Q1.1. General and Cross-topic Questions			
Planning Permissions		Comment	
1.1.3	All Local Authorities	New NPS Set out the legal and policy implications arising from the designation of the new NPSs, the impacts (if any) on the Examination and any other matters important and relevant for the ExA to take into account. This should include, if it is felt that the energy suite of NPSs apply, an explanation of how the transitional provisions will work given that this project was accepted for Examination shortly before designation of the new energy NPSs.	The newly adopted NPSs came into force on 17 January 2024 and only apply to applications submitted from that date. As such the previous version of the NPSs form the statutory framework for determining nationally significant infrastructure projects relating to energy where applications were made prior to 17 January 2024 (as in this case). However, the newly adopted NPSs may be deemed to be "important and relevant" considerations by the determining Secretary of State. The Governments draft revised policies focus on the desire to decarbonise and ensuring that there is security of energy supply in the UK and that the cost of energy is affordable for the end-users. Section 3.5 of NPS EN-1 (2024) relates specifically to the need for new nationally significant carbon capture and storage infrastructure. This states that there is an urgent need for new carbon capture and storage (CCS) infrastructure to support the transition to a net zero economy and that CCS is a necessity not an option. In terms of the assessment of new infrastructure, changes have been made which align with the Environment Act. New sections have also been added on marine considerations and biodiversity net gain and further detail added on environmental principles. Given the evolution of new technologies, priorities and considerations since the previous version of the NPSs were adopted and the direct relevance to the proposed development North Lincolnshire Council are of the view that the newly adopted NPSs (and in particular EN-1) do

			form an "important and relevant" consideration in the determination of this application. As such the SoS should have regard to the new NPSs in deciding the application but the previously adopted NPSs should still form the principal basis for determining the application.
1.1.5	All Local Authorities	Updated Baselines The local planning authorities to confirm, either in response to this question or within their Local Impact Reports (LIR): 1) whether the Applicant's summary of the local planning policy situation is complete or if policies have been missed or require updating; and 2) whether any additional applications or planning permissions need to be taken into account as part of the cumulative effects assessment.	 North Lincolnshire Council has set out a full list of relevant local development plan policies within section 4 of the Local Impact Report. Commentary is provided with regards to the local policy context within section 6 of the LIR. North Lincolnshire Council are not aware of any additional planning applications or permissions that need to be added to the cumulative effects assessment.
1.1.6	North Lincolnshire Council	Applications under the Town and Country Planning ActThe Applicant reports that "proposals by Phillips 66 andImmingham VPI (Humber Zero) are part of separateapplications under the Town and Country Planning Act 1990which are currently being determined by the LPA (NorthLincolnshire Council) and, as such, these works do not formpart of the Proposed Development."Update the Examination of what is known about theseapplications and whether any decision has been reached.	Both PA/2023/421 and PA/2023/422 are still pending a decision. These applications are both at an advanced stage of the determination process. At the present time the LPA is working with the Applicant's and statutory consultee's to resolve outstanding concerns. It is anticipated that these issues will be resolved without significant further delay and that decisions will be issued on both applications prior to the close of the examination.
Legislative Framework	•	•	Comment

North Lincolnshire Council –	Response to EXQ1		
1.1.11	Local Authorities	Purposes of an Area of Outstanding Natural Beauty (AONB) On 26 December 2023, s245 of the Levelling-Up and Regeneration Act 2023 amended the duty in the Countryside and Rights of Way Act 2000 in relation to AONBs; the National Parks and Access to the Countryside Act 1949 in relation to National Parks, and the Norfolk and Suffolk Broads Act 1988 in relation to the Broads. The amendment now requires relevant authorities "to seek to further the purpose of conserving and enhancing the natural beauty of the AONB/National Park/Broads." (ExA emphasis) Can the relevant Local Authorities provide a commentary on whether or not the Proposed Development would affect their ability to 'further the purposes' of the Lincolnshire Wolds AONB?	The Lincolnshire Wolds National Landscape (previously known as AONB) does not extend into North Lincolnshire. This question mainly applies to Lincolnshire County Council.
<u>Design</u>	-	-	Comment
1.1.14	Local Authorities	Design Review Can all IPs please confirm if an Independent Design Review Process should be required for this Proposed Development?	The majority of the proposed works will be below ground and not visible once constructed. The above ground element relevant to North Lincolnshire is the 'Immingham Facility'. This facility will comprise functional plant and equipment within a heavily industrialised landscape. Due to the nature of the proposed development and its functional requirements it is considered that opportunities to deliver aspirational design on the site are limited. It is likely that the detailed design will largely replicate existing industrial infrastructure in the locality. As such NLC do not consider that an independent Design Review Process is essential in this instance. A robust landscaping scheme will help in mitigating the visual impact of the Immingham Facility in accordance with policy LC20 (South Humber Bank Landscape Initiative) of the North Lincolnshire Local Plan.

