

North Lincolnshire Green Energy Park Project – Examination of Development Consent Order

Response to the Applicant's Submissions at Deadline 7 on behalf of
AB Agri Limited
28 April 2023

Planning Inspectorate Ref: EN010116
Interested Party Ref: 20032351



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1 INTRODUCTION

- 1.1 This submission has been prepared on behalf of AB Agri Limited In respect of the Applicant's submission at Deadline 7, specifically in relation to:
- The Applicant's comments on AB Agri Limited's response to the Examining Authority's Written Questions;
 - The Salmonella Risk Assessment;
 - Environmental Statement Chapter 19: Mitigation (Revision 1);
 - The Operational Environmental Management Plan (Revision 1); and
 - Design Principles and Codes (Revision 4).
- 1.2 For the reasons set out in this submission, AB Agri remains extremely concerned with the proposal and is not in a position to withdraw its objection.
- 1.3 AB Agri has responded to the Applicant's queries regarding its proposed on site-mitigations tabled at the meeting on 27 February 2023 and is awaiting a response from the Applicant, as well as an update/confirmation of the removal of AB Agri's land from the temporary acquisition list. For the avoidance of doubt, AB Agri's objections relative to the temporary acquisition matter– as set out in previous objections - are also maintained but not repeated here.

2 THE APPLICANT'S COMMENTS ON AB AGRIS RESPONSE TO EXAMINING AUTHORITY'S WRITTEN QUESTIONS

- 2.1 The Applicant states that it has undertaken a risk assessment of potential biohazard risk to AB Agri from its operations, namely the Salmonella Risk Assessment (SRA), to consider:
- Controls proposed by the Applicant;
 - Controls that AB Agri has in place, and
 - The published scientific literature in regard to such matters as Salmonella in the environment, foraging behaviour of gulls and rats, and the existing level of risk and the likelihood that it would be materially changed as a result of the development.
- 2.2 The SRA concludes that the likelihood of the operating Project comprising AB Agri's biosecurity is very small even without the application of a series of proposed measures above and beyond the compliance with the RDF Code of Practice by the Applicant. The Applicant states:
- There are no features of the Project that would act to increase the populations of avian and rodent pest species in the area.
 - The ability of pest species to gain access to the RDF either in transit or after delivery to the tipping hall will be very limited.
 - While the movement of RDF on roads is low risk activity for Salmonella transmission in the first place, the Applicant's proposed re-routing will reduce a very low risk further.
- 2.3 The above statements are based on the compliance with the RDF Code of Practice, the "routing change" and "additional measures" proposed to reduce a very low risk further. It also anticipates that most if not all aspects of the delivery and handling of RDF set out in the RDF Code of Practice will be covered by the terms of the Environmental Permit from the Environment Agency (EA) and any operational environmental management requirements that fall outside of the remit of the EP will be addressed by an Operational Environmental Management Plan (OEMP) to be approved by North Lincolnshire Council with input from the EA to be secured by DCO Requirement 4.
- 2.4 On the basis of the conclusion of the SRA that the proposed operation will not result in any material change to the current Salmonella contamination risk profile for the AB Agri facility, the Applicant states that there are no adverse socioeconomic effects to assess.
- 2.5 The SRA, the ES Mitigation Chapter (Revision 1), the OEMP (Revision 1) and other relevant documents submitted by the Applicant have been reviewed by SLR who prepared the ERF Technical Review which accompanied AB Agri's submission at Deadline 7. Based on SLR's advice, derived from extensive "hands on" experience in the operation and commissioning of ERFs as well as knowledge of the RDF industry, AB Agri strongly disagrees with the conclusion of the SRA and, consequently, with the Applicant's position on socio economic effects, as detailed in the next section. AB Agri is extremely concerned that the significance of the Project's risk to the business in the UK food supply chain is played down by

unrealistic and ineffective operational commitments which are badged as “additional measures”, and the Applicant’s reliance on the Environment Permitting Regime to address AB Agri’s concerns.

