

**NORTH LINCOLNSHIRE COUNCIL**

# **LOCAL IMPACT REPORT**

**Planning Act 2008 (as amended)**

**Infrastructure Planning (Examination Procedure) Rules 2010**

**SUBJECT: APPLICATION FOR AN ORDER GRANTING DEVELOPMENT  
CONSENT FOR THE VPI IMMINGHAM OCGT PROJECT**

**APPLICANT: VPI IMMINGHAM B LTD**

**SITE: LAND TO THE NORTH OF AND IN THE VICINITY OF THE VPI  
IMMINGHAM POWER STATION, ROSPER ROAD, SOUTH KILLINGHOLME,  
LINCOLNSHIRE, DN40 3DZ**

**Planning Inspectorate's Reference: EN010097**

12 September 2019

## 1. INTRODUCTION

- 1.1 This report has been prepared by North Lincolnshire Council in accordance with the advice and requirements set out in the Planning Act 2008 and Advice Note One: Local Impact Reports (Version 2) issued by the Infrastructure Planning Commission in April 2012.
- 1.2 The Advice Note states that a Local Impact Report (LIR) is a 'Report in writing giving detail of the likely impact of the proposed development on the authority's area'.
- 1.3 The Advice Note states that when the Commission decides to accept an application it will ask the relevant local authorities to prepare a LIR. Its preparation should be prioritised and indicate where the local authority considers the development would have a positive, negative or neutral effect on the area. The Report may include any topics that they consider to be relevant to the impact of the development on their area as a means by which their existing body of knowledge and evidence on local issues can be fully and robustly reported to the Commission.
- 1.4 The Advice Note indicates that topics addressed in the Local Impact Report may include:
- site description and surroundings/location;
  - details of the proposal;
  - relevant planning history and any issues arising;
  - relevant development plan policies, supplementary planning guidance or documents, development briefs or approved master plans and an appraisal of their relationship and relevance to the proposals;

- relevant development proposals under consideration or granted permission but not commenced or completed;
- local area characteristics such as urban and landscape qualities and nature
- conservation sites;
- local transport patterns and issues;
- site and area constraints;
- designated sites;
- socio-economic and community matters;
- consideration of the impact of the proposed provisions and requirements within the draft Order in respect of all of the above;
- development consent obligations and their impact on the local authority's area.

1.5 The Local Impact Report may also comment on the development consent obligations and the requirements and also any relevant representations.

1.6 In producing the LIR the council has not sought the views of local parish councils and local interest groups because the parish councils and other local groups have the opportunity, through the consultation process, to make their observations direct to the Planning Inspectorate.

1.7 The LIR is intended to be used by the local authority as a means by which the existing body of local knowledge and evidence on local issues is fully and robustly reported to the appointed Examining Authority.

1.8 Set out below is the LIR of North Lincolnshire Council. It identifies the most relevant policies and the main issues that concern this Council.

## **2. POLICY FRAMEWORK**

### **2.1 LOCAL HISTORICAL BACKGROUND**

2.1.1 The proposed VPI OCGT Project site lies within an area that has a long history of allocation for port related and energy generating development within Development Plans. Previous Development Plans (listed below) have recognised the potential for extending Immingham and Grimsby Ports northwards on to a large flat area of land adjacent a deep water channel of the Humber Estuary to enable additional port related development, including the chemical and power industries which require a more isolated location away from the main urban areas.

- County Development – County of Lincoln – Parts of Lindsey (1955).
- Lindsey Report – March 1965.
- Humberside Structure Plan (Approved) (March 1979).
- Humberside Structure Plan Interim Policies for the South Humber Bank Industry Area (October 1982).
- Humberside Structure Plan (Approved) (July 1987) (Explanatory Memorandum – March 1988).
- Humberside Structure Plan – Replacement (Consultation Draft) (January 1994).
- East Glanford Local Plan (Consultation Draft) (September 1994).
- Regional Planning Guidance 2001.
- Regional Spatial Strategy for Yorkshire and the Humber (2008).

2.1.2 Current Development Plans have continued to support the South Humber Bank allocation in the North Lincolnshire Local Plan – saved policies (adopted 2003), the North Lincolnshire Core Strategy (adopted June 2011) and the Housing and Employment Land Allocations Development Plan Document (adopted 2016).

## 2.2 NATIONAL POLICY STATEMENTS

2.2.1 In accordance with Section 104 of the Planning Act 2008, in determining applications for development consent decision makers must have regard to:

- (a) any national policy statement which has effect in relation to development of the description to which the application relates;
- (aa) the appropriate marine policy documents (if any), determined in accordance with section 59 of the Marine and Coastal Access Act 2009;
- (b) any local impact report submitted to the Secretary of State before the deadline specified in a notice under section 60(2);
- (c) any matters prescribed in relation to development of the description to which the application relates; and
- (d) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.

