RAPLEYS

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

Closing Submission on behalf of AB Agri Limited, including Comments on the Applicant's Submissions at Deadline 9
9 May 2023

Planning Inspectorate Ref: EN010116
Interested Party Ref: 20032351

Contents

1 INTRODUCTION 2

2 THE APPLICANT'S COMMENTS ON AB AGRI'S SUBMISSION AT DEADLINE 7 2

3 SUMMARY/CLOSING STATEMENT 5

Appendix 1 Technical Review of the Design and Operation of the ERF Proposed by North Lincolnshire Green Energy Park, prepared by SLR

1 INTRODUCTION

1.1 This closing submission has been prepared on behalf of AB Agri Limited, including comments on the Applicant's submission at Deadline 9, in relation to:

- The Applicant's comments on submissions received at Deadline 7;
- The Applicant's Response to the ExAs ExQ3;
- Environment Agency Responses to ExAs ExQ3, and
- Compulsory Acquisition Schedule Revision 7.

1.2 AB Agri has expressed serious concerns regarding the biosecurity risks to the animal feed manufacturing plant at Flixborough Industrial Estate since the pre-application stage (with our first representations submitted on 22 July 2021), given that it is of national importance relative to food security. The engagement with the Applicant to date has not resulted in a solution acceptable to AB Agri. Rather than being reassured of "measures" put forward by the Applicant, AB Agri's concerns have deepened as the DCO examination progressed, as demonstrated in this submission. It would appear that AB Agri's genuine concerns and risks to its plant and the food supply chain have been dismissed by the Applicant without any evidence to support their position, whilst some of their responses have merely served to confirm our central concern – that is that the Applicant has not considered our representations in any material way, and is either unwilling or incapable of ensuring that the proposed development has no detrimental impact on AB Agri's plant in terms of biosecurity.

1.3 For the reasons set out in the previous and this submissions, AB Agri is extremely concerned with the proposal and is therefore not in a position to withdraw its objection, and the socio-economic risks of the proposed development have been made clear to the Inspector (and do not seem to be disputed by the Applicant – rather they have responded with an unsubstantiated statement that the risks will not arise in the first place). AB Agri's position has been reinforced having reviewed the Applicant's submissions at Deadline 8 and the Applicant's lack of engagement despite their expression of intentions to do so.

1.4 As previously stated, AB Agri has responded to the Applicant's queries regarding its proposed on-site mitigations tabled at the meeting on 27 February 2023, but the Applicant has not progressed any further engagement with AB Agri. Further, in terms of the draft Statement of Common Ground (SoCG), our most recent correspondence regarding the draft SoCG relates to Deadline 4 submissions in 7 February 2023, however the appellant has only today provided a response (and as this response is unclear, and doesn't appear to address the Inspector's expressed expectations, we have had to revert immediately and ask for clarification. In this context, it may not be possible for the Statement of Common Ground to be agreed by tomorrow's deadline.

1.5 In terms of the temporary possession, the Applicant advised AB Agri on 5th April 2023 that they will look to remove AB Agri's land from the Red Line Boundary before the end of the examination, as long as this does not pose any structural issues for the flood mitigation. However, beyond this informal correspondence no confirmation of this or an update has been provided by the Applicant. Our comment on this matter is set out in this submission in response to the Applicant's Compulsory Acquisition Schedule Revision 7.

2 THE APPLICANT'S COMMENTS ON AB AGRI'S SUBMISSION AT DEADLINE 7

Temporary Possession of AB Agri's Land

2.1 The Applicant states that the majority of the construction works relative to the flood wall and flood gate would be undertaken on the wharf side, and that temporary access within Plot 5-54 is sought to allow, if necessary, the appropriate access required to construct the wall. As stated in our previous submissions, any encroachment of construction works and associated activities, would increase biosecurity risks to AB Agri's operation, particularly as the raw material intake is located on the western part of the AB Agri's land. The Applicant has not demonstrated that it cannot be built without requiring access to AB Agri's land. Indeed, the Applicant states that this will be confirmed post DCO decision due to further information required on the detailed design and construction methodology.

