

## Briefing Note

SUBJECT: South Humber Bank Energy Centre – Erect of Waste to Energy Centre

SITE: South Marsh Lane, Stallingbrough

APPLICANT: EP Waste Management Ltd

NATIONAL INFRASTRUCTURE PLANNING REF: EN010107

- Introduction

This briefing note is to update the Planning Committee on the above proposal and NELC's response to the National Infrastructure Planning Unit on the scheme submitted to them. North East Lincolnshire Council is an interested party within this process as the host authority for the development.

The proposal is described as the construction and operation of an energy from waste plant of up to 95 megawatts gross capacity and associated development including an electrical connection, landscaping and access.

This follows the planning approval by North East Lincolnshire Council for a similar scheme on the consented site for an energy from waste facility of up to 49.9MWe gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure. This was approved on 12th April 2019 and remains extant.

The proposed development, if approved, would replace that which NELC approved (NELC Consented Scheme).

Any energy generation developments of 50MWe capacity or greater are classified as National Significant Infrastructure Projects (NSIPs) and are determined by the Planning Inspectorate not the Local Planning Authority.

The application has now been accepted by the Planning Inspectorate and the examination is on-going with the main hearing commencing on the 21<sup>st</sup> January 2021. North East Lincolnshire Council will be represented at the examination and is submitting a Local Impact Report (LIR) and Statement of Common Ground (SoCG) with the applicant. This briefing note outlines the salient points of the LIR and SoCG.

- Policy Framework

North East Lincolnshire Local Plan 2013-2032 (NELLP) adopted March 2018 is the development plan for the area.

The relevant policies of the NELLP are:

Policy 1 - Employment land supply

Policy 5 - Development boundaries

Policy 6 - Infrastructure

Policy 8 - Existing employment areas

Policy 9 - Habitat Mitigation - South Humber Bank

Policy 22 - Good design in new developments

Policy 31 - Renewable and low carbon infrastructure

Policy 32 - Energy and low carbon living

Policy 33 - Flood risk

Policy 34 - Water management

Policy 36 - Promoting sustainable transport

Policy 38 - Parking

Policy 39 - Conserve and enhance historic environment

Policy 41 - Biodiversity and Geodiversity

Policy 42 – Landscape

Policy 47 – Future requirements for waste facilities

Policy 48 – safeguarding waste facility and related infrastructure

The proposal is located to the rear of the current South Humber Bank Power Station which is allocated within the North East Lincolnshire Local Plan as Existing Employment Land and is surrounded by land similarly allocated or as employment land.

- Relevant Issues

#### Issue 1 – Policy considerations

NELLP through policies 1, 7 and 8, and its plan allocations seek to promote sustainable economic growth with investment within NE Lincolnshire having a particular focus on certain key areas of activity. The NELLP promotes the growth of the renewable and energy sector including generating power through biomass processing, and waste. The development would be located on the same site as the NELC consented energy from waste plant and would be directly to the rear (east) of the existing South Humber Bank Power Station. As with the consented development it is considered that the proposed energy from waste plant would in principle accord with the NELLP policies 1, 7 and 8.

#### Issue 2 - Character, Visual Amenity, Landscape and Heritage

The NELLP policies adopted to assess the visual impacts of development on the surrounding areas are policies 5, 22, 39 and 42.

The development would be a substantial structure with the main building being 59m high with two chimneys up to 102m (AOD) in height proposed. The overall footprint of the building being 210m by 110m. These maximum dimensions are the same as those approved within the NELC consented scheme which incorporated maximum dimensions to allow for a level of flexibility within such an envelope for operational alterations without the need for further consent.

The development would be positioned directly behind (east) of the existing power station at the applicant's site which is a substantial structure with two large chimneys. The site adjoins both open

fields but also other large industrial operations and when viewed from vantage points identified it is considered that the development would be nestled between the existing industrial developments limiting the visual impact on the appearance and character of the area to less than significant. Agreed viewpoints at short, medium and longer distance from the site.

