# **VPI Immingham: Planning Proof of Evidence -** Land at Rosper Road

April 2025

Turley

# Contents




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**Client**
VPI Immingham

**Our reference**
02787

22 April 2025

# Preface

I am Owen Francis. I hold a Bachelor of Science Degree with Honours in Geography and a Master of Science Degree in City and Regional Planning. I am a Chartered Member of the Royal Town Planning Institute.

I am Director, Head of Planning Wales at Turley Associates Ltd (Turley). Turley is a leading, independent planning and development consultancy operating from 15 regional offices in the UK and Ireland. I lead the Cardiff Office of the business and share distributed leadership responsibilities for the South West of England and Wales regional business unit at Turley. I am a member of the national Net Zero Infrastructure group co-ordinating Turley work in this sector across all UK and Ireland jurisdictions.

I have 20 years' experience as a planning consultant and practitioner. My specialism is industrial decarbonisation and alternative fuels. I was lead consultant for the Turley and client teams in delivering the following major developments:

- Port Talbot Steelworks Generating Station Order 2015 – implementation of the development consent order to deliver Stage 1 of the energy from steam plant at the steelworks site in Port Talbot.

- Project Dragon, LanzaTech UK Ltd – resolution to grant full planning permission for a new alcohol to jet (ATJ) facility at Phoenix Wharf, Port Talbot Dock, Port Talbot.

- Tata Steel UK Ltd Electric Arc Furnace – hybrid planning application for a new EAF based steel making facility and associated infrastructure on land at Port Talbot Steelworks, Port Talbot.

I am currently leading our team in advising on series of major development proposals in the decarbonisation sector across England and Wales, including sustainable aviation, green hydrogen production and new hydrogen pipeline infrastructure. I am strategic lead on the work our team is delivering in promoting different on-shore wind energy and linear electrical infrastructure projects in Wales.

I was instructed by VPI Immingham Ltd on 21 January 2025. DWD Property and Planning Limited (DWD) was agent for the Proposed Development at planning application stage. DWD was instructed jointly by VPI Immingham and P66 to promote the Proposed Development and the wider Humber Zero project. I understand that DWD was ruled out of the CPO Inquiry process to avoid conflicts of interest.

It is appropriate that VPI Immingham has sought independent advice from Turley at this point in promoting the Proposed Development. I have familiarised myself with the planning application history, the Proposed Development and the relevant planning considerations at The Order Land, and its surrounding context.

I confirm that I am neither instructed nor paid under any conditional or contingency fee arrangement. My evidence comprises my true professional opinion and is provided

in accordance with the RTPI Code of Professional Conduct (2023) and the RTPI Practice Advice for Planners as Expert Witnesses (September 2018).

# 1. Introduction and Scope of Evidence

1.1 I have been instructed by VPI Immingham LLP as the (**Acquiring Authority**) for The VPI Immingham LLP (Land at Rosper Road) Compulsory Purchase Order 2024 (**"The Order"**). The Order was made on 16 September 2024.

1.2 The Proposed Development comprises a Post-Combustion Carbon Capture Plant adjacent to and serving the existing VPI Immingham Combined Heat and Power ("**CHP**") Plant. It will be situated on the Order Land (shown in Figure 2.1 in Section 2 of this Proof of Evidence).

1.3 The Acquiring Authority is the holder of an electricity generating licence pursuant to the Electricity Act 1989 and is the leaseholder and operator of the VPI Immingham CHP Plant, which is within the Order Land. The freehold owner of the Order Land is Phillips 66 Limited ("P66"). The Acquiring Authority proposes to:

- Permanently acquire the land comprising the P66 Land (see Figure 2.2 at Section 2 of this Proof of Evidence) to facilitate the construction of the Proposed Development.

- Acquire rights over the CHP Land to allow it to connect the Proposed Development on the P66 Land to the operational VPI Immingham CHP Plant (see Figure 2.2 at Section 2 for this Proof of Evidence). This will allow for the capture and transport of carbon dioxide from the flue stack to be treated and compressed and also to facilitate any access and other ancillary requirements necessary for the construction, operation and maintenance of the Proposed Development.

1.4 The Proposed Development forms part of the Humber Zero project. This project was set up jointly in January 2021 by the Acquiring Authority and P66 following a 2019 plan set by UK Research and Innovation for decarbonising areas with high concentrations of heavy industry. The Humber Zero project is comprised of the following two elements:

- The Proposed Development; and

- A second carbon capture development at the P66 Humber Refinery.

1.5 The Proposed Development will capture up to 3.3 million tonnes of carbon dioxide from source per annum, which it will then compress for separate safe transportation to secure underground storage in the southern North Sea. The Proposed Development will remove more than 95% of the CO2 emission from the VPI Immingham CHP Plant, the largest of its kind in Europe. The Humber Refinery project will capture 0.5 million tonnes of carbon per annum. Collectively, the Humber Zero project will remove 19% of the CO2 emissions from the Humber industrial cluster.

1.6 This Proof of Evidence assesses the planning merits of the Proposed Development that necessitate the making of the Order by the Acquiring Authority. It is structured as follows:

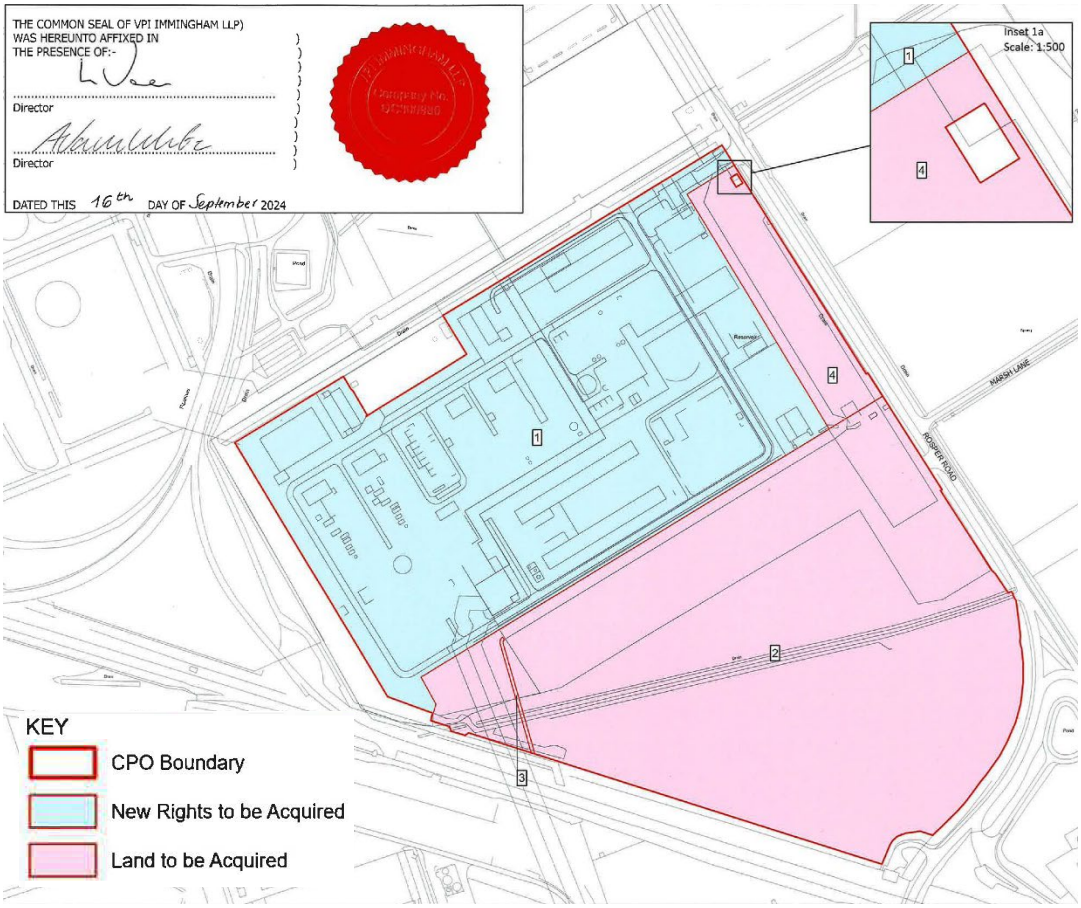
- Section 2: The Order Land, Application Site and Surrounding Context;
- Section 3: Planning History;
- Section 4: The Proposed Development;
- Section 5: Planning Policy Context;
- Section 6: Need for the Proposed Development;
- Section 7: Public Benefits of the Proposed Development;
- Section 8: Deliverability of the Proposed Development; and
- Section 10: Summary and Conclusion.

# 2. The Order Land, Application Site and Surrounding Context

## The Order Land

2.1 The Order Land is described in Table 1 and Table 2 of the Order. The Order Land is shown in Figure 2.1 below (also CD1.2).

**Figure 2.1: Order Land**




2.2 The application site comprises two distinct areas:

- The P66 Land; and
- The VPI Immingham CHP Plant.

2.3 The VPI Immingham CHP Plant is an established facility built in 2004 with a generating capacity of 730MW to supply steam and electricity to the adjacent Humber and Lindsey oil refineries.

