

Date: 14 April 2023  
Your Ref: EN010116  
Our Ref: 15984



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Dear Ms Norris,

**NORTH LINCOLNSHIRE GREEN ENERGY PARK PROJECT**  
**THE PLANNING ACT 2008**  
**THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010**

We write on behalf of the North Lincolnshire Green Energy Park Limited ('the Applicant') in response to the 'Rule 8' letter dated 23 November 2022 [PD-006] in which the Examining Authority has requested a number of documents to be submitted by Deadline 7.

**Documents requested to be submitted at Deadline 7**

The Applicant requests that the Examining Authority accepts the following documents submitted in advance of Deadline 7:

- Document 1.2 - Application Guide [Revision 8] (clean and tracked);
- Document 6.2.19 – ES Chapter 19: Mitigation [Revision 1] (clean and tracked);
- Document 9.3 – Compulsory Acquisition Schedule [Revision 6] (clean and tracked);
- Document 9.10 - Status of Negotiations with Statutory Undertakers [Revision 5] (clean and tracked);
- Document 9.28 – Comments on responses to the ExAs ExQ2, submissions received at Deadline 6 and further information [Revision 0].

***Updated Guide to Application***

All new and revised documents are referenced in the enclosed updated Application Guide (Document 1.2 – Application Guide [Revision 8]). A clean and tracked version has been provided for clarity. As requested by the Examining Authority, an additional column with the examination reference has been added to the document. Where a document is new and does not yet have an examination reference TBC has been used.

***Updated dDCO (including final Protective Provisions)***

**Partners**

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The Applicant notes that the Rule 8 letter (PD-006) refers to submission of an updated version of the draft DCO at Deadline 7, including the final protective provisions. The Applicant has not submitted an updated draft DCO at this deadline on the basis that the protective provisions are not yet in agreed form with all statutory undertakers and as the Applicant intends to submit an amended version of the DCO at the next deadline (Deadline 8 on 28 April) to respond to the ExA's schedule of changes to the draft DCO (received on 6 April). As per the Applicant's oral submissions at ISH4 on 7 March, the Applicant hopes to have agreed the protective provisions with the remaining statutory undertakers by Deadline 8 (and if so will include them in the updated DCO submitted at that deadline), although if this has not been possible then the Applicant has agreed to present the respective positions for each party in relation to the protective provisions at that deadline.

### **Additional Documents Submitted**

In addition to the documents requested by the Examining Authority to be submitted at Deadline 7, the following updated documents are also being submitted:

- Document 3.3 – Funding Statement [Revision 2];
- Document 4.3 – Rights of Way and Access Plans [Revision 2];
- Document 5.12 - Design Principles and Codes [Revision 4] (clean and tracked);
- Document 6.1 – ES Non-Technical Summary [Revision 2] (clean and tracked);
- Document 6.2.5 - ES Chapter 5: Air Quality [Revision 2] (clean and tracked);
- Document 6.2.7 – ES Chapter 7: Noise [Revision 1] (clean and tracked);
- Document 6.3.7 – Annex 7: Code of Construction Practice (CoCP) [Revision 5] (clean and tracked);
- Document 6.3.8 – Annex 8: Operational Environmental Management Plan (OEMP) [Revision 1] (clean and tracked);
- Document 8.1 - Statement of Commonality for SoCGs [Revision 4] (clean and tracked);
- Document 8.2.1 - Final SoCG with Severn Trent [Revision 2];
- Document 8.2.5 - Draft SoCG with North Lincolnshire Council [Revision 4];
- Document 8.2.9 - Final SoCG with Scunthorpe and Gainsborough Water Management Board [Revision 1];
- Document 8.2.13 - Final SoCG with Associated British Ports [Revision 1];
- Document 9.29 – Salmonella Risk Assessment [Revision 0].

### ***Funding Statement***

The Applicant has submitted an updated Funding Statement (Document Reference 3.3) at this deadline as requested by the Examining Authority during the CAH1 8<sup>th</sup> March, and committed to within the Post Hearing Submission (REP6-035)

### ***Changes resulting from the Mitigation Chapter updates***

As a result of the updates to ES Chapter 19: Mitigation, there have been subsequent amends to Annex 7 and 8 of the ES. These changes seek to align all records of mitigation proposed within the DCO.

### ***Salmonella Risk Assessment***

In response to AB Agris biosecurity concerns (see submissions throughout examination period) the Applicant is submitting a Salmonella Risk Assessment at this deadline to consider potential effects on their facility. Document 5.12 - Design Principles and Codes has been updated for this deadline to include measures to prevent or discourage pests in relation to this assessment.

### ***ES Non-Technical Summary***

This document has been updated to reflect the change in conclusion of effects on Agricultural Land and soils reported in ES Chapter 14: Economic, Community and Land Use Impacts submitted at Deadline 6.

### ***ES Chapter 5: Air Quality***

Following communication with North Lincolnshire Council, the ES Air Quality Chapter has been updated to include human receptors on the contour plots. These have been reviewed by North Lincolnshire Council and their suitability confirmed within the SoCG.

### ***ES Chapter 7: Noise***

Amendments have been made to this document to include further detail regarding measures to secure the operational noise levels predicted in the assessment.

Additionally, updates have been made resulting from ongoing engagement with North Lincolnshire Council, including the following:

- an update to the daytime representative background sound level at Charmaine. As part of ongoing engagement with NLC, further investigation of the background LA90 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 BS 4142 noise assessment reported in the ES has been updated. 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.
- updates to provide additional clarity regarding the consideration of uncertainty and the consideration of context in the noise assessment.
- 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 of RDF at the railhead. This is to take account of the unlikely outcome that impulsive noise might be audible at times at the receptor when noise from the various equipment items and activities was not dominant. Based on BS 4142, 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 relevant noise limit, now set out in Box 1 would be lowered by 3dB(A).

### ***Rights of Way and Access Plans***

These plans have been updated to reflect the realignment of the proposed footpath connection to the south of the railway line (between FP5 and FP6) to avoid having to cross land within the Local Nature Reserve. This change has been carried out in consultation with North Lincolnshire Council.

### **Draft Energy National Policy Statement –Updates**

The Applicant can confirm that a review of the draft updated energy national policy statements (NPSs) is taking place following their release for consultation on the 14<sup>th</sup> March 2023. The Applicant will reflect any necessary updates in the Final NPS Tracker to be submitted at Deadline 9 and intends to provide an updated document confirming the compliance of the scheme with adopted and emerging policy before the close of the examination.

Yours faithfully,

A handwritten signature in black ink, appearing to be the letters 'DWD' in a stylized, cursive font.

**DWD**

**For and on behalf of North Lincolnshire Green Energy Park Limited**