3 THE APPLICANT’S SALMONELLA RISK ASSESSMENT APRIL 2023

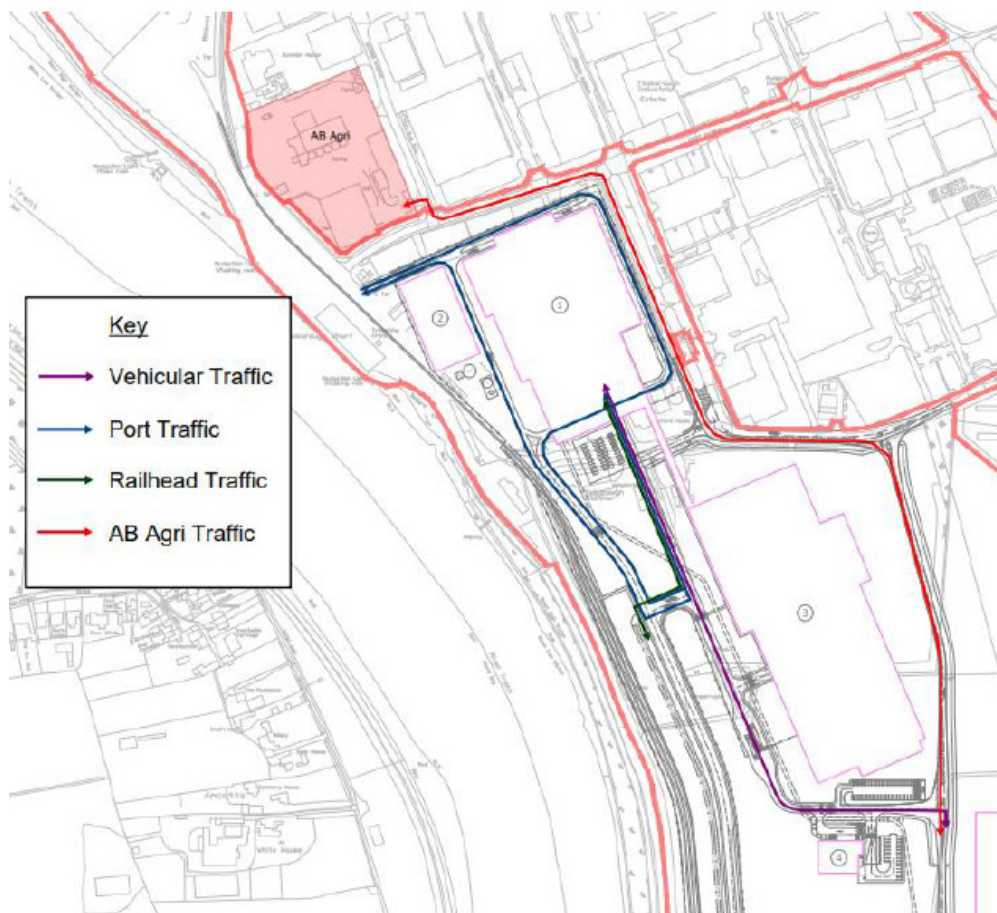
3.1 As stated above, the Applicant’s SRA has been reviewed by SLR, who have extensive experience in the operation and commission of ERFs and the RDF industry more generally. However, the document does not include any details of the author including the expertise and experience relevant to the assessment. We comment on the following areas:

1. Risk of salmonella transmission and attracting birds during the transportation of RDF and HGV movements;
2. Baling of RDF and the compliance with the RDF Code of Practice;
3. Risk of RDF’s salmonella contamination;
4. Controls within the ERF, including negative pressure environment and pest control;
5. Remit of the Environmental Permitting regime;
6. The likelihood of existing risk to AB Agri increasing, and
7. Residual biosecurity risk to AB Agri.

1. Transportation of RDF and HGV Movements

3.2 The SRA explains that there are three transport modes for the delivery of RDF. However, the Applicant’s Transport Assessment assumes a worst case scenario that all RDF will travel by road, as there is no commitment in the DCO with regard to the delivery modes. As such, the risk assessment must similarly be undertaken on the basis of a worst case scenario i.e. for RDF to be delivered via road transport only. Figure 1 (as below) of the SRA shows that vehicular traffic will enter the site from the south and after reaching the tipping hall within the ERF, it will turn around within or southern part of the building and leave the site from the south. The SRA further states that the Applicant has agreed to AB Agri’s request on vehicle routing and that no vehicles carrying RDF will be routed along First Avenue.