2.4 The P66 Land included in the Order comprises two areas of land:

- Grassland immediately to the south of the operational VPI Immingham CHP Plant, accessed from Rosper Road; and

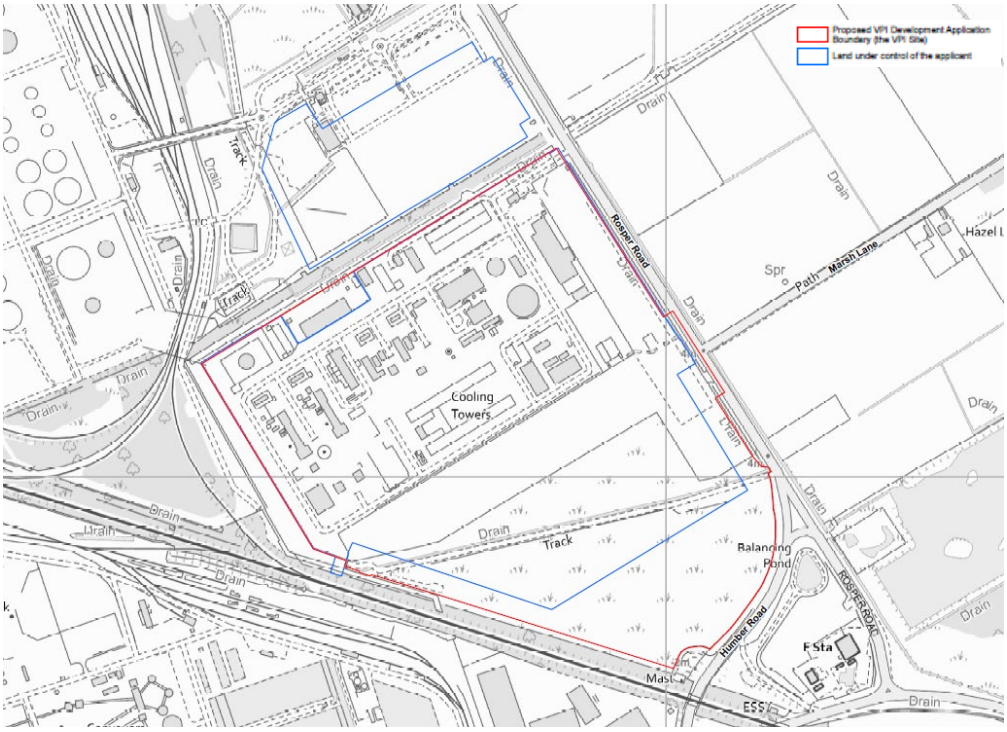
- Parking land forming the north eastern boundary of the VPI Immingham CHP Plant with Rosper Road.

2.5 Harbour Energy has an option over part of the grassland part of the P66 Land for the construction of a gas transportation pipeline (Viking Carbon Capture Storage CO2 Transportation and Storage Network). The North East Lindsey Drainage Board has drainage apparatus located in the same grassland parcel of the P66 Land.

## Application Site

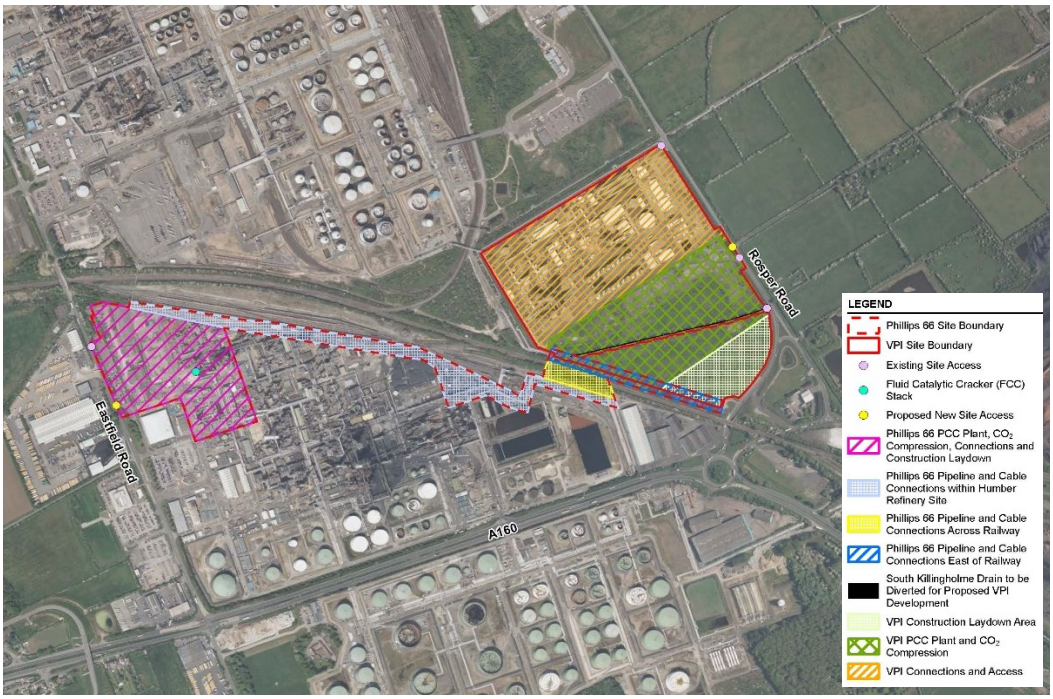
2.6 The Order Land forms part of the Immingham industrial cluster on the south bank of the River Humber, approximately 1 kilometre from the coastline with the North Sea. The Order is made to facilitate the Proposed Development.

**Figure 2.2: Application Site Red Line Plan**




2.7 The application site for the Proposed Development ('VPI Site') is 28.51 hectares (ha) and within and immediately to the south of the operational VPI Immingham CHP Plant, accessed from Rosper Road. The area is larger than the Order Land. The area for the proposed VPI PCC plant and CO2 compression is to the south of the existing power station and comprises grassland with an open ditch running west-east through the centre, areas of hardstanding and existing below ground utilities. The northern part of the VPI PCC plant area was previously used for laydown during the construction of the existing VPI Immingham CHP Power Station. The southernmost part of the VPI Site will not be developed but it will be used for construction laydown for the Proposed Development.

**Figure 2.3: Site Boundaries Plan**




2.8 The existing Immingham CHP Plant is included in the VPI Site (The Order Land) to allow for pipeline and cable connections between the CHP Plant and the Proposed Development. Available areas of the CHP Plant will also be used for construction laydown, and some of the existing CHP Plant facilities may be shared with the Proposed Development.

## Surrounding Context

2.9 The application site is surrounded by heavy industrial uses and buildings, and strategic transport infrastructure. It is part of the Humber industrial cluster, the largest cluster of its kind in the UK and comprising a mix of heavy industry, energy users, transport and port facilities. The nearby uses include:

- The Lindsey Oil Refinery which immediately north west of the site.
- The Humber Refinery which is immediately south west of the site, beyond the railway line.
- Immingham Dock, which is approximately 1.5km to the south east of the CHP Land at its closest point.
- The Humber Port which is located approximately 980m north at its closest point.

2.10 There are emerging industrial developments in the immediate surrounding area, including:

- The construction of a gas fired power station with a gross electrical output of up to 49.9 megawatts (known as VPI Immingham Energy Park 'A') on the land to the

north of the CHP Land, for which planning permission was granted in 2018 (Council application reference PA/2018/918).

- A construction site on the land to the north of the CHP Land for the emerging VPI Immingham Open Cycle Gas Turbine ('OCGT') Power Station (also known as 'VPI Energy Park B'), which was granted development consent on 7 August 2020.

- Approximately 100ha of agricultural fields located circa 1km further east towards the Humber Estuary are subject to a Development Consent Order granted in December 2013 for the Able Marine Energy Park. The consented development includes circa 268ha of land with building up to 45m in height, a new quay and industrial uses that will primarily serve the emerging renewable marine energy sector.

2.11 There are further large scale industrial and energy related developments planned within 5km of the Site, particularly along the South Humber coast reinforcing the industrial character of the site and surrounding area. Industrial activities associated with the storage and export of gas and oil and other port activities occur at various locations along the banks of the Humber Estuary, approximately 1.5km from the Site at its closest point.

2.12 The nearest settlement is the town of Immingham, which is located approximately 2.5km south of the Site. The nearest residential property is a single property on Marsh Lane located approximately 700m to the east of The Order Land.

**Summary**

2.13 The Order Land comprises two distinct parcels of land forming part of the VPI Immingham CHP Plant and the P66 Land immediately south. The P66 Land is comprised of vacant land. The parking land is immediately east of the VPI Immingham CHP Plant and is leased by P66 to VPI Immingham B Limited for the purposes of the construction of the emerging Open Cycle Gas Turbine to the north of the CHP Plant (see Figure 2.1 above).

2.14 The Order includes the acquisition of new rights over land leased to and operated by VPI Immingham. The land is in established industrial use and subject to major development. The Order includes the acquisition of rights on this land to facilitate the connection of the Proposed Development to the existing operational VPI Immingham CHP Plant as well as ancillary rights, including access and services.

2.15 The Order Land in its entirety forms part of the planning application site for the Proposed Development, but is not all of it.

2.16 The application site is surrounded by heavy industrial uses and buildings, and strategic transport infrastructure, as part of the Humber industrial cluster. The established industrial development and activity is complemented by emerging major and nationally significant development in the locality. This demonstrates the context of intensified industrial activity in the vicinity, specifically that with a focus towards decarbonisation of energy production.

# 3. Planning History

## The Proposed Development

### Planning Application for the Proposed Development

3.1 The planning application for the Proposed Development was validated by North Lincolnshire Council on 15 March 2023 (reference PA/2023/421). The description of development comprises:

*'Planning permission for the construction and operation of a post-combustion carbon capture plant, including carbon dioxide compressor and metering, cooling equipment, stacks, substations, internal roads, partial ditch realignment, new and modified services, connections, accesses, maintenance and laydown areas'.*

3.2 Consultee comments were received between March 2023 and July 2024. During this time, the Applicant provided additional information to resolve queries and comments from statutory consultees. All consultee objections and concerns were resolved and there are no outstanding objections to the planning application.

