

Meeting note

Project name	North Lincolnshire Green Energy Park
File reference	EN010116
Status	Final
Author	The Planning Inspectorate
Date	11 August 2021
Meeting with	Solar 21 and Northern Planners
Venue	Microsoft Teams
Meeting objectives	Project Update
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Project Update

The Applicant provided a brief overview of the project, outlining the NSIP elements of the scheme and the associated development. The NSIP includes an Energy Recovery Facility (ERF) of up to 95MWe, a switch yard and a water treatment facility. The main elements of Associated Development include: a CCUS (Carbon Capture Utilisation and Storage) Plant, Residue Handling Treatment Facility (RHTF), Concrete Block Manufacturing Plant (CMBP) and a Plastic Recycling Facility (PRF).

The Applicant explained that refinements have been made to the Red Line Boundary, which were informed by the consultation responses, and that these refinements have resulted in an overall reduction of the site area. This included removal of a proposed construction compound in the north east part of the site and a reduction in the extent of land required around the existing M181 road.

The Inspectorate requested that the Applicant describes and explains the implications of any changes to the Red Line Boundary for the assessment within the Environmental Statement (ES) submitted in support of any Development Consent Order (DCO) application.

The Applicant advised that the extension to the existing Flixborough Wharf no longer formed part of the Proposed Development, as it has been identified through engagement with the relevant harbour authority that the existing capacity of Flixborough Wharf was sufficient to accommodate the requirements of the Proposed Development. As such, a deemed marine licence (DML) would no longer form part of the DCO application. The Applicant considered that this change would result in further benefits, as it would remove the need for dredging and piling in a Site of Special Scientific Interest (SSSI).

The Applicant confirmed that although their current intended date of submission is November 2021, this date may slip depending on the scope of any additional surveys required by Historic England, which could potentially include trial pits. The Applicant expected this to be confirmed by the end of August.

The Applicant intends to submit draft versions of their application documents to PINS for review prior to submission and is currently still considering which documents to provide.

Formal Consultation Update

The Applicant held its statutory consultation from 14th June – 25th July 2021; consultation under s42, s47 and s48 of PA2008 was conducted in parallel. The Statement of Community Consultation was produced with the support from the host local authority (North Lincolnshire Council), which sets out the Applicant's decision to take a zoned approach to consultation publicity and information, and the range of consultation methods that were used to ensure deliverability of information despite COVID-19. A booklet containing all the information found at the virtual exhibition was issued to all those within the consultation zone.

The Applicant had direct engagement with relevant stakeholders and outlined their consultation responses:

- **North Lincolnshire Council** expressed concern over the scale of visual impacts on nearby settlements resulting from the development. North Lincolnshire Council requested for the Applicant to undertake assessments of odour and lighting within the ES, and for a draft Construction Environmental Management Plan to be submitted. Comments were also provided on the sources to be used in the assessment of archaeology and the need for field studies as part of the assessment of cultural heritage.
- **Flixborough Parish Council's** consultation responses showed an overall objection to the scheme and the potential impacts on biodiversity and loss of agricultural land.
- **Burton Upon Stather Parish Council** expressed several concerns about the project, these include waste and the phasing elements of the scheme.
- **Historic England** requested completion of ground penetrating radar surveys, and a number of other surveys, to inform understanding of the baseline condition. The Applicant noted that a draft Written Scheme of Investigation had been prepared and shared with Historic England for comment.
- **Environment Agency** raised some detailed comments about the approach to assessment to flood risk, but otherwise deemed the approach taken to assessment satisfactory.
- **Natural England** requested that additional surveys be conducted on wintering and passage birds.
- **Public Health England** stated that greater clarity over human sensitive receptors for air quality assessment is required. It also made a request for consultation with allotment holders. The Applicant explained it is experiencing difficulty in engaging with allotment holders as there was no association through which to direct the consultation. The Applicant was considering writing directly to the allotment sites.

Submission Plans

The Applicant explained that, in refining the red line boundary, it found instances where the land ownership extents do not align with the OS Mastermap base. The Applicant sought advice from the Inspectorate on how to approach this issue.

The Applicant also sought advice on how to approach producing plans where there are several physically coincident works and how to clearly distinguish one from the other.

Following the meeting, the Inspectorate provided their response to the Applicant's queries above in a separate email dated 20 August 2021 as follows:

1. Layering:

A428 Black Cat to Caxton Gibbet Improvement Scheme can be used as an example where layering was demonstrated clearly in their plans. The approach proposed by A428 Black Cat was to have a composite plan of all works, and then individual plans showing the extent of each utility linked back to the composite plan.

Where layering was used to demonstrate various utilities works in the same locations in plans for the A428 Black Cat to Caxton Gibbet Road Improvement Scheme, the Inspectorate gave advice that this approach assisted with reading of the scheme, was proportionate to the relevant issues and represents a commitment by the Applicant to explain its scheme as clearly as possible, and would likely be welcomed by an appointed ExA and Interested Parties. Composite was shown on all drawing titles with all utilities, and the Inspectorate suggested that where one utility was shown it might be helpful to distinguish that, e.g. water utilities, and also to use different colours/ hatch type for each different utility.

2. Land ownership parcels and OS base anomalies

PINS is not able to provide advice on this other than it is up to Applicants to determine that the land in the Order Limits is needed, and where it is being compulsorily acquired, that it meets the public interest test set down in the Regulations. If there are demonstrable anomalies then you should be explicit about them and take a precautionary approach on the basis that it's easier to remove land from a submitted application than add it in.

AOB

The Inspectorate requested an Environmental Impact Assessment (EIA) update, with particular regard to:

- The status of water framework directive (WFD) assessment and whether any derogations were likely to be required.
- Consultation with Environment Agency (EA), including the approach to environmental permits.
- The status of the habitats regulation assessment (HRA).

The Applicant confirmed that it is in discussion with the EA about twin-tracking the application for environmental permits with the DCO application and had agreed the climate change allowances to be used as part of the flood risk modelling. It was agreed

that a follow up meeting would be arranged with regard to updates on the other matters, as the Applicant's EIA lead was not in attendance at the meeting.

The Applicant requested guidance on the Carbon Capture Utilisation and Storage (CCUS) elements of the scheme. The Inspectorate advised the Applicant to refer to the Secretary of State's (SoS) consultation request for the M54 Link Road, in which the SoS has requested additional information on the scheme's compliance with the Sixth Carbon Budget, as well as the direct, indirect and cumulative likely significant effects with other existing or approved projects on climate. The Inspectorate advised the Applicant to provide clear justification in their application of how their scheme will meet this.

The Inspectorate enquired about any special category land. The Applicant confirmed that there is some open access land, including allotments, which they were aiming to deal with via Temporary Possession. The Applicant also stated that it does not anticipate the need to use any powers of compulsory acquisition.

Specific decisions/ follow-up required

The following actions were agreed:

- The Inspectorate to provide advice on drafting the plans.
- A follow up meeting would be arranged for October 2021.