

Open Report on behalf of Andy Gutherson - Executive Director for Place

Report to:	Planning and Regulation Committee
Date:	15 April 2024
Subject:	Application by Chrysaor Production (UK) Limited for a Development Consent Order for the Viking Carbon Capture Storage Pipeline

Summary:

The Viking Carbon Capture Storage (CCS) Pipeline is a cross-country underground pipeline approximately 55.5 kilometres (km) long to transport carbon dioxide (CO₂) between the Immingham industrial area and the former Theddlethorpe Gas Terminal (TGT) on the Lincolnshire coast. The transported CO₂ would then connect into the existing Lincolnshire Offshore Gas Gathering System (LOGGS) pipeline for permanent storage under the North Sea in depleted gas reservoirs below the seabed.

The Council is required to provide its comments on this application to the Examining Authority who will following a six month examination make a recommendation to the Secretary of State for Levelling up, Housing and Communities as to whether the Development Consent Order (DCO) should be granted or not.

The Council is required to engage in the process by providing confirmation of its views on the proposal and this report sets out the matters the Council is required to comment on including consideration of the Councils Local Impact Report.

Recommendation:

That the Committee resolves to:

- (A) Approve the Local Impact Report at Appendix A to be submitted to the Examining Authority.
- (B) The County Council informs the Examining Authority in its written response that whilst the project would support the UK's transition to a Net Zero economy and have positive benefits in terms of climate change mitigation, biodiversity net gain and have more limited positive socio-economic benefits (as identified in the Local Impact Report) these will need to be balanced against the potential negative impacts, in particular, a modest loss of Best and Most Versatile agricultural land

and the impact on buried archaeology. Subject to adequate mitigation being put in place to minimise the identified negative impacts the Council are of the opinion that benefits to be delivered from the development, in terms of climate change mitigation are significant and as such the DCO should be supported.

The Application

1. The Applicant is seeking development consent for the construction and operation of a cross-country underground pipeline (known as the Viking CCS Pipeline) between the Immingham industrial area and the former Theddlethorpe Gas Terminal (TGT) on the Lincolnshire coast. The Council is required to provide its comments on this application to the Examining Authority (ExA) who will, following a six month examination, make a recommendation to the Secretary of State (SoS) for Levelling up, Housing and Communities as to whether the Development Consent Order (DCO) should be granted or not. Attached to this report is Lincolnshire County Council's Local Impact Report (LIR) which assesses the proposed Viking CCS Pipeline project and provides the evidence to support the Council's formal position on the application.
2. A LIR is a report in writing giving the details of the likely impact of the proposed development on the authority's area and should centre on whether the local authority considers the development would have a positive, negative or neutral effect on the area. The LIR does not need to contain a balancing exercise between positives and negatives as this will be for the ExA to carry out when making its decision. As a host authority, the Council has been invited to submit a LIR as part of the examination process. In addition to the LIR, the Council is also being invited to submit Written Representations which can cover any matters relevant to the proposal. The LIR and Written Representation is therefore an opportunity for the Council to set out its overall position on the application.
3. The Council is not the determining authority for the proposal. The Viking CCS Pipeline is considered to be a 'cross-country pipeline' as its length would exceed 16.093 km (stated to be approximately 55.5km) and, as such, it is classified as a Nationally Significant Infrastructure Project (NSIP). This means that, to gain permission to build the project, the developer is required to submit a DCO application to the Planning Inspectorate (PINS) which will be considered by a panel of independent Inspectors (the ExA).
4. A DCO application for the project was made in October 2023, and PINS confirmed that they accepted the application for examination on 17 November 2023. Following the pre-examination period, PINS issued a 'Rule 6' letter on 15 February 2024 which sets out an examination timetable and includes various deadlines for submission of information. Of note, is Deadline 1 - 26 April 2024, which is the deadline for submission of LIRs from any local authority and the date the Council must submit its Written Representation. A series of hearings on specific issues, as set out in the examination timetable, are scheduled to take place over the coming

months up to 26 September 2024 when the examination period is scheduled to close.

5. The Planning Inspectorate has six months to carry out the examination which started on 26 March 2024. During this stage, Interested Parties who have registered by making a Relevant Representation are invited to provide more detail of their views in writing. Careful consideration is given by the ExA to all the important and relevant matters, including the representations of all Interested Parties, any supporting evidence submitted, and answers provided to the ExA's questions set out in writing or posed at hearings.
6. Within three months of the close of the examination, the ExA must prepare a report on the application to the relevant SoS, including a recommendation. The relevant SoS then has a further three months to make a decision on whether to grant or refuse development consent.
7. Officers of LCC have engaged with the applicants throughout the pre-application stage and will be submitting a LIR and Written Representation to ensure that the ExA is aware of the matters of concern to the authority.

Proposed Development

8. The proposed development would consist of a new onshore underground pipeline approximately 55.5km long to transport CO₂ from the Humber industrial area to the former TGT on the Lincolnshire coast. The transported CO₂ would then connect into the existing LOGGS pipeline for 120km's to a new 20km section of subsea pipeline connected to offshore injection facilities for permanent storage in the Viking area under the North Sea in depleted gas reservoirs below the seabed.
9. The main above ground built infrastructure would include a facility at Immingham to capture CO₂ for onward transport via the new pipeline, three block value stations along the route used to isolate sections of pipeline for maintenance or in case of emergency and the Theddlethorpe facility to connect the new pipeline into the existing LOGGS for transport off-shore. At this stage two options for the siting of the Theddlethorpe facility are being put forward, Option 1 - on the former TGT site and Option 2 - on arable land to the west of the former TGT. The development would have a design life of 25 years, although it is expected to operate for 40 years. On decommissioning above ground features would be removed, the pipeline would be left in situ along the entire route. A more detailed description of the proposals is set out in section 2 of the LIR.
10. The proposed development site is linear in nature and is located between Immingham on the south bank of the Humber Estuary and Theddlethorpe on the east coast of Lincolnshire. Approximately 32km's of pipeline, the Louth Road block value station, the Theddlethorpe Facility, the southern compound and the Dune Isolation Value would be contained within Lincolnshire. The remaining land within the Order limits is within North Lincolnshire and North East Lincolnshire Council's

area. The order limit has been separated into five sections from north to south. A short part of section 2 (approx. 2km's) is located in West Lindsey District, the southern part of section 3 and sections 4 and 5 are in East Lindsey District and are all within LCC's administrative boundary.

11. The application documents have been reviewed and consulted upon internally with relevant officers in the Council. Consideration has been given to the topic areas set out below:

- Principle of the Development - Climate Change;
- Ecology and Biodiversity;
- Landscape and Visual;
- Historic Environment (archaeology);
- Agricultural and Soils;
- Water Environment (Surface Water Flooding and Drainage) - as Lead Local Flood Authority (LLFA) for Lincolnshire;
- Highways and Transportation - as Local Highways Authority for Lincolnshire;
- Socio-economics;
- Public Rights of Way - as Local Highway Authority;
- Materials (Mineral) and Waste - as Minerals and Waste Planning Authority for Lincolnshire; and
- Cumulative impacts.

12. Detailed discussion and comments on each topic area is set out in the LIR in sections 7 to 16. A summary is provided below.

- (a) Principle of the Development (Climate Change) - National Planning Statement (NPS) EN-1 (2023) (Overarching National Policy Statement for Energy) sets out the Government's policy for delivery of major energy infrastructure and confirms the commitment to the 2050 net zero Greenhouse Gases (GHG) emission target set through the Climate Change Act 2008 (2050 Target Amendment) Order 2019. It also identifies an urgent need for new carbon capture and storage (CCS) infrastructure to support the transition to a net zero economy. The importance of CCS projects in achieving net zero is recognised in EN-1 as this type of development is considered to be Critically National Priority (CNP) infrastructure.

In principle the development can help meet targets for reducing carbon emissions and would offer significant positive impacts in terms of the transition and movement towards Net Zero. It would accord with the sustainable development objectives contained in the National Planning Policy Framework (NPPF) and in local plan policies by supporting the UK's transition to Net Zero.

- (b) Ecology and Biodiversity - the DCO order limit overlaps or is in close proximity to a number of designated sites of ecological importance the most notable of these being the Humber Estuary Special Protection Area (SPA)/Ramsar site and with the boundary of the Greater Wash SPA, as such information has been provided for a Habitats Regulations Assessment. A suite of both desk-based studies and field surveys have been undertaken to identify protected and priority species likely to occur within the DCO Site Boundary.

The assessment has identified potential impacts on ecology during the construction stage of the development. These range from minor adverse impacts to significant adverse impacts depending on the species, habitat or site concerned. Measures to address these impacts are proposed in a draft Construction and Ecological Management Plan (CEMP). Subject to the mitigation measures being secured and delivered through the DCO officers are of the opinion that the development would have a **minor negative** impact on ecology.

The delivery of 10% Biodiversity Net Gain is not currently mandatory for NSIPs, however, it is accepted as good practice. The applicant's intention is to achieve a minimum of 10% BNG as a result of the development, and identifies potential to deliver slightly in excess of 10% gain in area-based habitat units and considerably more than 10% gain in hedgerow and watercourse habitat units. Whilst this is welcomed, we would encourage applicant to seek to deliver additional area-based habitat units. However, overall, it is considered that the development could have a **positive** impact in terms of BNG if the measures proposed are secured and delivered. A draft BNG strategy is provided in the application documents and there is a commitment in the draft CEMP to produce a habitat management plan that would provide a practical guide to ensure BNG is achieved.

- (c) Landscape and Visual - Officers have considered the applicants assessment of the potential landscape and visual impacts of the proposed development and are satisfied it has been adequately assessed. Minor adverse landscape and visual impacts have been identified during the construction phase of the development. Mitigation measures are proposed and designed to minimise the impacts. Subject to the mitigation measures being secured and delivered through the DCO officers are of the opinion that the development would have a residual **minor negative** landscape and visual impact.

- (d) Historic Environment (Archaeology) - the Applicant has undertaken an evaluation of the impact of the development on buried heritage assets and concludes that during construction, in all sections, there would be direct physical permanent impact on any as of yet unidentified archaeological remains within the DCO boundary, which has been assessed as negligible adverse (not significant) to major adverse (significant).

In general, the evaluation undertaken to date and the direction of travel of this scheme in respect of archaeology is considered to be acceptable. Notwithstanding the evaluation carried out to date, and whilst mitigation measures to ensure that any features within the Order Limits are appropriately recorded, the development would nevertheless have an impact on heritage assets and therefore consistent with the applicant's own conclusions within the Environmental Statement (ES), it is concluded that the proposed development would have a **negative** impact on heritage assets.

- (e) Agricultural and Soils - the potential impacts on Best and Most Versatile (BMV) agricultural land in respect of this scheme and cumulatively with other projects that are emerging/known about in Lincolnshire are of concern. Permanent loss of agricultural land would be approximately 0.2ha of Grade 2 agricultural land and 2ha of Subgrade 3a agricultural land attributed to the development of Theddlethorpe Facility (Option 2) and the creation of its new access road, as well as the Block Valve Stations. However, should the Theddlethorpe Option 1 site be developed the applicant considers there would be no loss of BMV land on this site.

During the construction phase there would also be a temporary but reversible (through reinstatement) loss of BMV land affecting 21.29 ha of Grade 2 land and 135.45 ha of Subgrade 3a land. There is also potential for disturbance during the decommissioning phase. It is therefore imperative that good practice and mitigation measures are put in place to protect the soil resources during these periods and to ensure that the land is restored to agricultural use without any degrading of land quality. The applicant's Outline Soil Management Plan is therefore welcomed.

Whilst the Option 1 site, at the former TGT site remains the applicant's preferred site, the Option 2 site on agricultural land is still being taken forward as an alternative due to uncertainty around future plans for the former TGT site and it not being available. Concern is raised in the LIR about the assessment of alternative sites and currently it is considered that insufficient information is provided on the alternative sites considered for the Theddlethorpe facility to justify the Option 2 site being developed. The application as presented potentially involves the loss of a modest amount of BMV (around 2ha, should the Theddlethorpe Option 2 be developed) and as such it is considered that there is a **negative** impact on BMV land.

