

VPI Immingham OCGT Project

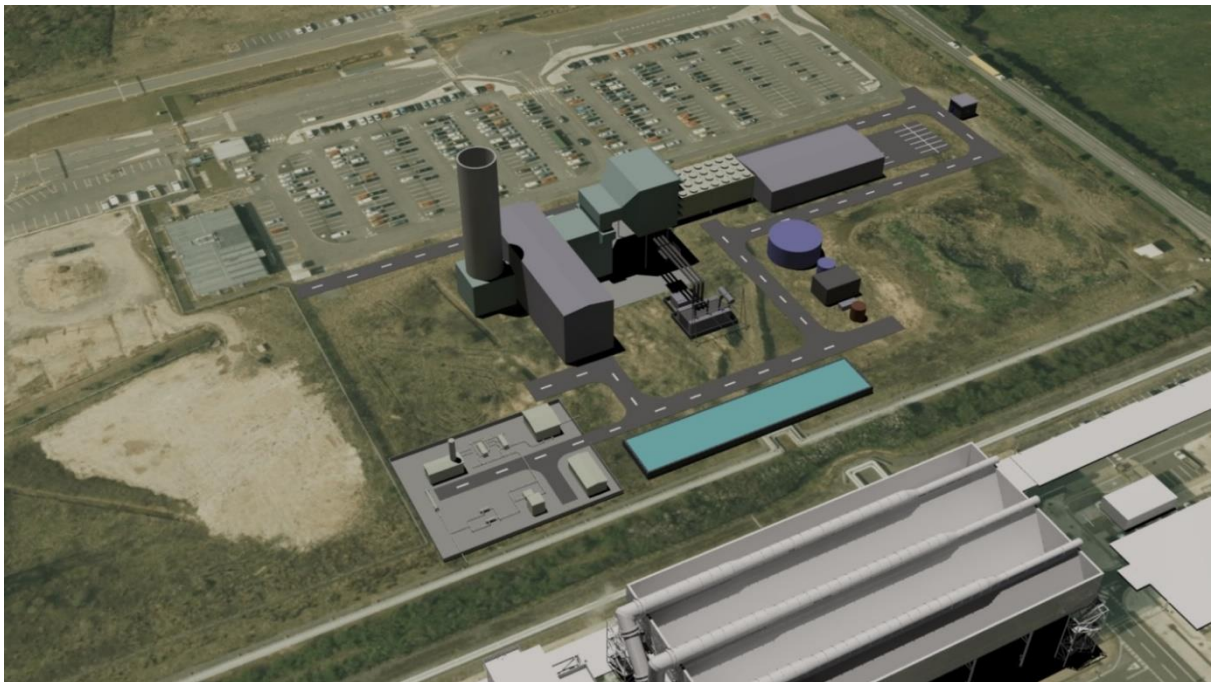
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The Immingham Open Cycle Gas Turbine Order

Land to the north of and in the vicinity of the VPI Immingham Power Station, Rosper Road, South Killingholme, Lincolnshire, DN40 3DZ

DRAFT Statement of Common Ground with North Lincolnshire Council

The Planning Act 2008



Applicant: VPI Immingham B Ltd

Date: November 2019

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GLOSSARY

Abbreviation	Description
Access	Work No. 2 – access works comprising access to the OCGT Power Station Site and access to Work Nos. 3, 4, 5 and 6;
Access Site	The land required for Work No.2.
AGI	Above Ground Installation
AONB	Area of Outstanding Natural Beauty
APFP Regulations	The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009
Applicant	VPI Immingham B Ltd
Application	The Application for a Development Consent Order.
Application Documents	The documents that make up the Application (as defined above).
BEIS	Department for Business, Energy and Industrial Strategy.
CCR	Carbon Capture Ready
CCS	Carbon Capture and Storage
CEMP	Construction Environmental Management Plan
CHP	Combined Heat and Power
CO2	Carbon Dioxide – an inorganic chemical compound with a wide range of commercial uses.
COMAH	Control of Major Accident Hazards
CTMP	Construction Traffic Management Plan
CWTP	Construction Workers Travel Plan
DCO	Development Consent Order
EA	Environment Agency
EIA	Environmental Impact Assessment
Electrical Connection	Work No. 5
Electrical Connection Site	The land required for Work No.5.
EMF	Electromagnetic fields
EPA	Environmental Protection Act
ES	Environmental Statement
Existing AGI	The existing AGI within the Existing VPI CHP Site.
Existing AGI Site	The land comprising the exiting AGI within the Existing VPI CHP Site.
Existing Gas Pipeline	An existing underground gas pipeline owned by VPI LLP.

Abbreviation	Description
Existing Gas Pipeline Site	The land comprising the Existing Gas Pipeline and a stand-off either side of it.
Existing VPI CHP Plant	The existing VPI Immingham Power Station.
Existing VPI CHP Plant Site	The land comprising the Existing VPI CHP Plant.
Flood Zone 1	Land with an Annual Exceedance Probability of less than 0.1% risk from fluvial flooding.
Flood Zone 2	Land with an Annual Exceedance Probability of between 0.1% and 1% risk from fluvial flooding.
Flood Zone 3a	Land having a 1 in 100 or greater annual probability of river flooding or land having a 1 in 200 or greater annual probability of sea flooding.
FRA	Flood Risk Assessment
Gas Connection	Work No. 4 – the new underground and overground gas pipeline
Gas Connection Site	The land required for Work No.4.
ha	Hectare – unit of measurement.
HGV	Heavy Goods Vehicle – vehicles with a gross weight in excess of 3.5 tonnes.
km	Kilometre – unit of distance.
Limits of Deviation	The lateral limits shown on the Works Plan submitted as part of the Application and within which the Proposed Development may occur.
LSE	Likely significant effect, a term used in the ES to describe when effects on a receptor are predicted to be significant
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site
m	Metres – unit of distance.
MW	Megawatts – unit of energy.
NATA	New Approach to Appraisal
NELC	North East Lincolnshire Council
NG	National Grid
NGET	National Grid Electricity Transmission plc
NLC	North Lincolnshire Council
NPPF	The National Planning Policy Framework
NPS	National Policy Statements
NSIP	Nationally Significant Infrastructure Project
NSRs	Noise Sensitive Receptors
OCGT	Open Cycle Gas Turbine
OCGT Power Station	Work No. 1 – an OCGT power station with a gross capacity of up to 299MW.
OCGT Power Station Site	The land required for Work No.1.
Order limits	The area in which consent to carry out works is sought in the DCO, the area is split into different Work Numbers which are set out Schedule 1 to the DCO and shown on the Works Plans. The Order limits is the same area as the Site.
PA 2008	Planning Act 2008
PINS	Planning Inspectorate

