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Dear Mr Moon

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Scoping Opinion - Regulation 15 of the Town and Country Planning (Environment Impact Assessment) Regulations 2017- Proposed Carbon Capture Plant, spur pipeline and associated development- Land adjacent to C Ro Ports, North Killingholme

I refer to your request for a scoping opinion for the above project. The purpose of this letter is to provide Uniper UK Ltd (applicant) with the scoping opinion of North Lincolnshire Council (NLC) in its role as the local planning authority. This scoping opinion should advise the preparation of an Environmental Statement to accompany the applicant's proposal to develop a Carbon Capture Plant and associated spur pipelines on land near North Killingholme, North Lincolnshire.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (2017 Regs) provide for the submission of an Environmental Statement with applications for planning permission for Environmental Impact Assessment (EIA) development. The National Planning Practice Guidance (NPPG) provides guidance on how local planning authorities should interpret and implement the 2017 Regs. The NPPG states that scoping allows the local planning authority to clarify what it considers the main effects of the development are likely to be and, therefore, the aspects on which the applicant's Environmental Statement should focus (paragraph 36).

In this instance it is considered that your Environmental Statement will need to focus upon the following issues, this assessment has been informed by consultees and their responses are enclosed.

Ecology and Nature Conservation

The site lies around 400 metres from the boundary of the Humber Estuary SPA, Ramsar and SSSI sites (at North Killingholme Haven Pits) and further still (approximately 700m) from the SAC. At that distance, construction and operational uses of the site are not likely to cause significant noise or visual disturbance of birds using North Killingholme Haven Pits or the intertidal habitat.

However, the works could displace any wintering and passage waterbirds, such as

curlew and avocet using the land around Killingholme Marsh and Rosper Road Pools for feeding, roosting and loafing (plus breeding in the case of avocet). This would represent an impact on functionally linked land (FLL) (i.e. land providing a function for species linked to the designated sites). Other matters to consider in this regard are potential noise and visual disturbance, artificial lighting effects and impacts on sightlines and flightlines of birds using Rosper Road Pools.

There is also potential for aerial and water-borne pollution. The applicant should therefore provide the information “reasonably required” for North Lincolnshire Council, as competent authority, to carry out a habitat’s regulations assessment. A non-exhaustive list of the information required in this regard is set out within the enclosed response from the council’s ecologist, Andrew Taylor and further detailed advice is provided within Annex A of the response from Natural England. The application will need to be considered in combination with other plans and projects and the applicant is advised to review the Humber Nature Partnership In-combination Database for information on other plans and projects in the area.

A point of note is that Requirements 32-33 in The North Killingholme (Generating Station) Order 2014 set out measures required to conserve bat foraging corridors and water vole habitat. The area has previously been noted as of importance for noctule and other bats which roost in the nearby Chase Hill Woods. This finding conflicts with the Scoping report statement that, “Foraging and commuting potential on Site was considered to be negligible and no further surveys to assess bat activity levels throughout the Site were undertaken”.

Several great crested newt ponds are known to occur within the proposed pipeline corridor at Ordnance Survey grid reference TA 15870 18916, thanks to an Able UK translocation for the Able Marine Energy Park project. The option A pipeline route has the potential to affect further Schedule 1 breeding birds, including avocets that use Rosper Road Pools.

Provided that the above advice is taken into account, then the proposals for surveys for bats, great crested newts, breeding birds and water voles are otherwise acceptable. Consideration of impacts on protected and priority species has been scoped in appropriately.

2016 surveys prior to the E-on Power Station demolition (near the proposed pipeline route) revealed important features, including the uncommon hairy buttercup *Ranunculus sardous* and ephemeral and short perennial plant communities. Badgers, water voles, great crested newts and nesting birds are all present in the area.

The proposals will require a measurable biodiversity net gain (BNG) of at least 10%. The information requirements for the LPA to assess BNG proposals is set out in the enclosed response from the council's Ecologist.

Archaeology and Cultural Heritage

Both the Council’s own Historic Environment Record (HER) and Historic England have provided comment on the Scoping Report (all of which are enclosed with this response).

The HER has confirmed that any planning application submitted for this proposed development will need to be accompanied by a cultural heritage assessment in the

Environmental Statement. This assessment should comprise all of the following stages:

- Baseline assessment, including results of
- Archaeological field evaluation comprising field surveys and trial trenching
- Assessment of heritage significance based on results of completed field evaluation and including the contribution of settings to significance
- Impact of proposals
- Mitigation proposals based on evaluation results

A detailed breakdown of the assessment work required at each stage is provided in the enclosed consultation response from the HER.

A detailed breakdown of the assessment work required at each stage is provided in the enclosed consultation response from the HER. The Cultural Heritage chapter of the ES should be prepared on completion of all stages of the assessment and field evaluation. The ES should include the results of all historic environment assessment and archaeological fieldwork reports.

