

**Nationally Significant Infrastructure Project: EN070008  
Viking CCS Pipeline**

**Response to The Examining Authority's written questions and requests for  
information (ExQ1) issued on 3 April 2024**

**Prepared by Lincolnshire County Council (LCC)**

**April 2024**

The following table sets out the Council’s response to the Examining Authority’s (ExA’s) written questions and requests for information (ExQ1) where a response from the County Council was sought.

ExQ1	Question	LCC Response
<b>1</b>	<b>General and cross-topic questions</b>	
1.1.3	<p><b>New NPS</b></p> <p>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.</p>	<p>The new NPS’s EN-1 to EN-5 came in to force on 17 January 2024. The transitional arrangements are set out at paragraphs 1.6.1 to 1.6.3 of the new EN-1 which states <i>“any application accepted for examination before designation of the 2023 amendments, the 2011 suite of NPSs should have effect in accordance with the terms of those NPS.”</i> Therefore as a starting point, under the transitional arrangements, we would highlight that the 2011 version of the NPSs remain the relevant NPS’s to be considered in respect of the Viking CCS Pipeline as it was accepted for examination prior to designation.</p> <p>The new EN-1 places a greater emphasis on Carbon Capture Storage (CCS) and identifies an urgent need for new CCS infrastructure to support the transition to a net zero economy. New CCS infrastructure, CCS technologies, pipelines and storage infrastructure are considered to be critical national priority (CNP) infrastructure. The Viking CCS proposal is considered to fall within the scope of the new EN-1 and as such it is likely to be a material consideration to the determination of this proposal. However, paragraph 1.6.3 of the new EN-1 affirms that the extent to which they are relevant is a matter for the Secretary of State whilst having regard to the specific circumstances of each DCO application.</p> <p>LCC, in its Local Impact Report (LIR) makes reference to what it considers to be relevant and important statements in both the 2011 EN-1 and EN-4 and the new 2023 versions for this proposal.</p>

ExQ1	Question	LCC Response
1.1.5	<p><b>Updated Baselines</b></p> <p>The local planning authorities to confirm, either in response to this question or within their Local Impact Reports (LIR):</p> <p>1) whether the Applicant's summary of the local planning policy situation is complete or if policies have been missed or require updating; and</p> <p>2) whether any additional applications or planning permissions need to be taken into account as part of the cumulative effects assessment.</p>	<p>1) The Applicants policy analysis is considered to be reasonably comprehensive however LCC has referenced several policies within the Lincolnshire Minerals and Waste Local Plan (LMWLP), East Lindsey Local Plan (ELLP) and the Central Lincolnshire Local Plan (CLLP) which the Applicant has not made reference to within the Planning Design and Access Statement Appendix D Planning Policy Compliance Assessment: Local Planning Policy (APP- 129). These are listed below and are also set out in the LIR paragraphs 5.10 and 5.11.</p> <ul style="list-style-type: none"> <li>• LMWMP – Policies DM4, DM12 and R1.</li> <li>• ELLP – Policies SP24 and SP28</li> <li>• CLLP – Policies S5, S47, S48.</li> </ul> <p>2) The projects listed are appropriate. The Applicant’s assessment considers those projects that are existing or approved, in line with the Planning Inspectorate’s Advice Note Seventeen and at this time the Council are not aware of any other applications or planning permissions that should have been taken into account as part of the assessment in line with the PINS guidance. However, the Council is aware of other NSIP proposals that are coming forward in the area. Further details on the Council’s view of the potential impact of the proposals with other NSIP’s that are coming forward is set out in the LIR at paragraphs 16.7 and 16.8.</p>
1.1.11	<p>Purposes of an Area of Outstanding Natural Beauty (AONB)</p> <p>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</p>	<p>The section of the pipeline within the Lincolnshire Wolds NL (AONB) is within North East Lincolnshire Council’s operating area.</p> <p>At this stage LCC are currently in a process of dialogue with Defra, Natural England and other National Landscapes (via the National Landscape Association) to work through what the new duty to seek to further the purposes of the designation actually means in practical terms, but it does raise the bar in terms of not simply having a duty of regard.</p>