Abbreviation	Description
PPG	Planning Practice Guidance
Project Land	The land required for the Proposed Development (the Site) and the land comprising the Existing Gas Pipeline Site. The Project Land is the same as the 'Order land' (in the DCO).
Proposed Development	The construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 299 MW, including electrical and gas supply connections, and other associated development.
PRoW	Public Right of Way
SAC	Special Area of Conservation
Site	The land required for the Proposed Development, and which is the same as the 'Order limits' (in the DCO).
SoS	The Secretary of State
SPA	Special Protection Area
SoCG	Statement of Common Ground
SUDS	Sustainable Urban Drainage System
SWMP	Site Waste Management Plan (SWMP)
TA	Transport Assessment
TCPA 1990	Town and Country Planning Act 1990 (as amended)
Temporary Construction and Laydown	Work No. 3
Temporary Construction and Laydown Site	Land Required for Work No. 3.
TLOR	Total Lindsey Oil Refinery
TTWA	Travel to Work Area
Utilities and Services Connections	Work No 6 – utilities and services connections to the OCGT Power Station.
Utilities and Services Connections Site	The land required for Work No.6 – the land required for the utilities and services connections to the OCGT Power Station.
Vitol	Vitol Group – the owner of VPI LLP and VPIB.
VPIB	VPI Immingham B Limited – the Applicant
VPI LLP	VPI Immingham LLP – the owner and operator of the Existing VPI CHP Plant.
WebTAG	Web-based Department of Environment, Transport and Regions Document. Transport Analysis Guidance.
Work No.1	An OCGT power station (the 'OCGT Power Station') with a gross capacity of up to 299MW.
Work No.2	Access works (the 'Access Site'), comprising access to the Main OCGT Power Station Site and access to Work Nos. 3, 4, 5 and 6.
Work No.3	Temporary construction and laydown area
Work No.4	An underground and overground gas pipeline (the 'Gas Connection') of up to 600 mm (nominal internal diameter) for the transport of natural gas to Work No. 1.

Abbreviation	Description
Work No.5	An electrical connection (the 'Electrical Connection') of up to 400 kilovolts and control systems.
Work No.6	Utilities and services connections (the 'Utilities and Services Connections').
WSI	Written Scheme of Investigation – a method statement or a project design to cover a suite of archaeological works for a site.

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1. INTRODUCTION

1.1 Overview

- 1.1.1 This Statement of Common Ground ('SoCG') (Document Ref: 8.1) has been prepared on behalf of VPI Immingham B Ltd. ('VPIB' or the 'Applicant') in respect of its application (the 'Application') for a Development Consent Order (a 'DCO') under the Planning Act 2008 (the 'PA 2008').
- 1.1.2 VPIB is seeking development consent for the construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 299 megawatts ('MW'), including electrical and gas supply connections, and other associated development (the 'Proposed Development'). The Proposed Development is located primarily on land (the 'Site') to the north of the existing VPI Immingham Power Station, Rosper Road, South Killingholme, North Lincolnshire, DN40 3DZ.
- 1.1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under section 14(1)(a) and sections 15(1) and 15(2) of the PA 2008. The DCO, if made by the SoS, would be known as the 'VPI Immingham OCGT Order' (the 'Order').
- 1.1.4 The Application was accepted for examination (the 'Examination') by the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy on 09 May 2019.

1.2 VPI

- 1.2.1 VPI Immingham LLP ('VPI LLP') owns and operates the existing VPI Immingham Power Station, one of the largest combined heat and power ('CHP') plants in Europe, capable of generating 1,240 MW (about 2.5% of UK peak electricity demand) and up to 930 tonnes of steam per hour (hereafter referred to as the 'Existing VPI CHP Plant'). The steam is used by nearby oil refineries to turn crude oil into products, such as gasoline. The land comprising the Existing VPI CHP Plant is hereafter referred to as the 'Existing VPI CHP Plant Site'.
- 1.2.2 VPI LLP is a wholly owned subsidiary of the Vitol Group ('Vitol'), founded in 1966 in Rotterdam, the Netherlands. Since then Vitol has grown significantly to become a major participant in world commodity markets and is now the world's largest independent energy trader. Its trading portfolio includes crude oil, oil products, liquid petroleum gas, liquid natural gas, natural gas, coal, electricity, agricultural products, metals and carbon emissions. Vitol trades with all the major national oil companies, the integrated oil majors and independent refiners and traders. For further information on VPI LLP and Vitol please visit:
- <https://www.vpi-i.com/>
- 1.2.3 VPIB has been formed as a separate entity for the purposes of developing and operating the Proposed Development.

1.3 The Site

- 1.3.1 The Site is primarily located on land immediately to the north of the Existing VPI CHP Plant Site, as previously stated. Immingham Dock is located approximately 1.5 kilometres ('km') to the south east of the Site at its closest point. The Humber ports

facility is located approximately 500 metres ('m') north and the Humber Refinery is located approximately 500m to the south.

1.3.2 The villages of South Killingholme and North Killingholme are located approximately 1.4 km and 1.6 km to the west of the Site respectively, and the town of Immingham is located approximately 1.8 km to the south east. The nearest residential property comprises a single house off Marsh Lane, located approximately 325 m to the east of the Site.

1.3.3 The Site comprises the following main parts:

- OCGT Power Station Site;
- Access Site;
- Temporary Construction and Laydown Site;
- Gas Connection Site;
- Electrical Connection Site; and
- Utilities and Services Connections Site.

1.3.4 The Site is located entirely within the boundary of the administrative area of North Lincolnshire Council ('NLC'), a unitary authority. The different parts of the Site are illustrated in the Works Plans (Application Document Ref: 4.3).

1.3.5 The Site has been selected by the Applicant for the Proposed Development, as opposed to other potentially available sites, for the following reasons:

- it comprises primarily of previously developed or disturbed land, including land within the operational envelope of the Existing VPI CHP Plant Site;
- it is situated in an industrial setting with few immediate receptors and is not particularly sensitive from an environmental perspective;
- it is primarily located adjacent to the Existing VPI CHP Plant, which provides visual screening and synergies in terms of the existing workforce, and utilities and service connections;
- it benefits from excellent grid connections (gas and electricity) on the Existing VPI CHP Plant Site; and
- it benefits from existing highway accesses onto Rosper Road, with the latter providing a direct connection (via a short section of Humber Road) to the Strategic Highway Network (A160) a short distance to the south of the Site.

1.3.6 A more detailed description of the Site is provided in Environmental Statement ('ES') Volume 1 Chapter 3 'Description of the Site' (Application Document Ref: 6.2.3).

1.4 The Existing Gas Pipeline

1.4.1 In addition to the Site, the Application includes provision for the use of an existing gas pipeline (the 'Existing Gas Pipeline') to provide fuel to the Proposed Development. The Existing Gas Pipeline was originally constructed in 2003 to provide fuel to the Existing VPI CHP Plant. The route of the pipeline runs from a connection point at an above ground installation (the 'Existing AGI Site') within the Existing VPI CHP Plant

Site to a tie in point at the existing National Grid ('NG') Feeder No.9 pipeline located to the west of South Killingholme.

