

PLANNING ACT 2008 (as amended)

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

Response to ExA First Written Questions

SUBJECT: Viking CCS Pipeline

APPLICANT: Chrysaor Production (UK) Limited

INTERESTED PARTY:

**NORTH EAST LINCOLNSHIRE
COUNCIL**

Interested Party Reference number: 20047168

YOUR REF: EN070008

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Introduction

Below are the answers from North East Lincolnshire Council in regard to the Examining Authorities (ExA) First Written Questions (ExQ1).

Q.1.1 General and Cross-topic Questions

Planning Policy

Q1.1.3 – New NPS

NELC have no specific concerns over this matter. It is considered that the project aligns with the aspirations of the Energy NPSs specifically EN-1 and EN-4.

Planning Permissions

Q1.1.5 – Updated Baselines

NELC are content that the applicant's summary of local planning policies, contained within the North East Lincolnshire Local Plan (NELLP), are complete and cover all relevant policies when considering the project. It is considered that no further applications need to be taken into account as part of the cumulative effects assessment and all applications have been provided to the applicant and considered. Please also refer to the Local Impact Report (LIR) for relevant policies.

Legislative Framework

Q1.1.11 – Purposes of an Area of Outstanding Natural Beauty (AONB)

NELC do not consider that the project would affect the ability to 'further the purposes' of the Lincolnshire Wolds AONB which falls within the boundary of NELC.

Design

Q1.1.14 – Design Review

NELC are content that the project would not require an Independent Design Review Process given the nature of works being underground with limited above ground works.

Q.1.2 Air Quality and Emissions

Air Quality Management

Q1.2.5 – Air Quality Management Areas (AQMAs)

NELC are content that the project would not have an impact on the Cleethorpe Road AQMA due to the significant separation from this area.

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Q1.2.6 – Air Quality

Regarding the residual air quality effects predicted by the Applicant, NELC anticipates that the development will implement best practice dust control mitigation measures as stated within the CEMP. Should visual inspections identify dust depositing beyond the site boundary or if dust complaints arise, then additional quantitative monitoring may be required.

Q1.2.7 – Dust Control

NELC expect that the mitigation measures set out in the CEMP to be implemented.

Q1.2.8 – Air Pollution/Odour Mitigation

NELC are satisfied with the monitoring/mitigation commitments that are set out in the Draft CEMP.

Q.1.5 Compulsory Acquisition

Overarching Case

Q1.5.5 – Alternatives to Acquisition

NELC have confirmed that there are some issues regarding ownership however these do not relate to land that would not be needed. We look forward to working with the applicant's in relation to this.

Given that the CA powers seem to be drafted very widely in article 22(1) with only limitations in 24(2) and 32 (8) it is considered that it is not possible to answer this question at this time. It is difficult to see how such wide powers can be justified without further clarification. NELC is concerned given that much of the land that it owns or occupies within the Order land is highway maintainable at public expense we look forward to working with the applicant on this issue.

Q.1.6 Cultural Heritage

Above ground heritage

Q1.6.1 – Designated Heritage Assets

NELC notes that this question was not directed towards the LA however, as the relevant authority for heritage, please confirm if any clarification is required in this regard.

Archaeology

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Q1.6.14 – **Written Scheme of Investigation (WSI)**

The WSI is a comprehensive and robust approach for investigating archaeological remains.

The WSI should provide the information to enable a mitigation strategy to be designed – if there are areas where, for whatever reason, not enough information was gained for mitigation then further evaluation would be expected to be undertaken at that point – it is not possible to identify areas in the WSI where not enough information will not be gathered until we still have unanswered questions when the trial trenching is complete.

The WSI is fit for purpose for the trial trenching part of the scheme – addendums or further work may be required – some of this may be encompassed in the contingency or different evaluation techniques may be required – we cannot know this until we are faced with a void in information that may be required to form a mitigation strategy.

The evaluation part of any scheme is undertaken in stages 1. Desk-based information Gathering, 2. non-intrusive survey, such as geophysics or fieldwalking, 3. Intrusive evaluation, such as trial trenching. Occasionally extra information is required in order to form a mitigation strategy (which will be one of a mix of three options, excavation/recording of archaeological deposits – preservation in situ, by removing the development or by designing a scheme so that the archaeology is not damaged and no further archaeological work) occasionally further archaeological work – additional surveys, carbon dating, or other scientific work may be required to further understand the impacts of development – this work is sometimes unforeseen but is part of the usual work streams of any complex development. No document can be so comprehensive to deal with every possible eventuality, I am satisfied that the WSI adequately covers any possible foreseen eventualities, but none can cover the very occasional times when something is discovered that was never considered.

Q.1.7 Draft Development Consent Order

Interpretation and Articles

Q1.7.1 – Definition of commence

NELC are content with the definition of ‘commence’ and agrees with the exemptions included in the other than part of the draft DCO.