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	<p>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)</p> <p>Can the relevant Local Authorities provide a commentary on whether not the Proposed Development would affect their ability to ‘further the purposes’ of the Lincolnshire Wolds AONB?</p>	
1.1.14	<p><b>Design Review</b></p> <p>Can all IPs please confirm if an Independent Design Review Process should be required for this Proposed Development?</p>	<p>The aim of an independent design review is to improve the quality of buildings and places for the benefit of the public. Given the limited extent of above ground built development this may not be necessary for this proposal. However LCC would defer to the district councils in this respect as they would be responsible for the discharge of any requirements in respect of building design.</p>
<b>Q1.2 Air Quality and Emissions</b>		
1.2.4	<p><b>Air Quality Management Areas (AQMAS)</b></p> <p>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?</p>	<p>LCC has no comments to make in respect of Air Quality and defers to East Lindsey District Council and West Lindsey District Council as the relevant pollution control authorities.</p>
1.2.6	<p><b>Air Quality</b></p> <p>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?</p>	<p>LCC has no comments to make in respect of Air Quality and defers to East Lindsey District Council and West Lindsey District Council as the relevant pollution control authorities.</p>

ExQ1	Question	LCC Response
1.2.7	<p><b>Dust Control</b></p> <p>Are there any comments on Construction Dust Emissions mitigation/CEMP/Construction Monitoring commitments</p>	LCC has no comments to make in respect of Dust Control and defers to East Lindsey District Council and West Lindsey District Council as the relevant pollution control authorities.
1.2.8	<p><b>Air Pollution/Odour Mitigation</b></p> <p>Are IPs satisfied with the monitoring/mitigation measures proposed by the dDCO that deal with air pollution/emissions and potential odour issues?</p>	LCC has no comments to make in respect of Air Quality and Odour mitigation and defers to East Lindsey District Council and West Lindsey District Council as the relevant pollution control authorities.
<b>Q1.5</b>	<b>Compulsory Acquisition</b>	
1.5.5	<p><b>Alternatives to Acquisition</b></p> <p>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?</p>	LCC notes the CA and TP powers sought in respect of LCC land, as set out in the Schedule of Negotiations and Powers Sought (APP-012), and the updates in the Compulsory Acquisitions Tracker (AS-030). The Planning Authority and the Highway Authority are not aware of any alternatives to CA or TP at this stage and has no comments on the extent of land or rights being sought.
<b>Q1.6</b>	<b>Cultural Heritage</b>	
1.6.1	<p><b>Designated Heritage Assets</b></p> <p>Relevant Representations [RR-050] [RR-041] mainly focus on archaeology. In respect of above ground designated heritage assets, please confirm:</p> <p>1) Whether the methodology to identify heritage assets and assess the construction/ operation impacts upon them is appropriate and complete?</p>	<p>1) The assessment has identified all built heritage assets within the study area. In most cases, the impact assessment on these assets is appropriate.</p> <p>2) The residual effects of some receptors currently listed (APP-050, Table 8-10) require further discussion. These are:          Manor House is Grade II (listing entry 1103485) and surviving parkland. The current assessment has no mitigation in place and warrants further consideration due to the change to this site's topography and physical surroundings. Any cumulative impacts also need to be considered.</p>

ExQ1	Question	LCC Response
	<p>2) Whether the Applicant’s assessment of the significance of each individual heritage asset and the subsequent reporting/ estimating of the effects on each is satisfactory [APP-050, Table 8-10]?</p> <p>3) Set out in each instance (each asset on its own) whether the less than substantial harm predicted by the Applicant would be outweighed by the public benefits of the Proposed Development.</p> <p>4) If there are any areas where there is disagreement with the Applicant, specify which assets are involved and the reasons for disagreement</p>	<p>Ashleigh Farm Grade II (listing entry number 1062992). The current assessment has no mitigation in place and warrants further consideration. Similarly, a number of non-designated heritage assets in close proximity to the site have no mitigation:</p> <p>Dicote House (MLI118160)          The Poplars (MLI118163)          Lordship Farm (MLI118185)          Grange Farm (MLI41416)          Little Dams (MLI118151)</p> <p>3) Less than substantial harm anticipated for each heritage asset does not outweigh the public benefits of the proposed development.</p> <p>4) There have been no previous disagreements concerning built heritage. However, we wish to raise concerns regarding the heritage assets specified in Questions 1.6.1 and 1.6.2. These assets warrant further consideration for the reasons previously mentioned. The applicant should also confirm that factors such as noise, dust, vibrations, and possible alterations to the ground settlement or water table levels will not compromise the structural integrity of nearby heritage assets during and after the pipeline's construction. Additionally, where the pipeline bisects former railway lines, the reinstatement of any extant earthworks should be undertaken to preserve the integrity of the historic landscape.</p> <p>Regarding the proposed Theddlethorpe Facilities, Option 1 is favoured due to its less intrusive impact on the setting of Grade II listed Ashleigh Farm. Option 2, by contrast, would result in a noticeable and permanent alteration to the setting of this heritage asset.</p>
1.6.2	<p><b>Desk-Based Assessment (DBA)</b></p> <p>In setting out the approach to the assessment, there are several occasions [APP-050, 8.5.24 and 8.5.31 as</p>	<p>The DBA has identified all built heritage assets that would be affected, and its conclusions are typically robust and appropriate with some amendments.</p>