- 1.4.2 A small part of the Existing Gas Pipeline Site lies within the administrative area of North East Lincolnshire District Council ('NELC'), the neighbouring local authority.
- 1.4.3 The Applicant is not seeking consent to carry out any works to the Existing Gas Pipeline and, as a result, it does not form part of the Site or Proposed Development. It is included in the Application on the basis that the Applicant is seeking rights to use and maintain the pipeline and it is therefore included within the DCO 'Order land' (the area over which powers of compulsory acquisition or temporary possession are sought). The area of land covered by the Existing Gas Pipeline, including a 13 m stand-off either side of it to provide for access and any future maintenance requirements, is hereafter referred to as the 'Existing Gas Pipeline Site'.
- 1.4.4 The Site and the Existing Gas Pipeline Site are collectively referred to as the 'Project Land'. The area covered by the Project land is illustrated in the Location Plan (Application Document Ref: 4.1).
- 1.4.5 The Existing Gas Pipeline has not been assessed as part of the Environmental Impact Assessment ('EIA') carried out in respect of the Application. This is on the basis that it is a pre-existing pipeline and the Applicant is not seeking consent to carry out any works to it. Further explanation in respect of this matter is provided in ES Volume 1, Chapter 1 'Introduction' and Chapter 3 'Description of the Site' (Application Document Ref: 6.2.3).

1.5 The Proposed Development

- 1.5.1 The main components of the Proposed Development are summarised below, as set out in the draft DCO (Application Document Ref: 2.1):
- Work No. 1 – an OCGT power station (the 'OCGT Power Station') with a gross capacity of up to 299MW;
 - Work No. 2 – access works (the 'Access'), comprising access to the OCGT Power Station Site and access to Work Nos. 3, 4, 5 and 6;
 - Work No. 3 – temporary construction and laydown area ('Temporary Construction and Laydown') comprising 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;
 - Work No. 4 – gas supply connection works (the 'Gas Connection') comprising an underground and/or overground gas pipeline of up to 600 millimetres (nominal internal diameter) and approximately 800 m in length for the transport of natural gas from the Existing Gas Pipeline to Work No. 1;
 - Work No. 5 – an electrical connection (the 'Electrical Connection') of up to 400 kilovolts and associated controls systems; and
 - Work No. 6 – utilities and services connections (the 'Utilities and Services Connections').

- 1.5.2 It is anticipated that subject to the DCO having been made by the SoS and a final investment decision by VPIB, construction work on the Proposed Development would commence in early 2021. The overall construction programme is expected to last approximately 21 months and is anticipated to be completed in late 2022, with the Proposed Development entering commercial operation later that year or early the following year.
- 1.5.3 A more detailed description of the Proposed Development is provided at Schedule 1 'Authorised Development' of the draft DCO (Application Document Ref: 2.1) and ES Volume 1, Chapter 4 'The Proposed Development' (Application Document Ref: 6.2.4).
- 1.5.4 The areas within which each of the main components of the Proposed Development are to be built are shown by the coloured and hatched areas on the Works Plans (Application Document Ref: 4.3).

1.6 The purpose and structure of this document

- 1.6.1 The purpose of this SoCG is to set out the agreement (see sections 2 to 24 of this document) that has been reached between VPIB and NLC in respect of the following matters:
- the role of NLC;
 - Relevant planning history;
 - Relevant planning policy;
 - The need for the Proposed Development;
 - The benefits of the Proposed Development;
 - Alternatives;
 - Flexibility and design;
 - Combined heat and power;
 - Air quality;
 - Traffic and transport;
 - Noise and vibration;
 - Ecology;
 - Cultural heritage;
 - Socio-economics;
 - Sustainability and climate change;
 - Human health;
 - Landscape and visual amenity;
 - Ground conditions, and hydrogeology;
 - Surface water, flood risk and drainage;

- Cumulative effects;
- Construction Environmental Management Plan; and
- The scope of the draft DCO and requirements.

1.6.2 Section 25 of this document summarises any matters that are still to be resolved between the parties and which require further discussion. None have been identified at this time.

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2. THE ROLE OF NLC

- 2.1.1 The Site is located entirely within the administrative area of NLC. As a unitary authority NLC falls within the definition of a local authority ('LA') for the purposes of sections 43 and 56A of the PA 2008 and is a 'host local authority' for the purposes of the Application.
- 2.1.2 The Applicant understands that NLC will prepare a Local Impact Report ('LIR') for the purposes of the Examination of the Application.
- 2.1.3 It is agreed that NLC will be the relevant planning authority for the purposes of discharging the requirements contained at Schedule 2 to the draft DCO (Document Ref: 2.1). It is also agreed that NLC will be responsible for consulting the bodies referred to in the requirements, where relevant, prior to their discharge.

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3. RELEVANT PLANNING HISTORY

3.1.1 It is agreed that the Planning Statement (Application Document Reference 5.3 accurately summarises the relevant planning history relating to the Site and its immediate surroundings and that the following is of most relevance. The main planning history is summarised below.

3.2 The Site

3.2.1 The existing access roads within the northern section of the Site were developed approximately 10 years ago by Total under the terms of planning permission 2006/0506 granted by NLC in 2006, to service the Total Lindsey Oil Refinery ('TLOR').

3.2.2 The Existing VPI CHP Plant, sections of which fall within the boundary of the Site, was consented under section 36 of the Electricity Act 1989 (as amended) in November 2000. The consent provides for the construction and operation of a combined heat and power combined cycle gas turbine generating station at Conoco Humber Refinery, South Killingholme. It was subsequently amended in 2006 to allow the Existing VPI CHP Plant to be extended, including increasing its capacity by 470 MW (Reference: GDBC/001/00238C).

3.2.3 The remainder of the Site is not subject to any known planning permissions, although parts of it have been utilised for the placement of spoil associated with other development in the vicinity.

3.2.4 The Existing Gas Pipeline was consented under planning permissions granted by NLC (Reference: 2000/1284) and NELC (Reference: DC/893/00/IMM) in 2001 under the Town and Country Planning Act 1990 (as amended). The pipeline was then constructed in the years that followed in accordance with the planning permissions.

3.2.5 The land immediately to the west of the OCGT Power Station Site benefits from planning permission granted by NLC in 2018 (Reference: PA/2018/918) to a sister company of VPIB for the development of a 49.9 MW gas-fired power station.

3.3 Able Marine Energy Park DCO

3.3.1 The Able Marine Energy Park Development Consent Order 2014 (the 'Able DCO'), was made by the SoS (Reference: EN010030) in January 2014. The development comprises a facility to provide for the manufacture and transportation of offshore energy infrastructure (the 'Able Development'). The size of the Able Development is 469.3 ha in total.