2.2 AB Agri raised objection to the temporary access to construct the wall from the pre-application engagement in 2021, and throughout the DCO process, expressed significant concerns with biosecurity risks. It is acknowledged that the Applicant reduced the extent of AB Agri's land from the Red Line Boundary from the pre-application proposal. However, AB Agri has objected to any temporary access due to biosecurity risks. The Applicant advised AB Agri at the meeting on 27 February 2023 and further written correspondence on 5th April 2023 that they would look to remove AB Agri's land from the Red Line Boundary, provided that it does not pose any structural issues for the flood mitigation. In these terms, it is unreasonable that the Applicant's position has now been made clear through its Deadline 8

submission that they have no intention to demonstrate the necessity, let alone removing AB Agri's land from the Red Line Boundary. The Applicant states that details of the design will be progressed during the detailed design stage and information shared with AB Agri, however, this approach does not offer sufficient comfort on the basis of the engagement with the Applicant to date.

2.3 The Applicant states in its Compulsory Acquisition Schedule Revision 7, submitted at Deadline 8, that the Applicant is in detailed discussions with AB Agri's agent and engagement is underway. However, this is not correct and AB Agri's agent has confirmed that their last communication with the Applicant's agent was in January 2023, and at that time the Applicant's agent merely offered to explain the proposals (which was already known) rather than discuss any amendments to the proposals.

2.4 To reiterate, AB Agri remains opposed to the proposed temporary possession due to the lack of information regarding the need and the risks to biosecurity, which cannot be quantified without the details of the flood defence and wall and the construction method.

3 EXQ2 RESPONSES

3.1 The Applicant has responded to AB Agri's concerns by summarising their position based on the Salmonella Risk Assessment (SRA) prepared and submitted by the Applicant at Deadline 7. Our full comments on the SRA are detailed in our submission at Deadline 8, so it is not repeated here in full. It should be noted that while AB Agri's technical review is conducted by a specialist, SLR, who has extensive "hands on" experience in the operation and commissioning of ERFs as well as knowledge of the RDF industry, the Applicant's SRA does not include any details of the author including the expertise and experience relevant to the assessment. As such, the credibility of the SRA and its conclusion is questionable. Indeed, as set out in the next section, SLR's further technical review of the Applicant's comments on AB Agri's submission at Deadline 7 strongly suggests that the proposed ERF operation increases the biosecurity risk to AB Agri and the measures proposed by the Applicant are unlikely to be effective in practice, and therefore not sufficient to reduce the risk to an acceptable level.

4 COMMENTS ON SLR'S TECHNICAL REVIEW OF THE ERF

4.1 The Applicant claims that SLR's report is speculative and does not quantify any risk directly, but broadly states that there may be issues when the Project's controls fail. Contrary to the Applicant's SRA with limited credibility, SLR's technical review is based on the wealth of direct experience and knowledge of the design, commissioning and operation of ERFs and the RDF Industry. As such, their technical review is far from speculative. The Applicant's proposed design features and measures (including the routing and compliance with the RDF Code of Practice) badged as mitigation measures in response to concerns raised by AB Agri may be effective, at best, on a theoretical level, if the Applicant is able to implement them in full and the Environment Permitting regime is extended to deal with biosecurity risks to AB Agri. SLR's technical review of these measures demonstrates:

- The proposal is not designed to avoid HGV transporting RDF, passing close proximity of AB Agri;
- 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 is not committing to, or has the ability to enforce, the suppliers and hauliers of RDF to transport RDF in fully wrapped bales or sealed containers and comply with the RDF Code of Practice;
- The operation of the ERF is such that negative pressure environment cannot be maintained at all times and consequently, in practice, pest control will become ineffective; and
- 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.

4.2 SLR's technical review points to an evidenced based likelihood of the measures suggested by the Applicant not being effective in mitigating the biosecurity risk to AB Agri. It all points to the increased biosecurity risk to AB Agri, with significant uncertainty over the Applicant's ability to minimise waste spillage and salmonella transmission by pests.

4.3 A further technical note by SLR is appended to this submission. In summary, the following key points are drawn:

- Negative pressure environment
  - The proposed single point of entry controlled by automatic fast acting doors with potential secondary manual doors will not be effective in maintaining the sealed building to keep negative pressure environment and preventing RDF spillage, due to the difficulty in traffic management,

resulting in vehicle backing up, malfunctioning of the automatic door and the manual doors not kept closed, particularly with 10 tipping bays included in the design.