- (f) Water Environment - the County Council as LLFA have reviewed the application and are satisfied that surface water flood risk has been adequately assessed in the Flood Risk assessment (FRA) and mitigation for any surface water flood risk would be addressed through the CEMP. Subject to the development being carried out as proposed within the DCO application documents and further details being agreed as part of subsequent DCO Requirements, the Council as LLFA for Lincolnshire, is of the view that impacts of this proposal would be **neutral**.
- (g) Highway and Transportation - the County Council as Highway Authority has reviewed the application documents and has been involved in a number of meetings with the applicant pre-submission. The applicant's assessment of highway and transport impacts is considered to be appropriate. The assessment predicts significant impact on four highway links in Lincolnshire during the construction phase. Mitigation measures have been proposed to minimise the impacts and further mitigations are proposed to be detailed in the Construction Traffic Management Plan (CTMP), a draft CTMP has been provided which is considered to be acceptable. The Highway Authority consider that a number of passing places will need to be considered on local single track roads as set in the section 13 of the LIR.

There is further detail yet to be provided regarding site compounds and access design. The draft DCO has requirements for the submission of a CTMP and details of design approval of accesses prior to commencement. Therefore, if the DCO is granted the Highway Authority would have an opportunity to review and ensure those details are acceptable before the development can commence.

There is still a need to ensure that the DCO provides a mechanism for the Highway Authority to review and provide the necessary specification for works in the Highway and compliance with the permitting scheme to avoid conflict with other works on the network. The mechanism as how this will be achieved is still under discussion in the drafting of the DCO. At this stage however, the Highway Authority concludes that traffic and transport impacts during the construction, operation, and decommissioning (subject to agreement of a CTMP) would be **neutral**.

- (h) Socio-Economics - the County Council Growth Team have reviewed the application and based on the Socio- Economic section of the ES, from a Growth perspective, what is assessed, and the mitigation measures proposed appear reasonable. The potential socio-economic benefits resulting from employment opportunities and on the local economy would be **positive**, however, this could be enhanced through the consideration of further benefits to the local communities and economy in the vicinity of the pipeline being explored further. The Council would welcome the opportunity to explore these through the examination.

- (i) Public Rights of Way - no recreational routes would be permanently redirected as a result of the development; however, several temporary closures of PROW are proposed during the construction phase. Any temporary diversions would be reinstated to their original route on completion of the works. An outline Public Right of Way Management Plan has been included in the application documents and would be secured through the requirement in the draft DCO for the submission of a CEMP.

- (j) Materials (Minerals) and Waste - the DCO site boundary does not impact on any safeguarded mineral resources or safeguarded mineral sites in Lincolnshire. The Theddlethorpe facility Option 1 site is located on land that has a number of extant mineral planning permissions associated with it, relating to the former TGT. There are conditions associated with these planning permissions requiring the restoration of the land back to agricultural use. Further information on these permissions can be found in section 15 and Appendix B of the LIR. As such there is a potential conflict with the restoration requirements should the Option 1 site be developed that will need to be addressed through the DCO. Subject to the conflict with existing restoration requirements being adequately resolved, the Councils position is that the impact on minerals would be **neutral**.

There are concerns about some aspects of the applicant's assessment of waste and it is considered that further work is required in order to adequately demonstrate that the impact of the development in terms of waste would not be significant. The Applicant's commitment to targets for diverting waste from landfill and for recovery of certain types of waste which are outlined in the draft CEMP are welcomed. However, until such time that further information on how the proposals would align with the proximity principle and the waste hierarchy the Council cannot definitively agree that the development would have a slight adverse impact in line with the Applicant's conclusions. On that basis, at this stage, it is considered the development would have a **negative** impact. The Council would be happy to engage further regarding this as the examination progresses.

- (k) Cumulative Impacts - the assessment of cumulative impacts considers the considers both in combination effects (intra-project) and inter-project effects with other development as a result of the development. No significant cumulative intra-project effects are expected to occur during construction or during the operational phase of the development.

For inter-project effects, the Applicant's assessment considers those projects that are existing or approved, which is in line with the Planning Inspectorate's advice for NSIPs, within 15km of the DCO boundary. However, the Council is aware of other NSIP proposals coming forward on the Lincolnshire coast in the East Lindsey District area. Whilst the timeframe for these proposals to come forward and precise locations are not yet fully understood there is potential for a cluster of NSIP developments in the area, the combined

impacts of which could be significant, particularly in respect of amenity for the communities affected and on the sensitive coastal environment, over long periods of time. The assessment of inter-project effects therefore should be kept under review. At this stage it is acknowledged that they are out of the scope of this assessment and as such the Council's position on cumulative impacts is **neutral**.

Community Benefits

13. The Council would have expected there to have been more dialogue with the authority around a package of community benefits in relation to this proposal. Any package of community benefits that may come forward would sit outside of the formal DCO process, however, Officers will continue to engage with the Applicant regarding this.

Conclusion

14. The application before the Committee today is different to planning applications the Committee normally determines as the County Council is the decision maker on minerals and waste development applications, as the Minerals and Waste Planning Authority. In this case, the application is made under the procedures of the 2008 Planning Act and therefore the Council's comments on the application are required to be reported to the Planning Inspectorate for consideration during the examination stage of the application. Whilst the Council can make observations on any element of the proposal this report has focused on the Council's statutory areas of responsibility and on areas where we hold a particular interest or expertise.
15. The attached LIR sets out the likely issues and impacts that LCC considers will arise from the construction and operation of the Viking CCS Project. The LIR has identified positive, neutral and negative effects at this stage. Officers recommend that the Planning and Regulation Committee review and endorse the attached LIR for submission to the ExA and in doing so request that the ExA and SoS have regard to LIR when making its decision.
16. It is accepted that the Viking CCS development, by its nature, offers significant positive impacts in terms of capture of carbon and the transition and movement towards Net Zero, as well as the potential to deliver biodiversity net gain through the creation of mitigation and enhancements proposed as part of the development. There are also some limited economic benefits arising from the potential creation of employment opportunities and increased spend on local services during the construction phase, however these would be time-limited. The positive impacts will however need to be balanced by the ExA against any potential negative impacts as identified in the LIR and summarised above.

RECOMMENDATIONS

- (A) That the Committee approve the Local Impact Report at Appendix A to be submitted to the Examining Authority.
- (B) The County Council informs the Examining Authority in its written response that whilst the project would support the UK's transition to a Net Zero economy and have positive benefits in terms of climate change mitigation, biodiversity net gain and have more limited positive socio-economic benefits (as identified in the Local Impact Report) these will need to be balanced against the potential negative impacts, in particular, a modest loss of Best and Most Versatile Agricultural Land, and the impact on buried archaeology. Subject to adequate mitigation being put in place to minimise the identified negative impacts the Council are of the opinion that benefits to be delivered from the development, in terms of climate change mitigation are significant and as such the Development Consent Order should be supported.

Appendix

These are listed below and attached at the back of the report

Appendix A: Local Impact report - Viking CCS

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Development Consent Documents	Nationally Significant Infrastructure Projects website https://infrastructure.planninginspectorate.gov.uk/
National Planning Policy Framework	The Government's website www.gov.uk
Lincolnshire Minerals and Waste Local Plan (2016)	Lincolnshire County Council's website www.lincolnshire.gov.uk
Central Lincolnshire Local Plan	City of Lincoln Council's website www.lincoln.gov.uk North Kesteven District Council's website www.n-kesteven.gov.uk

	West Lindsey District Council's website www.west-lindsey.gov.uk
East Lindsey Local Plan	East Lindsey District Council website www.e-lindsey.gov.uk

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Nationally Significant Infrastructure Project

Viking CCS Pipeline

Local Impact Report – April 2024

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1. Introduction and Scope

- 1.1 This report is the Local Impact Report (LIR) for Lincolnshire County Council (LCC). In preparing this LIR, regard has been made to the purpose of LIRs as set out in s60(3) of the Planning Act 2008 (as amended), DCLG's Guidance for the examination of applications for development consent, the Planning Inspectorate's Advice Note One: Local Impact Reports, as well as the Planning Inspectorate's 'Example Documents'.
- 1.2 This LIR relates to the impacts of the proposed development as it affects the administrative area of LCC. The LIR is structured by first identifying the relevant national and local policies, secondly identifying the local impacts, and lastly addresses the extent to which the development proposals accord with these policies. For each topic area, the key issues are identified on the extent the Applicant addresses these issues by reference to the application documentation, including the Development Consent Order (DCO) articles and requirements where relevant.
- 1.3 The LIR covers topics where LCC has a statutory function or holds particular expertise. LCC defers to East Lindsey District Council, West Lindsey District Council, North Lincolnshire Council and North East Lincolnshire Council on all other matters.
- 1.4 This LIR does not seek to duplicate material covered in the Statement of Common Ground (SoCG) which will be progressed throughout the Examination stage.

2. Overview of Proposed Development

- 2.1 In summary, the proposed development, known as The Viking CCS Pipeline, would consist of a new onshore underground pipeline approximately 55.5 kilometres (km) long to transport carbon dioxide (CO₂) from the Humber industrial area to the former Theddlethorpe Gas Terminal (TGT) on the Lincolnshire coast. The transported CO₂ would then connect into the existing Lincolnshire Offshore Gas Gathering System (LOGGS) pipeline for 120 km's to a new 20km section of subsea pipeline connected to offshore injection facilities for permanent storage in the Viking area under the North Sea in depleted gas reservoirs below the seabed. The main elements of the proposed development are as follows:
- 2.2
 - The Immingham Facility proposed to be located on an area of disused land (approximately 1 hectare (ha)) to the south of the VPI Immingham combined heat and power plant. The facility would capture CO₂ for onward transport from nearby industry located in the Immingham area. The facility would comprise of an inlet manifold, pigging facilities for cleaning and inspection purposes, emergency shutdown valves, isolation valves, High-Integrity Pressure Protection Systems, 25 metre (m) high standalone vent stack, local equipment room, central control room, utilities, lighting and secured by 3.2m high security fencing;

- An onshore steel pipeline from Immingham to the Theddlethorpe Facility, with an external diameter of 24 inches and buried to a minimum depth of 1.2m to the top of the pipe. Buried depths would typically be greater at crossing points of railways, roads and watercourses. Overall, 267 crossings are expected to be installed by a variety of either trenchless or open-cut techniques;
 - Three block valve stations, housed in kiosks typically 2-3m in height within a fenced compound. There would also be a local vent (up to 4m high) used to isolate sections of pipeline for maintenance purposes, or in case of emergency, and allow the pipeline to be monitored from the main control centre. The stations would be located along the pipeline corridor at approximately 13km, 24km, and 39km along the route;
 - The Theddlethorpe facility would connect the new onshore Viking pipeline to the existing LOGGS pipeline to allow captured CO₂ to be transported to the off-shore site under the North Sea. The facility would comprise of the LOGGS pipeline tie-in, High-integrity Pressure Protection System, emergency shutdown valves, permanent pig facilities, a vent stack up to 25m high, local equipment room, supporting utilities and secured by 3.2m high security fencing. Two locations options are currently being considered for the Theddlethorpe facility. Option 1 - on the former Theddlethorpe Gas Terminal (TGT) Site and Option 2 - on arable land to the west of the former TGT;
 - The existing Dune Isolation Valve on the onshore section of the LOGGS pipeline, located close to the sand dunes to the east of the former TGT site, which was used as an isolation valve when importing gas from offshore, would also require replacement.
- 2.3 Temporary access tracks, three construction compounds and laydown areas would also be required during the construction phase of the development. The construction programme is expected to last approximately 12 months.
- 2.4 Approximately 32km's of pipeline, the Louth Road block value station, the Theddlethorpe Facility, the southern compound, and the Dune Isolation Value would be located within LCC's administrative boundary.
- 2.5 The development has a design life of approximately 25 years, although it is expected to operate for up to 40 years. At the end of the operations, the pipeline and associated infrastructure would be decommissioned. Above ground facilities would be removed, however, the pipeline would be left in situ along the entire route.
- 2.6 The facilities to capture, meter and compress the source CO₂ would developed by the emitters themselves and be subject of separate applications prepared by the

developers under the Town and Country Act 1990, as necessary and are not part of the DCO application. The marine elements of the project (all works and operations seaward of Mean Low Water Springs (MLWS)) are excluded from this DCO application and are subject to a separate consenting process.

