

Application by The 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 – Response due by Deadline 6: 20 March 2023

Please find below answers to the Examining Authority's written questions from the Environment Agency (EA) [ID no. 20032333].

Ref No.	Question	EA response
1	General and Cross-topic Questions	
Q2.1.0.1	<p>Statements of Common Ground 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. 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>	<p>The Environment Agency has now reach agreement with the Applicant on all matters that were previously under discussion. We are currently considering if any additional matters, which have arisen during the Examination, need to be included within the SoCG. A final SoCG will be submitted to the ExA by Deadline 9 at the latest.</p>
3	Air Quality and Emmission	
Q2.3.0.1	<p>Odour Assessment 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>	<p>Potential for odour emissions within the site, will be assessed by the EA when the Environmental Permit application is received.</p> <p>The operator of the plant will be required by the environmental permit to operate to a written environmental management plan. This will be expected to cover all processes and procedures</p>

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	<ul style="list-style-type: none"> • distance/ direction of pathway to River Trent receptor; • mitigation/ controls relied on to assign a “low” IAQM ranking to odour potential; • how these mitigation measures are secured <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>	<p>addressing actual or potential impact to the environment, such as odour.</p> <p>The EA cannot provide a view on the issue of odour that may require control outside of the environmental permitting regime.</p>
Q2.3.0.2	<p>Odour Assessment</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>	<p>The EA can only provide comments on an odour assessment during its determination of an application for an Environmental Permit for the site.</p>
Q2.3.0.3	<p>Odour Assessment – Mitigation</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,</p>	<p>The Environment Agency is unable to provide any comment or detail in respect of what the applicant is proposing until a permit application is received.</p> <p>An EP can include a general condition in respect of</p>

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	<p>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>	<p>odour, which could read:</p> <p><i>Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.</i></p> <p><i>The operator shall:</i></p> <p><i>(a) if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to odour, submit to the Environment Agency for approval within the period specified, an odour management plan which identifies and minimises the risks of pollution from odour;</i></p> <p><i>(b) implement the approved odour management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.</i></p>
6	Climate Change	
Q2.6.0.2	<p>Carbon Capture Requirements</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>Unfortunately, due to limited staff resource in respect of assessing carbon capture facilities, the Environment Agency is currently unable to provide a response to this question. We will endeavor to provide a view on this at the next deadline.</p>

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	(ii) Are you aware of any barriers that would prevent such future installation?	
7.1	Draft Development Consent Order (DCO)	
Q2.7.1.1	<p>Requirement 12</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>	The Environment Agency (iv only) - there does not appear to be a part iv to this question.
17	Waste	
Q12.17.0.1	<p>Regulation 12 of The Waste (England and Wales) Regulations 2011</p> <p>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?</p>	<p>The Environment Agency would impose a condition on an Environmental Permit in relation to applying the waste hierarchy to waste produced at that site.</p> <p>Anyone who produces or handles waste has a duty under Regulations 12 to 14 and 35 to ensure the waste hierarchy is applied. Those producing and transferring waste are required to confirmed they have fulfilled their duty under Regulation 12 through the signing of a declaration on their Waste Transfer Notes and Hazardous Waste Consignment Notes. Anyone handling waste also has a Duty of Care under Regulation 34 of the Environmental Protection Act</p>

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		<p>1990, and the statutory Code of Practice, pursuant to subparagraph (9).</p> <p>Also, please see the Environment Agency's summary of oral representations to ISH4, and accompanying appendices, for further information on controls that can be included within an Environmental Permit regarding waste acceptance.</p>
Q12.17.0.2	<p>The Environmental Permitting (England and Wales) Regulations 2016</p> <ol style="list-style-type: none"> 1. What is the primary purpose of the European Waste Catalogue (EWC) codes on a permit for an energy recovery facility (ERF)? 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? 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? 4. If yes, please provide them 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? 	<ol style="list-style-type: none"> 1. The use of EWC codes is a legal requirement of the Duty of Care legislation across the UK. The primary purpose of using these codes on a permit is to enable the operators of the site to easily identify incoming waste (using the waste transfer note) that they are authorised to accept. 2. The inclusion of EWC codes on a permit will not fully ensure that waste transferred to it is restricted to non-recyclable or non-reusable wastes as compliance with the waste hierarchy is dealt with through other legislation, i.e. it is incumbent on all those in the waste industry to comply with the duty to apply this under Regulation 12 of the Waste Regulations 2011. Also, please see the Environment Agency's summary of oral representations to ISH4, Appendix A (example permit Conditions 2.3.5 & 2.3.6), for further information on controls that can be included within an environmental permit regarding waste acceptance, in relation to materials for re-use and recycling. 3. EWC codes are only used to identify waste

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		<p>according to how it has been produced so that decisions on the most appropriate treatment process can then be made.</p> <p>4. N/A</p> <p>5. The use of EWC codes is the method used in environmental permits to identify the types of waste that can be accepted to enter an ERF. The correct application and adherence to all relevant UK waste legislation and regulations should ensure that no recyclable or re-usable waste enter the ERF component of the proposed development, unless it is considered that incineration delivers the best environmental outcome in accordance with regulation 12 of the Waste Regulations 2011.</p>