3.3 P66 challenges the use of a planning application determined under The Town and Country Planning Act 1990 (as amended) as the appropriate regime for the application in its Statement of Case (CD6.2). It asserts that the Proposed Development should be the subject of an application for Development Consent Order (DCO) for Nationally Significant Infrastructure Projects under the Planning Act 2008.

3.4 I note the application was submitted by VPI Immingham using DWD as agent under joint instruction with P66. No objection was raised by any statutory consultees or third parties to the planning application progressing under The Town and Country Planning Act. The local planning authority validated the full planning application and has progressed its determination to delegated report and resolution to grant planning permission (subject to s106 and draft conditions) on this basis.

3.5 An Environmental Statement (ES) was submitted as part of the planning application. The following topics were scoped into the ES:

- Air quality
- Noise and Vibration
- Traffic and Transport
- Water Resources and Flood Risk
- Landscape and Visual Amenity
- Cultural Heritage
- Ecology and Nature Conservation
- Geology, Hydrogeology and Land Contamination

- Waste Management
- Climate Change and Carbon
- Major Accidents and Disasters
- Socio-economics and Human Health

3.6 An assessment was undertaken of the potential environmental impacts and effects of the Proposed Development during construction, commissioning, operation (including maintenance) and decommissioning phases. The potential environmental impacts and effects of the Proposed Development were considered. This included the identification of potential adverse and beneficial environmental effects that are considered significant both before and after mitigation and enhancement measures are taken into account.

3.7 A range of environmental impact avoidance, design, and mitigation measures were identified to mitigate and control environmental effects during construction, operation and decommissioning phases of the Proposed Development. These will be secured through appropriate planning conditions, via other legislative requirements and through the Environmental Permits that will be required for operation.

## Status of Planning Application

3.8 The Council is seeking to approve the planning application for the Proposed Development under delegated powers. Draft conditions and a draft Section 106 Agreement ("**S106**") were prepared collaboratively by the Applicant and Council in October 2023. I am not aware of any planning impediment (see Deliverability section of this Proof) to the completion and signing of the s106, which will ensure planning permission can be granted for the Proposed Development without delay.

3.9 Determination of the application has been delayed by P66's refusal to enter into the S106. The delay relates to the commercial terms of the s106 rather than any planning consideration. The draft s106 cannot be completed without the signature of P66 or its full engagement, as landowner. The local planning authority cannot grant planning permission without the s106. If the Order is confirmed, this circular position will be unlocked, permission will be granted, and the Proposed Development will be delivered.

3.10 In the meantime, the Acquiring Authority is engaged in positive discussions with the Council to secure the obligations in the S106 without including P66 as a party to the agreement and the Acquiring Authority expects the grant of planning permission before confirmation of the Order.

## The Application Site

3.11 The planning history of the Site relates primarily to its current use as a CHP Plant. The relevant history is summarised in Table 3.1.

**Table 3.1: Planning History of the Site**

| Application Reference | Proposal Description | Decision |
|---|---|---|
| PA/1998/1544 | Form B application to construct a combined heat and power generating power station | No objection 15/02/1999 |
| PA/1999/1229 | Form B application to erect a combined heat and power plant | 13/11/2000 |
| PA/2000/1467 | Form B application to erect an extension to existing heat and power plant | 22/03/2001 |
| PA/2005/1884 | Form B application to extend the existing combined heat and power plant to a total generation capacity of 1230 MW (proposed extension 470 MW) | 22/03/2006 |
| PA/2008/1704 | Hazardous Substances Consent to store 3050 tonnes of petroleum gas oil as described under entry number Part 2 10 (ii) of Schedule 1 of the Planning (Hazardous Substances) Regulations 1992 | 02/02/2009 |
| PA/2009/1093 | Planning permission to replace two gas turbine air inlet filter houses | Approved 16/10/2009 |
| PA/2011/0370 | Planning permission to erect office extension | Approved 26/05/2011 |
| PA/SCO/2017/3 | Scoping opinion for VPI-Immingham Energy Park 'A' Power Station | 31/1/18 |
| PA/2021/1039 | Application for a non-material amendment following a grant of planning permission PA/2018/918 to amend conditions 3, 5, 6, 8, 9, 13 and 16 | Approved 08/07/2021 |
| PA/SCO/2022/5 | EIA scoping opinion for V Net Zero pipeline | 27/04/2022 |
| PA/2022/1548 | Planning permission to construct and operate a temporary pilot post-combustion carbon capture plant and associated infrastructure | Approved 26/10/2022 |

## Surrounding Context

3.12 North Lincolnshire Council has had a longstanding ambition to develop the South Humber Bank ("**SHB**") in which the Site is located. This ambition is clearly articulated in the strategy underpinning the adopted development plan (see Section 5 of this Proof of Evidence). This strategy continues to actively facilitate significant major industrial, employment and low carbon energy development in the Humber industrial cluster.

3.13 There have been a number of recent planning applications and development consent order submissions in the wider area that support the industrial and renewable energy development of the SHB. The most relevant applications are summarised in Table 3.2.

**Table 3.2: Relevant Planning Applications in Proximity to the Site**

| Application Reference | Address | Proposal Description | Decision |
|---|---|---|---|
| Viking CCS Pipeline (NSIP) | Immingham to Theddlethorpe | A new 55km (approx.) onshore underground pipeline transporting CO2 from Immingham to underground seabed storage. Associated infrastructure and ancillary works including valves, inspection, monitoring, venting and handling facilities, temporary construction compounds, storage areas and access roads. | Approved 9 April 2025. |
| Carbon Capture Plant (PA/SCO/2025/7) | Proximity to North Killingholme Power Project | EIA scoping request for proposed carbon capture plant, spur pipeline and associated development. | Validated March 2025 |
| Hydrogen Production (PA/SCO/2024/4) | Land at Killingholme | EIA scoping request for development of a hydrogen production facility. | Scoping Opinion November 2024 |
| Hydrogen Electrolyser (PA/SCO/2022/13) | Former Myrtle Villas, Rosper Road, South Killingholme | EIA scoping opinion for 100MW hydrogen electrolyser with underground cable connection to Hornsea Two onshore substation and a hydrogen export pipeline to Humber Refinery. | Scoping Opinion October 2023 |
| Humber Hub Blue Project (PA/SCO/2022/12) | Chase Hill Road, North Killingholme, Immingham | EIA scoping onion for blue hydrogen production facility to supply low-carbon hydrogen via pipeline to industrial and power customers. | Validated November 2022 |
| Green Energy Terminal (PA/SCO/2022/9) | Queens Road, Immingham | EIA scoping request for the Immingham Green Energy Terminal. | Validated August 2022 |
| Able Logistics Park | North Killingholme, Immingham | Major port related development on around 497.5 hectares, including the creation of transport depots, warehousing and external storage areas, offices, a business park and motel. | Approved October 2014 |

| | | | |
|---|---|---|---|
| Able UK Marine Energy Park (NSIP) | Chase Hill Road, North Killingholme, Immingham | Construction of 1,289 metres of new quays, associated onshore facilities accommodating wind turbine manufacture, assembly and commissioning on a site of around 366.7 hectares. | Approved December 2013 |

3.14 These nearby developments demonstrate the changing context of the SHB as part of the wider Humber industrial cluster. New development is focused on employment, renewable energy, carbon capture and transportation. Major new infrastructure is being developed to support the decarbonisation activities of existing operators in the Humber industrial cluster, and beyond.

### The Viking Carbon Capture and Storage Pipeline

3.15 The Viking Carbon Capture and Storage (CCS) Pipeline proposed by Chrysaor Production (UK) Limited was granted Development Consent Order on 9 April 2025. Chrysaor operates under the name "Harbour Energy" in respect of the development of the CCS Pipeline.

3.16 The Viking CCS Pipeline is of particular relevance to the Proposed Development. The two have a symbiotic relationship. The CCS Pipeline aims to significantly reduce the UK's CO2 emissions by transporting captured CO2 from high-emission industries such as the Proposed Development. The CO2 emissions will be transported offshore via pipeline and stored in secure underground storage beneath the seabed.

3.17 The Proposed Development will connect into the CCS transportation network. The point of connection is to be agreed but the pipeline runs through the Order Land and application site. VPI Immingham continues to engage with Harbour Energy to ensure the projects are deliverable in a co-ordinated manner and has recently agreed a suite of documents to facilitate the delivery of the Viking CCS Pipeline alongside the Proposed Development. Harbour Energy has withdrawn its objection to the Order (Appendix 1).

3.18 The need case forming part of the Planning Design and Access Statement (document reference EN070008/APP/7.1, October 2023) and the standalone Need Case for the Scheme (document reference EN070008/APP/7.3, October 2023) prepared by AECOM in support of the Viking DCO shares significant commonality with that supporting the Proposed Development. It illustrates the important role of CCS technology fitted to fossil fuel generating stations and industry as critical energy infrastructure. The case draws out the need for a cluster approach to the use of CCS technology, with it being used for industry, power generation and low carbon hydrogen production.

3.19 The UK Government identification of such clusters and the Viking CCS Pipeline in the Cluster Sequencing for Carbon Capture and Storage – Track 2 outcome in July 2023 confirms this to be the case. The objective of the track-2 clusters is to deliver development that has the potential to store at least 10 million tonnes per annum of carbon dioxide by 2030. This storage will be through a range of carbon capture projects. It will ensure, *inter alia,* track-2 is affordable and represents the best possible

value for money, is consistent with the lowest cost pathway to meeting net zero objectives and sets a foundation to grow CCUS beyond track-2.