3. Description of the Site and Surrounding

- 3.1 The proposed development site is linear in nature and is located between Immingham on the south bank of the Humber Estuary and Theddlethorpe on the east coast of Lincolnshire. The northern end of development site is located in an industrial area between Immingham and South Killingholme. The majority of the pipeline route passes through open countryside interspersed with small settlements, woodland and coppices. The order limit has been separated into five sections from north to south. A short part of section 2 (approx. 2km's) is in West Lindsey District, the southern part of section 3 and sections 4 and 5 are located in East Lindsey District and are all within LCC's administrative boundary.
- 3.2 The development site crosses a number main highway routes including the A180, the A18, A46 and the A16 at various points along the route as well as a number of 'B' roads and minor roads. There are also a number of Public Rights of Way (PROW) which intersect the Order Limits.
- 3.3 The Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) is located to the south west of Laceby and Louth. A section of pipeline (approx. 2.34km) is proposed in the AONB. The DCO Order Limits run adjacent to an Area of Great Landscape Value located to the south of Keelby as designated in the Central Lincolnshire Local Plan (CLLP).
- 3.4 The Order limit route intersects a number of waterways these include the Grayfleet Drain near Grimoldby and the Louth Canal and River Ludd in section 4 of the route, the River Long Eau and Two Mile Bank Drain in section 5 near Manby. Parts of the route in all sections cross areas at higher risk of flooding (Flood Zones 2 and 3). Section 5 is at high risk of flooding from river and sea sources, as well as surface water.
- 3.5 There are 20 statutory designated sites within 10km's of the Order limits notably the Humber Estuary Special Protection Area (SPA), Humber Estuary Ramsar, the Greater Wash SPA and Saltfleetby - Theddlethorpe Dunes National Nature Reserve (NNR) all within section 5. There are 33 non-statutory sites designated for their nature conservation value within 2km of the Order Limits.
- 3.6 A total of 166 heritage assets have been identified within 2km study area of the site, which includes 15 scheduled monuments, 3 conservation area with the remainder being listed buildings. The pipeline route also passes through two of Lincolnshire's

historic landscape character areas, Area 3 Northern Mashers and Area 8 Grazing Marshes as described in The Historic Character of The County of Lincolnshire (2011) document.

- 3.7 The development site (DCO boundary) contains 567ha of agricultural land of which approximately 548ha has been identified as Best and Most Versatile (BMV) land, 76.55 ha of Grade 2 and 471.17ha of Subgrade 3a of the Agricultural Land Classification (ALC).

4 Planning History

- 4.1 The Applicant has conducted a planning history search of the land within the Order Limits, as well as a 250m area surrounding the Order Limits, to identify any applications for planning permission, development consent and Local Plan land use allocations which may have the potential to conflict with the proposed development. At Theddlethorpe, the Viking CCS Pipeline would connect with the existing LOGGS Pipeline. The Applicant is proposing two options for the connection's location, making use of land at TGT or agricultural land to the west of the gas terminal.
- 4.2 The TGT site was commissioned in 1972 following the grant of outline planning permission (ref. LR/562/69) on 26 March 1970. Originally built to receive gas from the offshore Viking gas production installation in the southern North Sea, the site was subsequently expanded to include processing facilities for a further four gas systems, these being: LOGGS Pickerill; Caister Murdoch System (CMS); and Saltfleetby onshore gas fields. The site received natural gas from these gas fields and processed it by removing water and heavier hydrocarbons so it met the required specification for entry and distribution via the National Grid network.
- 4.3 The TGT site was operational until 15 August 2018 when production ceased from the Viking, LOGGS and CMS areas, and the gas produced by the Pickerill field was serviced by another facility in Norfolk. These changes removed the need for the TGT site and as such application (ref. N/180/02232/19) was submitted to LCC in 2019 for prior notification of the site's proposed demolition. This application was granted consent in January 2020. Whilst the Applicant reports that the gas terminal site has now been fully decommissioned, surfacing, hardstanding and an access road still remain at the site. Condition 3 of this most recent permission (ref. N/180/02232/19) 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 planning permissions covering the footprint of the TGT site. As the northern part of the TGT site lies within the DCO Order Limits, these applications are considered to be relevant planning history in regards to the proposed development.

- 4.4 Planning permission (ref. N/180/00971/20) was granted in August 2020 for the installation and operation of an underground gas pipeline up to 750m in length, connecting the existing Saltfleetby/Theddlethorpe underground gas pipeline to the National Grid National Transmission System via the Uniper gas distribution terminal. Permission was also granted for associated works including temporary laydown areas, parking, security and welfare facilities. The application site is located approximately 40m south of the DCO Order Limits.
- 4.5 The existing LOGGS Pipeline extends underground in an easterly direction from the TGT site to the east coast. The pipeline runs underneath an area of nature conservation and has an above ground valve located close to the coastal dunes. The DCO Order Limits include an access road from Meers Brook to this valve. The Applicant has identified no planning permissions in conflict with the Proposed Development along the route of the LOGGS Pipeline, valve or access road.
- 4.6 Further information on the extant planning permissions and site boundaries are provided in Appendix B of the LIR.

5 Policy Context

National Planning Policy

- 5.1 The Secretary of State (SoS) is required to have regard to any relevant national policy statement (NPS), amongst other matters, when deciding whether to grant a DCO. Where there is a relevant NPS in place DCO applications are determined in line with Section 104 of the PA2008. However, where there is no relevant NPS in place then Section 105 of the PA2008 takes effect and provides the legal basis for determining DCO applications. Section 105 requires the SoS to consider 'important and relevant' matters which includes this LIR and any matters which the SoS thinks are both important and relevant to its decision.
- 5.2 The now withdrawn 2011 NPS's EN-1 - Overarching National Planning Policy Statement for Energy and EN-4 - National Planning Policy Statement for Gas Infrastructure and Gas and Oil Pipelines, were replaced in January 2024. However, under the transitional arrangements the Viking CCS Pipeline is required to be considered under the 2011 NPS's. The updated EN-1 and EN-4 (dated November 2023) that came into force 17 January 2024, will however be a significant consideration to the determination of this proposal.
- 5.3 EN-1 (2011) sets out national policy for energy infrastructure to be decided against. This type of development is not specifically accounted for in EN-1 (2011), however, paragraph 3.3.5 of EN-1 (2011), states that "*The UK is choosing to largely decarbonise its power sector by adopting low carbon sources quickly. There are likely to be advantages to the UK of maintaining a diverse range of energy sources so that we*

are not overly reliant on any one technology (avoiding dependency on a particular fuel or technology type). Government would like industry to bring forward many new low carbon developments (renewables, nuclear and fossil fuel generation with CCS) within the next 10 to 15 years to meet the twin challenge of energy security and climate change as we move towards 2050. ”

- 5.4 NPS EN-1 (November 2023) updates the 2011 EN-1 and sets out the Government’s policy for delivery of major energy infrastructure and confirms the commitment to the 2050 net zero Greenhouse Gases (GHG) emission target set through the Climate Change Act 2008 (2050 Target Amendment) Order 2019. EN-1 (2023) 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.
- 5.5 NPS EN-1 (2023) at paragraph 3.5.2 advises that *“The Climate Change Committee states that CCS is a necessity not an option. As well as its role in reducing emissions associated with generating electricity from natural gas, CCS infrastructure will also be needed to capture and store carbon dioxide from hydrogen production from natural gas, industrial processes, the use of Bioenergy with carbon capture and storage (BECCS) and from direct air carbon capture storage (DACCS). CCS infrastructure could be new or repurposed infrastructure.”*
- 5.6 The Viking CCS Pipeline, as a new onshore CO₂ pipeline over 16.093 km in length is considered to be within the scope of EN-1 (2023). General guidance on the assessment of CCS technology is provided in section 4.9 of EN-1 (2023).
- 5.7 EN4 (2023) should be read in conjunction with EN-1 (2023). EN-4 recognises that pipelines could carry different types of gas but states that the NPS only has effect for those nationally significant infrastructure pipelines which transport natural gas or oil. EN-4 states that the need for CCS infrastructure is established in Section 3.5 of overarching EN-1 and the NPS does not have effect for CCS infrastructure, but it may contain information that is important and relevant to the SoS decision on applications for CCS infrastructure.
- 5.8 The National Planning Policy Framework (NPPF) (December 2023) at paragraph 5 states that the document does not contain specific policies for NSIPs. These are to be determined in accordance with the decision-making framework set out in the Planning Act and relevant NPS’s for nationally significant infrastructure, well as any other matters that are considered both important and relevant (which may include the NPPF).
- 5.9 The NPPF does, however, state that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood

risk and coastal change and support renewable energy and low carbon and associated infrastructure (paragraph 157).

Development Plan

5.10 For the purpose of Section 38(3) of the Planning and Compulsory Purchase Act 2004, the relevant documents that comprise the development plan in force in the area and of relevance to this DCO application are:

- North Lincolnshire Core Strategy (NLCS), (June 2011) and the North Lincolnshire Local Plan - saved policies, (May 2003);
- North East Lincolnshire Local Plan (NELLP), (March 2018);
- Central Lincolnshire Local Plan (CLLP), (April 2023);
- East Lindsey Local Plan (ELLP), (July 2018); and
- Lincolnshire Minerals and Waste Local Plan (LMWLP), (June 2016).

5.11 The local policies of relevance to the topic areas covered in this LIR, in so far as the development affects LCC administrative area, are as follows:

Central Lincolnshire Local Plan Policies

- S5: Development in the Countryside
- S16: Wider Energy Infrastructure
- S21: Flood Risk and Water Resources
- S47: Accessibility and Transport
- S48: Walking and Cycling Infrastructure
- S53: Design and Amenity
- S54: Health and Wellbeing
- S57: The Historic Environment
- S59: Green and Blue Infrastructure Network
- S60: Protecting Biodiversity and Geodiversity
- S61: Biodiversity Opportunity and Delivering Measurable Net Gains
- S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value
- S66: Trees, Woodland and Hedgerows
- S67: Best and Most Versatile Agricultural Land.

East Lindsey Local Plan Policies

- SP2: Sustainable Development

- SP10: Design
- SP11: Historic Environment
- SP16: Inland Flood Risk
- SP17: Coastal East Lindsey
- SP22: Transport and Accessibility
- SP23: Landscape
- SP24: Biodiversity and Geodiversity
- SP27: Renewable and Low Carbon Energy
- SP28: Infrastructure and S106 Obligations.

Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies

- DM1: Presumption in favour of sustainable development
- DM4: Historic Environment
- DM12: Best and Most Versatile Agricultural Land
- M10: Underground Gas Storage
- M11: Safeguarding of Mineral resources
- M12: Safeguarding of Existing Mineral Sites
- R1: Restoration and Aftercare.

5.12 There are no adopted Neighbourhood Plans within the administrative areas of East Lindsey District Council or West Lindsey District Council that are of relevance to the Proposed Development.

6 Assessment of Impacts and Adequacy of Response

6.1 The following sections identify, for each topic heading listed below, the relevant policies, the key issues and impacts raised by the proposed development and the extent to which the Applicant has addressed these issues in the application documents:

- Principle of the development - Climate Change
- Ecology and Biodiversity
- Landscape and Visual
- Historic Environment (Archaeology)
- Agricultural and Soils
- Water Environment
- Traffic and Transport
- Public Rights of Way
- Socio-Economics
- Materials (Minerals) and Waste
- Cumulative Impacts.

7 The Principle of the Development - Climate Change

7.1 Local Policy:

- CLLP Policy S16: Wider Energy Infrastructure
- CLLP Policy S53: Design and Amenity
- ELLP Policy SP2: Sustainable Development
- ELLP Policy SP28: Infrastructure and S106 Obligations
- LMWLP Policy DM1: Presumption in favour of sustainable development.

7.2 The overarching energy NPS EN-1 (2023) sets out the overarching needs case for different types of energy infrastructure and general assessment principles. EN-1 (2023) re-affirms the government's commitment to net zero and sets out that the government's objectives for the energy system to ensure energy supply remains secure, reliable, affordable, and is consistent with meeting the UK net zero target by 2050.

7.3 Section 3.2 of EN1 (2023) requires the SoS in decision making to assess all applications for development of the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of development which is urgent. The government has concluded that there is a critical national priority for the provision of nationally significant low carbon infrastructure for both energy security and net zero.