Q1.2. Air Quality and Emission			
Air Quality Management			Comment
1.2.5	Local Authorities	Air Quality Management Areas (AQMAs) Can the relevant Local Authorities confirm whether, as a result of the Proposed Development on its own or cumulatively with other projects, there would be any adverse impacts on air quality within the nearest AQMAs?	North Lincolnshire Council has one Air Quality Management Area (AQMA) which is located a significant distance from the proposed development (Scunthorpe Town AQMA https://uk- air.defra.gov.uk/aqma/details?aqma_ref=383#456) An adverse impact on this AQMA is not anticipated as a result of the proposed development.
1.2.6	Local Authorities	Air Quality Are there any concerns regarding the residual air quality effects predicted by the Applicant and, if so, what specifically needs to happen in order to resolve the issues?	North Lincolnshire Council has no concerns regarding the residual air quality effects predicted by the Applicant. This position is confirmed in section 12 of the Local Impact Report.
1.2.7	Local Authorities	Dust Control Are there any comments on Construction Dust Emissions mitigation/CEMP/Construction Monitoring commitments?	Section J of the Draft CEMP contains measures relating to air quality which are detailed and extensive in nature. North Lincolnshire Council agree with the approach proposed and have no further comments to make on the construction phase.
1.2.8	Local Authorities	Air Pollution/Odour Mitigation Are IPs satisfied with the monitoring/mitigation measures proposed by the dDCO that deal with air pollution/emissions and potential odour issues?	Section J of the Draft CEMP contains measures relating to air quality which are detailed and extensive in nature. Requirement 5 of the dDCO would secure the submission and implementation of a detailed CEMP based upon the draft CEMP submitted with the application. North Lincolnshire Council agree with the approach proposed and have no further comments to make on the construction phase.

Q1.5 Compulsory Acquisition	- -		
Overarching Case			Comment
1.5.5	All Local Authorities	Alternatives to Acquisition In their roles as both Planning Authority and Highways Authority, are the Local Authorities aware of any reasonable alternatives to the CA or Temporary Possession (TP) sought by the Applicant or of any areas of land or rights that the Applicant is seeking the powers to acquire that they consider would not be needed?	North Lincolnshire Council is not aware of any reasonable alternatives to the proposed Compulsory Acquisition; nor are any areas of the land or rights considered not to be needed.

Q1.6 Cultural Heritage	
Archaeology	 Comment
1.6.14 All Loc Author	 This is a WSI for archaeological evaluation. It is sufficiently comprehensive to identify archaeological remains (known and unknown) and provide sufficient information to assess the archaeological significance. The results of the evaluation will then inform appropriate mitigation measures to be set out in subsequent separate WSIs. Because of the changes to the DCO limits at the northern end of the Project, the locations of the indicative trial trenches in this WSI have been revised and agreed with North Lincolnshire in the subsequent archaeological contractor's Written Scheme of Investigation for Archaeological Evaluation (Wessex Archaeology, March 2024). This is a WSI for archaeological evaluation only, it does not include mitigation measures. Within the North Lincolnshire section we are satisfied that the extent and methodology for archaeological evaluation set out in the WSI is satisfactory given that evaluation had already taken place on the site of the Immingham Facility for the VPI Carbon Capture plant proposal (Planning ref: PA/2023/421); with the contraction of the DCO limits for the Viking CCS pipeline only a small section of the Project within North Lincolnshire remains to be evaluated. No amendments are required to the WSI for archaeological evaluation in North Lincolnshire that have not already been made within the archaeological contractor's WSI referred to above (Wessex Archaeology, March 2024)