- The Applicant has focused entirely on the primary air fan and conducting preventative maintenance on the fan as mitigation, but from SLR's experience in conducting due diligence across several other ERFs, it is known that there are other combustion fans and the boiler which will trip for other reasons, such as during hot weather when the temperature in the room where drives are located increases.
- The risk of all the boilers being down together is relatively low if the entire system is offline once every 2 years for statutory inspection of common plant (HP header, Deaerator, steam ejectors, safety valves and any condensate pre-heaters fed with steam), including any Turbine maintenance schedule the OPEM will provide. However, the risk of all the boilers being down together exists as there are likely to be unplanned events, and the first couple of years are always a challenge and ERFs can be subject to grid connection issues which can take all the boilers off line if island mode doesn't successfully maintain plant operations.
- White the issues have been experienced first-hand at other ERFs including sites SLR have been involved with and therefore it is not speculation, there is no evidence from the Applicant to suggest that the issues outlined here will not occur. Therefore, a significant risk to AB Agri still remains as a result of the potential spillage of waste material from negative pressure/the sealed building failing.

- Effectiveness of Pest Control
  - The fuel bunker size as stated by the Applicant seems reasonable for a plant this size. Maintaining low bunker levels, trenching and stacking would be an ongoing operational requirement which the Applicant state they will do. However, even if low banker levels at all times, including during bank holidays, is mandated, experience has shown with ERFs that, in reality, storage volumes can often exceed stated levels and material is stacked to allow deliveries to be made, or otherwise, in the case of the proposed ERF, vehicles with a full load of RDF will circulate around the ERF building (passing close proximity of AB Agri). The overall cleaning regime of waste delivery contractors is outside of the operator's control and there is an increased risk that residual RDF material left in the trailers will leave the tipping hall.
  - The operation of the bunker area requires high levels of cleaning and sanitising regimes for the site's pest control to be effective. Inevitably, there will be operator errors and attending to plant issues and the high levels of maintenance, cleaning and sanitising regimes may not be undertaken stringently.
  - These factors will lesson the effectiveness of the pest control management even if it is included in the Environmental Permit.
- RDF Transportation
  - While the Applicant insists that the compliance with the RDF Conde of Contract to be followed by all RDF delivery companies to the site will ensure that leakage or exposure of RDF will be limited during the transportation. Specifically, the Applicant explains that baled or sealed containers is being considered, however there is also reference to delivery by "covered vehicles" in their submissions. The Applicant appears to focus on baled and sealed containers as mitigation when, in reality, the RDF will be delivered "loose in covered vehicles" like other operational ERFs as detailed in SLR's Technical Review. There is no evidence from other ERF operations that delivery of RDF by baled and sealed containers is industry standard, as its costs are prohibitive and the RDF industry in the UK for use in the UK ERFs does not deliver baled and sealed containers – the industry standard is, categorically, loose RDF in covered vehicles. The Applicant has not demonstrated how non-industry standard can be enforced on the third party suppliers.
  - As such, the Applicant's claim that its suppliers and hauliers' compliance with the RDF Code of Contact will minimise the possibility of material escaping/leaking is not demonstrated to be achievable. Leaked materials will attract pests which pose a significant risk of salmonella being transmitted to AB Agri.

4.4 As such, the assertion by the Applicant that SLR's Technical Review is speculative and does not quantify any risk directly underplays the seriousness of the increased risk to AB Agri with no evidence to back up the effectiveness of the measures and controls proposed by the Applicant. The Applicant's response throughout the process, including the latest submission, indeed, points to the increased biosecurity risk to AB Agri, by virtue of RDF potentially containing Salmonella transmitted and located in close proximity to AB Agri's plant through pests.

5 SUMMARY/CLOSING STATEMENT

5.1 AB Agri is an established agri-food sector business operating from its plant at Flixborough Industrial Estate. AB Agri is located on the boundary of the DCO boundary, and in particular, the proposed ERF is located on First Avenue in close proximity to AB Agri. The plant at Flixborough Industrial Estate manufactures specialist poultry breeder feed. Biosecurity from salmonella contamination is one of the highest risks to the plant as salmonella contamination of the plant will lead to the prolonged or indefinite closure of the plant – this is because, once salmonella has contaminated a feed mill, it is effectively impossible to remove. As set out in previous submissions, AB Agri's plant is of national importance in terms of the food supply chain and therefore the UK's food security.