7.4 Section 3.5 of EN1 (2023) considers the need for new nationally significant CCS Infrastructure and states that *"There is an urgent need for new carbon capture and storage (CCS) infrastructure to support the transition to a net zero economy."*

7.5 CLLP Policy S16 (Wider Energy Infrastructure) supports the transition to a net zero carbon future and, in doing so, recognises and supports, in principle, the need for significant investment in new and upgraded energy infrastructure. Support will be given to proposals which are necessary for, or form part of, the transition to a net zero carbon sub-region. This policy, however, caveats that any such proposals should take all reasonable opportunities to mitigate any harm arising from such proposals and take care to select not only appropriate locations for such facilities, but also design solutions (reference to Policy S53) which minimises harm arising.

7.6 Whilst the CCS pipeline is not a proposal for an energy infrastructure and policy S16 does not specifically reference CCS infrastructure, it is development that would contribute to meeting net zero targets by assisting with the decarbonisation of industry in the Humber region and is therefore considered to be within the theme of policy S16.

- 7.7 ELLP Policy SP2 (Sustainable Development) encourages a positive sustainable development approach to development that reflects the presumption in favour of sustainable development contained in the NPPF. It states that the Council *“will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*
- 7.8 Similar to ELLP Policy SP2, policy DM1 (Presumption in favour of sustainable development) of the LMWLP states that the County Council will take a positive approach to development that reflects the presumption in favour of sustainable development contained in the NPPF.
- 7.9 ELLP Policy SP28 (Infrastructure and S106 Obligations) states that *“Infrastructure schemes will be supported provided they are essential in the national interest; contribute to sustainable development and respect the distinctive character of the district.”*
- 7.10 The importance of CCS projects in achieving net zero is recognised in NPS EN-1 (2023) as this type of development is considered to be CNP infrastructure. In principle this development would assist in meeting a national need to reduce carbon emissions and mitigate climate change. It would accord with the sustainable development objectives contained in the NPPF and in local plan policies by supporting the UK’s transition to net zero.
- 7.11 The Applicant’s assessment of climate change impacts from the development itself considers lifecycle greenhouse gas (GHG) impact and climate change resilience. This considers all the major lifecycle sources of GHG emissions and includes both direct GHG emissions as well as indirect emissions from activities such as transportation of materials and embodied carbon in construction materials. The Applicant’s assessment concludes that with mitigation measures such as the adoption of an Energy Reduction Plan the development would have a minor adverse residual effect that is considered not significant. The development as part of the wider CCS project to abate carbon emissions from industry in the Humber area is expected to give rise to a significant beneficial effect. The Applicant’s conclusions are not disputed by the Council at this stage.
- 7.12 The Council recognises that this development, in principle, can help meet targets for reducing carbon emissions and would offer significant positive impacts in terms of the transition and movement towards Net Zero. The Council’s position is therefore that, adopting a ‘whole life’ approach to GHG emissions, there are no negative and neutral impacts and that significant **positive** impacts would accrue. However, in order to be supported it must be demonstrated that there are no significant adverse environmental, economic or social impacts that cannot be appropriately managed and/or mitigated through the DCO process.

7.13 The sections below consider the potential impacts of the development on other factors/topics and the Examining Authority (ExA) will need to balance these positive impacts against any negative impacts identified within this LIR and those raised by other host authorities and Interested Parties.

8 Ecology and Biodiversity

8.1 Local Policy:

- CLLP Policy S59: Green and Blue Infrastructure Network
- CLLP Policy S60: Protecting Biodiversity and Geodiversity
- CLLP Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains
- CLLP Policy S66: Trees, Woodland and Hedgerows
- ELLP Policy SP24: Biodiversity and Geodiversity.

8.2 CLLP Policy S59 (Green and Blue Infrastructure Network) states that the Central Lincolnshire Authorities will safeguard green and blue infrastructure from inappropriate development and work actively with partners to maintain and improve the quantity, quality, accessibility and management of the green infrastructure network. This policy also notes that proposals that cause loss or harm to the green and blue infrastructure will not be supported unless the need for and benefits of the development demonstrably outweigh any adverse impacts. Where adverse impacts on green infrastructure are unavoidable, development will only be supported if suitable mitigation measures for the network are provided.

8.3 CLLP Policy S60 (Protecting Biodiversity and Geodiversity) states that development proposals will be considered in the context of the relevant Local Authority's duty to promote the protection and recovery of priority species and habitats. Where adverse impacts are likely, development will only be supported where the need for and benefits of the development clearly outweigh these impacts. In such cases, appropriate mitigation or compensatory measures will be required.

8.4 CLLP Policy S61 (Biodiversity Opportunity and Delivering Measurable Net Gains) states that all qualifying development proposals must deliver at least a 10% measurable biodiversity net gain (BNG) attributable to the development. The net gain should be calculated using Natural England's Biodiversity Metric and be provided on-site where possible. Unless specifically exempted by Government, a biodiversity gain plan should be submitted providing clear and robust evidence for biodiversity net gains and losses. This plan should also include details of the pre-development biodiversity value of the onsite habitat, the post-development biodiversity value of the onsite habitat following implementation of the proposed ecological enhancements/interventions, and an ongoing management strategy for any BNG proposals.

- 8.5 CLLP Policy S66 (Trees, Woodland and Hedgerows) states that planning permission will only be granted if the proposal provides evidence that it has been subject to adequate consideration of the impact of the development on any existing trees and woodland found on-site. Proposals for new development will also be expected to retain existing hedgerows where appropriate and integrate them fully into the design, having regard to their management requirements.
- 8.6 ELLP Policy SP24 (Biodiversity and Geodiversity) seeks to protect and enhance biodiversity and geodiversity value of land and buildings, and minimise fragmentation and maximise opportunities for connection between natural habitats. It also seeks to protect sites designated internationally, nationally or locally for their biodiversity and geodiversity importance, species populations and habitats identified in the Lincolnshire Biodiversity Action Plan and the Natural Environment and Rural Communities (NERC) Act 2006. Development that could adversely affect such sites will only be permitted in exceptional circumstances which are listed in the policy. In exceptional circumstances, where adverse impacts are demonstrated to be unavoidable and development is permitted which would damage the nature conservation or geological value of a site, the Council will ensure that such damage is kept to a minimum and will ensure appropriate mitigation, compensation or enhancement of the site through the use of planning conditions or planning obligations.
- 8.7 The Council has reviewed the submitted information concerning the assessment of potential ecological effects of the proposed development. This is set out in ES Chapter 6 [APP-048]. It is considered that Tables 6-12, 6-13, 6-14 and 6-15 of APP-048 provide a reasonable summary of ecological interest features and likely significant effects, mitigation, and residual effects of the proposed development.
- 8.8 Statutory Designated Sites - there are four European designated sites within the DCO site boundary:
- The Humber Estuary SPA
 - The Humber Estuary Ramsar
 - Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC
 - Greater Wash SPA with marine components
 - The Humber Estuary SAC, is located 1.27 km north-east of the DCO site boundary at its closest point. Given the proximity of the Humber Estuary SAC, potential impacts on the site's interest features arising from the proposed development are considered in the ES.

There is one nationally designated site within the DCO site boundary:

- Saltfleetby Theddlethorpe Dunes SSSI
- There are 15 other nationally designated sites within 10km of the DCO site Boundary.

8.9 Non-Statutory Designated Sites - there are 33 non-statutory sites designated for their nature conservation value within 2 km of the DCO Site Boundary; these designations include Local Wildlife Sites (LWS) and Local Wildlife Trust (LWT) sites.

8.10 The Council notes that in the ES Chapter 6 [APP-048] the Applicant states that *“The development has been designed to avoid designated sites and habitats of principal importance wherever possible.”* Where significant crossings of designated sites occur, sensitive working practices and methodologies will be employed to minimise impacts.

8.11 Habitats regulations - the boundary of the proposed development overlaps with the boundary of the Humber Estuary SPA/Ramsar site and with the boundary of the Greater Wash SPA. The Applicant has provided the Planning Inspectorate, as Competent Authority, with all the information reasonably required for a Habitats Regulations Assessment. This information is contained within [APP-118] 6.5 Report to Inform the Habitats Regulations Assessment.

8.12 The Applicant has worked with Natural England via the Discretionary Advice Service and potential impacts, such as habitat loss (both temporary and permanent), noise, pollution and disturbance all appear to have been assessed appropriately. Where impacts were considered to have a Likely Significant Effect (LSE) on the site(s) interest features appropriate mitigation measures have been identified to ensure that they do not constitute an Adverse Effect on Integrity (AEOI). Overall the Council has no reason to disagree with the conclusions of the Report to Inform the Habitats Regulations Assessment. The Council advises that mitigatory measures should be secured in the Construction Environmental Management Plan (CEMP) a draft of which is included at APP-068.

8.13 Protected and priority species - a suite of both desk-based studies and field surveys has been undertaken to identify protected and priority species likely to occur within the DCO Site Boundary. These are described in ES Chapter 6 [APP-048] and associated appendices. The Council has reviewed the application in accordance with Natural England's standing advice for protected species. Having considered Chapter 6 of the ES [APP-048] it is considered that the survey methods used, and the survey effort deployed were appropriate.

- 8.14 Without mitigation the proposed development has the potential to result in negative effects on the populations of a number of the above species / groups. Likely impacts, impact avoidance measures, mitigation measures and enhancement measures are proposed to avoid significantly negative effects. Where protected species would be affected by the proposed development, a licence from Natural England would be sought, and mitigation would be secured as part of the licensing process. A district Level Licensing (DLL) approach to avoid adverse effects on great crested newts has been agreed with Natural England. The Council agrees with the approach and considers that impact avoidance and mitigation measures are appropriate and that they should be secured in the CEMP and Landscape and Ecology Management Plan (LEMP). The Council would wish to be involved in the ongoing development of the CEMP and LEMP.
- 8.15 The Council notes that some surveys and assessment within the DCO site boundary would be required post DCO application in relation to bats and riparian mammals to ensure the assessment, conclusions and proposed mitigation measures remain valid.
- 8.16 The Council also notes that a method statement would be prepared to avoid the inadvertent spread of Invasive Non-Native Species (INNS) during construction. This approach is welcomed.
- 8.17 Existing biodiversity value - a range of both desk-based studies and field surveys has been undertaken to establish the suite of habitats present within the DCO site boundary. These are described in ES Chapter 6 [APP-048] and associated appendices. A suite of habitat types of local importance and above were identified. This includes internationally important sand dune habitats and nationally important Veteran trees. The Council is of the opinion that the level of survey effort, survey methods and desk-study research undertaken to identify important habitats and establish the baseline biodiversity value is appropriate. The Council is of the opinion that the level of survey effort, survey methods and desk-study research undertaken to identify important habitats and establish the baseline biodiversity value is appropriate.
- 8.18 Likely impacts, impact avoidance measures, mitigation measures and enhancement measures are proposed to avoid significantly negative effects on the suite of habitats present. The Council agrees with the approach and considers that impact avoidance and mitigation measures are appropriate and that they should be secured in the CEMP and LEMP. The Council notes the intention to produce a Construction Ecological Management Plan (CEcMP), Species Protection Plans (SPP), Invasive Non-Native Species Method Statements (INNSMS) and a Tree and Hedgerow Protection Strategy within the draft CEMP and would wish to be involved in the ongoing development of the CEMP, LEMP and associated environmental protection plans. In particular the measures to protect and retain all veteran trees and to retain all water bodies identified through baseline surveys are welcomed.

