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North Lincolnshire Green Energy Park

Volume 8

8.2.5 Final Statement of Common
Ground with North Lincolnshire
Council

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GLOSSARY

Acronym	Full term / Description
2008 Act	Planning Act 2008
AGI	Above Ground Installations
BNG	Biodiversity Net Gain
CCTV	Closed Circuit Television
CBMF	Concrete Block Manufacturing Facility
CEMP	Construction Environmental Management Plan
CCUS	Carbon Capture, Utilisation and Storage
CO ₂	Carbon Dioxide
CoCP	Code of Construction Practice
CoPA	Control of Pollution Act
DCO	Development Consent Order
DHPWN	District Heating and Private Wire Network
EA	Environment Agency
EN-1	Overarching National Policy Statement for Energy
EN-3	National Policy Statement for Renewable Energy Infrastructure
EN-5	National Policy Statement for Electricity Networks Infrastructure
EV	Electric Vehicle
ERF	Energy Recovery Facility
ES	Environmental Statement
FRA	Flood Risk Assessment
FGTr	Flue Gas Treatment Residue
H ₂	Hydrogen
IAQM	Institute of Air Quality Management
IDB	Internal Drainage Board
LVIA	Landscape and Visual Impact Assessment

LLFA	Lead Local Flood Authority
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
NLC	North Lincolnshire Council
NLGEF	North Lincolnshire Green Energy Park
PRF	Plastic Recycling Facility
PEIR	Preliminary Environmental Information Report
PRoW	Public Rights of Way
RLB	Red Line Boundary
RHTF	Residue Handling and Treatment Facility
SoS	Secretary of State
SoCG	Statement of Common Ground
SoCC	Statement of Community Consultation
SuDS	Sustainable Drainage Systems
TCPA	Town and Country Planning Act
WSI	Written Scheme of Investigation

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1.0 INTRODUCTION

1.1 Overview

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared on behalf of North Lincolnshire Green Energy Park Limited ('the Applicant'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under Section 37 of 'The Planning Act 2008' (the '2008 Act').
- 1.1.2 The Proposed Development is an Energy Recovery Facility (ERF) capable of converting up to 760,000 tonnes of non-recyclable waste into 95 MW of electricity and a carbon capture, utilisation and storage (CCUS) facility which will treat a proportion of the excess gasses released from the ERF to remove and store carbon dioxide (CO₂) prior to emission into the atmosphere. It is described in **Chapter 3: Project Description and Alternatives** of the Environmental Statement (ES) (Examination Library reference APP-051).
- 1.1.3 The Proposed Development meets the criteria to be considered as an NSIP under the 2008 Act as a 'generating station' under section 15(2). Section 15(2) defined an NSIP as a proposed generating station which would be located within England, would not be offshore, and would have a total generating capacity of more than 50MW.

1.2 The Proposed Development

- 1.2.1 The North Lincolnshire Green Energy Park (NLGEP), located at Flixborough, North Lincolnshire, comprises an ERF capable of converting up to 760,000 tonnes of non-recyclable waste into 95 MW of electricity and a CCUS facility which will treat a proportion of the excess gasses released from the ERF to remove and store CO₂. Prior to emission into the atmosphere. The design of the ERF and CCUS will also enable future connection to the Zero Carbon Humber pipeline, when this is consented and operational, to enable the possibility of full carbon capture in the future.
- 1.2.2 The NSIP incorporates a switchyard, to ensure that the power created can be exported to the National Grid or to local businesses, and a water treatment facility, to take water from the mains supply or recycled process water to remove impurities and make it suitable for use in the boilers, the CCUS facility, concrete block manufacture, hydrogen production and the maintenance of the water levels in the wetland area.
- 1.2.3 The Project includes the following Associated Development to support the operation of the NSIP:
- a bottom ash and flue gas residue handling and treatment facility (RHTF);
 - a concrete block manufacturing facility (CBMF);
 - a plastic recycling facility (PRF);
 - a hydrogen production and storage facility;
 - an electric vehicle (EV) and hydrogen (H₂) refuelling station;
 - battery storage;

- a hydrogen and natural gas above ground installation (AGI);
 - a new access road and parking;
 - a gatehouse and visitor centre with elevated walkway;
 - railway reinstatement works including; sidings at Dragonby, reinstatement and safety improvements to the 6km private railway spur, and the construction of a new railhead with sidings south of Flixborough Wharf;
 - a northern and southern district heating and private wire network (DHPWN);
 - habitat creation, landscaping and ecological mitigation, including green infrastructure and 65 acre wetland area;
 - new public rights of way and cycle ways including footbridges;
 - Sustainable Drainage Systems (SuDS) and flood defence; and
 - utility constructions and diversions.
- 1.2.4 The Project will also include development in connection with the above works such as security gates, fencing, boundary treatment, lighting, hard and soft landscaping, surface and foul water treatment and drainage systems and CCTV.
- 1.2.5 The Project also includes temporary facilities required during the course of construction including site establishment and preparation works, temporary construction laydown areas, contractor facilities, materials and plant storage, generators, concrete batching facilities, vehicle and cycle parking facilities, offices, staff welfare facilities, security fencing and gates, external lighting, roadways and haul routes, wheel wash facilities, and signage.
- 1.2.6 The overarching aim of the Project is to support the UK's transition to a low carbon economy as outlined in the Sixth Carbon Budget (December 2020), the national Ten Point Plan for a Green Industrial Revolution (November 2020) and the North Lincolnshire prospectus for a Green Future which is currently being developed. It will do this by enabling circular resource strategies and low-carbon infrastructure to be deployed as an integral part of the design (for example by re-processing ash, wastewater and carbon dioxide to manufacture concrete blocks) and capturing waste-heat to supply local homes and businesses with heat via a district heating network.

1.3 Parties to this Statement of Common Ground

- 1.3.1 This Statement of Common Ground is between the Applicant and the North Lincolnshire Council.
- 1.3.2 North Lincolnshire is the host authority for the North Lincolnshire Green Energy Park application.

1.4 The Purpose and Structure of this Document

- 1.4.1 The purpose of this document is to summarise clearly the agreements reached between the parties on matters relevant to the examination of the Application and to assist the Examining Authority in their determination of the Application. It has been prepared with

regard to the guidance in 'Planning Act 2008: examination of application for development consent' (Department for Communities and Local Government, March 2015).

1.4.2 The document is structured as follows:

- Section 2 – sets out the key correspondence and engagement between the parties up until the submission of the Application; and,
- Section 3 – sets out the matters agreed and matters outstanding between the parties in respect of the Application.

2.0 SUMMARY OF ENGAGEMENT

2.1.1 The below Table 2.1 contains a record of key correspondence and engagement between the Applicant and North Lincolnshire Council pertinent to this SoCG.

Table 2.1: Summary of Engagement

Date	Attendance	Topics Covered
12/06/2019	NLC, Solar 21, ERM, Newgate, Northern Planners	Project Introduction, Housing, Environmental matters, Flood risk and flood improvement along River Trent, flood modelling, consultation methods and local communities.
10/07/2019	NLC, Solar 21, Environment Agency, Mott MacDonald, ERM and Mayer Brown	Project introduction, FRA modelling, existing flood embankments, downstream boundary of future modelling, road realignments and requirements
02/09/2019	NLC, Newgate	Discussion with NLC to review the first draft of the proposed communication strategy that would be used through the Informal and Formal Consultation.
26/09/2019	Planning Inspectorate, Environment Agency, Natural England, Fichtner, NLC	Stakeholder site meeting, core development and associated development, functional flood plain, flood risk and essential infrastructure, EIA Scoping Submission, Land referencing
18/10/2019	NLC, Solar 21	High level introduction to the scheme and to facilitate any questions from the local MPs ahead of the informal consultation.
11/07/2019	NLC (Place Planning and Housing, Development Management Group Manager, Environmental Protection Team Leader and Officer (Ecologist), Transport Planning	Alignment of NLGEP with current and future North Lincolnshire Council strategies; Consideration for economic development, proximity to wharves and local infrastructure, economic benefits, planning policy and status

Date	Attendance	Topics Covered
	Officers, Drainage Manager, Senior Commercial and Investment Officer, Inward Investment Business Specialist, Northern Planners, Solar 21, ERM, Bowland, Buro Happold	
09/04/2020	NLC, Newgate	Discussion regarding approach to non-statutory consultation during COVID 19 pandemic
13/5/2020	NLC, Andrew Percy MP, Holly Mumby Croft MP, Solar 21	Preview of content of non-statutory consultation
30/11/2020	NLC, Highways England, Jacobs (HE highways consultant), Buro Happold	Transport Assessment Scope: Baseline; traffic survey data; proposals; new access road; trip generation; assessment years and study area;
01/02/2021	NLC, Buro Happold	Email to NLC requesting additional model data files from Mott MacDonald for the NLC Lincolnshire Lakes flood model. NLC have requested data from Mott MacDonald.
08/02/2021	NLC, Buro Happold	The Site Access Appraisal Note was sent to NLC (Louisa Simpson) to discuss and agree on junction proposal to link proposed link road with existing network to the south of the site.
11/02/2021	NLC, Buro Happold	Follow up email to confirm discussion on the phone and provide minutes. Indicative plan sent of the wider site.
12/02/2021	NLC, Solar 21, Northern Planners, ERM, Buro Happold, LDA Design; Fichtner, Newgate	Flood risk and modelling, highways and traffic, rail and port, heat and power network, ecology and biodiversity net gain, air quality and noise, socio economic, cumulative assessment, public access, design/layout, consultation strategy and approach, planning matters.
12/02/2021	NLC, Northern Planners	Project update meeting illustrating progress to date and outlining key technical matters being addressed.

Date	Attendance	Topics Covered
13/02/2021	NLC, Newgate	Provision of an early draft of the SoCC prior to formal consultation on the document
01/03/2021	NLC, Newgate	Issue of draft SoCC for consultation
02/03/2021	NLC, LDA	Public Rights of Way
11/03/2021	NLC, Solar 21, Northern Planners, ERM, Buro Happold, LDA Design, Fichtner	Flood risk and modelling; highways and traffic; towns investment plan/towns fund; Northern Power Grid Infrastructure Improvements; Glanford House
11/03/2021	NLC, Northern Planners	Project update meeting. Specific discussions were had about flooding impacts and possible construction impacts/closures on the local road network.
25/03/2021	NLC, Buro Happold, Fichtner	DHN/PWN routing traffic impacts and new access road design. FCE and BH discussed the proposed routing of the district heating network and likely construction impacts on traffic. BH discussed lighting and the likely structures required for the new access road.
31/03/2021	NLC, Newgate	LPA agrees with the proposed approach to consultation set out in SOCC. The challenges presented by potential changes to COVID restrictions during the consultation period are understood as is the need for some flexibility within the scheme of consultation to respond to this.
15/04/2021	NLC, Solar 21, Northern Planners, ERM, Buro Happold, LDA Design, Fichtner, GDSA Architects, Fontcomms	Masterplan framework and landscape design; architectural concept. DHN/PWN Routing impacts meeting - Fichtner reviewed the construction of the DHN/PWN with NLC, noting which sections may have to be constructed by night time working to reduce traffic impacts.
19/04/2021	Fichtner, NLC Buro Happold	Network Analysis, Junctions
10/05/2021	NLC, Buro Happold	Surface water drainage strategy

Date	Attendance	Topics Covered
13/05/2021	NLC, Solar21, Northern Planners, ERM, Buro Happold, LDA Design, Fichtner, GDSA Architects, Font Comms, NewgateSEC	Design, flooding, power network and DHN, consultation
13/05/2021	NLC, Northern Planners	Regular project update meeting. Focused on design update to visitor centre, flood risk update, DHN/PWN update, and consultation strategy.
24/05/2021	LLFA, SGWMB, Buro Happold	Impacts of extreme tidal event with the Neap House Drain
25/06/2021	NLC, Northern Planners	June project update meeting. An update was given on the statutory consultation currently underway. Funding schemes associated with the DHN/PWN were also discussed. Full details outlined in meeting note.
08/07/2021	Lincolnshire Wildlife Trust, NLC, RSPB, Bowland Ecology	Ecology survey results so far, wet woodland area, likely ecology and opportunity for enhancement
14/07/2021	Fichtner, LDA Design, Buro Happold, NLC	Private Wire Network, PRoW, crossings, highways sections, flooding and drainage, road design, foot and cycleway, flood defences and road structure, lighting, watercourses along new access route, speed limits
16/07/2021	NLC archaeologist, ERM & Historic England	Approach to archaeological evaluations. The strategy for iterative field evaluation (geoarchaeological, geophysical and trial trenching) was discussed.
04/08/2021	Northern Planners; Bowland Ecology, Lincolnshire Wildlife Trust (LWT), NLC, LDA Design, RSPB	Site meeting to discuss habitat creation and enhancement opportunities - eastern mosaic, wetland, woodland, farming and wildlife schemes.
04/08/2021	NLC, ERM, LWT, RSPB	Site meeting to discuss BNG proposals. Areas visited: Habitat mosaic to east of NLGEP land,

Date	Attendance	Topics Covered
		proposed wetland area, proposed woodland creation to north.
24/08/21	NLC, BH, Fichtner, LDA	DHN/PWN construction access and PRoWs - Fichtner noted changes to the DHN/PWN since the previous meeting, and the proposed construction mitigations required. LDA discussed which construction access points were likely to be required to enable construction of the DHN/PWN.
10/09/2021	NLC, Solar 21, WBD, Buro Happold, LDA, Northern Planners, ERM, SECNewgate, Fontcomms	LVIA, Railway/PRoW crossings, Heritage, Other NSIPs, Drax Pipeline
10/09/2021	NLC, Northern Planners	Project update meeting following statutory consultation.
15/09/2021	NLC archaeologist, ERM & Historic England	Approach to archaeological evaluations. The strategy for iterative field evaluation (geoarchaeological, geophysical and trial trenching) was set out and agreed.
26/11/2021	NLC, Solar 21, ERM	Two WSIs – for geoarchaeological investigation and geophysical investigation of the central and eastern parts of the site – were agreed.
01/02/2022	NLC, Buro Happold	Highways - indicative layout; stopping up; shared footways, access road
16/02/2022	NLC, Northern Planners	Discussions re. PROW 178. We confirmed that we are proposing the reinstatement of the footpath with a new footbridge crossing of the branch line. In terms of programme, should the DCO be successful, we confirmed we would anticipate the footbridge being built at the end of year 1 (2023)/start of year 2 (2024). Also discussed that we do not have a detailed design yet and therefore could not provide a specification of the bridge.

