NORTH LINCOLNSHIRE GREEN ENERGY PARK

Planning Act 2008

North Lincolnshire Green Energy Park

9.26 Written summaries of oral submissions at Issue Specific Hearing (7 March 2023)

PINS reference: EN010116

March 2023

1. INTRODUCTION

1.1 The Development Consent Order (**DCO**) application for the North Lincolnshire Green Energy Park (**NLGEP**) was submitted on 31 May 2022 and accepted for examination on 27 June 2022.

1.2 The fourth Issue Specific Hearing (**ISH4**) for the NLGEP DCO application was a blended event which was held in person at Forest Pines Spa and Golf Resort, Ermine Street, Broughton, Brigg, DN20 0AQ and virtually by Microsoft Teams on Tuesday 7 March 2023 at 10.00am.

1.3 The Examining Authority (**ExA**) invited the Applicant to respond to the matters raised and the Applicant confirmed it would respond in writing after the hearing.

1.4 This document seeks to fully address the representations made by the Interested Parties at the ISH4 on Tuesday 7 March 2023.

1.5 The Applicant has responded to the issues raised by each attending party and provided cross-references to the relevant application or examination documents in the text below. The document is supported by the following Appendices:

1.6 Appendix 1 – Supplementary Note on Landscape and Visual Impacts;

1.7 Appendix 2 – Securing Mitigation note;

1.8 Appendix 3 – Chapter 19: Mitigation updated extract relating to noise mitigation;

1.9 Appendix 4 – tracked changed hierarchy of plans (Appendix C to the Explanatory Memorandum).

2. THE APPLICANT'S SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISH4

Ref	Questions / Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
Agenda Item 3: Articles of the dDCO **The ExA will specifically ask the Applicant to address IP submissions in relation to:**			
Agenda Item 3: Articles of the dDCO **The Applicant will be asked to provide a brief overview of the proposed changes to the Articles of the dDCO including the reasons for the changes, since ISH3.** ISH 2 was on 17 November. Since then, amended versions of the dDCO were submitted at Deadline 2 on 15 December (revision 2), Deadline 4 on 7 February (revision 3) and Deadline 5 on 21 February (revision 4). The latest version is therefore revision 4 which is document reference REP5-005. The Schedule of Drafting Changes revision 2 (reference REP5-035) submitted at Deadline 5 sets out the changes made in each revision of the dDCO, with table 1.2 detailing the changes made in revision 2, 1.3 detailing the changes made in revision 3 and table 1.4 detailing the changes made in revision 4. The main substantive changes are as follows: <u>Revision 2</u> 1. The definition of "maintain" was amended in response to the ExQ1; 2. Article 11 was amended to provide that the undertaker must restore any street that has been temporarily altered under the article to the reasonable satisfaction of the street authority, and to include similar wording to Article 12 to provide that the powers under Article 11 can't be exercised without North Lincolnshire Council's consent, but that this can't be unreasonably withheld and is deemed to be given if NLC has not made a decision within 28 days on an application for consent which includes all relevant information. These amendments were made following comments from NLC in the Local Impact Report (**LIR**); 3. Article 43 was amended to narrow down the specific nuisances in section 79 Environmental Protection Act 1990 that the defence would apply in relation to, in response to the ExQ1; 4. The Works in Schedule 1 were updated in response to the ExQ1 in relation to the footbridges/user worked crossings and elevated walkway; 5. The "Other Authorised Development" in Part 2 of Schedule 1 was updated in response to ExQ1; 6. The Lead Local Flood Authority (**LLFA**), Scunthorpe and Gainsborough Water Management Board and Environment Agency (**EA**) were added as consultees for requirement 8, and the LLFA was added as a consultee for requirement 12, in response to the ExQ1; 7. Requirement 15 "fuel type" was deleted and replaced with new requirement wording relating to a waste hierarchy scheme to be provided, in response to the ExQ1; 8. Requirement 19 was amended to include a requirement to report annually on CO2 captured, in response to the ExQ1;		

9. A new requirement 20 was added in relation to the railway reinstatement works in response to the ExQ1.

Revision 3

1. Article 15 was amended to provide that any temporary public right of way (**PROW**) is to remain in place until the relevant temporarily suspended PROW is again open to use and to provide for 28 days' notice for NLC in relation to temporary stopping up. This was at the request of NLC;
2. A new article 40, relating to removal of human remains, was added, following comments at ISH3;
3. A visual barrier was added to Work No. 1 in Schedule 1. This is a mitigation measure referred to in Chapter 11 (Landscape and Visual) and Chapter 19 (Mitigation) of the Environmental Statement. It was added to the works to secure a commitment so that it would be built as part of the energy park works;
4. A trade effluent treatment plant was added to Work No. 1 in Schedule 1;
5. Work No. 15 was amended and split into Work Nos. 15A and 15B. This was to reflect the amendments being made to Works Plans A (reference REP5-013). These amendments were required as a result of the amendments made to the dDCO at Deadline 3 which amended the "Other Authorised Development" in Part 2 of Schedule 1
6. The EA was added as a consultee for requirement 9 (foul water drainage), at its request;
7. Requirement 11 was amended to reflect amendments proposed by NLC, with further amendments made to ensure the drafting works for this particular scheme;
8. Requirement 12 was amended to provide for submission of a detailed flood mitigation strategy, at the request of the EA;
9. Requirement 16 was amended to make clear that the decommissioning plan will include flood risk, at the request of the EA.

Revision 4

1. Reference to the IDB has been added to article 47(1) at the request of Scunthorpe & Gainsborough Water Management Board;
2. Requirements 3, 6 and 8 were amended to reflect the changes made to the Design Principles and Codes document revision 2 (reference REP5-017) submitted at Deadline 5;
3. Requirement 11 was updated to change the name of some of the documents to be submitted to reflect further discussions with NLC;
4. Requirement 15 was amended to clarify the wording around the waste to be received and to delete the requirement to provide an annual waste composition analysis, following comments from NLC and UKWIN at Deadline 4.

Agenda Item 3: Articles of the dDCO

The ExA will seek clarification in respect of the parameters for the proposed footbridges over the rail line.

Ref	Questions/Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
1.	The ExA advised they are looking to try and understand the footbridges and the parameters that control them, because at the moment there are not any specific	The Applicant confirmed the ExA was correct that it had not yet submitted the updated Indicative Railway Plans, which was an oversight, and that the Applicant will submit these. A draft had been prepared but was not submitted and this will be rectified following the hearings. The Applicant noted the ExA was correct to cross refer to the limits of deviation in article 5 of the dDCO where it makes specific reference to the maximum one metre	The Applicant has submitted the updated Indicative Railway Drawings (Document 4.15) at Deadline 6. The 2.15 metres for the parapet allows for

	parameters within the dDCO itself. When the ExA asked the ExQ1 7.1.15, the response indicated the Applicant would provide updated Indicative Railway Plans to more clearly indicate the location of the footbridges. The ExA asked the Applicant for the maximum height of the footbridges, recognising a one metre allowance either up or down In response to the Applicants comments, the ExA asked, in terms of the height of the parapet, providing a safety "fence" either side of the bridge, whether the 2.15 metres is the minimum seen to be necessary and where the figure has come from. The ExA asked, if the ExA felt it necessary to put vertical and lateral parameters for the bridges in the parameters table in the dDCO, what they would be. The ExA asked for the Applicant's view on whether this is an appropriate addition to the dDCO. The ExA noted that, when they previously asked for the Applicant's view on what dimensions were used to inform the ES assessment in terms of the visual effect of the bridges and any ecological, the Applicant gave a response, and the ExA would like	upwards or downwards by reference to the parameters shown on the Indicative Railway Plans. **The drawings don't currently show the parameters for the bridges but the Applicant will provide updated drawings which do show these heights.** The Applicant confirmed that the starting point is the Railway Group standards, that define the clearances of any overlying structure above a fixed rail level to allow for the passage of trains with or without overhead electrification – there are two standards depending on whether it is with our without overhead electrification. The cross sections in the current Indicative Railway Plans show the position of the railway line at a point in those sections in blue, and the Applicant has indicated above a dotted line which shows the minimum clearance between the top of the rail level and the bridge soffit level, which is 4.24 metres. Because there is little likelihood of the line ever being electrified, the Applicant has used the relevant standard, as an industry standard, of 4.24 metres clearance from top of rail to underside of structure. Above that, what will be in the revised Indicative Railway Plans that the Applicant will provide, is not only a reference to where that standard comes from, but also an additional provision above soffit level for the height of the parapet. The envelope is defined between the railway line and the top of the parapet. For the parapet the Applicant put a notional 2.15 metres as advised by the Applicant's engineering advisors. The Applicant confirmed it would double check the 2.15 metre dimension of the parapet to understand the source of that and would confirm if there is any change to that. **The working assumption has been a fixed parapet either side of the bridge itself of 2.15 metres but the Applicant will check this and confirm on the updated Indicative Railway Plans.** **The Applicant acknowledged the ExA's comments with respect to the ES assessment of the bridges and confirmed it will be in a position to provide a written update.** **The Applicant confirmed it would come back in writing on the point about the lateral dimensions of the bridges.** The Applicant will check the position with regard to the bridges falling within the land identified on the land plans, but noted that the lateral parameters are constrained by the red line. **The Applicant will confirm both aspects in terms of consequential visual impacts but also the dimensions too.**	1 metre structure (beam and bridge deck) and 1.15 metre parapet. The lateral parameters of the footbridges are constrained by both the limits of deviation on the Works Plans (pursuant to article 5(1)(a)) but also by the Land Plans. The lateral parameters of both of the footbridges have been re-checked. Footbridge 1: Footbridge 1 is located at Ordnance Survey grid reference SE 880 146, approximately 100m west of the DHL warehouse on Nisa Way. It will replace a former level crossing and reinstate the existing FLIX 178 public right of way which is currently blocked off. As the railway line is at grade, approach structures (ramps) are required to ensure accessibility to the bridge. To meet the minimum clearance between the top of the rail level and bridge soffit level (4.24m); 90m ramps at 1:20 gradient have been considered. To reduce the planned length of the ramps, 45m long ramps will double back on themselves. It is proposed that the span of the bridge extends over an approximate width of 8.5m of dense vegetation to the north/west of the railway track. It is confirmed that there is sufficient space within the limits of deviation for Work No. 3 (railway reinstatement works) shown on REP5-015 (Works Plan C

	confirmation that that has been done on the basis of the dimensions which the Applicant is now specifying. This is because a 2.15 metre parapet, 4.24 metres in the air, is potentially quite a high, bulky structure perhaps. The ExA asked about the lateral dimensions and what these are likely to be and if they will be the same for both bridges. The ExA noted that in written question response, the confirmation was that there would be ramps on the bridges to allow for people with disabilities. The ExA asked what the consequential visual effects of that might be and also what effect that has on the dimensions of the bridges. We have the CAH tomorrow and need to be certain that the ramps, as well as the entrance and exit points for the bridges, can stay within the land that has been identified, particularly where on one of them it is going into an area identified as open space. The ExA finally highlighted an error in the submitted Application Guide (REP5-003), in that the Applicant had stated that updated Indicative	**The Applicant has had the ramps in mind and is not aware of any concerns at this stage.** The Applicant confirmed that the reference to submission of updated Indicative Railway Plans on 12 January was an error. **The Applicant confirmed the Application Guide will be updated as requested.**	(drawing) NLGEP-FCE-XX-XX-DR-Y-2004) for the construction of bridge and approach structures. It is noted that Work No. 3 aligns with the *Order Land – Freehold to be compulsorily acquired*… shown on REP2-014. The Applicant is confident that Footbridge 1 can be constructed and maintained within the land it is seeking to acquire on a permanent freehold basis, namely Plots 6-62 and 6-65 within which the majority of the footbridge will be constructed. Footbridge 2: Footbridge 2 is located at Ordnance Survey grid reference SE 876 145. It will replace an existing footbridge crossing the branch line to maintain access between adjacent farmland. The railway line is located in a cutting with embankments either side. The footbridge will be installed above the level of the cutting so approach structures (ramps) are not required to access the footbridge. It is confirmed that there is sufficient space within the limits of deviation for Work No. 3 (railway reinstatement works) shown on REP5-015 (Works Plan C (drawing) NLGEP-FCE-XX-XX-DR-Y-2004) for the construction of bridge. It is noted that Work No. 3 aligns with the *Order Land – Freehold to be compulsorily acquired*… shown on REP2-014. The Applicant is satisfied that, if granted compulsory acquisition powers, it will have sufficient rights in the land required