Paragraph 4.1.5 of the Overarching National Policy Statement (NPS) for Energy (NPS EN-1) clarifies that along with NPS's:

*“Other matters that the IPC (now replaced by the Planning Inspectorate) may consider both important and relevant to its decision-making may include Development Plan Documents or other documents in the Local Development Framework. In the event of a conflict between these or any other documents*

*and an NPS, the NPS prevails for the purposes of NID decision making given the national significance of the infrastructure.”*

2.2.2 The overarching National Policy Statement for Energy (NPS EN-1) sets out the Government’s energy policy, and explains the need for new energy infrastructure and instructs the Planning Inspectorate on how to assess the impacts of energy infrastructure development in general. It sets out the urgency for new energy infrastructure and provides that the Secretary of State should start with a presumption in favour of granting a Development Consent Order (DCO) for energy Nationally Significant Infrastructure Projects unless any more specific and relevant policies set out within the NPS’s clearly indicate that consent should be refused; or that Section 104 of the Planning Act 2008 applies. Section 104 states that an application for energy infrastructure must be decided in accordance with the relevant NPS’s except where in doing so it would cause one or more of the following:

- lead to the UK being in breach of its international obligations;
- be in breach of any statutory duty that applies to the Secretary of State;
- be unlawful;
- result in adverse impacts from the development outweighing the benefits; or
- be contrary to regulations about how decisions are to be taken.

2.2.3 In considering proposals, and particularly when weighing up adverse impacts and benefits, the Secretary of State should take in to account the proposals:

- potential benefits, including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits;
- and

- potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.

2.2.4 National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (NPS EN-2) specifically relates to fossil fuel generating stations. It states *“Fossil fuel generating stations play a vital role in providing reliable electricity supplies and a secure and diverse energy mix as the UK makes the transition to a low carbon economy”*.

2.2.5 National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (NPS EN-4) provides guidance on the assessment of applications for new gas and oil pipelines. Key technology specific considerations for gas pipelines include proximity to sensitive land uses when planning routes; pipeline safety; noise and vibration; biodiversity; landscape and visual; water quality and resources; and soils and geology.

2.2.6 National Policy Statement for Electricity Networks Infrastructure (NPS EN-5) outline the principles on which the Secretary of State will apply to the consideration of applications for new electricity transmission lines as well as associated infrastructure, such as substations. Considerations to be taken into account include biodiversity and geological conservation, landscape and visual, noise and vibration and the impacts of electric and magnetic fields.

## 2.3 NATIONAL PLANNING POLICY FRAMEWORK

2.3.1 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are to be applied. Paragraph 5 of the NPPF makes it clear that the document does not contain specific policies for NSIP’s and that NSIP applications should be determined in accordance with the decision making framework set out in the Planning Act 2008 and relevant NPS’s, as well as other matters that are considered both important

and relevant. Paragraph 5 clarifies that matters considered both important and relevant to NSIP's may include the NPPF.

2.3.2 Paragraph 7 of the NPPF recognises the purpose of the planning system as contributing to the achievement of sustainable development. Paragraph 8 goes on to identify three dimensions of sustainable development: economic, social and environmental. Paragraph 9 goes on to stress that these three roles are mutually dependent and should not be undertaken in isolation. The NPPF also introduces a presumption in favour of sustainable development.

2.3.3 The following sections of the NPPF are considered to be relevant to the consideration of this application:

- Promoting healthy and safe communities;
- Promoting sustainable transport;
- Achieving well-designed places;
- Meeting the challenge of climate change, flooding and coastal change;
- Conserving and enhancing the natural environment; and
- Conserving and enhancing the historic environment.

2.3.4 The policies contained within the NPPF are expanded upon and supported by the Planning Practice Guidance (PPG). The sections of the PPG most relevant to the consideration of this application are:

- Air Quality;
- Climate Change;
- Design;
- Environmental Impact Assessment;
- Flood Risk and Coastal Change;
- Historic Environment;



- Land affected by contamination;
- Light Pollution;
- Natural Environment;
- Noise; and
- Travel plans, Transport Assessments and Statements.

## 2.4 *DEVELOPMENT PLAN*

2.4.1 The current Development Plan for North Lincolnshire comprises the saved policies of the North Lincolnshire Local Plan (2003); the North Lincolnshire Core Strategy (2011); and the North Lincolnshire Housing and Employment Land Allocations Development Plan Document (2016).

2.4.2 The Development Plan policies relevant to the consideration of this application are set out below.

### 2.4.3 **North Lincolnshire Local Plan (2003):**

- IN1 – Industrial Development Location and Uses;
- IN3 – Industrial and Commercial Development in the Urban Area, Principal Growth Settlements, South Humber Bank (Including North Killingholme Airfield) and Humberside International Airport;
- RD2 – Development in the Open Countryside;
- T1 – Location of Development;
- T2 – Access to Development;
- T18 – Traffic Management;
- T19 – Car Parking Provision & Standards;

- LC1 – Special Protection Areas, Special Areas of Conservation and Ramsar Sites;
- LC2 – Sites of Special Scientific Interest and National Nature Reserves;
- LC5 – Species Protection;
- LC7 – Landscape Protection;
- LC12 – Protection of Trees, Woodland and Hedgerows;
- LC20 – South Humber Bank – Landscape Initiative;
- HE5 – Development affecting Listed Buildings;
- HE9 – Archaeological Excavation;
- M23 – Oil and Gas Production;
- DS1 – General Requirements;
- DS7 – Contaminated Land;
- DS12 – Light Pollution;
- DS13 – Groundwater Protection and Land Drainage;
- DS14 – Foul Sewage and Surface Water Drainage;
- DS15 – Water Resources; and
- DS16 – Flood Risk.

