

---

## CONTENTS

<b>1.0</b>	<b>INTRODUCTION .....</b>	<b>1-1</b>
1.1	Background.....	1-1
1.2	The Applicant.....	1-1
1.3	The Proposed Development .....	1-2
1.4	The Development Consent Process .....	1-3
1.5	Environmental Impact Assessment (EIA) and the Purpose of the Environmental Statement.....	1-3
1.6	Structure of this ES .....	1-6
1.7	Consultation .....	1-7
1.8	Statement of Competence .....	1-8
1.9	References.....	1-8

## TABLES

<b>Table 1.1:</b>	<b>Location of information required by Regulation 14(2) within this ES..</b>	<b>1-5</b>
-------------------	--	------------

## 1.0 INTRODUCTION

### 1.1 Background

- 1.1.1 This Environmental Statement (ES) has been prepared on behalf of EP Waste Management Limited ('the Applicant') in relation to an application ('the Application') to be made to the Secretary of State for Business, Energy and Industrial Strategy, seeking Development Consent for the construction of an energy from waste power station.
- 1.1.2 The energy from waste power station ('the Proposed Development') is to be built on land located within the boundary of the South Humber Bank Power Station (SHBPS) site, off South Marsh Road, near Stallingborough, North East Lincolnshire.
- 1.1.3 This ES presents:
- a description of the Proposed Development;
  - the alternative sites, technologies and layouts considered;
  - the likely significant environmental effects of its construction, operation (including maintenance) and decommissioning; and
  - measures to avoid or reduce such effects.
- 1.1.4 The ES is provided in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations'), in order to inform the consideration of the Application and provide the Secretary of State with part of the environmental information that must be taken into account when determining the Application. All the land required for the Proposed Development (and included within the Application site boundary) is referred to in this ES as 'the Site'. The Proposed Development is entirely within the administrative boundary of North East Lincolnshire Council ('NELC').
- 1.1.5 This chapter is supported by Figure 1.1 (ES Volume II, Document Ref. 6.3), which illustrates the Site location.

### 1.2 The Applicant

- 1.2.1 EP Waste Management Limited ('the Applicant'), is a subsidiary of EP UK Investments Limited ('EPUKI').
- 1.2.2 These include SHBPS and Langage (Devon) Combined Cycle Gas Turbine ('CCGT') power stations, Lynemouth (Northumberland) biomass-fired power station, and power generation assets in Northern Ireland. EPUKI also owns sites with consent for new power stations in Norfolk (King's Lynn 'B' CCGT) and North Yorkshire (Eggborough CCGT).
- 1.2.3 EPUKI is a subsidiary of Energetický A Prumyslový Holding ('EPH'). EPH owns and operates energy generation assets in the Czech Republic, Slovak Republic, Germany, Italy, Hungary, Poland, Ireland, and the United Kingdom.

### 1.3 The Proposed Development

- 1.3.1 The Proposed Development is an energy from waste power station with a gross electrical output of up to 95 MW.
- 1.3.2 The Proposed Development will recover energy in the form of electricity and potentially heat (as steam or hot water) through the controlled combustion of Refuse Derived Fuel (RDF). RDF comprises processed waste from municipal/household, commercial and industrial sources. The Environmental Permit required for the operation of the Proposed Development will include a specific list of types of waste that can be accepted.
- 1.3.3 Full planning permission for a 49.9 MW energy from waste power station at the Site was granted by NELC under the Town and Country Planning Act 1990 on 12<sup>th</sup> April 2019 (referred to as 'the Consented Development'). Since the grant of this planning permission ('the Planning Permission') the Applicant has been assessing potential opportunities to improve the efficiency of the Consented Development and now proposes an energy from waste power station of up to 95 MW electrical output ('the Proposed Development').
- 1.3.4 The Proposed Development will require additional works at the Site, however the Applicant is not seeking any changes to the maximum building dimensions that were approved under the Planning Permission and which were assessed as part of the Environmental Impact Assessment ('EIA') that formed part of the planning application submitted to NELC for the Consented Development.
- 1.3.5 The nominal design capacity of the Proposed Development is 616,500 tonnes per annum of RDF based on a design net calorific value ('NCV') of 11 MJ/kg and the expected plant annual running hours. The plant is capable of maintaining the maximum electrical output while combusting fuel in a range of NCVs between 9 and 14 MJ/kg. The maximum fuel throughput of the Proposed Development is theoretically 753,500 tonnes per annum if only fuel with a NCV of 9 MJ/kg were to be used, based on the expected plant annual running hours. This is the same maximum fuel throughput as was assessed by the EIA for the Consented Development.
- 1.3.6 It is proposed that the facility will operate twenty-four hours a day, seven days a week, with occasional periods when it is offline for maintenance.
- 1.3.7 RDF will be delivered by road, with deliveries taking place twenty-four hours a day, seven days a week, including Bank Holidays but excluding Christmas Day, Boxing Day and New Year's Day. The Proposed Development will include storage capacity for approximately four days of fuel in a fuel bunker, so that the plant can continue to operate if there are any short term fuel supply issues.
- 1.3.8 The Site area is approximately 23 hectares (ha). Most of the existing South Humber Bank Power Station site is included within the Site since it is within the control of the Applicant and allows the Applicant to optimise utility connections and areas for landscaping, mitigation and enhancement that may be required.
- 1.3.9 A full description of the Site is set out in Chapter 3: The Site of this ES and the Proposed Development is described in more detail in Chapter 4: The Proposed Development of this ES.

