

MEMO

**North
Lincolnshire
Council**

TO: REBECCA LEGGOTT, DEVELOPMENT MANAGEMENT
FROM: ALISON WILLIAMS, HISTORIC ENVIRONMENT RECORD
REF: PA/2023/421
DATE: 25/05/2023

SUBJECT: Planning permission for the construction & operation of a post-combustion carbon capture plant, including carbon dioxide compressor & metering, cooling 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

PARISH: SOUTH KILLINGHOLME

SUMMARY OF ADVICE

- Archaeological evaluation comprising geo-archaeological boreholes and the excavation of trial trenches has been completed on the VPI site since the preparation of the Environmental Statement
- The detailed reports on these investigations are imminent and should be submitted with the application as soon as possible
- Preliminary results confirm that the site contains significant archaeological remains of occupation of Iron Age and Romano-British date
- Mitigation to off-set the harm from the proposed development will be required in the form of **pre-construction** archaeological excavation, incorporating palaeoenvironmental assessment and analysis
- An Archaeological Mitigation Strategy and Written Scheme of Investigation (WSI) detailing the archaeological work to be undertaken should be submitted and approved **PRIOR TO DETERMINATION** of the planning application
- The HER advises a **HOLDING OBJECTION** until this information is submitted
- Following receipt of an acceptable Strategy, planning conditions would be recommended to secure the implementation of the agreed programme of works
- This procedure is in accordance with the NPPF and local planning policies CS6 and HE9.

HISTORIC ENVIRONMENT RECORD (HER) FUNCTION: To hold, maintain, interpret and manage heritage information, enhancing the understanding of the area's historical development as a distinctive and attractive place. HER information provides source material for interpretation by heritage professionals and for use by community groups and individuals. The HER database is updated as new information about the historic environment is discovered.

The HER also provides advice on development proposals that affect, or may affect, the sites and settings of all heritage assets i.e. designated and non-designated historic buildings, archaeological sites and monuments, and historic places, areas and landscapes. This advice is provided against saved local plan policies and national historic environment policies. See <https://www.northlincs.gov.uk/planning-and-environment/historic-environment-and-conservation/>

DETAILED ADVICE

Thank you for the opportunity to comment on this application which includes an Environmental Statement (ES); Cultural Heritage is dealt with under Chapter 12 and Appendices 12A – C which all relate to the VPI site.

Appendix 12A includes Figures 12A.1 - 4 showing locations of the heritage assets referred to in Chapter 12 but the asset numbers referred to in the text have been omitted from Figure 12A.2. Figures 12A.17 – 25 are photographs of selective designated heritage assets.

In relation to the proposed development, the HER provided a response to the EIA Scoping opinion (PA/SCO/2022/2) and the subsequent request for pre-application advice (PRE/2022/155).

We advised a programme of archaeological field evaluation to identify the heritage assets present within the site and to assess their significance to inform the EIA. The applicant undertook the initial stages of the archaeological evaluation during the EIA comprising desk-based assessment, geophysical survey and GI monitoring (ES, Appendices 12A, B & C).

The subsequent geo-archaeological borehole survey and excavation of archaeological trial trenches was undertaken between late January and mid-March this year. The detailed reports of this work were not available at the point of submission of the planning application, but it is understood these are now ready and the applicant should submit them to the planning authority as supplementary to the ES and in accordance with paragraph 194 of the NPPF to inform the decision-making process.

The results of the archaeological evaluation should inform an updated impact assessment for archaeology to that included in the ES, and an archaeological Mitigation Strategy outlining the measures to be taken to off-set the harm to the remains within the site that the proposed development would cause. The applicant should submit an updated assessment and mitigation strategy to the planning authority **prior to the determination** of the planning application.

Further to the Mitigation Strategy being approved by the planning authority, a Written Scheme of Investigation for further archaeological works should be prepared by the archaeological contractor appointed to undertake the work as a condition of any planning permission that may be granted.

It is important that the local planning authority and applicant agree the mitigation measures to preserve the archaeological evidence of the site prior to the determination of the application in order that a balanced planning decision is made. It is in the interests of all parties concerned to understand the nature, scope, and timescale of the proposed archaeological works to ensure timely implementation without causing any unnecessary delay to the commencement of development should a planning permission be granted.

The applicant should therefore be requested to provide this information at the earliest opportunity to inform the decision-making process in line with the national and local planning policy.