The impact on heritage assets would be limited by intervening distances and the proposals context of existing industrial development and it is not considered that this would be detrimental to any asset identified. Similarly, there would not be deemed to be any impact on archaeology on the site due to previous development on the wider site.

Given the near identical physical dimensions and appearance of the proposal to the NELC consented scheme, the existing industrial context of the area and indeed employment allocation of land surrounding the site for future development the proposal is considered to accord with policies 5, 22, 39 and 42 of the NELLP.

### Issue 3 - Impact on Neighbouring Land Uses

Policy 5 of the NELLP requires an assessment be made on the impact on neighbouring land uses by virtue of noise, air quality, disturbance and visual intrusion.

The immediate neighbouring land uses include Synthomer and Newlincs to the north, Lenzing Fibres to the far south and the existing South Humber Bank Power Station (in the applicant's control) to the west. Being within an existing employment area and adjacent to allocated land, such proposals are somewhat expected and are directed to such areas. As such impacts upon these uses are anticipated to be of a level that would be acceptable. This includes noise, vibration, and air quality.

It is noted that there are no residential dwellings within 500m of the site, two within 1km and eight within 2km of the site. The closest settlement would be Stallingborough just over 2km away. The main impacts on these receptors would be visual intrusion, noise, vibration, and air quality. Given the intervening distances these receptors would be from development and the similarity of the NELC consented scheme to the proposed development, the impacts would be the same.

Highways impacts will be considered below but it is worth noting that as with the NELC consented scheme HGV fuel deliveries and construction traffic would be routed away from residential areas limiting impacts on air quality, noise and vibration. This would be enforced through the proposed requirements (conditions) of the DCO. In overall terms therefore the proposal is deemed to accord with policy 5 of the NELLP.

### Issue 4 – Highways.

Policy 5 of the NELLP requires that the suitability of the proposal with regards to access and traffic generation levels is considered. Similarly, policy 36 promotes sustainable transport use whilst Policy 38 sets out the requirements for parking.

The development would generate substantial increase in traffic during the first years of construction and during the operational life of the plant. At its optimum the development would employ 56 staff working over three shifts whilst 624 HGV movements in an out of the plant would deliver fuel/ other materials and removing ash each day. The HGVs would be routed from and to the A180 via the A1173, Kiln Lane and Hobson Way.

A Transport Assessment has been submitted and the highway authority have not raised an objection to traffic levels, safety, capacity nor HGV routing subject to requirements (conditions) being placed on

the DCO to enforce routing and minor enhancements to the network and a transport plan. It is also noted that Highways England have not raised an objection to the proposal.

Network Rail has raised concerns over the impact on its Kiln Lane and South Marsh Road level crossings, however, they did not object to the NELC consented scheme which had almost identical traffic levels.

It is noted that the proposed traffic levels generated are almost identical to that previously deemed acceptable within the NELC consented scheme and as with that scheme subject the requirements (conditions) of the DCO the proposal would accord with policies 5, 36 and 38 of the NELLP.

#### Issue 5 - Ecology

Policy 41 of the NELLP seeks development to have regard to biodiversity and geodiversity including (amongst other criteria) the establishment and the securing of appropriate management of long-term mitigation areas with the estuary employment zone (also Policy 9). Policy 9 sets the requirements for habitat mitigation on the South Humber Bank with Policy 6 requiring any necessary infrastructure; in this case habitat mitigation under C(ii), to be secured.

The site is approximately 175m west of the Humber Estuary's Site of Specific Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. There are also local wildlife sites and sites of nature conservation importance with the area and the site itself has some, if limited, ecological value.

The applicant has recognised the importance of these areas and provided detailed environmental assessment of the impacts of the proposal on these surrounding areas and the species that rely upon them. The scheme has been assessed and it is noted that the NELC's ecologist has not objected and Natural England have indicated that there is no fundamental reason in principle why the proposal should not be permitted, but that further information is required on specific points to ensure that there would be no adverse impacts on the Humber Estuary. Discussions between the applicant and Natural England continue to resolve the remaining concerns but this will be for the examiner to rule upon. As such subject to various mitigation works the proposal is deemed to accord with policies 6, 9 and 41 of the NELLP.