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	<p>examples] where a number of heritage assets have been named but conclusions are reached via the DBA that only a few would be affected. Are the conclusions of the DBA robust and with those few assets that have been identified as having impacts upon them?</p>	<p>The following designated heritage assets are in close proximity to the pipeline (less than 500m) and should be considered beyond the DBA:</p> <p>Section 2:          The Royal Observer Corps Monitory Post Grade II (listed entry number 1403218) and the Former Heavy Anti-Aircraft gun site Grade II* (listed entry number 1403222).</p> <p>Section 3:          Mickling Barf with detached garage Grade II (listed entry number 1484266), Hatcliffe Mill Grade II (listed entry number 1346951), and Hall Farmhouse Grade II (listed entry number 1103526).</p> <p>Section 4:          Willows Lock Grade II (listed entry number 1063049) and Salter Fen Lock Grade II (listed entry number 1063081).</p> <p>Section 5: The Grove Grade II (listed entry number 1147127) and Neves Farm Grade II (listed entry number 1062990).</p> <p>These assets are in addition to those already listed in each pipeline section (i.e. APP-050, 8.5.31; APP-050, 8.5.38; APP-050, 8.5.46; APP-050, 8.5.51, and 8.5.53).</p> <p>The following non-designated heritage assets have been identified in the DBA and require additional consideration due to their proximity to the pipeline.          Corner Farm (MLI117827)          Pick Hill Farm (MLI11786)          Former White Hart Inn and post office (MLI126849)          Yew Tree Cottage (MLI117580)</p>
1.6.6	<p><b>Relevance of physical screening to sifting judgements</b></p>	<p>The current list of heritage assets taken forward and noted in Tables 12, 13, and 14 in the DBA should be expanded to include those listed above.</p>

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	<p>The DBA [APP-089, Paragraph 5.2.65, 5.2.95] identifies 155 assets within the 2km study area but narrows this list substantially by stating: "The remaining assets have been scoped out of the assessment of the baseline as they are sufficiently distant and screened from the DCO Site Boundary." It is noted that of the heritage assets identified, only eight of these have been taken forward for assessment in the Environmental Impact Assessment (EIA) [APP-050, Tables 12 and 13].</p> <p>Do the heritage consultees have any concerns regarding the Applicant's use of distance and screening judgements to determine whether or not an impact upon an asset's setting would occur and ultimately the level of assessment that has occurred in the ES?</p>	<p>A better understanding of the risks to these heritage assets during and after the construction phase and the opportunities to reduce harm is needed. While it is accepted that changes to the settings mainly occur during the construction phase, there is insufficient detail on the materiality of the works proposed in relation to these assets.</p>
1.6.9	<p><b>Historic Landscape Character</b></p> <p>The Applicant has not undertaken detailed assessment of the Historic Landscape Character areas [APP-050, Paragraph 8.5.17] on the basis there would not be any significant impacts. Are these conclusions acceptable and, if so, why?</p>	<p>It is agreed with the DBA that further assessment of the HLC is not required, as no landscape features above ground will be entirely removed, according to section 5.4.30 of the DBA. Any affected features, such as historic hedgerows, will be reinstated following the pipeline installation, as stated in 5.4.30 of the DBA. Although the intention is to preserve the unique character of each HLC zone in terms of its features, value, and legibility, it is accepted that some minor impacts will occur but that the magnitude of change is negligible. However, it is agreed that the development's limited above-ground aspects mean that, beyond the initial construction phase, the impact on HLC is minimal.</p>
<b>Archaeology</b>		
1.6.14	<b>Written Scheme of Investigation (WSI)</b>	<p>The WSI does not include the detailed approach to investigating the potential for archaeological deposits, however Wessex Archaeology have been appointed to</p>



