



Mr E Maund & Mr P Brewer
The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
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Our ref: AN/2022/133243/10-L01
Your ref: EN010116
Date: 10 May 2023

Dear Sirs

Application by North Lincolnshire Green Energy Park Limited for an Order Granting Development Consent for the North Lincolnshire Green Energy Park Project, on land adj to Flixborough Industrial Estate, Stather Road/First Avenue, Flixborough, DN15 8SF – Deadline 9 submission

Please accept the following submission in connection with the Environment Agency's previous submission at Deadline 8.

In Q17.0.1 of the Examining Authority's written questions and requests for information (ExQ3) issued on 17 April 2023 the Examining Authority set out the following question: *"If it was demonstrated the proposed development were to create an excess capacity of energy from waste plants or there was a shortage of supply of waste for the generation of energy from waste either locally, regionally or nationally, is there any evidence which you can refer to that identifies at what level this may create an adverse effect on prevention, reuse or recycling, as expected within the waste hierarchy?"*

At Deadline 8 we responded to this question as follows: *"The Environment Agency is not able to direct the ExA to any evidence in relation to excess capacity but would refer back to its Deadline 6 submission [REP6-039] in respect of the information provided relating to the site operators Duty of Care and the duty of any waste holder to apply the waste hierarchy as required by Regulation 12 of the Waste (England and Wales) Regulations 2011. Consequently, there should be no expectation of an adverse effect on prevention, re-use or recycling."*

On further consideration of the question, we would like to amend our response to avoid any possible confusion around our remit in planning decisions. This is because when it comes to planning decisions, it is the relevant planning authority, and not the Environment Agency, who is responsible for driving waste generated in a given area up the waste hierarchy and for considering the implications of waste treatment capacity in that area. As such, we feel it is not appropriate for us to comment on whether the

proposal could have an adverse effect on prevention, reuse or recycling, and we would therefore like to amend our response so that it instead reads as follows:

The Environment Agency is not able to direct the ExA to any evidence in relation to excess capacity, but we made submissions in the Deadline 6 submission [REP6-039] in respect of the site operator's Duty of Care and the duty of any waste holder to apply the waste hierarchy as required by Regulation 12 of the Waste (England and Wales) Regulations 2011. This included examples of the types of conditions that would likely be placed in an environmental permit for the proposed facility (if granted) to prevent the acceptance of wastes which had been separately collected for the purposes of recycling, and conditions to ensure application of the waste hierarchy to the wastes generated by the proposed facility.

However, for planning decisions, it is the relevant planning authority, and not the Environment Agency, who is responsible for driving waste generated in a given area up the waste hierarchy and for considering the implications of energy from waste treatment capacity in that area. As such, we feel it is not appropriate for us to comment on whether the proposal could have an adverse effect on prevention, reuse or recycling.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me at the number below.

Yours sincerely

Annette Hewitson
Principal Planning Adviser

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