Mitigation works, however, are critical and would be the subject of the requirements (conditions) of the DCO and these include the limitations on the timing and type of piling operations, screen fencing to the south, protection of various features and areas of site from development (e.g. trees and ditches), the creation of new grassland and water features to the west of the South Humber Bank Power Station and the provision of a contribution totalling £105,378 (based on site area) to assist in the repayment of construction costs for the South Humber Gateway Mitigation Strategy which would mitigate the impact on over wintering birds from the estuary. These mitigation measures are identical to those agreed within the NELC consented scheme.

#### Issue 6 - Pollution, Air Quality and Contamination

Pollution, air quality and contamination are factors which need consideration under Policy 5 of the NELLP, which requires any necessary measures to mitigate impacts to be provided.

The proposal would have almost identical impacts on these elements as the NELC consented scheme and both have been assessed by the NELC's Environmental Protection Team and subject to the requirements of the DCO (conditions) are deemed acceptable. This includes air quality which has been modelled (including cumulative impacts from other development) and have been found to remain

with acceptable Environmental Standards ensuring there would no significant impacts on the area, ecology nor to neighbours. Again, the lack of objection from Public Health England, the Environment Agency on such matters is critical and noted. Similarly, the remaining specific concerns raised by Natural England in relation to air quality within the estuary are being addressed by the applicant (should these final specific remaining points not be addressed these will need to be a matter for the Examiner) and as such the proposal is deemed to accord with policy 5 of the NELLP.

#### Issue 7 - Drainage and Flood Risk

Policy 33 of the NELLP seeks to mitigate flood risk impacts and requires development to be supported by a site-specific flood risk assessment. Policy 34 of the NELLP requires that proposals consider adequate arrangements for foul and surface water drainage.

The site is located within Environment Agency Flood Zone 3 as are all other employment allocated sites upon the South Humber Bank. Sequentially as an allocated site within the NELLP the development of this is deemed to be acceptable in terms of the requirements of policy 33 and the provisions of the NPPF.

The development would also ensure, amongst other things, that safe refuge for people and critical infrastructure would be set above 4.60m AOD (plus climate change 2115) within buildings and construction would utilise suitable water resist materials and methods to limit damage and down time in the event of catastrophic flood event. The Environment Agency and Council's drainage team have not objected to this, and proposal represents a very slight improvement in protection beyond that proposed under the NELC consented scheme.

Surface water drainage from the development would be limited to greenfield runoff rates into the existing land drains. This would be achieved through drainage via large attenuation ponds on site, designed conservatively to accommodate runoff during extreme events before release at a controlled level. Full details will be required through the DCO requirements (conditions) but neither the NELC drainage team nor the Environment Agency has objected to the strategy. Within the assessment consideration is also been had with reference to water quality. Foul water drainage would also be subject to the DCO requirements.

Subject to the requirements (conditions) of the DCO the proposal is deemed to accord with policies 33 and 34 of the NELLP and the provisions of the NPPF.

#### Issue 8 - Health and Safety Executive (HSE)

Policy 5 of the NELLP requires that any advice from the HSE is taken account of in the decision-making process. The site is close to several pipelines and hazardous installations. It is noted that the scheme is very similar to the previous NELC Consented Scheme which the Executive did not advise against, and the examiner will need to consider any comments made by the Health and Safety Executive in his determination of the DCO.

- Conclusion

The proposal and its impacts would be very similar that which NELC previously granted consent for. It is considered therefore that the proposal accords with all relevant NELLP policies and is not considered either in isolation, or cumulatively to significantly affect the character of the area, neighbouring land uses, ecology, the highway network or the environment subject to the requirements (conditions) of the DCO which would also incorporate requirements of the previous S106 planning agreement.