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	<p>The DCO application is accompanied by a WSI [APP-091] [AS-001]. For the purposes of the Examination:</p> <p>1) Is the WSI a comprehensive and robust approach to investigating the potential for archaeological deposits?</p> <p>2) Does the WSI contain sufficient strategies and mitigation measures to sensitively explore, retain or remove archaeological deposits?</p> <p>3) Explain whether amendments are required to the document and how those amendments would be of a benefit to the scheme.</p>	<p>undertake the work and during the tender process have worked out details of their approach as laid out below. The approach and their proposal are satisfactory and well thought out.</p> <p>Wessex Archaeology have been commissioned to carry out a program of targeted geoarchaeological works along key sections of the Viking CCS pipeline, which will include fieldwork attendance, deposit modelling, reporting and archiving.</p> <p>Our proposals have been designed to meet the aims and objectives outlined in the overarching WSI for Archaeological Evaluation (AECOM 2023). The proposals are based on an assessment of the Quaternary superficial deposits present along the route, as mapped by the British Geological Survey, together with the proposed programme of Ground Investigation (GI) works and existing available GI data, and an assessment of the available lidar data.</p> <p>There is a significant degree of overlap between the proposed GI works and locations where purposive geoarchaeological boreholes would be required. Consequently, to avoid repetition of effort and manage costs, we would recommend a program of targeted geoarchaeological monitoring of selected GI boreholes.</p> <p>Criteria and scope for GI monitoring</p> <p>We have focused specifically on road and river crossings (where a deeper construction impact is expected) in areas that have the possibility for recovery of deposits with a high geoarchaeological potential. This largely includes areas of alluvium with potential for preservation of peat and other organic rich deposits, but in a limited number of cases covers Pleistocene deposits where monitoring of GI will provide an opportunity to investigate the provenance and associated archaeological potential of these deposits. Large sections of the route are covered by glacial Till. Till has a low direct geoarchaeological potential except where it seals underlying</p>

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		<p>deposits of a higher geoarchaeological potential. No fieldwork is recommended in areas of mapped till deposits.</p> <p>A total of 62 GI boreholes have provisionally been identified as requiring geoarchaeological monitoring, though it may be possible to reduce this number. The scope of the GI monitoring considers that there are limited pre-existing GI logs available for the route, with many of those available dating to before the 1970s and in cases as old as 1912. These logs are of limited value and reliability for identifying deposits such as peat which can be localised in distribution and laterally and vertically variable, and which were not always accurately recorded in older GI logs, if at all.</p> <p>In the event deposits of potential are revealed during the GI works, we would recommend there is the option to retain samples (e.g. sleeved cores such as U100) for geoarchaeological purposes (e.g. palaeoenvironmental assessment and scientific dating), or there is a contingency for purposive geoarchaeological boreholes as part of the GI program, recovered using a window sampling rig (e.g. terrier type). This would avoid the need for a further deployment to recover samples for geoarchaeological purposes.</p> <p>GI Review, deposit modelling and reporting</p> <p>All GI data will be reviewed, with the results used to develop a series of deposit models for key locations along the scheme. The deposit modelling will include data input, interpretation, and model production. Due to the linear nature of the scheme the deposit modelling outputs will be in the form of lateral transects. The results will be detailed in a standalone geoarchaeology report, including recommendations for further work, submitted approximately 6 weeks following completion of fieldwork and receipt of GI elevation and location data. At this stage it is not</p>

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		<p>possible to determine the requirement for assessment of retained samples, which may include radiocarbon dating and assessment of biological remains (e.g. pollen, plant macrofossils, microfauna). The scope of any further assessment and dating would depend on the deposits and quality of retained samples.</p> <p>It is understood that there will be a stand-alone WSI for geo-archaeology and once it's approved it will be submitted in support of the DCO submission.</p>
<b>Q1.7</b>	<b>Development Consent Order</b>	
1.7.1	<p><b>Definition of commence</b></p> <p>Are the local authority's content with the definition of 'commence' as set out in the dDCO [AS-008] and the scope of works included/ excluded within it?</p>	<p>Yes, insofar as the works excluded would not require the laying out or constructing of a road or a access point. The erection of fencing could also be considered to be a material operation, should it be of a permanent nature and this should be clarified.</p>
1.7.4	<p><b>Definition of maintain</b></p> <p>The definition of 'maintain' includes the ability to divert or alter.</p> <p>1) Are Local Authorities' content with this?</p> <p>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?</p> <p>3) Please provide further justification in relation to the need for 'improve'.</p> <p>4) Please explain how and why these would be necessary in relation to maintenance of the proposed development.</p>	<p>Parts 1 and 2) LCC do have concerns about the definition of 'maintain' including the ability to divert or alter, but notes that the definition also states that this must not include the renewal, relaying or replacement of the <b>entirety</b> of the new pipeline (<b>LCC emphasis</b>). As the extent of diversion and alteration is not quantified in the definition this could in theory permit the diversion or alteration of a significant amount of the pipeline provided that the 'entirety' threshold is not reached. However, any diversion and alteration would need to be contained within the limits of deviation (article 6 of the draft DCO (AS-008)) and the works shown on the works plan and not result in a development varying from the description in Schedule 1 of the draft DCO. Nonetheless, diversion and alteration of significant amounts of pipeline could give rise to further environmental impacts that may not have not been assessed.</p> <p>Parts 3 and 4) are considered for the applicant to respond to.</p>