5.2 As such, AB Agri's engagement with the Applicant started from the pre-application stage in July 2021. Throughout the pre-application and DCO examination processes, AB Agri's concerns have not properly and seriously been addressed by the Applicant, as demonstrated by the Applicant's latest submissions and the lack of engagement to discuss a solution. As an illustration of this lack of engagement, at a meeting held with AB Agri on 27 February 2023, the Applicant undertook to revert on a number of potential mitigation measures, and to address the issue of land acquisition – to date, apart from the short e-mail referred to above, no response has been received. Further, the Statement of Common Ground has been with the Applicant since we last commented on it in February 2023, notwithstanding that the deadline for its agreement is tomorrow.

5.3 The Applicant has relied on the method of RDF transportation, its routing and negative pressure environment within the ERF to be the key mitigation measures to address AB Agri's concerns. The SRA submitted at Deadline 6 on 20 March 2023 only confirmed the reiteration of the same measures they had previously proposed and mere commitment to secure those measures by the Operational Environmental Management Plan under the DCO Requirement 4. Anything beyond is deferred to the Environmental Permit stage despite the fact that the Environmental Permitting regime is not intended for this purpose.

5.4 The Applicant's position is 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.

5.5 However, as demonstrated in our submissions, the Applicant has made a number of unrealistic assumptions and appears to have provided misleading information about RDF routing. Therefore, their position is flawed, lacks credibility and cannot be relied upon to confirm that there is no residual biosecurity risk to AB Agri. In particular, the Applicant is placing responsibilities on third parties (particularly in relation to RDF) to minimise salmonella transmission, which is beyond the Applicant's control and relies on the ERF having no 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.

5.6 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. Salmonella contamination of the poultry feed plant is notoriously difficult to treat and get rid of, and would result in the prolonged or indefinite closure of the plant, which will ultimately result in significant socio-economic impacts as detailed in our response to the Examining Authority's Written Questions at Deadline 6, particularly the shortage of poultry impacting the general population as well as causing animal welfare issues. AB Agri is therefore extremely concerned about the future of its Flixborough plant and the effect it would have on the food supply chain should this proposal be permitted to proceed without the reasonable on-site mitigations at AB Agri's site. The Applicant has not responded to AB Agri's proposed on-site mitigation measures, nor has it progressed any meaningful engagement with AB Agri on this matter.

5.7 It is respectfully requested that the Examining Authority gives AB Agri's submission due consideration in the examination of the DCO application. For the avoidance of any doubt, AB Agri do not consider that the DCO should be granted by the Inspector without their concerns being addressed, as this could lead to the closure of the existing, long-standing plant adjacent, with the profoundly negative socio-economic impacts identified previously (and seemingly not disputed by the Applicant) arising.

Appendix 1

Technical Review of the Design and Operation of the ERF Proposed by North Lincolnshire Green Energy Park, prepared by SLR

Technical Memorandum

To:	Rapleys LLP	**From: Marc Scourfield**	
		SLR Consulting Limited	
cc:	AB Agri Ltd	**Date:**	9 May 2023
		Project No.	416.064691.00001

RE: Technical Review of the Design and Operation of the ERF Proposed by North Lincolnshire Green Energy Park

Introduction

This technical review has been prepared in response to the Applicant's comments on SLR's Technical Review submitted as part of Rapleys LLP's submission on behalf of AB Agri at Deadline 7. The Applicant considers that *'SLR's technical report is speculative and does not quantify any risk directly, but broadly states that there may be issues when the Project's controls fail'*. SLR have first-hand experience of the points raised in their report from due diligence, commissioning and operating a number of ERFs in the UK. While there are site specific issues with ERF, the points raised in our report are based on the common issues experienced by all ERFs. Therefore, SLR can state with confidence that the contents of the technical review are not speculative and there is a high likelihood that controls and measures suggested by the Applicant to address AB Agri's concerns would fail and are not enforceable in practice. In SLR's experience every ERF experience teething issue's of some kind during commissioning and the 2 year warranty period following take over. The scale of issues experienced are broadly common between ERF's with specific issues also experienced from site to site. It is on this basis that the overall risk cannot be quantified, however SLR can state with confidence the plant will encounter unplanned downtime. It should not be considered, however, that plant issues only occur during the commissioning and warranty period. As with any mechanical item, it is common that issues continue to arise throughout the plant lifetime and in practice defects can take many months if not years to resolve.