	Railway Plans had been submitted 12 January 2023 (deadline 3), but the ExA thinks that is an error and is the date they were intended to be submitted. The ExA asked if an additional column could be added to the Application Guide which has the Examination Library reference, which allows the ExA to cross reference and see if documents have arrived.		for the construction and maintenance of the footbridge in the relevant area. Specifically as ramps are not required for this bridge there is sufficient land to be acquired on a permanent basis for the construction of the bridge within Plots 6-49 and 6-82. Plots 6-51 and 6-81 will be required on a temporary basis for construction of the bridge. The Applicant has included a supplementary note on landscape and visual impacts of the footbridges at Appendix 1. This concludes that the footbridges are not anticipated to have any significant landscape and visual effects that would be additional to the conclusions of the LVIA. The Applicant has submitted a revised Application Guide (Document 1.2 Revision 7) at Deadline 6.
Agenda Item 3: Articles of the dDCO **The ExA will seek clarification in respect of the parameters for the proposed visual barrier (y) added to Schedule 1 in the latest iteration of the dDCO [REP5-005]**			
2.	The ExA referred to Figure A1 of APP-59, which is the landscape and visual impact assessment of the Environmental Statement. The figure shows a view from Amcotts towards the proposed development. Just in front of the ERF building on the figure is a light brown wall. The ExA asked for clarification of the	The Applicant referred to chapter 19 APP-67, which cross refers back to the mitigation required in the Landscape and Visual Assessment (**LVIA**), specifically paragraph 7.1.1.8 of section 7 of the LVIA makes reference to the architectural design required at detailed design stage, including the visual barrier. The reference states that it must be a visually impermeable barrier of at least 3 metres in height and should be coloured or textured to reflect the river edge. That mitigation is secured by DCO requirement 3 in terms of detailed design, hence why it has been referred to in the Works. In addition, the Design Principles and Codes rev-2 REP5-017, includes code DC-ARC-5.02 that also makes specific reference to the visually impermeable barrier of at least 3 metres in height to be installed on the	The Applicant can confirm that the light brown wall that is visible in Figure A1 of APP-059 has been modelled at 3m high. he Applicant can confirm that the maximum height of the visual barriers is 4.5 metres above FFL and 11.1 AOD. This has been reflected in the parameters table in Schedule 1 of the

	height that the barrier was assumed to be when that figure was prepared. In response to the Applicant's comments the ExA expressed the view that this was a minimum requirement rather than a parameter. The ExA asked again if when the figure was prepared it indicates a 3 metre height or something different. The ExA asked if the visual barrier is shown on the bottom section drawing in the Design and Access Statement (**DAS**) rev 1 REP3-012 pg 54 as "retaining wall/barrier". The ExA queried the cross referencing of the figures 5.18-5.20 on pg 54 of the DAS. The ExA asked if the visual barrier was shown on the middle section on pg 54 of the DAS or if it is not in that location. In response to the Applicant's further comments the ExA asked if there was a plan showing the extent of the visual barrier. The ExA asked the Applicant the extent of the barrier, laterally and vertically, and	western and eastern edge of the development platform for the ERF. So that provides another mechanism for securing that as part of the detailed design. Those are the parameters referenced. **Responding to the ExA's view that the 3 metre height was not a parameter, the Applicant stated that they would clarify this by Deadline 6.** The 3 metres was the minimum height, but a maximum height parameter has not been provided. The purpose of the minimum is to shield the comings and goings of the facility rather than the building itself. The Applicant confirmed the ExA's view that the vertical black line in the illustrative section figure 5.22 of the DAS illustrates the location of the visual barrier. The Applicant confirmed that this was a drafting error in the DAS figures on pg 54 and that the reference to Figure 5.20 should instead refer to Figure 5.22. **The Applicant confirmed this error would be resolved.** The Applicant confirmed the visual barrier was not on that section on pg 54 of the DAS as it does not come as far south of that. The visual barrier is located along the western extents of the platform for the ERF building. **The Applicant will respond in writing on whether there is a plan showing the extent of the visual barrier.** **The Applicant confirmed it will look at the vertical parameters and provide a maximum parameter.** The Applicant noted that, in terms of the lateral extent of the parameters, there are descriptive parameters in the Design Principles and Codes (**DP&C**) document at paragraph 5.6.6 – DC_ARC_5.02 stipulates that it is to be installed along the western and eastern edge of the development platform for the ERF, so to a degree there are descriptive parameters in terms of its extent. The precise length of it would be determined via the detailed design process pursuant to requirement 3. The Applicant therefore may be able to define a maximum lateral extent by reference to that description. The Applicant confirmed that there are two barriers – the western barrier, and a security visual barrier on the eastern side of the platform of the ERF,	dDCO and shown on the Vertical Parameters Plans submitted at Deadline 6. Work No. 1(y) within Schedule 1 of the dDCO has been updated to reflect the fact that there are to be two visual barriers. The exact length and alignment of the visual barrier will be determined at the detailed design stage, however to ensure the visual barrier achieves its objective, a written description of the extent of the visual barriers has been provided within the updated Design Principles and Codes document (Document 5.12) submitted at this deadline. This DPC document sets out the start and end point of the visual barriers. . The Applicant's note at Appendix 1 also includes a section on landscape and visual impacts of the visual barriers. This concludes that the barriers are not anticipated to give rise to any significant landscape and visual effects that would be additional to the conclusions of the LVIA The Applicant has updated the DAS to amend the figures references on pg 54 and Figure 5.27 to show the location of the visual barrier in the version of the DAS (Document 5.3) submitted at Deadline 6.

	whether that should be specified in the parameters table of the dDCO. The ExA noted the reference in the DP&C to the eastern and western edge and asked the Applicant if this meant there are two barriers, one either side, and whether the description in Schedule 1 of the dDCO was correct or if it should be plural. The ExA also referred back to the section figures on pg 54 of the DAS and whether they should show two. The ExA asked for clarification on the location of the barriers, their height and length. Would like this clearly spelt out for the next deadline. The ExA referred to the Applicant's response to the written question 10.0.9, REP 20-33, said the Applicant would provide further text to clarify the role and function of the visual barrier around the ERF as shown on the visualisations in the updated DP&C. Don't think there are any visualisations in the DP&C. The ExA asked if the written summary could point out the specific visuals referred to in	to serve the same purposes as the western one. **The Applicant confirmed the dDCO would be amended for clarity.** The Applicant confirmed the section on pg 54 of the DAS does not extend all the way across to the eastern side of the platform of the ERF so there won't be two visual barriers shown on the section due to the extent that is shown. **The Applicant confirmed it would take the point away on the location, height and length of the barriers and look at the wording and provide clarity.** In reference to the point raised about the response to the written question referring to visualisations, the Applicant confirmed that this was in reference to the visualisations shown in the DAS - the photographic visualisations that provide an illustration of what the scheme may look like. **The Applicant confirmed that the visuals would be referred to in the written response.**	The Applicant has updated the Design Principles & Codes document (reference Document 5.12) to include an illustrative plan (Appendix 1) showing indicatively the barriers and to include further detail around the height, location and role of the barriers (DC_ARC 5.02) . The Applicant can confirm that in its response to ExQ1 10.0.9, the reference to the "visual barrier around the ERF as shown in visualisations within the updated Design Principles and Codes document" should have referred to the DAS. The references to the visuals illustrating the visual barrier are to electronic page 36 of the DAS (an additional visual was added to show the barrier along Bellwin Drive within the DAS submitted at Deadline 3 (REP3-012)) and electronic page 77 of the DAS (albeit this was not a new visual and was within the original version of this document that was submitted (APP-037)).

	the DAS to understand which ones are meant. The ExA asked if North Lincolnshire Council had any comments and NLC suggested that it may be easier to have an indicative plan that shows the position of the barriers rather than trying to describe it in text.		
Agenda Item 3: Articles of the dDCO **The Applicant and NLC will be asked details in respect of the approach to controlling operational noise**			
3.	The ExA stated that the ExA must be confident that the dDCO achieves the first two policy aims of noise policy set out in EN-1 para 5.11.9. The ExA asked the Applicant to consider whether a requirement limiting operating noise would be appropriate or more appropriate. The ExA referred to APP-055 the Noise chapter of the ES and AS-009 pg 8 which is the Works Plans A rev 1. Looking at Table 20 on pg 59-60 of APP-055, which refers to Charmaine and Inglenook at Amcotts, the table says night time noise may result in an exceedance of 5dB, which indicates the potential start of an adverse effect. It goes on to say a range of external noise levels, 40-45dB at night provides a	The Applicant said that this was correct - the predicted rating level of 42dB is considered to be an acceptable level of noise because it falls below the upper range of noise levels which is considered an acceptable level at night based on the guidance in BS8233. The Applicant confirmed BS8233 provides design guidance on acceptable standards inside various types of buildings. For a residential bedroom at night time it provides a level of 30dB indoors, so assuming a level between outside and inside with partly open window gives a reduction of 10 to 15dB, and that gives the level of 40-45dB outside the property. The Applicant confirmed the standard uses the word "recommended". The Applicant confirmed there are recommended daytime levels. BS8233 provides guidance on this. It sets out a level of 50 to 55dB for external areas used for amenity Responding to how the predicted rating was achieved, the Applicant stated that in the ES a number of different scenarios were modelled and reported, including scenarios covering loading and unloading activities during the daytime and a further scenario which included activities that would be present in between loading and unloading and also at night time. The modelling was based on the experience from the design team in terms of	The Applicant is proposing measures to secure the mitigation required to meet the noise levels set out in the ES noise assessment (APP-055). In support of this, updates will be submitted at Deadline 7 to the noise assessment (APP-055) and Chapter 19 – Mitigation (APP-067), with measures secured by amendments to Requirements 3 and 4 (as will be described in the updated Chapter 19 – Mitigation). Extracts of the proposed updates to Chapter 19 – Mitigation are at Appendix 3. The updates relate to section 7.3.1.1 and Where activities fall within the installation boundary for the environmental permit, it is considered unlikely that the Environment Agency's requirements will be less stringent. However, were this to be

	good standard at night for sleep within a building. The ExA asked, despite the difference, would the Applicant agree a rating level of, for example in this case, 42dB at Charmaine means it is not an adverse effect because it is in the range of 40-45dB. The ExA asked the Applicant to explain how you get from the BS8233 guidance to that figure. The ExA queried if the standard uses the word "acceptable" or "recommended"? The ExA asked if there are similar recommended levels for daytime and, if so, what these are. The ExA asked the Applicant to summarise how the design to date has achieved the predicted rating level of 42db at this particular premises. In terms of the modelling, the ExA asked for some of the values assumed for some of the noise control elements within the design as it stands. The ExA queried the footnote for tables 15-19 that "an acoustic correction feature has	noise levels which are considered achievable for plant and equipment. A 3D model was built using software modelling which takes into account topography and screening from nearby buildings. The noise levels were inputted into the model and used to predict noise levels at receptors near to the site including in Amcotts. In terms of some of the values assumed for the noise control elements, the Applicant noted that these are set out in Appendix C of the noise assessment report. There are several tables listing quite a lot of data inputs. Some examples from the first table setting out the noise levels assumed in the noise model for the ERF area – the boiler and FGT hall which are based on an external building façade level of 54dB sound power level per metre squared which is based on an internal reverberant level of 84dB and building planning designs with an insertion loss of 30dB. The stack is listed next in the table and is assumed to have a noise source level of 87dD sound power level, with an assumed height of 120 metres above ground level. Responding to the ExA's question regarding the correction, the Applicant stated that it has assumed a correction of 0dB in the assessment because it is most likely that the need for a correction can be designed out in detailed design. BS4142 allows for corrections for tonality, impulsivity, intermittency and another feature correction for distinctiveness. The maximum penalty that can be applied for tonality is 6dB, for impulsivity is 9dB, for intermittency is 3dB, and for distinctive correction is 3dB. Not all of these can be applied simultaneously. In terms of whether the potential level of correction referred to by the ExA is reasonable, the Applicant again confirmed that it has not applied a correction because it is most likely that the need for a correction would be avoided during detailed design. The Applicant acknowledged that the assessment is based on a number of conservatisms that are built in, examples would be a number of areas where we don't include screening of certain noise items in the model, for example during loading and unloading we have not screened for a vessel or a train. The model uses ISO 9613 prediction model which incorporates an assumption of a downwind correction. Based on the wind rows presented in the air quality assessment (APP-053), a wind direction towards Amcotts is of low likelihood and the majority of the time it flows in a different direction.	the case, the updated measures proposed would still bind the development to meeting the levels set out in the ES and secured in the dDCO It is normal practice to provide details of the noise limits set in any DCO/planning permission to the Environment Agency as part of the consultation on the application for the environmental permit and NLC will be a consultee on the permit application. The Environment Agency has very specific guidance on how to define a “site” boundary. In most applications and situations, the site boundary is kept tight to the physical plant and areas associated with the "Scheduled Activities". The wharf and the rail head may potentially be shared infrastructure and so it is less likely this infrastructure would be within the permit boundary of the Applicant’s facility.

	not applied in this assessment as it is most likely that the need for correction can be avoided during detailed design phase" and asked what sort of values could that correction be. ExA summarised the point in relation to corrections as there being the potential for up to 9dB as the worst case scenario would be added to the uncorrected level. The ExA asked if this is reasonable. The ExA asked whether the Applicant could design in additional reductions/attenuation. The ExA asked if the design has assumed a certain level of mitigation in it to produce the predicted values discussed. The ExA asked, if the Applicant was seeking to secure this mitigation in the form of a noise limit, what would be a reasonable approach to take/what that limit would look like. The ExA noted the OEMP does not set out a noise limit. The ExA noted the Applicant's intention to meet the limits in the ES, and queried if it would be more straightforward to put	The Applicant confirmed that it assumed a certain level of mitigation which the Applicant is confident can be achieved. As the design progresses, the Applicant will consider further mitigation options which have not been taken into account or built into the assessment, but is likely to produce further benefit and reduce noise levels further. At this stage the assessment includes a certain level of mitigation the Applicant is confident can be achieved. Regarding a noise limit, the Applicant noted that there is an Operational Environmental Management Plan (**OEMP**) which commits to meeting the rating levels reported in the Environmental Statement and sets out a number of measures to do so as well as committing to investigating further mitigation to reduce noise levels below what is predicted in the ES. The OEMP is secured by requirement 4 of the dDCO REP5-005. Responding to the ExA's follow up on the OEMP not including a limit, the Applicant confirmed that the project intends to achieve the limit in the ES and it may be necessary to clarify that point in the OEMP. In terms of securing these measures, it is anticipated that management and mitigation measures would be secured in the Environmental Permit (**EP**) for which NLC would be a consultee. On the process of establishing the installation boundary that defines which activity is covered by the EP, this is a process which is currently ongoing. Anything not covered by the EP would be covered by the OEMP, secured by requirement 4. In respect of whether it would be appropriate to specify a specific noise limit, para 9.13 of the OEMP addresses the position with how the assumed levels as part of the ES will be met and the measures that will be required to ensure that is the case. There is a subsequent and more detailed design phase which will set out include the specific machinery which will have specific noise rating levels that can then form part of the noise measures that can be achieved. The reason the Applicant would say it is not appropriate to set a single noise limit is that there are a number of different modes of operation. The Applicant expects it can refer to the assumed noise levels that are reference in the ES with respect to the ranges in the rating levels for daytime and night time noise levels. At this point the Applicant's position is that it would not be appropriate to specify a specific noise limit. It may be the Applicant is able to achieve some improvements on the reasonable worst case scenario that have been assessed and additional mitigation may come forward that could mean we achieve a lower noise limit	

