



North Lincolnshire Council
Development Control
Civic Centre Ashby Road
Scunthorpe
DN16 1AB

Our ref: AN/2023/134197/01-L01
Your ref: PA/2023/421
Date: 18 April 2023

FAO Rebecca Leggott

Dear Rebecca

Planning permission for the construction & operation of a post-combustion carbon capture plant, including carbon dioxide compressor & metering, coding equipment, stacks, substations, internal roads, partial ditch realignment, new & modified services, connections, internal roads, accesses, maintenance & laydown areas
VPI Power Station, Rosper Road, South Killingholme, DN40 3DZ

Thank you for consulting us on the above application, on 27 March 2023.

Environment Agency position

We object to this application because it fails the second part of the flood risk exception test.

Reasons

The application site lies within Flood Zone 3a, which is land defined by the planning practice guidance (PPG) as having a high probability of flooding. The submitted flood risk assessment (FRA) considers the development to be essential infrastructure.

As shown in table 2 of the PPG (Flood risk and coastal change section, paragraph 079) and noted in section 3.2.3 of the FRA, development classified as essential infrastructure under Annex 3 of the National Planning Policy Framework (NPPF) is only appropriate in Flood Zone 3a if the exception test is passed, following the sequential test.

The NPPF (paragraph 165) makes it clear that both elements of the exception test must be passed for development to be permitted. Part 2 of the test requires the applicant to demonstrate, via a site-specific FRA, that the development will be safe, without increasing flood risk elsewhere. Where possible, the development should reduce flood risk overall.

In this instance the submitted FRA fails to propose adequate mitigation measures to address flood risk for the lifetime of the development (stated as 25 years). The measures included in the design will not make the development safe to the flood levels considered in the FRA.

We have previously advised, in accordance with the North and North East Lincolnshire Strategic Flood Risk Assessment, that critical equipment for essential infrastructure will need to be raised above the flood level. The FRA (7.1.2.2) states that this is not possible for operational reasons, so the equipment will be located at ground level with resistance and resilience measures used instead (where practicable).

Owing to the technologies involved it is difficult for the Environment Agency to advise specifically on whether this approach is suitable for each element of the proposed development. However, the FRA states that there will be up to four electrical substations on this site and the method of flood resistance and resilience described does not appear to us adequate to address flooding impacts on this specific element.

The FRA also does not confirm the height to which resistance and resilience measures are proposed.

Overcoming our objection

To overcome our objection the applicant should provide further information on how the development, in particular the substations, will be designed and built to remain operational during a flood. The scope to raise floor levels for these should be investigated further.

As the development is classed as essential infrastructure it is important that this is addressed to ensure the development remains operational and safe in times of flood, as advised in a footnote to table 2 referenced above.

Groundwater protection

We have reviewed the Environmental Statement – Volume I Chapter 13: Geology Hydrogeology and Land Contamination, and Appendix 10A – Phase 1 Desk Study (ref: 60668866) by AECOM, dated February 2023, with regard to the risk posed to controlled waters only.

The previous use of the proposed development site as part of the existing VPI Combined Heat and Power Power Station presents a potential risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer at depth below the site and within a source protection zone 3.

The application's Phase I Desk Study demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. Should the above objection be overcome, we will request planning conditions to secure the necessary work and manage potential risks from piling and investigative boreholes.

Environmental permitting

This development will require an environmental permit to be issued by the Environment Agency prior to operations commencing. An application has been received by our National Permitting Service.

The Environmental Permitting (England and Wales) Regulations 2016 state that permitted sites should not harm human health or pollute the environment. The operator is therefore required to have measures in place which will:

- prevent pollution

- ensure that there is no harm to human health, the quality of the environment, or the surrounding amenity
- ensure that there is no offence to a human sense or damage to material property

We are likely to reject any permit application which does not include this information.

Please re-consult us if amended or additional relevant information is submitted. We will respond within 21 days of re-consultation.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

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