

The Environment Agency's Written Representation consists of a reiteration of those comments raised and discussed in our Relevant Representations submission (our letter dated 22 June 2023, reference LT/2023/127772/01-L01), including where relevant any updates to those comments. In addition, the section 'Environmental Permitting Regulations Proposed Energy Centre' may assist the Inspector with regards to Hearing Action Point 4: Energy Generation and which arose out of Issue Specific Hearing 1.

We wish to highlight to the Inspector that we have been responding to correspondence received from the applicant regarding the wording of Statements of Common Ground between the applicant and the Environment Agency.

#### Flood risk

Our comments remain the same as those provided in our Relevant Representations, as follows:

"During the pre-application phase of the NSIP process the Environment Agency liaised with the applicant's consultant on flood risk aspects of the proposal. This included the submission to the Environment Agency of a hydraulic model assessing the potential off-site flood risk arising from the proposals, including fluvial risk from the ordinary watercourses on site. The Environment Agency reviewed the model and found it fit for purpose. The outputs from the model were used to inform the Flood Risk Assessment (FRA) submitted with the application.

The FRA confirms that the vast majority of the development site lies within Flood Zone 1, the area of land deemed to be at least risk of flooding according to the National Planning Policy Framework and Planning Practice Guidance. There is some encroachment into Flood Zones 2 and 3 near to the site boundary.

Following our review of the FRA the Environment Agency consider that the development is at an acceptable level of flood risk and, subject to the implementation of the flood risk management principles outlined in the FRA, that the proposed scheme will seek to appropriately mitigate flood risk in line with best practice guidance.

Since there are no Main Rivers within the development site there is no requirement for the applicant to apply for Flood Risk Activity Permit(s) from the Environment Agency for the proposed works associated with the watercourses on site".

#### Surface water drainage

Our comments remain the same as those provided in our Relevant Representations, as follows:

"Surface water drainage will need to be managed appropriately during the construction phase and for the lifetime of the development. Whilst Leicestershire County Council, in their role as Lead Local Flood Authority (LLFA), are the lead on surface water matters that authority is not listed as a statutory consultee in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms & Procedure) Regulations 2009). For this reason we wish to advise the Inspector that the Environment Agency has been liaising with the LLFA on surface water matters. The LLFA requested Requirements be included on the Development Consent Order and whilst the Environment Agency repeated these on our Section 42 response to the applicant it will be for the LLFA to review and comment on information submitted to discharge those Requirements".

#### Contaminated land and groundwater 'controlled waters' protection

In our Relevant Representations we provided the following:

"The Environment Agency has no adverse comments to make on the information submitted regarding the proposals for how any contamination found on site is to be dealt with to ensure the protection of 'controlled waters' (Chapter 16 of the Environmental Statement). We support the imposition of Requirement 15 in the draft Development Consent Order in this regard. In our response to the s42 consultation we requested a further Requirement for the production of verification report(s) at the appropriate stage of the mitigation/development process. We are working with the consultant via a Statement of Common Ground to ensure this is included in the final version of the Development Consent Order document".

The latest version of the Development Consent Order does not include the requested Requirement for the production of verification reports and therefore this matter is still to be resolved.

#### Pollution prevention

Our comments remain the same as those provided in our Relevant Representations, as follows:

"Protection of the water environment during the construction phase and for the lifetime of the development is essential. The application provides information how it is proposed this to be achieved. Regarding construction, a separate Construction Environmental Management Plan (CEMP) is to be drawn up for each phase of development. We have no objections to this approach. For the Inspectors information, and while not diminishing the importance of other aspects of the CEMPs, in our s42 response we emphasised the importance of ensuring that schemes to mitigate the risk of suspended solids entering watercourses during the construction phase must be routinely inspected to ensure they remain functional. The Environment Agency has no adverse comments to make on the pollution prevention methods the applicant proposes to use for the development's lifetime. We advise these should also be routinely checked to ensure they remain functional".

#### Foul drainage disposal

Our comments remain the same as those provided in our Relevant Representations, as follows:

"The Environment Agency notes that connection to the Severn Trent Water Ltd (SvT) sewage drainage system is proposed for the purposes of disposal of foul drainage during both the construction phase and also for the lifetime of the development. We would welcome this arrangement".

#### Environmental Permitting Regulations Proposed Energy Centre

The development proposals include the installation of an energy centre, incorporating a gas-fired combined heat and power (CHP) plant with an electrical generation capacity of up to 5 megawatts (MW).

Based on the information submitted with the DCO application an Environmental Permit issued by the Environment Agency will be required to operate the CHP plant.

The type of Permit will be defined by the thermal input of the proposed plant. Further detail is required from the applicant including the thermal input of the proposed plant before it is clear what Permit this plant requires. The following comments are therefore advisory at this stage:

If the rated thermal input is between 1 MW and 50 MW thermal input, a Medium Combustion Plant (MCP) Permit would be required. The Permit would cover emissions to air and, depending on the fuel type, dust. There are no MCP Permit conditions for water, land, energy efficiency, odour or noise. Therefore the Examining

Authority may wish to consider these aspects should the plant be confirmed as requiring an MCP permit. It should be noted that if an MCP is sized between 20MW and 50MW thermal input it may fall under the scope of a S1.1 Part B installation activity; in this case the applicant would also need to submit an assessment of compliance with the relevant technical standards.

Where the combustion plant exceeds 50MW thermal input it is Permitted as a Section 1.1 Part A(1)(a) installation activity under Environmental Permitting Regulations (burning any fuel in an appliance with a rated thermal input of 50 or more megawatts).

The 50MW threshold covers all relevant combustion plant on the same site and so it can either be made up of one single large combustion plant (LCP) or an aggregation of smaller plant.

For an installation permit the applicant will be expected to demonstrate that there are no releases from the installation that have a negative impact on air quality, water quality, noise, odour and releases to land.

The Environment Agency operate a pre-permitting application advice service and according to our records we have not been contacted by the applicant regarding any permitting advice on this aspect of the proposals.

We trust the Inspector finds the above comments useful.