3.20 The needs case for the Viking CCS application is also relevant in clearly illustrating the role of the Proposed Development as an anchor emitter project for Viking CCS Pipeline cluster. The Planning and Design and Access Statement (section 4.2) includes commentary on the planning application (ref: PA/2023/421) by VPI for the Proposed Development and that by P66 (ref: PA/2023/422) for its CCS facility, both of which forming the Humber Zero Project. The two projects are anchor emitters for Viking CCS. They complement the made DCO and underpin its viability as a vital project in the UK CCS sector. The two projects and Viking CCS represent important investments in the decarbonisation of the Immingham Area.

3.21 Paragraphs 5.5.4 and 5.5.5 of the Planning and Design and Access Statement for Viking CCS set out the decarbonisation of the Humber as a vital project link to the cluster ambitions. The significance of the south bank of the Humber as a long-established industrial area that makes it the largest emitter of carbon dioxide in the UK at approximately 20 million tonnes a year is noted. The wider Viking CCS Pipeline project has been designed with the capacity and capability of connecting P66 and VPI Immingham CCS plant, along with multiple additional feeds. The two projects are expected to provide the first carbon dioxide feeds to the project.

**Pre-Application Consultation**

3.22 The Acquiring Authority and Applicant for the planning application carried out a comprehensive pre-application community and stakeholder engagement exercise in respect of the Humber Zero project, of which the Proposed Development forms part. We have reviewed the exercise and agree that it was comprehensive. Full details of the engagement are set out in the Planning Statement prepared by DWD in March 2023 and submitted in support of the planning application.

**Summary**

3.23 The ongoing planning application for the Proposed Development which underpins the Order has reached a positive conclusion, whereby the local planning authority has indicated it will grant planning permission for the Proposed Development subject to a s106 Agreement. It is informed by the findings of an EIA of the likely significant effects of the Proposed Development.

3.24 The planning history of the application site demonstrates that it is located in part of an established area in industrial use, emerging industrial and energy related uses of similar character. The parking area and grassland are closely related to established industrial uses on the SHB and the wider Humber industrial cluster. The applicant promoting Viking CCS Pipeline, P66 and VPI Immingham have collaborated on a co-ordinated approach to the recently granted NSIP project to ensure it can be delivered in a manner that complements the Humber Zero projects as its vital and early anchor emitters.

3.25 The scale of major development proposed through the planning system on and surrounding the application site is significant. It is synonymous with the intensification

of industrial, employment, renewable energy and carbon capture uses across the industrial cluster.

# 4. The Proposed Development

4.1 The VPI Immingham planning application was validated by North Lincolnshire Council on 15 March 2023 and is ongoing. This section describes the Proposed Development forming the subject of the ongoing planning application.

**Post-Combustion Carbon Capture Plant ("PCC Plant")**

4.2 The Proposed Development comprises a PCC Plant adjacent to and serving the existing VPI Immingham CHP Plant. Carbon capture is a process that removes CO2 emissions at source: in this case the CHP Plant electricity generating station. CO2 is emitted from the combustion of natural gas at the CHP Plant. At Present, this is emitted to the atmosphere through the flues. The PCC Plant will capture the CO2 from the flue gas. The captured CO2 is then compressed in the plant so that it can be safely transported to secure underground storage sites. It is transported by pipeline and then injected into an appropriate storage site: in this case the highly porous sedimentary rock located in geologically secure sites contained within depleted gas fields in the southern North Sea. The CO2 will be trapped and locked in this storage place, preventing release into the atmosphere.

4.3 The Proposed Development comprises the carbon capture element of the carbon capture and storage process only. The transportation and geological storage elements are identified and being progressed through complementary consenting processes. The CO2 transportation network that the Proposed Development will connect into is the CCS network being promoted by Harbour Energy and detailed above.

**Main Development Components and Maximum Parameters**

4.4 The Proposed Development will predominately comprise of a PCC Plant and associated facilities for capturing CO2 from two of the gas turbines (GT1 and GT2) and two auxiliary boilers at the VPI Immingham CHP Plant. It will include the following components:

- Ducting to connect GT1, GT2 and the auxiliary boilers to the PCC plant;
- Two PCC units (or 'trains'), each with associated, blower, direct contact cooler, absorber, stack, stripper/ regenerator, heat exchangers and a common thermal reclaimer unit;
- A CO2 vent stack for use during start up, shut down and emergencies only;
- A CO2 compression facility with associated heat exchangers;
- Oxygen removal and dehydration facilities;
- CO2 metering and a pipeline connecting the PCC plant and compression facilities to the CO2 gathering network interface;
- On-site electrical substations;

- Caustic, solvent and other chemical offloading and storage facilities;
- Utilities (including chillers, steam generator, hydrogen package and air compressors);
- Internal access roads;
- A surface water drainage system;
- Realignment of the existing ditch (South Killingholme Drain) within the VPI Site;
- Construction and maintenance laydown areas; and
- A new site access from Rosper Road.

**Figure 4.1: Zoning Parameter Plan 1**

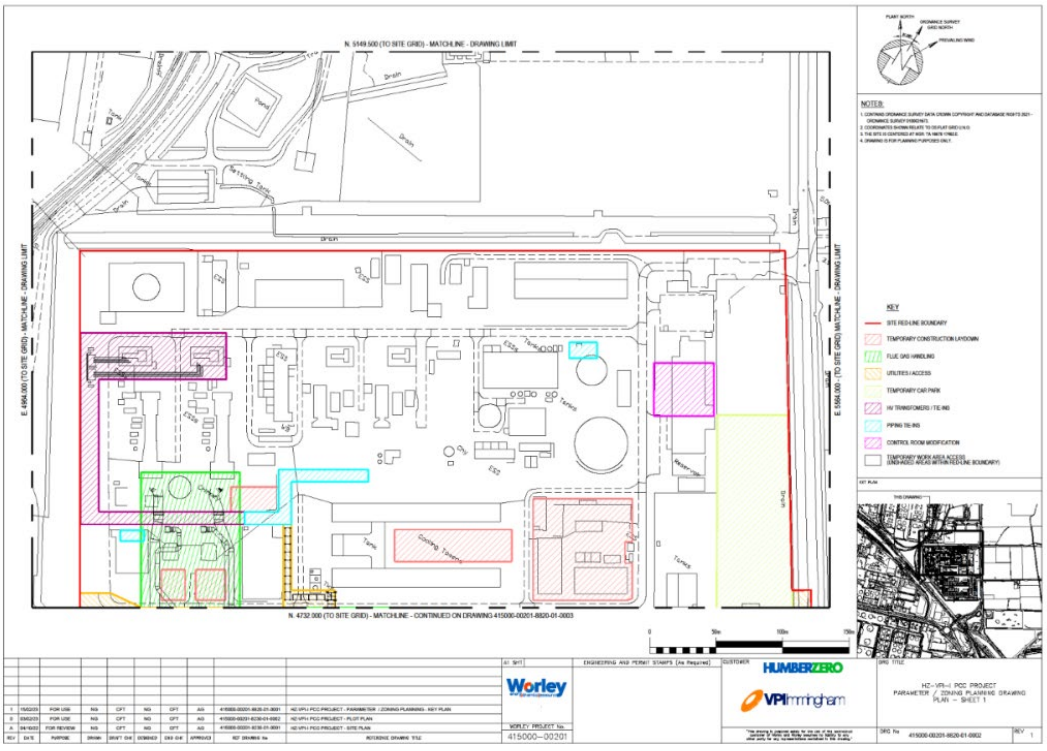
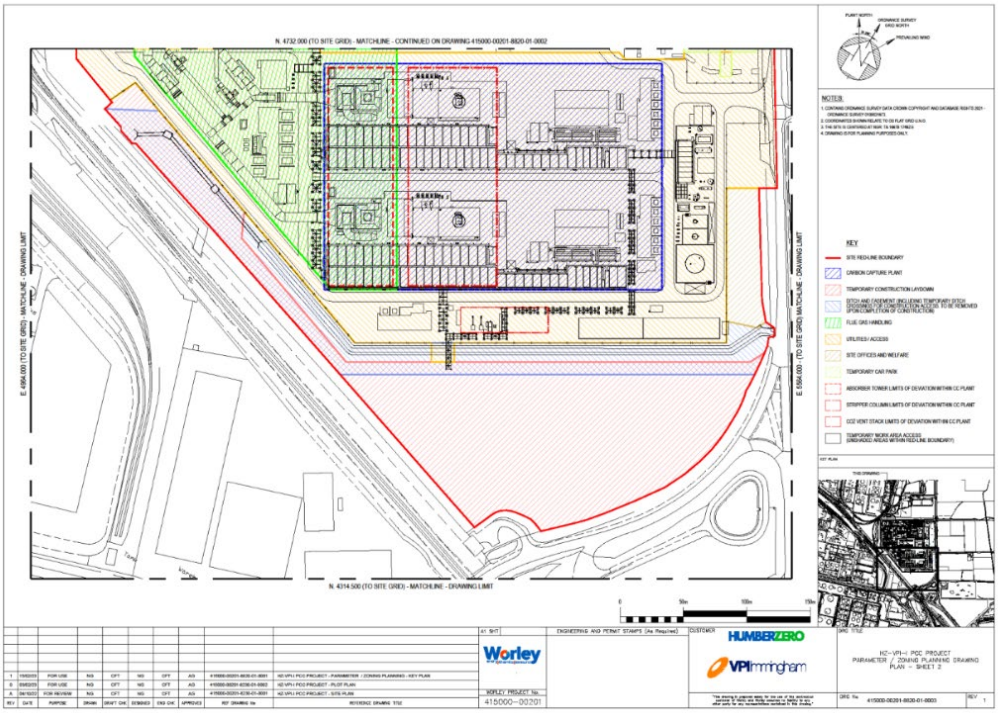


**Figure 4.2: Zoning Parameter Plan 2**



4.5 The maximum dimensions of the key components are set out in Table 4.1 (Design Parameters). The supporting EIA sets out a 'Rochdale Envelope' approach to the robust assessment of the likely significance of the environmental effects of the Proposed Development. It presents a reasonable worst-case assessment of the Proposed Development by assessing the maximum (or where relevant minimum) parameters for the built elements where flexibility needs to be retained, such as building dimensions.