Figure 1: Access Routes



3.3 The Schedule of Mitigations (Revision 1) and the OEMP (Revision 1) specify that “vehicles carrying RDF will not use First Avenue.” Figure 1 in the SRA is rather misleading, as it shows that vehicular traffic will arrive from the south, turn around within the building or southern side of the ERF building and leave the site to the south. Having reviewed the Applicant’s Transport Assessment, it is clear that the design of the Project is such that HGVs accessing the ERF building will be directed on a clockwise loop around the ERF area. A ramp will be available from the access road and over the ERF car park area for HGVs to access the tipping hall directly and delivery vehicles will then be able to “turn around using the loop around the ERF area”. Appendix G of the Transport Assessment (extract attached below) shows the HGV tracking around the ERF building and it is evident that the traffic route within the site is not designed for delivery vehicles to turn around within the building or outside without using the loop. Therefore, while vehicles carrying RDF will not travel on First Avenue, the vehicles used for RDF transportation will be routed in parallel and adjacent to First Avenue – the impact of the vehicles using this route is materially the same as if they were using First Avenue itself.



Transport Assessment Appendix G ERF Building Tracking

3.4 AB Agri has been advised by SLR that any truck carrying an RDF load which fails waste acceptance criteria at vehicle inspections (the process of which is explained in the ERF Technical Review) will leave the tipping hall/the ERF building with full or a part load – this relatively common-place occurrence in such facilities is not considered in the assessment. In addition, the OEMP does not include a wheel washing

and vehicle disinfection regime on site before vehicles loop around the ERF building and leave the site. Indeed, the SRA does not commit to a wheel washing and disinfection regime, as it states that it will be considered in the course of the Environmental Permitting process based on a risk assessment. However, a washdown/disinfection facility on site is not typically a requirement for RDF in the Environment Permitting process and that the Applicant offers no commitment, it is reasonable to assume that there will be no wheel washing or disinfection regime. Therefore, the measures proposed by the Applicant in terms of vehicle routing is misleading and does not minimise the risk to AB Agri.

2. Baling of RDF and Compliance with the RDF Code of Practice

- 3.5 The SRA explains that the RDF could be delivered in baled and wrapped in layers of polythene or other plastic wrapping or bulk RDF compacted into covered/fully-enclosed containers. By road, the RDF will be delivered in covered trailers e.g. a walking floor or baled. The Applicant states that it will *“contractually require its suppliers to adhere to the Refuse Derived Fuel – Code of Practice prepared and published by the RDF Industry Group.”* The Applicant proposes that this is to be secured by way of the OEMP (DCO Requirement 4).
- 3.6 SLR’s experience and knowledge of ERF commissioning and operation strongly indicates that the Applicant’s commitment is unrealistic, as baling would be a costly requirement for the suppliers, it is not the industry norm and is likely to make the ERF operationally and commercially unviable. In addition, even if RDF is baled in line with the Code of Practice, it does not guarantee that no waste will be exposed or spilled before reaching the ERF. These are based on the following factors:
- While there are process stages in the RDF Code of Practice that are applicable to RDF for use in the UK, it was prepared to explore and address issues surrounding RDF export from the UK. As such, the narrative of transport is aimed at pre-treatment RDF being baled and transported from the waste processor to the shipping port. Therefore it is for export of RDF to ERFs in Europe when the RDF industry bales RDF in accordance with the Code of Practice. For domestic purposes, the ERF industry/operation does not require RDF to be baled as RDF is typically delivered by trailer or by rail. Other ERFs such as Runcorn and Dunbar ERF and the 2x multifuel ERFs in Ferrybridge receive RDF in trailer or by rail and none of RDF is baled.
 - The baling of RDF in accordance with the RDF Code of Practice carries significant costs. As such, it is not industry standard to transport RDF in bales for domestic purposes.
 - As evidenced by the ERF operation in Europe, based RDF would require an extensive “debaling” process to remove the plastic wrapping involving a 360 grab excavator, as bales cannot be loaded onto the bunker or conveying system. In the UK, baling would present an unnecessary process stage and increase operational and disposal costs to the ERF. Indeed, it does not appear from the submitted documents by the Applicant that the debaling process is factored into the operation/design of the proposed ERF. As explained in the ERF Technical Review, there is always a risk of bales not being debaled properly which would cause blockages in the fuel feed chute and also make the “housekeeping” of the facility and operation more onerous. Therefore, there will be an additional risk to the ERF failure including the outage of negative pressure.
 - The plastic layers of baled RDF in line with the Code of Practice break down as a result of continual handling. The image below is an example of broken bales which are stored prior to being loaded/used.