	forward achievable values as a noise limit as a requirement in the DCO. The ExA went on to say that when preparing a DCO, EN-1 paragraph 5.11.10, the IPC (as was) should consider including measurable requirements or specify measures to be put in place to ensure noise levels do not exceed any limits specified in the development consent. It points to the inclusion of a suitable achievable requirement. The ExA asked NLC for its views. NLC said that it would be easier and clearer for enforcement if there was a stated maximum level and linked to that is that the assessment carried out has been conservative and as such it would be quite easy to having a maximum noise level because the Applicant says they think they will achieve less noise than has been assessed. If there is not a willingness to commit to a maximum level, then are we sure the assumptions are sound. The ExA asked the EA about what the EP may do, and also hear from the Applicant, NLC and the EA as to who is	than has been assumed in terms of the ranges in the ES. A point raised by NLC was to understand how operational noise will be managed between the DCO and the permit. The Applicant has had discussions about how noise would be dealt with on the face of the permit and there is a standard condition on the face of noise permits which seeks to control in a similar fashion with reference to risk assessment and detailed information that will need to be provided as part of the EP application to demonstrate the noise levels that are achievable, and that they will meet best available techniques and be acceptable. The condition on an EP therefore does not refer to a specific noise limit but rather that it must be controlled sufficiently at the boundary of the installation for the permit. So it is a similar approach to the one adopted in the DCO. At the minute the Applicant does not provide a specific noise limit and can provide further rationale for this. Responding to NLC, the Applicant acknowledged NLC's view. The Applicant has had specific regard to EN-1 paragraph 5.11.10, which refers to any limits that **are** set in the DCO but does not stipulate that you must set limits within a DCO. The Applicant has also had recourse to other DCOs and other approaches and whether or not it is typical to set a maximum level. **The Applicant can update the OEMP to reference the assumptions in the ES.** It is the intention of the OEMP that the maximum limits are those assessment parameters assumed in the ES, so we can look to clarify that to give a degree of confidence in those limits as well as the ability to enforce them. The Applicant would not, by reference to the OEMP, be able to exceed those limits. It would be open to NLC to enforce by reference to compliance with what the Applicant has stated in the OEMP. **The Applicant can take this away and add to the summary of what has been said verbally today.** Responding to the concerns raised due to the lack of a boundary, the Applicant referred to requirement 4 of the DCO. As today, the Applicant does not have an EP or a defined installation boundary. So in anticipation of the fact there will be control of noise under the permit and DCO and not wanting to have any duplication, the drafting of requirement 4(7) stipulates that the details of the OEMP must be in accordance with the conditions of the EP and also potentially incorporate a noise management plan. It is "potentially" as it is to the extent that such requirements are not covered by the EP. The EP will control all activities which take place within that EP boundary, but defining the boundary requires further work, in particular to look at loading and unloading from the wharf and railhead and whether the	

	responsible for what. The EP has yet to be submitted so the boundary for the site for the EP has yet to be defined. There is still quite a lot of uncertainty as to who would be responsible for what and who would enforce what. For the benefit of the public the Applicant needs to make it clear who they can turn to should anything go wrong. Which elements will be in the EP and which we need to consider in the EP. The ExA asked the EA for their views. The EA stated that it would be difficult to say anything definitive as it does not have an EP application. But generally it could put a condition on an EP that would require the activities that shall be free from noise and vibration that are likely to cause noise pollution outside of the site. They concurred with the Applicant that it was not necessary to do anything more than was currently in the DCO, but that is from the perspective of the EP and the EA is limited to controlling within the site boundary. What has been suggested is appropriate.	EP boundary will extend to and include these areas such that the permit could control loading and unloading. The Applicant feels it is prudent to include the wording in 4(7) as it may need to control noise via the OEMP and have a separate noise management plan for those activities that could take place outside the EP boundary. In responding to the same, NLC said it has sites where the railhead etc are included in the redline, and that if these are not included, the noise management plan in the OEMP would have to kick in. The Applicant confirmed that they were looking at examples of Eps which cover the loading and unloading areas and will take this away to consider other DCOs, including Keadby. The Applicant will take away the position on noise limits and amending the OEMP. In terms of the wording in 4(7), the Applicant also stated that a typical noise condition on an EP is not by reference to a specific noise limit, that is not to say that they do not impose noise limits for specific activities. **The Applicant will take this away and also look at the wording of 4(7) as well as provide a more substantive response by Deadline 6.**	

	The ExA asked again for NLC's view. NLC said NLC has sites that are permitted that do have wharfs/railheads etc for loading/unloading activities and in general those areas are included within the redline as it is directly linked to the operation of the facility. But it is not NLC's decision as to the boundary. There is a need to cover the areas for loading and unloading if these are not covered by the EP – the noise management plan would need to kick in. ExA requested that the Applicant go away and consider this very carefully, citing Keadby as an example of where a limit has been set in the DCO. Further they stated that paragraph 4(7) appeared to suggest that any noise limit will be aligned with the noise control in the EP. As the DCO is being dealt with first, the ExA need to be confident that the level set out in the Environmental Statement is the worst case scenario and that they would not be allowing a higher noise level than otherwise should the EP allow a higher figure for night time and daytime.		

Agenda Item 3: Articles of the dDCO **I. Articles 11-16 in respect of street works**			
4.	The ExA asked NLC if the amendments had resolved their concerns identified in these articles.	NLC confirmed its concerns had been addressed and this will be included in the Statement of Common Ground (**SoCG**) with the Applicant.	The Applicant can confirm the SoCG with NLC has been updated to reflect the fact that agreement has been reached in relation to these articles.
Agenda Item 3: Articles of the dDCO **II. Requirement 3 and the latest position of the Applicant and NLC**			
5.	ExA asked NLC if the amendments had resolved their concerns identified in these articles.	NLC confirmed its concerns had been addressed and this will be included in the SoCG with the Applicant.	The Applicant can confirm the SoCG with NLC has been updated to reflect the fact that agreement has been reached in relation to this requirement.
Agenda Item 3: Articles of the dDCO **III. Requirement 4 in respect of NLC comments in the Local Impact Report [REP1-019]**			
6.	ExA asked NLC if the amendments had resolved their concerns.	NLC confirmed its concerns had been addressed and this will be included in the SoCG with the Applicant.	The Applicant can confirm the SoCG with NLC has been updated to reflect the fact that agreement has been reached in relation to this requirement.
Agenda Item 3: Articles of the dDCO **IV. Requirement 10 and the definition of preliminary works**			
7.	ExA asked NLC if the amendments had resolved their concerns.	NLC confirmed its concerns had been addressed and this will be included in the SoCG with the Applicant.	The Applicant can confirm the SoCG with NLC has been updated to reflect the fact that agreement has been reached in relation to this requirement.

Agenda Item 3: Articles of the dDCO **V. Requirement 11 in respect of archaeology – NLC will be asked to explain their position**			
8.	The ExA asked about subparagraph (e) of requirement 11. The ExA thought it was agreed at ISH3 that an overarching archaeological mitigation strategy to be agreed prior to the end of the examination? The ExA asked how this will hang together in practice. If we have an agreed overarching mitigation strategy prior to the end of examination, that would be a document within the examination. Shouldn't then the wording of the requirement say it should be done in accordance with that agreed document and we would then expect written schemes of investigation for individual elements relying on that overall archaeological mitigation strategy? The ExA asked if the approval process is delegated or will require committee approval and whether an approval could be made before the close of examination. The ExA noted that their reservation is that NLC is keen to have an agreed document and this may leave a slight question mark in reporting to the Secretary of State in how far apart the parties are.	NLC responded to the question on sub-paragraph (e) stating that this element is still in discussion and will form part of the SoCG. NLC would expect to see an overarching mitigation strategy submitted prior to the close of the examination. The Applicant responded to NLC's response, confirming that the ExA's interpretation was correct. Requirement 11 stipulates that the Applicant cannot commence the development until the overarching mitigation strategy has been submitted. Anything we commit to providing before the DCO is granted will not be in the DCO itself, but the reason for referring to submission of the overarching mitigation strategy in the requirement is so we then have to demonstrate compliance with it. It is still necessary to have that on the face of the DCO. The Applicant is planning to submit the overarching mitigation strategy at deadline 9 and is working closely with NLC - there is a workshop with NLC on Friday. Responding to the ExA's follow up question the Applicant confirmed that it will submit the overarching mitigation strategy by deadline 9. The requirement drafting requires it to be submitted to the LPA for approval. It is whether that represents sufficient time for NLC to approve that strategy before close of examination. Approval may happen in the interim, before the Secretary of State's decision, but the wording is protective to ensure the requirement for approval by NLC is secured and then for the development to be in accordance with that. It may go through further iterations before we get the final version. NLC confirmed that it would be a delegated approval process. NLC's cultural heritage officer is working with the Applicant and discussing this constantly, so there is potential the ExA will have the document and NLC's approval of it prior to the close of examination, but this is not guaranteed. **The Applicant expanded on NLC's answer stating that if there is an approved strategy before close the Applicant can provide amended wording for requirement 11 which makes clear it is already approved.** It may be there is no harm either way if the drafting is left as it is though. **The Applicant confirmed it will do its best to expedite the document and at least to provide an update at close of examination.**	The Applicant has made some further amendments to requirement 11 in the dDCO submitted at Deadline 6. These were amendments previously requested by NLC that had accidentally been omitted.

Agenda Item 3: Articles of the dDCO **VI. Requirement 12 in respect of emergency planning – NLC will be asked to explain their position**			
9.	The ExA asked whether NLC was content it has sufficient information in the event of an emergency event and is content as to how it can be delivered pursuant to requirement 12.	NLC confirmed it is content with the drafting of the requirement.	The Applicant can confirm the SoCG with NLC has been updated to reflect the fact that agreement has been reached in relation to this requirement.
Agenda Item 3: Articles of the dDCO **VII. Requirement 14 in respect of securing the completion of the new access road– NLC will be asked to explain their position**			
10.	The ExA asked for NLCs thoughts on the new access road. Following on from the responses of NLC and the Applicant the ExA raised concerns that requirement 14 takes the road to base course level but were not certain that Article13(2) requires it to be completed. It is about stopping up of Stather Road.	NLC confirmed that it understands the position put forward by the Applicant, referring back to article 13(2) to secure the completion of the access road to the satisfaction of the LPA, but noted that it did allow for a temporary road to be put in instead. NLC said that it would like clarity, a tailpiece in the requirement, that it will be completed prior to operation. Article 13 probably will secure it, but the standard way of wording the requirement would be better. The Applicant confirmed that Article 13(2)(a ensures that they are not able to operate/use the new access road until the relevant part of Stather Road is stopped up. In addition to that, we have requirement 2 on phasing and requirement 3 on detailed design – they provide the opportunity for NLC to stipulate design and phasing of the access road. The Applicant is happy to continue discussions with NLC to ensure they are comfortable with the drafting and that it does secures completion of the access road. Responding to the ExA's follow up question the Applicant said that Stather Road could not be stopped up until the new access road was completed to the street authority's satisfaction and is open for use. The Applicant will take away the point way concerning how the specific requirement is drafted.	The Applicant has considered the position further, but does not consider that any further amendments are required. As set out in the response to ExQ1 7.1.61 Pursuant to Article 13(2)(a), the Applicant cannot stop up the street specified in column (2) of Schedule 4 unless the new street to be substituted for it, which is specified in column (4) of that Schedule, **has been completed to the reasonable satisfaction of the relevant street authority and is open for use** (13(2)(b) does allow for a temporary alternative route to be provided and maintained until the completion and opening of the new street in accordance with 13(2)(a)), however ultimately the permanent new street would need to be built if the Applicant was to rely on this article to carry out

			the stopping up needed for the development to proceed). The street identified in column (2) of Schedule 4 is part of Stather Road (from points A1 to A2 on the rights of way and access plans sheets 4 and 5) and the new street to be substituted as identified in column (4) is the new access road (from point B1 to B2 on the rights of way and access plans sheets 4 and 5). The ERF is being built over part of Stather Road and therefore this road has to be stopped up in order for the development to proceed and the Applicant will need to comply with article 13(2) in order to be able to do so. Therefore, the Applicant will need to ensure the new access road is completed to the reasonable satisfaction of the street authority and open for use in order to carry out the development.
Agenda Item 3: Articles of the dDCO **VIII. Requirement 15 and how this is intended to work and be complimentary to the description of development in Schedule 1, and the controls that would be likely to be in place through any Environmental Permit that may be issued.**			
11.	The ExA noted this requirement has been revised on a couple of occasions to try and deal with concerns raised on the waste hierarchy and wanted to ensure that the requirement is complimentary to the description of the development in Schedule 1	The Applicant acknowledged the ExA's further questions in ExQ2 on requirement 15 and also noted the ExA had the opportunity to see the Applicant's response to UKWIN where it has set out and dealt with the understanding of regulation 12 of the Waste Management Regulations and acknowledged the rationale and purpose of requirement 15 and what it is capable of achieving. The Applicant noted that they mentioned in previous environmental ISH in relation to waste need that a standard condition on the EP will stipulate how any waste generated is dealt with pursuant to the waste hierarchy. This requirement is about seeking to add an extra complementary layer of control	The Applicant has responded to the relevant questions around this in the ExQ2 and has made some further amendments to requirement 15 which are reflected in the dDCO submitted at Deadline 6.