3.3.2 A small section of the Able Development Order limits is coincident with the Site (i.e. the Order limits for the Proposed Development). Specifically, small sections of land within and immediately adjacent to Rosper Road are where the interactions occur – they are shown hatched in green on the plan at Appendix 2 to the Planning Statement (Document Ref: 5.3), which also shows the Proposed Development's Order limits (the red boundary) and the Able Development Order limits (the blue boundary). The areas of overlap comprise the following:

- Work Number 2 (Access) of the Proposed Development includes the extent of the existing bellmouth entrance to the Existing VPI CHP Plant Site from Rosper Road;

- Work Number 2 (Access) of the Proposed Development includes the extent of the existing bellmouth entrance to the TLOR from Rosper Road, and which is also proposed to be the main entrance to the OCGT Power Station Site (and adjacent parts of the Site); and
 - Work Number 6 (Utilities and Services Connections) of the Proposed Development includes a strip of land within Rosper Road, to allow for a connection to be made to the existing water main within the highway.
- 3.3.3 These three areas are not covered by specified works within the Able Development, but the Able DCO includes a general work of *“improvement works to Rosper Road and the A160”* (paragraph 3(c) of Schedule 1 to the Able DCO). The Able DCO also includes various powers relating to streets and associated works.
- 3.3.4 Able has sought a non-material change to the Able DCO and this is currently being considered by the SoS. The variations sought do not affect or alter the proposed works within or powers applying to Rosper Road.
- 3.3.5 VPIB is seeking powers as presented in the Draft DCO (Application Document Ref. 2.1) to allow it to undertake the relevant parts of Work Nos. 2 and 6 noted above, including powers to compulsorily acquire new rights (article 21), take temporary possession of land to carry out the authorised development (article 27) and various highways and street works powers similar to those included in the Able DCO (articles 8 to 14).
- 3.3.6 There is therefore the potential for the two Orders and the relevant powers to conflict. VPIB is therefore proposing terms (presented in the Draft DCO) to avoid this and to ensure that the parties work together to allow both schemes to proceed. These are explained further in the Explanatory Memorandum (Application Document Ref: No. 2.2). VPIB is also engaging directly with the promotor of the Able Marine Energy Park to discuss the interactions and VPIB’s proposed approach to the overlap issues.
- 3.3.7 In terms of the substance of the interactions between the Proposed Development and Able Development, the sections that interact do not comprise primary parts of either development.
- 3.3.8 It is agreed that the interactions do not preclude the projects from being carried out simultaneously (if necessary). No physical interaction between the Able Development and the Proposed Development are anticipated following exercise of these powers by either or both parties.
- 3.3.9 It is agreed that the two projects would be capable of co-existing should both be constructed and operated.
- 3.3.10 It is therefore agreed that the above is an accurate summary of the planning history of the Site and the immediate surrounding area, including in respect of the potential for conflicts or incompatibilities.

4. RELEVANT PLANNING POLICY

4.1.1 The national planning and local development plan policy considered to be relevant to the consideration of the Application is set out below.

4.2 National planning policy

4.2.1 It is agreed that the following National Policy Statements ('NPSs') are relevant to the Application:

- The Overarching NPS for Energy (EN-1);
- The NPS for Fossil Fuel Electricity Generating Infrastructure (EN-2);
- The NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4); and
- The NPS for Electricity Networks Infrastructure (EN-5).

4.2.2 It is agreed that the above NPSs provide the primary basis for decisions by the SoS in relation to the Application.

4.2.3 It is agreed that the following planning policy documents may also be relevant to the consideration of the Application:

- National Planning Policy Framework (February 2019); and
- Planning Practice Guidance.

4.3 Local development plan policy

4.3.1 It is agreed that section 104 of the PA 2008 states that the SoS must have regard to other matters that are 'important and relevant', and it is agreed that that includes local development plan documents. It is also agreed that EN-1 is clear that in the event of any conflict between a NPS and a local development plan document, the NPS prevails for the purpose of SoS decision-making given the national significance of the infrastructure concerned.

4.3.2 It is agreed that the following NLC planning policy documents are most relevant to the Proposed Development:

- North Lincolnshire Core Strategy (Adopted June 2011);
- North Lincolnshire Local Plan (Adopted May 2003) – Saved Policies; and
- North Lincolnshire Housing and Employment Land Allocations Development Plan Document (Adopted March 2016).

4.3.3 It is further agreed that the following policies from each of the above documents are most relevant to the Proposed Development.

Core Strategy (2011)

- CS1 – Spatial Strategy for North Lincolnshire;
- CS2 – Delivering More Sustainable Development;
- CS6 – Historic Environment;

- CS12 – South Humber Bank Strategic Employment Site;
- CS16 – North Lincolnshire’s Landscape, Greenscape 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.

Local Plan (2003)

- IN1 – Industrial Development Location and Uses;
- IN3 – Industrial and Commercial Development in the South Humber Bank Area;
- LC1 – Special Protection Areas, Special Areas of Conservation and RAMSAR Sites;
- LC5 – Species Protection;
- LC7 – Landscape Protection;
- LC12 – Protection of Trees, Woodland and Hedgerows;
- LC20 – South Humber Bank- Landscape Initiative;
- HE5 – Development Affecting Listed Buildings;
- HE8 – Ancient Monuments;
- HE9 – Archaeological Excavation;
- M23 – Oil and Gas Production;
- DS1 – General Requirements;
- DS7 – Contaminated Land;
- DS11 – Polluting Activities;
- DS13 – Groundwater Protection and Land Drainage;
- DS15 – Water Resources;
- DS16 – Flood Risk;
- T1 – Location of Development;
- T2 – Access to Development; and
- T18 –Traffic Management.

4.3.4 It is agreed that the Site is identified as falling within Employment Land Allocation SHBE-1 South Humber Bank and that the Housing and Employment Land Allocations

Development Plan (2016) sets out details on what the South Humber Bank area requires.

- 4.3.5 It is agreed that there are no policies relevant to the Application in the Humber Area Local Aggregate Assessment Document (2017).

4.4 Local planning designations

- 4.4.1 The planning designations that apply to the Site have been identified through a review of the North Lincolnshire Core Strategy (2011), the adopted North Lincolnshire Local Plan (2003), and the Housing and Employment Land Allocations Development Plan Document (2016).
- 4.4.2 The Core Strategy key diagram shows the Site as lying within the 'South Humber Bank Strategic Employment Site' ('SES'). Policy CS12 of the Core Strategy deals with the SES and is generally supportive of industrial and port-related activities within the designated area. It states that the area will be reserved for industrial type uses. There are also similar, supportive policies within the Local Plan (2003) and the Housing and Employment Land Allocations Development Plan Document (2016).
- 4.4.3 The Site is also situated within the 'South Humber Bank Landscape Indicative Area' under Policy LC20 of the Local Plan which covers much of the wider South Humber Bank Area. The policy sets out a number of measures for the area, which include softening and screening (e.g. tree belts), habitat conservation and creation, and field boundary management.
- 4.4.4 It is agreed that the local development plan is supportive of the principle of new energy generating infrastructure at the Site, as is reflected in NLC's response to the Applicant's 'Stage 2 Consultation' under section 42 of the PA 2008, which states that the principle of the Proposed Development at the Site is supported.