- 3.7 As evidenced in SLR's ERF Technical Review, it is highly likely that the operation of the ERF will depend on loose RDF being delivered by trailers in order of the operation to be commercially viable.
- 3.8 Therefore, while the Applicant categorically states that there are no features of the Project that would act to increase the populations of avian and rodent pest species in the area and that the ability of pest species to gain access to the RDF either in transit or after delivery to the tipping hall will be very limited. Clearly, this is not proven to be the case, as there is no evidence that the Applicant will be able to require the RDF suppliers to comply with the RDF Code of Practice and that, even if the RDF Code of Practice is complied with, it is impossible to prevent RDF from being spilled or exposed.
- 3. Salmonella Contamination of RDF**
- 3.9 Scientific literature review undertaken by the Applicant to assume that "RDF is probably at the lower end of the scale of significant sources of pathogen" is unfounded. The Applicant's RDF assessment indicates that the proposed facility does not preclude commercial waste being the source of RDF in addition to black bag waste collected by local authorities. Unlike local authority collected waste which has targets to increase recycling materials and dedicated food waste collection, there is no such target drive for commercial and industrial waste. Therefore, it is highly likely that commercial and industrial waste streams will be contaminated with food waste, and due to the shredding process, food and organic waste would be included in the RDF.
- 3.10 Furthermore, the pre-treatment process of the RDF derived from commercial and industrial waste (which would include the industrial operations processing animal-origin products) would be as minimal as just shredding and the removal of valuable items such as metal. This means that the risk of RDF being a significant source of salmonella contamination cannot be precluded.
- 4. Controls within the ERF, including Negative Pressure Environment and Pest Control**
- 3.11 The Applicant relies entirely on the tipping hall maintained under negative pressure at all times and pest control measures under the Environmental Permitting regime to underplay the risk of RDF spilling out of the tipping hall or being the source attractive vermin in the area. However, as extensively demonstrated in our Deadline 7 submission including SLR's ERF Technical Review, in practice, there will inevitably be RDF spillages outside for certain periods of time and the pest control would become ineffective. The Applicant has not addressed the possibility of negative pressure environment in the tipping hall failing as it is of the view that it will never fail, which is, in reality, highly unlikely. The Applicant's ES Mitigation Chapter (Revision 1), OEPM (Revision 1) and Design Principles and Codes (Revision 4) have been reviewed, but none suggests that there are measures over the standard requirements of ERF facilities to prevent or minimise the risk of negative pressure environment failing or RDF spilling out of the ERF building. Therefore, all of the issues that we raised in our Deadline 7 submission still stand.
- 5. Remit of the Environmental Permitting Regime**
- 3.12 The Applicant states in the SRA that the operation of the Project will be regulated by the terms of the Environmental Permit from the EA. In this regard, the Applicant anticipates that following will be secured by the Environment Permit:
- Many, if not all aspects of the delivery and handling of RDF set out in the RDF Code of Practice will be covered by the terms of the permit, thus becoming a legal compliance matter for the Applicant.
 - An Odour Management Plan, as the Environmental Agency will require strict controls to avoid odour nuisance from the ERF, and
 - All required Pest Control Measures.
- 3.13 The Applicant states in the SRA and the ES Mitigation Chapter (Revision 1) that other potential measures will be determined through a detailed biohazard/biosecurity risk assessment undertaken as part of the application for an Environmental Permit and the EA will determine the ultimate need for such measures and for a Pest Management Plan to provide the framework for implementing them. As with the case in the Applicant's Deadline 7 submission, the Applicant relies on an assumption on behalf of the EA that they will ensure that the Environmental Permit would deal with biosecurity risks to AB Agri. However, as stated previously the Environmental Permitting regime is not intended to impose the type and level of controls and measures necessary to minimise the biosecurity risks to AB Agri. The Environmental Permitting regime does not extent outside the operational area, to the operations of third party, or to the monitoring of day to day operations including 'housekeeping' of the ERF facility and contractors. Therefore, it is not satisfactory to defer a biosecurity risk assessment to the Environmental Permit application stage.
- 3.14 We are not aware of an application for an Environmental Permit being submitted by the Applicant, and therefore, there can be no assurance that necessary measures to reduce biosecurity risks to AB Agri will be covered by the Environmental Permit.