Date	Attendance	Topics Covered
02/03/2022	NLC, Solar 21, WBD, Buro Happold, LDA Design, Northern Planners; ERM, SECNewgate, Font Comms	Scunthorpe Hospital, Transport/Highways, Railway crossings, archaeology, local employment policy/agreement, DCO submission
Numerous meetings and comments and revisions of WSI's between March and December 2022	NLC, ERM, Solar 21	NLC heritage advisor reviewed field evaluation approach as presented in WSI drafts. These were subsequently agreed and the different work packages have now either been completed, are near completion or, in the case of the trial trench evaluation, currently underway. Meetings were held on: 07/03/2022, 16/06/2022, 13/09/2022 and 01/12/2022. Correspondence on 22/02/2022 01/03/2022 17/03/2022 08/04/2022 18/04/2022 27/04/2022 23/05/2022 06/06/2022 13/06/2022 24/06/2022 30/06/2022 10/08/2022 02/12/2022
27/04/2022	NLC, Ardent, S21, DDM	Estates engagement - discussed and reviewed all 270 titles within the DCO RLB and provided electronic versions of the plans for NLC to review. Discussed options for TCPA applications to provide relocation sites for the Wharfeside Court and Rainham Steel
05/10/2022	NLC, ERM	Request for noise levels data from monitoring at Charmaine, Amcotts. ERM to source and provide data.
19/10/2022	NLC, DDM, Ardent	To agree the exact parcels of land owned by North Lincolnshire Council and the boundaries of such land parcels. It was agreed that NLGEPL would engage with NLC to purchase Glanford House and other NLC-owned land as part of a competitive marketing process.
01/02/2023	NLC Environmental Protection Officers, ERM, S21, DWD, LDA Design	To discuss outstanding matters in relation to Environmental Protection, specifically Air Quality, Odour and Noise

Date	Attendance	Topics Covered
20/02/2023	NLC, LDA Design , S21, Environment Agency	To discuss approach to Design Champion role and Design Review Panel, and to discuss matters related to foul drainage/trade effluent.
02/03/2023	NLC, LDA Design, S21 and ERM	To discuss outstanding matters in relation to Noise
16/03/2023	NLC and LDA	To discuss PRow

3.0 MATTERS

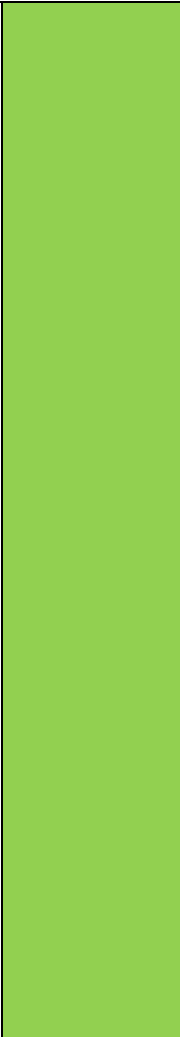
3.1.1 The below Table 3.1 contains a list of ‘matters agreed’ along with a concise commentary of what the item refers to and how it came to be agreed between the two parties.

Table 3.2: List of Matters

NORTH LINCOLNSHIRE COUNCIL POSITION	APPLICANT POSITION	STATUS
Planning Policy		
<p>The list of national and local planning policies is agreed.</p>	<p>The following designated NPS documents are relevant to the Application and provide the primary basis for decisions by the SoS in relation to the Application:</p> <ul style="list-style-type: none"> • Overarching National Policy Statement for Energy (NPS EN-1) • National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) • National Policy Statement for Electricity Network Infrastructure (EN-5) <p>Please see Appendix A for details of the national and local planning policy considered relevant to the Project.</p>	
The Need and Principle of the Proposed Development and Examination of Alternatives		
<p>It is agreed that the local development plan is not discouraging of the principle of new energy generating or waste management infrastructure at this site, as confirmed by NLC by raising no objection to the principle of the proposed scheme in their Section 42 response dated 26 January 2021.</p> <p>This is agreed.</p>	<p>This is agreed</p> <p>NLC noted in their response to the Local Impact Report:</p> <p>‘Overall it is considered that the proposed development generally accords with the aims of the Development Plan in respect of sustainable economic development, the generation of renewable energy (incorporating CHP & CCU technologies) and sustainable waste management in accordance with the waste hierarchy and the need to divert waste from landfill. These matters weigh in</p>	

	favour of the development and the principle of development is considered to be merited subject to conformity with the relevant policies of the plan, including those that seek to protect the environment and amenity of the area.'	
The Council agrees that NPS EN-1 and EN-3 establish a national need for development of new electricity generating infrastructure of the type proposed by the Applicant, while not directing the location of such developments and considers that the Project will reduce the level of waste currently going to landfill in the North Lincolnshire area.	This is agreed	
The Council agrees on the need for the District Heating Network.	This is agreed	
Cumulative Impacts - agree methodology is acceptable and that at the current time [issue of the PEIR] all relevant existing and proposed developments that have the potential to generate cumulative environmental effects together with the proposed development have been identified. As confirmed by NLC in their Section 42 response dated 26 January 2021.	This is agreed	
Ecology and Biodiversity		
The submitted Screening information deals only with ongoing air pollution impacts on the Humber Estuary and records a finding of no likely significant effect on the European Sites. In due course, screening matrices will also consider construction impacts and other effects. It is agreed that this is necessary.	This is agreed	
Ecology - surveys and methodology are agreed, including surveys carried out for various protected and priority species as follows: <ul style="list-style-type: none"> • Great Crested Newts (GCN) • Water Vole 	This is agreed	

<ul style="list-style-type: none"> • Otter • Wintering Birds • Breeding Birds • Bat Activity and Tree Assessments • Badger • Terrestrial Invertebrates • Reptiles <p>The survey methods used and the survey effort deployed are appropriate for the site in question and for the target species. To varying degrees and in different locations, evidence was found for most of the surveyed taxa. Appropriate mitigation measures and sensitive working methods have been proposed for the species concerned. Where necessary, the appropriate licences are specified.</p>		
<p>It is agreed that the Defra Biodiversity Metric Version 3.0 is appropriate to carry out a net-gain assessment.</p> <p>The biodiversity metric deals with net changes in the biodiversity of habitats. It does not deal with protected or priority species, sensitive working methods or species mitigation. NLC agreed in their Section 42 response that Section 10.1.3 of the PEIR set out appropriate enhancements for protected and priority species that have been recorded. Sensitive working methods, mitigation and biodiversity enhancements will need to be secured by Requirements attached to the DCO.</p> <p>The use of Biodiversity Metric 3.0 is agreed.</p>	<p>Agreed – this approach is set out in the Biodiversity Net Gain Report in Appendix I of Chapter 10: Ecology and Nature Conservation in the Environmental Statement (Document Reference 6.2.10).</p> <p>The Biodiversity Metric 3.1 was released on 21st April 2022, and the application was accepted on 27th June 2022. This followed the original submission on 21st March, withdrawal on 14th April and resubmission on 31st May. This means that the updated Metric was released while the application was being reviewed for consistency.</p> <p>The advice from Natural England states that users of the Biodiversity Metric 3.0 should continue to use it for the duration of the project.</p>	

<p>Construction Effects on people and communities</p>		
<p>Potential for shortages in temporary accommodation if development is brought forward alongside other major proposed developments</p> <p>Due to issues related to wider indigenous businesses need for temporary accommodation, associated with large scale industrial 'shut downs' (e.g. steel works, oil refineries and energy intensive industries), there is the potential for a significant impact at 'pinch points' throughout the construction period. This alongside other emerging large-scale projects in the area is likely to push demand into more rural regions associated predominantly with the visitor economy. This may have negative impacts on the longer-term visitor economy offer post construction. NLC would like to see that the Applicant has assessed this issue and that potential impacts are appropriately mitigated to prevent displacement of the existing visitor offer via the removal of temporary accommodation. We would not want to see demand caused by the development outweighing the supply and distorting market conditions in the short term leading to longer term damage.</p> <p>NLC are pleased to see that this issue has been considered and note that the peak construction staff is below the overall projection. We would advise the applicant to work with the local authority to engage with providers where appropriate to ensure that any impact is minimised. This issue is now agreed.</p>	<p>The Project will be constructed and commissioned over a six-year period with the workforce peaking at circa 660, as opposed to an intensive period with larger workforce numbers. It is anticipated that a large proportion (circa threequarters) of the workforce will live within a reasonable travel to work area (see paragraph 5.2.2.7 of ES Chapter 14, Economic, Community and Land Use Impacts). Where construction workers do temporarily relocate to the area, they are most likely to reside in Scunthorpe (e.g. lodgings or bed and breakfast), where accommodation and a wider range of services are available, rather than in smaller rural communities with limited availability of local accommodation and services. Based on the assessment presented in ES Chapter 14, the numbers requiring local accommodation will be circa 200 at peak construction and less in other years. The Applicant acknowledges that in the event of the peak construction phase coinciding with local large-scale industrial shut down and maintenance programmes there is a potential for pinch points in demand for local accommodation. However, this is not something that can be predicted at this time or influenced by the Applicant. There will be no significant effect from construction workers for the Project alone on the demand for local accommodation services. Given the nature of the wider region with long-established energy, petroleum, steel and other industry and port related development, and the dynamic nature of these industries in the region it is reasonable to assume that the regional accommodation sector has adapted to accommodate demand without adverse effect on the visitor economy.</p>	

Draft Development Consent Order and Protective Provisions		
Permits - Ash treatment activity regulator to be clarified The clarification provided is understood. It is agreed that this matter will be progressed via discussions with the EA. No further concerns to raise in this regard.	EA permits required for ash treatment and FGTr treatment. Concrete block manufacturing facility may require bespoke permit. Discussions re permitting are ongoing with the EA	
Related to the District Heating Network / Private Wire Network - agreement to include optionality in the scheme, for routing to proposed advanced manufacturing park on the Lincolnshire Lakes development on the southern DHN. The northern DHN will service existing and planned commercial developments on the A1077 and the Normanby Road.	This is agreed	
Water resources, drainage and flood risk including the suitability of the site when assessed against NPPF and PPG advice on Flood Risk		
Flood risk - acceptable level of SUDS measures are proposed. The Drainage officer has further confirmed that detailed discussions have taken place with the developer's team and that the only outstanding area of concern is the blocking of the culvert under the A1077. It is understood that the modelling and strategy is being revised accordingly to demonstrate that this will not result in flooding to the downstream catchment. On this basis I have no further comments to make at this time.	Noted. The flood mitigation strategy has been revised to avoid reducing the size of the culvert under Ferry Road West (A1077/B1216).	
Meeting held on 24th July 2020 with NLC to confirm which flood model should be used for the assessment. David Boreham at NLC confirmed that the model developed by Mott MacDonald for the Lincolnshire Lakes scheme includes the latest information on flood defence assets in the vicinity of our site and is a more up-to-date model than the one held by the EA.	It was agreed that S21 would purchase the model from NLC to use in the NLGEP FRA. This model has been used for the assessment and updates made in consultation with the EA regarding updates to climate change allowance.	
Agreement with LLFA in principle with proposed surface water drainage strategy	A meeting with the Lead Local Flood Authority (LLFA) was held on 10/05/2021 to present proposed drainage strategy and	

<p>The Internal Drainage Board will also need to be consulted with regards to discharge rates into the downstream watercourse network.</p> <p>It is understood that a SoCG has been entered into with the relevant drainage bodies. This issue is agreed.</p>	<p>include any comments or requirement they could have. The LLFA agreed in principle with the proposed surface water drainage strategy.</p> <p>A SOCG with Scunthorpe and Gainsborough Water Management Board (SGWMB) (the Internal Drainage Board) has been entered into.</p>	
<p>Historic Environment</p>		
<p>No field evaluation has been undertaken.</p> <p>NLC understand that field evaluation is incomplete and ongoing. Reports and WSI approvals are still outstanding.</p> <p>Field evaluation is ongoing and reports have yet to be submitted.</p> <p>NLC has received the specialist archaeological reports. Comments have been provided to the Applicant on each report received. Revisions and outstanding sections of the reports are awaited.</p> <p>NLC has also received a partial draft of the Outline Archaeological Mitigation Strategy for review and comment. There are still outstanding sections on monitoring, enhancement and dissemination/outreach. The references are also not checked and an update log is also to be added. NLC are in the process of reviewing this partial draft but this will not be completed to allow for a response at D9.</p>	<p>An iterative program of archaeological field evaluation has been discussed in outline with Historic England and the NLC’s archaeological advisor and agreed in September 2021. WSIs for the first phases of this have been agreed and undertaken in October and November 2021. Further agreement with NLC in November 2021 was reached for a WSI to be developed setting out additional geoarchaeological, geophysical and trial trenching surveys to be carried out early in 2022. The program of works will continue during and after submission of the Environmental Statement (Document Reference 6.0). The program for these works is included in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Document Reference 6.2.12).</p> <p>An extensive programme of geophysical and geoarchaeological survey is now complete and specialist reports have been issued to NLC for comment.</p> <p>An extensive programme of trial trench evaluation was also completed in areas where access was permitted.</p>	

	A programme of additional archaeological evaluation and mitigation has been discussed with NLC and is described in the Overarching Archaeological Mitigation Strategy report.	
<p>The content of the desk-based assessment set out in the PEIR based on existing HER records and updated data lacks reference to the full range of sources that we would expect to be consulted as a matter of course in line with professional standards and guidance.</p> <p>These sources should include the national archaeological records (NMR and Historic England research databases), aerial photographic collections, LIDAR data, a specialist geo-archaeological review of existing data and production of a preliminary deposit model. Evidence of consultation of historic mapping for the study area is omitted and it is unclear what, if any, archive collections were consulted. Nor does the standard site visit and walk-over survey of the proposed development area appear to have been undertaken to identify known and potential remains and verify their condition, or to describe ground conditions.</p> <p>NLC has reviewed these two reports and issued comments to the Applicant. Revisions and outstanding sections of the reports are awaited for final versions.</p>	<p>The Desk Based Assessment has been upgraded to account for comments. Geoarchaeological modelling has been undertaken based on historic boreholes combined with the results of recent geophysical investigation work undertaken for the project. This is included in the baseline section of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Document Reference 6.2.12) and in appendices including a desk-based assessment, geoarchaeological model and geophysical report.</p> <p>Geoarchaeological and geophysical survey continued throughout 2022 and updated reports have been reviewed by NLC.</p>	
Scope needed for pre-assessment survey work.	Further surveys were agreed and carried out. The program for these works is included in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Document Reference 6.2.12).	
Sections 6 – 10 of the PEIR chapter relating to the baseline evidence, mitigation, assessment of likely effects, further	As agreed with Historic England and North Lincolnshire Council's archaeological advisor on the call of 15th September 2021, a	

