



NORTH LINCOLNSHIRE GREEN ENERGY PARK

Planning Act 2008

Infrastructure Planning
(Applications
Prescribed Forms and
Procedure) Regulations
2009

North Lincolnshire Green Energy Park

Volume 9

9.43 Comments on Cadent Gas's
submission received at Deadline 9

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Glossary

Acronym	Full term / Description
2008 Act	Planning Act 2008
ABP	Associated British Ports
AGI	Above Ground Installations
BNG	Biodiversity Net Gain
CBMF	Concrete Block Manufacturing Facility
CCTV	Closed Circuit Television
CCUS	Carbon Capture, Utilisation and Storage
CEMP	Construction Environmental Management Plan
CLP	Construction Logistics Plan
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
EP	Environmental Permit
ERF	Energy Recovery Facility
ES	Environmental Statement
EV	Electric Vehicle
FGTr	Flue Gas Treatment Residue
FRA	Flood Risk Assessment
H ₂	Hydrogen
IAQM	Institute of Air Quality Management
IDB	Internal Drainage Board
INNS	Invasive Non-Native Species
LLFA	Lead Local Flood Authority
LVIA	Landscape and Visual Impact Assessment
NLC	North Lincolnshire Council
NLGEP	North Lincolnshire Green Energy Park
NPS	National Policy Statement

NSIP	Nationally Significant Infrastructure Project
OEMP	Outline Environmental Management Plan
PEIR	Preliminary Environmental Information Report
PRF	Plastic Recycling Facility
PRoW	Public Rights of Way
RHTF	Residue Handling and Treatment Facility
RLB	Red Line Boundary
SoCC	Statement of Community Consultation
SoCG	Statement of Common Ground
SoS	Secretary of State
SuDS	Sustainable Drainage Systems
TCPA	Town and Country Planning Act
WSI	Written Scheme of Investigation

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1.0 Introduction

Overview

1.1 This report sets out North Lincolnshire Green Energy Park Limited's (the Applicant's) comments on the submissions submitted by Cadent Gas received by the Examining Authority at Deadline 9.

The Proposed Development

1.2 The North Lincolnshire Green Energy Park (NLGEP), located at Flixborough, North Lincolnshire, comprises an ERF capable of converting up to 760,000 tonnes of residual 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 to be applied for, when this is consented and operational, to enable the possibility of full carbon capture in the future.

1.3 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.

1.4 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) refueling 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.

1.5 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.

1.6 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.

The Purpose and Structure of this Document

1.7 This document sets out the Applicant's comments on the submissions submitted by Cadent Gas received by the Examining Authority at Deadline 9.

1.8 The document is structured as follows:

- Section 2: Cadent Gas

2.0 APPLICANT'S COMMENTS ON CADENT GAS'S DEADLINE 9 SUBMISSION

2.1 The Applicant does not propose to respond to each point in turn in Cadent's Deadline 9 submissions (REP9-057) as matters have already been addressed in the Applicant's submissions on its section 127 case (REP8-024), but the Applicant does make the following comments, on the following comments in Cadent's Deadline 9 submissions:

- In its submissions at paragraph 2.4, 2.5 and 2.6, Cadent suggests that it was not aware of the Applicant's position on its preferred protective provisions until Deadline 8 of the Examination and as such it has not had sufficient time to respond. Cadent and their advisors have been liaising with the Applicant since the beginning of the Examination. Furthermore Cadent was made aware that the Applicant had not agreed Cadent's position in respect of the protective provisions in February 2023, and was notified on both 18th April and 25th April 2023 that the specific provisions dealing with security and indemnities could not be accepted, together with the reasons for doing so. Cadent suggested that the Applicant's document REP8-024 was submitted late to Deadline 8, however this was not the case, and this was submitted in advance of Deadline 8. Finally, the Applicant has submitted updates on the status of discussions with the statutory undertakers at every deadline of this Examination (See Documents 9.10) (save for Deadline 1), together with providing an update on discussions at hearings that took place during weeks commencing 14th November 2022, and 6th March 2023. The Applicant does not agree with Cadent's suggestion that they have not otherwise had opportunity to comment on the position, particularly given that Cadent ultimately made submissions on these points for Deadline 8 (see document ref: REP8-032 and REP8-033) and Deadline 9 (Doc Ref: REP9-057).
- In addition in relation to Cadent's further comment at paragraph 2.6 that "it is too late for the Promoter to raise substantive issues with the Cadent Protective Provisions", the Applicant has been very clear in its own submission (see REP8-024) that the Cadent protective provisions are in the form requested by Cadent, save for two issues which, as the Applicant has previously set out in its submissions (see REP8-024 and REP9-042) are commercial points that do not have an impact on Cadent's undertaking. The Applicant is willing to provide an indemnity to Cadent but only in the sum of £50 million, which the Applicant believes is a reasonable sum and which also aligns with its obligation to provide insurance for Cadent's benefit in the same amount. The Applicant has agreed similar provisions in the protective provisions contained for the benefit of Northern Powergrid (see

Part 4, Schedule 14 of the DCO (Doc Ref: 2.1 (submitted at Deadline 10)). The Applicant's argument in relation to Cadent's requirement for security is included at paragraph 3.9 of Document REP8-024. Given that Cadent will be named on the insurance policy up to £50million the Applicant believes that this should provide sufficient protection for Cadent's undertaking. In addition, given the status of the protective provisions contained for Cadent's benefit in Part 6 of Schedule 14 of the DCO (Doc Ref: 2.1 (submitted at Deadline 10)) the Applicant is not aware of any further issues that Cadent would seek to raise (and indeed it has not done so).

- In relation to Cadent's comments at paragraph 3.9, the Applicant would also highlight that the Project is an energy project, which seeks to produce and deliver a low-cost energy supply to the national grid as well as local communities. In seeking to do so, the Applicant needs to be able to proceed with the Development without being put to unnecessary expense and risk of contingent liabilities. The Applicant has been successful in reaching commercial terms with all other statutory undertakers in order to both protect their own assets as well as facilitating the delivery of the scheme. The Applicant believes it has offered sufficient protection for Cadent including the provision of an indemnity and insurance up to the sum of £50 million. The Applicant believes that this is particularly sufficient given that in practice, it will be Cadent itself carrying out the works.
- The Applicant and Cadent have substantively agreed the form of protective provisions included in Part 6 of Schedule 14 (Protective Provisions) of the Order (Doc Ref: 2.1 (submitted at Deadline 10)) save for paragraphs 69 (Interpretation), 77 (1)(b) and 77 (5) (Indemnity). The Applicant requests that the Secretary of State decide on the wording to be included in paragraphs 69 (Interpretation), 77 (1)(b) and 77 (5) (Indemnity) of the protective provisions with the Applicant's preferred approach being those contained in Part 6 of Schedule 14 of the draft DCO (Doc Ref: 2.1 (submitted at Deadline 10)).