	and any controls in the EP which may be issued. The ExA asked the EA for its view on this. The EA confirmed that it would provide an answer for the next deadline. The ExA asked for NLC's view on this. NLC said its concern is that it seems to impose controls on producers of waste rather than the Applicant so how would NLC go about enforcing it. Providing documents for monitoring is fine, but when is there actually a breach, ie an unacceptable level? NLC does not have a massive problem with the requirement, but does not want to monitor for monitoring sake. The ExA noted the requirement has come from a previous DCO and in that case the ExA/Secretary of State said it provided the confidence the waste hierarchy was met. The ExA asked the Applicant to look at the ExQ2 and provide clear responses. The ExA will wait and see if that requires any further amends to requirement 15.	in terms of how suppliers maximise the amount of recycling they are able to carry out. Requirement 15 can only go so far, so it is for the ExA to determine whether it is considered to be necessary/complementary to other controls. The Applicant will provide further responses to the ExQ2s.	
Agenda Item 3: Articles of the dDCO **IX. Requirement 17 – The ExA will seek clarification from the Applicant what this requirement would achieve in practice.**			
12.	The ExA asked what the requirement achieves and requires the Applicant to do. The ExA asked, when referring to the steam and hot water	The Applicant stated that requirement 17 as drafted proposes a distinction between a requirement to be CHP ready, as per the NPSs, and being CHP enabled, which the requirement secures. This is not a policy requirement, but is a commitment being offered here. The drafting of requirement 17 secures that – it provides that no part of the energy park works can be	The Applicant is not proposing any further amendments to the CHP assessment at this stage, but is

	passouts, if that is something coming from the ERF building or is that including the pipework for the district heating network (**DHN**) option A or B. The ExA asked whether any progress has been made with neighbouring operators/owners regarding the possible use of these connections or is this a future consideration. The ExA stated that an update to the CHP assessment would be helpful in determining how much weight can be attributed to the benefit of the delivery of this. The policy asks you to go so far and you are indicating you are going further, but what happens next? Is there a genuine opportunity that is realistic? The ExA asked, in terms of the commitment for delivery along the access road, where that is set out. The ExA asked the EA for its view on these points. The EA confirmed it did not have anything to add to that already said by the Applicant, other than it being a requirement to continually review opportunities. The ExA asked the EA if that will be an EP for the ERF or a separate EP for the CHP. The EA said it is likely to be one overarching EP for the site but cannot confirm	commissioned until the Applicant has put forward a scheme for detail of the steam/hot water passouts of the CHP and those works must be completed and implemented before the Applicant can operate the ERF. Requirement 17 is there to secure that it will be a CHP enabled facility prior to operation, rather than just CHP ready. Responding to the ExA's follow up question, the Applicant confirmed the steam/hot water passouts are the works required in the construction of the ERF and not the full extent of the DHN pipeworks. Save that, we have committed as part of the construction of the new access road, during construction it makes sense for the Applicant to include the necessary pipework for the DHN. The text of the requirement refers to having a scheme approved and implemented for a hot water/steam pass out, so the works involved on the site will be the turbine steam extraction, the heat exchanges, back-up heat infrastructure for times such that heat wasn't available from the turbine and then transmission distribution pipework to the end user. So that specific scheme but does not necessarily commit the Applicant to the full extent of the DHN in either option A or B. Responding to the ExA's follow up question the Applicant noted that as part of the application it had submitted a combined CHP assessment which incorporates a detailed heat map and end user research piece. The Applicant can contemplate if there would be any further update we could provide on this. **The Applicant said that the reference to the CHP assessment is APP-038 and agreed to take away an action to look at the document and confirm any specific updates, noting that at this stage it is difficult to have secured specific end users.** In terms of the commitment for delivery of along the access road, the Applicant confirmed it would need to double check how this is specifically secured. It is assumed, so will check how it is secured. One further point, any EP granted will include fairly typical conditions to deal with a requirement for the EP holder to continually review opportunities for the possibility to provide heat to end users to ensure the maximum efficiency of the plant. That is likely to be a permit as well. **The Applicant confirmed it can make sure that an updated version of the consents and licences document clarifies that point on the EP to the extent that it is able to at this stage.** The Applicant went on to say that, regarding the ability to develop out the DHN, they have been in regular discussions around opportunities and will be making an application to the Green Heat Network Fund, the BEIS government funding potentially available to developers of DHNs. The next	continuing to liaise with parties who may be potential end users. The Applicant has submitted an updated version of the Consents and licences document at Deadline 6. In terms of the point raised by the ExA about the commitment for delivery of the pipework for the DHN along the access road, the Applicant has amended requirement 14 (new highway access) to ensure this is secured.

	until the application for the EP is received. The ExA noted the separate document on consents and licences and asked if, in the section on the EP, the Applicant could clarify which elements are going to be needed and whether it will be one permit combining several pieces or several EPs.	time within which an application can be made is in May so the Applicant will provide an update to the Secretary of State if it can.	
Agenda Item 3: Articles of the dDCO **X. Requirement 19 – Clarity on the wording will be sought to ensure the quantum of CO2 to be captured is properly understood.**			
13.	The ExA asked in the ExQ1 7.1.63 whether the wording was correct in saying that the carbon capture plant would capture 54,387 tonnes of CO2 and 8.37% of waste throughput. They asked for clarification as to whether 8.37% of the weight of the waste or is it a Co2 measure. What is the figure that is the minimum? Is it 8.37% of the 760,000 tonnes, which is your maximum waste, am I right in saying that equates to 63,612 tonnes of CO2. Is this the correct calculation? The ExA asked if this could be clarified so it is clear exactly what the carbon capture plant is going to do and if it will meet the claimed thresholds. The ExA asked if the simplest way, if trying to achieve a minimum, that it might make	The Applicant confirmed that the 8.37% is of that quantum of the 760,000 tonnes. In terms of the drafting and the reference to "and" it is the lesser or either of those, so you could arguably say either. You are correct and perhaps some wording is missing – that is 8.37% of the weight. The assumption taken here is that typically a tonne of RDF when combusted would produce approximately a tonne of CO2. It is to ensure there is an operational envelope that scales with the plant, so the lesser is to allow for periods of lesser availability, considering in particular a major outage in one year to make sure the quantum is capturable with the design, without having to operate above the design point. **Take the point about the 760,000 tonnes and the 54 might need to be revised upwards to allow for that.** **The Applicant agreed that if we have maximum amount of throughput for the ERF the commitment is of the lesser of these two figures, so the 54, but agreed to consult internally to confirm what commitment is being offered and that it matches what has been assumed in the GHG assessment.**	The figure stated in the DCO (of 54,387 tpa) matches the value used in the climate chapter of the Environmental Statement. This assumes the facility will operate at its design point as an average over the plant lifetime. To process a greater fuel throughput, a lower NCV would be accepted. This lower NCV fuel is likely to have a lower carbon content, thus producing less CO2 per tonne. As such, the envelope as designed still captures the required quantity of CO2. The wording of requirement 19 in the submitted dDCO has been amended to make clear that the 8.37% is of the weight of the ERF waste throughput per annum.

	sense to include one figure rather than two. A thought to consider.		
Agenda Item 4: Article 43 - Operational Land **The Applicant and NLC will be asked to provide an update of their position on this Article.** **ExA will explore which areas of land may be considered to be excluded from the definition of operational land and the relationship of it to functionally linked land to the Humber Estuary Special Protection Area (SPA) and Ramsar.**			
14.	The ExA asked for NLC and the Applicant to explain the situation so far. The ExA brought attention to AS-009 Sheet 8 which shows part of the Works Plans. The ExA noted the main site – has there been any dialogue about excluding land to the north east of the industrial estate (the above ground gas installation and potential connections to other infrastructure there). Is your current dialogue including that as operational land. The ExA clarified this area as being Work No. 7 (pink) and Work No 1 where the two overlap. The ExA then also referred to Work No.1C, the visitors centre, and why that would not be excluded. Following on from this the ExA asked if the Applicant's	NLC confirmed that they have been having discussions with the Applicant regarding article 43. NLC was sent some suggested wording by the Applicant to try and tighten the definition of operational land. NLC have considered and very recently gone back with a suggested position which is to try and tighten it even further. It's not been fully resolved but we are in dialogue and should have it finalised and added into the SoCG shortly. The Applicant confirmed that they have looked at limiting the extent to which land within the order limits can qualify and be treated as operational land. In particular in initial discussions with NLC we were looking at excluding Work No 12 and 12A , which are those relating to landscaping works, from any definition of operational land. The Applicant has had further discussions with NLC and ideally they would like to exclude Work Nos. 13 (flood defences and drainage), 14 (cables for the utilities), 15A and 15B (relate to construction compounds, so temporary development). The Applicant is confident they will be able to reach an agreement with NLC prior to the next deadline. The Applicant wanted to look into Work No. 14 (cable diversions) in the sense that PD rights attribute to the definition of those areas as op land and that is by virtue of the Applicant effectively becoming a statutory undertaking in light of then receiving an electricity generating licence. The Applicant has been reviewing the PD rights associated with that and subject to resolving that will have a further discussion with NLC and offer up hopefully an agreed position on how we will limit the remit of that article further and provide an update at the next Deadline. In relation to the area identified to the north east of the Site, the Applicant queried if this is Work No 7 (the hydrogen electrolyser and associated infrastructure for injecting hydrogen into the gas grid). In relation of Work No. 1C the Applicant confirmed that this is not currently proposed to be excluded. Work No. 1C incorporates the visitors centre, offices and a section of the elevated walkway. In terms of the Applicant's position, these are integral elements of the energy park and associated	The Applicant has considered further and amended article 43 in the dDCO submitted at Deadline 6. The amendments set out, on an inclusive basis, the relevant areas of land (by reference to the Work Nos that relate to that land) that the article is intended to apply to. These are Work Nos. 1, 1A, 1B, 1D, 2, 10, 11 and 14. The Applicant has limited the article in this way to apply to the NSIP and the parts of the associated development that are integral to the ERF. This also broadly accords with discussions with NLC in relation to the article, as NLC was keen for the article not to apply to those areas on which there is intended to be no "built" development, for example Work Nos. 12 (hard and soft landscaping and the construction of landscape features including a wetland area and ecological mitigation works) and 12A (habitat creation measures incorporating biodiversity enhancements).

	position was the same for the Plastic Recycling Facility, Work No. 6. The ExA said that if the DCO had just been for the ERF then the operational land would have just been the constrained area in Work No. 1. They asked why should the Applicant gain permitted development rights for all other elements? The Applicant noted they understand the requirement for PD rights for power generation and cable utilities etc, but why should they also be included for the PRF, railway line etc. The ExA would like to understand the reasoning and justification. The ExA also wants to ensure that those areas of land outside of a Work No. would also be excluded from the operational land definition as would landscaping and other elements to the south of the visitors centre, unless the Applicant has a strong enough justification. If the position is not agreed, the ExA will require respective plans from the Applicant and NLC to show the area they would include so it is clear the options being considered. The ExA may have to draw their own area if we're not in agreement. The ExA needs clarity on why the	works and ought to attribute the benefit of operational land subject to certain development rights, which are constrained and we have set out our position on this. The Applicant confirmed that its position was the same in relation to Work No. 6. **The Applicant is happy to provide justification for each of the Works – at the moment in the discussions with NLC the Applicant has looked at it on an exclusive basis, but will look at it on an inclusive basis and revisit accordingly.** Concerning the consequential effects the Applicant said that in terms of the land functionally linked to the SPA, the area to the west of the access road to be developed for the wetland area is adjacent to the river and proximate location to SPA and is currently used by mallard and so may become functionally linked land. **The plan is to exclude that from the definition of operational land as part of Work Nos. 12 and 12A, but will cover that in the note as well.**	

	components should remain in operational land definition. Concerning the consequential effects, the ExA asked whether the consequences of the potential implications have been considered of having permitted development rights on land functionally linked to the SPA and Ramsar.		
Agenda item 5: Article 44 of the dDCO – Defence to Proceedings in respect of Statutory Nuisance **The Applicant will be asked to provide an update of the Article. The ExA will then ask questions, seeking responses where appropriate from the Applicant, NLC and other IPs.**			
15.	The ExA noted the drafting of this article has been refined and asked if NLC is now content as drafted.	NLC confirmed it has been reviewed by its Environmental Protection team and they are happy with the current drafting of the article.	The Applicant can confirm the SoCG with NLC has been updated to reflect the fact that agreement has been reached in relation to this article.
Agenda item 6: Article 45 of the dDCO – Documents and Plans to be Certified **To review the documents to be certified and seek views as to whether the list is complete and if not, what additional documents would need to be included.**			
16.	The ExA brought attention to the importance of the Application Guide Rev 6 REP5-003 and an issue with regard to the outline Landscape Biodiversity Management and Monitoring Plan (**LBMMP**), the guide is still referring to APP-041, which was the original submission, but it was revised at deadline 2 so the ExA did not think the date in the guide was correct.	NLC confirmed it had no further comment to make and that the list is correct. NLC confirmed there are no additional documents to be included – there were previous discussions around including the DAS, but with the clarification received from the Applicant on this NLC is happy. There are no other documents NLC wishes to see. The Applicant confirmed it would double check the reference in the Application Guide but do believe the list of documents to be certified is final. The Applicant noted the only point it may wish to pick up on is if the archaeological mitigation strategy is agreed with NLC then that could be added if we get an agreed document and end up amending requirement 11.	A review of the Application Guide has been undertaken to ensure that the version number and date of the most recent submission is correct for every document. An additional column setting out the examination reference for all relevant documents has also been added for clarity.

	The ExA asked NLC if there was an agreed list of documents which should be certified? The ExA followed up by asking NLC for confirmation there are no other documents it wishes to be included.		
Agenda item 7: Schedule 14 of the dDCO – Protective Provisions **The ExA will seek an update on progress between parties regarding Protective Provisions; an explanation of any important differences of view and a timescale for resolution.**			
17.	The ExA asked for an update as to where the parties were in terms of the status of the statutory undertakers. Concerning Severn Trent Water, the ExA recommended that the Applicant write to them saying that if they do not respond then the Applicant will assume they are in agreement. The ExA asked for that correspondence to be included into the examination. Concerning Network Rail, Northern Powergrid and Cadent Gas the ExA asked what the timeframe would be to resolve the commercial issue. The ExA further queried whether the commercial point would influence the wording of the PPs. The ExA said that they have seen the ABP letter but requested a copy of the correspondence referred to with Open Reach and	The Applicant noted that the Status of Negotiations with statutory undertakers was submitted at deadline 5 but that the Applicant would respond to the ExQ2 questions in due course. The Applicant then provided an update: • Openreach – an email received on 28 November 2022 confirmed that the Protective Provisions in Schedule 14 of the dDCO are acceptable; • Associated British Ports (**ABP**) – confirmed by email on 13 January 2023 that no Protective Provisions are required; • Scunthorpe and Gainsborough Water Management Board also confirmed by email on 13 February 2023 that no Protective Provisions are required which follows confirmation by the Applicant that the internal drainage board will also be added to the list under Article 47 of the DCO and the internal drainage board being named as a consultee in relation to requirement 8; • Anglian water - the Applicant has agreed Protective Provisions with them which will be included in the next updated dDCO; • Network Rail, Northern Powergrid and Cadent Gas – the Applicant has agreed all provisions with all three undertakers, except for one, which is an outstanding commercial issue. The Applicant hopes to have them agreed by Deadline 8; • Severn Trent Water – the Applicant has been in discussion with to determine if they are content with the generic Protective Provisions or if they require bespoke Protective Provisions, but have been struggling to receive any feedback;	The Applicant has no further comments.