ExQ1	Question	LCC Response
1.7.6	<p><b>Definition of highway authority</b></p> <p>Does the definition of highway authority [AS-008] need to separate National Highways (NH) from the local highways' authority?</p>	<p>No. The draft DCO (AS-008) definition of "highway authority" means in any given provision of this Order (including the requirements), the highway authority for the highway to which the provision relates;</p> <p>This seems to cover the split between Local Highway Authority and NH.</p>
1.7.12	<p><b>Article 9 - Power to alter layout etc, of streets.</b></p> <p>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?</p>	<p>LCC does not think this power is necessary, LCC considers the draft DCO (AS-008) is too wide ranging and should be redrafted to include prior approvals of works by the Highway Authority. LCC raised this issue at ISH1, please refer to our written summary submission for further details.</p>
1.7.13	<p><b>Article 10</b></p> <p>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 [AS-008]?</p>	<p>Yes, works in the Highway need to be approved by the Highway Authority and their implementation requires Permitting under the Streetworks and Permitting regime. LCC raised this issue at ISH1, please refer to our written summary submission for further details.</p>
1.7.14	<p><b>Articles 11 and 12</b></p> <p>Articles 11 and 12 [AS-008] allow for the temporary stopping up of streets and rights of way.</p> <p>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.</p> <p>1) Does the Applicant consider 'temporary stopping up' to be the correct terminology and, if so, why?</p> <p>2) If 'temporary stopping up' is not the correct terminology, explain what legislation/mechanisms will</p>	<p>This question appears to be aimed for Applicant.</p> <p>LCC considers that any temporary stopping up of streets should require approval through our Streetwork Permitting Scheme. Please also refer to our written summary submission for ISH1 for further details.</p>

ExQ1	Question	LCC Response
	<p>be used to temporarily close the public highway to vehicles whilst allowing pedestrian access.</p> <p>3) Again, please reconsider the notice period at Article 11(5) and 12 (6)?</p>	
<b>Q1.8</b>	<b>Ecology and Biodiversity</b>	
1.8.9	<p><b>Cumulative Effects</b></p> <p>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]?</p>	LCC is of the opinion that the Applicant's approach to scoping and identifying likely cumulative effects in respect of ecology and biodiversity is appropriate, and that relevant developments that could have cumulative effects have been correctly identified and that conclusions drawn are correct.
<b>Q1.9</b>	<b>Environmental Impact Assessment</b>	
1.9.3	<p><b>Methodology</b></p> <p>Are NE (and others) content that the Applicant has used an appropriate methodology and guidance to inform the assessments and calculation of effects' significance in ES Chapter 6 [APP-048, Paragraph 6.4.9]?</p>	LCC is of the opinion that the methodology used to assess significance of effects in respect of ecology is appropriate.
1.9.11	<p><b>Cumulative effects</b></p> <p>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</p>	The identification of developments which potentially have a cumulative (and/or in combination) effects is a complex and time-consuming exercise for applicants and consultees alike. LCC is aware that efforts are being made by Humber Nature Partnership to ease this process by developing a database to aid the identification of developments that may act in combination with each other. However, this database is not currently ready for use. LCC therefore believes that the Applicant has made reasonable effort to identify other developments which could have cumulative