- 8.19 Biodiversity Net Gain (BNG) - the delivery of 10% BNG is not currently mandatory for NSIPs however it is accepted as good practice. Given the scale of the development, the Council expects that significant BNG should be delivered. The Council welcomes the Applicant's intention to achieve 10% BNG as a result of the development. Given the scale of the development the Council encourages the Applicant to seek to deliver significantly more than 10% BNG.
- 8.20 The Applicant sets out the methodologies and details the baseline and post-development BNG assessment for the Proposed Development in [APP-125] 6.7.1 Initial Biodiversity Net Gain Assessment and sets out the approach to delivering BNG in [APP-126] 6.7.2 Draft Biodiversity Net Gain Strategy.
- 8.21 The Applicant has used Biodiversity Metric 4.0 to establish the baseline and post-development biodiversity values. This was the most up-to date version of the metric at the point the assessments were undertaken.
- 8.22 The post-development output of the metric shows that *"Areas of permanent habitat loss related to above ground installations are predicted to result in a net loss of 7.44% for area-based habitat units, a net loss of 30.24% for hedgerow units and a net loss of 0.68% for watercourse units."*
- 8.23 Opportunities to deliver BNG including in partnership with local conservation organisations have been explored and the Applicant considers that *"a net gain of 10.42% for area-based habitat units, a net gain of 2597.43% for hedgerow habitats and a net gain of 26.12% for watercourse habitats"* should be achievable.
- 8.24 Whilst the Council has not seen the details of the biodiversity metric, taken at face value, the approach to BNG and the potential level achieved are considered to be acceptable. BNG (including monitoring to ensure ongoing management of established habitats) should be secured in the LEMP. The Council would wish to be involved in the ongoing the development of the LEMP.
- 8.25 The Council encourages the Applicant to work closely with local stakeholders to refine the approach to BNG delivery. It also advises that the Greater Lincolnshire Nature Partnership has produced Biodiversity Opportunity Mapping (BOM) for the whole of Greater Lincolnshire and is currently in the process of refining this to provide more detailed resolution recommendations. In addition to this a Local Nature Recovery Strategy (LNRS) is currently being produced for Greater Lincolnshire. The BOM and LNRS will both provide useful detail which can be used to refine the approach to BNG delivery and identify additional opportunities.
- 8.26 Ecological Steering Group - the Council suggests that consideration is given to the establishment of an Ecological Steering Group or similar for the Proposed

Development. This group should consist of key ecological stakeholders (both statutory and non-statutory). The remit of the group would be to receive updates on project progress and to advise on issues encountered during construction as well as to refine delivery of required mitigation. Meetings should be held at an appropriate frequency to ensure good communication between both the developer and stakeholders.

- 8.27 The Applicant's ES identifies a series of potential impacts on ecology during the construction stage of the development. These range from minor adverse impacts to significant adverse impacts depending on the species, habitat or site concerned. Measures to address these impacts are proposed in a CEMP which should be secured in the DCO. If the mitigation measures are secured and delivered as proposed the Council considers that the development would have a **minor negative** impact on ecology.
- 8.28 With regard to BNG, whilst not yet mandatory for NSIP's, the Applicant identifies a potential to deliver slightly in excess of 10% gain in area-based habitat units and considerably more than 10% gain in hedgerow and watercourse habitat units. Whilst the Council encourages the Applicant to seek to deliver additional area-based habitat units, it is considered that overall, the development could have a **positive** impact in terms of BNG if the measures proposed are secured and delivered.

9 Landscape and Visual

9.1 Local Policy:

- CLLP Policy S53: Design and Amenity
- CLLP Policy S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value
- ELLP Policy SP10: Design
- ELLP Policy SP23: Landscape
- ELLP Policy SP27: Renewable and Low Carbon Energy.

- 9.2 CLLP Policy S53 (Design and Amenity) states that all development must achieve high quality sustainable design that contributes positively to local character and landscape. Development proposals should be based on a sound understanding of the context, integrate into the surroundings, relate well to the site, contribute to the sense of place, and protect any important local views into, out of, or through the site.

- 9.3 CLLP Policy S62 (Area of Outstanding Natural Beauty and Areas of Great Landscape Value) seeks to protect the Lincolnshire Wolds AONB from adverse impacts from development proposals within, or affecting the setting of the AONB. Proposals which will result in an adverse impact on the AONB or which fail to demonstrate that they will not have an adverse impact taking into account any mitigation proposed, will not be supported. The policy also seeks to protect locally designated Areas of Great landscape Value (AGLV).
- 9.4 ELLP Policy SP10 (Design) states that *“the Council will support well-designed sustainable development, which maintains and enhances the character of the District’s towns, villages and countryside.”* The policy supports the use of brownfield land, unless it is of high environmental value and requires proposals to provide on-site landscaping to integrate the development into its wider surroundings.
- 9.5 ELLP Policy SP23 (Landscape) states that *“the District’s landscapes will be protected, enhanced, used and managed to provide an attractive and healthy working and living environment. Development will be guided by the District’s Landscape Character Assessment and landscapes defined as highly sensitive will be afforded the greatest protection.”* It goes on to state that *“the distinctive character of the District’s landscapes whether they are of cultural, natural or historic significance, will not be compromised. In particular, the highest level of protection will be given to the Lincolnshire Wolds Area of Outstanding Natural Beauty, which is designated at a national level because of its landscape quality.”*
- 9.6 ELLP Policy SP27 (Renewable and Low Carbon Energy) relates to proposals for large scale renewable and low carbon energy development and infrastructure to support such development. Proposals *“will be supported where their individual or cumulative impact is, when weighed against the benefits, considered to be acceptable in relation to: b) surrounding landscape, townscape and historic landscape character, and visual qualities.”* Whilst the proposed development is not a low carbon energy development as such, footnote 4 to the policy’s explanatory text states that this includes renewable sources of power and also technologies such as nuclear power, CCS, combined heat and power.
- 9.7 The Applicant’s assessment of landscape and visual impacts is set out in ES Chapter 7 [APP-049] and for the construction phase identifies several elements and activities that have the potential to temporarily impact landscape character and visual amenity within the study area. These impacts relate to the removal of existing landscape features such as hedgerows and arable land, and the visibility of new temporary features such as construction machinery. During the operational phase landscape and visual impacts would arise from the presence and operation of permanent structures including the vent stacks at the Theddlethorpe facility and gaps in

vegetation as result of removal during the construction phase. There is also potential for impacts during the decommissioning from the removal of above ground installations.

- 9.8 The Applicant states that the development has been sensitively sited and routed to limit its proximity to settlements and houses and avoid more sensitive landscape features. The Applicant's assessment concludes that there would be no significant landscape effects during any stage of the proposed development. Effects on the Lincolnshire Wolds AONB and the AGLV are assessed to result in minor adverse effects during construction reducing to negligible adverse during operation. In terms of visual impacts significant short-term adverse effects have been identified during the construction phase from four viewpoints potentially affecting users of PROW predominantly in North East Lincolnshire.
- 9.9 Whilst mitigation measures are proposed to ensure that landscape and visual impacts are minimised and these should be secured through the DCO, the development would nevertheless impact upon landscape features and visual receptors. Therefore, consistent with the Applicant's conclusions within the ES, the Council agrees that the proposed development would have a **minor negative** landscape and visual impact.

10 Historic Environment (Archaeology).

10.1 Local Policy:

- CLLP Policy S57: The Historic Environment
- ELLP Policy SP11: Historic Environment
- LMWLP Policy DM4: Historic Environment.

10.2 CLLP Policy S57 (The Historic Environment) states that development proposals are required to protect, conserve, and seek opportunities to enhance the historic environment of Central Lincolnshire. Proposals will be supported where they protect the significance of heritage assets (including where relevant their setting) and take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting. In instances where a development proposal would affect the significance of a heritage asset (where designated or non-designated), the Applicant will be required to undertake and provide information on the significance of the asset; the impact of the proposed development on the significance and special character of the asset; and a clear justification for the works so that the harm can be weighed against public benefits.

10.3 This policy also states that where development proposals would result in less than substantial harm to a designated heritage asset, permission will only be granted

where the public benefits, including, where appropriate, securing its optimum viable use, outweigh the harm. In addition to this, development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance.

- 10.4 ELLP Policy SP11 (Historic Environment) states that proposals will be supported that secure the continued protection and enhancement of heritage assets in East Lindsey, contribute to the wider vitality and regeneration of the areas in which they are located and reinforce a strong sense of place. Of relevance to the consideration of Archaeology, proposals will be supported where they: *“Do not harm the site or setting of a Scheduled Monument; any unscheduled nationally important or locally significant archaeological site. Appropriate evaluation, recording or preservation in situ is required and should be undertaken by a suitably qualified party.”*
- 10.5 The Applicant’s evaluation of the impact on buried heritage assets concludes that during construction, in all sections, there would be direct physical permanent impact on any as of yet unidentified archaeological remains within the DCO boundary, which has been assessed as negligible adverse (not significant) to major adverse (significant).
- 10.6 As stated in our Representative Response (RR-050) 12 January 2024 while there are a few issues in the submission documents the Council are satisfied with the direction of travel of this scheme.
- 10.7 The Council met with the Applicant’s consultants (Wessex Archaeology) on the 8 March 2024 regarding the trenching programme and are pleased that it will be commencing on site shortly, that the geophysical survey report has been produced and that Wessex Archaeology who will be undertaking the evaluation fieldwork have produced a Written Scheme of Investigation (WSI) for their trenching which will replace the trenching section of the AECOM overarching WSI. The Council have yet to see this but we hope that it can be agreed before the trenching fieldwork commences.
- 10.8 The Council hope that various issues we have identified through the NSIP process for this scheme are moving towards resolution, however, there are concerns which we will seek to move forward through the Draft Statement of Common Ground (dSoCG), such as preserving the archaeology in situ by limiting groundworks or directional drilling without reference to sufficient evaluation to identify the extent of the archaeology and fencing the preservation in situ area off to ensure there are no groundworks, plant movement or storage which could destroy the archaeology by compaction or ground disturbance (ES Chapter 8: Historic Environment section 8.8.4, also dSoCG LCC45).

- 10.9 It's the nature of archaeology that it's an iterative process and we look forward to the geophysical survey and trial trenching results informing the baseline evidence for the Environmental Impact Assessment (EIA) and providing the basis for an effective and fit for purpose mitigation strategy to adequately deal with the impact of this development.
- 10.10 It is hoped that this submission will meet the evidential requirements as set out in the relevant policy and guidance including Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (Regulation 5 (2d)), the NPPF and the NPS Policy EN1 (2011) (Section 5.8) which states "*The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents (5.8.10).*"
- 10.11 Notwithstanding the evaluation carried out to date, and whilst mitigation measures to ensure that any features within the Order Limits are appropriately recorded, the development would nevertheless have an impact on heritage assets and therefore consistent with the Applicant's own conclusions within the ES, the Council agrees that the proposed development would have a **negative** impact on heritage assets.

11 Agriculture and Soils

11.1 Local Policy:

- CLLP Policy S67: Best and Most Versatile Agricultural Land
- ELLP Policy SP10: Design
- LMWLP Policy DM12: Best and Most Versatile Agricultural Land.

11.2 CLLP Policy S67 (Best and Most Versatile Agricultural Land) states that proposals should protect BMV agricultural land so as to protect opportunities for food production and the continuance of the agricultural economy. Significant development resulting in the loss of BMV agricultural land will only be supported if:

- The need for the proposed development has been clearly established and there is insufficient lower grade land available;
- The benefits and/or sustainability considerations outweigh the need to protect such land, when taking into account the economic and other benefits of the BMV agricultural land;
- The impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions; and

- Where feasible, once any development which is supported has ceased its useful life, the land will be restored to its former use.
- 11.3 ELLP Policy SP10 (Design) states that *“the Council will support well-designed sustainable development, which maintains and enhances the character of the District’s towns, villages and countryside by:- 1. Where possible supporting the use of brownfield land for development, unless it is of high environmental value, seeking to use areas of poorer quality agricultural land in preference to that of a higher quality.”*
- 11.4 The preceding text to ELLP Policy SP10 (Design) at paragraph 4.9 explains why this approach has been taken and states *“The use of suitable brownfield sites within existing settlements should always be given priority over more distant greenfield sites. Agriculture continues to play a significant role in the economy of the District. Protecting the best and most versatile agricultural land (that of grade 1, 2 and 3a) is an important part of supporting this industry. In selecting sites for development, the preference should be to seek to utilise lower grade land to that of a higher grade.”*
- 11.5 EN-1 (2023) at paragraph 5.11.12 provides similar advice that applicants should seek to minimise impacts on the BMV agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC)) and preferably use land in areas of poorer quality (grades 3b, 4 and 5). Paragraph 5.11.34 of EN-1 (2023) states that the SoS ‘should ensure that applicants do not site their scheme on the BMV agricultural land without justification’. Where it is sited on BMV, it should ‘take into account the economic and other benefits of that land’ and where it is demonstrated necessary, areas of poorer quality should be preferred to higher quality land.
- 11.6 The potential impacts on BMV agricultural land in respect of this scheme and cumulatively with other projects that are emerging/known about in Lincolnshire are of concern to the Council.
- 11.7 The Applicant has undertaken a desk-based study to assess the impact of the development on agriculture and soil. The study area covered the whole of the DCO application boundary, as a worst-case scenario, which comprises of approximately 567 ha of agricultural land. However, being a linear scheme, the actual likely disturbance based on a typical 30m corridor would be significantly smaller. Of the area assessed approximately 548ha is considered to be BMV land comprising 76.55ha of Grade 2 and 471.17ha of Subgrade 3a. The Council notes that the calculations of BMV agricultural land is based on existing published data and no new site survey data has been obtained to inform the assessment.
- 11.8 During the construction phase, the temporary and reversible (through reinstatement) loss of BMV land is stated to be 21.29ha of Grade 2 land and 135.45ha of Subgrade 3a land. The Applicant expects the permanent loss of BMV Land to be less than 3ha and this would be attributed to the development of Theddlethorpe Facility (Option 2)

and the creation of its new access road, as well as the three Block Valve Stations. The permanent loss of agricultural land would be approximately 0.2ha of Grade 2 agricultural land and 2ha of Subgrade 3a agricultural land. Should the Theddlethorpe Option 1 site be developed the Applicant considers there would be no loss of BMV land on this site. The Applicant also considers that there would be no permanent loss of BMV Land along the pipeline route.