#### **2.4.4 North Lincolnshire Core Strategy (2011):**

- CS1 – Spatial Strategy for North Lincolnshire;
- CS2 – Delivering More Sustainable Development;
- CS5 – Delivering Quality Design in North Lincolnshire;
- CS6 – Historic Environment;
- CS11 – Provision and Distribution of Employment Land;

- CS12 – South Humber Bank Strategic Employment Site;
- CS16 – North Lincolnshire’s Landscape, Greenspace and Waterscape;
- CS17 – Biodiversity;
- CS18 – Sustainable Resource Use and Climate Change;
- CS19 – Flood Risk;
- CS20 – Sustainable Waste Management;
- CS25 – Promoting Sustainable Transport; and
- CS26 – Strategic Transport Infrastructure Proposals.

**2.4.5 North Lincolnshire Housing and Employment Land Allocations Development Plan Document:**

- SHBE-1 – South Humber Bank.

2.4.6 The site falls within Employment Land Allocation SHBE-1. This policy allocates 900 hectares of land for B1, B2 and B8 port related activities to take special advantage of the location within an existing port environment, flat topography and being adjacent to an existing deep water channel of the Humber Estuary.

**2.5 PLANNING POLICY OVERVIEW**

2.5.1 In the opinion of the local planning authority the VPI OCGT Project proposal generally complies with Development Plan Policy and therefore the local planning authority has no objections to the proposed development on planning policy grounds.

**3. PRE-APPLICATION CONSULTATION**

3.1 North Lincolnshire Council has previously expressed the opinion that it has no objection to the degree of community consultation undertaken and that this

consultation has been undertaken as required by Sections 42, 47 & 48 of the Planning Act 2008 (as amended).

#### **4. LANDSCAPE AND VISUAL IMPACT**

- 4.1 The Council has assessed the submitted information concerning the assessment of the landscape and visual impacts and the potential cumulative impact of this proposed development. This is included in 6.2.10 – ES Chapter 10. The representative viewpoints set out in table 10.3 have been discussed with and agreed by North Lincolnshire Council, as have the study areas in respect of visual effects (5km) and landscape effects (2km). Having considered this North Lincolnshire Council is satisfied that the submitted assessment can be relied upon as a reasoned explanation of the potential impacts of the proposed development.
- 4.2 The site is located within an area that is characterised by significant industrial development, including energy generation, oil refineries and port related activities of comparable and larger scale than the proposed development. It is therefore agreed that the proposed development would not be out of keeping with the existing character of the area.
- 4.3 Tables 10.5 and 10.7 provide a summary of landscape and visual effects respectively. No significant landscape or visual impacts are identified; however there will be local impacts that are not regarded as significant for the purposes of an environmental assessment. These impacts are identified within the assessment; the most significant of which arise out of the introduction of a stack with a height of 56m AOD and the turbine hall within the landscape. These elements of the proposed development will be visible over long distance views.
- 4.4 The draft DCO is subject to Requirement 5, which requires the approval of the local planning authority of the detailed design of the buildings and structures on site, including siting, layout, scale and external appearance. Enhancement is also proposed in the form of hedge and tree planting to the periphery of the

site. Whilst Requirement 6 of the draft DCO does make reference to planting in respect of biodiversity enhancement it is noted that no Requirement is proposed that requires the submission of a detailed landscaping scheme for agreement. This is something that should be considered to ensure that the visual intrusion of the buildings and the impact on visual amenity in the locality is minimised as far as reasonably practicable.

- 4.5 Given the height of the proposed stack and the scale and mass of the proposed development it is not feasible to eliminate the visual impacts of the development and as such there will be residual effects in this regard. Despite this fact it must be noted that this location already supports substantial industrial developments which contribute significantly to the character of the area.
- 4.6 In conclusion the Council is of the opinion that it is unlikely that there will be any significant adverse or positive impacts arising from the proposal in respect of landscape character and visual amenity.

## **5. TRAFFIC AND TRANSPORT**

- 5.1 The Council has assessed the submitted information concerning the assessment of potential traffic and transport effects of the proposed development. This is set out in 6.2.7 – ES Chapter 7 and includes the Transport Assessment and framework Construction Phase Traffic Management Plan and Construction Workers Framework Travel Plan.
- 5.2 North Lincolnshire Council is satisfied that the Transport Assessment demonstrates that the existing highway network, site accesses and Manby Road roundabout are currently operating within capacity.
- 5.3 Most of the movements generated by the proposed development will be during the construction phase and as such their impact will be temporary. Long-term impacts during operation are significantly reduced due to the

relatively small number of movements generated by this phase and will result in negligible impact.

