2.7.0.2	The Applicant	<p><b>Protective Provisions</b></p> <p>Provide a progress report on negotiations with each of the Statutory Undertakers listed in the Book of Reference (BoR) [REP5-009] and an indication of whether these negotiations will be completed, before the close of the Examination. If they will not be completed provide a progress report on the preparation of the s127 case that will need to be submitted at Deadline 9.</p>
Q2.7.0.3	The Applicant, National Highways	<p><b>Side Agreement</b></p> <p>(i) Reference is made to a side agreement being necessary between National Highways and the Applicant. Please advise whether this is intended to be considered by the examination and if so what matters it needs to cover.</p> <p>(ii) In the event that it is to come before the examination, that the details will be worked through in good time to enable it to be considered by all parties, and due legal process completed in advance of the close of the examination.</p>

ExQ2	Question to:	Question:
<b>7.1</b>	<b>Draft Development Consent Order (DCO)</b>	
Q2.7.1.1	The Applicant, North Lincolnshire Council (ii, iii only), the Environment Agency (iv only)	<p><b>Requirement 12</b></p> <p>(i) Can NLC clarify its position in respect of this requirement. NLC appear to defer to the Environment Agency in response to First Written Question 7.1.11, however is this not NLC's responsibility?</p> <p>(ii) The Applicant has indicated it will liaise with the NLC Emergency Planning Team at the next stage of design (post consent?), do NLC regard this as satisfactory?</p>
<b>7.2</b>	<b>Electricity Connections and Other Utility Infrastructure</b>	
Q2.7.2.1		No further questions at this time.
<b>8.</b>	<b>Ground Conditions, Contamination, and Hydrogeology</b>	
Q2.8.0.1	The Applicant, NLC	<p><b>Ground Contamination</b></p> <p>In light of the issues raised in Section 12 of the LIR can both parties confirm their respective positions with regard to how ground contamination may be dealt with.</p>
<b>9.</b>	<b>Historic Environment</b>	
Q2.9.0.1	The Applicant, NLC	<p><b>Outstanding Reports on the Historic Environment</b></p> <p>The Applicant has indicated in the D4 submissions a series of reports are due to be submitted by Deadline 9. This provides a limited response time for other IPs.</p> <p>(i) In light of this can the Applicant provide any of these reports sooner?</p> <p>(ii) In the event this is not possible, can an outline be provided of what the mitigation is likely to cover such that NLC may then have the opportunity to identify if there are any ongoing concerns.</p>
Q2.9.0.2	The Applicant, NLC	<p><b>Statement of Common Ground</b></p> <p>Can the Applicant and NLC review the SoCG and ensure it covers all areas where NLC had indicated concerns both in the LIR and subsequently during hearings, so that the ExA can be confident of the position of both parties prior to the end of the Examination.</p> <p>Currently there appears to be a number of issues which are not referenced, including:</p> <ul style="list-style-type: none"> <li>• Effect on setting of listed buildings,</li> </ul>

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> <li>Effect on Historic Landscape Character.</li> </ul>
Q2.9.0.3	The Applicant	<p><b>Setting of Listed Buildings</b></p> <p>At ISH3 the Applicant indicated it had used the latest guidance from Historic England ‘The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) and this is reaffirmed in {REP4-028}.</p> <p>The advice within this document indicates that the degree to which the setting of the assets contribute to their significance/ allow significance to be appreciated needs to be assessed and then assess the effects of the proposed development by reference to a range of attributes.</p> <p>(i) Can the Applicant point out where this is set out, or further explain the approach taken to support the conclusion currently reached?</p>
<b>10. Landscape Visual Effects and Design</b>		
Q2.10.0.1	North Lincolnshire Council	<p><b>Design Code and Principles</b></p> <p>In light of the changes to the Design Codes document submitted by the Applicant at D5, the provisions for a Design Champion and Design Review can the Council advise of its position in respect of design and landscape matters and whether the approach now set out addresses any concerns that the Council has in respect of these matters.</p>
Q2.10.0.2	The Applicant	<p><b>Bellwin Drive</b></p> <p>In response to Q10.0.10 the DAS was amended to include a visualisation at page 36. This appears to show a ‘living wall’ as the intended finish for this frontage.</p> <p>(i) Can the Applicant confirm this is the intended finish for the whole of this frontage on Bellwin Drive?</p> <p>(ii) Explain how this is secured and would be subsequently maintained.</p>
Q2.10.0.3	The Applicant	<p><b>The Design Principles and Codes</b></p> <p>(i) The latest version [REP5-017] at DC_LAN 2.01 should it read “Structural planting is to consist of native and indigenous species prioritising local provenance.”?</p> <p>(ii) DC_LAN 3.08 should it read “Retaining walls that form the development platform and act as a plot frontage onto public routes are to be planted.”?</p>