	Scunthorpe and Gainsborough Water Management Board in ExQ2.	• National Highways – have agreed Protective Provisions are not required and will obtain confirmation of this – currently negotiating a side agreement in relation to protection of National Highways' land interests which the Applicant hopes to have concluded by deadline 8. Responding to the ExA's question regarding a time frame to resolve the commercial issue with Network Rail, Northern Powergrid and Cadent, the Applicant said that they hope to get back to them within the next week or so and will deal with things as soon as we can, but cannot really commit to a particular date. The Applicant stated that the commercial issue is to do with an indemnity. The Applicant confirmed that it may be it has to present the respective positions for each party if these cannot be agreed. The Applicant agreed to submit the correspondence received from Open Reach and Scunthorpe and Gainsborough Water Management Board confirming no bespoke PPs are required.	
Agenda item 8: Methods of Mitigation and how they are secured **The Applicant will be asked to explain the hierarchy of documentation which provides the mitigation for the proposed development, the submission and approval process and from whom this is required.**			
18.	The ExA asked for the Applicant to provide an overview of the hierarchy of the documentation and where it was set out in the various documents to ensure that the various elements of mitigation for the development are delivered and secured. The ExA asked what EPC contractor stood for. The ExA asked whether appendix C of the Explanatory Memorandum had been updated as they had gone through the examination to reflect the adjustments.	In terms of relevant documents, the Applicant brought attention to Appendix C of the Explanatory Memorandum REP5-007 which includes a flow chart for the hierarchy of the various plans and has been split into plans for construction and operation. Additionally there is also Chapter 19 of the Environmental Statement which encapsulates in table 1 the full list of all the assumed mitigation from chapters of the ES, and in particular table 2 of that chapter stipulates the securing mechanism (which requirement it relates to) and who is required to approve each of those plans. **Additionally, the Applicant has also prepared a note to set out the rationale of its approach to that hierarchy and can provide that in writing for Deadline 6.** The Applicant hopes that will provide further background in terms of how we demonstrate the relevant mitigation is secured and our approach to that for each of the phases, making reference, for example, to the rationale around the CoCP and how that then leads to the CEMP; how we are dealing with what an EPC contractor is going to pick up and have to comply with so that it is very clear how each of the different elements of the mitigation are secured.	The note on mitigation is at Appendix 2. A tracked changed version of Appendix C to the Explanatory Memorandum (the hierarchy of plans) is at Appendix 4. This shows the changes between the submission version and the version submitted at Deadline 5.

		The Applicant confirmed that the EPC contractor would be the one who builds the plant and that it stood for Engineering Procurement and Construction contractor. The Applicant confirmed Appendix C is a PDF document and that it has been keeping track of amendments made to those plans. The Applicant will clarify if there is a tracked version of the plans that can be submitted.	
Agenda item 9: Consents, Licences and Other Agreements **The Applicant will be asked to provide an update of progress and timescales for completion.** **The ExA will seek an update on any discussions that are ongoing in respect of any Planning Obligation Agreements or side agreements and if there is an indicative timescale for finalising them.**			
19.	The ExA asked for an update on the original document APP-042. The ExA asked if there was a timeline for the submission of the permit application to the EA. The ExA asked the Environment Agency if there was a broad time-frame for how long the EP application is likely to take. The EA noted the original estimate for the site was 8-12 months from submission, although they are very busy at the EP agency so it would not be a surprise for it to take 12 months. The ExA noted that a Section 111 agreement and side agreement with National Highways and potentially NRIL, have been referred to.	**The Applicant confirmed that they can provide an updated and tracked version at deadline 6**. In terms of the Planning Obligation (Section 111) Agreement the Applicant has received a response from NLC today and understands we are close to agreement which relates to the highway works contribution to be made for certain signage works. Briefly the changes to consents and licences documentation (APP-42) are: • Further information has been provided in relation to point 5 which relates to any consents required with Severn Trent, Anglian Water and the Internal Drainage Board in that we have provided an update in relation to timings for these, which would be prior to construction; • Point 6 - as we are not proposing to discharge anything into the ground/wetland, we will not require the permits referred to so this will be deleted; • In relation to point 28, which concerns facility access agreements, for whom the relevant body is the ORR, these are currently being drafted with Vosloh and any train operator who want to use the branch and rail terminal but would generally be dealt with post consent. • Concerning the potential of needing a network licence from ORR under point 29, the current instructions are that we do not need a network licence for the section of rail from the Vosloh area to the wharf as it does not fall within the test (being in British Rail operation in 1994), but this may be required for the section from Flixborough	The Applicant has submitted an updated version of the Consents and licences document at Deadline 6.

	The ExA asked if the Applicant could confirm if these agreements would be concluded in advance of the examination. The ExA then asked for further information on Statements of Common Ground where DCO issues had arisen, as they understood that there would be a Statement of Common Ground with NLC, but would there be for any other parties such as the Environment Agency? The ExA asked if, where DCO issues have arisen with third parties, these can be in the Statements of Common Ground. The ExA noted that NLC and the Applicant had agreed to cover these in the SoCG. The ExA also noted the Environment Agency had raised some points on the DCO and that it would be helpful to understand that situation.	Wharf South to include the wharf to the new ERF railhead. This would be post consent; • There isn't a significant update regarding the EP application, WSP are dealing with the application on behalf of the Applicant and are dealing with the next phase of works for that EP, including reviewing the scoping strategy and obtaining final plant details so that they can commence phase 1 of that application. The Applicant cannot confirm a precise timeframe for the submission of the permit application but if we can provide further detail on that we will. Regarding the conclusion of the agreements referred to, the Applicant is hopeful there is prospect of getting the agreements completed prior to close of examination, but to some extent is in other parties' hands. The Applicant said that they will check the position with NLC after the hearing and that they have been keeping track with the Environment Agency to the extent that we've reached agreement. It may be useful to cover requirement 15 with both NLC and the Environment Agency depending on the positions reached respectively.	
Agenda item 10: Review of issues and actions arising.			
20.	1. Agenda 3 bullet 2 – the Applicant will: a. Provide updated indicative railway plans;		1. a. The Applicant has submitted the updated indicative

	b. Confirm the Environmental Statement accounts for the sizes and confirm the land take is sufficient; c. Update the Application Guide in relation to the indicative railway drawings and add a column to the guide to cross refer to the examination library. 2. Agenda item 3 bullet 3 (visual barrier) – the Applicant will: a. Confirm vertical and lateral parameters for the visual barriers; b. Provide details of where the barriers are, how many there are and their role and function. 3. Agenda item 3 bullet 4 noise – the Applicant has: a. Agreed to consider in principle a noise limit by deadline 6. 4. The Environment Agency agreed: a. To explain what the Environmental Permit will do with respect to noise and what it governs. 5. Agenda item i-x – the Applicant agrees: a. To do their best to ensure that the outline archaeological mitigation strategy is agreed by Deadline 9; 6. Agenda item vii – replacement access road completed before stopping up of Stather Road – check that this is reflected in the dDCO; 7. Agenda item ix – the Applicant agrees to: a. Review and update the ADP038 CHP assessment and confirm how the pipework in the access road is set out and secured in the dDCO, as well as confirm what other permits and licences may be required for CHP; 8. Agenda item x – the Applicant agrees to: a. Clearly specify carbon capture requirements in an understandable manner; 9. Agenda item 4 (Operational Land) – the Applicant commits to: a. Provide a further reasoned justification for what will be defined as Operational Land on an inclusive basis (specifying what it is, not just what it isn't);	railway plans at Deadline 6; b. See the Applicant's written response in the final column at numbered row 1 above (relating to the footbridges); c. The Applicant has submitted an updated Application Guide at Deadline 6. 2. (a and b) See the Applicant's written response in the final column at numbered row 2 above (relating to the visual barriers). 3. See the Applicant's written response in the final column at numbered row 3 above (relating to noise). 4. This action was for the Environment Agency. 5. The Applicant confirms it is continuing to work with NLC in relation to this. 6. See the Applicant's written response in the final column at numbered row 10 above (relating to requirement 14).

	10. Agenda item 6 – the Applicant agrees: a. To check and update the Application Guide for dates and references to ensure that it is as accurate as it can be; 11. Protective Provisions – the Applicant may need to present two positions for some of the statutory undertakers for the areas where there is disagreement. Furthermore the Applicant will need to confirm the submission of letters from Openreach, ABP and other statutory undertakers where there is agreement that Protective Provisions are not required. 12. Agenda item 8 – Appendix C of Explanatory Memorandum – the Applicant agrees: a. To see if there is a tracked version of Appendix C that can be submitted and provide a note explaining the mitigation and the rationale behind how the documents fit together 13. Agenda item 9 – the Applicant agrees: a. To provide an updated consents and licences document to be updated in tracked changes at deadline 6. 14. Agenda item 9 – the Applicant commits: a. To update the Statements of Common Ground to cover DCO related issues.	7. See the Applicant's written response in the final column at numbered row 10 above (relating to requirement 17). Requirement 14 has been updated in the dDCO submitted at Deadline 6 and an updated Consents and licences document has been submitted. 8. See the Applicant's written response in the final column at numbered row 13 above (relating to requirement 19). 9. See the Applicant's written response in the final column at numbered row 14 above (relating to article 43). 10. The Applicant has submitted an updated Application Guide at Deadline 6. 11. The Applicant has responded to the relevant ExQ2s around these points. 12. See the Applicant's written response in the final column at numbered row 18 above (relating to methods of mitigation). 13. An updated Consents and licences document has been submitted at Deadline 6.

			14. The Applicant is working on amending the relevant SoCGs to include the DCO.
Agenda item 11: Any other business.			
21.	ExA in the DCO on page 37 there is a comma missing between "siting" and "design"		The Applicant has corrected this error in the dDCO submitted at Deadline 6.

APPENDIX 1

Supplementary Note on Landscape and Visual Impacts

North Lincolnshire Green Energy Park

Supplementary Note on Landscape and Visual Impacts

This note was prepared in response to questions from the Examiner at the Issue Specific Hearing 4 on 7 March. Discussions at the hearing included the following points relevant to landscape and visual impact assessment (LVIA):

- Potential landscape and visual impacts of the proposed footbridges; and
- The location and dimensions of the proposed visual barriers at the ERF.

Landscape and Visual Impacts of Proposed Footbridges

The North Lincolnshire Green Energy Park project will include two footbridges over the reopened railway line. One of the footbridges (footbridge 1) will reinstate the public right of way FLIX 178, whereas the other footbridge (footbridge 2) will be private and will be used to maintain access between adjacent farmland.

The Applicant's response to ExQ1 question 1.0.11 [REP2-033] relating to footbridges confirmed that:

"*The Landscape and Visual Impact assessment [APP-059] assessed the effects of railway reinstatement works as shown hatched yellow on Works Plans C in the whole as opposed to specific small parts of it. One footbridge is within circa 100 m of the large DHL warehouse and the other is a little further away on a section of the route that is quite heavily wooded on either side. Given their scale and the local context it is considered that neither warranted individual assessment as they would not lead to likely significant effects on landscape or visual amenity*."

At the time of writing the LVIA, no design information was available on which to base a detailed assessment of the potential effects of the footbridges. In response to the Inspectors' queries, further information on the proposed footbridges has been prepared. The following summary considers the potential landscape and visual effects of the proposed footbridges based on the outline information provided (ref APP-029 North Lincolnshire Green Energy Park Limited 4.15 Indicative Railway drawings).

A minimum vertical clearance of 4.24m will be required between the railway track and the soffit level (lower edge) of each bridge. The bridge structure could be up to 2.15m high in total (depending on construction, it could be smaller). A limit of deviation of 1m is also applicable. Therefore the maximum parapet level (upper edge) of each bridge would be a total of 7.39m above the track level.

It is expected that low level lighting would be required on the footbridges for safety and accessibility. This would take the form of handrail-level lighting, directed down onto the bridge deck. No lighting columns would be used. The visual impact of this low level lighting is anticipated to be minimal. The final lighting design would include consideration of human and wildlife receptors, and would be controlled by DCO Requirement 5.

Footbridge 1

Footbridge 1 will be located around 100m west of the DHL warehouse on Nisa Way. As the railway line is close to grade level, ramps will be required to allow barrier-free access to the footbridge. Preliminary

calculations suggest these will be up to 45m long (doubled back for a ramp of 90m in total). The track elevation at this point is 48.995m AOD, and the maximum parapet level would therefore be 55.385m AOD. This is higher than the ground level to either side, necessitating the ramp access.

The surroundings of the proposed footbridge include the DHL warehouse and associated car parks and hardstandings to the immediate east, which are illuminated at night. To the west is a large open arable field, with the edge of Flixborough village beyond, over 500m from the bridge location. The railway line is flanked by scrubby semi-mature trees. While a section of this vegetation would be removed to allow construction of the footbridge, the proposed ramps would be constructed outside the vegetated area, on land that is currently farmed (west side) or rough grassland (east side).