- 5.4 Whilst there will be an increase in traffic during the construction phase, it will not be excessive and can be accommodated on the existing highway network. The Transport Assessment has assumed a worst case scenario, whereby the construction phase for this proposed development will overlap with the construction periods for the North Killingholme Power Project and Able Marine Energy Park. It is demonstrated that even if this were to occur, the existing highway network will continue to operate satisfactorily.
- 5.5 The Construction Workers Framework Travel Plan is aimed at minimising the number of single occupancy car trips. Given the nature of the work and the fact the majority of workers are not likely to be local it is anticipated that car sharing and the provision of works mini-buses to pick up/drop off workers will be the most practical options. The Council would expect to see sufficient off-road parking to be provided for workers and would not want to see ad-hoc parking on the adjacent highway network. Whilst walking and cycling may be an option for a small number of workers, the lack of safe facilities coupled with the volume and type of traffic on the adjacent road network should be considered if promoting this as a feasible means of travel.
- 5.6 It is not anticipated that the proposed development will exacerbate an existing accident problem and therefore the Council has no road safety concerns about the proposal.
- 5.7 The submitted Construction Phase Traffic Management Plan has been reviewed and is considered to be acceptable.

## **6. BIODIVERSITY AND ECOLOGY**

### **6.1 SCOPE OF COMMENTS**

6.1.1 The Council has assessed the submitted information concerning the assessment of potential ecological effects of the proposed development. This is set out in 6.2.9 – ES Chapter 9.

6.1.2 The Local Impact Report focuses primarily on those local impacts that may not be addressed by statutory consultees. Effects on the internationally important Humber Estuary SAC, SPA and Ramsar site are not covered in detail in this report as the Planning Inspectorate is the Competent Authority and Natural England is the Nature Conservation Adviser.

6.1.3 North Lincolnshire Council has commented in detail at the pre-application stage, on the Scoping Report and the PEIR. Most of the comments made previously appear to have been considered by the applicant and incorporated into the project design, mitigation proposals and the draft requirements in the Development Consent Order.

## 6.2 *HUMBER ESTUARY SSSI, SAC, SPA, RAMSAR*

6.2.1 The applicant appears to have provided all the information reasonably required for the Planning Inspectorate, as competent authority in this case, to determine whether there will be a likely significant effect on the Humber Estuary SAC, SPA and/or Ramsar site.

6.2.2 Based on the information provided in the “*No Significant Effects Report*” (document ref: 5.10) the following is agreed:

1. North Lincolnshire Council does not consider that the plan or project is directly connected with, or necessary to, the management of the Humber Estuary Special Protection Area (SPA) and Ramsar site or Humber Estuary Special Conservation Area (SAC) for nature conservation.
2. North Lincolnshire Council is of the opinion that the plan or project is not likely to have a significant effect alone or in combination with

other plans and projects on the Humber Estuary Special Protection Area (SPA) and Ramsar site.

3. North Lincolnshire Council is of the opinion that the plan or project is not likely to have a significant effect alone or in combination with other plans and projects on the Humber Estuary Special Conservation Area (SAC). The Council considers the overall effect on the features of the Humber Estuary designated sites to be neutral.

### 6.3 *PROTECTED AND PRIORITY SPECIES AND HABITATS*

- 6.3.1 A preliminary ecological appraisal has been carried out, and the applicant has carried out further ecological surveys as appropriate. They have also made use of data search results from the Lincolnshire Environmental Records Centre. North Lincolnshire Council is satisfied that the survey methods used and the survey effort deployed are appropriate for the site in question.
- 6.3.2 The surveys identified no evidence of otters, great crested newts, reptiles or badgers. Any impacts on breeding or wintering birds are not likely to be significant.
- 6.3.3 The surveys did reveal open mosaic habitats (OMH) of district value, supporting key invertebrate species of county importance. The OMH is a habitat of principal importance and around 1.03 ha of this habitat will be lost.
- 6.3.4 Appropriate measures have been proposed to take account of the potential for construction-phase impacts on water voles and breeding birds. Assuming the proposed approach to mitigation and enhancement is followed through the Requirements of the draft Order then the Council considers the overall effect on protected or priority species to be neutral or minor positive.

### 6.4 *BIODIVERSITY ENHANCEMENT*



- 6.4.1 North Lincolnshire Council encourages development that not only mitigates harm to wildlife but also provides biodiversity enhancement. This commitment is reflected in policy CS17 of the North Lincolnshire Core Strategy and through the NPPF.
- 6.4.2 For this proposal, biodiversity enhancement should be secured by using locally native trees, shrubs and wildflowers for landscaping, by incorporating wetland habitats into any drainage features required and by implementing any mitigation and enhancement measures required as a result of ecological surveys. Habitat enhancement measures for water voles may also be of value.
- 6.4.3 Section 9.10 of the Ecology chapter of the submitted environmental statement sets out appropriate mitigation and enhancement measures, which should be secured by appropriate DCO requirements. The proposals include the creation and management of an area of OMH equal to or greater than the area lost. Biodiversity enhancement is to be sought through creation of OMH habitat of a higher value than that to be lost.
- 6.4.4 Assuming the measures set out in section 9.10 of the Ecology chapter of the submitted environmental statement are carried out in full, then the Council considers the overall effect on biodiversity to be neutral or minor positive.
- 6.4.5 The draft DCO Requirement 6 does not set out the detail of what is necessary for the requirement to be discharged. Therefore, it will be essential for the applicant, or successor in title, to refer back to our comments and the Environmental Statement in order to put forward acceptable avoidance, mitigation and enhancement measures. In turn, we will need to refer back to previous correspondence to be clear about what is required. If possible it would be easier for both parties if the requirement set out what is needed.
- 6.4.6 In conclusion North Lincolnshire Council are of the view that subject to the acceptable discharge of requirement 7 of the Draft DCO the development will ultimately achieve a neutral or minor positive impact on ecological receptors.

