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**STATUTORY CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017.**

IMMINGHAM GREEN ENERGY TERMINAL

Introduction

This is the response of North East Lincolnshire Council (NELC) to the Statutory Consultation in regard to the above NSIP project for the Immingham Green Energy Terminal Development. The applicants Associated British Ports (ABP) and Air Products (AP) entered into pre-application discussions with NELC in 2021 to seek the advice of the Local Planning Authority (LPA) and input from internal consultees over key issues. This has been a collaborative process between the LPA and the applicant.

The project consists of works both on landside and within the marine environment. As the LPA's jurisdiction ceases at the low tide mark the focus has been on the physical development on the landside and the subsequent impacts of the development as a whole on the wider area. In compiling this response the LPA has had regard to the Preliminary Environmental Information Report (PEIR), Non Technical Summary of the PEIR and the Statement of Community Consultation (SoCC).

Sections

1. Economy and Growth
2. Ecology
3. Highways
4. Landscape
5. Drainage
6. Environmental Health and Air Quality
7. Comments on SoCC
8. Heritage
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1. Economy and Growth

The development presents a significant investment into the port of Immingham. This will in turn secure numerous jobs in direct association with the imports but also more indirect jobs through the servicing and maintenance of machinery and vehicles. This development also ties in closely with the recent announcement of Humber Freeport Status and add to the wider economic growth of the Humber Region. It is this growth that the NELLP is based upon and the principle of such development is therefore supported. It is requested that there is a commitment for a strategy for local employment and skills development to support the wider skills of the area.

The Council maintain that there is potential concern around the extent of the HSE/COMMA zones that would be associated with the proposed development and how that may affect the surrounding area in regard to future development growth. The Council would be concerned if the proposal effectively sterilised large areas of land for future development opportunities. This is a matter the Council and the applicants are maintaining dialogue on and will seek to agree a position through the DCO process.

2. Ecology and Landscape

The Council Ecologist has reviewed the proposed development and has made the following comments. These comments have been sent to the applicant and further discussions and negotiations are ongoing to try and resolve the concerns raised. The Council consider that the proposed development should seek to meet the requirements of the relevant Policies under the NELLP (Policies 5, 40, 41 and 42) and embrace the principles of Biodiversity Net Gain.

Long strip Woodland

Regarding the woodland known as Long Strip that will be impacted by removal, Paragraph 2.3.24 of the PEA appendix 8.B, states that it represents 'Long Established Woodland', the land having been wooded for at least 130 years. The loss of mature deciduous woodland, which is a UK Priority Habitat, will require bespoke compensation as there are limited opportunities for replacement planting within the operational Site Boundary.

I support the comments of and concur with the Tree and Woodland Officer that the proposed area for compensation as shown in Figure 1: Location of Woodland Enhancements and New Woodland Creation, on page 29 of the Outline Woodland Compensation Strategy, is not appropriate compensation as the area already has established trees, scrub, and natural woodland regeneration, which would be the aim of any woodland creation. The area relating to the proposed woodland creation needs to be clarified, particularly as the text states that only the flat top of the bank will be planted, and aerial imagery suggests there is large established vegetation present already. Chapter 8 Nature Conservation, paragraphs 8.8.6 to 8.8.9, page 44, identifies the loss as having a large impact on the woodland and its role in the local network of green infrastructure, with very little woodland in NE Lincolnshire, would increase the edge-effect of the remaining woodland, affect the distribution and number of breeding birds and invertebrates, with the loss categorised as 'moderate adverse and

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significant'. Also, as pointed out, the loss of woodland contradicts Local Plan Policy 41 . Therefore, a robust compensation strategy of certainty is required which isn't currently what the proposal has.

The tree species chosen would be of benefit and enhancement of the English Coastal Footpath would be welcomed given it's industrial environment.

There is mostly a continuous line of trees or hedgerow along Manby Road/Kings Road and continuation of that within the landscape plan would be beneficial, particularly in connecting the remaining parcel of Long Strip wood, which is, as Chapter 8 Nature Conservation Terrestrial Ecology identifies, otherwise isolated and of Borough nature conservation value.

Bats

We await the updated bat survey to establish use of the woodland but note that a roost within a central tree has been confirmed and moderate roost potential is spread throughout the woodland. If the confirmed tree roost is to remain it would be impacted by the reduction of woodland.

We agree with Paragraph 7.2.3, page 25 of Appendix 2.B Lighting Strategy, that it must be committed to minimising light spill to retained habitats, particularly in relation to bat corridors to avoid impact on the conservation status of bats due to new lighting. This is secured by way of a DCO Requirement. We welcome site-wide use of lighting that's in line with the Institute of Lighting Professionals (2018). ILP GN08 Guidance Note 8 Bats and Artificial Lighting in the UK to reduce impacts on all ecological receptors.

Otter

I can confirm that North beck drain is used by otter as recently as 2023, as suggested in Paragraph 8.6.26, page 35 of Chapter 8 Nature Conservation Terrestrial Ecology.

PRoW

Access through Long Strip woodland should remain and, where possible, efforts should be made to connect footpaths/bridleways and increase access to the countryside as Lincolnshire is one of lowest counties for access to the countryside within the country.

The Council Tree Officer has provided the comments below in regard to the proposal. Discussions and site meetings have been undertaken over the last 12months or so on the project and continue to do so. The Council is keen to ensure that the proposal meets both the relevant Policies under the NELLP (Policies 5, 40, 41 and 42) but also the newly adopted Tree Strategy.