<p>mitigation and residual effects and monitoring, are considered premature until the archaeological field evaluation is completed and heritage assets are sufficiently well identified and understood to assess their significance and the impact of the proposed development and opportunities for mitigation or to off-set harm that cannot be avoided.</p> <p>NLC are of the view that a stand alone Archaeological Mitigation Plan should be produced. Mitigation proposals will need to be fully reviewed and revised on completion of the evaluation and updated Impact Assessment.</p>	<p>mitigation plan is included in Section 7 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Document Reference 6.2.12) and may be modified following completion of evaluation surveys as set out in Appendix E and F of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Document Reference 6.2.12).</p> <p>As set out in requirement 11 in the dDCO, the Applicant is committed to producing a stand alone Archaeological Mitigation Plan (referred to as the overarching archaeological mitigation strategy).</p> <p>The overarching archaeological mitigation strategy includes any modifications to the mitigation plan as originally described in Section 7 of ES Chapter 12: (Document Reference 6.2.12).</p>	
<p>The LPA is concerned about the considerable gaps in the information provided in the PEIR chapter and appendices and what is necessary to inform the EIA. It is advised that appropriate field evaluation will need to be undertaken at the earliest opportunity to inform the pre-determination EIA and DCO examination process, and that any mitigation measures resulting from the findings of the evaluation should be set out in a final Mitigation WSI, the implementation of which may be secured by an appropriately worded DCO requirement.</p>	<p>Environmental Statement (Document Reference 6.2.5) contains updated baseline information addressing the gas identified in the Preliminary Environmental Information Report (PEIR). A program fieldwork has been completed based on WSIs approved by NLC’s archaeological advisor. A program setting out completion of these surveys is included in Appendix G of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Document Reference 6.2.12), along with a draft mitigation strategy to be finalised after the evaluation work is complete.</p> <p>Requirement 11 in the dDCO sets out the programme of archaeological investigation and mitigation measures that must be undertaken as part of the application. This requirement also sets out that the mitigation measures relating to this must be carried out in accordance with the approved overarching</p>	

	archaeological mitigation strategy and approved written schemes of investigation.	
<p>The Field evaluation presented in WSIs is insufficient. In relation to:</p> <ol style="list-style-type: none"> 1. The core development area in the alluvial zone. NLC have stressed the need for a phased strategy in which geoarchaeological evaluation informs the trial trench scope. 2. Ancillary parts of the scheme where the depth of impact and potential impact to archaeology is not yet clear, such as the landscaping/future mitigation components of the project. NLC stress that the archaeological evaluation should inform the design process, not the other way around. 3. Trial trenches should also be positioned to evaluate blank areas where geophysical survey did not identify any features. The field evaluation needs to assess all areas of the development where there will be any ground disturbance before, during or after construction, including landscaping and biodiversity features. At this stage NLC cannot be confident that the evaluations carried out to date have covered all potential impacts arising from the development due to a lack of firm proposals and site maps pre-submission of the application. <p>The trial trench evaluation commenced on 1st December 2022 before submission of final revisions and plans; a response and further comments were made on the WSI on 10/01/23 during ongoing fieldwork. The trial trench report requires further edits and additional information to be incorporated before a final version is issued to NLC for approval.</p>	<p>Revised approach discussed and agreed with NLC:</p> <ol style="list-style-type: none"> 1. Geoarchaeological WSI revised to include an extra transect of ERT and additional boreholes in core development area. These surveys have recently been completed (late September 2022) and final discussion on the extent of trial trench in the deep alluvial deposits will take place as soon as the geoarchaeological report is available (early November 2022). A provisional plan for trial trenches in the core development area has been made and provisionally approved by NLC but are dependent on the results of the geoarchaeological work. The case of the ERF is slightly different as though there is a higher potential there for shallower archaeology to exist, practical difficulties mean that evaluation would necessarily take place once the current industrial usage has ceased. 2. Trial trench WSI revised to include landscaping/future mitigation areas. 3. Trial trench WSI revised to include additional trenches in areas where geophysical survey did not identify any features. <p>Following the review of the draft geoarchaeological report by NLC in late November, the revised trial trench WSI was agreed in principle with NLC on 1st December 2022 and the trial trench field evaluation began on 5th December. This work is now completed and results discussed with NLC in a series of workshops in March and April. the final report was reviewed by NLC on 27th April 2023.</p> <p>As discussed and agreed in a meeting with NLC on 1st December 2022, there are a number of potential impacts that still require</p>	

	<p>further definition. This largely concerns landscaping and wetland creation. The Applicant is in agreement that the final designs of these proposals may require field evaluation if potential impacts are identified and is currently engaging the design team to seek this information.</p> <p>The overarching archaeological mitigation strategy has been written as a 'live' document to be updated as and when ground impacts are defined. Further archaeological works can be designed in collaboration with NLC as appropriate.</p>	
<p>NLC requests the WSI for the archaeological trial trenching include geo-referenced Ordnance Survey base maps at appropriate scales on which the trench locations should be accurately displayed.</p> <p>This matter has now been agreed.</p>	<p>The OS based maps are being completed to supplement the plans already submitted.</p> <p>This has been agreed in the meeting between ERM and NLC on the 1st December 2022.</p>	
<p>The completion of the field evaluation prior to the determination of the DCO is necessary to ensure the identification of any previously unknown remains, and to date and characterise all the heritage assets, the results to update the assessment of heritage significance in the EIA and inform the preparation of an appropriate archaeological mitigation strategy, in line with national and local planning policy.</p>	<p>It has been agreed with NLC that Flixborough Industrial Estate and the port area will be evaluated post-consent due to their current industrial land use.</p>	

<p>This matter has now been agreed.</p>		
<p>NLC notes with concern that core elements of the proposed Project described in Chapter 3 of the ES (Project Description and Alternatives) [APP-051] are not referred to in section 4.1.1.2 and section 6.7 of Chapter 12 of the ES [APP-060], or within the submitted archaeological reports and WSIs, such as the construction of a new access road, new roundabout, railhead, SUDs features, new waterbodies, and landscaping proposals. Prior to the publication of the ES and Work Plans, these details were not forthcoming in response to NLCs HER queries and requests for information when considering the proposals. This has potential implications for agreement of the adequacy of the archaeological evaluation, the scope of the archaeological surveys and the trial trenching WSI, as well as for the applicant's impact assessment and mitigation strategy set out in Chapter 12 of the ES.</p> <p>This matter has now been agreed.</p>	<p>The updated version of the trial trench WSI reviewed by NLC does include a plan showing these elements and the potential impacts of all these elements have been discussed at length using the published work plans on the 1st December 2022. The reason why they were not assessed in detail is that these Project components are all situated within the floodplain (referred to as Area 2 within ES, Chapter 12 [APP-060]) and it was thought very likely that the impact on buried archaeological deposits would be minimal because of the thick body of undifferentiated flood silts that was thought to extend across this whole area. The new geoarchaeological deposit model (produced in November 2022) has plotted the extent of these thick deposits in detail and shows that this assumption was largely true.</p> <p>In the meeting on the 1st December 2022, it was agreed between ERM and NLC that trial trench evaluation should be limited (for now) to the south and east of Area 2, where this silt was known to be <1m in depth.</p>	
<p>NLC request that Section 8.2 consider beyond individual designated assets, such as the character and settings of historic villages of Flixborough and Amcotts.</p>	<p>These settlements do not have Conservation Areas and therefore have not been considered as heritage assets. The historic core of Amcotts is set well back from the river and is screened from Flixborough Port by trees so, like the listed</p>	

<p>NLC are happy with this additional clarification and this matter is resolved.</p>	<p>buildings within it, any impacts from the operational facilities of NLGEP will be minimal. The NLGEP infrastructure will not be visible from Flixborough village and noise impacts (as set out in the noise assessment) will be minimal.</p>	
<p>NLC requests the WSI for the archaeological trial trenching include geo-referenced Ordnance Survey base maps at appropriate scales on which the trench locations should be accurately displayed.</p> <p>This matter has now been agreed.</p>	<p>The OS based maps are being completed to supplement the plans already submitted.</p> <p>This has been agreed in the meeting between ERM and NLC on the 1st December 2022.</p>	
<p>NLC asks for evidence to be provided which confirms that there is no impact on the setting of the grade II* listed building within 1km of the application site and 11 grade II buildings within 1km of the application site.</p> <p>NLC are of the view that a settings assessment should have been undertaken to confirm and evidence the assumed conclusion that there will be no impact upon the significance of the listed buildings.</p>	<p>Six Grade II listed buildings are situated within 1km of the main NLGEP infrastructure. The impacts of the proposals on the setting of these assets is provided in Section 8.2 of Chapter 12 of the ES [APP-060]. The remainder referred to by NLC lie within 1km of the proposed DHPWN only, the effect of which will be limited to localized impacts during construction. These have not been directly addressed in the ES because there will be no impact on their significance.</p>	
<p>Highways and Transport, including Public Rights of Way and cycle routes and to what extent HGV movements arising from the construction and operation of the development will have an impact on the highway network</p>		
<p>Related to the District Heating Network / Private Wire Network - Agreement to carry out works on A19 at night to avoid closure during daytime.</p>	<p>This is agreed</p>	

Related to the District Heating Network / Private Wire Network - Agreement to carry out works on roundabouts linking A1077 to Holyrood Drive at night	This is agreed	
Related to the District Heating Network / Private Wire Network - agreement to maintain access to Phoenix Avenue during any works	This is agreed	
Related to the District Heating Network / Private Wire Network - Agreement to construct the DHN / PWN in the northern (eastbound) lane of the A1077 Whilst the agreements surrounding the installation of the District Heating/Private Wire Network have been agreed in principle, we recognise that there may be a need to revisit these agreements as the project is further developed.	This is agreed	
It is agreed that the speed limit on the new access road would be 50 miles per hour, as well as the classification of the new road to be category C (meeting 01.02.2022).	This is agreed	
It is agreed that the road signage falling outside the RLB would be funded as part of a S106 agreement (meeting on 11.02.2022) It is understood that this is now proposed to be secured via an agreement under Section 111 of the TCPA?	Understood that NLC request that this be secured via Section 111 of the TCPA. Discussions ongoing.	
Scope of classified turning counts and Automatic Traffic counts (undertaken October 2022) agreed with Council as part of the TA scoping Discussions	This is agreed	

<p>Agreed the proposals involve the reinstatement of the footpath with a new footbridge crossing of the branch line. In terms of programme, should the DCO be successful, we confirmed we would anticipate the footbridge being built at the end of year 1 (2023)/start of year 2 (2024). Also agreed that we do not have a detailed design yet and therefore could not provide a specification of the bridge at this stage (confirmed via email on 14/02/2022 and 16/02/2022).</p>	<p>This is agreed</p>	
<p>NLC would like to see the proposed permissive footpath along the south side of the railway, linking FP178 with FP177, approximately 500m distant at most, should be dedicated as a permanent footpath for inclusion on the definitive map instead. Given the scale of the development and the importance that this dedication would have for the local path network’s connectivity in perpetuity, this is not an unreasonable expectation.</p> <p>NLC are happy with the proposed approach subject to a potential minor tweak to the alignment of the proposed dedicated Public Right of Way. NLC to provide a plan showing suggested alignment change to the applicant w/c 06/03/2023.</p> <p>This item is agreed.</p>	<p>The Applicant has updated the DCO to secure a dedicated PROW between FP178 and Phoenix Parkway (publicly accessible land). The Applicant has amended the alignment of the PROW as agreed with NLC. The Applicant will update the Access and Rights of Way Plans and submit these at Deadline 7 to reflect the agreed alignment.</p> <p>The Applicant agrees to continue to work with NLC to ensure the detailed design of the PROW dedicated as part of the DCO meets the required design standards in due course.</p>	
<p>NLC would like to understand what the reduction in HGV movements would be if movements were made by rail/river modes. They also query timescales for introducing deliveries by rail/river.</p>	<p>The core elements proposed on the Project are estimated to generate an average of 175 one-way vehicle movements per day during operation. If all fuel is transported to the Project by rail, with all other materials by road, then the number of one way vehicle movements would be reduced to an average of 65 one-way vehicle movements per day (as set out in Para 5.6.6 of</p>	

<p>NLC are happy with this additional clarification and this matter is resolved.</p>	<p>the ES Chapter 13: Traffic and Transport (APP-061)). Deliveries of construction materials and feedstock by river can be immediate as the Flixborough Wharf is and will remain operational. The potential capacity of two vessels per day could also provide feedstock requirement.</p> <p>The phasing of the reinstatement of the railway is reliant on a number of interrelated matters. The Applicant has proposed a new requirement in the draft DCO to ensure that Work no.3 (reinstatement of the railway line between Flixborough Wharf and the Dragonby sidings including new sidings) is operational by the date of commissioning of the ERF at the latest.</p> <p>Further information on this is set out in the Applicant’s response to Q14.0.8.</p>	
<p>NLC request whether allowance has been made in assessments for car sharing.</p> <p>NLC are happy with this additional clarification and this matter is resolved.</p>	<p>Construction vehicle data including construction workforce trips allow for an average vehicle occupancy of 1.5 per vehicle i.e. car sharing has been accounted for in the vehicle numbers used in the assessment. The Outline CLP (Appendix D of APP-061) confirms that car sharing would be promoted as part of the construction workers travel plan.</p>	
<p>NLC would like further clarification on the HGV movement figures. It appears that there are two figures provided for the average number of HGV movements to/from the site. Paragraph</p>	<p>The daily average of 452 two-way HGV movements (paragraph 6.5.5 from the Transport Assessment (Appendix B of APP-061)) is correct. This average assumes a continuous stream of</p>	

<p>6.5.2 gives an average figure of 175 one-way HGV movements, but paragraph 6.5.5 suggests a total daily average of 452 two-way HGV movements. It is unclear which figure is accurate. This paragraph also gives a total daily maximum of 488 two-way HGV movements.</p> <p>NLC are happy with this additional clarification and this matter is resolved.</p>	<p>deliveries - the daily maximum of 488 two-way HGV movements takes account of possible delivery variables (due to sourcing and fuel suppliers etc). The peak maximum has been used in the assessment as a worst case.</p>	
<p>NLC would like to see a more tailored approach to the site wide measures and initiatives once staff travel surveys have been completed. They note that very few incentives are offered.</p> <p>NLC are happy with this additional clarification and this matter is resolved.</p>	<p>The Operational Workplace Travel Plan (Appendix C of ES Chapter: Traffic and Transport (APP-061)) sets out preliminary information at this stage - once the baseline employee Travel Surveys have been completed following occupation, the preliminary targets and measures set out in the Travel Plan will be reviewed (and improved where necessary) to ensure that appropriate measures / initiatives are in place to deliver the outcome / targets.</p>	
<p>Landscape and Visual Impacts</p>		
<p>Light impact assessment should be included as part of the application of external lighting proposed</p> <p>It is agreed that an appropriate Light Impact Assessment has been provided. Furthermore, it is noted that the dDCO includes a Requirement for a scheme of external lighting to be submitted to and approved by the LPA.</p>	<p>Considered in the LVIA in Chapter 11: Landscape and Visual Impact of the Environmental Statement (Document Reference 6.2.11). See also Annex Indicative Lighting Strategy (Document reference 6.3.4).</p>	