ExQ1	Question	LCC Response
	about the Applicant's approach to determining or calculating cumulative effects or is the justification for not considering certain developments justified in this instance?	effects and that the Applicant's approach to assessing cumulative ecological effects is appropriate and consistent with other developments.
<b>Q1.11</b>	<b>Geology and Land Use</b>	
1.11.4	<p><b>Depth of burial</b></p> <p>In their scoping report (referred to in Table 10-3 of the ES Chapter 10 Agriculture and Soils document [APP-052]), Lincolnshire County Council say that "any impact on agricultural land will be temporary in nature and important that there is no long-standing issues to agricultural land - thus supportive of the proposed approach."</p> <p>However, if the depth of the pipe is 0.7 metres (or possibly less in view of the Limits of Deviation in Article 6 of the DCO) this will have a longer-term impact. What is the justification for this?</p>	<p>LCC notes that this question is posed to both the applicant and LCC. LCC is not entirely clear whether the intent of the question was to seeks the views of LCC on the justification for the pipe being 0.7 m or less or what is the justification of our comments on the basis of the depth of burial of the pipe and this having a longer term impact. LCC consider that the justification for the pipe being buried at 0.7.m or less would be for the applicant to respond.</p> <p>LCC's comments were around the impact of the temporary construction works phase on agricultural land and the need for good working practices to ensure that that there is not a longer-term impact on the quality of the soil resource and its agricultural use. LCC has made further comments regarding the potential for impact on agricultural land in the LIR and is supportive of the approach set out in the Outline Soil Management Plan (APP-096).</p>
<b>Q1.13</b>	<b>Landscape and Visual Amenity</b>	
1.13.2	<p><b>Assignment of value</b></p> <p>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?</p>	<p>The explanatory text to Policy S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value (AGVL) of Central Lincolnshire Plan (CLLP) (paragraph 11.3.2) considers AGLV to be of 'high' landscape value to the local areas with strong distinctive characteristics which make them sensitive to development and these areas have been identified through previous landscape character assessments. The primary objective is the conservation and enhancement of their landscape quality and individual character.</p>

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		<p>It is noted that only a small part of the AGVL falls within the study area and it is not within the DCO boundary, therefore any effects would be indirect. Whilst the CLLP is clear that AGVL are considered to be of 'high' landscape value, LCC does not dispute the impacting factors that the applicant has taken into account to reach its conclusion of 'medium landscape value'.</p>
1.13.3	<p><b>Zone of Theoretical Visibility (ZTV)</b>            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?</p>	<p>This area falls outside of LCC administrative boundary and as such we have not had any previous discussion with the applicant on viewpoints for the Humber area. We therefore have no comments to make and would defer this to North Lincolnshire and North East Lincolnshire Council's.</p>
1.13.9	<p><b>Protected Landscapes</b>            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?</p>	<p>The draft Construction and Environmental Management Plan (dCEMP) sets out the environmental control plans that are expected to be developed prior to construction and these include a Soil Management Plan, a Landscape and Ecology Management Plan, a Landscape Mitigation Plan and a Tree and Hedgerow Protection strategy. The submission and approval of a CEMP is set out under requirement 5 of the draft Development consent order (DCO), and lists management plans to be submitted, however this does not include all of the environmental control plans listed in section 5 of the draft CEMP and the requirement should be amended accordingly to ensure that all of the plans are submitted for prior approval. LCC has reviewed these documents and specific mitigation measures in relation to the impacts on these designations is limited but is satisfied that any detailed mitigation in respect of the AONB and the heritage coast can be agreed through the submission under requirements 5 and 11 of the draft DCO.</p>

ExQ1	Question	LCC Response
Character and appearance of the countryside		
1.13.10	<p><b>Study Areas</b></p> <p>Is a 1km study area appropriate for each of the BVS? Explain with reasons.</p>	<p>Yes. LCC are satisfied that a 1km study area from the DCO boundary is acceptable in view of the small scale of the BVS and a stack height of 4m. Whilst the ZTV (APP-049) Figure 7-9 suggest theoretical visibility beyond the 1km study area, particularly at Louth Road BVS, due to the scale of the buildings views of the BVS site at a greater distance are likely to limited.</p>
1.13.11	<p><b>Study Timing</b></p> <p>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.</p>	<p>Whilst LCC would agree it would have been preferable for the survey undertaken in March 2023 to have been carried out earlier in the year so as to be representative of the winter baseline conditions with no leaf cover, LCC do not have any significant concerns that this would have unduly limited the study. It is noted that in APP-049 paragraph 7.4.32 that the March site visit was conducted when broadleaf vegetation was not in leaf and represents the most open views.</p>
Q1.14 Noise and Vibration		
1.14.1	<p><b>Unattended measurements</b></p> <p>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].</p> <p>The measurements were then said to have been undertaken in January and in late February.</p> <p>Explain, with reasons, whether there are any concerns regarding the scope or methodology of the assessment.</p>	<p>LCC has no comments to make in respect of Noise and Vibration assessment and defers to East Lindsey District Council and West Lindsey District Council as the relevant pollution control authorities.</p>
1.14.6	<p><b>Duration of effects</b></p> <p>From the ES [APP-055, Paragraph 13.7.10ff] there are many instances of predicted significant noise effects.</p>	<p>LCC has no comments to make in respect of Noise and Vibration assessment and defers to East Lindsey District Council and West Lindsey District Council as the relevant pollution control authorities.</p>