## 7. CULTURAL HERITAGE

- 7.1 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development on heritage assets. This is set out in 6.2.13 – ES Chapter 13.
- 7.2 The applicant consulted the council's Historic Environment Record Officer on the proposed development during the pre-application stage. The HER has provided detailed advice on the Scoping Opinion, the PEIR, and for the Statement of Common Ground. The applicant has heeded much of this advice, though there remain specific issues to be resolved.
- 7.3 Paragraph 13.2.26 of the ES states that the North Lincolnshire Local Plan (Ref 13-4) has three saved policies relating to heritage; HE2, HE5 and HE8. There are in fact four saved policies, the missing policy is HE9 Archaeological Evaluation.
- 7.4 Local Plan policy HE9 is the most relevant to the non-designated heritage assets affected by this proposed development, in particular the second half of the policy. The policy states:

*“Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment to be submitted prior to the determination of a planning application will be required. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.*

*Sites of known archaeological importance will be protected. When development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation of the remains in situ is a preferred solution. When in situ preservation is not justified, the developer will*

*be required to make adequate provision for excavation and recording before and during development.”*

- 7.5 North Lincolnshire Council is satisfied that there is no adverse impact on the significance of the assessed designated heritage assets, including the contribution of their settings.
- 7.6 The proposed development will directly impact two non-designated heritage assets comprising areas of archaeological remains.
- 7.7 The first of these non-designated assets is within the Main OCGT site and comprises Iron Age ditches peripheral to the Iron Age settlement site excavated on the site of the CHP plant to the south (ES Figure 13.1, sites A17 and A6; Document Ref. 6.3.21).
- 7.8 Previous archaeological evaluation in 2006 identified these ditches. Soil mounded over this area from an adjacent development site has precluded further archaeological evaluation of the Main Site. Archaeological monitoring of the geotechnical ground investigations across the Main Site did take place but the extent of overburden largely compromised the archaeological observations (ES Appendix 13D Archaeology Report; Document Ref. 6.4.30). The heritage significance of the remains within the Main Site is their archaeological evidential value, and the potential of these and any associated remains to contribute to the understanding of the wider Iron Age settlement of this area.
- 7.9 The second non-designated asset is located within the temporary construction and laydown area running alongside Rosper Road (Work no.3). This comprises an area of Romano-British settlement features preserved in situ when the CHP plant was constructed.
- 7.10 These features are associated with the excavated Romano-British settlement site (ES Figure 13.1, site A6; Document Ref. 6.3.21). The preserved area is shown on ES Figure 13.4; Document Ref. 6.3.24. These preserved remains have high evidential value to contribute to the understanding of the character

and development over time of the wider Romano-British settlement across this landscape.

- 7.11 Without mitigation, the construction of the proposed development would result in the destruction of these archaeological sites, amounting to substantial harm to their significance. Accordingly, the applicant is proposing mitigation for both archaeological sites. On the Main Site this would comprise a programme of archaeological strip map and record. For the construction and laydown area, continued preservation in situ of the buried remains free from the adverse effects of development is proposed.
- 7.12 The LPA considers that these mitigation proposals are appropriate to the significance of the heritage assets, however, in order to be satisfied that the provisions made are adequate and can be successfully implemented, it is necessary that more detail is provided.
- 7.13 The applicant has submitted a Framework outline Written Scheme of Investigation for a programme of archaeological strip, map and record excavation prior to the development of the Main Site (ES Appendix 13E; Document Ref: 6.4.31). This is to secure the preservation by record of the known and potential archaeological remains within the Main Site. To ensure that an adequate archaeological record of the heritage significance is achievable, the LPA considers that the archaeological work must be undertaken prior to the construction work commencing, and that this is not a suitable project to be carried out during the construction work.
- 7.14 The Framework WSI is not clear enough in this respect and contains contradictions relating to the timing of when the archaeological strip map and record would take place. The WSI should provide a timescale for the advance archaeological excavation that demonstrates sufficient time to complete the archaeological site work prior to handover to the Main Contractor. Such revision of this and a number of other issues with the WSI should be could be rapidly resolved during the Examination period.

- 7.15 With regard the proposed archaeological preservation in situ area within the construction and laydown area, the ES documents contain insufficient detail about how this area will be adequately protected during the construction, operation and decommissioning of the proposed development.
- 7.16 The use of this part of the site as a temporary construction and laydown area could have direct impact on the archaeological remains preserved in situ (hard standing, laydown and open storage areas, contractor compounds and staff welfare facilities, vehicle parking, roadways and haul routes, security fencing and gates, gatehouses, external lighting and lighting columns).
- 7.17 Mitigation measures to prevent any such damage will need to include robust permanent fencing and signposting around this area. These details should be provided in writing either combined with Framework WSI for the archaeological work on the Main Site, or as a separate written strategy. It is also important that the archaeological preservation area is clearly identified in the CEMP with an explanation of why and how this area is to be protected and monitored, and how this will be communicated to all those working on site.
- 7.18 There is concern in respect of Draft DCO Requirement 13. This relates to Clause 2, which requires a detailed WSI to be in accordance with the framework WSI. As it currently stands, the framework WSI is not considered to be acceptable unacceptable for the reasons outlined above and unless revised, any detailed scheme may not obtain the LPA's approval.
- 7.19 North Lincolnshire Council also believes that there should be more specific wording in the requirement to secure the archaeological preservation in situ area. This should specify the requirement for fencing around the perimeter of the protected area and include the submission of fencing detail for the prior approval of the LPA. Such requirement should provide no less protection than the planning conditions secured by the previous consents for the CHP plant.