The ES should consider the impact of the development on the significance of the heritage assets and provide a statement of justification of why the works would be desirable or necessary, including any benefits which justify any resulting harm. In the case of substantial harm or loss of significance, the tests in the NPPF should be applied.

If the assessment demonstrates that the significance of heritage assets will be adversely affected by the proposals, the appropriate mitigation measures should be drawn up to conserve them. This may include avoiding or minimising effects to areas of significance, if necessary, modifying the layout and/or design of the proposals i.e. in situ preservation.

Where harm is unavoidable and loss of heritage assets is considered justified, provision should be made to record evidence before it is lost either in advance of, or during, development.

Mitigation measures should be detailed in the application, including the provision of Written Schemes of Investigation for further archaeological excavation and recording, as may be necessary. This can avoid the need for pre-commencement conditions that can result in unnecessary delay to the construction programme.

NB. The Cultural Heritage section of the Scoping Report (SR 6.4) omits reference to the latter policies of the 2003 Local Plan that will apply to any planning application submitted for this development (SR, Policy, 6.4.1). The heritage baseline for the ES must include the results of any archaeological field evaluation necessary to identify, assess and characterise the significance of the known and potential archaeological resource of the development site and pipelines (SR 6.4.19).

The comments made by the Council's conservation officer makes reference to additional viewpoints to be considered which include listed churches within North Killingholme (St Denys Church) and East Halton (St Peters) and potentially from Manor Farmhouse in North Killingholme.

Air Quality

The Proposed Development will be designed to operate 24 hours a day, seven days a week in line with the wider Killingholme Low Carbon Power project. The Proposed Development will operate under an Environmental Permit from the Environment Agency (EA) which will stipulate the required environmental monitoring and controls to be employed, including emissions monitoring systems.

The screening criteria as per the IAQM guidance for a construction dust assessment is 250m from the site boundary for human health receptors and 50m for ecological receptors. There are no highly sensitive human or ecological receptors within the assessment areas, however, there are two low sensitivity ecological receptors located immediately adjacent to and within the Site boundary. Therefore, a construction dust assessment has been scoped into the ES.

The impact of dust during the construction phase is proposed to be assessed using the guidance set out in the IAQM document 'Guidance on the Assessment of Dust from Demolition and Construction'. In addition, the assessment of any emissions from plant will be undertaken in line with the EA guidance. This is agreed by the LPA.

Noise

The council's Environmental Health Officer has confirmed that they would expect an assessment of noise impacts to be undertaken as part of the Environmental Statement.

The scoping report confirms that consultation with NLC will be undertaken in order to determine specific noise sensitive receptors (NSR) and/or representative locations where baseline sound conditions need to be established and the appropriate scope of any survey. NLC will also be consulted regarding the requirement for baseline vibration surveys. This approach is welcomed.

A list of sensitive receptors where the impacts have been previously assessed are outlined in table 6-31 of the Scoping Report and ideally should be considered and assessed as part of any future noise impact assessment, however as noted above, this will form part of a future consultation with NLC to determine this.

The effects of construction noise on human receptors are typically limited to within around 300m of the works. Predictions and an assessment of construction noise on human receptors within 300m of the Site boundary will be undertaken following the prediction methodology of BS5228 Part 1: Noise. The nearest noise sensitive human receptors to the Site are at Hazeldene which is likely to be within 300m of construction works to install the spur pipeline and therefore construction noise affecting human receptors is scoped in.

It is expected that effects of ground borne vibration during construction are unlikely to affect any receptors and can be scoped out. It is not yet known whether the pipeline will be installed above or below ground. In either case, there is the potential for vibratory construction works within 100m of the receptors at Hazeldene and therefore it is proposed that ground borne vibration during construction of the spur pipeline is scoped in.

NLC consider the proposed methodology to be appropriate and acceptable and have no further comments to make in relation to noise at this time.

Ground Conditions

The proposed development is located within an industrial area with part of the site formerly used as a gas production plant. To the north and east of the site, naphtha tanks were located. The gas production plant was demolished in the late 1980s, a electricity substation is situated to the north-west of the site. Since then, the site has been utilised by Transco for storage. The area to the north of the site was used for vehicle parking/storage. To the west of the site is undeveloped agricultural land. It is the developer's responsibility to assess and address any potential contamination risks.

Section 6.6.41 of the Scoping Report has confirmed that a Phase 1 Geo-environmental Desk Study Report will be prepared for the site. The desk study will be prepared in accordance with the Environment Agency Land Contamination Risk Management guidance (LCRM) and British Standards. Based on the conclusions of the desk study, a ground investigation may be required. In these circumstances a Phase 1 assessment should be submitted as a minimum, which includes a desk top study, a site walkover and a conceptual site model.

The local planning authority therefore welcomes the submission of a Phase 1 report in relation to the above development with any subsequent application. This will allow the council to decide whether further assessment of the site is required and ensure that appropriate conditions are applied which render the development safe and suitable for use.