ExQ1	Question	LCC Response
	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?	
1.14.11	<p><b>Working out of hours</b></p> <p>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?</p>	The Applicant has noted that a Section 61 consent will need to be obtained in relation to potential 24-hour working where Horizontal Directional Drilling (HDD) is required at major crossings. A Section 61 application would be determined by the relevant Environmental Health team and as such, LCC defers any comments on this matter to East Lindsey District Council and West Lindsey District Council.
Q1.15	<b>Socio-Economic Effects</b>	
1.15.2	<p><b>Quality of Information</b></p> <p>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.</p> <p>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?</p> <p>2) If any additional tourism and recreational destinations are identified, please provide a plan to show their locations?</p>	1, 2 and 3) LCC has reviewed Chapter 16: Socio Economics of the ES, the assessment methodology appears reasonable. The baseline assessment in Chapter 16 (APP-058) of the ES is considered acceptable.

ExQ1	Question	LCC Response
	<p>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?</p> <p>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?</p>	
1.15.4	<p><b>Liaison Group</b></p> <p>The dDCO [AS-008] relates to the establishment of a local liaison group. Could the Local Authorities:</p> <p>1) Provide comment on this requirement in terms of whether it would meet the aims of keeping the community informed of the construction;</p> <p>2) Confirm whether they would take an active role in such a group; and</p> <p>3) Provide examples of where such groups have been established successfully for other major developments in the locality.</p>	<p>LCC is generally supportive of the principle of the establishment of a local liaison group. A local liaison group can be a very effective way of keeping communities informed of progress with developments and dealing with issues that arise during both construction and operation at a local level. LCC may be able to take an active role, resources permitting. It is usual for the local member for the area to be part liaison groups. Similar groups have been successfully established for Minerals developments in the County.</p>
1.15.7	<p><b>Socio-Economic Benefits</b></p> <p>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 a60-minute drive) of £4.2 million. It is</p>	<p>LCC views on the socio-economic benefits of the proposal are set out in the Council's LIR, chapter 14. LCC recognise that there are potential socio-economic benefits resulting from employment opportunities and on the local economy that would be positive, however, this could be enhanced through the consideration of further community benefits. In terms of how consistent this is with the Local Plans of the host authorities this would be best addressed by East Lindsey District Council and West Lindsey District Council.</p>

ExQ1	Question	LCC Response
	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?	
1.15.13	<p><b>Blue light services</b></p> <p>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?</p>	LCC has no comments to make as the Immingham West Fire Station is outside of the Council's administrative area. .
<b>Q.1.16</b>	<b>Traffic and Transport</b>	
1.16.10	<p><b>Conclusions</b></p> <p>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?</p>	Yes. The Construction Traffic Management Plan (CTMP) can reduce impact as per paragraphs 12.14.3-4 of APP-054.
1.16.12	<p><b>Methodology</b></p> <p>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.</p> <p>Are these accepted input sources for the assessments?</p>	Yes, this is standard methodology for Transport Assessments.
1.16.13	<p><b>Road Safety Audit</b></p> <p>The application does not appear to be accompanied by a road safety audit to verify the conclusions of 'no</p>	No. An RSA would be undertaken for a proposed modification of the highway infrastructure, not as an assessment of traffic impact.