7.20 Where the archaeological strategies and WSIs for the Main Site and preservation in situ area can be agreed with the LPA prior to the determination of the DCO, the wording of Requirement 13 could be amended to secure the implementation of the strategy in accordance with these documents.

## **8. NOISE AND VIBRATION**

8.1 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of noise and vibration. This is set out in 6.2.8 – ES Chapter 18.

8.2 Noise from the construction and from the operation of the installation has the potential to cause a disturbance to local residents. The nearest residential property is Hazeldene, Marsh Road approximately 650m to the east of the proposed development.

8.3 The proposed development will operate intermittently, however it will be permanently on standby and available at all times. It is most likely to run during periods of low electricity supply or high demand on the transmission network or when required to provide technical services to support the National Grid. The plant could run for long periods, at any time of day, up to the maximum allowed under its Environmental Permit.

8.4 Draft DCO Requirement 14 requires the submission and approval of a Construction Environmental Management Plan. North Lincolnshire Council is satisfied that subject to the acceptable discharge of Requirement 14 construction noise will be satisfactorily controlled and mitigated.

8.5 Operational noise has the potential to cause a disturbance to local residents. Draft DCO Requirement 19 includes a restriction on operational noise level to no more than 5dB above background sound levels. The Council's Environmental Health Officer recommends that Requirement 19 should impose an operational noise restriction not in excess of 3dB above

background sound levels in order to provide adequate protection of residential amenity.

## **9. AIR QUALITY**

- 9.1 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of air quality. This is set out in 6.2.6 – ES Chapter 6 and 6.2.17 – ES Chapter 17.
- 9.2 All three elements of construction, operation and decommissioning of the project will have the potential to generate air emissions and thus impact on local air quality. North Lincolnshire Council agrees with the main potential sources of pollutants and the description of sensitive receptors identified within ES Chapter 6.
- 9.3 The impacts on dust soiling, human health and ecology during earthworks, construction and track out have been considered in accordance with IAQM Guidance on the assessment of dust from demolition and construction. The risk assessment indicates that there would be a low risk of dust soiling impacts, human health impacts (PM10) and ecological impacts from unmitigated earthworks, construction and track out activities.
- 9.4 Draft DCO Requirement 14 requires the submission and approval of a Construction Environmental Management Plan. An acceptable Framework CEMP has been provided as part of the application. North Lincolnshire Council is satisfied that subject to the acceptable discharge of Requirement 14 construction phase air quality impacts will be satisfactorily controlled and mitigated.
- 9.5 The predicted vehicle movements during the construction phase are detailed within ES Chapter 7: Traffic and Transport. Table 6.17 and 6.18 present the summary information as a result of the construction phase road modelling. Further information in relation to long and short term modelled outcomes for NO<sub>2</sub> from construction traffic can be found in Table 6A.13 – 17. North

Lincolnshire Council agrees with the conclusion that in relation to construction traffic the magnitude of the change in pollutant concentrations on the road network is predicted to be imperceptible for all pollutants at all human health receptor locations. Impacts from the construction phase will be further managed with the introduction of the Construction Workers Travel Plan as mentioned in the Transport Assessment.

- 9.6 Operational emissions from the Proposed Development would be controlled through the Environmental Permitting regime that is regulated by the Environment Agency ('EA'). This would require the Applicant to undertake an assessment of Best Available Techniques ('BAT') for the selected generation technology. The BAT Assessment would, in part, need to demonstrate that the Proposed Development would not exceed air quality strategy objectives.
- 9.7 The proposed stack heights for the proposed development has been optimised following screening modelling followed by detailed dispersion modelling and assessment to identify the appropriate stack height. The report concludes that a stack height of 45m is optimum to allow adequate dispersion of emissions.
- 9.8 The maximum short-term predicted concentrations at the worst affected human health receptor for NO<sub>2</sub> and CO have been provided in Table 6.19. The long-term NO<sub>2</sub> predicted concentrations at human health receptors have been provided in Table 6.20. It is predicted that the operation of the proposed development will have a negligible impact on both the short and long term concentrations and will not result in a breach of National Air Quality Objectives. The Council's Environmental Health Officer agrees with these conclusions.
- 9.9 Predicted vehicle movements during the operational phase is expected to peak at 15 one-way LGV movements and a maximum of 3 one-way HGV movements. Therefore it is agreed that there is no requirement for a detailed assessment of operational road traffic. Therefore the impact on local air



quality due to additional traffic generated during the operational phase is deemed to be insignificant.