<p>LVIA approach agreed to the assessment of landscape and visual impacts.</p>	<p>This is agreed</p>	
<p>LVIA - concerns raised with short range views across River Trent from Amcotts to the west</p> <p>Mitigation measures are understood and good design at the detailed design stage will be key. However there is still a concern that the LVIA identifies significant adverse impacts on receptors at Amcotts even following mitigation. This adverse impact needs to be weighed in the planning balance.</p> <p>It is agreed that there will be adverse visual impacts which need to be weighed in the planning balance. This matter is agreed.</p>	<p>Mitigation measures have been explored to reduce impacts on this view. Detailed in Chapter 11: Landscape and Visual Impact of the Environmental Statement (Document Reference 6.2.11), see paragraph 7.1.1.8 in particular.</p> <p>Overall, the applicant has sought wherever possible to mitigate effects on the local landscape and a wide variety of visual receptors in regard to the Project as a whole. Effects at many receptors will therefore be suitably mitigated; however, as identified in the ES, it is inevitable that by virtue of their close proximity to the proposed development the assessment has identified significant residual effects at some receptors.</p> <p>It is agreed that adverse impacts need to be weighed in the planning balance (this is addressed in the submitted Planning Statement).</p>	
<p>LVIA - architectural mitigation to screen low level clutter and to minimise impacts against skyline</p> <p>Mitigation measures will help screen low level clutter and reduce overall impact. These measures are appreciated. However, there is still a concern regarding the impact on short-range view from Amcotts and Stather Road.</p> <p>It is agreed that there will be adverse visual impacts which need to be weighed in the planning balance. This matter is agreed.</p>	<p>Architectural design has been developed to present a lower impact exterior, including the use of a substantive visual barrier to provide visual screening of ground level storage and activity ('clutter'), and treatment of the building profile to minimise impacts against the skyline. Mitigation measures are described in Chapter 11: Landscape and Visual Impact of the Environmental Statement (Document Reference 6.2.11). These measures inform the design principles set out in the Design Principles and Codes document (Document Reference 5.12), with compliance to be secured by a requirement in the DCO.</p>	

	As per comment above.	
<p>NLC wish to understand vertical and lateral extents of footbridges and how these have been assessed in the ES</p> <p>This matter is agreed.</p>	<p>The North Lincolnshire Green Energy Park project will include the construction of two footbridges over the railway line. Footbridge 1 is located at Ordnance Survey grid reference SE 880 146, approximately 100m west of the DHL warehouse on Nisa Way. It will replace a former level crossing and reinstate the existing FLIX 178 public right of way which is currently blocked off. As the railway line is at grade, approach structures (ramps) are required to ensure accessibility to the bridge. Footbridge 2 is located at Ordnance Survey grid reference SE 876 145. It will replace an existing footbridge crossing the branch line to maintain access between adjacent farmland. The railway line is located in a cutting with embankments either side. The footbridge will be installed above the level of the cutting so approach structures (ramps) are not required to access the footbridge. In response to the Inspectors' queries, further information on the proposed footbridges has been collated. A Note on Landscape and Visual Impacts of Proposed Footbridges has been prepared by LUC to consider the potential landscape and visual effects of the proposed footbridges, based on information contained within the ES and Design Codes and Principles Document, to summarise how these elements have been addressed in the DCO. This confirms that both of the footbridges are not anticipated to have any significant landscape and visual effects.</p>	

<p>NLC wish to understand the location and extents of the visual barrier and how this has been assessed in the ES.</p> <p>This matter is agreed</p>	<p>The applicant has prepared a plan which illustrates the indicative location of the visual barrier which will be appended to the Design Codes and Principles document. The maximum height of the visual barriers has also been added to the vertical parameter plans.</p> <p>A Note on Landscape and Visual Impacts of the proposed visual barriers has been prepared by LUC to consider the potential landscape and visual effects of the proposed visual barriers based on the outline information provided. This has concluded that the visual barrier is not anticipated to have any significant landscape and visual effects.</p>	
Noise, air quality and disturbance during construction and operation		
<p>Include map of discreet human receptors identified in close proximity to the new road</p> <p>Following the submission of Air Quality contour plots, this matter is now agreed.</p>	<p>This has been included in the application. Please see Figure 1a and 1b in the Chapter 5: Air Quality of the Environmental Statement (Document Reference 6.2.5) and Appendix A Figure 1 in Chapter 7: Noise (Document Reference 6.2.7).</p>	
<p>Human receptors should be identified and included on relevant figures</p> <p>NLC maintains the position that human receptors should be identified for other emissions sources (rather than just road traffic) to provide a robust assessment.</p> <p>Following meeting dated 01/02/2023 between the applicants and NLC Environmental Protection officers it is understood that the applicant has now agreed to identify human receptors and</p>	<p>Impacts associated with road traffic are assessed at specific human receptors in line with current Defra guidance. However, for other emission sources, including the main flue stacks, the maximum off-site impacts on air quality are considered regardless of whether a receptor is present at that location. This is in line with current Environment Agency guidance and ensures that any spatial uncertainty in the exact locations of the maximum impacts is captured. As such, for these impacts, assessing at discreet human receptors is not appropriate nor required.</p>	

<p>include them on relevant figures. This update is awaited and NLC will provide further comment once we have had the opportunity to review it.</p> <p>This matter is agreed</p>	<p>Also see above comment regarding maps provided in the ES.</p>	
<p>Questions why the AQIA does not include assessment of odour. To state that odour is principally controlled through best practice design is not satisfactory NLC maintain the position that an odour assessment should be provided to evidence that the proposed development will not result in odorous emissions that would impact on the local environment.</p> <p>Following meeting dated 01/02/2023 between the applicants and NLC Environmental Protection officers it is understood that the applicant has now agreed to undertake a qualitative risk assessment with regards to odour. This assessment is awaited and NLC will provide further comment once we have had the opportunity to review it.</p> <p>The submitted odour assessment has been reviewed and NLC are content that this issue has now been robustly assessed and that there is unlikely to be any significant impact in respect of odour.</p>	<p>See section 4.3.14 of the Chapter 5: Air Quality of the ES (Document Reference 6.2.5). The Institute of Air Quality management (IAQM) sets out the approach to odour assessment in “Guidance on the assessment of odour for planning”, Version 1.1 - July 2018. The guidance sets out the approach to assessing odour which considers three factors: (i) an emission source (i.e. a means for the odour to get into the atmosphere); (ii) a pathway for the odour to travel; and (iii) the presence of receptors that could experience an adverse effect. The RDF will arrive at the Project site sealed and so will not constitute a source of odour. After arrival it will be transferred to the tipping hall at which point it will be in a negative pressure environment so that there will not be a pathway for odour. As there is no odour source (or pathway), an assessment of effects on receptors is not necessary.</p> <p>An updated Air Quality assessment is submitted at Deadline 4 to include an odour assessment as agreed with NLC 01/02/2023.</p>	
<p>Questions use of data and age of data - why has a more local site such as Humberside Airport not been used.</p> <p>This matter is now agreed.</p>	<p>Doncaster airport is closer and considered to be more representative of the local situation. 2014-2018 data is considered to be appropriate. Data of this age will have been captured using contemporary weather equipment and is robust for the modelling. The use of 2014-2018 data was specifically</p>	

	<p>maintained in Chapter 5: Air Quality of the ES (Document Reference 6.2.5) to provide consistency with works undertaken in 2019 for the Project, to allow continuity in Project design and assessment execution for the benefit of the regulatory process</p>	
<p>Benefit of site-specific monitoring for some pollutants</p> <p>The ES sets out baseline conditions and the various sources of data that have been used to gather information, including: DEFRA background maps and monitoring locations across the UK (Scunthorpe, Hull, Birmingham, Warwickshire etc.). It is considered that satisfactory justifications for these locations has not been provided.</p> <p>The assessment has utilised several non-local monitoring locations due to the site being located within a rural location and a lack of local rural monitoring programmes. The definition of a rural monitoring location in accordance with LAQM TG16 is <i>“An open countryside location, in an area of low population density distanced as far as possible from roads, populated and industrial areas.”</i> It is unclear how this conclusion has been drawn given that the site is located within an industrial estate.</p> <p>One year of data has also been included from these varying locations, it is not clear why these years have been selected and inter-year variations have not been considered. Pollutant concentrations vary on a year by year basis due to operational activities, meteorological data and it would not be representative to consider one year in isolation.</p>	<p>Chapter 5: Air Quality of the Environmental Statement (Document Reference 6.2.5), which describes the baseline data used.</p> <p>The baseline data is derived from sources that are considered to be representative of the baseline at the sensitive human receptors. These are overwhelmingly rural villages and isolated properties with few sources of emissions and light traffic flows. Whilst the Project is located in an existing industrial estate, this is relatively small and local sources of emissions are not anticipated to have a significant impact on the air quality at the nearby sensitive receptors, and therefore a rural baseline is acceptable.</p> <p>The monitoring data has been derived from the most up-to-date data that has not been compromised by the Covid pandemic. Furthermore, the most up to date Defra mapping data is 2018, and therefore where possible 2018 data was used for consistency.</p> <p>The point around inter-annual variations is acknowledged. However, for the large majority of the pollutants of interest, the baseline concentrations at sensitive receptors are very low, and any inter-annual variability would be inconsequential to the results. For those pollutants where there might be expected to</p>	

<p>In the absence of robust and representative background concentrations, it is considered that a project of this scale would have benefitted from site specific monitoring for some of the pollutants.</p> <p>This matter has now been addressed and agreed.</p>	<p>be slightly more variability, nitrogen dioxide for example, the baseline and the process contribution is sufficiently small that even allowing for a large variability this would make no material impact on the outcome of the impact assessment.</p>	
<p>Noise - recommended guidance for assessments should include the following in addition to those listed in PIER assessment: World Health Organisation Environmental Noise Guidelines for the European Region (2018) World Health Organisation Guidelines for Community Noise (1999) World Health Organisation Night Noise Guidelines for Europe (2009). It is noted that reference has been made to WHO guidance in Section 5.3.3.3 but at no other section.</p> <p>This matter is now agreed</p>	<p>Guidance Documents</p> <p>These documents have been considered where they are relevant to the assessment criteria for the types of noise sources that are being considered. Further details can be found in Chapter 7: Noise of the Environmental Statement (Document Reference 6.2.7).</p>	
<p>Of the view that cumulative operational rating levels should not exceed background levels</p>	<p>BS 4142 Initial Assessment</p> <p>Predicted noise from the Project will be reduced to as low a level relative to background as is reasonably practical. It is noted that BS4142 states that the lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact.</p>	
<p>No comment has been made regarding the increase in background noise levels following the potential development and</p>	<p>Background noise levels and monitoring</p>	

<p>the impact this may have on the area and for future developments.</p> <p>Following meeting dated 01/02/2023 between the applicants and NLC Environmental Protection officers the position regarding background noise levels has been resolved. The noise survey was undertaken prior to the installation of the crane which is the subject of current investigation and mitigation so this piece of plant has not affected background noise levels for the site.</p> <p>This information has been provided to NLC and agreed. 7/3/2023</p>	<p>The potential for noise effects from road, rail and river transport as well as loading and unloading operations have been assessed in ES Chapter 7: Noise [APP-055]. The assessment, following national standards and guidance, considers increases in noise from the Project and also takes account of the local context.</p> <p>During operation, the Project has the potential to result in moderate daytime noise impacts at the closest residential receptors close to Ingelnook in Amcotts, during a loading or unloading event at the railhead. At all other receptors, the predicted effects are considered minor or not significant when the context of the noise is taken into account.</p>	
<p>When carrying out the S 4142:2014+A1:2019 assessment Tables 15-19 provide the predicted source noise levels as ‘predicted rating level’, however, a rating level is the source noise plus any feature corrections. No corrections for acoustic characteristics have been applied. The report provides the following justification:</p> <p><i>“An acoustic feature correction has not been applied in this assessment because it is most likely that the need for a correction can be avoided during the detailed design phase.”</i></p> <p>It is unclear how this justifies the omission of this requirement of a BS4142 assessment. With penalties, the rating levels may be up to 18dB higher than source noise levels. By omitting penalties, the results are unclear and the final results appear to have a lower impact on nearby noise sensitive receptors. 3. No allowance for uncertainty in the data has been included</p>	<p>Paragraph 7.3.1.1 of the ES noise assessment (REP8-006) notes that Requirement 22 of the draft DCO (Document Reference 2.1) sets limits in relation to operational noise emissions, Requirement 4 requires a noise management plan in relation to operational noise to be developed and agreed with NLC and Requirement 3 requires design details to be submitted to NLC for approval.</p> <p>The plan and the design details will include measures to demonstrate that noise from the operation of the Project, including noise from loading and unloading activities, is minimised as far as reasonably practicable and does not exceed the limits in Requirement 22. Measures are included within the design details to identify equipment with potentially distinctive noise characteristics based on test data and commissioning measurements and consider alternatives/mitigation if necessary. The noise management plan to control noise from</p>	

<p>(Appendix C 3.1.1.1) which further reduces confidence in the outcome of the assessment.</p> <p>No satisfactory information has been provided by the applicant. The approach taken is not adequate considering the scale of the development and the nature of the proposed noise sources. Position remains.</p> <p>It is also understood that the applicant intends to review their noise assessment to review whether acoustic feature corrections should be applied and whether mitigation is required to reduce the predicted noise levels from the site. This review and any resulting revisions to the noise assessment are awaited and NLC will provide further comment once we have had the opportunity to review any additional information.</p> <p>Our Environmental Protection officer is in the process of reviewing the revised noise chapter. This review will not be completed to allow for a response at D8; however we will be able to provide an updated position prior to D9.</p> <p>No comment has been made regarding the increase in background noise levels following the potential development and the impact this may have on the area and for future developments.</p>	<p>loading and unloading activities includes measures to demonstrate that, in combination with noise from the fixed plant, the noise limits set out in requirement 22 are not exceeded. A commitment to explore further mitigation measures is also included.</p> <p>The Applicant has updated the ES Chapter 7: Noise (REP8-006) at Deadline 8. The update is intended to address a number of matters raised by NLC, including the use of acoustic feature corrections and by providing additional clarity regarding the consideration of uncertainty. It is acknowledged that there remain some matters on which agreement has not yet been reached. On these matters communications continue to try and find resolution where possible.</p>	
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<p>Following meeting dated 01/02/2023 between the applicants and NLC Environmental Protection officers the position regarding background noise levels has been resolved. The noise survey was undertaken prior to the installation of the crane which is the subject of current investigation and mitigation so this piece of plant has not affected background noise levels for the site.</p> <p>This information has been provided to NLC and agreed. 7/3/2023</p>		
<p>Section 7.3.1.1 states that a noise management plan will be formulated for control of deliveries. However, there is no mention of the control of any other noise sources in this section.</p> <p>A noise-monitoring and management programme is proposed as a form of mitigation to be agreed with NLC. It is proposed that the programme will be to demonstrate noise from the operation of the Project is no higher than reported in the ES. It is essential therefore that the ES accurately reflects the noise from the proposal, including all feature corrections and uncertainties as mentioned above.</p> <p>Position remains, additional information/justification is awaited.</p>	<p>Acoustic Feature corrections, uncertainty, OEMP</p> <p>The ES predictions are based on realistic noise levels that are achieved by plant and equipment used at this type of site, including measurements of equipment at other port operations. Where there is uncertainty in data, a conservative worst case approach has been adopted to ensure that likely noise impacts are not under predicted.</p> <p>Requirement 4 in Schedule 2 of the draft DCO (Document Reference 2.1) requires a noise management plan in relation to operational noise to be developed and agreed with NLC. Requirement 3 requires design details to be submitted to NLC for approval. The plan and the design details will include measures to demonstrate that the noise rating level (as defined in BS 4142) from the operation of the Project, including noise from loading and unloading activities, does not exceed the limits in Requirement 22, and where practicable, to reduce rating noise levels to below the levels that have been predicted.</p>	