The Indicative Landscape and Biodiversity Plans [REP3-007] show a strip of woodland planting on the western side of the Railway Reinstatement Land. The LVIA [APP-059] confirms the purpose of this planting as "*to form an enhanced green link around the north edge of Flixborough Industrial Estate and to provide visual screening to the ERF*" (paragraph 7.1.1.5). It would have the additional benefit of screening the railway line, and the ramps and footbridges, in any views from Flixborough village. Detail design and delivery of this planting is secured through Requirement 6 of the DCO.

Given the industrial context of the landscape on the east side, and the provision for screening mitigation on the west side, the proposed footbridge 1 is not anticipated to have any significant landscape and visual effects that would be additional to the conclusions of the LVIA [APP-059].

Footbridge 2

Footbridge 2 will be located around 350m west of footbridge 1, and will replace an existing footbridge at the same location. The railway is in cutting at this location, and the new footbridge will be installed above the level of the cutting, without the need for ramps.

To the north of the existing footbridge are open arable fields, with the village of Flixborough beyond. The closest houses are around 500m from the location, though there are closer farm buildings. To the south is mature native woodland, part of the Phoenix Local Nature Reserve.

As noted in the LVIA, some vegetation clearance along the railway will be required to facilitate its reopening. This clearance will not extend into the adjacent woodland. It is proposed that footbridge 2 will be constructed from within the railway cutting, by lifting a prefabricated bridge into position from the railway track. Selective felling will be required to allow the construction of footings, and to enable the lifting operations. The remaining woodland will be retained and protected during the works.

The track elevation at this point is 42.171m AOD, and the maximum parapet level would therefore be 48.561m AOD. As the bridge crosses a cutting, the parapet level will not be substantially elevated above the adjacent land.

The proposed footbridge 2 will be enclosed within existing woodland on the south side. The Indicative Landscape and Biodiversity Plans [REP3-007] show a strip of woodland planting on the northern side of the Railway Reinstatement Land. As with footbridge 1, this woodland would assist in screening any views of the footbridge from the north. Detail design and delivery of this planting is secured through Requirement 6 of the DCO.

Given the low level of the bridge, the existing woodland screening to the south, and the provision for screening mitigation on the north side, the proposed footbridge 2 is not anticipated to have any

significant landscape and visual effects that would be additional to the conclusions of the LVIA [APP-059].

Proposed Visual Barriers

The LVIA [APP-059] identified the need for a visual barrier along the western edge of the ERF, to reduce visual effects on views from Amcotts. The purpose of the visual barrier is to provide screening of ground level storage and activity such as loading bays and vehicle movements in these views.

The anticipated activity and vehicle movements would take place on the development platform, which will be elevated above existing ground levels for flood alleviation reasons. The visual barrier would therefore need to be placed on top of this platform to be effective. The LVIA [APP-059] gives a minimum height of 3m, as below this height the barrier would not be effective in providing screening. A maximum height is not given, but an excessively high visual barrier would be unnecessary and could have additional visual impacts in itself. It is unlikely that the visual barrier would need to be more than 4.5m above the platform level, in order to screen ground level storage, loading bays and vehicle movements in views from Amcotts.

The absolute height (AOD) of the top of the visual barrier is immaterial for the purposes of mitigation, as the effectiveness of the barrier depends on its height above the development platform level. The height of the barrier (minimum and maximum) relative to the development platform level is secured within an updated Design Codes and Principles Document which is being submitted alongside this note.

The length of the visual barrier is not defined in the LVIA. The activity and vehicle movements which are intended to be screened would be taking place in association with the ERF. To be effective, the visual barrier would need to run along the western side of the whole of the ERF building. It would not need to extend north beyond First Avenue, as this represents the northern boundary of the ERF site. It would not need to extend south of the stopped up Stather Road, as existing vegetation and flood banks provide visual screening south of this point.

A second visual barrier is proposed to the east of the ERF. The need for this barrier was not identified in the LVIA, but has been proposed to provide visual screening and improved amenity along Bellwin Drive. To screen vehicle movements taking place on the development platform, the visual barrier would again need to be between 3m and 4.5m in height, above the development platform level. It would need to extend from First Avenue to Stather Road, along the west side of Bellwin Drive.

LUC
14 March 2023

APPENDIX 2

Note on Securing Mitigation

1. SUMMARY

1.1 Securing Mitigation

Appendix C of the Explanatory Memorandum [REP5-008] sets out the mitigation plans secured by the Draft Development Consent Order (draft DCO) [REP5-006] for construction and operation of the Project. Appendix C clearly distinguishes between plans submitted as part of the application and those that will be developed and approved post consent. Schedule 2 Part 1 of the draft DCO sets out the requirements for preparing various plans and obtaining their approval.

1.2 How the Information on Securing Mitigation was Compiled

The Applicant's team summarised all the mitigation measures into a tabular format as presented in Chapter 19 of the ES (Document Reference 6.2.19, APP-067).

These measures were reviewed to identify the relevant securing mechanism in terms of a design document or management plan and a corresponding DCO requirement. In this way assurance was provided that every single mitigation measure reported in the ES had at least one securing mechanism and was reflected in the draft DCO.

This work was undertaken in parallel with drafting the DCO Requirements to ensure full alignment.

Detailed design of facilities and development of the environmental management plans to be applied to construction and operational practices are post-consent activities that will be undertaken by an engineering, procurement and construction (EPC) contractor or similar.

Therefore, a key aspect of identifying and describing the securing mechanisms for mitigation was to provide clear frameworks for an EPC contractor to develop detailed management plans that would fully reflect the DCO Requirements.

In this respect, the Code of Construction Practice (CoCP) (Document Reference 6.3.7, REP5-020) provides the framework and required content for the Construction Environmental Management Plan (CEMP) that the EPC contractor shall prepare and submit to the council for approval. Other statutory consultees including Natural England and the Environment Agency will be involved in the review and approval of the CEMP and/or specific elements of it as required.

2. MORE DETAIL ON WHERE INFORMATION IS IN THE ES AND RELATED APPLICATION DOCUMENTS

2.1 Overview

Mitigation measures are described in the 'topic' chapters (Chapters 5 to 17) of the Environmental Statement (ES). The measures are summarised in tabular format in Chapter 19 of the ES [APP-067].

Organised by ES topic, Table 1 of Chapter 19 [APP-067] provides the following information.

- **ES Paragraph Reference**: where the particular measure is described in the body of the ES to allow reference to it to be made for context.
- **Type of Impact**: reference to the particular impact that the measure is aimed at mitigating.
- **Mitigation Measure**: a description of the measure itself.
- **Project Stage**: the stage of the Project at which the measure will be applied (construction, operation etc.).
- **Responsibility**: the party responsible for implementing the measure (NLGEPL, the Construction Contractor etc.).
- **Securing Mechanism**: the means of securing the measure, e.g. through design, management plan and DCO requirement.
- **DCO Document Reference**: where in the DCO documentation the securing mechanism can be found.

Table 1 of Chapter 19 represents the 'Mitigation Schedule' for the Project and is being updated and amended as the Examination proceeds. The final version will be reflected in the CoCP [REP5-020] and the outline OEMP [APP-075].

Table 2 of ES Chapter 19 [APP-067] sets out the securing mechanisms for mitigation in terms of the following.

- **Included as ES or other DCO Document**: reference to the various design documents, environmental management plans and other documents that provide information on mitigation and its implementation.
- **Securing mechanism**: the DCO Requirement that commits the Applicant to preparation of the abovementioned materials and, where necessary, their approval by regulatory bodies.
- **Approval**: the regulatory body that will approve the design information and management plans.
- **When**: the timing in the pre-construction, construction, and pre-operational schedules for the production and approval of the respective design documents and management plans.

Table 2 of ES Chapter 19 [APP-067] will be updated through Examination as required.

2.2 Construction Mitigation

Regarding construction phase mitigation, in advance of construction, a detailed Construction Environmental Management Plan[1] (CEMP) will be prepared by the EPC contractor for approval by North Lincolnshire Council (NLC) and relevant statutory consultees.

The CEMP will be developed as the Project proceeds through the detailed design and pre-construction phases, in conjunction with the appointed EPC contractor, and in consultation with relevant bodies including NLC, Environment Agency (EA) and Natural England (NE). The CEMP will reflect any conditions, requirements and obligations contained in the consent, including those set out in the DCO submitted as part of this application.

Archaeological mitigation will be carried out in accordance with measures developed in detail in the Overarching Archaeological Mitigation Strategy (OAMS) and incorporated into the CEMP.

The EPC contractor and all subcontractors will be required to comply with the measures and procedures contained in the CEMP. The CEMP will also address any specific mitigation requirements that result from obtaining other consents and licences (see Consents and Licences Document, Document Reference 5.8) as required.

The Code of Construction Practice (CoCP) [REP5-020] which provides the framework and required content for the CEMP is provided as an Annex to the ES together with various subsidiary plans in outline:

- Appendix B: Outline Dust Management Plan;
- Appendix C: Outline Remediation Strategy;
- Appendix D: Outline Spill Response Plan;
- Appendix E: Outline Asbestos Management Plan;
- Appendix F: Outline Construction Flood Management Plan;
- Appendix G: Outline Construction Waste Management Plan;
- Appendix H: Outline Protected Species Management Plan;
- Appendix I: Outline Invasive Non-Native Species (INNS) Management Plan;
- Appendix J: Outline Soil Management Plan;
- Appendix K: Outline Piling and Foundation Works Management Plan;
- Appendix L: Outline Construction Noise and Vibration Management Plan; and
- Appendix M: Outline Construction Ornithology Management Plan.

Appendix A of the CoCP contains all the construction phase mitigation measures as taken from ES Chapter 19 Table 1.

The CoCP states the construction working hours to be included in the CEMP.

[1] There will be more than one CEMP. A CEMP will be prepared for the Permitted Preliminary Development Works. Separate CEMPs may also be prepared for different parts of the Project: main Energy Park works, railway reinstatement and district heating and private wire network installations.

The CoCP also sets out the Public Communication requirements to be included in the CEMP.

Traffic related matters are addressed separately from the CoCP (and CEMP) in the outline Construction Logistics Plan (Appendix D of ES Chapter 13 Traffic and Transport, REP2-021) which will be developed in detail by the EPC contractor to include a Construction Traffic Management Plan and Construction Workers Travel Plan.

2.3 Operational Mitigation

An Environmental Permit (the EP) will be required to operate the Energy Recovery Facility (ERF) and related aspects of the Project such as the carbon capture facility, the concrete block manufacture, the plastic recycling facility, the hydrogen production and the refuelling station. The EP will have its own management and monitoring requirements set by the Environment Agency and will require an Environmental Management System (EMS) to be in place (most likely to ISO14001 equivalent, if not actually certified). The EP would require a 'Technically Competent' person to be appointed to oversee the permit. Most environmental mitigation relating to specific aspects of operation of the ERF and other permitted activities will therefore be secured through the EP.

Some aspects of the operation of the Project may not fall within the remit of the EP, and mitigation for these will be secured through other mechanisms as follows.

- All environmental pollution activities not covered by the EP will be addressed in an Operational Environmental Management Plan (OEMP). The scope and content of the OEMP is outlined in Annex 8 of the ES (Document Reference 6.3.8).
- A Landscape and Biodiversity Management and Monitoring Plan (LBMMP) will be developed in accordance with the principles set out in the Outline LBMMP (Document Reference 5.7). The LBMMP will secure delivery during operation, through monitoring, management and maintenance measures, of the landscaping provisions and biodiversity mitigation and enhancements.
- A Flood Management Plan, which includes an Evacuation Route Plan and Flood Resilience Implementation Plan, to protect workforce, neighbours and built Project assets, will be developed in accordance with the principles set out in the Flood Risk Assessment (FRA) (Annex 3 to the ES, Document Reference 6.3.3).
- A Travel Plan will be developed, in accordance with principles set out in the Framework Travel Plan (Document Reference 6.2.13, Appendix C), to address sustainable travel issues and management measures to mitigate Project transport impacts.
- Permanent surface water drainage and foul water drainage systems will be designed in detail in accordance with the principles set out in the Indicative Surface Water Drainage Plan (Document Reference 4.16).
- A scheme for all permanent external lighting to be installed for the Energy Park and the railway works will be designed in detail and submitted to and approved by NLC. The design of the external lighting will be in accordance with the principles of the Indicative Lighting Strategy (Annex 4 to the ES, Document Reference 6.3.4).

APPENDIX 3

Chapter 19: Mitigation – updated extract relating to noise

Appendix 3 – Noise assessment update and ES Chapter 19: Mitigation Extract relating to noise mitigation

As part of ongoing engagement with NLC, further investigation of the background L_{A90} measurements was carried out. During the course of this investigation, an error was identified at Charmaine in Amcotts for the daytime. The modal value was reported in the ES as 41 dB, however the correct value is 39 dB. The effect of this on the BS4142 noise assessment reported in the ES is to increase the predicted exceedance over the background sound level by 2 dB. It should be noted, however, that this does not affect the overall conclusions of the assessment as it does not change the overall predicted likely significance of operational noise. All other baseline values have been checked and no further changes are required.

As a result of discussions with NLC, an acoustic feature correction of 3 dB has been included in the initial estimate of impacts (according to BS 4142) at Charmaine during loading/unloading at the wharf and at Inglenook during loading/unloading at the railhead. This is to take account of the unlikely outcome that impulsive noise during unloading or loading might be audible at times at the receptor when noise from the various equipment items and activities was not dominant. Based on BS4142, a correction of 3 dB(A) has been used on the assumption that is audible, but not clearly perceptible. If the correction is not required, then the limit would be lowered by 3dB(A).

The table below provides updated information regarding the BS4142 assessment at the worst affected receptors (Charmaine and Inglenook in Amcotts), for loading/unloading events and demonstrates that the amendments outlined above would not materially affect the conclusions of the ES noise assessment (APP-055).

Table 1: Initial Estimate of Impacts at NSRs in Amcotts [1]. Changes from the ES (affecting the daytime only) are in blue font.