HERITAGE POLICY

Paragraphs 194 & 195 of the National Planning Policy Framework (NPPF, 2021) require an applicant to submit sufficient information about the significance of any heritage assets that their proposals may affect sufficient to allow the local planning authority to assess the degree of impact on heritage assets and their settings, and how this impact may be mitigated, if at all; paragraph 194 states that consultation of the HER is the minimum requirement of this assessment process.

Such assessment allows the planning authority to make an informed and reasonable decision in line with the sustainable development principles of the NPPF, as well as local planning policies including CS6 Historic Environment and HE9 Archaeological Evaluation.

Effects of an application on designated and non-designated heritage assets and their settings are a material consideration and local planning authorities are directed to have regard to the scale of any harm or loss and the significance of the heritage asset when judging the planning balance. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (NPPF 199-203).

Where loss of heritage assets as a result of development is considered justified, paragraph 205 and footnote 69 of the NPPF states that the **'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible [within the relevant historic environment record, and any archives with a local museum or other public repository]'**.

This procedure also accords with saved Local Plan policy HE9 which states:

'Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment to be submitted prior to the determination of a planning application will be required. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.'

Sites of known archaeological importance will be protected. When development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation of the remains in situ is a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development.'

Where Scheduled Monuments, or sites of equivalent significance, are affected directly or indirectly, Local Plan policy HE8 directs **'Development proposals which would result in an adverse effect on Scheduled [Ancient] Monuments and other nationally important monuments, or their settings, will not be permitted.'**

Core Strategy policy CS6 Historic Environment states that **'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment as well as the character and setting of area of acknowledged importance including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains.....'**. And **'Development proposals should provide archaeological assessments where appropriate'**.

ARCHAEOLOGICAL INTEREST

The known and potential archaeological interest of the VPI site is described in Chapter 12 and Appendix 12A of the ES based on North Lincolnshire HER data.

Unfortunately, the numbers of the heritage assets referred to in Chapter 12 and Appendix 12A are missing on corresponding Figure 12A.2: Location of non-designated heritage assets so that it is not possible to identify their locations. The applicant should be requested to submit an amended version of this figure for consideration with the application. For the purposes of my assessment, I have been able to refer to a draft of Appendix 12A that includes the asset numbers on Fig12A.2.

Our records show that an Iron Age/Romano-British settlement site was excavated in 2000-2002 in advance of the construction of the existing VPI CHP Plant. A second focus of Romano-British settlement was left in situ below the surface of the temporary car park alongside Rosper Road. Further settlement remains were uncovered in 2015 when the A160 Rosper Road link spur was built on the south side of the proposed VPI PCC plant. An Iron settlement enclosure recorded along the road was seen to extend into the proposed site. Earlier occupation of Bronze Age date was recorded during an archaeological evaluation a short distance to the southeast of the site.

Prior to archaeological field evaluation on the proposed development site, the potential for further archaeological remains and palaeoenvironmental evidence of unknown significance was anticipated to be high.

The applicant commissioned a geophysical survey of the proposed site that revealed anomalies of potential archaeological origin, including features associated with the previously recorded sites (Appendix 12B Geophysical Survey report). A subsequent programme of archaeological trial trenching was undertaken between late January and mid-March 2023 to investigate these anomalies and the site area to determine the extent and significance of the archaeological resource.

At the same time as the trial trenching, a geo-archaeological borehole survey was undertaken to provide a detailed deposit model of the underlying stratigraphy and an assessment of the palaeoenvironmental potential of the deposits. This survey followed on from initial monitoring of non-archaeological ground investigations (Appendix 12C Archaeological Observation of Geotechnical Works) which provided very limited information.

I understand that the detailed reports of the borehole survey and trial trench investigations are almost ready for submission to the planning authority for consideration alongside the ES. I was able to monitor the trial trench excavations and trench summaries were provided during the fieldwork, as a draft borehole transect. The preliminary results confirm that the archaeological features of the Iron Age and Roman settlements previously recorded to the north and south of the VPI site extend into the proposed development area and that the archaeology and good palaeoenvironment potential survives across considerable areas of the site.

ASSESSMENT OF ARCHAEOLOGICAL SIGNIFICANCE AND IMPACTS OF DEVELOPMENT

The detailed evaluation reports will provide further information to assess the significance of the archaeological remains present within the VPI site.

Preliminary assessment indicates that this evidence demonstrates that the known and potential archaeology within the application site is capable of contributing to the East Midlands Historic Environment Research Strategy in particular for the Iron Age and Romano-British periods (see <https://researchframeworks.org/emherf/>).