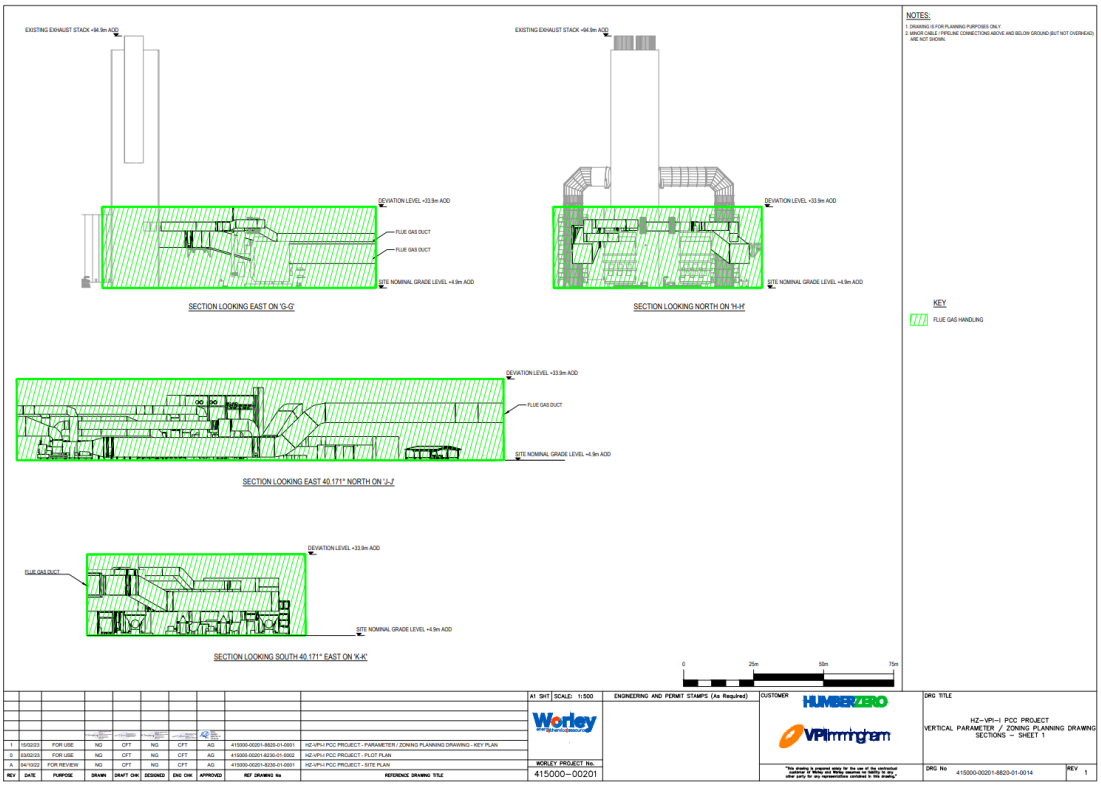
4.6 The drawings enclosed with the planning application represent one way in which the development could appear or be laid out, within those maximum design parameters. The design of the Proposed Development is not yet finalised. The detailed design could vary in appropriate (and in EIA terms, insignificant) respects from the drawings. The detailed design will be controlled by planning condition(s).

4.7 The maximum design parameters for the Proposed Development are set out in Table 4.1 below.

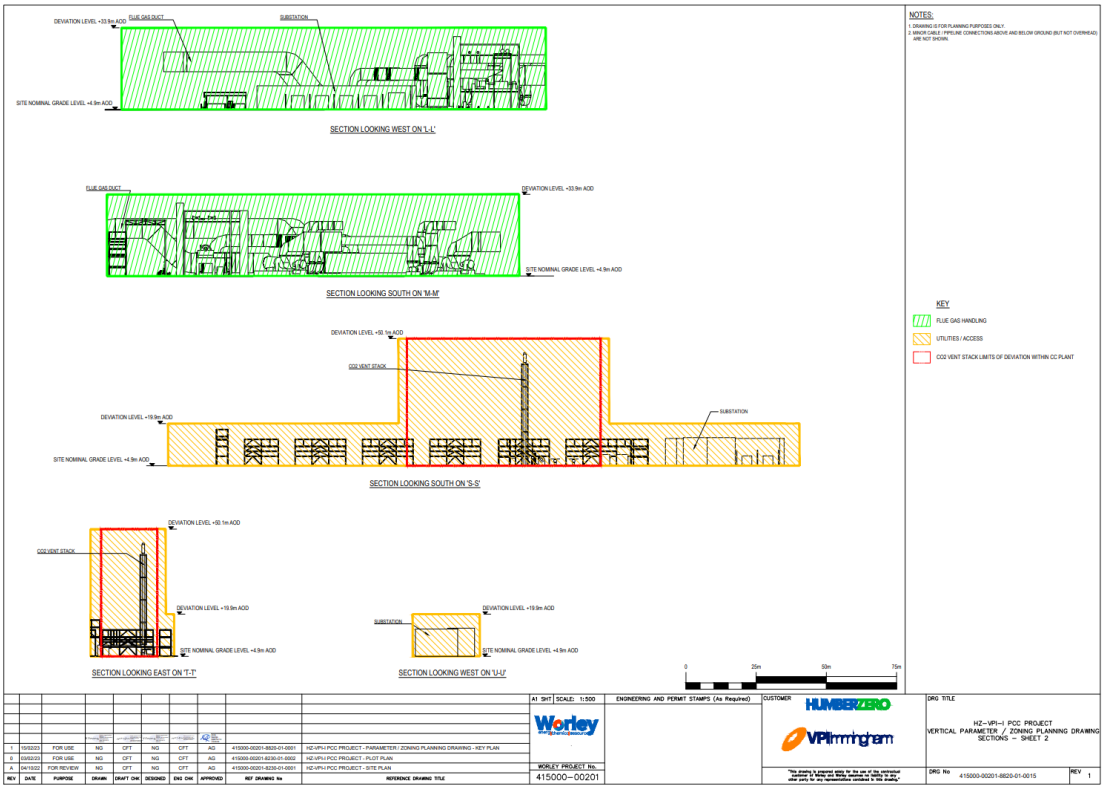
**Table 4.1: Maximum Design Parameters**

| Development Component | Maximum Design Parameter |
|---|---|
| Absorber column and associated stack | Up to 110m heigh above ground level (114.9m AOD) |
| CO2 regenerator / stripper column | Up to 60m height above ground level (64.9m AOD) |

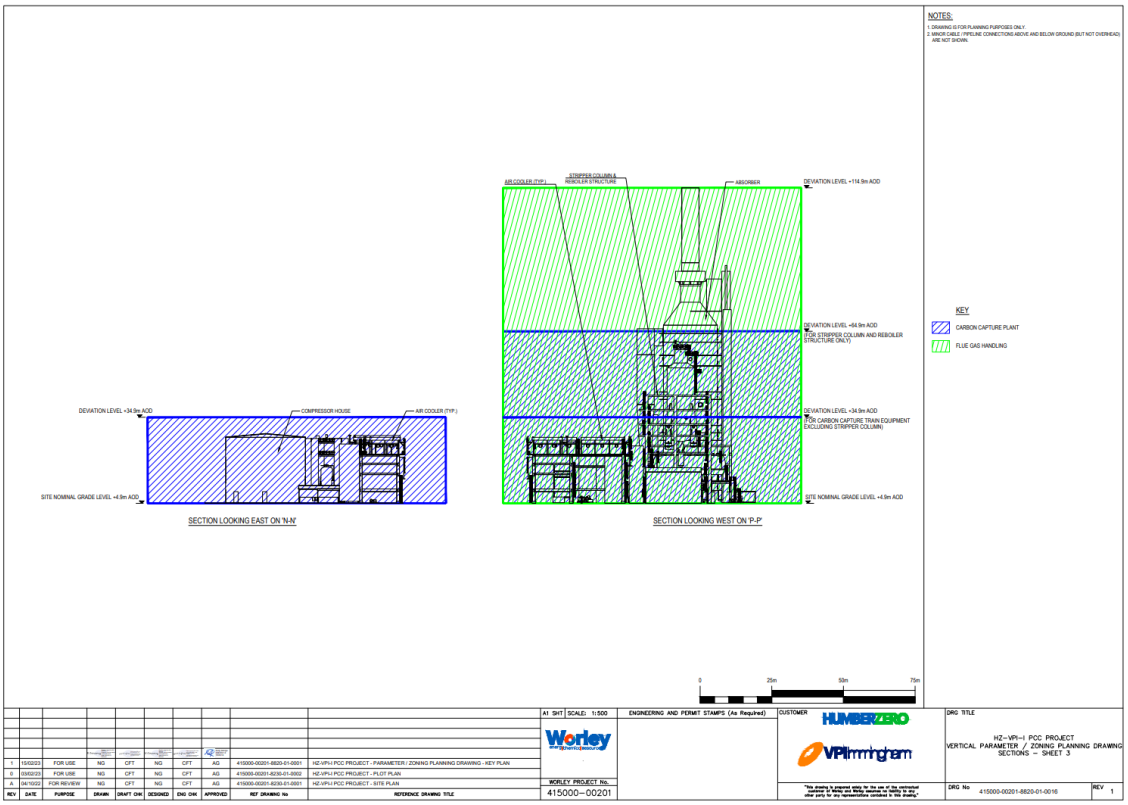
## Figure 4.3: Vertical Parameter Plan 1