	<p>As stated above, the Applicant has updated the ES Chapter 7: Noise (REP8-006) at Deadline 8. The update is intended to address a number of matters raised by NLC, including the use of acoustic feature corrections and by providing additional clarity regarding the consideration of uncertainty.</p> <p>The updates to the ES Chapter 7 as well as the ES mitigation chapter 19 (REP8-009) and the draft Operational Environmental Management Plan (REP8-010), provide additional information regarding the measures that will be used to control noise from all operational noise sources.</p>	
<p>NLC have met with the Applicant and continue to engage to understand the approach to baseline and assessment impacts with regard to Noise. Feedback on the Applicants' latest technical note was provided on the 17th March 2023.</p> <p>Our Environmental Protection officer is in the process of reviewing the revised noise chapter. This review will not be completed to allow for a response at D8; however we will be able to provide an updated position prior to D9.</p>	<p>Ongoing Enggement</p> <p>The Applicant is continuing to actively engage with NLC.</p> <p>The Applicant has updated the ES Chapter 7: Noise (REP8-006) at Deadline 8. The update includes details of measures to demonstrate that the noise rating level (as defined in BS 4142) from the operation of the Project, including noise from loading and unloading activities, does not exceed the limits in Requierment 22 in the Draft DCO (Document reference 2.1), and where practicable, to reduce rating noise levels to below the levels that have been predicted.</p>	
<p>Section 7.2.1.2 states the lead contractors will obtain prior consent from NLC under Section 61 of the CoPA for the proposed construction work. The consent application will set out BPM measures to minimise construction noise and vibration, including</p>	<p>In response to this request, the commitment to apply for consent under Section 61 of the Control of Pollution Act (CoPA) has been replaced with a commitment to submit a CEMP which will be developed by the appointed contractor and agreed with</p>	

<p>control of working hours, and provide a further assessment of construction noise and vibration, including confirmation of receptor-based mitigation provision. The LPA would prefer that a Requirement is applied to any consent granted requiring the submission of a Construction Environmental Management Plan (CEMP) which includes all the above items, to be agreed with the local planning authority. Furthermore, it would be helpful for an outline CEMP to be included as part of the application.</p>	<p>the local planning authority (requirement 4 of the dDCO). The main noise management and noise monitoring requirements are described in the CoCP in Annex 7 of the ES (Document Reference 6.3.7).</p>	
<p>NLC Response to ExA’s recommended amendments to the Applicant’s Draft DCO Revision 5 [Rep6-004]</p>	<p>NLC noted concerns that the suggested noise requirement, which sets a single daytime and night-time noise limit for all relevant receptors rather than a limit based on an exceedance over the background sound level, could potentially result in large exceedances over the background sound level at noise sensitive receptors with low background sound levels, including those situated further from the Project site in rural areas.</p> <p>The highest noise levels predicted in the ES noise assessment (REP8-006) occur at the closest properties to the Project, in Amcotts. By meeting the proposed requirement noise limit at these properties, noise levels at other properties further from the Project would be lower due to the increased distance. Consequently the exceedances of background sound level presented in Tables 1 and 2 (of NLC’s memo dated 28/04/2023, Reference PLU006993) are unlikely to occur.</p> <p>It is also noted that the results presented in these tables include an initial estimate of significance in accordance with BS 4142, however, they do not take into consideration the context in which the sound occurs, as required by BS 4142. Information regarding the context and resulting significance of noise effects is presented in Table 20 of the ES noise assessment (REP8-006).</p>	

<p>NLC suggest they would wish to see a noise limit for the evening period in ExA’s suggested noise requirement 5 dB lower than during the daytime limit, based on WHO 1999.</p>	<p>The noise limits in the ExA’s suggested noise requirement are based on the recommended noise levels from BS 8233:2014, which is the appropriate UK standard referred to by BS 4142. BS 8233 does not recommend a lower evening limit for external amenity. In addition, the suggested noise requirement proposes a 1h daytime criterion which is conservative as it does not take into account that loading/unloading activities (which result in the highest predicted noise levels in the ES noise assessment) will not be a continuous activity during the daytime period.</p>	
<p><u>NLC suggest low frequency noise should be considered</u></p>	<p>BS 4142 states that it is not applicable to the assessment of low frequency noise and instead references NANR45. NANR45 states:</p> <p>“The procedure is intended to assist in the evaluation of existing problems. It is not intended as a means of predicting when disturbance might occur, for example in a planning situation, and would not be reliable to use as such. This is because disturbance by LFN [low frequency noise] depends on a number of factors, such as the character of the sound, whose effects are neither well understood, nor readily predictable. Levels of sound above criteria based on the average threshold of hearing are frequently found to be acceptable and levels falling marginally below can occasionally cause disturbance, so no generic approach to prediction of disturbance appears to be possible.”</p> <p>However, it is noted that the noise limit proposed in requirement 22 is in terms of an A-weighted rating level, which</p>	

	<p>takes into account low frequency noise. It is also noted that the reference method for identifying audible tonality provided in BS 4142 includes procedures for low frequency tones and where found to be audible, an acoustic feature correction would apply. NLC could require this method to be used as part of ongoing monitoring measures set out in the OEMP, which must be approved by NLC.</p> <p>NLC refer to their previous comments made at Deadline 6 in relation to their preference that the rating level does not exceed existing background or +3dB above background in line with two examples of recent DCO Applications:</p> <ul style="list-style-type: none"> • The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022; and • The Immingham Open Cycle Gas Turbine Order 2020 <p>The Applicant’s response to these comments can be found in Applicant’s responses to ExAs ExQ2, submissions received at Deadline 6 and further information (Document reference 9.28) [REP7-032]</p>	
<p>This department has concerns that the Predicted Rating Levels are above WHO guidelines, and significantly above existing background in the area with an increase of +15 dB above background.</p>	<p>NLC Comments on updated noise assessment</p> <p>It is acknowledged that agreement has not yet been reached on this matter.</p> <p>The Applicant has provided additional information within the updated ES Chapter 7: Noise (REP8-006) at Deadline 8, to demonstrate that, once the context is considered, the significance of noise effects from the fixed plant (e.g. the ERF, carbon capture, concrete block manufacture) are predicted to</p>	

	<p>be minor at most, whilst during daytime loading/unloading events at the wharf and railhead, the noisiest activity (RDF loading and unloading at the Wharf) would result in noise effects of up to moderate at the closest receptor (in Amcotts).</p>	
<p>Ground Conditions</p>		
<p>It is agreed that the approach to ground gas monitoring (weekly monitoring at 5 locations for a period of 8 weeks) is acceptable. Site Investigation works have been undertaken and the report is included in Appendix E of Chapter 8: Ground Conditions, Contamination and Hydrogeology of the Environmental Statement (Document Reference 6.2.8). Two of the wells to the north of Stather Road (northern end of the Glanford House Complex and at the former Bellwin House) are categorised as CGS 1 (very low). Each characteristic situation relates to a typical scope of protective measures required for the identified level of risk (see CIRIA C665, NHBC March 2007 and BS 8485:2015 for scope of risk management measures likely to be required), ranging from 1 (very low) to 6 (very high). The remaining three wells are on agricultural land, one of which is categorised as CGS1, one CGG 2, and one as CGG2 or 3 due to an elevated flow rate being recorded during one round. Due to access issues and underground obstructions, no gas monitoring wells could be installed in the wharf area.</p>	<p>This is agreed</p>	
<p>Socio Economics</p>		
<p>The approach to the assessment of socio-economic impacts presented in Chapter 14: Economy, Community and Land Use Impacts of the Environmental Statement (Document 6.2.14) is agreed.</p>	<p>This is agreed</p>	

<p>The number of jobs identified to be created (136 net direct jobs) is agreed to be a moderate benefit as set out in Chapter 14: Economy, Community and Land Use Impacts of the Environmental Statement (Document Reference 6.2.14), table 19.</p>	<p>This is agreed</p>	
<p>It is agreed that a Local Labour Agreement will be entered into.</p>	<p>This is agreed</p>	
<p>It is agreed that the visitor centre has the potential to support local community, the wider area and the visitor economy.</p>	<p>This is agreed</p>	
<p>Due to issues related to wider indigenous business needs for temporary accommodation, associated with large scale industrial 'shut downs' (e.g. steel works, oil refineries and energy intensive industries), there is the potential for a significant impact at 'pinch points' throughout the construction period. This alongside other emerging largescale projects in the area is likely to push demand into more rural regions associated predominantly with the visitor economy. This may have negative impacts on the longer term visitor economy offer post construction. NLC would like to see that the Applicant has assessed this issue and that potential impacts are appropriately mitigated to prevent displacement of the existing visitor offer via the removal of temporary accommodation during the construction period.</p> <p>NLC would be willing to work with the Applicant and local accommodation providers, should consent be granted, to try and mitigate the potential impact on local accommodation. NLC have no further concerns to raise in this regard.</p>	<p>The Applicant is cognisant of the impact of an influx of construction workers for major infrastructure works. The Applicant will continue to work closely with NLC to look at medium term solutions including the conversion of redundant buildings into hotel accommodation that could continue to serve the local community after the construction phase of the Project is complete.</p> <p>The Applicant believes a close liaison with NLC will mitigate some of the concerns raised.</p>	

<p>NLC has concerns regarding the 13 occupied premises that are proposed to be demolished to accommodate the development. It is noted that 8 of the buildings are associated with Flixborough Wharf, but the buildings within Wharfside Court contain a number of micro/small businesses. The mitigation of this impact is essential.</p> <p>NLC are aware that the Applicant is exploring potential options to facilitate the successful relocation of existing businesses and are liaising with the Applicant in this regard. Furthermore, it is noted and accepted that the ES provides a worst-case socio-economic impact assessment based on an assumption that all existing jobs would be lost and as such this issue has been appropriately assessed as part of the application.</p>	<p>The Applicant proposes to integrate the port operational staff within the ERF administration offices as they will form an integral part of the port operations. Some of the storage facilities will be re-located into the large steel stocking shed. The 18 staff currently employed by RMS Ports at Flixborough Wharf will continue to be employed.</p> <p>The Applicant is working with NLC to identify potential alternative premises/sites in the area. However, the socioeconomic impact of complete loss is included within [APP-062] which states at paragraph 8.2.1.6: “The Applicant has consulted each of the affected businesses in Wharfside Court and there are currently a number of relocation opportunities within the local area which are being explored. There would be a direct loss of up to 40 jobs associated with the relocation of the businesses at Wharfside Court unless these businesses are able to relocate locally within the LIA. For the purposes of assessment, it has been assumed that all of these jobs will be lost.”</p> <p>This compares to 3,550 jobs created during construction of the Project (see Table 16 of APP-062) and 290 direct jobs during operation (see Table 19 of APP-062). Although APP-062 describes the effect as temporary, it would be permanent if these businesses are not able to find alternative premises.</p>	
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Design Review Panel (DRP)		
<p>NLC wish to understand how the role of the project specific DRP for NLGEP would facilitate good design and agree a framework for its operation and governance.</p> <p>NLC are happy with the DRP framework provided by the Applicant and are happy to continue engagement to refine this process prior to its implementation.</p>	<p>The Applicant has provided a draft Design Review Panel Framework document (Appendix B) and convened a meeting to discuss how the framework would operate to ensure the delivery of good design.</p> <p>The document sets out governance structure and suggested process to discuss how detailed design elements are reviewed prior to discharge of relevant requirement.</p> <p>Applicant commits to work with NLC to refine the process and confirm programme for implementation.</p>	
Requirements		
<p>NLC wish to confirm agreement of Articles and Requirements include in the DCO</p>	<p>The Applicant has reviewed the Articles and Requirements within the DCO with NLC and confirms the status of agreement as per Appendix C.</p>	
Local Impact Report		
<p>This item is agreed</p>	<p>In response to the ExA Written Question Q2.9.0.2 the Applicant has prepared a document setting out the Applicants response to points raised in the LIR and subsequent hearings which are not currently covered in this SoCG. This has been shared with NLC and an update will be provided at DL7.</p> <p>The Applicant and NLC have jointly reviewed the LIR and the applicants response. additional items have been added to the SoCG capturing the position of each party.</p>	

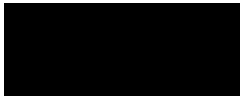
	The applicant and NLC are content that the SoCG now includes the agreed position on all items raised from the LIR.	
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4.0 SIGNATURES

4.1.1 This Statement of Common Ground is agreed:

On behalf of North Lincolnshire Council:


Name: Andrew Law

Signature: 

Date: 10/05/2023

On behalf of the Applicant:

Name: David Jones

Signature: 

Date: 10/05/2023

APPENDIX A: NATIONAL AND LOCAL POLICY CONSIDERED RELEVANT TO THE PROJECT

National Planning Policy

A policy hierarchy exists in determining whether development consent for a Nationally Significant Infrastructure Project (NSIP) should be granted, where a designated National Policy Statement (NPS) is in place.

Section 104 of the Planning Act 2008 (the 2008 Act) states that the Secretary of State (SoS) must decide an application “in accordance with” any relevant, designated NPS and must have regard to any matters they regard as important and relevant.

The following designated NPS’s are relevant to the Application and provide the primary basis for decisions by the SoS in relation to the Application:

- Overarching National Policy Statement for Energy (NPS EN-1)
- National Policy Statement for Renewable Energy Infrastructure (NPS EN-3)
- National Policy Statement for Electricity Network Infrastructure (EN-5)

The following planning policy documents may be an important and relevant matter but do not form the primary basis for a decision on an NSIP

- National Planning Policy Framework (July 2021); and
- Planning Practice Guidance.