Q1.7 Draft Developm	ent Consent Order		
Interpretation and Articles			Comment
1.7.1	All Local Authorities	Definition of commence Are the local authority's content with the definition of 'commence' as set out in the dDCO [AS008] and the scope of works included/ excluded within it?	North Lincolnshire Council have no concerns with the definition of 'commence' set out in the dDCO or the scope of works included/excluded.
1.7.4	Local Authorities	 Definition of maintain The definition of 'maintain' includes the ability to divert or alter. 1) Are Local Authorities' content with this? 2) Does this give the Applicant the ability, post-construction, to divert parts of the Proposed Development, thus potentially giving rise to further environmental effects? 3) Please provide further justification in relation to the need for 'improve'. 4) Please explain how and why these would be necessary in relation to maintenance of the proposed development. 	 NLC believe that the extent of works included within the definition of 'maintain' is too wide and that this has not be reasonably justified. Allowing for the diversion or alteration of the pipeline and/or the removal and rebuilding of any/all buildings and structures within the Order Limits would seem to go some way beyond what could reasonably be considered maintenance works. The council are not sure that the definition in its current form is accurate or would comply with Planning Inspectorate Advice Note 15. North Lincolnshire council have concerns that the current definition would allow for the demolition and rebuilding of any and all elements of the consented development; including the above ground installation at the Immingham Facility. We would have concerns that this could be undertaken without any requirement for further consent and/or review by the LPA and that structures that are replaced/rebuilt may not be subject to the same design considerations as the original development. The definition is considered to be too wide and would allow for uncontrolled development of the site in the future. A more narrow definition limiting works to those that would normally be associated with maintenance should be considered.

North Lincolnshire Council –	Response to EXQ1		
1.7.6	Local Highway Authorities	Definition of highway authority Does the definition of highway authority [AS-008] need to separate National Highways (NH) from the local highways' authority?	North Lincolnshire Council don't think that this separation is necessarily required. The definition in it's current format is considered to be clear.
1.7.12	Local Authorities	Article 9 - Power to alter layout etc, of streets. This is a wide power, authorising alteration etc. of any street within the Order Limits. Please provide further justification as why this power is necessary. Has consideration been given to whether or not it should be limited to identified streets?	Parts 1 & 2 of Schedule 3 lists the streets subjects to street works and also provides a description of the proposed street works, which is acceptable subject to these amendments being agreed with the local authority. The proposal to extend the powers to any street, would appear to be excessive and it is unclear why this is required.
1.7.13	Local Authorities	Article 10 Do the Local Highway Authorities have any concerns or objections in relation to the Applicant's proposed disapplication of legislative provisions set out under Article 10 of the dDCO [AS008]?	It is unclear as to why this is proposed and as the Highway Authority, North Lincolnshire Council would have serious concerns about this.
1.7.14	Local Authorities	 Articles 11 and 12 Articles 11 and 12 [AS-008] allow for the temporary stopping up of streets and rights of way. The Explanatory Memorandum [APP-007, paragraph 1.6.53] suggests pedestrian access will be maintained. However, the ExA understands that the public lose the right to pass or repass over a stopped-up path or road. 1) Does the Applicant consider 'temporary stopping up' to be the correct terminology and, if so, why? 2) If 'temporary stopping up' is not the correct terminology, explain what legislation/mechanisms will be used to temporarily close the public highway to vehicles whilst allowing pedestrian access. 3) Again, please reconsider the notice period at Article 11(5) and 12 (6)? 	Article 12 - 'temporary stopping up' is a phrase that has been used in other DCOs. North Lincolnshire Council would welcome the reconsideration of the notice period at Article 11(5) and 12 (6). Discussions have already taken place with the Applicant regarding a longer notice period being agreed.

