

25 September 2024

Case Manager  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Sent to: NorthLincolnshireGreenEnergyProject@planninginspectorate.gov.uk

Dear Sir or Madam,

**NORTH LINCOLNSHIRE GREEN ENERGY PARK PROJECT**

**THE 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")**

Further to our letter dated 27 August 2024, we were delighted to note the new Governments support for advancing Britain's clean energy strategy at the Energy UK conference on 17 September 2024.

As detailed in our earlier letter, dated 27 August 2024, there is absolute alignment with the North Lincolnshire Green Energy Park project outcomes including integrated carbon capture, utilisation and storage, clean power and net zero targets achievement by 2030, hydrogen technologies and associated rapid employment growth.

We have also now seen the letter to Defra dated 20<sup>th</sup> September 2024.

We note that the letter states that any "*statement of policy or new data regarding residual waste infrastructure capacity would be relevant to the Secretary of State for Energy's decision*" and that "*applicants must demonstrate that proposed facilities are in line with the government's policy position on the role of energy from waste in treating residual waste*", which is set out by Defra.

The letter goes on to ask whether there are "*any intentions regarding the publication of any evidence arising from the review, and any other statement around the policy and capacity issues.*"

We reiterate what we have stated in our earlier correspondence that the Secretary of State is obliged to determine the DCO application based on current policy, including Defra's current policy and not on any forthcoming data or policy (but see below for details of the latest data issued by Defra).

The Secretary of State for DESNZ will be aware that Defra's current policy is set out in *Our waste, our resources: a strategy for England* (the Strategy) dated December 2018. This strategy is linked to Defra's 25 Year Environmental Plan and sets targets to be achieved with respect to increasing recycling to 65% by 2035 and reducing such waste to landfill to 10% as well as eliminating food waste to landfill by 2030. Defra's policy is supportive of energy from waste but wants to encourage greater efficiency with increased use of heat from facilities. This was also to be covered in the Waste Management Plan for the UK published in 2019.

The strategy goes on to confirm, "*In addition, we will work closely with industry to secure a substantial increase in the number of EfW plants that are formally recognised as achieving recovery status, and will ensure that all future EfW plants achieve recovery status.*"

To confirm, the Applicant's facility:

- will achieve R1 status
- includes carbon capture and has the ability to connect into the proposed Humber CO2 pipeline
- includes a proposed heat network and an application has been made to the Green Heat Network Fund (GHNF) and
- includes a plastic recycling facility to ensure plastics that can be recycled achieve a higher status in the waste hierarchy

At paragraph 3.2.2 of the Strategy, Defra confirms that it will continue to monitor the delivery of waste infrastructure. They make various projections on EfW capacity and go on to confirm that:

*"Given our projections we continue to welcome further market investment in residual waste treatment infrastructure. We particularly encourage developments that increase plant efficiency, minimise environmental impacts whilst upholding our existing high standards of emissions control, and progress technologies that produce outputs beyond electricity generation where these are demonstrated to be environmentally sound and economically viable."*

The Secretary of State should also be aware that monitoring reports are issued to confirm progress to meeting the various targets under the Strategy and the latest monitoring report was issued as recently as May 2024 around the time that Defra lifted its Direction to pause the determination of

environmental permits (24<sup>th</sup> May 2024). This monitoring report contains the latest data on energy from waste capacity as well as tracking progress on both recycling, landfill and food waste targets. It does note that the reduction in landfill has slowed and will need to accelerate to meet the 2030 target, but makes no comment on the amount of energy from waste capacity being an issue.

We expect that Defra will be able to readily confirm the above position in its response.

As the Direction on permitting decisions was subsequently withdrawn (we presume in light of the latest monitoring report data) and a number of planning, DCO and permit decisions have been positively determined since then, we cannot understand why the Applicant's DCO application is being dealt with differently. We are also aware that the Secretary of State for DHCLG has recently determined a further recovered appeal by Portland Port Limited granting consent for an energy from waste facility in Dorset. In that Decision, the Inspector stated on waste capacity need, *"notwithstanding recent issues around the permitting regime, Government planning policy in England is clearly supportive. There is no moratorium or capacity limit on the provision of ERFs or EfW in England, and this is borne out by EN-1 and EN-3, the Defra Ministerial Statement of 1 December 2022, and the NPPW. Consideration of an individual proposal like that at issue here is not the place for a review of that approach."* The Secretary of State for DHCLG endorsed this conclusion on need in his decision.

Taking all of the above into account, and noting the significant delay of the DCO determination date, we trust that there will be no further delay to the current determination date of 18 October 2024.

Yours Sincerely



Colin Hammond  
Director