Q1.7.4 – Definition of maintain

NELC are content with the definition of ‘maintain’ however clarification on the following terms should be provided, ‘adjust’, ‘divert’, ‘alter’, ‘reconstruct’, ‘re-new’, ‘re-lay’, ‘replace’, ‘abandon’ to ensure these do not justify works that have not been considered within the DCO process. Furthermore, it is stated ‘must not include renewal, relaying, reconstruction or replacement of the entirety of the pipeline’, this appears to slightly contradict the previous statement.

Q.1.7.6 – Definition of highway authority

NELC confirm that these should be considered separately.

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Q1.7.12 – Article 9 – Power to alter layout etc. of streets

NELC Highway Authority would like the applicant to justify further why such extent of provisions is requested. At this time, it is not clear why such powers are required and we are not in a position to answer the question raised. We have suggested meetings with the applicant and look forward to these taking place.

Q1.7.13 – Article 10

NELC Highway Authority have concerns in terms of the proposed disapplication of the legislative provisions. We have suggested meetings with the applicant and look forward to these discussions taking place.

Q1.7.14 – Articles 11 and 12

NELC Highway Authority would suggest that in place of 'temporarily stopping up' that the wording state 'prohibit temporarily' the use of that road. We have suggested meetings with the applicant and look forward to these discussions taking place.

Q.1.8 Ecology and Biodiversity

Ecology

Q1.8.9 – Cumulative Effects

NELC consider that this aspect is currently ongoing and in discussion with the Ecology Officer.

Q1.9 Environmental Impact Assessment

Areas for further evidence

Matters of clarification

Q1.9.11 – Cumulative effects

NELC do not wish to raise any concerns on this matter.

Q1.13 Landscape and Visual Amenity

Landscape methodology

Q1.13.2 – Assignment of value

Please note that NELC do not have any areas designated as 'Great Landscape Value'. We believe this is reference to a specific designation in ELDC.

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Q1.13.3 – Zone of Theoretical Visibility (ZTV)

As this is north of the Humber and outside of our area, NELC do not feel that this is appropriate for us to comment.

Q1.13.9 – Protected Landscapes

In terms of how the AONB relates to NEL, NELC are happy with the mitigation measures proposed subject to the details as required by the DCO.

Character and appearance of the countryside

Q1.13.10 – Study Areas

NELC are happy with the 1km study area for each BVS. The BVS are relatively small structures with only 3 in NEL which are not in such sensitive locations that the principle of landscaping around x3 side would be insufficient, however the detail of that landscaping is still to be agreed, however it is not envisaged that this would be a difficulty in settling these structures into the landscape.

Q1.13.11 – Study Timing

NELC have no issues with the study timings as March can be reflective winter months.

Q1.14 Noise and Vibration

Noise effects

Q1.14.1 – Unattended measurements

NELC have no concerns regarding the scope or methodology of the assessment.

Q1.14.6 – Duration of effects

NELC are satisfied that following the application of mitigation measures that the identified risks should reduce to 'not significant'.

Q1.14.11 – Working out of hours

NELC Environmental Health Officers confirms that a Control of Pollution - Section 61 Consent Application requires prior approval before implementation. The level of detail contained within applications for prior consent will include:

- description of the proposed works;

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- assumptions on the source noise levels of plant and equipment;
- approach to the noise level calculations;
- consideration of ambient noise levels;
- approach to addressing vibration;
- description and interpretation of Best Practicable Means (BPM) and proposed mitigation measures; and
- consideration of site-specific conditions and circumstances.

To ensure the identified sensitive receptors are adequately protected during day and nighttime hours. Applications are subject to approval/not approve or approved with conditions.

Q1.15 Socio-Economic Effects

Tourism and Recreation

Q1.15.2 – Quality of Information

NELC are satisfied that the route is well outside of the main resort area of Cleethorpes and therefore there are no concerns or adverse impacts in this regard.

Q1.15.4 – Liaison Group

NELC would support this approach and formation of such a group.

Commercial Enterprises

Q1.15.7 – Socio-Economic Benefits

The employment to be created by the construction of the project is acknowledged however NELC would agree that it would be beneficial for the socio – economic impacts to be expanded on. In particular, how the provision of the infrastructure would facilitate and attract any inward investment into NELC.

Effects on social infrastructure

Q1.15.13 – Blue light services

NELC suggests that discussions take place with the emergency services especially Immingham West Fire Station.

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Q1.16 Traffic and Transport

Local Road Network

Q1.16.10 – Conclusions

NELC do not have any concerns in this regard.

Q1.16.12 – Methodology

NELC are satisfied that these are acceptable.

Q1.16.13 – Road Safety Audit

NELC would not normally require a RSA to verify the findings of a TA. This may be required for physical works relating to accesses.

Public Rights of Way

Q1.16.24 – Impacts and Diversions

NELC do not have any concerns with the temporary diversions. It is prudent that the diversions are marked on the ground by signs, so users do not go off the diverted route.

Q1.16.25 – Length of Diversion

NELC consider the length of the diversions to be adequate.

Q1.17 Waste and Minerals

Waste

Q1.17.1 – JA Young Plastics

NELC note that this is outside of the area for NELC and therefore do not wish to comment.