- 11.9 The development would result in the loss of use and disturbance to large areas of BMV agricultural land during the construction phase, albeit for the most part short term. There is also potential for disturbance during the decommissioning phase. It is therefore imperative that good practice and mitigation measures are put in place to protect the soil resources during these periods and to ensure that the land is restored to agricultural use without any degrading of land quality. The Applicant's Outline Soil Management Plan ES Volume II Appendix 10-1 [APP-096], is therefore welcomed.
- 11.10 The application states that five site options have been considered for the Theddlethorpe facility site (ES Volume 2 Chapter 2: Design Evolution and Alternatives [APP-044]). The Council notes that a site in close proximity to the LOGGS pipeline is required and that the Option 1 site remains the Applicant's preferred option. However, an alternative site (Option 2) is being taken forward and this appears to be due to uncertainty around future plans for the option 1 site following discussions with the landowner. The Council are of the opinion that insufficient information is currently provided on the assessment of alternative sites for the Theddlethorpe facility and therefore insufficient justification for the Option 2 site should it be developed, to justify the loss of BMV land, as required by EN-1.
- 11.11 The application as presented potentially involves the loss of a modest amount of BMV land (around 2ha, should the Theddlethorpe Option 2 be developed) the Council consider that there is a **negative** impact on BMV land which is consequently contrary to the requirements of EN-1 and policies S67 and SP10. The Council would prefer to see the Option 1 developed so as to avoid the loss of BMV land on the Option 2 site, notwithstanding the fact that the Option 1 site is currently unrestored land associated with the former TGT and the requirements on the extant mineral planning permissions to restore it to agricultural land which is discussed in section 17 below.

12 Water Environment

12.1 Local Policy:

- CLLP Policy S12: Water Efficiency and Sustainable Water Management
- CLLP Policy S21: Flood Risk and Water Resources
- CLLP Policy S59: Green and Blue Infrastructure

- ELLP Policy SP16: Inland Flood Risk
 - ELLP Policy SP17: Coastal East Lindsey.
- 12.2 CLLP Policy S12 (Water Efficiency and Sustainable Water Management) states that in addition to the wider flood and water related policy requirements of Policy S21, all residential or other development comprising new buildings with outside hard surfacing, must ensure such surfacing is permeable (unless there are technical and unavoidable reasons for not doing so).
- 12.3 CLLP Policy S21 (Flood Risk and Water Resources) states that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test. Proposals should demonstrate that they are informed by and take account of the best available information from all sources of flood risk and by site specific flood risk assessment where appropriate; that the development will be safe during its lifetime taking into account the impacts of climate change; how the wider scope for flood risk reduction has been positively considered; and that they have incorporated Sustainable Drainage Systems (SuDS)/Integrated Water Management into the proposals, unless they can be shown to be inappropriate.
- 12.4 CLLP Policy S59 (Green and Blue Infrastructure Network) states that proposals that cause loss or harm to the green and blue infrastructure network will not be supported unless the need for and benefits of the development demonstrably outweigh any adverse impacts.
- 12.5 The general theme of ELLP Policy SP16 (Inland flood Risk) is to support development proposals in areas of inland flood risk where it can be demonstrated that accommodating the development on a sequentially safer site would undermine the overall commercial integrity of the existing area and such development must incorporate flood mitigation measures in their design. Development in flood storage areas will not be supported.
- 12.6 The coastal area of East Lindsey, as defined by the area shown on the Coastal Flood Hazard Maps (Chapter 10 of the ELLP), is considered so important in terms of its size, economic impact, make up of population, and its issues around coastal flood risk that it warrants a policy in its own right. Of relevance to this development ELLP Policy SP17 (Coastal East Lindsey) applies to the settlements of Mablethorpe, Theddlethorpe All Saints, Theddlethorpe St Helen and Trusthorpe and requires development to satisfy the Sequential and Exception Test as set out in Annex 2 of the plan and to provide adequate flood mitigation.
- 12.7 A Flood Risk Assessment (FRA) has been prepared for this development as it is partly located within flood zones 2 and 3. The FRA assesses the development against the risk of flooding, whether that be from groundwater, river (fluvial), surface water

(pluvial), estuary/coastal (tidal), or from sewer sources. The FRA has concluded that it will be possible to manage flood risk to and from the development and that the development conforms to the NPPF.

- 12.8 The Council in its capacity as Lead Local Flood Authority (LLFA) has reviewed the application documents for this proposal. The surface water flood risk from a pipeline development is very low and section 5.7 to 5.10 of the FRA, ES Volume IV – Appendix 11-5 [APP -101], adequately addresses them. The main risk for increased surface water flood risk would be during the construction phase when temporary impermeable site compounds would be created and potentially drainage channels would be affected by construction works. The CEMP will therefore need to ensure that surface water flood risk are considered during the construction phase and no increased risk to nearby properties results from the site works. The Council are satisfied that the draft DCO includes an appropriate requirement to ensure such details are provided.
- 12.9 With regard to meeting the requirements of Policy SP17, whilst CCS storage pipelines are not specifically mentioned they may be viewed as essential infrastructure in which case the development would meet the Sequential and Exception (part 1) in Annex 2 of the ELLP. The Applicant has provided a site specific FRA to satisfy Part 2 of the exception test.
- 12.10 In summary, subject to the development being carried out as proposed within the DCO application documents and further details being agreed as part of subsequent DCO Requirements, the Council as LLFA for Lincolnshire, is of the view that impacts of this proposal would be **neutral**.

13 Highways and Transportation

13.1 Local Policy

- CLLP Policy S47: Accessibility and Transport
- ELLP Policy SP22: Transport and Accessibility.

- 13.2 CLLP Policy S47 (Accessibility and Transport) states that development proposals are required to contribute towards an efficient and safe transport network. All developments should demonstrate, where appropriate, that they have regard to the need to minimise additional travel demand through the use of travel planning, safe and convenient public transport, walking and cycling links, and integration with existing infrastructure. This policy also states that any development that has severe transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.

- 13.3 ELLP Policy S47 (Transport and Accessibility) supports development in or adjoining towns, large and medium villages where it is accessible to key facilities and where it is shown to link with the existing road and public transport systems operating within the District.
- 13.4 The Applicant's traffic and transport assessment considers how the development could cause changes in traffic numbers and vehicle types on local and the strategic road network as well as the impact on road users including pedestrians. Significant effects are predicted relating to five highway links from a total of 79 that have been assessed, during the construction phase. Of these, four are within LCC's administrative boundary at Humberston Road; Thoresby Road; Main Road; and Warren Road on the A1031 (ES Volume II - Chapter 12, Transport and Accessibility table, 12-73 [APP-054]). Impacts on other routes were assessed as either minor or negligible. Mitigation measures have been committed for these links such as restrictions on HGV journeys at peak times and a booking system for deliveries. Further mitigations would be set out in the detailed Construction Traffic Management Plan (CTMP). Impacts during the decommissioning phase are anticipated to be no greater than during the construction phase. The operational phase is not considered to result in any severe impact.
- 13.5 The County Council in its capacity as Local Highway Authority has reviewed the application documents and has been involved in a number of meetings with the Applicant pre-submission.
- 13.6 The Council considers that the assessment within ES Volume II - Chapter 12, Transport and Accessibility [APP-054] is appropriate and provides a reasonable estimate of HGV and car traffic associated with the development during construction and shows that the impact would be within acceptable levels on the highway network.
- 13.7 The trip generation and distribution for construction traffic and workers seems a reasonable assessment and the development vehicle numbers are compared with baseline flows on the network links showing percentage change. It is agreed that there is no need for further capacity assessment of the highway network as the impact is usually within daily variation, or will be outside of peak hours (due to worker shift patterns 7am-7pm). However, there are impacts on local single track roads which will likely require mitigation:
- Link 35 Thacker Bank: 3.5m wide road - Increase of 154% in HGVs. The additional HGVs and other vehicles will probably need mitigation in the form of passing places. Further assessment needed;
 - Link 10 Thoroughfare: 3-3.5m wide road - Increase of 63% in HGVs. The additional HGVs and other vehicles will probably need mitigation in the form of passing places. Further assessment needed;

- Link 59 Little Grimsby Lane: 3.5m wide road - Increase in other vehicles of 26% - passing places to be considered;
- Link 66 Red Leas Lane: 3.0 m wide road - Increase in other vehicles of 34% - passing places to be considered; and
- Link 67 Pick Hill Lane: 3.0 m wide road - Increase in other vehicles of 31% - passing places to be considered.

13.8 The draft CTMP (ES Volume IV – Appendix 12.5 [APP-107]) is also considered to be generally acceptable. The workers hours specified at Section 6.4 of the draft CTMP informed the Transport Assessment and should be conditioned such that the construction worker traffic does not occur during the day but outside of 7am-7pm hours. A Travel Plan will also need to be developed to encourage car sharing, minibus and lessen the use of car traffic for workers.

13.9 There is no detail provided as yet of the site compound layouts or access points to the highway and site parking is not addressed. These details will need to be provided and the compounds will need to show that HGVs can access and egress in forward gear with suitable geometry at the access points. Sufficient parking and storage will be required within the compounds such that there is no overspill parking on the highway and that there would be no waiting of HGVs on the highway to access the compounds. The draft DCO has requirements for the submission of a CTMP and details of design approval of accesses prior to commencement. Therefore, if the DCO is granted then there would be an opportunity for the Highway Authority to review and ensure those details are acceptable before the development can commence.

13.10 There is still a need to ensure that the DCO provides a mechanism for the Highway Authority to review and provide the necessary specification for works in the Highway that would normally be captured via a Section 278 Agreement and comply with our Permitting scheme to avoid conflict with other works on the network. The mechanism as how this will be achieved is still under discussion in the drafting of the DCO. At this stage however, the Council concludes that traffic and transport impacts during the construction, operation, and decommissioning (subject to agreement of a CTMP) would be **neutral**.

14 Socio-Economics

14.1 Local Policy:

- CLLP Policy S48: Walking and Cycling Infrastructure
- CLLP Policy S54: Health and Wellbeing
- CLLP Policy S59: Green and Blue Infrastructure Network

- ELLP Policy SP17: Coastal East Lindsey.
- 14.2 ELLP Policy SP17 (Coastal East Lindsey) states that *“the Council will give a high priority to development that extends and diversifies all-year round employment opportunities, contributes directly to the local economy, infrastructure or extends and diversifies the tourism market.”*
- 14.3 In relation to Public Rights of Way (PROW) the theme of the CLLP policies relates to the protection, maintenance, and availability of public rights of way, specifically on the grounds that they provide public access to green/natural spaces as well as provide places for exercise, health, and wellbeing.
- 14.4 The Applicant’s Socio-Economic assessment (ES Volume II Chapter 16: Socio-Economics [APP-058]) considers the impact of the development on local communities and the economy. Potential effects are identified during the construction and decommissioning phases relating to Employment (including training and apprenticeship opportunities) and local economy (Gross Value Added); Users of recreational routes and Public Rights of Way (PROW); Community severance; and Private assets (including residential properties, development land, local businesses, community facilities, open space and visitor attractions relevant for tourism).
- 14.5 During the construction phase, the development is expected to create temporary employment opportunities, both directly at work sites and indirectly in the supply chain and gross value would be added to businesses in the development area. There would also be training opportunities and apprenticeships, including opportunities to upskill local residents during construction resulting in a minor beneficial effect. It is also anticipated there would be some minor severance/disruption of access to users of community facilities/residents of nearby settlements due to impacts from construction activities on the road network and/or PROW and as a result there would be a minor adverse effect.
- 14.6 The application states that the development has been designed to avoid sensitive receptors such as PROW, residential properties, business premises, visitor attractions, community facilities, open spaces and development land allocations as far as possible. Mitigation measures have been identified which includes a draft Public Rights of Way Mitigation Plan (PRWMP), a CTMP and it is noted that the contractor would develop a skills, employment and supply chain plan with the North Lincolnshire Council, North East Lincolnshire Council, East Lindsey and West Lindsey District Council’s. However, LCC would also welcome the opportunity to be involved in the development of the plan.
- 14.7 The Council has reviewed Chapter 16: Socio Economics of the ES, the assessment methodology appears reasonable. As stated in the Council’s representation [RR-050]

the ES acknowledges a realistic leakage and displacement figure and the multiplier that has been used for GVA impact may be a little high and the labour market catchment assumption (90% of national employees commute under 60 mins) does not apply so well to rural locations. It is also felt that some businesses could lose some trade due to the impacts of the line being installed, which appears not to be captured accurately within the documentation. Although what is included in the ES looks reasonable, the Council would also be keen to see benefits to the local communities and economy in the vicinity of the pipeline explored further.