## 1.4 The Development Consent Process

- 1.4.1 With reference to the Planning Act 2008, the Proposed Development will comprise an 'onshore generating station' with a capacity of up to 95 MW gross electrical output and it therefore falls within the definition of a 'nationally significant infrastructure project' under Sections 14(1)(a) and 15(2) of the Planning Act 2008 as a 'generating station exceeding 50 MW'.
- 1.4.2 Development consent for the Proposed Development is therefore required from the Secretary of State (SoS) for Business, Energy and Industrial Strategy. This is granted in the form of a Development Consent Order (DCO). A DCO has the effect of granting consent for construction and operation of a development, as well as removing the need for some consents (such as planning permission).
- 1.4.3 An application for development consent is submitted to the Planning Inspectorate (PINS), acting on behalf of the SoS. Subject to an application being accepted, which will be determined within a period of 28 days following receipt of an application, PINS appoint an inspector (or panel of inspectors), known as the Examining Authority (ExA), to examine the application. The examination must be completed within six months, following which the ExA has three months to write a report providing a recommendation to the SoS as to whether development consent should be granted. Finally, the SoS has three months to make a decision on whether to grant development consent.

## 1.5 Environmental Impact Assessment (EIA) and the Purpose of the Environmental Statement

- 1.5.1 The Applicant has notified the Secretary of State under Regulation 8(1)(b) of the EIA Regulations that it intended to provide an Environmental Statement (ES) in respect of the Proposed Development. The Proposed Development is therefore 'EIA development' for the purposes of the EIA Regulations and this ES will form part of the Application.
- 1.5.2 The broad EIA process is as follows. After the completion of an EIA Scoping Report and publication of the Secretary of State's Scoping Opinion, the EIA for a DCO is reported in two stages:
1. A PEI Report is prepared to inform consultation with the public and other stakeholders about the Proposed Development, based on the preliminary environmental information available at the time of consultation; and
  2. An ES is prepared to accompany the Application.

### The EIA Scoping Process

- 1.5.3 The purpose of the EIA Scoping process is to determine which topics should be included in the EIA, and the level of detail to which they should be assessed. An EIA Scoping Report and a request for an EIA Scoping Opinion pursuant to Regulation 10 of the EIA Regulations was submitted to PINS on 21<sup>st</sup> August 2019.
- 1.5.4 The EIA Scoping Report (see Appendix 1A in ES Volume III, Document Ref. 6.4) was developed with reference to standard guidance and best practice and was informed by the EIA team's experience working on a number of other similar projects, including the EIA for the Consented Development, which was completed in December 2018.

#### 1.5.5 The EIA Scoping Report set out:

- details of the Proposed Development (including comparison with the Consented Development) and the Site;
- a summary of alternatives considered;
- a summary of existing and future baseline conditions;
- an outline of the likely environmental effects of the Proposed Development;
- a description of the matters to be scoped in and out of the EIA;
- proposed assessment methods; and
- the proposed structure of the ES.

1.5.6 The Scoping Opinion was received on 2<sup>nd</sup> October 2019 and is presented within Appendix 1B in ES Volume III, Document Ref. 6.4. This ES is based on the Scoping Opinion, and the matters raised have been reviewed and taken into consideration in the relevant technical assessments. Further details on the EIA Scoping Opinion are set out in Chapter 2: Assessment Methodology.