Q1.8 Ecology and Biodiversity			
<u>Ecology</u>			Comment
1.8.9	All Local Authorities	Cumulative Effects State whether or not the Applicant's approach to scoping and identifying likely cumulative effects, and the subsequent conclusions drawn within ES Chapter 6 is acceptable and inclusive [APP-048, section 6.11]?	For North Lincolnshire, the Applicant appears to have identified the most appropriate projects which might have cumulative effects with the pipeline- including in- combination effects in terms of the Habitats Regulations. In terms of the in-combination noise and visual disturbance effects in relation to birds using Rosper Road Pools, the Able UK, Gigastack and ABP applications are likely to require further assessment before in-combination effects can be ruled out.

Q1.9 Environmental Impact Assessment			
Matters of clarification		-	Comment
1.9.11	All Local Authorities	Cumulative effects In ES Chapter 6 [APP-048, Paragraph 6.11.4] it states that because ecological reports had not been submitted for other developments, it had not been possible to assess potential cumulative effects. This reasoning appears elsewhere across the ES as well. Are there any concerns about the Applicant's approach to determining or calculating cumulative effects or is the justification for not considering certain developments justified in this instance?	It is hard to comment without knowing which projects were excluded on this basis. In the South Humber Bank area of North Lincolnshire, major planning applications are generally accompanied by multiple ecological reports and further information is often secured before each application is determined.

Q1.13. Landscape and	Visual Amenity	•	
Landscape Methodology			Comment
1.13.2	Local Authorities	Assignment of value The Area of Great Landscape Value is only assigned 'medium' value by the Applicant [APP049, Table 7-11]. Is this a view shared and agreed upon with/ by the Local Authorities?	Currently the Lincolnshire Wolds National Landscape does not extend into North Lincolnshire. There is an aspiration to extend the Lincolnshire Wolds National Landscape into this area, which NLC would consider to have high landscape value.
1.13.3	Local Authorities	Zone of Theoretical Visibility (ZTV) Figure 7-5 [APP-049] sets out the ZTV for Immingham. It is noted that from this, there are no viewpoints provided to the Examination of the IAGI from the northern side of the Humber (such as Spurn Head). Could it be explained why this is the case?	NLC have only provided advice on viewpoints and receptors located within it's administrative area.
Lincolnshire Wolds Nat	<u>ional Landscape</u>		Comment
1.13.9	Local Authorities	Protected Landscapes Are NE and the Local Authorities satisfied with scope of mitigation measures (including how it is secured) for the section of AONB within the Order Limits? Have the impacts and mitigation been satisfactorily dealt with for potential impacts on Lincolnshire Heritage Coast?	The Lincolnshire Wolds National Landscape (previously known as AONB) does not extend into North Lincolnshire. This question mainly applies to Lincolnshire County Council.
Character and appeara	nce of the countryside		Comment
1.13.10	Local Authorities	Study Areas Is a 1km study area appropriate for each of the BVS? Explain with reasons.	None of the Block Valve Stations are located within or close to the North Lincolnshire boundary and as such North Lincolnshire Council has not advised on the study area in respect of the BVS.
1.13.11	Local Authorities	Study Timing The surveys to inform the LVIA were undertaken in March and June [APP-049, Paragraph 7.4.31]. It would appear none have been done in the winter months. Explain what, if any, significance this has the findings of the LVIA and whether there are concerns about the limitations in the study.	It is normally advised that LVIA's include a survey during winter months to provide a worst-case scenario. In this instance North Lincolnshire Council do not have any significant concerns regarding the limitations of the study as those elements of the proposed development within North Lincolnshire are located within a heavily industrialised landscape where landscaping tends to only screen low-level clutter and large-scale buildings and infrastructure is prevalent. No adverse landscape of visual

North Lincolnshire Council – Response to EXQ1

	impacts are anticipated. This is confirmed in section 7 of the Local Impact Report.