- 14.8 The Council at this stage is of the opinion that the potential socio-economic benefits resulting from employment opportunities and on the local economy would be **positive**, however, this could be enhanced through the consideration of further community benefits and LCC would welcome the opportunity to engage with the Applicant regarding this.
- 14.9 Public Rights of Way (PRoW) - the impact of the development on PRoW is considered in the socio-economic assessment. There are numerous PRoW within the DCO boundary and it is also within the proposed Protected Landscape Impact Risk Zone of the English Coastal Path - Mablethorpe to Humber Bridge. However, no recreational routes would be permanently redirected during the construction phase and any temporary diversions would be reinstated to their original route on completion of the works. An outline PRWMP has been included in the application documents.
- 14.10 Whilst the Council do not disagree with the conclusions of the assessment of impact on PRoW the Council are of the opinion that there are opportunities for positive impacts that could be delivered through potential enhancements to the existing footpath network and we would welcome the opportunity to explore these further with the Applicant and through the examination. At this stage, with the mitigation proposed and the requirement to submit a PRWMP with the CEMP in the draft DCO, the Council conclude that that the impact on Public Rights of Way is currently **neutral**.

15 Materials (Minerals) and Waste

15.1 Local Policy:

- LMWLP Policy M10: Underground Gas Storage
- LMWLP Policy M11: Safeguarding of Mineral resources
- LMWLP Policy M12: Safeguarding of Existing Mineral Sites
- LMWLP Policy R1: Restoration and Aftercare.

- 15.2 Minerals Safeguarding and Extant Planning Permissions - Policy M10 (Underground gas storage) states that *“Planning permission will be granted for the development of underground gas storage facilities provided that proposals accord with all relevant*

development management policies set out in the Plan.” The proceeding text to this policy at paragraph 5.72 refers to carbon storage and associated infrastructure if local geological circumstances indicate its feasibility. Therefore, this policy is considered to be of some relevance to this proposal.

- 15.3 Policy M11 (Safeguarding of Mineral Resources) requires proposals for development within a mineral safeguarding area (MSA) to be accompanied by a Minerals Assessment and will only be granted where it can be demonstrated that it would not sterilise a mineral resource. Where this is not the case then proposals will need to demonstrate compliance with a range of criteria.
- 15.4 Policy R1 (Restoration and Aftercare) requires proposals for mineral development to demonstrate that the restoration of mineral workings will be high quality and carried out at the earliest opportunity and be accompanied by detailed proposals for restoration, including appropriate after-use.
- 15.5 The DCO site boundary does not affect any safeguarded mineral resources or safeguarded mineral sites in the LCC administrative boundary and the Council therefore has no mineral safeguarding objections to the application.
- 15.6 The Theddlethorpe facility Option 1 site is located on land that has a number of extant mineral planning permissions associated with it, relating to the former TGT. There are conditions associated with these planning permissions requiring the restoration of the land back to agricultural use that have not to date been complied with. A description of the site history is provided in Section 4 of this LIR and further information on the mineral planning permissions is provided in appendix B.
- 15.7 The outstanding restoration requirements associated with the mineral planning permissions do not appear to have been considered in the application and no proposals to extinguish or amend the outstanding restoration requirements are proposed. In the event that the Option 1 site is developed the conflict with the restoration requirements on the extant mineral planning permissions will need to be addressed, whether this be via the DCO being designed to ‘takeover’ from or disapply conditions or through a separate agreement or approvals. The ExA attention is drawn to the DCO for Hinkley Point C (2013 No. 648), Article 4, regarding the effect of the order on a previous planning permission. The Council would therefore welcome further discussion regarding this matter.
- 15.8 In conclusion, subject to the conflict with existing restoration requirements being adequately resolved, the Council position is that the impact on minerals would be **neutral**.

- 15.9 Waste - NPS EN-1 (2023) states at paragraph 5.15.4 that *“All large infrastructure projects are likely to generate hazardous and non-hazardous waste. The EA’s Environmental Permitting regime incorporates operational waste management requirements for certain activities. When an applicant applies to the EA for an Environmental Permit, the EA will require the application to demonstrate that processes are in place to meet all relevant Environmental Permitting requirements.”*
- 15.10 Paragraphs 5.15.14 and 5.15.15 of NPS EN-1 (2023) outline that during decision making consideration should be given to the extent the Applicant has proposed an effective system for managing hazardous and non-hazardous waste arising from the construction operation and decommissioning of the proposed development. Waste should be properly managed, both on-site and off-site and can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Waste arisings should not have an adverse effect on the capacity of existing waste management facilities and steps should be taken to minimise the volume of waste arisings.
- 15.11 The Council has reviewed ES Vol II Chapter 18: Materials and Waste [APP-060] and ES Vol IV, Appendix 3-5: Decommissioning Strategy [APP-072]. These suggest that the majority of the waste would be generated during the construction phase of the proposed development. The Applicant has assessed the impact of the development based on a worst-case scenario of the likely types of materials that will be used and wastes that are likely to be generated during the construction of the Proposed Development in order to predict the likelihood of significant environmental effects. As a worst-case scenario, all construction material waste and excavation waste would be disposed of to landfill. The Applicant’s conclusions are that the effect of the development on available landfill capacity would not be significant.
- 15.12 The Council has concerns about some aspects of the Applicant’s assessment and consider that further work is needed in order to adequately demonstrate that the impact of the development in terms of waste would not be significant. The Council wish to raise the following points:
- Baseline Conditions and Study Area - the Applicant’s study area for non-hazardous and inert waste (paragraph 18.5.6) covers the East Midlands and Yorkshire and the Humber. For Hazardous waste (paragraph 18.5.8) the study area is the whole of England. The Council are of the opinion that the search area for hazardous waste should be at a regional level and for non-hazardous and inert waste it should be within Lincolnshire and if it cannot be accommodated at this scale the Applicant should demonstrate why this is the case. The Council at this stage do not consider the proposed development would meet the proximity principle requirements contained in the National Planning Policy for Waste.

- Landfill Capacity - the Council notes that the assessment has relied on 2021 data (table 18-19) for landfill capacity; 2022 data is available and the development should be assessed using the more up to date data. This could be significant as the 2022 capacity totals are lower for the East Midlands. There also appears to be an incorrect total in table 18-19 for non-hazardous landfill capacity for Yorkshire and Humber which has been carried through to the overall total, so the calculations using the 2022 data should be double checked for accuracy.
- Quantities of Construction Waste - paragraph 18.7.14 states that the quantities of construction waste is unknown and a worst case 5% scenario wastage for all material identified in the Proposed Development bill of quantities has been applied for construction waste. This seems a very broad assumption and the Council are of the opinion that a material by material assessment would provide an more accurate figure, particularly in light of later statements about recovery rates by material (Table 18-24).

15.13 The Council encourages the prevention of waste and re-use of materials and waste in accordance with the principles of the waste hierarchy rather than sending waste to landfill. The Applicant's draft CEMP [APP-068] sets out mitigation measures such as: segregating waste, using surplus inert excavated materials in land reclamation projects and providing suitable areas and storage for waste to prevent wastes from deteriorating before they are reused or recycled. The Council also notes and welcomes the targets for landfill diversion set out in the Draft CEMP including a target (Commitment M18) for at least 90% (by weight) recovery of non-hazardous construction and demolition waste and also (Commitment K5) 90% total waste diverted from landfill, although every endeavour should be made to restrict landfill even further where possible.

15.14 The production of Site Waste Management Plans (SWMP), to be submitted and approved under requirements 5 (CEMP) and 16 (DEMP) of the draft DCO are welcomed. Whilst it is noted that at this stage final details of the materials and waste associated with the development are not yet fully established, the SWMP's should include details of the types of waste expected to be generated during each stage and proposals for managing the waste by each waste stream, following the principles of the waste hierarchy. The Outline SWMP [APP-113] expands on how these principles will be enacted on site and the Council in Table 5 and elsewhere, and these should be further refined as the SWMP develops.

15.15 However, until such time that the Applicant can provide further information on how the proposals would align with the proximity principle and the waste hierarchy the Council cannot definitively agree that the development would have a slight adverse impact in line with the Applicant's conclusions. On that basis the Council consider the development would have a **negative** impact. The Council would be happy to

engage further with the Applicant regarding these matters, including through the SoCG.

16 Cumulative Impact

16.1 Local Policy:

- ELLP Policy SP11: Historic Environment
- ELLP Policy SP27: Renewable and Low Carbon Energy
- ELLP Policy SP28: Infrastructure and S106 Obligations.

16.2 Whilst the development plan for the area does not contain any specific stand-alone policies for the consideration of cumulative impacts, the above policies from the ELLP are of relevance for this proposal as they all require cumulative impacts to be taken into consideration when considering the acceptability of development proposals.

16.3 NPS EN-1 (2011) requires NSIP's to consider the impact of cumulative effects and states at paragraph 4.25 *"When considering cumulative effects, the ES should provide information on how the effects of the applicant's proposal would combine and interact with the effects of other development (including projects for which consent has been sought or granted, as well as those already in existence)."*

16.4 NPS EN-1 (2023) in section 4 (Assessment Principles), paragraph 4.1.5 states *"In considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account: its potential adverse impacts, including on the environment, and including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy."*

16.5 The Applicant's assessment of cumulative effects considers both in combination effects (intra-project) and inter-project effects with other development as a result of the development. This is set out in the ES Volume II, Chapter 20: Cumulative Effects Assessment [APP-062].

16.6 The potential intra-project effects have been identified during the construction phase of the development (Table 20-12). However, following the incorporation of the embedded and additional mitigation, no significant cumulative intra-project effects are expected to occur during construction or during the operational phase of the development. The Council does not dispute the conclusions of the assessment in terms of intra-project effects.

16.7 For inter-project effects, the Applicant's assessment considers those projects that are existing or approved, in line with the Planning Inspectorate's Advice Note Seventeen: cumulative effects assessment within 15km of the DCO Site Boundary. However, the

Council are aware of other NSIP proposals coming forward on the Lincolnshire coast in the East Lindsey District area. Whilst the timings of these proposals coming forward and precise locations are not yet fully understood there is potential for a cluster of NSIP developments in the area, the combined impacts of which could be significant, particularly in respect of amenity for the communities affected and on the sensitive coastal environment, over long periods of time. The assessment of inter-project cumulative effects therefore should be kept under review as these other projects progress.

- 16.8 Whilst the Council are particularly concerned about the potential for significant inter-projects effects to arise from this development in combination with other developments that are in the early stages of development, at this stage it is acknowledged that they are out of the scope of this assessment and as such the Council's position on cumulative impacts is **neutral**. The Council will make further comments on the potential cumulative impact of the development with other NSIP proposals as further information on the other projects comes forward.

17 Other topics

- 17.1 The Council may wish to make further representations as appropriate during the examination and at issue specific hearings relating to matters that are not contained within this LIR particularly with regard to the draft DCO. Therefore, the comments contained above are provided without prejudice to the future views that may be expressed by the Council in its capacity as an Interested Party in the examination process.