This technical review has considered the Applicant's comments on SLR's report. Based on this, we maintain our review to be far from speculative and that the 'measures' as proposed by the Applicant would not reduce risks to AB Agri.

Technical Response

The Applicant's comments on SLR's Report and our technical response to these are set out in the table below.

Table 1: SLR Technical response

Summary of Issues Identified in SLR's Technical Review	Applicant's Comments	SLR's Technical Response
Fast acting doors for the ERF would need to remain closed when the RDF is not delivered for the negative pressure to be effective and to prevent RDF materials leaving the ERF. However, in reality, fast acting doors will fail or be left open, as evidenced by a common cause of complaints local to ERFs being related to doors being left open and other factors that relate to a lack of containment of	A single fast acting door entry to the ERF minimises the operator error. A second manual door may be provided to ensure closing of the door should the fast-acting door fail to ensure the sealed building is maintained.	The applicant is suggesting a single point of entry controlled by automatic fast acting doors which is consistent with ERF design. However, one point of entry will result in vehicles backing up outside and, in particular, when the fast-acting door malfunctions (and experience suggests it will – e.g. sensor failure, struck by vehicle,), there is a reliance on a manually operated door.

the waste storage and handling infrastructure.		Human nature and our experience suggest the manual door will be left open, in particular, during times of high traffic volume. The inclusion of a manually operated door as mitigation underpins the assertion the automatic fast acting door will fail during operation. There are 10 tipping bays included in the design of the bunker and therefore traffic management via one entry point will be a significant challenge. This reinforces our view that the Applicant's assertion that the single fast-acting door with potential second manual door will be effective in maintaining the sealed building is false.
Whilst the proposal allows for one boiler down at one time in order to have at least one boiler operating at any time (to keep the negative pressure), this cannot be guaranteed as it will be dictated by the written scheme of examination and maintenance requirements of common plant on site. In addition, maintaining safe isolation for one boiler from two operating boilers is notoriously difficult and there is no guarantee that the design of ERF will ensure adequate isolation of high-pressure steam can be achieved between boilers when two boilers remain operational during the remaining boiler's outage. Even with the best endeavours of mitigating unplanned outage with robust maintenance, in reality all ERFs in their initial operational stage will suffer from unplanned outages which will result in one of even all the boilers coming offline, affecting the ability to maintain negative pressure in the tipping hall. Within the usual 2 year warranty period, all ERFs have teething issues	Preventative maintenance, which is crucial for commercial operation, would be carried out to ensure operation of the primary air fans, which would increase the resilience of the facility. The facility has three combustion lines and co-incident failure of all three lines is unlikely. An extended common outage, for a turbine outage can be accommodated by planning in advance and gradually reducing the bunker volume over a period of weeks, minimising the risk of stored fuel. During a prolonged outage, the fast-acting door/manual door can be closed to ensure the sealed building is maintained.	The applicant has focused entirely on the primary air fan and conducting preventative maintenance on the fan as mitigation. Whilst SLR expect the primary air fan to be subject to robust preventive maintenance, there are other combustion fans and the boiler will trip for other reasons not just the loss of primary air fan. Combustion fans are controlled by VSD's (variable speed/frequency drives) and these can be problematic in hot weather as the temperature in the room the drives are located can increase and the trip function on the drive will be active on high temperature. This is not speculative, as it happens at most ERF's. The boilers can trip for a variety of reasons and this results in the combustion fans stopping and therefore this isn't an issue specific to the primary air fans. It is an issue associated with a broad range of scenarios that trip the boiler. Human error is

