

Mr John Wheadon
Head of Energy Infrastructure Planning
Delivery
Energy Infrastructure Planning
3-8 Whitehall Place
London
SW1A 2EG

Our ref: AN/2022/133243/11-L01
Your ref: EN010116
Date: 19 December 2023

Dear Mr Wheadon

**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”)**

Thank you for your letter of 8 December 2023 requesting further information from the Environment Agency to assist with the Secretary of States’s decision on the above Proposed Development.

We provide answers below to the relevant questions.

Question 11

The Secretary of State notes that 125 ktpa of bottom ash (a combustion residue) and 5 ktpa of hazardous flue gas residues will be used in the concrete block making facility (CBMF) in order to avoid it needing to be disposed of as waste [REP3-040]. The Applicant is requested to confirm that the hazardous flue gas residue will not contain fly ash and that it complies with paragraph 2.5.73 of the designated NPS EN-3 which states that ‘...the two residues from waste combustion generating stations cannot be mixed; they must be disposed of separately, under different regimes.’ The Applicant should note that the same substantive requirement is also included in draft NPS EN-3 in paragraph 3.7.49.

*The **Environment Agency** and the Applicant are requested to confirm that the use of hazardous flue gas residues and bottom ash in the CBMF is a process that requires an Environmental Permit. The **Environment Agency** is also invited to confirm if there is any reason why a permit would not be granted at this time.*

The use of waste flue gas residues and bottom ash for block manufacture will require an Environmental Permit. Unless an end of waste position is applied for and accepted,

meaning it would be production using non-waste material. This is unlikely to be achieved ahead of any permit application and commencement of operations on site. The evidence will need to be collected to show the composition of the outputs before they are assessed properly in line with end of waste. At this stage, there is no reason to suppose that a permit will not be granted, provided the application meets the requirements of the permitting regime.

Question 15

The Applicant provided air quality modelling using a Reasonable Operating Case (ROC) in Appendix A of ES Chapter 10 [AS-026]. In response to the Secretary of State's first request for information, the Applicant stated that: "part of the rationale for undertaking an assessment of the ROC was to provide Natural England with some assurance that the Environmental Permitting process would lead to an operational plant that will have effects on protected sites that are reduced to levels below those secured by the DCO with the reasonable worst-case assessment, and which are acceptable."

The **Environment Agency** is invited to comment on this statement and the Applicant's response (Pages 12 to 17). The **Environment Agency** is invited to confirm whether it considers the use of the ROC is an acceptable basis for the assessment of operational emissions to air and of the consequent impacts on SSSIs. The Secretary of State notes that the Applicant has not yet applied for necessary Environmental Permits in accordance with the good practice recommended in Planning Inspectorate Advice Note 11 Annex D3. Noting this, and to provide the Secretary of State with the necessary comfort (see draft NPS EN-1 paragraphs 4.11.15 and 4.11.16), the **Environment Agency** is invited to advise whether it is satisfied that potential operational emissions and effects on SSSIs resulting from the Proposed Development can be adequately regulated and mitigated via the Environmental Permitting regime.

The Environment Agency does not use Reasonable Operating Case as a basis for assessment of emissions to air and any environmental impacts. Until a permit application is received, which confirms the technology to be used in the plant and its performance is confirmed, the Environment Agency is unable to comment on this. The Environmental Permitting process will take all these things into account during any determination.

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

Yours sincerely

Annette Hewitson
Principal Planning Adviser

Direct dial [REDACTED]

Direct e-mail [REDACTED]@environment-agency.gov.uk