Q1.14. Noise and Vibration			
Noise effects			Comment
1.14.1	Local Authorities	Unattended measurements The Applicant has stated that six locations were used in making unattended measurements that are deemed to be representative of all sensitive receptors [APP-055, Paragraph 13.4.10]. The measurements were then said to have been undertaken in January and in late February. Explain, with reasons, whether there are any concerns regarding the scope or methodology of the assessment.	Relevant to North Lincolnshire, attended monitoring was undertaken at NM1 (R1) – Properties on School Road, South Killingholme and NM17 (R50) – Hazel Dene, Marsh Lane, South Killingholme. No concerns in relation to the noise monitoring methodology are to be raised.
1.14.6	All Local Authorities	Duration of effects From the ES [APP-055, Paragraph 13.7.10ff] there are many instances of predicted significant noise effects. These are all reduced to 'not significant' following the application of mitigation measures listed in section 13.8 [APP-055]. Do the relevant Local Authorities agree with these conclusions?	Receptors R1 and R50 (those within North Lincolnshire) are not identified as being subject to a SOAEL impact. Regardless of this, activities in the construction phase would be controlled through mitigation measures secured in the CEMP. Section I of the Draft CEMP contains measures relating to noise which are detailed and extensive in nature.

North Lincolnshire Council – Response to EXQ1				
1.14.11	All Local Authorities	Working out of hours The Applicant states that a Section 61 Consent would be required from the local authority in the event that HDD processes needed to be undertaken outside of core hours [APP-055, Paragraph 13.9.6]. Explain what process would need to be followed and what safeguards are there for the general public and noise sensitive receptors?	The information required for a Section 61 consent within North Lincolnshire is extensive to ensure appropriate mitigation is provided to protect residential amenity.	

Q1.15 Socio-Economic Effects	<u> </u>	·	
Tourism and Recreation		Comment	
1.15.2 L	Local Authorities	 Quality of Information A range of tourism and recreational destinations and activities in the area are set out at in the ES Chapter 16 [APP-058]. In particular, there is the route of the English coastal path as mentioned at paragraph 16.5.35. 1) Does this Chapter of the ES adequately describe the baseline so that effects on tourism and recreational users can be fully assessed? Are there other destinations which have been omitted that might be affected? 2) If any additional tourism and recreational destinations are identified, please provide a plan to show their locations? 3) Is the Applicants' assessment that potential impacts on tourism would be negligible adverse during the construction phase only reasonable? Should any effects during operation be considered? 4) East Lindsey District Council [RR-031] mention the possible impact on tourism and they will comment further in their LIR. Can they be more specific at this stage? 	The majority of the proposed impacts sit outside of North Lincolnshire, excluding the impact on the English coastal path. We agree with the statement 16.5.40 from a North Lincolnshire perspective. The majority of the impact, whilst negligible, is outside of North Lincolnshire.
1.15.4 L	Local Authorities	 Liaison Group The dDCO [AS-008] relates to the establishment of a local liaison group. Could the Local Authorities: Provide comment on this requirement in terms of whether it would meet the aims of keeping the community informed of the construction; Confirm whether they would take an active role in such a group; and Provide examples of where such groups have been established successfully for other major developments in the locality. 	 North Lincolnshire Council would believe this to be justifiable way in which to engage with the community as we can offer updates externally. North Lincolnshire Council would wish to play an active part of the group. A Local Liaison Group was established for the construction of the Keadby Windfarm development. More recently a Requirement (no.36) relating to the establishment of a Local Liaison Committee was included in the made Keadby 3 Development Consent Order.
Commercial Enterprises			Comment