which may involve the negative pressure environment.		also an issue that can lead to boiler trips. SLR can provide a range of examples on how the boiler can trip, however it will vary to a degree across ERFs. Some plants will have common issues whilst others will have specific issues to their site. Whilst we cannot quantify the exact risk to this plant, as it is not at the detailed design stage, we can say from experience of these issues and due diligence we've conducted across several other ERFs that these trip issues will and have happened. In particular during the first 2 years of operation which is the warranty period of the plant all ERFs encounter issues and the applicant cannot ignore the plant will encounter unplanned downtime events on one or all boilers. The risk of all the boilers being down together is relatively low with the entire system is offline once every 2 years for 5-7 days to progress statutory inspection of common plant (HP header, Deaerator, steam ejectors, safety valves and any condensate pre-heaters fed with steam), including any Turbine maintenance schedule the OPEM will provide. However, the risk of all the boilers being down together still exists as there are likely to be unplanned events, and, as previously stated, the first couple of years are always a challenge and ERFs can be subject to grid connection issues which can take all the boilers offline if island mode doesn't successfully maintain plant operations. Initiating island mode on a plant with more than one boiler is notoriously difficult and many

		ERFs will confirm the challenges they've experienced with island mode and successfully implementing it. SLR have experienced this first hand on a plant with 2 boilers and island mode would fail and the plant would be shut down and operate on back-up generator to safely bring the plant offline unless grid connection is re-established. Island mode is only a short term solution of up to 4 hours anyway and any prolonged grid issues beyond the 4 hour range will result in plant shut down. Any internal electrical infrastructure issues can bring all the boilers offline (transformers, distribution boards) as well as loss of water utility or water treatment plant, loss of compressed air, loss of ACC fans and loss of FGT reagent injection (common storage silo). Whilst SLR cannot state if and when these issues will or could happen, these issues have been experienced first-hand at other ERFs including sites SLR have been involved with and therefore it is not speculation. There is no evidence from the Applicant to suggest that the issues outlined here will not occur. Therefore, a significant risk to AB Agri still remains as a result of the potential spillage of waste material from negative pressure/the sealed building failing.
The effectiveness of pest control within the bunker requires the site operation team to maintain low bunker levels and crane operations and to ensure that a trench at the front of the bunker is maintained at all times.	The Project's bunker is sufficiently sized to allow for 5 days of storage without stacking of waste. Space for a trench in the waste, between the stored waste and the tipping face, has been allowed for to ensure that space is always available for tipping of waste. A section of inaccessible waste at the base of the bunker, as noted in the technical report, has also been allowed for in the bunker sizing (such that this volume does not	The fuel bunker size seems reasonable for a plant this size in that we would expect a bunker storage volume including stacking to be 56,000-57,000m3 (both Ferrybridge ERF bunker capacities) and a bulk density of RDF being broadly 0.35t/m3 so 5 days suggests the bunker is possibly half full with about 10,000t in there.

	constitute any of the 5 days of storage).	Bunker capacity is a balance in that capex costs associated with excavation and concrete are high and it is widely accepted that the minimum capacity is installed which can be as low as 3-4 days to limit capex costs. As an example Runcorn ERF which is the UK's biggest has bunker capacity for 15,000t. Maintaining low bunker levels, trenching and stacking would be an ongoing operational requirement which the Applicant state they will do. However, even if low banker levels (less than 10,000t of RDF) at all times, including during bank holidays, is mandated, experience has shown with ERFs that, in reality, storage volumes can often exceed stated levels and material is stacked to allow deliveries to be made, or otherwise, in the case of the proposed ERF, vehicles with a full load of RDF will circulate around the ERF building (passing close proximity of AB Agri). Again, there remains a significant risk to AB Agri from pest control being ineffective.
Notwithstanding good practice as detailed in the RDF industry group code of practice, it is inevitable that waste material leaks, which are potentially mixed with organic materials and food waste (as the Applicant has confirmed that it is not possible to eliminate them from the RDF), will likely occur at all stages of delivery before the RDF reaches the tipping hall. Therefore, leaked materials will attract birds and rodents which pose a significant risk of salmonella being transmitted to AB Agri's facility.	The Project has always discussed using sealed containers or bales to transport material, would reduce the risk of spillages of this kind occurring. The Applicant will require suppliers and hauliers to comply with the RDF Code of Practice and routing requirements. 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. The manner in which RDF is transported (baled and wrapped, in sealed containers or in covered trailers) will minimise the possibility of material escaping (or 'leaking') while in transit. In the unlikely event of a spillage of RDF, e.g. in the event of a traffic accident, for	The applicant is insistent that the RDF Code of Practice will be followed by all waste delivery companies to the site. Specifically, they are suggesting baled or sealed containers is being considered, however there is also reference to delivery by covered vehicles. The applicant is clearly trying to focus on baled and sealed containers as mitigation when in reality the RDF will be delivered loose in covered vehicles like other operational ERFs as detailed in our report. There is no evidence from other ERF operations that