- 9.10 The impact of decommissioning is likely to be comparable, or less than, those assessed for the construction phase. Draft DCO Requirement 24 requires the submission and agreement of a Decommissioning Environmental Management Plan. Subject to the acceptable discharge of Requirement 24 decommissioning phase air quality impacts will be satisfactorily controlled and mitigated.

## **10. LAND CONTAMINATION**

- 10.1 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of contaminated land. This is set out in 6.2.11 – ES Chapter 11.
- 10.2 The Phase 1 Geo-Environmental Assessments identifies that the previous use of the site presents a potential risk of contamination which may pose a risk to construction workers and future site users. Any contamination may also be mobilised during construction of the development and pose a risk to controlled waters. The conceptual site model (CSM) assesses the risks to receptors as moderate to low.
- 10.3 A subsequent site investigation including soil sampling, and ground gas and water monitoring was undertaken to assess ground conditions present on site. Ground conditions were identified as made ground (0.2-1.7m) over significant depths of glacial till (0.2-21m) underlain by chalk bedrock.
- 10.4 In respect to human health chemical analysis of soil samples did not identify elevated concentrations of contamination. Trace values (<0.001%) of asbestos (chrysotile) were identified in a number of soil samples. The report has concluded that no significant risk to human health is present and North Lincolnshire Council agrees that an appropriate CEMP (secured by Draft DCO

Requirement 14) and use of standard PPE will provide sufficient protection to ground workers coming into contact with soil.

- 10.5 The preliminary investigation included three rounds of gas monitoring. Potential risks posed by the identified ground gas regime have been considered using the methodology outlined in BS8485:2015. Using the worst case characteristic situation, the maximum concentration of carbon dioxide concentration of 3.9% and a flow rate of 17l/hr, a gas screening value of 0.29 has been derived. Using the screening value the site has been characterised as Characteristic Situation 2, requiring CS2 protection measures to be installed in any proposed buildings.
- 10.6 It is proposed at 11.8.11 that Gas protection membranes may be incorporated into the foundation design to account for elevated ground gas levels should these be present, in accordance with British Standard 8485 entitled 'Code of practice for the Design of Protective Measures for Methane, and Carbon Dioxide Ground Gases for New Buildings'.
- 10.7 It is, however, agreed that Requirement 12 of the Draft DCO adequately addresses the potential for land and ground water contamination impacts. Requirement 12 necessitates the submission of a written scheme to deal with contamination to the local planning authority for agreement in consultation with the Environment Agency.
- 10.8 Chemical analysis of potentially leachable substances identified no exceedances or concentrations of chemicals in the ground water below the site. The distances to sensitive surface waters make it unlikely that leachable soil substances will impact on controlled waters.
- 10.9 However there is potential during construction for pathways to be created therefore the risk from the contaminants which have been identified need to be considered. Such risks can be mitigated through risk assessment and design of construction proposals. If piling is proposed they should be designed in accordance with the EA guidance *'Piling and Penetrative Ground*

*Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention (2001)*". Draft DCO Requirement 20 necessitates the submission of a piling and penetrative foundation design method statement to be submitted for approval to the local planning authority in consultation with the Environment Agency.

10.10 North Lincolnshire Council are satisfied that the approach to contamination set out in ES Chapter 11 is acceptable and that subject to the acceptable discharge of Requirements 12 and 20 the impact of the development in this regard will be neutral.

## **11. LIGHT**

11.1 Whilst the proposed development has the potential to give rise to light nuisance during both the construction and operational phases, it is agreed that Requirement 7 will provide appropriate controls. Given the character of the area and the proliferation of industrial uses the proposal will not introduce artificial light into an inherently dark landscape. It is therefore agreed that the proposals will have no significant adverse effects resulting from light nuisance.

## **12. HYDROLOGY AND FLOOD RISK**

12.1 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of flood risk and drainage. This is set out in 6.2.12 – ES Chapter 12.

12.2 The FRA for the Proposed Development, included within Appendix 12A (ES Volume III, Application Document Ref. 6.4), concludes that development of the Site would not increase the risk of flooding from fluvial, tidal, groundwater or overland flow sources.

12.3 A high level drainage strategy has been developed for the Site and is presented in Appendix 12A, Annex 5 (ES Volume III). As detailed in the

drainage strategy and summarised in Paragraphs 12.6.27 - 12.6.31, surface water discharged from the Proposed Development would be restricted to a greenfield runoff rate via an attenuation tank and an appropriate flow control device. Surface water from the attenuation tank would outfall, via new drainage infrastructure, into the land drain located between the OCGT Power Station Site and the Existing VPI CHP Plant Site, subject to agreement with the North East Lindsey Internal Drainage Board (NELIDB).

- 12.4 It is confirmed at 12.9.32 that the site will be assessed as part of the detailed drainage design to consider the risk posed by any flooding up to and beyond the 1% (1 in 100 year) flood event. Any flooding would be diverted away from critical infrastructure or access routes and retained on the Site wherever possible. Other SuDS techniques such as swales, permeable paving and soakaways may be considered at the detailed design stage.
- 12.5 Draft DCO Requirement 10 necessitates the submission and agreement following consultation with the EA, LLFA, Anglian Water and NELIDB of a detailed foul and surface water drainage strategy. North Lincolnshire Council is satisfied that subject to the acceptable discharge of this requirement the impact of the proposals on flood risk and drainage will be neutral.