## Figure 4.4: Vertical Parameter Plan 2



## Figure 4.5: Vertical Parameter Plan 3




## Figure 4.6: Vertical Parameter Plan 4

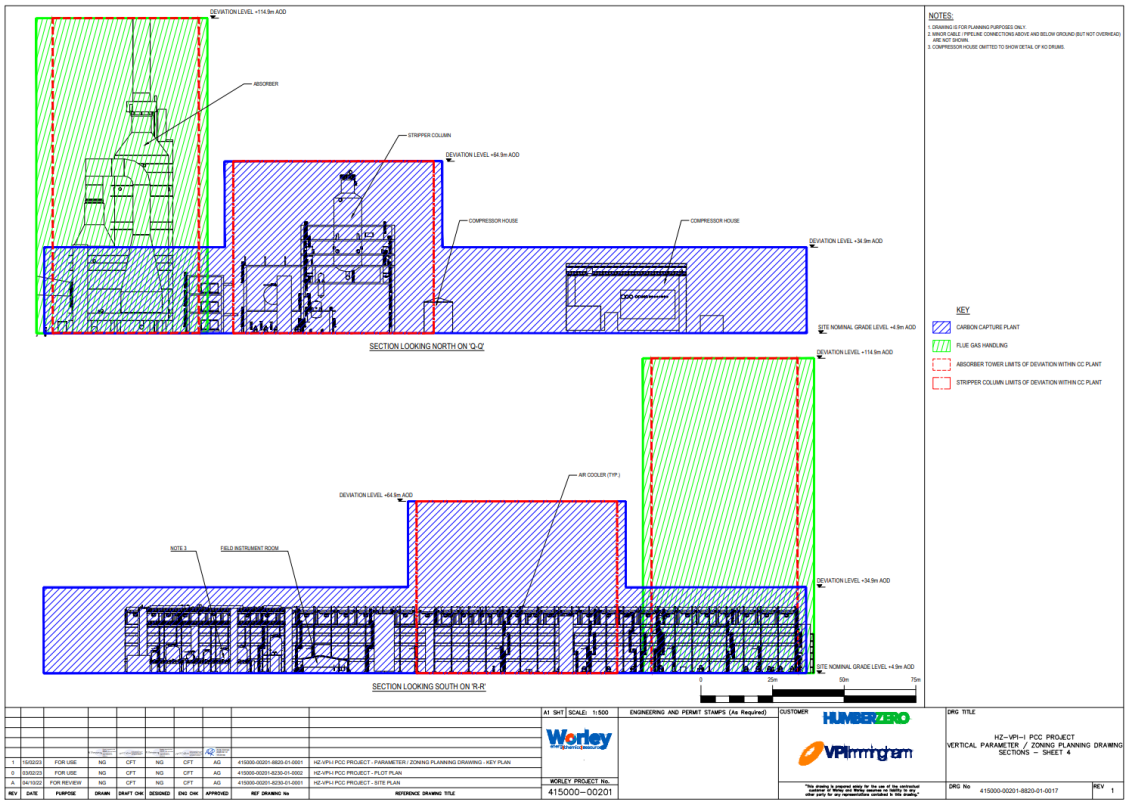
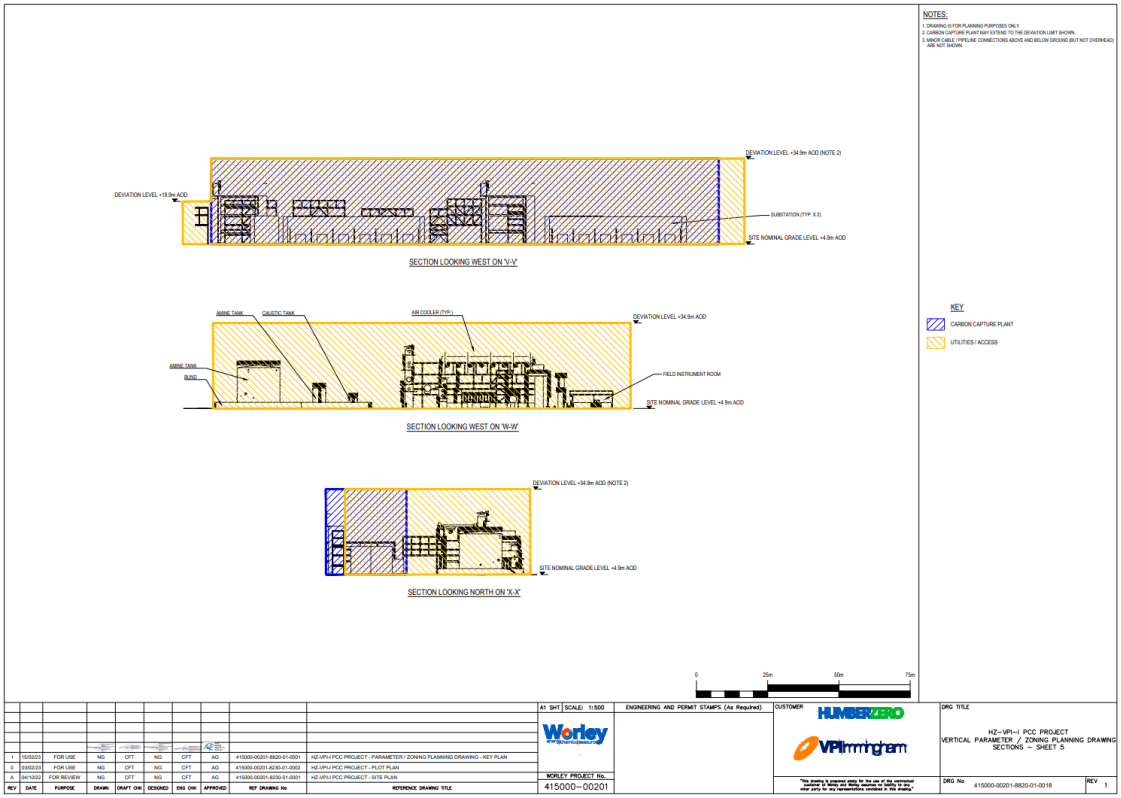


**Figure 4.7: Vertical Parameter Plan 5**




## Carbon Capture and Associated Stacks

4.8 Flue gas will be diverted from the CHP Plant directly to one of two PCC trains located to the south of the CHP Plant. The flue gas will first be cooled in the two PCC trains using a direct contact cooler to enable the PCC process to absorb CO2 more effectively. The CO2 'rich' flue gas will pass through a blower before entering the Direct Contact Cooler, followed by the CO2 absorber tower where it will come into contact with amine solvent, which will absorb 95% of the CO2. The CO2 rich amine will be heated to separate the CO2 from the amine in the regenerator towers (also known as CO2 stripper towers). The Proposed Development includes two absorber towers and two regenerator towers (one of each for each PCC train).

4.9 Most of the amine will be in a continuous recycle loop and treated for re-use in the PCC plants. The CO2 'lean' flue gas (flue gas with 95% CO2 removed) and a very small quantity of the amine will be released from the absorber tower. The amine will also degrade over time so 'fresh' amine will be required to make up amine losses throughout the operation of the PCC plants.

## Carbon Dioxide Venting, Treatment and Compression

4.10 The gaseous CO2 will be saturated with water and will contain traces of oxygen, which will need to be removed to achieve the specification required by the CO2 gathering network operator. The captured CO2 will need to be compressed ready for injection into the CO2 gathering network. Compression will be undertaken in two phases – first low pressure (LP) compression, then high pressure (HP) compression to 135 barg (the

pressure required for injection into the CO2 gathering network). Dehydration and oxygen removal steps are performed between the LP and HP phases.

4.11 The required CO2 specification cannot be achieved during start up and shut down of the PCC plant and/or during emergency situations. CO2 venting will be required during these times, accounting for some ongoing atmospheric emissions. CO2 vent stacks are included as part of both the Proposed Development, with the height of the emission point (40m) designed to ensure safe dispersion of the CO2.

### Transport to CO2 Gathering Network

4.12 The Proposed Development will connect to the Viking CCS network and be transported to a storage site under the North Sea. The Proposed Development layout allows flexibility for the point of connection to Viking CCS. Metering and analysing will also be provided to measure the quantity and quality of CO2 leaving each of the Proposed Development.

### Other Components

4.13 The Proposed Development will also require:

- Electrical substations to supply the required electrical power to the PCC plant;
- Chemical offloading storage and distribution facilities for caustic, solvent and other limited amounts of chemicals required for the PCC plant such as antifoam;
- Internal access roads providing access around the VPI Development;
- Development to existing roads in and around the CHP Plant;
- Surface water drainage system with an attenuation lagoon to manage uncontaminated surface water runoff and attenuate runoff on-site prior to discharge at the greenfield runoff rate;
- Realignment of South Killingholme Drain through the VPI Site to facilitate the VPI Development and creation of up to four temporary crossings of the realigned Drain to be used during construction and then removed prior to operation – this has been discussed with the North East Lindsey Internal Drainage Board (NEL IDB) which manages the Drain for local flood risk management;
- Construction and maintenance laydown areas and associated construction compounds, which are expected to be located on existing hardstanding within the existing CHP Plant and in the southernmost part of the VPI Site; and
- New site access from Rosper Road as a second option to complement the continued use of the existing main access to the VPI CHP Plant site (which will be used for staff access during operation). The new access will be mainly used for HGV access and egress during construction and for maintenance and emergency during operation.