	AB Agri's operations to be put at risk would require all the following in combination: • the spilled RDF to become exposed to the environment (less likely for baled/wrapped RDF); • the spilled, exposed RDF to contain Salmonella contamination; • no clean up taking place; • in the event of consumption by rats (considering the size of home range and dispersal distances), for the contaminated, spilled, exposed RDF (left in situ as opposed to cleaned up) to occur in sufficient proximity (i.e. a few hundred metres) to the AB Agri facility (the majority of RDF movement is a much greater distance away); and • in the event of consumption by birds, for the consumption of contaminated, spilled, exposed RDF to materially add to the existing level of continuous risk from birds that forage at landfill sites and then potentially transiting to the AB Agri facility.	delivery of RDF by baled and sealed containers is industry standard, as its costs are prohibitive and the RDF industry in the UK for use in the UK ERFs does not deliver baled and sealed containers – the industry standard is, categorically, loose RDF in covered vehicles. The Applicant has not demonstrated how non-industry standard can be enforced on the third party suppliers. As stated in AB Agri's submission at Deadline 8, baling is not necessarily effective. As such, the Applicant's claim that its suppliers and hauliers' compliance with the RDF Code of Contact will minimise the possibility of material escaping/leaking is not demonstrated to be achievable. Leaked materials will attract pests which pose a significant risk of salmonella being transmitted to AB Agri.
The overall cleaning regime of waste delivery contractors is outside of the operator's control and there is an increased risk that residual RDF material left in the trailers will leave the tipping hall.	No response	We reiterate that the Environmental Permitting regime does not extend to third party contractors' transportation of RDF and cleaning of vehicles and our comments still stand.
The operation of the bunker area requires high levels of cleaning and sanitising regimes for the site pest control to be effective. Inevitably, there will be operator errors or attending to plant issues and the high levels of maintenance, cleaning and sanitising regimes may not be undertaken stringently, which would lessen the effectiveness of the pest control regime.	No response	Our view is not a speculative comment, based on our experience in the operation of ERFs and our comments still stand.

Closure

SLR have reviewed the Applicant's comments and have concluded there is a lack of understanding on the practicalities of how ERFs are commissioned and operated in particular during the warranty period post hand-over.

SLR have provided further detail in this technical memo of instances of planned and unplanned downtime that is grounded in first-hand experience from other ERFs and is therefore not speculative.

The Applicant has not demonstrated how non-industry standard can be enforced on the third party suppliers. There is continued reliance and reference on the RDF Code of Practice by the Applicant and whilst baling the material is considered best practice for exporting from the UK it is not used for material that is transported internally within the UK from supplier to end user.

RDF delivery to site loose in covered vehicles, planned and unplanned outages or equipment failures will impact the site's ability to avoid spillage of the RDF around the site and maintain negative pressure in the tipping hall. As stated in AB Agri's Deadline 8 submission and as admitted by the Applicant, the animal origin waste materials cannot fully be eliminated from RDFs from both municipal and commercial/industrial waste. Salmonella contamination of RDF cannot be precluded.

Whilst preventative maintenance of equipment will to an extent mitigate plant trips, the Applicant must recognise there are a variety of reasons the plant will trip that are not maintenance related.

The Applicant fails to recognise that the very presence of additional food sources during the construction and operational periods increases the population of rodents and birds which can be salmonella positive as salmonella occurs in the respective populations. The environment in which AB Agri is located will therefore change by the introduction of the proposed ERF facility to a high salmonella contamination risk area with increased pest activities.

Regards,

SLR Consulting Limited

[redacted]

Marc Scourfield
Associate/Contractor