Scenario	Receptor	Predicted Rating Level, $L_{Ar,Tr}$ dB	RBSL [2] (daytime)	Difference Between Rating Level and RBSL	Impact Magnitude
1. Unloading RDF at wharf [3]	Charmaine	~~51~~ 54 [4]	~~41~~ 39 [5]	~~10~~ 15	~~Medium~~ Large
	Inglenook	43	34	9	Medium
2. Unloading aggregate at the wharf [3]	Charmaine	~~49~~ 52 [4]	~~41~~ 39 [5]	~~8~~ 13	~~Medium~~ Large
	Inglenook	42	34	8	Medium
3. Unloading RDF at railhead [3]	Charmaine	48	~~41~~ 39 [5]	~~7~~ 9	Medium
	Inglenook	~~46~~ 49 [4]	34	~~12~~ 15	Large
4. Unloading aggregate at the railhead [3]	Charmaine	49	~~41~~ 39 [5]	~~8~~ 10	Medium
	Inglenook	46	34	11	Large
5. Situation without unloading [3]	Charmaine	42	~~41~~ 39 [5]	~~1~~ 3	Small
	Inglenook	39	34	5	Small

1) This table presents updates to the initial estimate of impacts (daytime only) that have emerged through discussions with NLC, at receptors in Amcotts. The overall context and significance remains unchanged, as set out below. Predicted impacts and effects at other receptors remain unchanged from the ES as they are located further from unloading activities and therefore it is considered unlikely that an acoustic feature correction would be needed.
2) Representative Background Sound Level. Results for the daytime only are presented, as the nighttime results do not change from the ES.
3) See paragraph 8.5.1.3 to 8.5.1.7 of APP-055 for full description.
4) An acoustic feature correction of 3 dB has been included to take account of the unlikely outcome that impulsive noise is audible at the receptor amongst the various equipment and activities that would take place during unloading. A correction of 3 dB(A) has been used on the assumption that it is audible, but not clearly perceptible. If the correction is not required, as assumed likely in the ES (APP-055, Tables 16 to 18), then the noise limits for the proposed development would be lowered by 3dB(A).
5) During the course of carrying out further investigation of the background L_{A90} measurements, an error was identified at Charmaine in Amcotts for the daytime. The modal value was reported in the ES as 41 dB, however the correct value is 39 dB. This increases the predicted exceedance over the background sound level by 2 dB. It should be noted, however, that this does not affect the conclusions of the assessment. All other baseline values have been checked and no further changes are required.

The overall significance at receptors in Amcotts remains unchanged as summarised in the boxes below.

Box 1: Overall Context and Significance of Daytime Operations at Receptors Represented by Charmaine

Consideration of Context	Effect Significance
At all times noise levels from the fixed plant (e.g. the ERF, carbon capture, concrete block manufacture) are predicted to be minor. However, higher levels are predicted during daytime loading/unloading events at the wharf and railhead. The noisiest activity (RDF loading and unloading at the Wharf) just exceeds the target level for daytime external amenity space (e.g. gardens) of 50 dB, L_{Aeq} (ref BS 8233:2014) by 1 dB which is not a noticeable difference. Noise from loading/unloading will not be continuous. Typically, it is anticipated that less than 1 vessel per day (~ 0.8 vessels) will load or unload at the quay as a result of the Proposed Development, with an unloading duration of approximately 3 hours. At the railhead, typically, it is anticipated that 1 train per day will load or unload and will take approximately 3 hours (plus half an hour at the start and end to split and reform the train. Background sound levels (reported in APP-055, Table 12) exclude noise from existing port operations (i.e. operations that are of a similar nature to the Project's loading and unloading activities) due to use of the L_{A90} parameter and how it has been used (further details provided above). The L_{A90} background level adopted is 14 dB lower than the average noise level L_{Aeq} baseline (as used in the construction assessment and also reported in APP-055, Table 12) at Charmaine in Amcotts. This leads to a highly conservative comparison. Predicted noise from loading/unloading is lower than the existing baseline level when the average noise level (L_{Aeq}) baseline is used. It is likely that noise levels experienced in Amcotts during loading/unloading activity for the Project would be similar to those experienced currently from unloading activity at the wharf. The assessment of the loading and unloading operations is based on many conservative assumptions (as listed above). No account is taken of the likely benefit of adopting emerging technologies such as electric vehicles / soft landing systems (further details are provided above). Noise from the Project would not be the only form of industrial	Minor

noise heard at this NSR. This should lessen its perceived impact, which will sit within an industrial noise soundscape. Taking all of the above contextual factors into account the significance has been classed as minor.	

Box 2: Overall Context and Significance of Daytime Operations at Receptors Represented by Inglenook

Consideration of Context	Effect Significance
At all times noise levels from the fixed plant (e.g. the ERF, carbon capture, concrete block manufacture) are predicted to be minor. However, higher levels are predicted during daytime loading/unloading events at the wharf and railhead. Although the background sound level at Inglenook is less affected by noise from existing port operations than at Charmaine, noise from loading/unloading events at the proposed railhead are expected to result in lower noise levels to those currently experienced at Charmaine. A noise level of up to 46 dB, $L_{Aeq,1h}$ is predicted for these daytime-only events (APP-055, Table 17/18). Whilst the predicted rating noise level of 49 dB, $L_{Ar,Tr}$ would result in an exceedance over the L_{A90} background during these events, the L_{Aeq} sound level level is well below the recommended level for daytime external amenity of 50 dB, L_{Aeq} (ref BS 8233:2014). Noise from loading/unloading will not be continuous. Typically, it is anticipated that less than 1 vessel per day (~ 0.8 vessels) will load or unload at the quay as a result of the Proposed Development, with an unloading duration of approximately 3 hours. At the railhead, typically, it is anticipated that 1 train per day will load or unload and will take approximately 3 hours (plus half an hour at the start and end to split and reform the train. Noise from the Project would not be the only form of industrial noise heard at this NSR. This should lessen its perceived impact, which will sit within an industrial noise soundscape. Taking all of the above contextual factors into account the significance has been classed as moderate.	Moderate

Table 1. Summary of Mitigation Measures and Securing Mechanisms

ES Paragraph Reference	Type of Impact	Mitigation Measure	Project Stage	Responsibility	Securing Mechanism	DCO Document Reference
Chapter 7 – Noise						
Section 7.2, Paragraph 7.2.1.1	Construction noise pollution and vibration	Best Practicable Means as defined by the Control of Pollution Act 1974 (CoPA) and Environmental Protection Act 1990 (EPA), will be applied during construction activities to minimise noise (including vibration) at neighbouring residential properties and other sensitive receptors.	Construction	Construction Contractor	CEMP, see also CoCP DCO Requirement 4	6.3.7 / 2.1
Section 7.2, Paragraph 7.2.1.1	Construction noise pollution and vibration	As part of Best Practicable Means, mitigation measures will be applied in the following order: ▪ noise and vibration control at source: for example, the selection of quiet and low vibration equipment, review of construction methodology to consider quieter methods, location of equipment on-site, control of working hours, the provision of acoustic enclosures and the use of less intrusive alarms, such as broadband vehicle reversing warnings; ▪ screening: for example, local screening of equipment or perimeter hoarding or the use of temporary stockpiles; and ▪ where, despite the implementation of BPM, the noise exposure exceeds the criteria defined in the CEMP, options for suitable receptor-based mitigation will be reviewed and offered at qualifying properties.	Construction	Construction Contractor	CEMP, see also CoCP DCO Requirement 4	6.3.7 / 2.1
Section 7.2, Paragraph 7.2.1.2	Construction noise pollution and vibration	Lead contractors will develop and submit a CEMP for agreement with the local planning authority. The CEMP will set out Best Practicable Means measures to minimise construction noise and vibration, including control of working hours, and provide a further assessment of construction noise and vibration. The approved measures will be set out in detail by the Contractor in the CEMP.	Construction	Construction Contractor	CEMP, see also CoCP DCO Requirement 4	6.3.7 / 2.1
Section 7.2, Paragraph 7.2.1.3	Construction noise pollution	Contractors will undertake and report monitoring as is necessary to assure and demonstrate compliance with all noise and vibration commitments. Monitoring data will be provided regularly to, and be reviewed by the Applicant and made available to NLC.	Construction	Construction Contractor	CEMP, see also CoCP DCO Requirement 4	6.3.7 / 2.1

ES Paragraph Reference	Type of Impact	Mitigation Measure	Project Stage	Responsibility	Securing Mechanism	DCO Document Reference
Section 7.2, Section 7.2.1.6	Traffic noise	Construction traffic routes will be chosen to avoid routing lorries through villages and past NSRs on minor roads as far as possible.	Construction	Construction Contractor	Traffic Management Plan (see also Outline CLP) DCO Requirement 10	6.2.13 Appendix D / 2.1
Section 7.3, Section 7.3.1.1	Operational noise pollution	Fixed Plant Detailed Design ~~A noise management plan will be formulated in order to keep delivery noise (e.g. use of tonal reversing alarms, doors opening/closing, use of at-source mitigation such as exhaust silencers and enclosed engine compartments) to an acceptable minimum.~~ : Noise from the fixed plant will not exceed the noise limits set out in Table A and where practicable will be below these levels. This will be achieved through the following measures which will be carried out during detailed design and commissioning. • Detailed noise modelling will be carried out of the final design to confirm that the fixed plant is predicted to achieve the noise limits set out in Table A. • This will be used to inform the process of equipment procurement. During procurement, test data for fixed equipment and building elements will be reviewed to confirm that the level of noise from each item of significant noise emitting equipment is either no higher than the level included in the noise model or, taken in combination, would not lead to predicted exceedances of the noise limits set out in Table A and where practicable would be below these levels. • A process to identify equipment with potentially distinctive noise characteristics will be carried out based on test data and commissioning measurements and alternatives/mitigation considered if necessary. • During commissioning, noise measurements will be carried out to confirm that the level of noise from each item of significant noise emitting equipment is either no higher than the level included in the noise model or, taken in combination, would not	Design and Operation	NLGEPL	Environmental Permit, ~~OEMP~~ DCO Requirement 34	6.3.8 / 2.1

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ES Paragraph Reference	Type of Impact	Mitigation Measure	Project Stage	Responsibility	Securing Mechanism	DCO Document Reference
		lead to predicted exceedances of the noise limits set out in Table A and where practicable would be below these levels. • A commissioning survey will be carried out in accordance with BS 4142, to demonstrate that noise from the fixed plant does not exceed the noise limits set out in Table A. Noise measurements will be carried out at positions representative of the receptors set out in Table A. Following the guidance in BS 4142, if significant sources of extraneous noise are present, further noise measurements may be necessary to minimise the influence of extraneous noise, e.g. measurements carried out at night or monitoring close to equipment followed by predicting noise at receptors. If noise levels are higher than the noise limits set out in Table A, additional mitigation measures will be adopted to ensure these levels are met. • A fixed plant noise performance report will be provided to the relevant authority for approval in writing. The report will set out the method and the results of the detailed noise modelling, review of equipment noise data and the results of the noise monitoring to demonstrate compliance with the noise limits. Table A: Noise Limits for Fixed Plant **Receptor** / **Item** / **Activity** / **Period** / **Charmaine** / **Inglenook** / **Neap House** / **Noise Limit, $L_{Ar,Tr}$ dB, in accordance with BS 4142:2014** 1 / Fixed plant only / Night / 41 / 38 / 38				
9.2.1.3	Operational noise pollution	~~A noise monitoring and management programme will be developed and agreed with NLC, and will be implemented before the development becomes operational. The purpose of the programme will be to demonstrate noise from the operation of the Project is no higher than reported in the ES and where practicable to reduce noise levels below those that have been predicted. This noise monitoring will include:~~	Operation	NLGEPL	Environmental Permit, OEMP DCO Requirement 4	6.3.8 / 2.1

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ES Paragraph Reference	Type of Impact	Mitigation Measure	Project Stage	Responsibility	Securing Mechanism	DCO Document Reference
		~~• measurements of candidate unloading equipment during procurement including during loading/unloading cycles to ensure it does not lead to higher noise levels than assumed in the ES;~~ ~~• review of test data for fixed equipment and building elements;~~ ~~• identification of equipment with potentially distinctive noise characteristics from equipment and consideration of alternatives/mitigation based on test data and commissioning measurements;~~ ~~• regular noise monitoring in Amcotts to establish any activities which result in noise levels above those that are predicted in the ES, including attended noise measurements where it is necessary to identify the contribution of loading and unloading activity noise levels;~~ ~~• investigation of noise complaints and monitoring as required to identify potential causes and solutions; and~~ ~~regular visual monitoring/audit of equipment to identify if noise control equipment (covers/louvres/silencers etc) are in good condition and are being used appropriately to minimise noise levels~~Measurements of candidate loading/unloading equipment will be carried out during procurement to demonstrate the sound power levels assumed in Tables 8 to 11 in Appendix C of the ES noise assessment (APP-055) are not exceeded. Measurements during loading/unloading cycles will be included to provide robust, realistic results. Further mitigation measures (i.e. beyond those assumed in the ES noise assessment) will be explored, to minimise noise during unloading events as far as practicable. Examples (not exhaustive) of the measures which may be feasible / practicable and which will be explored are listed below: • Tugmaster (used to move waste between quay/railhead and tipping hall) o Electric options are available.				