North Lincolnshire Council –	Response to EXQ1		
1.15.7	Local Authorities	Socio-Economic Benefits The benefits of the scheme for the local economy appear very limited – these are set out at paragraph 16.11.2 of the Socio-Economic Report [APP-058] and assessed at employment during the construction phase of 222 with an income generation for the local economy (within a 60-minute drive) of £4.2 million. It is noted that East Lindsey District Council were broadly positive concerning the socio-economic impacts [RR-031] but to what extent is this consistent with the Local Plans of the host authorities?	North Lincolnshire Council have several policies cited within our local plan and wider council objectives that still are aligned to the proposed development. The proposed pipeline aligns with our Economic Growth Plan 2023-2028 and our Greens future plan seeking to decarbonise the localised economy. The proposal also accords with Policy CS18 of the North Lincolnshire Core Strategy, which seeks to secure carbon emission reductions to aid the UK in meeting its CO ₂ reduction targets. The proposed investment will not directly result in a significant uplift for the local economy directly but helps to embed the Humber as the 'Energy Estuary', with the proposed development able to support inward investments indirectly.
Effects on social infrastruct	ure	Comment	
1.15.13	Local Authorities	Blue light services Certain emergency services (such as the Police and Ambulance) may experience some disruption during construction works. This in particular applies to the Immingham West Fire Station. How is it proposed that any impacts are minimised?	The issue highlighted is outside of North Lincolnshire Council's boundary. The local emergency services have been consulted through the process.

Q1.16 Traffic and Transpor	<u>t</u>	-	
Local Road Network		_	Comment
1.16.10	Local Highways Authority	Conclusions The ExA observes that the ES [APP-054, Table 12-76] records residual moderate adverse effects on a number of routes. Are there any further mitigations that can be explored to reduce the effects?	The roads listed in Table 12-76 are not located within North Lincolnshire, we therefore have no comments to make on any further mitigation measures that could be explored.
1.16.12	Local Highways Authority	Methodology Models are referred to in the ES [APP-055, Paragraph 12.4.13] and the Transport Assessment [APP-106] including the TEMPRO v7.2 and a gravity model for construction worker distribution. Are these accepted input sources for the assessments?	This is standard practice for both traffic growth and identifying potential routes, coupled with the likely number of trips, to site which will be used by construction workers. As the project is still in an early stage of development, it is accepted that there is limited information available at this stage regarding the number and origin of construction workers. This is therefore the most practical approach.
1.16.13	Local Highways Authority	Road Safety Audit The application does not appear to be accompanied by a road safety audit to verify the conclusions of 'no severe impact' within the Transport Assessment. Is this a concern?	We would generally require a Road Safety Audit to be undertaken for new accesses. The proposed site access into the Northern Compound is an existing access, which was used during the improvement works on the A160/A180, a Road Safety Audit is not required for this access. From the information provided, it would appear that access to the Immingham Facility will be via a temporary access for construction traffic and a permanent access for operational purposes. These should be designed to DMRB standards and meet visibility requirements and it may be beneficial to undertake a Road Safety Audit as part of the design process for these accesses. It is not a concern that a Road Safety Audit has not been undertaken at this stage.
Public Rights of Way			Comment
1.16.24	Local Authorities	Impacts and diversions Are the Local Authorities content that sufficient information exists in the Examination to understand and assess the impacts upon public rights of way? If not, what more is required?	No public rights of way are affected in North Lincolnshire.

North Lincolnshire Council – Response to EXQ1				
1.16.25	Local Authorities	Length of diversion The Public Access and Rights of Way Plan [APP-033] details several footpath diversions that seem, in general, to direct walkers around fields and field boundaries (for example 3- PC to 3- PD). The ExA would like to know what qualitative analysis has gone into programming these diversions and whether the footpaths are equally as convenient and accessible to footpath users in comparison to the original right of way being diverted.	No public rights of way are affected in North Lincolnshire.	

Q1.17 Waste and Minerals			
Waste			Comment
1.17.1	Local Authorities	JA Young PlasticsThe Applicant proposes business-specific mitigation in respect of the operations for JA Young Plastics [APP-060, Table 18-4].1) To the EA and Local Authorities: are the mitigations proposed appropriate and robust, or are further measures required?2) To the Applicant: these mitigations are not readily apparent within the register under the CEMP [APP-068].Where is this mitigation secured?3) To JA Young Plastics: provide any comments regarding the impacts upon your specific business operations as a result of the Proposed Development and whether or not the Applicant's mitigation would alleviate the concerns you have.	The JA Young Plastics site is not located within North Lincolnshire and as such NLC has no comments in respect of the mitigation proposed for this site.