5. THE NEED FOR THE PROPOSED DEVELOPMENT

- 5.1.1 Section 3.3 of Part 3 of NPS EN-1 sets out a number of key reasons why there is an urgent need for new electricity generating infrastructure, including:
- Meeting energy security and carbon reduction objectives;
 - The need to replace closing electricity generating capacity;
 - The need for more electricity capacity to support the increased supply from renewables; and
 - Future increases in electricity demand.
- 5.1.2 Paragraphs 3.3.15 – 3.3.24 of EN-1 deal with the urgency of the need for new electricity generating capacity. Paragraph 3.3.15 states that in order to secure energy supplies that enable the UK to meet its climate change obligations to 2050, there is an urgent need for new energy infrastructure to be brought forward as soon as possible.
- 5.1.3 Paragraph 3.3.23 confirms that the Government believes (based on predictions) that it is prudent, in order to minimise the risk to energy security and resilience, to plan for a minimum need of 59 GW of new electricity generating capacity by 2025. The Government would like to see a significant proportion of the balance come from low carbon generation (paragraph 3.3.22).
- 5.1.4 It is agreed that EN-1 confirms the need that exists for all types of nationally significant energy infrastructure, including new fossil fuel generating stations, and makes clear that the SoS should assess such applications on the basis that this need and its scale and urgency has been proven. Furthermore, the SoS should give substantial weight to the contribution that all projects would make toward satisfying this need. As such, the need that exists for new electricity generating infrastructure is not open to debate or interpretation.
- 5.1.5 It is therefore agreed that the need for the Proposed Development is as set out in the NPSs for energy infrastructure; in particular, EN-1. Furthermore, that the more detailed need case set out in section 4 of the Planning Statement (Application Document Ref: 5.3) is accurate.

6. THE BENEFITS OF THE PROPOSED DEVELOPMENT

6.1.1 It is agreed that the Proposed Development would have a number of very clear benefits, which can be summarised as follows:

- EN-1 clearly confirms the urgent 'need' that exists for all types of nationally significant energy infrastructure. It is clear that the SoS should assess applications on the basis that this 'need' and its scale and urgency has been proven.
- The Proposed Development, with a gross output capacity of up to 299MW, would respond to this urgent need in a timely manner.
- The Proposed Development would support the increased deployment of renewable energy in the UK, which is crucial if the country is to move to a low carbon economy. In this respect, EN-1 recognises that fossil fuel generating stations have a vital role to play in adding to the security, diversity and resilience of the UK's electricity supplies. Not least, they ensure that the country is not overly reliant on any one type of generation and can be operated flexibly, providing back-up for when generation from intermittent renewable generating capacity is low.
- Gas is more efficient and results in lower carbon dioxide emissions than other fossil fuels such as coal and oil and, as such, the OCGT Power Station would result in much lower carbon dioxide emissions than existing coal-fired power stations. Furthermore, the OCGT Power Station would deploy highly efficient gas turbine technology capable of rapid start-up times and flexible operation to support the intermittency of renewables generation and in combination with renewables deployment would contribute to the progressive reduction in UK carbon dioxide emissions from the power sector.
- The Proposed Development would have benefits for the regional and local economy, in terms of employment during the construction phase.
- The Proposed Development would make use of previously development and disturbed land and is located immediately adjacent to the Existing VPI CHP Plant that already benefits from electrical and gas connections, and other infrastructure. This would assist in minimising the impact of the Proposed Development upon the environment.
- Further to the above, the draft DCO includes Requirement 25 'Employment, skills and training plan' that is aimed at promoting employment, skills and training development opportunities for local residents during construction and employment opportunities during operation.

6.1.2 The likely significant adverse effects of the Proposed Development as identified by the ES and taking account of mitigation are as follows:

- Moderate adverse – construction of the Proposed Development on impact on Iron Age Ditch (A17).

6.1.3 It is agreed that there are a number of very clear and substantial benefits that the Proposed Development would deliver and facilitate. In contrast, few significant adverse effects have been identified. It is therefore agreed that the benefits of the Proposed Development outweigh the limited harm that would result.

- 6.1.4 It is agreed that the consideration of benefits and adverse effects is consistent with the principles set out in section 4.1 of NPS EN-1.

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7. ALTERNATIVES

- 7.1.1 The alternatives that have been considered by VPIB are set out within ES Volume I, Chapter 4 'Design Evolution and Alternatives' (Application Document Ref. 6.2.4).
- 7.1.2 It is agreed that VPIB's approach to alternatives has been both robust and proportionate and has taken account of a number of relevant factors, including environmental sensitivity, technical considerations and land ownership.
- 7.1.3 It is agreed that VPIB's approach of using the Existing Gas Pipeline, rather than constructing a new pipeline, is the best and most appropriate option, removing a set of potential environmental effects during construction of the pipeline and avoiding the need for VPIB to obtain land interests over other areas of land.
- 7.1.4 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 4.4 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

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8. FLEXIBILITY AND DESIGN

- 8.1.1 VPIB has sought to incorporate a degree of flexibility within the draft DCO (Application Document Ref: 2.1). This flexibility is required as it is not possible to fully fix the design of the OCGT Power Station prior to construction and in advance of a contractor having been appointed.
- 8.1.2 A focussed use of the Rochdale Envelope approach has therefore been adopted in the conduct of the EIA in order to present a worst-case assessment of potential environmental effects of the different parameters of the Proposed Development that cannot yet be fixed. These include:
- the specific location of the emission point to air within the OCGT Power Station Site,
 - the size of structures and buildings (to allow flexibility in selection of preferred technology); and
 - the final stack height.
- 8.1.3 Where an element of flexibility has been maintained, alternatives have been assessed and the worst-case impacts reported in the ES.
- 8.1.4 It is agreed that the ES presents a robust assessment of the likely significant environmental effects of the Proposed Development within the parameters defined by Requirement 5.
- 8.1.5 VPIB has submitted an 'Indicative Generating Station Plan' (Application Document Ref: 4.5) that provides an indication of how the OCGT Power Station would appear based on the design parameters. Furthermore, the Design and Access Statement (Application Document Ref: 5.4) provides information on the key design components for the OCGT Power Station, including its anticipated appearance and finishes.
- 8.1.6 Requirement 5, sub-paragraph (1) secures the submission of the details of the OCGT Power Station and sub-paragraph (2) requires those details to be in accordance with the design parameters. Further detail is to be secured by the following requirements:
- Requirement 6 'Landscaping and biodiversity protection management and enhancement';
 - Requirement 7 'External lighting';
 - Requirement 8 'Highway accesses';
 - Requirement 9 'Means of enclosure'; and
 - Requirement 10 'Surface and foul water drainage'.
- 8.1.7 It is agreed that the above requirements secure the submission of the necessary level of detail (in accordance with the design parameters) and provide NLC, as relevant planning authority, with sufficient control over and certainty as to the final design of the Proposed Development. It is agreed that these requirements appropriately and sufficiently tie the DCO to the parameters of the assessment in the ES.

- 8.1.8 Further to the above, it is agreed that the approach taken to securing design details for the Proposed Development is consistent with other development consent orders.
- 8.1.9 It is agreed that the Design and Access Statement (Application Document Ref. 5.4) provides an appropriate appraisal of the Site's context. With regard to this, it is agreed that the immediate context of the Site is industrial, being dominated by the Existing VPI CHP Plant Site and from a landscape and visual perspective, is not highly sensitive to change.
- 8.1.10 It is therefore agreed that the design of the Proposed Development is appropriate given its function and purpose (to generate electricity) and the context within which it would sit and that it represents 'good design' for the purposes of energy infrastructure and complies with policy in this regard set out in EN-1, EN-2, EN-4 and EN-5.