It is acknowledged that there is a suite of draft NPSs which were published on 6 September 2021 and consulted on until 29 November 2021. However, paragraph 1.6.2 of the Draft Overarching NPS for Energy states:

“Applications for development consent will have been prepared, and may already be in examination, in reliance upon the 2011 suite of NPSs (or for nuclear development based on the position set out in the Written Ministerial Statement of 7 December 2017/10). The Secretary of State has decided that for any application accepted for examination before designation of the 2021 amendments, the 2011 suite of NPSs should have effect in accordance with the terms of those NPS. The 2021 amendments will therefore have effect only in relation to those applications for development consent accepted for examination after the designation of those amendments.”

Need for the Development

Section 4 of the Planning Statement (Document Reference 5.1) (Examination Library Reference APP-035) considers the policy case for the development and the need for the Project in detail. The below paragraphs summarise the key NPS policies considered relevant to the need for the Development.

NPS EN-1 Paragraph 2.1.2 recognises that energy is vital to economic prosperity and social well-being and thus establishes that it is important to ensure that the UK has 'secure and affordable energy'. Paragraph 2.2.20 states that it is critical that the UK continues to have secure and reliable supplies of electricity during the transition toward a low carbon economy, and that to manage risks this means ensuring that there is sufficient capacity (including a greater proportion of low carbon generation) to meet demand at all times, including a safety margin of spare capacity to accommodate unforeseen fluctuations in supply or demand.

Part 3 of NPS EN-1 concerns the need for new energy NSIPs and sets out a number of key reasons why there is an urgent need for new electricity generating infrastructure, including:

- meeting energy security and carbon reduction objectives;
- the need to replace closing electricity generating capacity;
- the need for new electricity capacity to back up the increased contribution of intermittent forms of renewable generation; and
- future increases in electricity demand

On the need for more electricity capacity to support an increased supply from renewables, NPS EN-1 states at Paragraph 3.3.10 that the Government is committed to increasing dramatically the amount of renewable generation capacity, and that this increasingly "may include plant powered by the combustion of biomass and waste".

Against this background of a need for renewable energy in the context of meeting greenhouse gas reduction targets, NPS EN-1 Paragraph 3.1.14 confirms that demand for electricity is also likely to increase and that "a substantial amount of new generation" will therefore be needed. This all leads to a position where "there is an urgent need for new (and particularly low carbon) energy NSIPs to be brought forward as soon as possible" (NPS EN-1 Paragraph 3.3.15).

The role of Energy from Waste (EfW) in addressing the UK's energy needs is outlined in paragraphs 3.4.3 – 3.4.5 of NPS EN-1. Paragraph 3.4.3 explains that EfW is a type of renewable generation, as the principal purpose of the combustion of waste is to reduce the amount of waste going to landfill in accordance with the Waste Hierarchy and to recover useful energy from that waste. Paragraph 3.4.4 explains that EfW can provide 'dispatchable' power, constituting an increasingly important contribution to the security of UK electricity supplies. Paragraph 3.4.5 of NPS EN-1 states that: "it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent."

From the outset NPS EN-3 (Paragraph 1.1) also confirms the objective to further the provision of renewable energy generation in the UK stating that: “Electricity generation from renewable sources of energy is an important element in the Government’s development of a low-carbon economy. There are ambitious renewable energy targets in place and a significant increase in generation from large-scale renewable energy infrastructure is necessary”.

Support for EfW is provided within Section 2.5 (Paragraph 2.5.2) of NPS EN3 which confirms that the recovery of energy from the combustion of waste, where in accordance with the waste hierarchy, will play an increasingly important role in meeting the UK’s energy needs. NPS EN-3 also confirms that where the waste burned is deemed renewable, this can also contribute to meeting the UK’s renewable energy targets and energy from waste forms an important element of waste management strategies in both England and Wales.

It is agreed that in national policy terms NPS EN-1 and NPS EN-3 together with recent UK energy and climate change policy outlined in section 4.2 of the Planning Statement individually and together establish a substantial need for projects of the same type as the North Lincolnshire Green Energy Park.

Local Development Plan policy

Section 104 of the 2008 Act states that the SoS must have regard to other matters that are ‘important and relevant’, and that includes local development plan documents. NPS EN-1 is clear that in the event of any conflict between a NPS and a local development plan document, the NPS prevails for the purpose of SoS decision-making given the national significance of the infrastructure concerned.

The following adopted planning policy documents may be an important and relevant matter but do not form the primary basis for a decision on an NSIP:

- The North Lincolnshire Council Local Plan (2003) Saved Policies (2007)
- The North Lincolnshire Local Development Framework (LDF) Core Strategy (2011)
- North Lincolnshire LDF Housing and Employment Land Allocations Development Plan Document (2016)
- North Lincolnshire LDF Lincolnshire Lakes Area Action Plan (2016)
- North Lincolnshire Planning for Renewable Energy Development Supplementary Planning Document (2011)
- Sustainable Drainage Systems (SuDS) and Flood Risk Guidance (2017)
- North Lincolnshire Transport Plan 2011 - 2026
- North Lincolnshire Council’s Municipal Waste Management Strategy (2012)
- Towns Fund Investment Plan

The following policies outlined in Tables 1, 2, 3, 4 and 5 below, and at Appendix B of Chapter 2 of the Environmental Statement (Document Reference 6.2.2) (Examination Library Reference APP-050) provide a summary of the adopted and emerging local plan policies considered of relevance to the Project. Table 6 provides a tabulated summary of the Lincolnshire Lakes Area Action Plan (AAP)

Policies considered of relevance to the Project and outlined at paragraphs 2.2.1.3 and 2.2.1.4 of Appendix B of Chapter 2 of the Environmental Statement (Document Reference 6.2.2) (Examination Library Reference APP-050).

Table 1: Relevant North Lincolnshire Council Local Plan (2003) Saved Policies (2007)

Chapter	Policy Reference	Title	Summary	North Lincolnshire Council Position
Rural Development				E,g Relevant / Not Relevant Not saved policy no longer extant.
	RD2	Development in the Open Countryside	Seeks to control development in the open countryside. The policy lists types of development for which planning permission will be granted, subject to a number of criteria.	relevant
Transportation	T1	Location of Development	Provides guidance on the location of development which is likely to create a significant volume of traffic in relation to the settlement hierarchy of the existing highway network and public transport.	relevant
	T2	Access to Development	Requires all development to provide satisfactory access. Larger developments should be served adequately by being readily accessible by a choice of transport modes, existing public transport services, additions or extensions to such services and the existing highway network.	relevant
	T6	Pedestrian Routes and Footpaths	Requires major new developments to include links to nearby existing or proposed pedestrian routes.	relevant
	T8	Cyclists and Development	Requires new developments to i) include cycle links with existing or proposed routes where such opportunity exists; and ii) ensure that the provision of cycle parking facilities are in accordance with the standards set out in Appendix 2.	relevant

	T9	Promoting Buses and Trains	Encourages the use of buses and trains as alternative modes of transport. Details provision will be made for a number of schemes, including improvements to the local rail network.	relevant
	T11	Protecting Rail Routes	Safeguards the existing network of rail freight and passenger routes. States disused railway alignments will be protected from development where there is a reasonable prospect of their re- use for transport purposes or where there is potential for recreational use.	relevant
	T14	The North Lincolnshire Strategic Road Network (NLSRN)	States traffic will be concentrated on the Strategic Road Network and developments, which compromise the function of the NLSRN in traffic and safety terms, will not be permitted	relevant
	T15	Highway Improvements and New Highway Construction	States that where new highway infrastructure is being developed, or is included as an element of a development proposal, the design of the highway should take into account: ease and safety of movement and the need to conserve important cultural, archaeological and natural environment features.	relevant
	T19	Car Parking Provision & Standards	Requires car parking provision to meet the operational needs of businesses and comply with the Parking Provision Guidelines set out in Appendix 2 of the Local Plan	relevant
	T22	Rail Freight	Encourages the use of rail for goods traffic.	relevant
	T23	Water Freight	Recognises water transport represents an efficient means of moving a variety of freight cargoes. Requires new water freight development to demonstrate that the movement of heavy goods by road is minimised by making use of deep-water frontages by locating on deep-water frontages, and ensuring transfer of bulk goods from sea to inland makes optimum use of railways, rivers, canal and pipelines/ conveyor belts where appropriate.	relevant

	T24	Road Freight	Seeks to safeguard settlements from heavy goods vehicles. States the environmental impact of moving freight by road will be reduced by: concentrating lorries into the North Lincolnshire Strategic Road Network, banning heavy good vehicles from sensitive, encouraging the development of rail freight facilities, and encouraging the use of the waterways.	relevant
Leisure and Recreation	R5	Recreational Paths Network	Seeks to secure better access to the open countryside which will significantly enhance informal recreation opportunities. Supports development proposals which provide additional links to the recreational paths network and will improve the condition and appearance of existing links in the network.	relevant
Landscape and Conservation	LC1	Special Protection Areas(SPA), Special Areas of Conservation (SAC) and Ramsar Sites	Seeks to protect SPA's, proposed SPA's, SAC's or candidate SAC's from development proposals which may have significant effects on the sites.	relevant
	LC2	Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR)	Seeks to safeguard SSSI's and NNRs. Explains that in all cases where development is permitted which would damage the nature conservation value of the sites, such damage should be kept to a minimum	relevant
	LC3	Local Nature Reserves	Designates a number of Local Nature Reserves. Site LC3-2 is known as Atkinsons Warren. Phoenix Parkway is also a LNR, although it is not designated as such in this policy	relevant
	LC4	Development Affecting Sites of Local Nature	Seeks to protect Local Nature Reserves, Sites of Importance for Nature Conservation and Regionally Important Geological Sites from adverse effects and minimise any damaging effects.	relevant

		Conservation Importance		
	LC5	Species Protection	States planning permission will not be granted for development or land use changes which would have an adverse impact on badgers or species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended). Where development is permitted that may have an effect on those species, conditions or the use of planning agreements will be considered to minimise impacts on the species.	relevant
	LC6	Habitat Creation	Recognises there are opportunities to create new habitats to complement existing areas and to contribute to biodiversity. Details that provision will be made for the creation of nature reserves and new wildlife habitats both in rural and urban areas.	relevant
	LC7	Landscape Protection	Seeks to protect the scenic quality and distinctive local character of the landscape.	relevant
				Not relevant – this policy refers to areas specifically identified as being of amenity importance (shown on inset maps). I am not aware that the Order Limits impact on any such

				designated area?
	LC12	Protection of Trees, Woodland and Hedgerows	Seeks to ensure all new development proposals, retain trees, woodland and hedgerows wherever possible.	relevant
	LC15	Landscape Enhancement	Details a number of landscape enhancement schemes. Site LC15-1 relates to North West Escarpment. LC15-2 relates to Conesby Quarry/Sawcliffe.	relevant
Ironstone Gulleets	IG2	Environmental Enhancement and Habitat Restoration	Outlines Environmental Enhancement and Habitat Restoration Schemes. Site IG2-3 refers to Conesby Quarry.	relevant
	IG6	Motorised Recreation	Outlines that the eastern part of the former Tarmac site (south of Conesby Quarry) is proposed for motocross and other motorised recreational activities	relevant
	IG7	Geological Research	Details that the mineral face of the Yorkshire East Gullet (south) will be conserved for geological research.	relevant
Historic Environment	HE8	Ancient Monuments	Outlines that development proposals which would result in an adverse effect on Scheduled Ancient Monuments and other nationally important monuments, or their settings, will not be permitted.	relevant
	HE9	Archaeological Evaluation	Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment to be submitted prior to determination. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.	relevant

Waste	W1	Applications for Waste Management Facilities	Details that proposals for waste management facilities will only be permitted where a number of factors can be demonstrated	relevant
	W3	Flood Risk Areas	States proposals for waste management facilities will not be permitted in areas likely to be significantly and adversely affected by coastal erosion or tidal or river flooding and where such proposals are at direct risk. Nor will they be permitted where they will significantly reduce the capacity of the floodplain and impede the flow of floodwater thereby significantly increasing the risk of flooding elsewhere.	relevant
	W4	Waste Management Facilities and the Best and Most Versatile Agricultural Land	States that Applications for waste management facilities on the best and most versatile agricultural land in Grades 1, 2 and 3a will only be permitted where: i) the proposal overrides the need to protect the land; ii) restoration and aftercare proposals will achieve reinstatement of the land to an equivalent or higher grade where appropriate	relevant
	W6	Transportation of Waste	Details that proposals involving the transportation of waste by road will not be permitted where the potential for rail and river transportation exists. Development proposals involving the transportation of waste by rail and/or river will be supported.	relevant
	W9	Handling of Waste	Supports proposals for the use of land and the erection of plant and buildings for the recycling, transfer, storage and other treatment or handling of waste will be permitted provided that it satisfies a number of criteria.	relevant
Development Standards	DS1	General Requirements	Expects developments proposals to achieve a high standard of design in both built-up areas and the countryside. Details a number of design criteria which all proposals will be considered against.	relevant

	DS3	Planning Out Crime	Seeks to ensure that development proposals take into account personal safety and the security of people and property by a number of methods including, ensuring the development is well integrated into the existing pattern of pedestrian and vehicular movement.	relevant
	DS7	Contaminated Land	States permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.	relevant
	DS11	Polluting Activities	Seeks to prevent adverse or dangerous polluting effects from development proposals.	relevant
	DS12	Light Pollution	Only supports applications which involve light generating equipment where it can be demonstrated that there would be no adverse impacts on local amenities.	relevant
	DS13	Groundwater Protection and Land Drainage	Requires all development proposals to take account of the need to secure effective land drainage measures and groundwater protection in order to control the level of water in the land drainage system.	relevant
	DS14	Foul Sewage and Surface Water Drainage	Requires development proposals to provide satisfactory means for the disposal of foul and surface water.	relevant
	DS16	Flood Risk	States that development proposals will not be permitted in floodplains where, amongst other matters, it would increase the number of people or buildings at risk, impede the flow of floodwater, reduce the storage capacity of the floodplain, or increase the risk of flooding elsewhere.	relevant
	DS21	Renewable Energy	Supports proposals for the generation of energy from renewable resources where any detrimental impacts are outweighed by environmental benefits and proposals include details of associated developments	relevant