### Landscaping and Biodiversity

4.14 Existing boundary vegetation and the trees at either side of the Network Rail railway line will be retained and protected. Retained trees flanking the railway line in the southwest of the site are of value locally and will be protected by a fenced exclusion zone during construction and operation of the Proposed Development. The only exceptions to this protected retention are two small areas of low value trees that encroach into the construction laydown area and may need to be removed.

4.15 There is limited space within the Site for landscaping and biodiversity habitat creation. A Biodiversity Net Gain (BNG) assessment supports the planning application. It identifies options to achieve 10% BNG for the proposed development. This includes limited opportunities for landscape planting withing the Site and required off-site enhancements. Delivery of the BNG provision will be secured by planning condition(s) and/or s106 Agreement.

### Ancillary Development

4.16 Additional security measures for the Proposed Development are shown to the south of the existing CHP Plant in accordance with current industry best practice. This will comprise additional CCTV cameras and 2.4m high perimeter fencing. The measures will complement the existing security fencing and monitoring equipment at the VPI Immingham CHP Plant.

4.17 External LED lighting will be provided to achieve illumination necessary for safe operation and maintenance of the Proposed Development. The lighting will be positioned to minimise light spill from the boundaries of the Site. The lighting will be switched on and off centrally by means of photocells or timers, where appropriate. The Proposed Development's absorber stacks will be fitted with aviation warning lighting as required by the Civil Aviation Authority ("**CAA**").

### Other Relevant Matters

4.18 The following matters are set out in detail in the Planning and Design and Access Statement prepared by DWD in support of the planning application for the Proposed Development and summarised in the Proof of Evidence of James Beresford-Lambert (CD8.1):

- Construction.
- Operation.
- Maintenance.
- Hazard Prevention and Emergency Planning; and
- Decommissioning.

4.19 I have reviewed each element of the Proposed Development and consider the information to be robust in ensuring the scope of the project for which the local planning authority has resolved to grant planning permission is very clear.

### Alternative Development Options

4.20 I have reviewed the assessment of the VPI Immingham site selection and alternatives set out in the Proof of Evidence of James Beresford-Lambert (CD6.2). I have also familiarised myself with the alternative technologies assessed by VPI Immingham Ltd in seeking planning permission for the Proposed Development. The most helpful commentary on this matter is captured in the Environmental Statement (February 2023) supporting the planning application for the Proposed Development. I agree that the assessments are robust: the Acquiring Authority has done what is required on alternative development options.

### Summary

4.21 The Proposed Development is a post-combustion carbon capture plant adjacent to and serving the existing VPI Immingham CHP Plant. The design of the Proposed Development is in significant detail but assessed on a maximum parameter basis to allow for future flexibility in implementation. The areas of flexibility are controlled by planning condition(s) and/or s106 Agreement, where relevant. Detailed provision is made for the construction, operation and decommissioning phases of the Proposed Development across its lifetime.

# 5. Planning Policy Context

## Introduction

5.1 Planning legislation requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise[1]. This section identifies the development plan, the status of the Site in policy terms and the relevant development management policies in assessing the Proposed Development. It considers national planning policy and guidance as relevant material considerations in the determination of the application.

## The Development Plan

5.2 The Site is located within the North Lincolnshire Council administrative area. The following local planning policy documents are relevant to the Proposed Development:

- North Lincolnshire Core Strategy (adopted June 2011) (CD9.5);
- North Lincolnshire Local Plan (adopted May 2003) Saved Policies (CD9.6);
- North Lincolnshire Housing and Employment Land Allocations Development Plan Document (adopted March 2016) (CD9.7); and
- Planning for Renewable Energy Development Supplementary Planning Document (adopted November 2011) (CD9.8).

5.3 The Council published the supplementary planning document 'Planning for Renewable Energy Development' in 2011. The document includes guidance for CCS development.

5.4 The National Planning Policy Framework ("NPPF") is a material consideration in planning decisions. It was updated by UK Government in December 2024. The policy guidance is an up-to-date expression of UK Government aims for the planning system, the purpose of which is to contribute to the achievement of sustainable development, including commercial development and supporting infrastructure in a sustainable manner. It should be given significant weight in determining planning applications.

5.5 Paragraph 232 of the NPPF confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing development plan policies according to their degree of consistency with the NPPF. The closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given.

5.6 Paragraph 12 of the NPPF sets out the statutory status of the development plan as the starting point for decision-making (paragraph 12). The paragraphs below review the relevant development plan policies, starting with site specific policies that establish the principle of major industrial development at the Site. The section then considers

[1] Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

relevant development management policies. It concludes by setting out relevant policy guidance in the NPPF, including the degree of consistency with adopted policies.

## Site Specific Development Plan Policy

5.7 The following policy designations are applied to the Site in the adopted development plan:

- Core Strategy (2011):
  - Strategic Employment site.
- Local Plan (2003):
  - Proposed Industry site; and
  - South Humber Bank Landscape Initiative.
- Housing and Employment Land Allocations DPD (2016):
  - Proposed Employment site (reference SHBE-1 'South Humber Bank').

### Core Strategy (2011)

#### Economic Growth

5.8 Table 5.1 below summarises the key policies providing for significant Net Zero related economic development at the Site.

**Table 5.1: Core Strategy Policies**

| Policy Reference | Summary of Policy/Relevance to Proposed Development |
|---|---|
| CS1: Spatial Strategy for North Lincolnshire | Sets out the spatial vision and future development requirements for North Lincolnshire. This includes supporting the development of key strategic employment sites including SHB. The 900ha area will be safeguarded for port, chemical and renewable energy industries. This will include improvements to rail and road access. All future growth should contribute to sustainable development. |
| CS11: Provision and Distribution of Employment Land | The Council will support the continued expansion and improvement of the economy to develop the area's role regionally and nationally. This will be achieved through the allocation of sites for a range of sites for employment uses. |
| CS12: South Humber Bank Strategic Employment Site | The SHB employment site (SHBSES) will be reserved for B1, B2 and B8 related port activities. This will include diversification of the energy sector and development of renewable energy. |
| CS18: Sustainable Resource and Climate Change | The Council will actively promote development that utilises natural resources as efficiently and sustainably as possible. This includes meeting required national reductions of |

| | |
|---|---|
| | predicted CO2 emissions by at least 80% in 2050. The Council will also support new technology and development for carbon capture and best available clean and efficient energy technology, particularly in relation to heavy industrial users. |

5.9 The supporting text to the above CS policies is relevant in considering the planning merits of the Proposed Development. The South Humber Bank (SHB) is identified as a key Strategic Employment site and the 'Global Gateway for trade to and from the UK'. At the time of preparing the CS, it was the largest area of undeveloped land in England adjacent to a deep-water estuary, offering significant potential for economic growth. In this context, the development of the SHB is stated as being of 'national importance' and will support North Lincolnshire's aspiration to become the Global Gateway for the north.

5.10 The SHB is part of a larger cluster of port-related activity along the south bank of the Humber. The ports of Grimsby and Immingham being the largest ports complex in the UK in terms of tonnage handled. Collectively with the ports of Hull and Goole, they formed the fourth largest complex in Europe in terms of tonnage handled when the CS was prepared. The SHB is noted as having the potential to become the north of England's Global Gateway, and the continuing development of the SHB is the Council's key economic driver.

5.11 To aid the development of the area, £95million was agreed through the Regional Fund Allocation for road infrastructure upgrades. An additional £30million was allocated towards the development by the Government as it was viewed as internationally significant. The South Humber Gateway Board was created to drive forward ambitious plans for this area.

5.12 The Global Gateway is identified in the CS as being equally important to the 'Green Economy' in the South Humber Bank, with great potential for green energy such as biofuels and wind turbines. This is identified as a natural progression from the existing types of heavy industry. Reference is made to an announcement by Immingham Ltd (Drax Biomass) for a renewable energy power plant at the South Humber Bank. The CS states that *'the need for green energy is only going to increase, the South Humber Bank is an ideal site having already established links to the power and energy industries'.*

**Climate Change and Carbon Capture**

5.13 The CS identifies that *'North Lincolnshire is in a unique position to be at the heart of the growing low carbon and green economy – a renewable energy capital'.* It is recognised that the region has high individual industrial emitters of CO2 and has a history of providing power and fuel sources within the area and elsewhere.

5.14 Carbon capture is encouraged in the CS which states *'where non-renewable resources such as oil, gas and coal continue to be used it will be essential to use the best available clean technologies and abatement measures, including developing carbon capture methods, to help reduce carbon emissions'*.

5.15 The CS also states that *'the emerging technology of carbon capture and storage – pumping CO2 from heavy industry and power generation to disused gas wells under the southern North Sea, will also be important, particularly given the presence of the steel, power generation and petrochemicals industries within and adjacent to the area'.*

5.16 The overall aim of reducing North Lincolnshire's carbon footprint can be achieved in part by the promotion of renewable energy generation and low carbon energy, and by maximising improvements to energy efficiency. The CS states that it will promote development that utilises low or zero carbon sustainability energy sources and support new technology for carbon capture.

**Local Plan Saved Policies (2003)**

5.17 The Local Plan was adopted in May 2003. It was replaced by the Local Development Framework and a saved policies direction in September 2007. Several saved policies were superseded by the adoption of the Core Strategy in June 2011, and Housing and Employment Land Allocations DPD in March 2016. An updated saved policies list was prepared in October 2024. Saved policies relevant to the principle of the Proposed Development are summarised in Table 5.2.