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9. COMBINED HEAT AND POWER

- 9.1.1 It is agreed that VPIB has appropriately assessed the feasibility of combined heat and power ('CHP') and reported the findings within the Combined Heat and Power Assessment (Application Document Ref: 5.9).
- 9.1.2 It is agreed that the intermittent and short-term nature of OCGT power generation (e.g. responding to peaks in electricity demand), combined with a lack of water and steam production, precludes the feasible provision of CHP from the OCGT generating station.
- 9.1.3 It is agreed that the assessment carried out is in accordance with the principles set out in section 4.6 of NPS EN-1, along with any comparable sections in EN-2, EN-4 and EN-5.

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10. AIR QUALITY

- 10.1.1 The assessment of the air quality effects of the Proposed Development is set out in ES Volume I, Chapter 6 'Air Quality' (Application Document Ref. 6.2.6). The Air quality study area and the locations of the sensitive receptors considered in the assessment are shown on Figure 6.1 of Volume II of the ES (Application Document Ref. 6.1).
- 10.1.2 It is agreed that 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.
- 10.1.3 It is agreed that the air quality impacts resulting from the construction phase of the Proposed Development would not be significant subject to the implementation of the measures outlined within Chapter 6 (ES Volume I). It is further agreed that the effect of operational point source emissions on sensitive receptors is not significant and that the effect on air quality as a result of the Proposed Development is not significant.
- 10.1.4 Expected construction and operational traffic associated with the Proposed Development are not at levels that exceed screening thresholds set by the Institute of Air Quality Management for assessment of air quality effects. Therefore, traffic movements associated with the Proposed Development will not give rise to significant air quality effects. However, construction traffic movements would be controlled through a requirement of the draft DCO, as outlined in Section 14.
- 10.1.5 It is therefore agreed that there would be no unacceptable impacts upon air quality as a result of the Proposed Development.
- 10.1.6 It is agreed that the assessment carried out is in accordance with the principles set out in section 5.2 of NPS EN-1, along with any comparable section in EN-2, EN-4 and EN-5.

11. TRAFFIC AND TRANSPORT

- 11.1.1 The assessment of the traffic and transport effects of the Proposed Development is set out in ES Volume I, Chapter 7 'Traffic and Transportation' (Application Document Ref: 6.2.7) and in ES Volume III, Appendix 7A 'Transport Assessment' (Application Document Ref: 6.4.5). The surrounding highway network is shown in relation to the Order Limits on Figure 7.1 of ES Volume II (Application Document Ref: 6.3).
- 11.1.2 The scope and methodology of the assessment undertaken was discussed with NLC and NELC as highway authorities, and Highways England, amongst others. In addition, relevant Department for Transport and other guidance was taken into account.
- 11.1.3 Fuel for the Proposed Development would be natural gas transported to the Site via pipeline and therefore there would be no vehicular movements associated with the delivery of fuel to the Site. This means that vehicle movement during operation would be very low. The most intense period of vehicle movements would be during the temporary construction phase.
- 11.1.4 In order to promote sustainable transport and to ensure appropriate management measures are implemented, VPIB would implement travel and traffic management plans during construction to minimise transport effects and encourage sustainable modes. The travel and traffic management plans would be secured by Requirements 16 and 17 of the draft DCO (Application Document Ref: 2.1).
- 11.1.5 It is agreed that construction, operational and decommissioning phases of the Proposed Development would not result in any significant effects.
- 11.1.6 It is agreed that the assessment carried out is in accordance with the principles set out in section 5.13 of NPS EN-1, along with any comparable section in EN-2, EN-4 and EN-5.

12. NOISE AND VIBRATION

- 12.1.1 The assessment of the noise and vibration effects of the Proposed Development is set out in ES Volume I, Chapter 8 'Noise and Vibration' (Application Document Ref. 6.2.8). The baseline noise monitoring locations and the locations of the sensitive receptors used for the purpose of the assessment are shown on Figure 8.1 of ES Volume II (Application Document Ref. 6.3.12). It is agreed that the sensitive receptor identified, the baseline monitoring data used and the assumptions used in the modelling and assessment are suitable and acceptable for the purpose of the assessment.
- 12.1.2 It is agreed that the noise and vibration resulting from the construction phase of the Proposed Development would not result in significant impacts upon sensitive receptors and that any additional mitigation measures required to control out-of-hours work would be detailed in the final Construction Environment Management Plan (CEMP). It is further agreed that the noise and vibration impacts resulting from all other phases of the Proposed Development would not result in significant effects upon sensitive receptors.
- 12.1.3 The final CEMP would be secured through Requirement 14 (draft DCO, Application Document Ref 2.1).
- 12.1.4 It is agreed that the assessment carried out is in accordance with the principles set out in section 5.11 of NPS EN-1, along with any comparable section in EN-2, EN-4 and EN-5.

13. ECOLOGY

- 13.1.1 Impacts on ecology are considered in Chapter 9 of the ES of Volume I (Application Document Ref. 6.2.9), which summarises the ecological surveys undertaken and provides an assessment of the effects of the Proposed Development on ecology.
- 13.1.2 The survey reports are provided in Appendices 9B to 9G (ES Volume III –Application Document Refs: 6.4.11. to 6.4.14). A Framework Biodiversity Enhancement and Management Plan ('BEMP') is included as Appendix 9H (ES Volume III – Application Document Ref: 6.4.17). Any likely significant effects on any European designated site are considered in a No Significant Effects Report (Application Document Ref: 5.10). In addition, a confirmatory great crested newts (GCN) survey report (Document Ref: PE-1.1) presented the complete findings of the great crested newt survey work including the elements of that survey completed after the submission of the Application.
- 13.1.3 It is agreed that the surveys and methods used to inform the assessment of effects upon protected species and biodiversity are appropriate and in line with current best practice and guidance.
- 13.1.4 It is also agreed that, in line with the conclusions of Chapter 9 of ES Volume I, the Proposed Development would not result in significant effects upon statutory and non-statutory sites, habitats or protected species, including European designated sites.
- 13.1.5 It is agreed that no GCN are present and no further surveys or mitigation is required as part of the Proposed Development in relation to this species.
- 13.1.6 It is also agreed that that in accordance with the Framework BEMP and as secured by Requirement 6 of the draft DCO (Application Document Ref. 2.1), there would be a net gain in biodiversity as a result of the Proposed Development.
- 13.1.7 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.3 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