Table 2: Relevant North Lincolnshire Core Strategy (2011) Policies

Chapter	Policy Reference	Title	Summary	North Lincolnshire Council Position
Spatial Strategy for North Lincolnshire	CS1	Spatial Strategy for North Lincolnshire	Sets out the broad framework around which the spatial development strategy for North Lincolnshire will be based. It provides clear priorities for the distribution and location of future development and a distinct direction for moving the area forward and achieving the spatial vision and objectives.	E,g Relevant / Not Relevant relevant
	CS2	Delivering more Sustainable Development	Details that the spatial strategy described in policy CS1 will be implemented using a sequential approach to the location of future development that	relevant
	CS3	Development Limits	Details that development limits will be applied to the Scunthorpe urban area, the Market Towns and Rural Settlements and outlines that they will not be applied to rural settlements in the countryside. Outlines a number of considerations which will be taken into account in applying development limits.	relevant
Renaissance across North Lincolnshire	CS4	Creating a Renaissance in North Lincolnshire	Sets out the major transformational projects which are aimed at delivering area wide renaissance in North Lincolnshire – includes the Lincolnshire Lakes.	relevant
Delivering Quality Design in North Lincolnshire	CS5	Delivering Quality Design in North Lincolnshire	Requires all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place.	relevant
	CS6	Historic Environment	Seeks to ensure that North Lincolnshire’s important sites and areas of historic and built heritage value are protected, conserved and enhanced	relevant

			in order that they continue to make an important contribution to the area's scene and the quality of life for local people. Development proposals should provide archaeological assessments where appropriate.	
Delivering Greater Economic Success in North Lincolnshire	CS11	Provision and Distribution of Employment Land	Aims to ensure that the right amount and quality of employment land is available in North Lincolnshire to support the growth of the local economy and help deliver the vision for the area.	relevant
Environment and Resources	CS16	North Lincolnshire's Landscape, Greenspace and Waterscape	Seeks to ensure that the key strategic spaces relating to landscape, greenspace, archaeology and estuary and water environments are protected and enhanced, contributing to the formation of sustainable linked communities.	relevant
	CS17	Biodiversity	Promotes effective stewardship of North Lincolnshire's wildlife via a number of methods including safeguarding national and international protected sites for nature conservation from inappropriate development, maintaining and promoting a North Lincolnshire network of local wildlife sites and corridors, links and stepping-stones between areas of natural green space and ensuring development seeks to produce a net gain in biodiversity.	relevant
	CS18	Sustainable Resource Use and Climate Change	Promotes development that utilises natural resources as efficiently and sustainably as possible.	relevant
	CS19	Flood Risk	Sets out a risk based sequential approach to determine the suitability of land for development. Development in areas of high flood risk will only be permitted where it meets specific criteria. Development will be required, where practical, to incorporate SuDS to manage surface water drainage. The Council will also seek to reduce the	relevant

			increase in flood risk due to climate change through measures to reduce carbon dioxide emissions.	
Sustainable Waste Management	CS20	Sustainable Waste Management	Details that the Council will consider new and enhanced facilities for the treatment and management of waste at a number of broad strategic areas, including Flixborough Industrial Estate.	relevant
Transport and Communication – Connecting North Lincolnshire	CS25	Promoting Sustainable Transport	Seeks to ensure that future Local Development Documents and development control decisions take into account the need to deliver the objectives for sustainable and high quality transport set out in this strategy	relevant
	CS26	Strategic Transport Infrastructure Proposals	Supports strategic infrastructure proposals to enhance North Lincolnshire’s internal and external transport connections and provide access to the area’s key strategic economic development locations by road, rail, air, water and information technology.	relevant
	CS27	Planning Obligations	Sets out the council’s approach to the process of negotiating planning obligations agreements.	relevant

Table 3: Relevant North Lincolnshire Council Housing and Employment Land Allocations Development Plan Document Policies (2016)

Chapter	Policy Reference	Title	Summary	North Lincolnshire Council Position
Presumption in favour of sustainable development	PS1	Presumption in favour of sustainable development	Explains that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.	E,g Relevant / Not Relevant relevant
Employment Land Allocations	SCUE-1	Normanby Enterprise Park	Land at Normanby Enterprise Park (35.10 ha) is allocated for employment use	relevant
Housing Land Allocations	SCUH-1	Land at Phoenix Parkway Phase 1	Allocated land for 246 dwellings.	relevant
	SCUH-10	Land south of Ferry Road West	Allocated land for 721 dwellings.	relevant

Table 4: Relevant emerging North Lincolnshire Council Local Plan Publication Draft Policies (2021)

Chapter	Policy Reference	Title	Summary	North Lincolnshire Council Position
A Spatial Strategy for North Lincolnshire	SS1	Presumption in Favour of Sustainable Development	States that when considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.	E,g Relevant / Not Relevant relevant
	SS2	A Spatial Strategy for North Lincolnshire	Sets out the level of new development that is needed in North Lincolnshire up to 2038, together with how, and where, it will take place. The policy seeks to support the spatial development needs for North Lincolnshire through a spatial strategy. Sets out the settlement hierarchy.	relevant
	SS3	Development Principles	Requires new development in North Lincolnshire to contribute towards the creation of sustainable communities and a sense of place. Requires all development proposals reflect a number of key principles (unless in practical terms they are not considered relevant by the case officer).	relevant
	SS7	Strategic Site Allocation – Lincolnshire Lakes.	Details the Strategic Site allocation of the Lincolnshire Lakes. Explains that by 2038, the first phase of Lincolnshire Lakes will deliver 2150 dwellings by creating three sustainable villages in a waterside setting. The policy is supported by 3 sub-policies which refers to the 3 strategic allocations within the Lincolnshire Lakes i.e: <ul style="list-style-type: none"> ■ SS7-1. Northern Strategic Allocation - 1,275 dwellings. ■ SS7-2. Southern Strategic Allocation. 875 dwellings. ■ SS7-3. Strategic Mixed Use Area. 25.15 hectares of employment, and supporting community and leisure land. 	relevant

	SS11	Development Limits	Details that development limits will be applied to the Scunthorpe & Bottesford urban area, Principal Towns, Large Service Centres, Larger Rural Settlements and Smaller Rural Settlements. Development outside these defined limits will be restricted to that which is essential to the functioning of, or to meet a special need associated with the countryside.	relevant
Meeting Our Housing Need	H1	Site Allocations	Allocates a number of sites for housing development. Includes allocations H1P-1 - Phoenix Parkway Phase 1. States that the density of development within this locality indicates that 158 dwellings can be delivered on this site	relevant
Delivering Jobs & Supporting Our Economy	EC2	Existing Employment Areas	States existing employment areas as identified on the Policies Map will be safeguarded for employment uses. Flixborough Industrial Estate is identified as an existing employment site.	relevant
	EC5	Wharves	Existing wharf and jetty facilities on the Rivers Humber and Trent are safeguarded for cargo handling facilities. Any development which will prejudice the use of these sites for the handling of cargo will not be permitted, unless it can be proven that the use is no longer viable and that the site is not required for such purposes.	relevant
Prosperous Town Centres	TC2	Placemaking and Good Urban Design	Details that Development proposals will be supported where they improve poor existing urban and natural environments, enhance special qualities of North Lincolnshire's settlements and better reveal the significances of the historic environm	relevant
Supporting Sustainable Development in North Lincolnshire's Countryside	RD1	Supporting Sustainable Development in the Countryside	Outlines outside settlement development limits land will be regarded as the countryside and details the forms of development which will be supported, where proposals respect the intrinsic character of their surroundings. The forms of development include employment uses where it is an appropriate scale to its location and it respects the character of the surrounding landscape. Such employment uses should, amongst other criteria, be within or adjacent to an existing industrial estate.	relevant

Delivering a Quality Environment	DQE1	Protection of Landscape, Townscape and Views	Requires development proposals to contribute to the conservation or enhancement of the local landscape where possible.	relevant
	DQE3	Biodiversity and Geodiversity	Requires development proposals to take opportunities to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale through site layout, design of new buildings and proposals for existing buildings. Requires schemes to use the DEFRA biodiversity metric to demonstrate that the proposal will deliver a minimum of 10% net gain for biodiversity (unless national standards increase this in the future).	relevant
	DQE4	Local Nature Reserves	Seeks to protect currently declared Local Nature Reserves.	relevant
	DQE5	Managing Flood Risk	Seeks to safeguard people and property from the risks of flooding	relevant
	DQE6	Sustainable Drainage Systems	Requires development proposals (in the first instance) to consider water re-use measures to encourage the conservation of water to manage surface water where feasible. Development of Major Sites must incorporate appropriate sustainable surface water drainage systems (SuDS) appropriate to the nature of the site, unless clearly demonstrated to be inappropriate.	relevant
	DQE7	Climate Change and Low Carbon Living	Sets out how development proposals should contribute to mitigating the impacts of climate change and minimising carbon emissions to meet the climate change challenge.	relevant
	DQE8	Renewable Energy Proposals	Supports proposals for renewable energy development where any significant adverse impacts are satisfactorily minimised and the residual harm is outweighed by the public benefits of the proposal.	relevant

	DQE10	Important Open Space	Safeguards areas identified as Important Open Space on the Policies Map. Includes Phoenix Parkway Local Nature Reserve.	relevant
	DQE11	Green Infrastructure Network	Outlines the Council's aims to maintain and improve the green infrastructure network by enhancing, creating and managing multifunctional green space within and around settlements that are well connected to each other and the wider countryside and contribute to a Nature Recovery Network. Details that Proposals that cause loss or harm to this network will not be permitted unless the need for and benefits of the development demonstrably outweigh any adverse impacts.	relevant
	DQE12	Protection of Trees, Woodland and Hedgerows	Seeks to ensure new development will, wherever possible, retain trees, woodland and hedgerows.	relevant
Managing our Historic Environment	HE1	Conserving and Enhancing the Historic Environment	Requires development proposals value, protect, conserve and seek opportunities to enhance the historic environment of North Lincolnshire.	relevant
Creating Sustainable Communities and Better Places	CSC1	Health and Wellbeing	Seeks to ensure development proposals consider the impacts and potential for achieving positive mental and physical health outcomes. Sets out a number of ways in which the Council will seek to improve health and wellbeing in North Lincolnshire.	relevant
				Duplicate
Sustainable Waste Management	WAS1	Waste Management Principles	Sets out the council's strategic planning framework and principles for sustainable waste management, reflecting the requirements of national policy and guidance, as well as the Waste Framework Directive. Details that Development that encourages and supports	relevant

			the minimisation of waste production, and the re-use and recovery of waste materials will normally be supported. States the Proposals for waste management facilities will be encouraged based on a number of principles, including – managing waste through the waste hierarchy in a sequential order.	
	WAS2	Waste Facilities	States that new waste management facilities should be located in sustainable locations that are appropriate to the proposed waste management use and its operational characteristics, and where impacts on the community and the environment can be avoided or addressed appropriately. Details that proposals for Energy from Waste Facilities will be supported provided that they meet the criteria set out in this policy and policy DQE8 Renewable Energy Proposals.	relevant
	WAS3	Waste Management Provision	States net self-sufficiency in waste management will be achieved through the provision of the waste-management capacity needs of North Lincolnshire. This capacity will be met through existing operation waste management facilities (and extensions, where appropriate) and new facilities.	relevant
	WAS6	Waste Management in Development	Seeks to ensure that new development proposals support the efficient use and recovery of resources throughout its lifetime including during construction, operation and/or occupation. This should include giving due consideration to sustainable waste management.	relevant
Connecting North Lincolnshire	T1	Promoting Sustainable Transport	Supports measures that promote more sustainable transport choices.	relevant
	T3	New Development and Transport	Supports new development where it is accessible, or can be made accessible, by sustainable modes of transport and addresses its likely transport impact.	relevant

	T4	Parking	Outlines a range of parking requirements for development proposals.	relevant
	T5	Cycle and Motorcycle Parking	Requires development proposals that generate additional parking demand provide adequate cycle and motorcycle parking provision is made	relevant
	T6	Freight	Safeguards the existing network of rail freight routes and infrastructure. Encourages the use of rail for goods traffic.	relevant
Development Management	DM1	General Requirements	Requires all new development proposals achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. Outlines a number of design principles and amenity considerations.	relevant
	DM3	Environmental Protection	Requires development proposals to demonstrate that environmental impacts on receptors have been evaluated and appropriate measures have been taken to minimise the risks of adverse impacts to air, land and water quality, whilst assessing vibration, heat, energy, light and noise pollution.	relevant
	ID1	Delivering Infrastructure	Requires all developments to meet the on and off-site infrastructure requirements needed to support the development and mitigate the impact of the development on the existing community and environment to make it acceptable in planning terms.	relevant

Table 5: Relevant Planning for Renewable Energy Development Supplementary Planning Document (2011) Policies

Chapter	Policy Reference	Title	Summary	North Lincolnshire Council Position
Policy Considerations	Policy 1	Biodiversity	Requires developers assess the effects of potential renewable energy developments, alone or cumulatively on biodiversity sites, habitats and species and identify measures to avoid or mitigate harm to them and secure their conservation and enhancement	E,g Relevant / Not Relevant relevant
	Policy 2	Landscape	Encourages developers to give early consideration in the design of schemes to the character and quality of the landscape, the extent of the physical change involved, and the ability of the landscape to accommodate the change	relevant
	Policy 3	Visual Effects	Requires visual amenity effects to be considered.	relevant
	Policy 4	Heritage Assets	Requires developers to consider the impact of their proposal for renewable energy development, both during and after construction on heritage and the historic environment.	relevant
	Policy 5	Soil and Hydrology	Seeks to ensure developers consider the effects of their proposal for renewable energy development on the soil, hydrology, groundwater and water quality in and around a site	relevant
	Policy 6	Flood Risk	Details the requirements for Flood Risk Assessments.	relevant
	Policy 7	Community Impact	Encourages developers to work with local communities which will be affected by the proposals to address key concerns.	relevant
	Policy 10	Cumulative Effects	Requires developments to address the cumulative impact of the Project, taking into account existing and approved developments.	relevant

	Policy 13	Highways & Rights of Way	Seeks to ensure developers consider access to proposed sites for renewable energy related development as well as impacts of the proposals on existing Public Rights of Way.	relevant
	Policy 14	Local Grid Connections & Ancillary Equipment	Seeks to ensure developers properly integrate the layout of the development with the landscape and topography of the site	relevant

Table 6: Relevant Lincolnshire Lakes Area Action Plan (2016) Policies

Chapter	Policy Reference	Title	Summary	North Lincolnshire Council Position
Policy Considerations Spatial Strategy	SS4	Development Limits	States that no built development will be permitted in the AAP area outside of the allocated built development limits. Areas not specifically allocated for infrastructure or built development on the AAP Policies Map or covered by Saved Policies LC4 & LC11 are identified as Open Countryside/Agricultural Land. In these areas, development will be strictly controlled as per Saved Policy RD2 and any future replacement policies.	E,g Relevant / Not Relevant Relevant
	SS1	Delivering the presumption in favour of sustainable development	When considering the Lincolnshire Lakes development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.	Relevant
	SS2	Spatial Concept and Place Making	Sets out the Concept Framework and Design Principles that must be applied to all AAP proposals.	Relevant
	SS3	Strategic Development Requirements	Sets out the development proposed to be delivered within the AAP area.	Relevant
Strategic Site Allocations	SSA1	Strategic Mixed-Use Area and District Centre	Allocates area of land for A Strategic Mixed-Use Area and District Centre and explains that it will be delivered at Lincolnshire Lakes in the location set out on the Policies Map. Sets out a number of development requirements.	Relevant
	SSA6	Village 6 and Lake 4	Allocates an area of land for Village 6 and Lake 4. States that development within SSA6 should be designed in a way that creates an informal fringe between Lincolnshire Lakes and the countryside. Outlines how this will be achieved through various development requirements.	Relevant

APPENDIX B: DESIGN REVIEW PANEL FRAMEWORK

Design Review Panel (DRP) Framework

North Lincolnshire Green Energy Park

DRAFT: 20th Feb 2023

This document sets out the role of project specific DRP for North Lincolnshire Green Energy Park (NLGEP) and a framework for its operation and governance to be agreed with North Lincolnshire Council (NLC).

