



Department for
Energy Security
& Net Zero

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North Lincolnshire Green Energy Park Limited
Anglian Water
Natural England
Cadent Gas
Jotun Paints
Health and Safety Executive
North Lincolnshire Council

Your Ref: EN010116

Date: 22 September 2023

Dear Sir or Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by The North Lincolnshire Green Energy Park Limited (“the Applicant”) for an Order granting Development Consent for the proposed The North Lincolnshire Green Energy Park (“the Proposed Development”)

REQUEST FOR INFORMATION

1. Following completion of the Examination on 15 May 2023, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions to the Secretary of State on 15 August 2023. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.
2. There are issues on which the Secretary of State for Energy Security & Net Zero (“the Secretary of State”) would be grateful if the Applicant and consultees could provide updates or information as appropriate.

Water Supply

3. The Secretary of State notes that at the end of the examination period a water supply for the construction and subsequent operation of the development could not be guaranteed prior to 2030. The Secretary of State requests **the Applicant** and **Anglian Water** to provide an update and/or information on how the necessary water supply for the building and operation of the plant will be secured.

Waste Management

4. **The Applicant** is requested to provide further information on how the proposed development complies with the “waste hierarchy” as defined in the Waste (England

and Wales) Regulations 2011 and the requirements for Energy from Waste plants as set out in energy National Policy Statements EN-1 and EN-3.

5. **The Applicant** is also requested to provide further information on the development of the concrete block making facility and how that facility and its operations would be secured by Requirement 18 in the submitted draft DCO.

Effects on Sites of Special Scientific Interest (SSSIs)

6. The Secretary of State notes that the Applicant's assessment [APP-058] concludes that the proposed development would have likely significant effects from air emissions on the Messingham Heath SSSI, Humber Estuary SSSI, Thorne Crowle and Goole Moors SSSI and Risby Warren SSSI:
 - i) **The Applicant** is requested to provide further information justifying the reliance on the Reasonable Operating Case (ROC) relating to potential adverse effects on SSSIs from air emissions [AS-026, REP9-011], when the ROC is not secured as the worst-case scenario for the emissions from the Proposed Development.
 - ii) Based on the outputs of the modelling of the ROC [AS-026, REP9-011], significant residual effects from acid deposition would still remain for Risby Warren SSSI [REP8-021]. **The Applicant** is requested to provide further information on the potential package of measures to mitigate effects on Risby Warren SSSI as indicated in [AS-031], specifically on the potential cessation of pig farming on neighbouring land, including a quantification of the predicted pollution reduction, confirmation if this has been secured and if so, details on the agreement with the relevant landowners. The Secretary of State notes that the 'signed letter of intent' referred to in the Statement of Common Ground with Natural England [REP10-010] was not attached as indicated and invites **the Applicant** to provide this.
 - iii) **Natural England** is requested to provide further information as to why it is content [REP8-036] that the ROC modelling parameters are an acceptable basis for the assessment and identification of effects from operational emissions to air.

Environmental Permits

7. **The Applicant** is requested to provide an update on progress relating to securing the Environmental Permits for the development, to inform the mitigation of significant effects on the Risby Warren SSSI and securing the concrete block making facility and its operations.

Noise

8. **The Applicant** is requested to comment on the suitability of the following noise requirement:
 1. The rating level (LAr) of noise from the operation of the authorised development shall not exceed 45 dB LAr for any fifteen-minute period between 23:00 and 07:00, and 50 dB LAr for any one-hour period between 07:00 and

23:00, determined one metre free-field external to any window or door of any existing permanent residential premises using the definitions and methods described in 'Methods for rating and assessing industrial and commercial sound' British Standards Institution BS4142 2014+A1:2019.

DCO

9. **The Applicant** is requested to explain the necessity for proposed Article 8 of the DCO, as set out below, which would displace provisions in a DCO, if granted, where they conflict with later planning permission:

1. If planning permission is granted under the powers conferred by the 1990 Act for development any part of which is within the Order limits following the coming into force of this Order that is—

(a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; or

(b) required to complete or enable the use or operation of any part of the development authorised by this Order.

then the carrying out, use or operation of such development under the terms of the planning permission does not constitute a breach of the terms of this Order.

Cadent Gas Protective Provisions (PPs)

10. The **Applicant** and **Cadent Gas** are requested to provide an update on the status of protective provision negotiations. Both parties are also invited to comment on the necessity for the following section of the PPs within Cadent Gas's submission [REP9-057]:

“Protective works to buildings

5. (1) The undertaker must exercise the powers conferred by article [##] (protective work to buildings) so as not to obstruct or render less convenient the access to any apparatus without the written consent of Cadent (such consent not to be unreasonably withheld or delayed)”

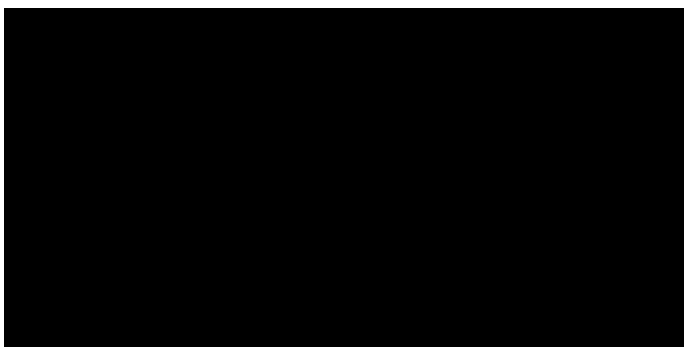
Transport: Access and Egress to Jotun Paints

11. The Secretary of State notes that by the end of the Examination no conclusion was reached to secure the safe access and egress to Jotun Paints, an upper tier Control of Major Accident Hazards (COMAH) site. The **Applicant**, **Jotun Paints**, **The Health and Safety Executive (HSE)** and **North Lincolnshire Council (NLC)** are invited to comment on a recommended requirement for the HSE, NLC and Jotun Paints to have a safety plan in place that facilitates their ongoing operation in a safe manner whilst construction is undertaken which has the potential to affect their access and egress arrangements.

12. **Responses to the requested information should be submitted by email only to:**

NorthLincolnshireGreenEnergyProject@planninginspectorate.gov.uk by
23.59 on 22 October 2023.

13. Responses will be published on the North Lincolnshire Green Energy Park project page of the National Infrastructure Planning website:
<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/north-lincolnshire-green-energy-park/> as soon as possible after **22 October 2023**.
14. This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the North Lincolnshire Green Energy Park or any part of the project. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.



David Wagstaff OBE
Deputy Director
Energy Infrastructure Planning