14. CULTURAL HERITAGE

- 14.1.1 The assessment of the effects of the Proposed Development on cultural heritage is presented in Chapter 13 of ES Volume I (Application Document Ref: 6.2.13). Known and designated heritage assets are illustrated in Figures 13.1 to 13.3 of ES Volume II (Application Document Refs: 6.3.21 to 6.3.23). Designated and non-designated assets are listed in Appendices 13A to 13C of ES Volume III (Application Document Refs: 6.4.27 to 6.4.29).
- 14.1.2 It is agreed no significant impacts on any designated heritage assets have been identified. The potential impact on undesignated assets is covered below.
- 14.1.3 The ES only identifies potentially significant effects on one undesignated asset; an Iron Age ditch (A17) and any unrecorded remains. It is agreed that these potential effects would be mitigated through a strip, map and record in accordance with a Written Scheme of Investigation ('WSI'). The Applicant has submitted a Framework Written Scheme of Investigation with the Application (Appendix 13E of ES Volume III – Application Document Ref 6.4.31). This document outlines the methodology to be used for the archaeological strip, map and record excavation, including framework detail relating to works specification, completion of fieldwork, monitoring, reporting, resources, timetable and archiving.
- 14.1.4 The Applicant acknowledges that details of the strip, map and record would need to be provided prior to commencement of the Proposed Development, including a programme provided by the main contractor to ensure that the archaeological strip map and record is undertaken and completed to the satisfaction of the relevant planning authority (NLC), and that the scope of the content of the archaeological contractor's method statement is adequate, amongst other things. The Framework WSI has been updated in consultation with NLC following Deadline 2 of the Examination, to include more detail relating to programme and method statement, amongst other things. The updated Framework WSI (Version 2.0) (Application document Ref: 6.4.31), the wording of which has now been agreed with NLC, forms part of the Applicant's Deadline 4 submission.
- 14.1.5 The draft DCO (Application Document Ref: 2.7) includes Requirement 13, which requires submission of a detailed WSI that is to be in accordance with the ES and Framework WSI. Importantly, Requirement 13 also includes that the detailed WSI must be agreed in consultation with Historic England and that it is ultimately approved by NLC. It is agreed that NLC has a means to ensure that any submitted information is to the necessary standard and that sufficient detail is provided, including in respect of programme and method statement.
- 14.1.6 Following submission of the Application, NLC queried the potential for impacts on an enclosure associated with a non-designated Iron Age/ Roman settlement site (asset A6), part of which lies beneath the Temporary Construction and Laydown Site. Chapter 13 of the ES identifies that no significant impact is anticipated on A6 and accordingly no mitigation is required. This is primarily because the asset has already been subject to a previous archaeological investigation associated with the consent for the Existing VPI CHP Plant and has been preserved in situ. Furthermore, the asset lies beneath an area that is covered by concrete/tarmac and is currently used as a car park. There are no proposals for further works to the area, it would be used for construction laydown in its current form. Figure 13.4 (Volume II of the ES –

Application Document Ref: 6.3.24) shows the location of the area that is preserved in-situ (the green triangle).

- 14.1.7 The Applicant's position remains that no significant impact is anticipated on any part of the asset (A6), including any part of it that is beneath the Temporary Construction and Laydown Site. However, it has been agreed that the part beneath the Temporary Construction and Laydown Site would continue to be preserved in-situ by appropriate marking, fencing and protection from heavy machinery, recognising that a similar approach was taken in connection with previous permissions associated for the Existing VPI CHP Plant, including the section 36 consent and GDBC/001/00238C (see the 'Planning history' section earlier in this report for more detail). The Framework WSI (Version 2.0 – submitted at Deadline 3) has been updated to include a section on the detail of the preservations in-situ. It is agreed that this is sufficient to ensure that the necessary protection is provided.
- 14.1.8 It is agreed that the draft DCO includes an appropriate mechanism to secure this detail, in that the Applicant undertakes to provide information on how the relevant part of the laydown area would be used during construction and how the preservation in-situ would be secured, in the final CEMP that is secured by Requirement 14 of the draft DCO.
- 14.1.9 In order to provide further security in respect of the above, the Applicant will amend Requirement 14 as follows (additions underlined):
- "14.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until a construction environmental management plan has been submitted to and approved by the relevant planning authority.*
- (2) The plan submitted and approved must be in accordance with the framework construction environmental management plan and incorporate—*
- (a) a code of construction practice, specifying measures designed to minimise the impacts of construction works;*
- (b) a scheme for the control of emissions of dust;*
- (c) a soil management plan;*
- (d) a sediment control plan;*
- (e) a scheme for environmental monitoring and reporting during the construction of the authorised development, including measures for undertaking any corrective actions;*
- (f) a scheme for the notification of any significant construction impacts on local residents and for handling any complaints received from local residents relating to such impacts during the construction of the authorised development; and*
- (g) a requirement that the detail of the fencing and protection of asset A6 is in accordance with the strategy set out in the Framework Written Scheme of Investigation.*

(3) All construction works associated with the authorised development must be carried out in accordance with the approved construction environmental management plan unless otherwise agreed with the relevant planning authority.”

14.1.10 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.8 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5. It is considered that with the identified mitigation, any impacts on cultural heritage assets would be acceptable.

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15. SOCIO-ECONOMICS

- 15.1.1 Chapter 14 ‘Socio-economics’ of ES Volume I (Application Document Ref: 6.2.14) provides a socio-economic impact assessment of the Proposed Development.
- 15.1.2 No adverse effects have been identified during the construction or operation of the Proposed Development and the employment created by the operational phase of the Proposed Development is likely to have a minor beneficial long-term effect on the local economy with the construction and decommissioning phases of the development likely to have a minor beneficial short term effect on employment.
- 15.1.3 It is agreed that the Proposed Development would not result in any adverse effects in terms of socio-economics.
- 15.1.4 The Applicant has included Requirement 23 ‘Employment, skills and training plan’ within the draft DCO (application Document Ref. 2.1). 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.
- 15.1.5 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.12 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

16. SUSTAINABILITY AND CLIMATE CHANGE

- 16.1.1 Chapter 15 of ES Volume I (Application Document Ref. 6.2.15) addresses the potential effects of the Proposed Development on sustainability and climate change. No significant effects on sustainability and climate change have been identified.
- 16.1.2 It is agreed that there are no concerns in relation to the effect of the Proposed Development upon sustainability and climate change.
- 16.1.3 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 4.8 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

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17. HUMAN HEALTH

- 17.1.1 Chapter 16 of ES Volume I (Application Document Ref. 6.2.16) addresses the potential effects of the Proposed Development on human health. No significant effects from electromagnetic fields (EMF) have been identified. All other potential health-related effects are described in other chapters of the ES.
- 17.1.2 It is agreed that there are no concerns in relation to the effect of the Proposed Development upon human health.
- 17.1.3 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 4.13 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

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18. LANDSCAPE AND VISUAL AMENITY

