

PLANNING ACT 2008 (as amended)

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

Response to ExA Questions Round 1

SUBJECT: Immingham Green Energy Terminal

APPLICANT: Associated British Ports

INTERESTED PARTY:

**NORTH EAST LINCOLNSHIRE
COUNCIL**

YOUR REF: TR030008

Working in partnership

Introduction

Below are the answers from North East Lincolnshire Council in regard to the Examining Authorities (ExA) Draft written questions (ExAQ1) of the 28th January 2024 and final written questions of 28th February 2024.

Q1.1.1.5 – Data used in the ES

NELC have no specific concerns over this matter.

Q1.1.1.6 – Resource for dealing with the DCO - RL

NELC are content that there will be sufficient resource to deal with the NSIP related workload through the examination process. The discharging of the Requirements, if the DCO is granted, is likely to create a greater work load and NELC are working with the applicant to consider whether a PPA would be appropriate to provide financial support to NELC in order that the discharge applications can be considered in a timely manner.

Q1.4.1.3 – Design

NELC agree with the assessments made within the application and are satisfied that the information set out will enable acceptable design outcomes to be achieved. The authority are well versed in dealing with large scale developments within the industrial landscape of the South Humber Bank. It is accepted that the design evolution of the development is heavily dictated by operational requirement.

Policy 22 of the NELLP requires that new development has regard to good design. The first aspect of this Policy is understanding the context of the area in which the site is located and what the Local Plan allocates the land for. In this instance the site occupies existing Operational Port Area, allocated Employment sites and land directly adjacent to these areas. The Landscape Character Assessment, prepared for the Local Plan, identifies this area as part of the South Humber Bank Industrial Landscape and references the existing large scale industrial developments such as the ports, refineries and chemical factories. It should also be noted that there are extant planning permissions for further large-scale industrial developments in the immediate area to the proposed development. These developments further the industrial landscape and are of a similar scale to the proposed development. It is recommended that the applicant investigates how these developments would tie into the proposed development.

Working in partnership

Q1.4.3.1 – Materials Approval

- a) NELC consider that there should be involvement in the overall final appearance of the whole development. Whilst it is understood that the development will be heavily governed by engineering requirements it is still a large development, visible in the area, and should therefore be subject to a degree of review prior to installation.
- d) The process for of the detailed approval of the Requirements is clear and are satisfied that it allows for proper and effective input and resolution of any issues that may arise through that process.

Q1.4.3.2 – Design Review

- b) The use of independent design review is a tool that NELC regularly promote to help ensure that good design principles are secured in new development. However, this is normally for urban development and regeneration projects it is not usual for this type of industrial development to be subject to Design Review. There may be some benefit in having a design review process embedded into the Requirements that relate to materials etc.. to assist NELC in ensuring a high quality finish to the development.

Q1.5.2.6 – Marine Ecological Mitigation

NELC consider that this element is best dealt with by Natural England and the MMO who have the appropriate subject matter experience and expertise.

Q1.5.3.2 – Terrestrial Ecology

The NELC Ecologist has reviewed the information and is satisfied with the approach and considerations of protected species and with the surveys undertaken, their assessments and conclusions.

Q1.5.3.6 – Decommissioning Mitigation

NELC are content with the principles of the decommissioning ecological mitigation measures detailed in table 4 of ES (APP-222) and note that the final details would be subject to a DEMP which would be agreed at that time with NELC.

Q1.5.4.1 – Reasoning behind comments on Long Wood Compensation Planting

The Long Strip compensation planting strategy and details are still in discussion, NELC understand that an updated Woodland Compensation Strategy is to be submitted for deadline 1, NELC will then be able to review this document and providing updated comments for deadline 2.

Working in partnership

Q1.5.4.3 – Compensation Planting details

Further discussion and investigation has found that the Manby Road site is in part suitable for a proportion of the compensation planting but potentially not all of it. The initial concern was around the soil structure of the embankment, following site visits this concern has been allayed but it in turn showed that there is important grassland habitat on the site which reduces the area that should be planted. This has resulted in discussions around how the planting could be extended or enlarged.

NELC are currently undertaking a large scale tree planting scheme across the borough and this includes Immingham. As part of this scheme areas have been assessed for the suitability of additional tree planting. Some areas have already been designated and provided for but others remain viable options these include land to the south of Waterworks Street/Battery Street, which would be woodland creation and street verges along Church Lane and Washdyke Lane, which would be street tree planting.

Q1.5.4.4 – Planting species

With discussions ongoing around the areas and type of compensation planting as detailed in the questions above the number of trees and species mix for the planting is yet to be agreed.

Q1.5.4.6 – Trees in the southern section of Long Strip not protected

This matter is still being investigated and a site visit with the applicant to be setup in order to interrogate the details fully.

Q1.7.2.1 – Landscape Visual Impact

- a) NELC have considered the assessment methodology and the subsequent findings of the Assessments and generally concur with the findings.
- b) In board terms it is considered that the Assessments do respond sufficiently to the Local Plan Policies on Landscape protection. However, it is considered that additional landscaping within the site should be considered to help soften close views of the development, in particular around Queens Road and Kings Road.

Q1.7.2.2 – Assessment of Views

- a) NELC broadly agree with the assessments in this section.
- b) NELC Consider that additional points may be of benefit for views from the Lincolnshire Wolds National Landscape/AONB.