The remains within the site have high evidential value and the potential to inform on the settlement and development of the landscape during this timeframe. In addition, the deposit sequence and palaeoenvironmental evidence have the potential to inform on the local environment and human activity during these periods and the effects of sea-level rises and regressions. This evidence will be a valuable contribution to the wider body of archaeological knowledge of this area of the Humber coastal zone. As such, this site has high research potential, and the remains are of local and potentially regional significance.

The impact of the groundwork and construction of the large-scale carbon capture infrastructure on this site would be to destroy the archaeological evidence through direct physical impacts and removing the potential for any future investigation of the archaeological interest. The destruction of these archaeological remains amounts to substantial harm to non-designated heritage assets that are irreplaceable.

Paragraph 203 of the NPPF directs local planning authorities that in the case of non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The archaeological significance of the application site and the impact of development should therefore inform the determination of this application once the applicant has submitted the final evaluation reports.

Based on the preliminary results, I am satisfied that the archaeological remains are not nationally important or worthy of designation and thus do not represent a constraint on the proposed development. As such, it is neither practical nor desirable to seek to secure preservation in situ. However, whilst there are no reasons to object to the principle of development for archaeological reason, it will be important to ensure that the remains are appropriately preserved by record within the VPI carbon capture site.

This should include the in-situ remains within the car park of the existing VPI plant as the area is required for a compound and laydown area. The preservation in situ of this area of archaeological remains cannot be guaranteed and is a continued constraint to the use of this area.

ARCHAEOLOGICAL MITIGATION REQUIREMENTS

It is important that **PRIOR TO THE DETERMINATION** of the application the applicant and local planning authority agree appropriate mitigation measures to preserve the archaeological evidence of the site.

To mitigate the substantial harm to the archaeological remains described above and to further public understanding of the evidence, it will be important to carry out a programme of archaeological work so that the remains that the development would otherwise destroy are recorded in advance of construction.

The detailed scope and extent of the mitigation programme will be informed by the forthcoming evaluation reports and updated impact assessment but will comprise the following elements:

- Archaeological strip, map and record excavation across specified areas of the application site. These excavations will be undertaken as part of the Enabling and Early Works programme in advance of any development commencing to ensure that sufficient time is allowed to complete the archaeological fieldwork before construction work starts.
- Programme of palaeoenvironmental assessment and analysis.
- Following the completion of the excavation works on-site, a post-excavation assessment report will be submitted to the HER and planning authority with an updated proposal for further analysis and the publication of results as appropriate.
- On completion, the physical and digital archaeological archive will be deposited with the North Lincolnshire Museum Service and the Archaeological Data Service respectively.

All archaeological work should be undertaken by appropriately qualified archaeologists and specialists in accordance with the relevant Chartered Institute of Archaeologists' Standards and Guidance (www.archaeologists.net) and relevant Historic England professional guidelines (<http://www.historicengland.org.uk/images-books/publications/>).

The detail of the archaeological mitigation programme of work, including an indicative timeframe for the on and off-site work, should be set out in an Archaeological Mitigation Strategy that includes provision for the archaeological contractor appointed to carry out the work to prepare a detailed Written Scheme of Investigation (**WSI**).

The Archaeological Mitigation Strategy and/or the WSI should be submitted to the HER and the planning authority **PRIOR TO THE DETERMINATION** of the planning application. This is to ensure the planning authority is satisfied that the proposed measures are appropriate. These documents should also be appended to the Outline CEMP (Appendix 4A).

ASSESSMENT OF IMPACTS ON DESIGNATED HERITAGE ASSETS & THEIR SETTINGS

The potential for indirect effects of the proposed development on heritage assets and their settings was identified as requiring assessment at the Scoping and Pre-Application stages; no details of the scale, height, and mass of the proposed development at the VPI site were available to the HER at the time of these consultations. We advised the assessment of impacts should be demonstrated using photographic visualisations from appropriate viewpoints including views from, to and past heritage assets, and that the viewpoints should be agreed with the HER. The HER was not consulted on the viewpoints.

The scale, height, and mass of the proposed development at the VPI site is described in the ES and can be appreciated on the photomontages submitted with the ES (ES Vol III Figures 11.6 – 11.13). The maximum height of the tallest tower and stacks is given as 110m above ground and plumes from these two stacks are predicted to be up to 123m long and visible for 85% of the time. The development therefore has the potential to be highly visible and intrusive as the heritage assets are experienced within their settings.

