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

Our ref: AN/2023/134197/03-L01
Your ref: PA/2023/421

Date: 06 July 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 re-consulting us following submission of the letter dated 22 June 2023 from AECOM addressing our objection on flood risk grounds (10 May 2023). This follows on from a meeting with the applicant on 15 May 2023.

The applicant has now further addressed the flood risk vulnerability category of their proposal. Whilst it may be classed as essential infrastructure, the applicant has explained that there is no practical requirement for it to remain operational in case of flooding. The carbon capture plant will be an addition to the existing power station and the substations will serve the carbon capture plant only. There would therefore be no offsite implications if it could not operate for any reason.

In addition, the letter states that it is the operator's intention to raise the substations on concrete tables, providing a degree of protection against flooding.

Environment Agency position
Our concerns have been adequately addressed and we **withdraw** our objection, subject to the imposition of planning conditions as set out below.

1. Hydrogeology and land contamination
Condition 1
No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason
To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

Informative advice
We consider that the Phase 1 Desk Study satisfies Part 1 of this condition, in so far as it relates to controlled waters. The Report recommends that a ground investigation is undertaken at the Phillips 66 site, to further assess and identify any geo-environmental issues that require mitigation. We agree that this is the next appropriate phase of investigation for the assessment of the potential risks posed to controlled waters from the proposed development.

We recommend that developers should:

- Follow the risk management framework provided in 'Land contamination: risk management' when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

Condition 2
Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and

monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason
To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 3
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason
To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 4
Piling and investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason
To ensure that the proposed piling and site investigation work does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

Piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

Informative advice
We note that the site investigation proposals include the investigation of chalk bedrock depth using deep boreholes. This presents the potential for a preferential pathway to be created for contamination to migrate to the Principal Chalk aquifer. Any drilling or piling work that may penetrate the underlying Chalk bedrock must be supported by an appropriate risk assessment in accordance with best practice guidance. Any investigation borehole that penetrates the Chalk aquifer should be suitably decommissioned when no longer needed, in accordance with best practice guidance.

2. Flood risk
Condition 5
The development shall be carried out in accordance with the submitted flood risk assessment (Included as Appendix 9A of the Environmental Statement Volume 2, undertaken by AECOM, dated February 2023). In particular, flood resistance and resilience measures as detailed in paragraph 7.2.2 will be incorporated into the development.

These mitigation measures shall be fully implemented prior to occupation and

subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason
To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CS19 of the North Lincolnshire Core Strategy 2011.

Advice to the local planning authority
We note that the application is supported by a flood warning and evacuation plan included within the flood risk assessment (FRA).

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

Environmental permitting
Carbon capture
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.

Foul drainage
The applicant states that foul drainage from the proposed development will be disposed of via an existing package treatment plant.

The applicant should ensure that the package treatment plant is able to cope with any additional flows generated from the proposed development. They should also ensure that any increases in maximum daily flow volume arising from the proposal are either compliant with the General Binding Rules (see Septic tanks and sewage treatment plants: what you need to do: General binding rules for septic tanks and small sewage treatment plants - GOV.UK (www.gov.uk) or the volume limits on the Environmental Permit for the plant.

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

Nicola Farr
Sustainable Places - Planning Advisor

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