

NLC's responses to the ExA's third written questions (ExQ3) Issued 17 April 2023

ExQ3	Question	NLC Answer
Q1.0.1	<p>Vermin Control</p> <p>(i) In light of the ongoing concerns identified by AB Agri in their D7 objection and the expectation that appropriate vermin control would be in place as set out in NPS EN-3 paragraphs 2.5.59 – 2.5.63. Can each party respond setting out their position on whether the DCO and supporting mitigation documents provide the necessary controls, or whether any additional measures should be secured?</p> <p>(ii) Is there a justification for additional controls as paragraph 2.5.63 of NPS-EN3 suggests might be appropriate? If this is considered appropriate, how should the DCO or mitigation measures be adjusted to resolve any concerns?</p>	<p>(i) NLC does not have relevant experience or expertise in relation to recommending vermin control at such facilities. The Environment Agency regulate such facilities, which includes the control of vermin.</p> <p>(ii) As per our response to (i) above, NLC does not have the relevant expertise to advise whether additional controls are necessary and if so what controls would be appropriate. The EA should hopefully be able to provide expert advice in this regard.</p>
Q3.0.1	<p>Plumes:</p> <p>In light of the comments made by Mr Nicholson on behalf of Residents Against Incinerators (RAIN) in [REP4-045] and the Applicant's response in [REP6-033] could each party provide an update of their position in respect of the issues raised and the response provided by the Applicant and the further detail provided by Mr Nicholson at Deadline 7.</p>	<p>The air quality assessment provided by the applicant uses dispersion modelling produced by ADMS (Atmospheric Dispersion Modelling System) which is an advanced atmospheric pollution dispersion model for calculating concentrations of atmospheric pollutants. The air quality assessment submitted has followed the IAQM/EPUK Guidance – Land Use Planning & Development Control: Planning for Air Quality. NLC are of the view that the assessment has been produced using a recognised modelling system and in accordance with the most relevant guidance.</p> <p>NLC do not have the expertise to offer further comment on the modelling of plumes.</p>
Q3.0.3	<p>Odour Control</p> <p>AB Agri maintain their objection in their D7 submission to the proposal. They continue to explain the potential for</p>	<p>(i) The pollution control regime in this instance is the Environmental Permitting Regulations (the "EP Regulations") which require the control of pollution including odour. The Regulator for the</p>

	<p>negative pressure not to be maintained. The ExA understands the operating regime proposed by the Applicant, but to date there has not been as far as we are aware an explanation of what could happen in the event of a failure of a system, a malfunction, or some other unplanned event.</p> <p>(i) Can each party please respond setting out how they expect that this should be dealt with, and what process should be in place to manage such an eventuality.</p> <p>(ii) Can the Environment Agency explain whether an Environmental Permit would be expected to have controls in place to cover such eventualities, or if in their view this should be controlled through a mechanism within the DCO.</p>	<p>proposed development will be the (Environment Agency who will be responsible for the on-going regulation of amenity and environmental impacts including odours. The approval of any Odour Management Plan sits with the Environment Agency to determine the suitability of key measures including whether Best Available Techniques (BAT) is being employed to control emissions.</p> <p>(ii) N/A</p> <p>(iii) An Operational Management Plan will be secured by draft Requirement 4 of the DCO which may include the applicants response to system failure and malfunction.</p>
Q6.0.2	<p>Environmental Permits/ Licences/ Permissions</p> <p>Can you advise whether there are any impediments that may stand in the way of granting any licence, permission or permit within your area of responsibility.</p>	<p>In the event of an Environmental Permit being granted for this site, the Regulator will be the Environment Agency.</p> <p>NLC do not anticipate regulating the site under a license or permit.</p> <p>We are not aware of any impediment that would preclude the grant of a permit for this site; however as noted above the responsibility for this is assume to lie with the EA></p>
Q13.0.1	<p>Can both parties advise if there have been any additional projects or changes to projects which the ExA should be aware of since the examination commenced.</p>	<p>There are no additional projects or changes to projects that impact the cumulative EIA / HRA assessments.</p> <p>Initial discussions have taken place with the Applicant regarding a potential Town and Country Planning Act (TCPA) planning application process for the relocation of the Wharfside Court 14 commercial units, a relocation site for the Rainham Steel stocking area and an additional laydown area for the Flixborough Wharf on land outside the dDCO red line boundary (RLB). It is understood that the Applicant intends to submit a pre-application enquiry and screening request in this regard in due course.</p>
Q14.0.1	<p>The Government published further iterations of the National Policy Statement (NPS) Energy Suite of national policies for</p>	<p>NLC are of the view that the draft NPSs should be given weight in the determination of this application as they set out the Governments most up to</p>

	<p>consultation, the period of which will run until the 23 May 2023. Could each IP provide an update on their position in respect of the status of these policy documents, what elements within them should be regarded as important and relevant in the ExAs recommendation and subsequently in the Secretary of State (SoS) decision. Could IPs advise on what weight they consider the ExA should give to these documents and advise on whether there are any particular aspects of the consultation documents the ExA should have particular regard to.</p>	<p>date position on national energy policy. However the weight to be given to the draft documents should be limited given that they do not currently form a part of adopted national policy.</p> <p>It is considered that part 3.7 of draft NPS EN-3 should be given particular regard as it relates specifically to waste combustion.</p>
Q14.0.2	<p>Can both parties provide an update in respect of progress on the draft Local Plan and if there have been any changes that the ExA should be aware of since the examination commenced.</p>	<p>There are no substantial updates to report on the Local Plan Examination. NLC anticipate publishing their response to the Local Plan Inspectors initial questions on the submission version of the plan by 12th May 2023.</p>