ES Paragraph Reference	Type of Impact	Mitigation Measure	Project Stage	Responsibility	Securing Mechanism	DCO Document Reference
		• Reach stacker o Hybrid or fully electric options are available. o Soft landing systems. Software/sensor based systems to minimise impact noise by automatically slowing the lowering speed close to a container. • Crawler crane o Management measures – e.g. reduce speed of putting down a container, driver training. • All above unloading equipment o Additional shielding around drive train (often stripped down at ports). o Exhaust silencers. o Driver training (low noise (eco) driving). • Container ship o Management measures e.g. avoid use of loud speaker. o Investigate use of shore power. Infrastructure could be implemented at quay to enable shore power. However, benefits would depend on 3rd party vessels being able to take advantage of it which is understood not to be widespread at present. Upon completion, a report detailing the results of the measurements and comparing them to the sound power levels assumed in Tables 8 to 11 in Appendix C of the ES noise assessment (APP-055) will be submitted to the relevant authority for approval in writing. .				
		Ongoing monitoring and management measures Once operational, noise from the site, including from the fixed plant and from loading and unloading operations will be monitored to ensure they comply with the noise limits set out in Table B. The following monitoring and management measures will ensure that	Operation	NLGEPL	Environmental Permit, OEMP DCO Requirement 4	6.3.8 / 2.1

ES Paragraph Reference	Type of Impact	Mitigation Measure	Project Stage	Responsibility	Securing Mechanism	DCO Document Reference
		noise from the operation of the project is minimised and as a minimum, exceedances of the predicted levels set out in Table B are identified and addressed in a timely fashion. • Regular (twice a year) noise monitoring in Amcotts to identify any activities which result in noise levels above the noise limits set out in Table B, including attended noise measurements where it is necessary to identify the contribution of certain activities such as loading and unloading noise levels. Following the guidance in BS 4142, if significant sources of extraneous noise are present, further noise measurements may be necessary to minimise the influence of extraneous noise or monitoring close to equipment followed by prediction of noise at receptors; • Investigation of noise complaints and monitoring as required to identify potential causes and solutions; and • Regular visual monitoring/audit of equipment to ensure noise control equipment (covers/enclosed engine compartments/louvres/exhaust silencers/non-tonal reversing alarms etc) are maintained in good condition. The results of the monitoring and management measures will be reported to the relevant authority annually. Table B: Activity Noise Limits from the Proposed Development (1)				

Receptor			Charmaine	Ingleneook	Neap House
Item	Activity	Period	Noise Limit, $L_{Ar,Tr}$ dB, in accordance with BS 4142:2014		
1	Fixed plant only	Night	41	38	38

ES Paragraph Reference	Type of Impact	Mitigation Measure						Project Stage	Responsibility	Securing Mechanism	DCO Document Reference
		2	Situation without unloading (as per paragraph 8.5.1.7)	Day / Night	42	39	38				
		3	Unloading (2) RDF at wharf (including other activity on-site as per paragraph 8.5.1.3)	Day	54 (3)	43	40				
		4	Unloading (2) RDF plant at the wharf in isolation	Day	51	39	35				
		5	Unloading aggregate at the wharf (including other activity on-site as per paragraph 8.5.1.4)	Day	52 (3)	42	40				
		6	Unloading (2) aggregate plant at the wharf in isolation	Day	48	38	33				
		7	Unloading (2) RDF at railhead (including other activity on-site as per paragraph 8.5.1.5)	Day	48	49 (3)	43				
		8	Unloading (2) RDF plant at the railhead in isolation	Day	45	45	40				
		9	Unloading (2) aggregate at the railhead (including other activity on-site as per paragraph 8.5.1.6)	Day	49	46	43				
		10	Unloading (2) aggregate plant at the railhead in isolation	Day	47	44	41				
		6) It is anticipated that different activities within the proposed development could fall within the remit of different regulatory bodies. Therefore, predicted receptor noise levels from the development for different activities are provided using the noise model developed for the ES.									
		7) Unloading limits would also apply to any loading activities.									

ES Paragraph Reference	Type of Impact	Mitigation Measure	Project Stage	Responsibility	Securing Mechanism	DCO Document Reference
		8) An acoustic feature correction of 3 dB has been included to take account of the unlikely outcome that impulsive noise is audible at the receptor amongst the various equipment and activities that would take place during unloading. A correction of 3 dB(A) has been used on the assumption that is audible, but not clearly perceptible. If the correction is not required, then the limit would be lowered by 3dB(A).				

Table 2 Securing Mechanisms for Mitigation

Included as ES or other DCO Document	Securing mechanism	Approval	When
Code of Construction Practice and outline plans: ▪ Dust Management Plan ▪ Spill Response Plan ▪ Asbestos Management Plan ▪ Remediation Strategy ▪ Construction Flood Management Plan ▪ Construction Waste Management Plan; ▪ Protected Species Management Plan ▪ Invasive Non-Native Species (INNS) Management Plan ▪ Soil Management Plan ▪ Community Relations Plan (or similar)	DCO Requirement 4	CEMP to be approved by NLC, with inputs from other consultees as required	Before commencement of development save for the permitted preliminary development works
As above to the extent relevant	DCO Requirement 4	Permitted Preliminary Development	Before commencement of the permitted

Included as ES or other DCO Document	Securing mechanism	Approval	When
		Works (PPDW) CEMP to be approved by NLC, with inputs from other consultees as required.	preliminary development works
Indicative Landscape and Biodiversity Plan	DCO Requirement 6	Landscaping Scheme to be approved by NLC	Prior to commencement of the Energy Park or Railway Reinstatement works
Outline Landscape and Biodiversity Management and Monitoring Plan	DCO Requirement 7	LBMMP to be approved by NLC	Prior to the operation of the Energy Park or Railway Reinstatement works
Indicative Surface Water Drainage Plan	DCO Requirement 8	Details of the permanent surface water drainage systems to be approved by NLC	Before commencement of the Energy Park save for the permitted preliminary works
Indicative Surface Water Drainage Plan	DCO Requirement 9	Details of the permanent foul water drainage systems to be approved by NLC	Before commencement of the Energy Park save for the permitted preliminary works
Outline Construction Logistics Plan	DCO Requirement 10	Construction traffic management plan to be approved by NLC	Prior to commencement of any part of the authorised development, save for the permitted preliminary works
Outline Construction Logistics Plan	DCO Requirement 10	Construction workers travel plan to be approved by NLC	Prior to commencement of any part of the authorised development, save for the permitted preliminary works

Included as ES or other DCO Document	Securing mechanism	Approval	When
Outline Construction Waste Management Plan (see CoCP)	DCO Requirement 4	Construction Waste Management Plan to be approved by NLC	Prior to commencement of any phase of the authorised development, save for the permitted preliminary works
Outline OEMP	DCO Requirement 4	Operational Environmental Management Plan to be approved by NLC	Prior to any part of the Energy Park being brought into operation
Operational environmental management issues relating to activities falling under the remit of the Environmental Permit (see Section 1.3 of this chapter)	Environmental Permitting (England and Wales) Regulations 2016	The Environmental Permit application will be approved by Environment Agency	Prior to commissioning of any part of the authorised development that requires an Environmental Permit
Archaeological investigations and mitigation measures (see CoCP)	DCO Requirement 11	WSIs and written scheme of mitigation measures to be approved by NLC	Prior to commencement of any phase of the authorised development
Outline Remediation Strategy (see CoCP)	DCO Requirement 4	Scheme for investigation of the nature and extent of any contamination on the site to be approved by NLC	Prior to commencement of any part of the authorised development, save for the permitted preliminary works
Outline Construction Flood Management Plan (see CoCP)	DCO Requirement 4	Construction flood management plan to be approved by NLC [in consultation with EA]	Prior to commencement of any part of the authorised development, save for the permitted preliminary works
Flood Risk Assessment (FRA)	DCO Requirement 12	Flood management plan, which	Prior to any part of the Energy Park being commissioned

Included as ES or other DCO Document	Securing mechanism	Approval	When
		includes an evacuation route plan and flood resilience implementation plan to be approved by NLC [in consultation with EA]	
Framework Travel Plan	DCO Requirement 13	Travel plan to be approved by NLC	Prior to any part of the Energy Park coming into operation
Public health	DCO Requirement 4	Community Relations Plan or similar to be included in the CEMP to be approved by NLC	Prior to commencement of any part of the authorised development

The business of sustainability

APPENDIX 4

Tracked changed hierarchy of plans (Appendix C to the Explanatory Memorandum) showing changes between revision 0 and revision 2

Mitigation plans secured by Draft Development Consent Order (dDCO)

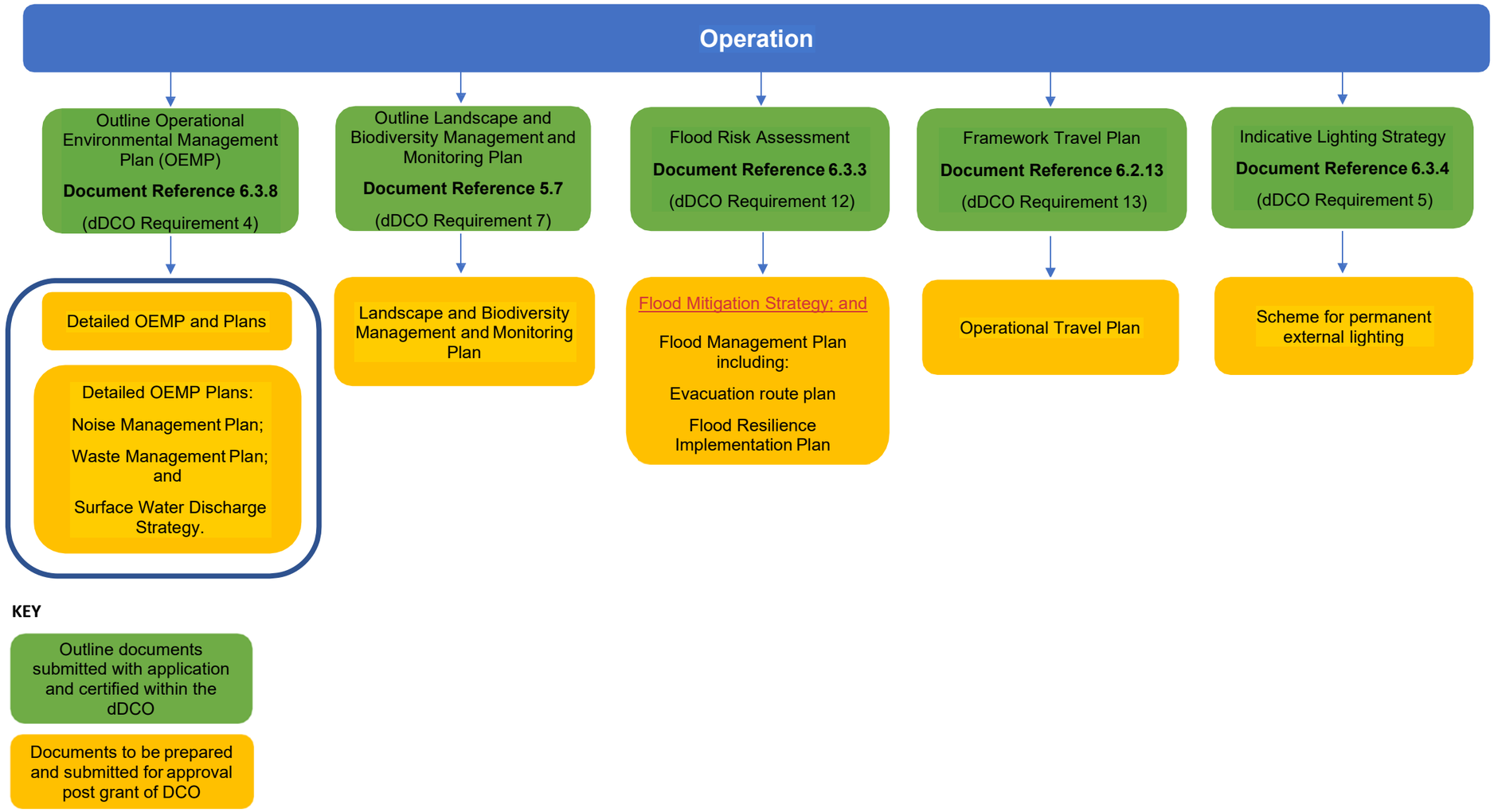
Construction

- Design Principles and Codes **Document Reference 5.12** (dDCO Requirement 3)
  - Detailed design
- Phasing scheme (dDCO Requirement ~~32~~)
- External lighting scheme (dDCO Requirement 5)
- Details of surface water and foul water drainage (dDCO Requirement 8 and 9)
- Code of Construction Practice (CoCP) and outline plans **Document Reference 6.3.7** (dDCO Requirement 4)
  - Permitted Preliminary Development Works CEMP
  - Construction Environmental Management Plan
    - Detailed CEMP Plans:
      - Dust Management Plan;
      - Remediation Strategy; Spill Response Plan;
      - Asbestos Management Plan;
      - Construction Flood Management Plan;
      - Construction Waste Management Plan;
      - Protected Species Management Plan;
      - Invasive Non-Native Species (INNS) Management Plan;
      - Soil Management Plan;
      - Community Relations Plan;
      - Construction Noise and Vibration Management Plan;
      - Construction Ornithology Management Plan
      - Piling and Foundation Works Management Plan
- Outline Construction Logistics Plan **Document Reference 6.2.13** (dDCO Requirement 10)
  - Construction Workers Travel Plan
  - Construction Traffic Management Plan
- Programme of further exploratory archaeological investigations (dDCO Requirement 11)
  - Written schemes of investigation and overarching archaeological mitigation strategy~~measures~~
- Indicative Landscape and Biodiversity Plans **Document Reference 4.10** (dDCO Requirement 6)
  - Landscaping Scheme

KEY

Outline documents submitted with application and certified within the dDCO

Documents to be prepared and submitted for approval post grant of DCO


Operation
Outline Operational Environmental Management Plan (OEMP)
Document Reference 6.3.8
(dDCO Requirement 4)
Outline Landscape and Biodiversity Management and Monitoring Plan
Document Reference 5.7
(dDCO Requirement 7)
Flood Risk Assessment
Document Reference 6.3.3
(dDCO Requirement 12)
Framework Travel Plan
Document Reference 6.2.13
(dDCO Requirement 13)
Indicative Lighting Strategy
Document Reference 6.3.4
(dDCO Requirement 5)
Detailed OEMP and Plans
Detailed OEMP Plans:
Noise Management Plan;
Waste Management Plan; and
Surface Water Discharge Strategy.
Landscape and Biodiversity Management and Monitoring Plan
Flood Mitigation Strategy; and
Flood Management Plan including:
Evacuation route plan
Flood Resilience Implementation Plan
Operational Travel Plan
Scheme for permanent external lighting
KEY
Outline documents submitted with application and certified within the dDCO
Documents to be prepared and submitted for approval post grant of DCO