#### The PEI Report

1.5.7 A PEI Report was prepared to satisfy the requirements of Regulation 12(2) of the EIA Regulations. In accordance with Regulation 12(2)(b), the PEI Report presented “*the information referred to in Regulation 14(2) which... is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development (and of any associated development)*”. Regulation 14(2) describes the requirements of an ES.

1.5.8 PINS Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements (PINS, 2017) notes “*A good PEI document is one that enables consultees (both specialist and non-specialist) to understand the likely environmental effects of the Proposed Development and helps to inform their consultation responses on the Proposed Development during the pre-application stage.*”

1.5.9 In order to enable consultees to understand the likely environmental effects of the Proposed Development, the PEI Report presented preliminary findings of the environmental assessments undertaken at the time of writing. This allowed consultees the opportunity to provide informed comment on the Proposed Development, the assessment process and preliminary findings prior to the finalisation of the DCO application and the ES.

1.5.10 The PEI Report was published for consultation in October 2019 and the consultation period ended on 13<sup>th</sup> December 2019. Consultation responses have been reviewed and have informed the preparation of the ES.

#### The ES

1.5.11 This ES has been prepared to satisfy the requirements of Regulation 14(1) of the EIA Regulations. The information to be included in an ES is set out in Regulation 14(2) and Table 1.1 identifies where this information can be found within this ES.

**Table 1.1: Location of information required by Regulation 14(2) within this ES**

SPECIFIED INFORMATION	LOCATION WITHIN ES
a) a description of the proposed development comprising information on the site, design, size and other relevant features of the development;	Volume I Chapter 3: Description of the Proposed Development Site, Chapter 4: The Proposed Development, Chapter 5: Construction Programme and Management, and Chapter 6: Need, Alternatives and Design Evolution, and supporting figures and appendices to these chapters in Volumes II and III
b) a description of the likely significant effects of the proposed development on the environment;	Volume I Chapters 7 to 19, 'Likely Impacts and Effects' sections
c) a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;	Volume I Chapter 4: The Proposed Development and Chapters 7 to 19, 'Development Design and Impact Avoidance' and 'Mitigation and Enhancement Measures' sections
d) a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;	Volume I Chapter 6: Need, Alternatives and Design Evolution
e) a non-technical summary of the information referred to in subparagraphs (a) to (d); and	Non-Technical Summary

SPECIFIED INFORMATION	LOCATION WITHIN ES
<p>f) any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.</p>	<p>Baseline conditions relevant to each assessment are described in Volume I Chapters 7 to 19, 'Baseline Conditions' sections</p> <p>Assessment methods are described in Volume I Chapter 2: Assessment Methodology and Chapters 7 to 19, 'Assessment Methodology and Significance Criteria' sections</p> <p>Any limitations and/ or difficulties with the assessments are described in Volume I Chapters 7 to 19, 'Limitations or Difficulties' sections</p> <p>As planning permission has previously been granted for a 49.9 MW energy from waste power station on the Site (the Consented Development), the assessments also include a comparison of the effects of the Proposed Development with the effects of the Consented Development, to provide relevant context.</p>

## 1.6 Structure of this ES

1.6.1 The format of the ES reflects that proposed at the EIA scoping stage and within the PEI Report, and covers the assessment topics agreed through the EIA Scoping process.

1.6.2 Volume I of the ES is structured into chapters, as follows:

- Chapters 1 and 2 – an introduction to the ES and EIA approach;
- Chapters 3 to 6 – a description of the Site and Proposed Development including information on construction timescales and alternatives;
- Chapters 7 to 16 – assessment of the likely significant effects of the Proposed Development (including comparison to the Consented Development) in relation to the environmental topics scoped in to the EIA;
- Chapter 17 – potential inter-relationships between the topics covered in Chapters 7 to 16, 18 and 19 (combined effects), and between the Proposed Development and other planned developments in the surrounding area (cumulative effects);



- Chapters 18 and 19 – summarising information on health and climate change impacts that is contained in Chapters 7 to 17; and
- Chapter 20 – a summary of assessment of likely significant environmental effects.

1.6.3 Volumes II and III of the ES comprise the figures and technical appendices that accompany each chapter of Volume I (Document Refs. 6.3 and 6.4 respectively).

1.6.4 A separate document has also been prepared to provide a non-technical summary (NTS) of this ES.

## **1.7 Consultation**

1.7.1 Consultation is integral to the preparation of DCO applications and to the EIA process. The views of consultation bodies and the local community serve to focus the environmental studies and to identify specific issues that require further investigation, as well as to inform aspects of the design of the Proposed Development. Consultation is an on-going process and the publication of the PEI Report formed an important part of that process.