18 Summary

- 18.1 This LIR has undertaken an assessment of the likely issues and impacts that the Council considers will arise from the construction, operation and decommissioning of the Viking CCS Pipeline, in so far as it effects Lincolnshire's administrative boundary. The LIR has identified positive, neutral and negative effects at this stage.
- 18.2 The CCS Pipeline project by its nature offers significant positive impacts in terms of climate change mitigation and the movement towards Net Zero as well as the potential to deliver biodiversity net gain through the creation of mitigation and enhancements proposed as part of the development. There are some limited economic benefits arising from the potential creation of employment opportunities and increased spend on local services during the construction phase, however, these would be time-limited and therefore need to be balanced against the negative impacts identified. Whilst the Council recognises these potential benefits, there are also a number of negative impacts which have been identified by the Applicant in their assessment of the development and would need to be balanced against these

positives. The negative impacts of most concern to the Council are in relation to loss of BMV agricultural land and potential impact on buried archaeology. There are also potential negative effects in respect of production of waste and whilst considered neutral at this stage the potential future cumulative impact of the development with other NSIP projects that are coming forward.

- 18.3 The Council are of the opinion that the benefits to be delivered from the development, in terms of climate change mitigation are significant and as such the DCO should be supported, subject to the necessary mitigations being secured through the DCO to minimise the negative impacts that have been identified above and in the application documents.
- 18.4 The Council requests that the ExA and SoS have regard to this Local Impact Report when making its decision in addition to any further written representations that LCC may wish to make during the Examination and at Issue Specific Hearings relating to matters that are not contained within this LIR.

Appendix B

Mineral Planning Permission History

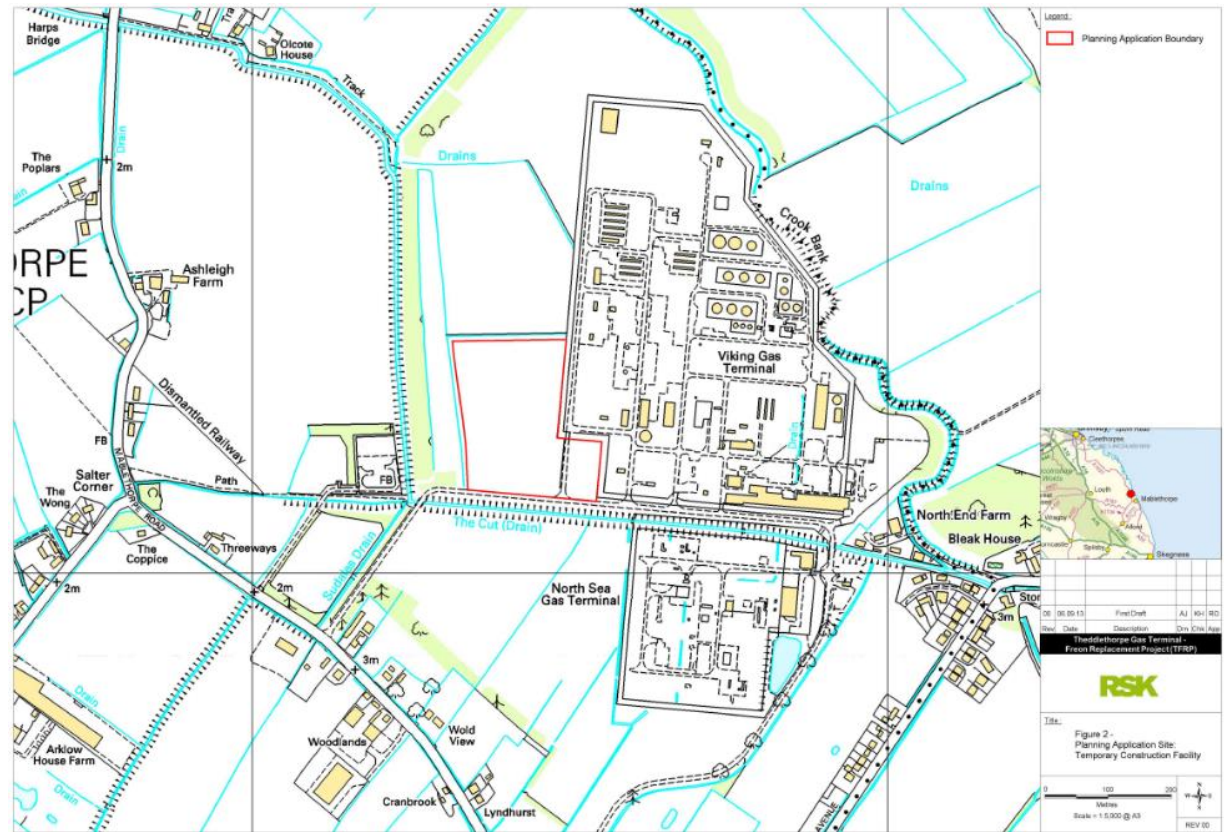
District Ref No.	Decision Date	Description	Restoration Requirement Condition(s)
N/180/00971/20	7 August 2020	Installation and operation of 750m underground pipeline connecting existing Saltfleetby/Theddlethorpe pipeline to National Grid National Transmission System.	Condition 11 requires land to be returned to its previous use within two months of the cessation of installation of the pipeline.
N/180/02232/19	10 January 2020	Prior notification of proposed demolition.	Condition 3 requires the site to be restored to agricultural land, in accordance with the requirements of historic permissions, following the completion of the demolition and remediation works.
N/180/1754/16	13 October 2016	Retrospective application for a new Propane Refrigeration system.	Condition 3 requires the land to be restored to its previous condition before the end of 24 months from the date in which the TGT permanently ceased operations.
N/110/563/98	10 June 1998	To erect a 2m high vent at LOGGS Vale Pit.	Condition 2 requires the land to be fully reinstated for agricultural use in the event that supplies of natural gas cease to be received on any part of the site.
N/180/907/97	29 July 1997	To install processing equipment to upgrade existing gas terminal.	Condition 2 requires the land to be fully reinstated for agricultural use in the event that supplies of natural gas cease to be received on any part of the site.

(E)N.180/933/95	3 August 1995	To erect additional processing equipment to upgrade existing gas terminal.	Condition 2 requires the land to be fully reinstated for agricultural use in the event that supplies of natural gas cease to be received on any part of the site.
(E)N.180/1353/93	26 October 1993	To extend gas terminal at Viking Gas Terminal.	Condition 2 requires the land to be fully reinstated for agricultural use in the event that supplies of natural gas cease to be received on any part of the site.
(E)N.180/2220/90	18 March 1991	To extend a gas terminal at land adjoining the Viking Gas Terminal.	Condition 2 requires the land to be fully reinstated for agricultural use in the event that supplies of natural gas cease to be received on any part of the site.
LR/563/69	26 March 1970	Outline application for gas terminal site at Theddlethorpe St Helen.	Condition 2 requires the land to be fully reinstated for agricultural use in the event that supplies of natural gas cease to be received on any part of the site.

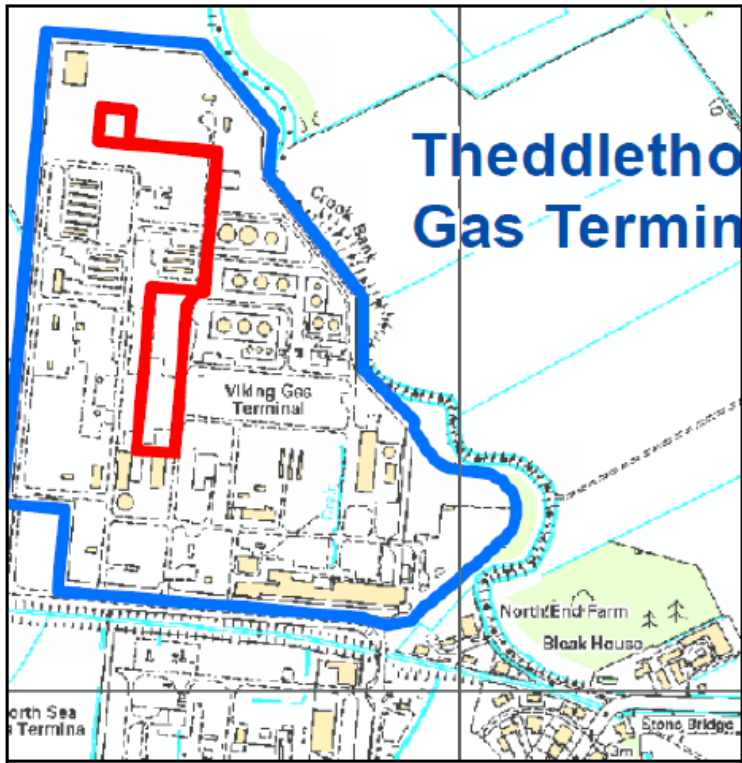
LR/563/69



N/180/1915/13 and N/180/1234/15

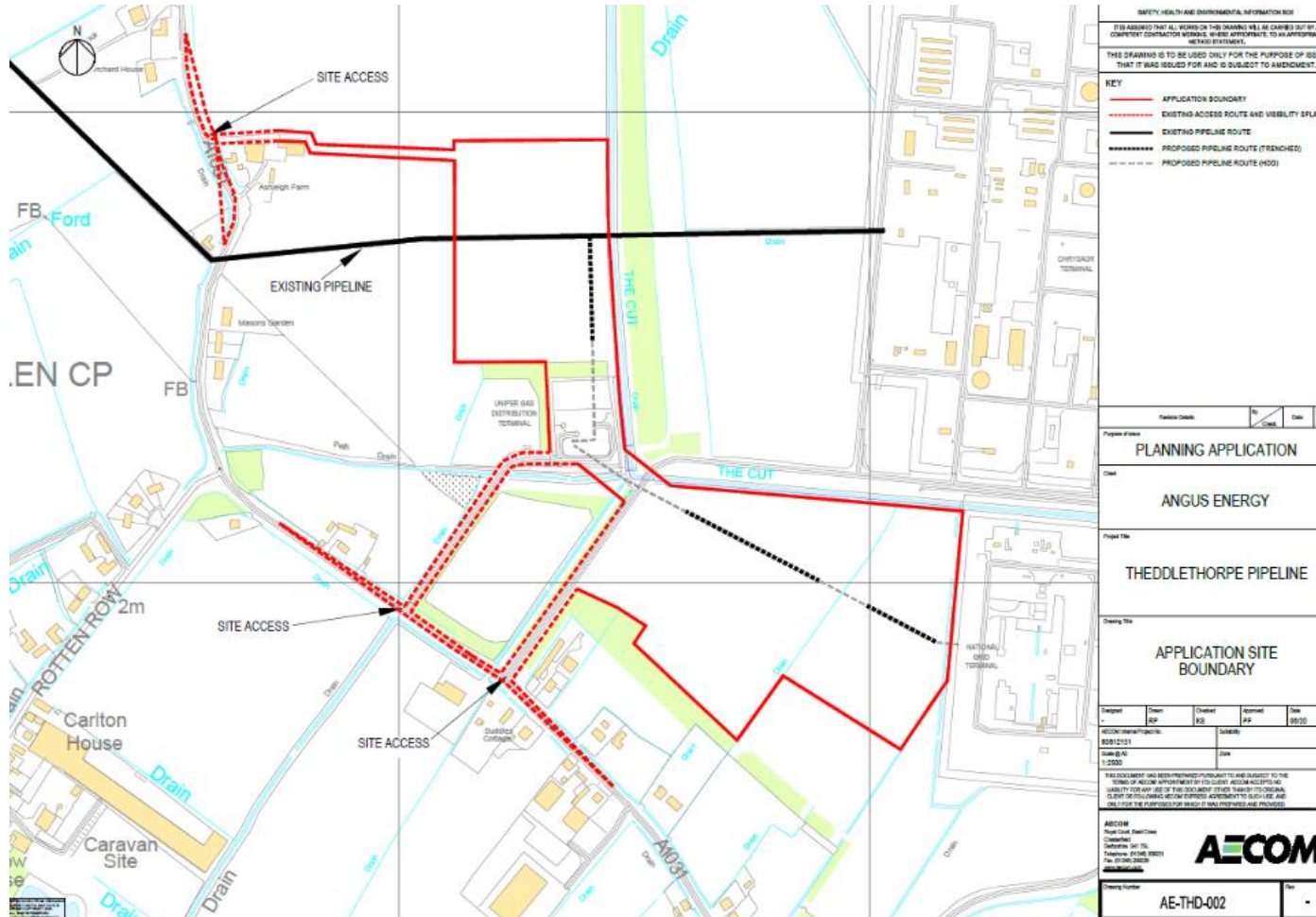


N/180/1754/16



N/180/02232/19





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