Q1.7.2.4 – Additional Photomontages

- b) NELC agree that additional photomontages would be beneficial for points 3 and 11 but consider no others required.

Working in partnership

Q1.7.3.4 – Mitigation Measures

The findings set out in table 13-10 identify the construction and operational impacts of the development and NELC concur with those findings. The impact of the construction phase is agreed as being high and that the impact cannot not be mitigated against. The operational phase is detailed to have a moderate long-term impact, this is also agreed.

Q1.7.4.2 – Decommissioning Proposals

NELC are satisfied with the mitigation measures and that there has been appropriate consideration and we are confident that habitat and landscape features will be protected, and we acknowledge that light-spill onto habitats will be minimised with details to be confirmed in the DEMP.

Q1.8.1.2 – Flood Risk

NELC support that position that the EA has outlined in their RR, The FRA should assess the impacts of land raising on the disbursement of flood water from non-main river sources and whether any floodplain compensatory storage is required. NELC recognise that the applicant is liaising with the other relevant bodies on this matter and look forward to further information being forthcoming.

Q1.10.2.1 – Highway Impact Assessment

- a) NELC Highways consider that further assessment is required, in particular through the construction period and in combination with other development such as the IRRT project, in order to demonstrate this point. Discussions remain ongoing with the applicant on this matter to ensure all potential issues are fully addressed.

Q1.12.2.5 – Impact of associated COMAH Zones

The application site is located adjacent to allocations on the NELLP for Employment ELR025A, ELR025B, ELR027 (extant permission for a waste to energy plant), ELR016B, ELR037, green space allocation off Waterworks Street and existing residential areas of Immingham. There are clear potential impacts of associated COMAH Zones on these sites and their future development opportunities. There would be serious concerns if the associated zones effectively sterilized these areas. At this time the extent and impact of the associated Zones is not known. NELC are working with the applicant to understand this issue further, once exact zones are produced by the HSE, NELC will be able to comment further. It should be noted that NELC are familiar with dealing with these matters given the numerous examples of other COMAH Zones around the South Humber Industrial Area.

Working in partnership

Q1.13.1.4 – Street Works

High-level discussions have been held around this subject matter but final detail has not yet been provided. NELC Highways welcome further discussion on this matter to fully understand the proposed works and potential impacts.

NELC Highways request a pre-condition survey is undertaken with our street works inspectors.

Working hours proposed may not be possible due to street works reducing the hours on certain roads. For example, Queens Road, due to the volumes of traffic already on this route the hours are reduced to 9.30-3.30.

NELC Highways request that consideration is given to the provision of pedestrian access to the site and pedestrian crossings at the end of Kiln Lane (near Catch) and at Kings Road next to the roundabout.

Q1.13.1.10 – CEMP

NELC consider that the overall approach to construction and potential environmental impacts have been assessed thoroughly and appropriate mitigation applied. Discussions on appropriate mitigation for the loss of the woodland are ongoing.

Q1.13.4.1 – Temp Road Closures

This matter has been discussed at a high level with NELC Highways but further discussion and detail is required to ensure that the proposed temporary road closures cause as little disruption as possible.

Q1.13.4.2 – Traffic Management

At this time this matter has not been discussed with NELC Highways and no agreement has been reached. Discussions have commenced on this matter and it is anticipated that a solution will be reached in due course.

Q1.16.1.1 – Cumulative list of projects

NELC are happy with the Cumulative Effects Assessment Long and short lists of projects and that they are up to date.

Q1.18.1.2 – Discharging Requirements

NELC wish to comment on R9 and in particular section (3), it is considered that 72 hours is too long a period to notify the authority and request that this is reduced to 24 hours.

Working in partnership

Q1.18.2.5 – Use of ‘Commence’ in DCO

NELC consider that remedial works in respect of any contamination or adverse ground conditions, erection of construction plant and equipment, temporary contractor and site welfare facilities and diversion and laying of services should be included in the definition of ‘commence’ as these works could lead to effects that should be controlled through the measures in R6, R7 and R9. This is particularly important for Works no.7 (given proximity to Immingham town) and no.9 (given its proximity to the estuary).

Q1.18.3.1 – Article 3 – Drainage Bodies

NELC note that these appear to be technical matters with the drafting of the DCO and await further commentary from the applicant.

In relation to c) NELC are considering the legal implications of the disapplication of consents under Article 3 and will revert when this subject has been fully reviewed.

Q1.18.3.4 – Article 9 – Street layout powers

- a) NELC Highway Authority would like the applicant to justify further why such extent of provisions is requested, at this time are not certain such powers are required.
- b) At this time NELC Highway Authority are not satisfied with these provisions but welcome further justification and discussion on the matter.

It should also be noted that NELC would invite discussion with the applicant over the proposed Articles in the DCO that relate or could impact upon the Highway network.

Q1.18.5.1 – Requirement 9 Construction hours

As with Q1.18.1.2 it is requested that timing to report emergency works is reduced to 24 hours.

Q1.18.5.3 – Decommissioning EMP

NELC welcome the applicants comments on this and will review this in due course.

Q1.18.7.1 – Documents and Plans

NELC are content that the necessary documents are certified.