ExQ1	Question	LCC Response
	severe impact' within the Transport Assessment. Is this a concern?	
Public Rights of Way		
1.16.24	<p><b>Impacts and diversions</b></p> <p>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?</p>	LCC consider the information submitted for the assessment of impacts on public rights of way to be acceptable.
1.16.25	<p><b>Length of diversion</b></p> <p>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.</p>	This question appears to be more appropriate for the applicant to respond.
<b>Q1.17 Waste and Minerals</b>		
1.17.1	<p><b>JA Young Plastics</b></p> <p>The 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</p>	The JA Young Plastics site is located southwest of North Thoresby and both of the site's access routes pass through the DCO Order Limits. LCC acknowledges the points raised in the Environment Agency's letter (set out in APP-060, Table 18-4) and agrees that access for emergency services must be available at all times. Whilst the proposed business-specific mitigations are considered to be appropriate, these are not sufficiently mirrored within the draft CEMP [APP-068]. There is also a discrepancy between the two documents, with the ES Chapter 18 referring to the proposed mitigations as 'M18' and the draft CEMP referring to them as 'H4'. LCC

ExQ1	Question	LCC Response
	<p>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.</p>	<p>requests that consistency is ensured across all documents submitted by the Applicant.</p>
<p>1.17.4</p>	<p><b>Extant minerals permissions</b></p> <p>In its relevant representation [RR-050], Lincolnshire County Council has stated the Proposed Development would conflict with restoration conditions on extant permissions at the Theddlethorpe end of the Order Limits.</p> <p>To Lincolnshire County Council: please set out fully the context and content of the conditions and the nature of the conflict identified. Then clarify to the ExA what bearing, if any, such matters should have on the ExA's recommendation.</p> <p>To Applicant: what information is known about the restoration conditions and is it considered that the Proposed Development would prohibit or otherwise prevent the objectives of restoration being realised?</p>	<p>The Theddlethorpe facility Option 1 site is located on land that has a number of extant mineral permissions associated with it, relating to the former Theddlethorpe Gas Terminal (TGT). Planning permission (ref. N/180/02232/19) for prior notification of the TGT site's proposed demolition was granted by LCC in January 2020. Condition 3 of this permission requires the site to be restored to Grade 3 agricultural land following the completion of demolition and remediation works. This condition also makes reference to similar conditions attached to a number of other planning permissions covering the footprint of the TGT site. These conditions have not to date been complied with. As the northern half of the former TGT site lies within the DCO Order Limits, these permissions are considered to be relevant planning history in regard to the Proposed Development.</p> <p>LCC considers that the outstanding restoration requirements associated with the extant mineral permissions have not been considered in the DCO application and no proposals to extinguish or amend the conditions are proposed.</p> <p>In the event that the Option 1 site is developed, LCC requests that the ExA ensures that any conflict with these existing restoration conditions is adequately addressed, whether this be via the DCO being designed to 'takeover' from or disapply the conditions or through a separate agreement/approval. LCC welcomes further discussions regarding this. Further information on this matter is provided in sections 4 and 15 of LCC's LIR. In addition to this, Appendix A of the LIR sets out the specific</p>

ExQ1	Question	LCC Response
		extant mineral planning permissions which apply to the TGT site, as well as the relevant restoration conditions. This issue was also raised at ISH1 as is also referred to in LCC's written summary for ISH1.
1.17.5	<p><b>Minerals Plan</b></p> <p>The Applicant reports that the Lincolnshire Minerals and Waste Local Plan was not adopted at the time of preparing the ES. Are there any updates in this regard?</p>	LCC has an adopted Minerals and Waste Local Plan which covers the period to the end of 2031. This Plan consists of two documents which were adopted in June 2016 and December 2017 respectively. The Local Plan is currently being updated to extend the period covered to the end of 2040. At present, a Reg 18 'Preferred Approach' draft is expected to be produced for consultation in June 2024.
1.17.6	<p><b>Mineral Safeguarding Area (MSA)</b></p> <p>The Planning Design and Access Statement [APP-129] suggests there is an unavoidable conflict with an MSA, but because the land would become available for mineral working post decommissioning, this counts as a temporary effect that is acceptable under policy.</p> <p>1) Applicant – provide a map showing the extent of the MSA, overlaid by the Order limits. 2) Applicant – explain the likely pipeline routeing through the MSA and how it will be arranged to minimise the amount of mineral land sterilised for the duration and operation of the Proposed Development. 3) Lincolnshire County Council – is the Council content with the level of assessment undertaken with regards to the MSA? 4) Lincolnshire County Council – for the purposes of planning policy, does the Council consider that the lifetime of the Proposed Development represents a 'temporary' sterilisation of the MSA?</p>	The Order Limits do not pass through any Mineral Safeguarding Areas within LCC's administrative boundary. As such, LCC has no comments to make.