The Environment Agency agrees with the proposal to keep piling scoped into the ES, if piled techniques are required then any future planning application should be supported by a suitable piling risk assessment and it is recognised in your Scoping Report (at 6.6.32) the use of piled foundations may result in the creation of new pathways allowing migrations of any contaminants into groundwater and nearby surface waters.

Water Quality

It is agreed that this topic should be scoped into the EIA and the proposed scope is satisfactory.

The Environment Agency (EA) have provided some advice and have highlighted that dewatering has been identified as a means of dealing with shallow groundwater during construction and that both the abstraction and discharge need to be considered. In addition, their response highlights the considerations for when an abstraction licence and an environmental permit will be required, this is a matter for you to consider.

Major Accidents and Disasters

It is agreed that this topic should be scoped into the EIA and the proposed scope is satisfactory.

Climate Change

It is agreed that this topic should be scoped into the EIA and the proposed scope is satisfactory. However it worth highlighting the response from the EA which states that given the scale and nature of the development, it is important to consider how

climate change will affect the proposed development, ensuring it is safe for its lifetime and it is imperative the impact of climate change is considered when calculating the level at which the proposed equipment and buildings associated with the development will be set.

Landscape and Visual Amenity

Landscape and visual impacts need to be considered in terms of the adopted Landscape Assessment and Guidelines and the Countryside Design Summary. The LPA recommend the use of the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3, 2013), produced by the Landscape Institute and the Institute of Environmental Management & Assessment.

Further to the above, whilst the proposed development will be visible in association with existing heavy industry in the immediate area it is noted that the whole of the South Humber Bank allocated land forms part of the South Humber Bank Landscape Initiative, covered by saved policy LC20 of the North Lincolnshire Local Plan. The ES will need to demonstrate how the proposal will respond to Policy LC20, through on and off-site landscaping. Consideration should be given to the provision of additional landscaping where required and a landscaping strategy should therefore be considered. The proposed provision of replacement landscaping and/or remediation and restoration of any hedgerows and vegetation removed as part of construction works is also welcomed.

The proposed viewpoints appear largely acceptable. Appropriate viewpoints looking from within, towards and across key heritage assets, such as Thornton Abbey Gatehouse, and their settings should be provided, this is highlighted in the response from the HER and reinforced in the response from Historic England. Additional consideration should be given to the viewpoints recommended in the response from the conservation officer in relation to the listed churches in the nearby settlements of East Halton and North Killingholme and from Manor Farmhouse in North Killingholme.

Traffic and Transport

The Council's Highways officer has reviewed the Scoping Report and is in agreement with the proposed approach to assessing the environmental impact of traffic and transport within the ES. It is also anticipated that a Transport Assessment is submitted as part of any future planning application.

The main potential impacts identified will be during the construction phase. It is predicted that during the operational phase there will be approximately 20 staff on site at any given time, with limited daily HGV movements and occasional maintenance periods. On this basis NLC agree that the operational phase can be scoped out of the EIA as it is unlikely to result in significant impacts.

It is intended that construction traffic will access and exit the site via the A180, A160, Haven Road, Clough Lane, Chase Hill Road, Rosper Road, East Halton Road, Station Road and Marsh Lane and the routeing is to be agreed through a Construction Phase Traffic Management Plan (CTMP). The proposed routeing needs to account for the Ferry Ward weight limit in the CTMP.

It is recommended that the applicant engages with National Highways prior to undertaking any further work and PROW 77 will need to be diverted and this will be

considered as the main design progresses. PROW 100 may be impacted, depending upon the pipeline routing and the contact details of the Public Rights of Way Officer have been provided to you in a previous email.

Flood Risk and drainage

The majority of the site lies within Flood Zones 2/3a and therefore it is anticipated a Flood Risk Assessment (of FRA) will be submitted as part of any future planning application. Any FRA should demonstrate how flood risk is managed to ensure the development remains through its lifetime (taking into account it is likely to operate beyond the design life of 25 years), taking climate change into account and should be designed to remain operational and safe in times of flood. The response from the EA highlights the need to ensure the development remains operational in case of a breach in the defences during a 0.1% annual probability event and that critical equipment should be above this flood depth shown on the tidal hazard mapping for this scenario.

Socio-Economics

It is agreed that this topic should be scoped into the EIA and the proposed scope is satisfactory.

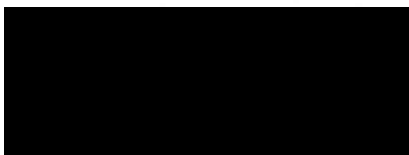
Non-Significant Issues

It is agreed that Aviation impacts can be scoped out of the EIA, but the LPA would advise that consultation with the Civil Aviation Authority is undertaken once the exact height and location of the proposed stacks/cranes is known.

This scoping opinion has been prepared in line with my knowledge and understanding of the site and environment, the nature of existing operations on adjacent sites and the nature of development at the time of writing.

Please do not hesitate to contact me should you wish to discuss the contents of this letter.

Yours sincerely



Scott Jackson
Senior Planning Officer