ExQ2	Question to:	Question:
		(iii) DC_ARC 1.03 please clarify the meaning of “size of equipment to be minimised and arrangement.”
<b>10.1</b>	<b>Lighting</b>	
Q2.10.1.1		No further questions at this time.
<b>11.</b>	<b>Major Accidents and Hazards</b>	
Q2.11.0.1		No further questions at this time.
<b>12.</b>	<b>Noise and Vibration</b>	
Q2.12.0.1	The Applicant	<p><b>Wharf Operating Hours:</b></p> <p>At Deadline 1 it was stated in [REP1-012 page 50] “<i>No loading or unloading activities will take place at the Wharf or the railhead during the night.... There will also be a requirement to consider noise when procuring new equipment.</i>”</p> <p>This contradicts paragraph 8.2.5.5 of ES Chapter 13 which states “<i>Operating hours might also need to be extended from 12hr to 24hr during peak periods to accommodate the higher demand and increased vessel capacity.</i>”</p> <p>(i) Could the Applicant clarify the position, and if activities are to be limited, define the operating times proposed and where this is secured.</p>
Q2.12.0.2	The Applicant	<p><b>Operational Noise</b></p> <p>The night-time noise prediction reported for Charmaine, Amcotts is a rating level of 42 dB night Table 19 p58 [APP-055] which assumes ‘<i>building facades with higher acoustic insertion losses</i>’ p68 [APP-055] and with respect to a BS4142 correction ‘<i>it is most likely that the need for a correction can be avoided during the detailed design phase</i>’ p58 [APP-055]. This predicted outcome, consistent with the standard implied for bedrooms by BS8233 (45 dB night) relies upon designed mitigation that provides up to 40 dB of noise reduction (Appendix C p121 [APP-055] 30 dB plus correction avoidance of around 10dB). To secure this mitigation during design development, what quantified noise requirement would the Applicant consider, (see EN1 5.11.10), as a way of achieving consistency with policy aims presented at EN1 5.11.9?</p>
Q2.12.0.3	The Applicant, NLC	Please could both parties confirm that progress towards an operational noise requirement or alternative mechanism of mitigation will be reported through the updated SOCG and the

ExQ2	Question to:	Question:
		Applicant confirm that their proposal will be in the next draft of the DCO at Deadline 6 if appropriate?
<b>13.</b>	<b>Other Strategic Projects and Proposals</b>	
Q2.13.0.1		No further questions at this time.
<b>14.</b>	<b>Policy</b>	
Q2.14.0.1		No further questions at this time.
<b>15.</b>	<b>Socio-economic Effects</b>	
Q2.15.0.1	The Applicant, NLC	<p><b>Local Labour Agreement</b></p> <p>A local labour agreement is referenced in the SoCG with NLC. Can the parties clarify if it is intended to be something put before the Examination and consequently whether it should be material and given weight in the consideration of the proposed development.</p>
Q2.15.0.2	Applicant, AB Agri (iii only)	<p><b>Socio Economic Effects</b></p> <p>AB Agri Deadline 4 submission [REP4-033] infers there is a possibility the premises may have to close in the event that the risk they consider would arise has not been appropriately addressed.</p> <p>(i) Can the Applicant confirm whether the analysis of socio-economic effects considered this possibility?</p> <p>(ii) Whether this eventuality would change the overall conclusions on socio economic effects currently presented in the ES</p> <p>(iii) Can AB Agri provide information in respect of the socio-economic effect you consider would arise in the event the issues identified are not resolved.</p>
<b>16.</b>	<b>Transportation and Traffic</b>	
Q2.16.0.1		No further questions at this time.