- 18.1.1 The assessment of the landscape and visual effects of the Proposed Development is set out in ES Volume I, Chapter 10 'Landscape and Visual Amenity' (Application Document Ref: 6.2.10). The assessment methodology is presented in Appendix 10A (ES Volume III, Application Document Ref: 6.4.18) and information about viewpoint locations, landscape characterisation, zones of theoretical visibility, including photomontages, is provided in Figures 10.1 to 10.26 (Application Document Refs: 6.3.14 to 6.3.19).
- 18.1.2 It is agreed that the methodology that has been adopted for the assessment of landscape and visual effects, including representative viewpoints, is acceptable and that the ES has addressed the key issues raised in NLC's response to the Applicant's Section 42 consultation.
- 18.1.3 The Site is located in an area that is primarily characterised by significant industrial development, including energy generation, oil refineries and port related activities of significantly larger scale than the Proposed Development. It is therefore agreed that the Proposed Development would not be out of character in the area, and it is notable that there are no designated sites/assets within or immediately adjacent to the Site.
- 18.1.4 It is agreed that the Proposed Development accords with policy relating to landscape and visual amenity, and that the Applicant has taken account of the landscape character of the area and visual impacts from representative viewpoints.
- 18.1.5 It is agreed that the landscape and visual effects associated with the Proposed Development are acceptable.
- 18.1.6 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.9 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

19. GROUND CONDITIONS AND HYDROGEOLOGY

- 19.1.1 The assessment of the effect of the Proposed Development in terms of ground conditions, contamination and hydrogeology is set out in ES Volume I, Chapter 11 'Ground Conditions and Hydrogeology' (Application Document Ref. 6.2.11). An assessment of the ground conditions and potential for contamination is presented in the Phase 1 assessments (ES Volume III, Application Document Refs 6.4.22 and 6.4.23).
- 19.1.2 The Phase 1 assessments conclude that there are no risks to human health from the management or movement of soils on site. Any potential impacts to groundwater, human health or ecological receptors during the construction phase of the Proposed Development would be suitably managed through the CEMP (secured by Requirement 14 of the Draft DCO (Application Document Ref. 2.1)). In particular, a piling risk assessment would be prepared and submitted to the local planning authority and Environment Agency for approval in the event that piling is required for the Proposed Development.
- 19.1.3 It is agreed that no significant impacts to groundwater, human health or ecological receptors have been identified during the operational phase of the Proposed Development.
- 19.1.4 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.15 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

20. SURFACE WATER, FLOOD RISK AND DRAINAGE

- 20.1.1 The assessment of the impacts associated with surface water, flood risk and drainage associated with the Proposed Development is set out in ES Volume I, Chapter 12 'Surface Water, Flood Risk and Drainage' (Application Document Ref: 6.2.12). Identified surface water features are illustrated on Figure 12.1 (ES Volume II), with the Flood Risk Assessment presented in Appendix 12A (Application Document Ref: 6.4.26).
- 20.1.2 No significant effects on surface water have been identified as a result of the impact avoidance measures identified in the ES, and the Proposed Development would not result in an increase in flood risk through the flood attenuation measures set out in the application.
- 20.1.3 It is proposed that details of the permanent surface water and foul drainage systems, including a programme of implementation, would be submitted to and approved by NLC prior to construction of those systems in accordance with Requirement 10 of the Draft DCO (Application Document Ref: 2.1).
- 20.1.4 It is agreed that there are no outstanding concerns regarding the Proposed Development in respect of flood risk and drainage or the proposed mechanisms of control.
- 20.1.5 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.7 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

21. CUMULATIVE EFFECTS

- 21.1.1 It is agreed that the approach that has been taken to the assessment of cumulative effects in ES Volume 1, Chapter 17 'Cumulative and Combined Effects' (Application Document Ref: 6.2.17) is appropriate and proportionate, and that the Applicant has taken account of the relevant planned and consented projects.
- 21.1.2 It is agreed that cumulative impacts associated with the Proposed Development are acceptable.
- 21.1.3 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 4.2 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

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22. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- 22.1.1 Environmental impacts during construction, including emissions, would be controlled in accordance with industry best practice and this would be secured through a CEMP. A Framework CEMP is included as Appendix 4A of ES Volume III (Application Document Ref: 6.4.3).
- 22.1.2 Requirement 14 of the draft DCO (Application Document Ref: 2.1) secures the provision of a final CEMP prior to commencement of the authorised development. The requirement includes that all construction works associated with the authorised development must be carried out in accordance with the approved CEMP.
- 22.1.3 It is agreed that the scope of the framework CEMP and Requirement 14 are sufficient to secure the necessary environmental management during construction.

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23. THE SCOPE OF THE DRAFT DCO AND DRAFT REQUIREMENTS

- 23.1.1 It is agreed that the scope of the powers being sought through the draft DCO are appropriate (Application Document Ref: 2.7).
- 23.1.2 It is agreed that the requirements included at Schedule 2 of the draft DCO (Application Document Ref: 2.7), aside from Requirement 19 (see Section 24 of this report), would appropriately control the design, construction, operation and decommissioning of the Proposed Development.
- 23.1.3 It is agreed that the update to Schedule 10 of the draft DCO (Application Document Ref: 2.7) by the Applicant is sufficient to address comments by NLC at the Issue Specific Hearing on the draft DCO on Wednesday 02 October 2019. The Applicant proposes to amend section 3(3) in Schedule 10 of the draft DCO as follows (additions underlined):

“3) If the provision governing or requiring the application specifies that consultation with a requirement consultee is required, the relevant planning authority must issue the consultation to the requirement consultee within five business days of receipt of the application, and must notify the undertaker in writing specifying any further information requested by the requirement consultee within five business days of receipt of such a request and in any event within twenty-one days of receipt of the application (or such other period as is agreed in writing between the undertaker and the relevant planning authority).”

24. MATTERS TO RESOLVE

Requirement 19

Applicant's position

- 24.1.1 The Applicant considers that the proposed update to Requirement 19 of the draft DCO (Application Document Ref: 2.7) is sufficient to address comments by NLC in the Local Impact Report and at the Issue Specific Hearing on Environmental Matters on Thursday 03 October 2019. The Applicant proposes to amend Requirement 19 as follows (additions underlined):

19.—(1) No part of the authorised development may be brought into commercial use until a scheme for management and monitoring of noise during operation of the authorised development has been submitted to and approved by the relevant planning authority.

(2) The scheme submitted pursuant to sub-paragraph (1) must include the results of daytime and night time baseline noise monitoring that has been carried out by the undertaker for the purposes of this requirement as agreed with the relevant planning authority.

(3) Noise (in terms of the BS4142:2014 rating level) from the operation of the authorised development must be no greater than 5dB higher than the defined representative background sound level during each of the daytime and the night time, adjacent to the nearest residential properties at locations agreed with the relevant planning authority.

(4) The scheme submitted pursuant to sub-paragraph (1) must include a report setting out the extent to which the undertaker is able to achieve a noise level which is 2dB lower than the limit set out in sub-paragraph (3).

(5) The scheme must be implemented as approved unless otherwise agreed with the relevant planning authority.

(6) In this requirement—

(a) “daytime” means the period from 0700 to 2300 and “night time” means the period from 2300 to 0700; and

(b) “defined representative background sound level” means the sound level measured during the monitoring secured by sub-paragraph (2).

NLC's position

- 24.1.2 NLC is still considering the proposed wording and discussions are continuing on this matter. It is hoped that agreement can be reached for Deadline 5.

Signed:

Print name and position:

On behalf of North Lincolnshire Council:

Date:

Signed:

Print name and position:

On behalf of VPI Immingham B Ltd:

Date:

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