1. Introduction

NLGEP (the Applicant) and its project team, recognise the importance of good design (good design process and good design outcome) and the direction given by Government to both Local Planning Authorities and applicants on these matters outlined in the National Policy Statements and the National Planning Policy Framework (NPPF). For example:

The importance of good design is referenced in Section 4.5 of the Overarching Energy National Policy Statement (NPS) EN-1 (NPS EN-1), where it states that:

“Applying “good design” to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible.”

Section 12 of the NPPF, ‘Achieving well-designed places’ notes:

“132. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive, and effective engagement with the community should be looked on more favourably than those that cannot.

133. Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life. These are of most benefit if used as early as possible in the evolution of schemes and are particularly important for significant projects such as large-scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.”

2. The Establishment of a Project Specific Design Review Panel (DRP)

The Project lies within the administrative area of North Lincolnshire Council. The Applicant has committed to the formation of a project specific design review panel in recognition of NLC’s request for design review panel involvement in this complex project and to mark the Applicants ambition and desire for good design and design quality. The Applicants ambition is for high quality design outcomes.

NLC has advised that they do not currently have much experience in using a Design Review Service which would provide an independent and impartial process for evaluating the design quality and sustainability of development proposals.

NLC advised that they have historically used the Yorkshire and Humber Design Review Panel, which comprises a group of independent, multi-disciplinary construction professionals working in the field of the built environment. The Design Review Panel service offers advice across a variety of development types, scales and contexts and provides expertise in relation to architecture, landscape architecture and urban design, spatial planning and masterplanning, transport, sustainable building, the natural and historic built environment, and other sustainable development matters.

The aim of The Design Review Panel is to improve design quality in the built environment. Its role is to review development proposals and provide feedback to developers, clients, and local planning authorities. The Design Review Panel is not there to pass judgment; its aim is to provide a constructive conversation about a project, the result of which is better design.

An alternative could be to use the Design Council, who undertake design reviews. The Design Council's Review process focuses on outcomes for people, ensuring places better meet the needs of the people using them. An interdisciplinary panel of Design Council Experts would assess the design of the Project using constructive advice to identify and communicate the strengths and weaknesses of the design. The panel would provide advice on how to achieve better outcomes to the quality of architecture, urban design, landscape, and highway design, as well as social and environmental sustainability. In terms of the Local Planning Authorities, the aim of Design Review is to support the local planning authority in achieving their objectives and securing the best outcomes and quality of life for residents, workers and visitors through development, regeneration, and renewal.

The panel provides advice on new development proposals, masterplans, individual buildings, infrastructure projects, design related policy, design visions and principles.

The proposed project specific DRP for NLGEP, will mirror the provision of independent and impartial advice but using a group of nationally recognised professionals in their field and directly relevant to the Project. The Applicant will agree with the LPA the panel members of the DRP.

It is recognised that all design reviews should be focused on outcomes for people. 'Design Review: Principles and Practice' (2013 and updated 2019) published jointly by CABE/ Design Council (now the Design Council) notes that design review,

'.....explores how a building or place can better meet the needs of the people who will use it and of everyone who will be affected by it. It does this by constructively endeavouring to improve the quality of architecture, urban design, landscape, and highway design.

For design review to succeed, it must be carried out using a robust and defensible process. It must also offer consistently high standards in the quality of its advice.'

The Design Council summarise these standards in the following ten principles.

- 1. Independent** - It is conducted by people who are unconnected with the scheme's promoters and decision makers and ensures that conflicts of interest do not arise.
- 2. Expert** - It is carried out by suitably trained people who are experienced in design and know how to criticise constructively.

3. Multidisciplinary - It combines the different perspectives of architects, urban designers, urban and rural planners, landscape architects, engineers, and other specialist experts to provide a complete, rounded assessment.

4. Accountable - The panel and its advice must be clearly seen to work for the benefit of the public, as ingrained within the panel's terms of reference.

5. Transparent - The panel's remit, membership, governance processes and funding should always be in the public domain.

6. Proportionate - It is used on projects whose significance warrants the investment needed to provide the service.

7. Timely - It takes place as early as possible in the design process, because this can avoid a great deal of wasted time. It also costs less to make changes at an early stage.

8. Advisory - A design review panel does not make decisions, but it offers impartial advice for the people who do.

9. Objective - It appraises schemes according to reasoned, objective criteria rather than the stylistic tastes of individual panel members.

10. Accessible - It's findings and advice are clearly expressed in terms that design teams, decision makers and clients can all understand and make use of.

NLC is a supporting authority of the Yorkshire and Humber Design Review Service which operates in accordance with these 10 principles. These 10 principles have stood the test of time and whilst the guidance is not the only advice available, the Applicant considers it entirely appropriate.

3. Governance

All DRP administrative matters will be organised through the Chair including the programme, DRP agenda structure and reporting. The DRP will operate under the Design Council's 'Design Review: Principles and Practice' guidance 2019 unless otherwise defined/ agreed with NLC.

The DRP agenda will include the following at minimum:

1. Project team presentation – subject/ topics/ themes etc agreed in accordance with the programme and in conjunction with the Chair
2. NLC's view on relevant matters
3. A chaired question and answer session
4. Conclusion and summary provided by the Chair
5. A closed panel discussion in support of the preparation of the panel report

It is noted that the DRP will be invited to a site visit and project briefing prior to the first DRP design review.

5. DRP Reporting

The Chair will be the final author of DRP reports which will be prepared in consultation with the DRP members.

The timing and format of information to be provided to and reviewed by the DRP will be directed by the Chair and all panel members are expected to prepare for the panel sessions based on information provided.

The structure of the DRP reports will be guided by the Chair but are expected to work to a standard format structured under clear topic headings to help direct the project team.

The reporting process will work to an agreed publication programme following any DRP session. The Design Review Panel programme will require a DRP report to be issued to the client's project team and copied to NLC, within 10 working days of the panel session.

The DRP report will contain a brief overview of the review session and a summary of the panel's observations and recommendations for the next steps. The reports should be cognisant of the programme /project stage and provide appropriate direction working to clear theme or topic headings as may be defined by the Chair.

It is anticipated that the report will advise whether the panel feels the theme/ topic has been properly addressed and provide reasoning to help direct the project team in the event of any short falls.

At the appropriate time/s as directed by the Chair, the report will provide an overview of the project and whether it is:

- a good project that they support.
- a project that they could support provided improvements are made.

Under the Yorkshire and Humber Design Review Service process, the DRP report for a project scheme that is subject to design review at the pre-application stage is deemed confidential. Once the scheme reaches the full application stage as defined by the Chair, any DRP report will be considered a public document and may be published by a Local Planning Authority. The Applicant seeks to mirror this approach with the project specific DRP process.

6. The Design Review Panel

It is proposed that the panel would consist of the following roles subject to further discussion and agreement on the most appropriate Design Review Panel Service:

- **Chair:**
- **Landscape:**
- **Sustainability:**
- **Masterplanning:**
- **Architecture:**
- **Development:**
- **Design:**
- **Local Authority Representation:**

The following is noted:

The Applicant will consult with NLC on the proposed candidates to fulfil the roles, which will be agreed in conjunction with NLC and the Design Review Panel Service prior to the appointment of the DRP.

The Chair may decide from time to time to identify and invite specialist contributors to attend and contribute to the Panel's considerations.

The DRP's NLC Representative will be expected to brief the panel on matters and areas of concern and the NLC officers will have access to the DRP via the Chair and at her/ his discretion.

It is anticipated that certain topic specific matters reviewed by the DRP would helpfully be supported by specific officers from NLC as may be requested by the Chair. These officers would operate under the principles of the DRP.

Observers, who are not directly engaged in the design review, but will benefit from an overview of the process will be invited to attend where appropriate by invitation of the Chair with the specific purpose of supporting their understanding of the DRP process and appreciation of the project design proposals and their evolution. Observers will only be permitted to speak at DRP sessions or separately with DRP members with the agreement of the Chair.

The Applicant and their project team may liaise with the DRP members via the Chair to seek clarification or elaboration on any specific matter raised in any DRP report.

7. Programme

To be agreed with NLC

APPENDIX C: ARTICLES AND REQUIREMENTS

Table 3.1: List of Matters

ARTICLE / REQUIREMENT	NORTH LINCOLNSHIRE COUNCIL POSITION	APPLICANT POSITION	STATUS
Article 11 – Street Works	Following Issue-specific hearing 4 on 7 March 2023, NLC have confirmed no further concerns with this Article.	This has been agreed.	
Article 12 – Power to alter layout, etc., of streets	Following Issue-specific hearing 4 on 7 March 2023, NLC have confirmed no further concerns with this Article.	This has been agreed.	
Article 13– Permanent stopping up of streets	Following Issue-specific hearing 4 on 7 March 2023, NLC have confirmed no further concerns with this Article.	This has been agreed.	
Article 14– Temporary stopping up of streets	Following Issue-specific hearing 4 on 7 March 2023, NLC have confirmed no further concerns with this Article.	This has been agreed.	

Article 15 – Public rights of way – creation and temporary stopping up	Following Issue-specific hearing 4 on 7 March 2023, NLIC have confirmed no concerns with this Article.	This has been agreed.	
Article 16 – Accesses	Following Issue-specific hearing 4 on 7 March 2023, NLC have confirmed no further concerns with this Article.	This has been agreed.	
Article 43 – Operational land for purposes of the 1990 Act	<p>NLC appreciate that the list of work areas to be treated as operational land has been narrowed down on an inclusive basis. However I also note the comment from the ExA in their recommended amendments to the dDCO, which questions the inclusion of Work 1B (Carbon Capture Facility) and Work 2 (residue handling and treatment facility, concrete block manufacturing facility; and offices and elevated walkway). I can confirm that NLC are of the view that Article 43 should be amended in accordance with the recommendation of the ExA so that those areas of the site defined as ‘operational land’ are restricted to the generating station facility.</p> <p>NLC are happy with the changes to Article 43 and have no further comment or objection in this regard.</p>	Following the recommended changes to the DCO by the Examining Authority, the Applicant amended this article at Deadline 8 to narrow down further the land (on an inclusive basis) which is to be treated as operational land to the land in respect of which Work Nos. 1, 1A, 1B, 1D, 10, 11 and 14 are authorised. The Applicant did not agree with the ExA's proposed change to remove Work No. 1B, on the basis this forms part of the main NSIP and so considers it reasonable that this should benefit from permitted development rights in the same way as Work Nos. 1, 1A and 1D.	

Article 44 – Defence to proceedings in respect of statutory nuisance	Following Issue-specific hearing 4 on 7 March 2023, NLC have confirmed no further concerns with this Article.	This has been agreed.	
Article 45 – Certification of plans, etc.	Following Issue-specific hearing 4 on 7 March 2023, NLC have confirmed no further concerns with this Article. Should an Outline Archaeological Mitigation Strategy be agreed (as anticipated) this would need adding to the list of documents.	This has been agreed.	
Requirement 3 – Detailed design	Following Issue-specific hearing 4 on 7 March 2023, NIC have confirmed no further concerns with this Requirement.	This has been agreed.	
Requirement 4 – Environment management	Following Issue-specific hearing 4 on 7 March 2023, NIC have confirmed no further concerns with this Requirement.	This has been agreed.	

Requirement 10 – Construction traffic management and travel planning	Following Issue-specific hearing 4 on 7 March 2023, NLC have confirmed no further concerns with this Requirement.	This has been agreed.	
Requirement 11 - Archaeology	<p>As noted within the Local Impact Report, NLC advises that amendments to the wording will need to be considered once the archaeological field evaluation is complete and reported on, and a detailed Archaeological Mitigation Plan is prepared and agreed with the local planning authority and decision-making body.</p> <p>NLC have received a draft version of the Outline Mitigation Strategy for Archaeology, which is currently being agreed. A final agreed version of this strategy will not be available for D9. NLC has reviewed the wording of Requirement 11 and is content that this will secure the submission and agreement of a finalised OMS prior to works commencing on each phase of the development.</p>	The Applicant has issued a draft version of the outline Mitigation Strategy for Archaeology to NLC. However, a final agreed version of the strategy is not available for issue at DL9. As such, the wording of Requirement 11 has been drafted so as to ensure that the development is not to be commenced until the outline archaeological mitigation strategy has been submitted to NLC and approved.	
Requirement 12 – Flood risk	Following Issue-specific hearing 4 on 7 March 2023, NLC have confirmed no further concerns with this Article.	This has been agreed.	

Requirement 14 – New highway access	<p>As noted within the Local Impact Report, NLC confirm that requirement 14 should include a clause to secure completion of the access road prior to any part of the development being brought into operation.</p> <p>NLC are not sure that Article 13 and/or other Requirements would adequately secure the completion of the access road prior to the development being brought into operation and would prefer this included within R14 so that it is secured and clear.</p>	<p>Whilst the Applicant considers that this is already adequately secured through the existing drafting, in order to provide comfort the Applicant is content to amend requirement 14 to reflect the position in article 13 and has done so in the latest revision of the dDCO submitted at Deadline 8.</p>	
Requirement 15 - Waste hierarchy scheme	<p>NLC would be happy with an approach consistent with that proposed by the ExA. This would be a much simpler Requirement for us to work with and explicitly controls the fuel source. We will wait to see your updated position at D9.</p> <p>NLC are happy with the amended/replacement Requirement 15 and have no further comments or objections in this regard.</p>	<p>The Applicant has accepted the ExA's recommendation that this requirement be deleted and be replaced by the requirement relating to fuel type which was in the submission version of the DCO. This was reflected in the dDCO submitted at Deadline 8.</p>	