ExQ2	Question to:	Question:
17.	Waste	
Q2.17.0.1	The Environment Agency	<p><b>Regulation 12 of The Waste (England and Wales) Regulations 2011</b></p> <ol style="list-style-type: none"> <li>1. Does the Environment Agency consider that controls, for example detailed within an Environmental Permit, are required in addition to Regulation 12 to maximise consistency with the waste hierarchy?</li> </ol>
Q2.17.0.2	The Environment Agency	<p><b>The Environmental Permitting (England and Wales) Regulations 2016</b></p> <ol style="list-style-type: none"> <li>1. What is the primary purpose of the European Waste Catalogue (EWC) codes on a permit for an energy recovery facility (ERF)?</li> <li>2. To what extent do the EWC codes on a permit for an ERF ensure that waste transferred to it is restricted to non-recyclable or non-re-usable wastes?</li> <li>3. Do there exist EWC codes that specify that the waste has been assessed and is not considered suitable for re-use or re-cycling?</li> <li>4. If yes, please provide them</li> <li>5. Does the Environment Agency consider the use of EWC codes a robust way of ensuring that no recyclable or re-usable wastes would enter the ERF component of the proposed development?</li> </ol>
Q2.17.0.3	The Applicant and North Lincolnshire Council	<p><b>Draft Requirement 15 the waste hierarchy scheme (WHS)</b></p> <ol style="list-style-type: none"> <li>1. Does the use of the terms 'reasonably possible' or 'encourage' provide precision that allow the LPA to enforce the terms of Requirement 15 if necessary?</li> <li>2. The effectiveness of the WHS would appear to rely on recyclable or re-usable waste being removed by persons upstream of the proposed development as it has no separation facilities. Does it follow that this relies upon contractual agreements between the waste transferor and the undertaker as indicated at R15 b) and d)?</li> </ol>
Q2.17.0.4	The Applicant	<p><b>Draft Requirement 15 the waste hierarchy scheme (WHS)</b></p> <ol style="list-style-type: none"> <li>1. In such circumstances explain how such agreements would be shared with the LPA such that monitoring and enforcement, if necessary, could take place?</li> <li>2. Within such agreements to what extent would the EWC codes ensure that waste transferred to the ERF is restricted to non-recyclable or non-re-usable wastes?</li> </ol>



**ExQ2: 2 March 2023****Responses due by Deadline 6: 20 March 2023**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>3. Do there exist EWC codes that specify that the waste has been assessed and is not considered suitable for re-use or re-cycling?</p> <p>4. If yes, please provide them.</p> <p>5. What other form of words could be written into the agreement to ensure that only non-recyclable or non-re-usable wastes are transferred to the ERF?</p>
Q2.17.0.5	The Applicant and North Lincolnshire Council	<p><b>Draft Requirement 15 the waste hierarchy scheme (WHS)</b></p> <p>Please could the Council and the Applicant confirm that their position in respect of the wording of Requirement 15, the waste hierarchy scheme (WHS), is included in their Statement of Common Ground identifying clearly any difference of position if matters are not agreed.</p>
<b>17.1</b>	<b>Flood Risk</b>	
Q2.17.1.1		No further questions at this time.



## North Lincolnshire

	2020	2021	2022	2023	2024	2025	2026	2030	2035	2040	Units
Waste as fuel available											ktpa
Energy from waste capacity available											ktpa
Difference											ktpa

### Supporting appendices to include all information required to examine the values in the above Tables:

- referenced information sources that are accurate, precise and traceable;
- how information used for forecasting has been used to predict future values; and
- any further details as necessary.