6. The Likelihood of Existing Risk to AB Agri Increasing

- 3.15 The SRA states that there is a strong likelihood that gulls in the vicinity of AB Agri will have visited landfill sites locally and that it is reasonable to conclude that the Project will not by its nature substantially add to the number of avian pest species in the area. It further states that based on the research paper which did not find a correlation between the prevalence of salmonella in gulls and the amount of refuse they eat, the risks to AB Agri that exist already remain the same with having a nearby ERF. On this basis, the SRA concludes that its Project will not materially add to the existing level of risk to AB Agri operation.
- 3.16 The research paper not finding a correlation between salmonella in gulls and the amount of refuse they eat is not the same as gulls not carrying salmonella. It should be noted that the Project will change the characteristics of the immediate vicinity of AB Agri in that, from the construction phase, the site is more likely to attract birds and rodents in the area due to food waste (from construction workers) rather than simply being a riverside location. Flixborough Industrial Estate has an existing ERF, Glanford Power Station. However, the fuel it uses is a pelletised by-product from the rendering process which kills salmonella (ie the fuel is not contaminated with salmonella) and its delivery route is not in close proximity to AB Agri and its intake area. Therefore, as already addressed in the previous submission, there is no increased risk of salmonella transmission from Glanford Power Station's operations.
- 3.17 When the ERF is in operation with ERF being transported to the site, the population of the birds and rodents is very likely to increase for the reasons stated above about the nature of RDF delivery and the ERF operation, and the risk of these pest species transmitting salmonella to AB Agri will increase as a result of the Project than the existing situation.

7. Residual Risk with Controls in Place

- 3.18 The Applicant concludes that its operation will not result in any material change to the current salmonella contamination risk profile for the AB Agri facility on the basis of the following:
- The likelihood of the operating Project compromising AB Agri's biosecurity is very small even without the application of a series of measures, above and beyond compliance with the RDF Code of Practice by the Applicant;
 - There are no features of the Project that would act to increase the populations of avian and rodent pest species in the area;
 - The ability of pest species to gain access to the RDF either in transit or after delivery to the tipping hall will be very limited, and
 - The proposed re-routing will reduce a very low risk of activity for Salmonella further.
- 3.19 The Applicant has made a number of unrealistic assumptions and appears to have provided misleading information about RDF routing in the SRA. Therefore the SRA is flawed and cannot be relied upon to reach the conclusion Applicant has reached. The ERF operation involves third parties (particularly in relation to RDF), over which it has not ultimate control, and relies on stringent operational measures by these parties to achieve the assumptions made in the SRA. As explained in the SLR's ERF Technical Review, the Applicant's commitment/assumption assumes no room for breakdown or departures from best practice, which is, in reality, not achievable. The reliance of the Environmental Permitting regime is not the satisfactory response to AB Agri's concerns as it is not intended to include controls and measures outside the operational area or the operation by third party contractors such as RDF deliveries. The Environmental Permitting regime deals with environmental matters such as noise and odour, but it is not intended to deal with matters such as biosecurity risks, waste spillage from vehicles on route and monitoring of day to day operations including 'housekeeping' of facilities.
- 3.20 As such, there remains a significant biosecurity to AB Agri, who is extremely concerned about the impact it would have on the AB Agri's facility and ultimately the UK food supply chain.