Whilst I have no principled issue with the tree report and information presented, it is all very good and informative. I note that a 3rd of the Cat A trees will have to be felled, which is a far from ideal situation. They are proposing to reduce the width of the northern section of the woodland by half. A

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plan has previously been requested that details the pipeline, the service road with the tree constraints also shown so it is clear which trees will be removed but also what the impact will be on those that are detailed to be retained. The northern section of Long Strip would be reduced by more than 50% and as such the above plan is critical to fully understanding that impact on the protected woodland.

In regard to the impact of the proposal on the ecology, it is known that there are studies that would suggest both thinning down the woodland strip and introducing a maintenance road will impact on birds using the woodland. This also needs to be considered by the Council Ecologist as it is a concern.

With regards to the proposed site for amelioration planting, now that I have considered the proposal, I am far from comfortable with the proposed site along Mamby Road. 1) It is already a mixed grass / scrubland with mature trees and natural regeneration taking place. If the Council Ecologist says it is not a high value site as it is, then I will review my position. 2) I do not consider that the proposed scheme would create a new woodland that suitably compensates for the loss of Long Strip.

3. Highways

It is noted that there would be a large number of traffic movements associated with the development and this is something the Highway Authority are discussing with the applicants to ensure a full and robust Transport Assessment is provided to enable full consideration of the impacts of the associated traffic movements. There are also proposed works to the adopted Highway Network which have yet to be fully detailed to the Highway Authority.

The Highway Authority will continue to work with the applicants to resolve any highway concerns throughout the process but at this stage a full and detailed response cannot be provided.

4. Visual Impact

The proposed development is clearly of a large scale (typical heights of up to 45m for highest structures and 65m for highest flare stacks) and will be visible in the near, medium and distant views. It is acknowledged that the site is located in the South Humber Industrial Landscape but its scale will make it apparent in the wider landscape. Views include those to and from the Lincolnshire Wolds National Landscape (formerly AONB). Consideration should be given the how the development can be screened, at least for the near views, and for those residential properties on the edge of Immingham closest to the development.

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5. Drainage

The from NELC Drainage Officer has reviewed the information and would seek to ensure that the proposed development accords with the relevant Policies of the NELLP (Policies 5 and 33), they have offered the following comments following engagement with the applicant:

The drainage strategy is acceptable and detailed drainage drawings will be provided in due course. The two main issues I said I'll be looking at are:

- *Where ground level raising is taking place, are interceptor drains needed to protect adjacent land, property or highway from surface water runoff ?*
- *The use of permeable paving and gravel surfacing is proposed for improving surface water quality prior to discharge. I'll be looking at this and whether I'm happy with the extent of the quality improvements provided.*

A lot of the discussion was about our relationship with the IDB when dealing with drainage/flood risk matters on developments with DCO's. I explained that it's just the same as dealing with normal planning applications and we'd look to be in agreement on everything.

6. Environmental Health

The Environmental Health team have considered the various chapters of the PEIR including Ground Conditions, Air Quality and Airborne Noise and Vibration which lead on from the EIA Scoping Report. Having considered these key areas of the PEIR the Environmental Health Team are content with the content at this stage:

Comments from Vicky Thompson (Environmental Health Officer):

Noise and vibrations:

Having reviewed the noise and vibration (Chapter 7) statement, during the construction and decommissioning phase at nearest sensitive receptors the noise levels are predicted to be of a minor adverse effect subject to proposed mitigation measures. This Team anticipates that the proposed mitigation measures shall be agreed within a construction management plan.

Operational noise & vibration levels at nearest sensitive receptors the from plant is predicted to be of a minor adverse affect (with the stated mitigation measures). This team anticipates that the acoustic performance details of plant and mitigation measures shall be agreed and maintained thereafter. Traffic noise is predicted to have a negligible effect.

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Land Quality:

Comments from Shaun Poole (Senior Environmental Health Officer):

I have reviewed the document entitled 6.2 Environmental Statement - Chapter 21: Ground Conditions and Land Quality and supporting reports.

The assessment concludes that the construction phase, operational phase and decommissioning phase will result in no significant effects.

A summary of the ground conditions and land quality impacts, mitigation measures and residual effects are provided in Table 21-19 - Application Document Ref: TR030008/APP/6.2. We anticipate that the mitigating measures summarised therein will be fully adopted.

Air Quality:

Comments from Louisa Hewitt (Environmental Health Officer):

Having reviewed the documents in relation to LAQM (Local Air Quality Management) I accept the findings and conclusions for air quality.

We welcome the emission mitigation measures stated in Section 6.7 of the Environmental Statement Chapter 6 and the construction dust measures as detailed in Appendix C (Outline Dust Management Plan) of the Outline Construction Environmental Management Plan (TR030008/APP/6.5) and trust these are adopted.

7. Comments on SoCC

ABP engaged with the LPA in regard to the SoCC as part of the pre-application process. The scope of the SoCC was adapted to accommodate the comments made by the LPA in particular with regard to engagement with NELC elected members, Parish and Town Councils and local residents. The extent of the letter drop to residents was also extended following discussions with the LPA.

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8. Heritage

The NELC Heritage Officer has been engaging with the applicant and have the following comments to make:

Archaeologically much of the proposed terrestrial development area has been evaluated and the potential for archaeology is low. There remains a question mark over the potential for archaeological remains in the temporary construction area. At this time, it would appear that this area would not be subject to any groundworks and as such would not require any intrusive archaeological work. However, if this were to change then we would wish to reserve the right to ask for further archaeological information at this stage.

Additional to this there was some discussion with representatives of the developers with regards to the potential recording of the Lond Strip Ancient woodland and the suitable repository for such a document. The final destination of such a document should be resolved.

9. DCO Requirements

The Council welcome continued discussion on the proposed Requirements and how the Council will be involved in discharging and enforcing them. It is important to the Council that the discharge process is reasonable and gives the Council proper time to consult and engage with key consultees during this process.