1.7.2 The Planning Act 2008 (the PA 2008) requires applicants for development consent to carry out formal (statutory) pre-application consultation on their proposals. There are a number of requirements as to how this consultation must be undertaken that are set out in the PA 2008 and related regulations:

- Section 42 of the PA 2008 requires the applicant to consult with ‘prescribed persons’, which includes certain consultation bodies such as the Environment Agency and Natural England, relevant statutory undertakers, relevant local authorities, those with an interest in the land, as well as those who may be affected by the development;
- Section 47 of the PA 2008 requires the applicant to consult with the local community on the development. Prior to this, the applicant must agree a Statement of Community Consultation (SoCC) with the relevant local authorities. The SoCC must set out the proposed community consultation and, once agreed with the relevant local authorities, a SoCC Notice must be published in local newspapers circulating within the vicinity of the land in question providing details of how the SoCC can be inspected. The consultation must then be carried out in accordance with the final SoCC;
- Section 48 of the PA 2008 places a duty on the applicant to publicise the proposed application in the ‘prescribed manner’ in a national newspaper, The London Gazette and a local newspaper circulating within the vicinity of the land in question; and
- Section 49 places a duty on the applicant to take account of any relevant responses received to the consultation and publicity that is required by Sections 42, 47 and 48.

1.7.3 The Applicant informally consulted NELC and PINS prior to the submission of the EIA Scoping Report.

1.7.4 The Applicant undertook formal Section 42 and Section 47 consultation which commenced at the same time as the publication of the PEI Report in October



2019 and ended on 13<sup>th</sup> December 2019. The Section 48 publicity was carried out at the same time.

- 1.7.5 The issues that have been raised through consultation (on both the Consented Development and the Proposed Development) and how these have been considered and addressed within the design evolution of the Proposed Development and the EIA is set out where relevant within each of the topic chapters in this ES.
- 1.7.6 The pre-application consultation undertaken by the Applicant is documented within the Consultation Report (Document Ref. 5.1). This includes a separate section on EIA related consultation as recommended within PINS Advice Note Fourteen: Compiling the Consultation Report (PINS, 2012).

## **1.8 Statement of Competence**

- 1.8.1 A statement of the relevant expertise and qualifications of each of the contributors to the ES is required by Regulation 14(4)(b) of the EIA Regulations. This is provided at Appendix 1C (ES Volume III, Document Ref. 6.4).

## **1.9 European Legislation and Withdrawal from the European Union**

- 1.9.1 The United Kingdom (UK) left the European Union (EU) on 31 January 2020 under the terms set out in the European Union (Withdrawal Agreement) Act 2020 ('the Withdrawal Act'). This established a transition period, which is currently set to end on 31 December 2020, although it can be extended once by either one or two years if both the UK and EU agree to an extension by 1 July 2020. The Withdrawal Act also retains the body of existing EU-derived law (which includes the EIA Regulations and other relevant environmental legislation described in Chapters 7 to 19) within our domestic law.
- 1.9.2 During the transition period:
- EU law applies to and in the UK, including all EU Directives referenced within the DCO Application documents. If new EU legislation enters into force, it will become part of the EU 'acquis' with which the UK is expected to comply;
  - it will remain possible for UK courts and tribunals to hear and decide on cases involving EU law principles and for UK courts and tribunals to seek a preliminary ruling from the Court of Justice of the EU on a point of EU law interpretation.
- 1.9.3 After the transition period:
- if an agreement on the future relationship is negotiated between the UK and the EU, trade will take place subject to the terms of that agreement. The extent to which new EU legislative proposals will be considered by the UK will largely depend on the terms of the agreement but continuity of law would be ensured by the Withdrawal Act;
  - if the UK and EU have not concluded an agreement on the future relationship, then trade will take place subject to world trade organisation (WTO) rules. Continuity of law in the UK will be provided by the Withdrawal Act unless, and subject to the provisions of the Northern Ireland Protocol, the UK legislates to diverge from EU law.

1.9.4 The Application's examination is likely to span the latter part of the transition period. The Applicant will therefore provide updates to documents, in respect of legal references, during examination should it become necessary.

#### **1.10 References**

Planning Inspectorate (2012) *Advice Note Fourteen: Compiling the Consultation Report, Version 2 April 2012*

Planning Inspectorate (2017) *Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements, Version 6 December 2017*