The cultural heritage assessment of the impacts of the operational phase of the development on heritage assets and their settings (Chapter 12, 12.6.40 – 12.6.68) was carried out in June 2022, potentially before any detail of the scale, height, and mass of the development on the VPI site was known. The assessment assumes that the development would not be visible from many of the assets without any corroborating evidence that this would be the case for the given parameters of the development. The photographs illustrating the assessment do not adequately demonstrate the effects of the development.

Thornton Abbey (Scheduled Monument and group of Listed Buildings) is an English Heritage visitor attraction, and the upper floors of the 14th century Gatehouse are accessible to the public. The assessment does not make clear whether the visibility of the development site has been assessed from the key views from within the ruins of the Abbey Church, the framed views through the Gatehouse, or the

elevated views through the Gatehouse upper windows. The assessment states 'It is unlikely that any element of the Proposed Developments will be particularly visible from this asset, although it is possible that taller elements (stacks etc) may be visible in the distance. However, these will simply blend into the already industrialised aspect of this part of the landscape.' This is an inadequate assessment with insufficient corroborating evidence for such an important monument.

The four Scheduled Monuments located between Thornton Abbey and the development site are identified as Shrunken Medieval Settlements [A41-A44] and their national designation status is omitted for some reason (Chapter 12, 12.6.50 – 57). These designated heritage assets have extensive and surviving landscape settings but there are no viewpoints or photographic visualisations of the cumulative effects of the development to demonstrate the effects for the planning authority to consider.

The VPI site is within the landward setting of the group of three listed lighthouses (Grade II) located within 1.5km of the site on the Humber coastline. The impact on the lighthouse group and their setting has not been assessed in Chapter 12, but the photomontages of Viewpoint 2 (Figures 11.14 & 11.19) adjacent to the southern lighthouse amply demonstrates the scale of the visual intrusion of the proposed development within the immediate setting of the lighthouses.

Of the photographic views provided, several are in Immingham at a greater distance from the site than the designated heritage assets in North Lincolnshire that are not assessed.

For these reasons I consider that the assessment of impacts on designated heritage assets and their settings is inadequate. The planning authority may take the view that further information including photographic visualisations from Key Views of the designated assets referred to above and based on the submitted details of the scale, height and mass of the developments are required.

RECOMMENDATION

The archaeological significance of the application site and the impact of development should be considered when determining this application (NPPF, 203). Provision should be made to record the evidence and enhance public understanding of the heritage asset (NPPF, 205; Local Plan saved policy HE9).

The applicant should be requested to submit the following information as soon as possible **PRIOR TO DETERMINATION** of the application:

- Final archaeological evaluation reports of the geo-archaeological borehole survey and the trial trench excavation.
- Updated impact assessment, and
- Archaeological Mitigation Strategy and/ or archaeological contractor's WSI

Once the Archaeological Mitigation Strategy and/or the WSI is agreed, and if the planning authority considers that the loss of the archaeological remains is justified and is minded to grant permission for this application, planning conditions to secure the implementation of the agreed archaeological mitigation strategy and WSI would be necessary.

I would be grateful therefore if you would request that the applicant submits an archaeological mitigation strategy or the WSI prepared by their archaeological contractor, at the earliest opportunity. I would be pleased to provide the further advice about the content and extent of further archaeological works.

The application should not be decided until an agreed Mitigation Strategy is in place and in the meantime, I advise a **HOLDING OBJECTION**.

The mitigation strategy can be prepared rapidly and need not delay the determination of this application; if for any reason this cannot be prepared within the determination period the applicant could be advised to withdraw the application with a view to resubmission once the strategy is available.

In due course I will be able to provide updated advice to the planning authority regarding the mitigation strategy and WSI. Where the planning authority is ultimately minded to grant planning permission, conditions securing the implementation of the strategy in accordance with an agreed WSI would be needed and I can advise on appropriate wording.

If the applicant does not submit this information, the planning authority may consider refusal of planning permission as contrary to paragraph 195, 203 and 205 of the NPPF, Core Strategy policy CS6, and Local

Plan policy HE9, because the applicant has provided inadequate information to ensure mitigation of damage and to allow the Local Planning Authority to approve an appropriate mitigation strategy.

Should the planning authority for any reason be minded to determine the application prior to approving an appropriate mitigation strategy contrary to this advice, it will be necessary to include pre-commencement archaeological conditions on any permission that may be granted.

I would be grateful to be consulted and advise on any further reports and documents submitted to the planning authority, and on the appropriate wording of any planning conditions to secure implementation of an appropriate archaeological mitigation strategy.

I trust this recommendation is acceptable for the VPI site.

Alison Williams
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