### **13. HUMAN HEALTH**

- 13.1 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of human health. This is set out in 6.2.16 – ES Chapter 16. It is noted that health related effects (contamination, air quality etc.) of the development are also discussed in other chapters of the ES and these effects have been reviewed and commented upon elsewhere within this report.
- 13.2 As described in Chapter 6: Air Quality, the Proposed Development will be designed such that process emissions to air comply with the Emission Limit Values specified in the Industrial Emissions Directive and this will be enforced

by the Environment Agency through an Environmental Permit required for the operation of the generating station.

- 13.3 It is agreed that site's location adjacent to existing infrastructure (including the Existing VPI CHP Plant and the Total Lindsey Oil Refinery (TLOR)), avoids the proposed development being located within closer proximity to residential receptors where the significance of the potential human health impacts might otherwise increase.
- 13.4 The Proposed Development has the potential for impacts associated with electromagnetic fields (EMF). Within the conservative EMF Study Area around the Electrical Connection, no residential receptors are present and none are anticipated to be present in the future baseline. As such, the only potential exposure to EMF arises for construction workers and operational staff and no significant health effect is predicted for the general public.
- 13.5 It is proposed that measures will be implemented to protect construction workers and operational staff from potential EMF effects associated with the existing substation and the electrical cable in accordance with the appropriate legislation and guidance. With the appropriate precautions in place, no significant health effects in the medium to long-term for construction workers or operational staff are predicted.
- 13.6 North Lincolnshire Council agrees that the proposed development would have a neutral impact on human health.

#### **14. SOCIO-ECONOMIC IMPACT**

- 14.1 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of socio-economics. This is set out in 6.2.14 – ES Chapter 14.
- 14.2 North Lincolnshire Council are satisfied that the approach to the assessment of socio-economic impacts presented in Chapter 14 is robust. The

methodology used to determine the impact of the project is clear and helpful, indicating levels that can be easily measured. The data and statistics are relevant and appropriate.

- 14.3 From previous delivery of large-scale projects in the area North Lincolnshire Council agree that it is realistic that there will be a moderate short-term positive impact on employment created during the employment phase of the development. It is understood that these will be temporary jobs and the Council concur that a proportion of these jobs will be drawn from outside of the local area. The operational jobs created, although much lower in numbers, will have a minor positive impact on the area.
- 14.4 Both temporary and permanent jobs generated by the development will result in additional spend to the area through accommodation, leisure use and local shops/services as well as the potential for additional work given to local supply chain companies. Although a minor impact, local companies may also secure long-term contracts once the facility is operational.
- 14.5 The proposed development has the potential to support further growth of the construction and energy sectors in North Lincolnshire. In addition to the value added GVA, it would provide an opportunity to address highlighted skills shortages in this key sector (highlighted in local and regional Industrial Strategies), therefore positively influencing the ability to attract and retain skilled workers over the lifetime of the proposed development. The skills and experience gained and developed for businesses and workers, has the potential to lead to opportunities with any future local developments. This will be further supported by Draft DCO Requirement 23, which secures the submission and implementation of an Employment, skills and training plan. It is agreed that this provides an appropriate mechanism to promote employment, skills and training opportunities during construction and employment opportunities during operation for local residents.

- 14.6 The energy sector has been identified as a key growth sector across the Humber and the Greater Lincolnshire regions. This sector is identified in the North Lincolnshire Economic Growth Plan as a growth sector within the area.
- 14.7 The proposed development is in an area of current industrial activity and is not considered to have an adverse impact on visitor economy of North Lincolnshire.
- 14.8 The generation of employment in this location is a strategic aim of North Lincolnshire Council as evidenced in the employment land allocation SHBE-1 of the Housing and Employment Land Allocation DPD (2016). Furthermore, no adverse socio-economic effects have been identified. Therefore it is concluded that the proposals would have a moderate positive socio-economic impact.

## **15. CONCLUSION**

- 15.1 National guidance on Local Impact Reports recommends that a view is given by the local planning authority of the relative importance of different social, environmental or economic issues and impacts of the scheme on them.
- 15.2 Short term and negative social and environmental impacts are anticipated. Such impacts include increased traffic generation, construction disturbance and increased emissions. Longer term adverse impacts include the visual intrusion caused by the buildings and structures comprising the OCGT plant. North Lincolnshire Council are of the view that via the implementation of impact avoidance, design and mitigation measures that will be secured through Requirements (subject to comments raised above) contained within the draft DCO and through other regulatory regimes that these negative impacts will not be significant.
- 15.3 Residual long-term negative effects relate to the potential impact on non-designated heritage assets. Whilst it is considered that this impact could be acceptably mitigated through DCO Requirements for the reasons outlined in

the Cultural Heritage section of the LIR above, it is the view of the Council that the currently proposed requirement in this respect is not adequate.

- 15.4 The development will have short-term and long-term beneficial economic impacts in terms of job creation and inward investment into North Lincolnshire. Through the proposed Requirements the development will also provide an opportunity to address highlighted skill shortages in a key sector strategically promoted for growth by the Council in this area. These beneficial impacts are considered to be of moderate importance.