**Table 5.2: Local Plan Saved Policies Relevant Policies**

| Policy Reference | Summary of Policy/Relevance to Proposed Development |
|---|---|
| Policy IN3: Industrial and Commercial Development | Proposals for B1, B2, B8 industrial and commercial development will be permitted, provided that they meet set criteria. This includes landscape, layout, design, density, landscaping and height considerations. |
| Policy T1: Location of Development | Development will be permitted in areas identified for development including South Humber Bank.<br>The background text references the strategic importance and unique potential of the SHB, which is safeguarded for industry. |

**Housing and Employment Land Allocations DPD (2016)**

5.18 The DPD highlights where development sites are available, while protecting the natural environment. Table 5.3 sets out the DPD policies relevant to the Proposed Development.

**Table 5.3: Housing and Employment Land Allocations DPD Relevant Policies**

| Policy Reference | Summary of Policy/Relevance to Proposed Development |
|---|---|
| Policy PS1: Presumption in Favour of Sustainable Development | When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development in the NPPF. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise. |

| | |
|---|---|
| Policy SHBE-1: South Humber Bank | Sets out criteria for the development of employment allocation SHBE-1 (South Humber Bank). |

5.19 The DPD supports the CS in setting out the Council's vision to become the Global Gateway for the north of England. The DPD identifies that the economy of North Lincolnshire and the Humber sub region lags behind regional and national performance. Several key growth sectors have been identified including environmental technologies.

5.20 The Site is located within Employment Allocation SHBE-1 'South Humber Bank' which is referenced in the DPD as the Council's ''jewel in the crown' premier employment site'. Land at the SHB is the region's main strategic employment site. It is identified in the DPD as being of regional and national significance, being the last undeveloped employment land fronting a deep water estuary in the UK. The DPD notes that the SHB has been identified for employment uses since 1955, and in the early 1960s this led to development of large-scale industry, including oil refineries. The area is home to several chemical companies and is safeguarded so that opportunities are maximised around the ports for chemical industries and power generation, including renewable energy.

5.21 The SHBE-1 allocation identifies the need for 900 hectares of B1 (offices/light industrial), B2 (general industry) and B8 (storage and distribution) port related activities. The land also includes preferred sites for waterbird mitigation as well as infrastructure improvements. Delivery of the site will be achieved in partnership with several Plans, Boards, and Delivery Groups that includes landowners, private industry, Government Agencies, North Lincolnshire Council, local organisations, and national charities.

## Development Management Policies

5.22 The site-specific policies promoting major industrial and employment development at the Site are completed by the series of development management policies in the development plan. The relevant development management policies are cited below in the order in which they appear in the development plan documents.

### Core Strategy

**Table 5.4: Core Strategy Relevant Development Management Policies**

| Policy Reference | Summary of Policy/Relevance to Proposed Development |
|---|---|
| CS2: Delivering More Sustainable Development | All development will be required to contribute towards achieving sustainable development. It should avoid, minimise, or mitigate pressure on the natural and built environment and areas at risk of flooding. |
| CS3: Development Limits | Development outside defined boundaries will be restricted to that which is essential to the functioning of the countryside. |

| | |
|---|---|
| CS5: Delivering Quality Design | All new development should be well designed and appropriate for their context. |
| CS6: Historic Environment | The Council will seek to protect, conserve, and enhance the historic environment. This includes historic buildings and archaeological remains. |
| CS16: Landscape, Greenspace and Waterscape | The creation and maintenance of the network of landscape, green space and waterscapes will be secured by a range of measures. |
| CS17: Biodiversity | The Council will promote effective stewardship of wildlife. This includes safeguarding national and international protected sites for nature conservation, considering European and nationally important habitats and species, and ensuring development seeks to produce a net gain in biodiversity. |
| CS18: Sustainable Resource and Climate Change | The Council will actively promote development that utilises natural resources as efficiently and sustainably as possible. This includes meeting required national reductions of predicted CO2 emissions by at least 80% in 2050. The Council will also support new technology and development for carbon capture and best available clean and efficient energy technology, particularly in relation to heavy industrial users. |
| CS19: Flood Risk | Development in areas of high flood risk will be permitted where it provides wider sustainability benefits, is on previously used land, and the flood risk assessment shows the development will be safe without increasing risk elsewhere. |
| CS20: Sustainable Waste Management | The Council will promote sustainable waste management by requiring Site Waste Management Plans for major developments. |
| CS25: Promoting Sustainable Transport | The Council will support and promote sustainable transport by applying maximum parking standards, ensuring highway safety, and integrating transport into development. |
| CS27: Planning Obligations | Where a development proposal generates an identified need for additional infrastructure, a S106 will be negotiated. |

**Local Plan**

**Table 5.5: Local Plan Saved Development Management Policies**

| Policy Reference | Summary of Policy/Relevance to Proposed Development |
|---|---|
| Policy RD2: Development in the Open Countryside | Development in the open countryside will be strictly controlled. Planning permission will only be permitted under specific criteria, including for appropriate employment. |
| Policy T2: Access to Development | All development must be provided with satisfactory access. |

| | |
|---|---|
| Policy T18: Traffic Management | Traffic management measures will be introduced to the road network where required. |
| Policy T19: Car Parking Provision & Standards | Parking provision should comply with Appendix 2 – Parking Provision Guidelines. |
| Policy LC1: SPA, SAC & Ramsar Sites | Proposals which may affect SPA or SAC will be assessed for implications on the site's conservation objectives. |
| Policy LC2: SSSI & National Nature Reserves | Development will not be permitted where it has an adverse effect on an SSSI unless the reasons for the development clearly outweigh the nature conservation value of the site. |
| Policy LC4: Sites of Nature Conservation Importance | Development will not be permitted where it has an adverse effect on sites of nature conservation unless the reasons for development outweigh the nature conservation value. |
| Policy LC5: Species Protection | Planning permission will not be granted for development which would have an adverse impact on protected species. |
| Policy LC7: Landscape Protection | Development which does not respect the character of the local landscape will not be permitted. |
| Policy LC12: Trees, Woodland & Hedgerows | Development will wherever possible ensure the retention of trees, woodland and hedgerows. |
| Policy LC20: South Humber Bank | Measures will be undertaken in the SHB Initiative Area including softening, screening, habitat conservation and creation, field boundary management, and tree and hedge planting. |
| Policy HE9: Archaeological Excavation | Planning permission will not be granted without adequate assessment of the nature, extent, and significance of archaeological remains. |
| Policy DS1: General Requirements | Proposals will be considered against set criteria to achieve a high standard of design. |
| Policy DS7: Contaminated Land | Permission will only be granted on contaminated sites where a detailed site survey has been submitted and a suitable scheme of remedial measures has been agreed. |
| Policy DS9: Established Hazardous Installations and Pipelines | Planning permission will only be granted for development which introduces a significant number of people into risk areas surrounding hazardous installations or pipelines where it can be demonstrated that the associated hazards and risks can be overcome through planning conditions. |
| Policy DS10: New Hazardous Installations and Pipelines | Planning permission which involves storage of materials or carrying out of processes that are toxic, highly reactive, explosive or highly flammable will only be granted where the proposal will impose no significant development restrictions or risks on surrounding land users. |

| | |
|---|---|
| Policy DS11: Polluting Activities | Planning permission will only be permitted where the levels of potentially polluting emissions do not pose a danger, result in land contamination, pose a threat to underground water resources, or create adverse environmental conditions. |
| Policy DS13: Groundwater Protection & Drainage | All development must take account of the need to secure effective land drainage measures and ground water protection. |
| Policy DS14: Foul Sewage & Surface Water Drainage | Satisfactory provision is required for the disposal of foul and surface water from new development. |
| Policy DS15: Water Resources | Development will not be permitted which would adversely affect the quality and quantity of water resources. |
| Policy DS16: Flood Risk | Development will not be permitted within floodplains unless adequate protection or mitigation measures are undertaken. |

## Material Considerations

**Planning for Renewable Energy Development SPD (2011)**

5.23 The SPD was adopted in November 2011 and sets out the Council's approach to planning for renewable energy. The SPD states that:

*'Carbon Capture and Storage (CCS) presents a major growth opportunity for the UK, with benefits estimates at £6.5billion and provision of up to 100,000 jobs by 2030. Yorkshire and Humber is identified as the UK's first low carbon economic area for CCS. The region has been chosen because it hosts the UK's largest CO2 emitters but also for its proximity to the largest storage areas under the North Sea in the form of redundant oil and gas wells'*.

**National Planning Policy Framework (2024)**

5.24 The adopted development plan policies are largely consistent with the NPPF and are capable of being given significant weight in assessing the planning merits of the Proposed Development. The paragraphs below relate to key planning policy guidance sections of the NPPF of relevance in assessing the Proposed Development.

***Presumption in Favour of Sustainable Development***

5.25 Paragraph 7 of the NPPF confirms that, on a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8 adds that achieving sustainable development means that the planning system has three overarching objectives, each of which is independent and needs to be pursued in mutually supportive ways. The three overarching objectives are:

- **Economic:** building a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places at the right time to support growth, innovation and improved productivity, and by identifying and co-ordinating the provision of infrastructure.

- **Social:** supporting strong, vibrant and healthy communities by fostering well designed and safe places with accessible services that reflect current and future needs and support communities' health, social and cultural well-being.

- **Environmental:** protecting and enhancing our natural, built and historic environment, including making effective use of land, improving biodiversity, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.26 Paragraph 9 states that these objectives are not criteria against which every planning decision can or should be judged. They should inform planning policies and decisions that play an active role in guiding development towards sustainable solutions, whilst taking into account local circumstances (including character, needs and opportunities). This balance is positive and is the basis of the presumption in favour of sustainable development that lies at the heart of the NPPF (paragraph 11).

5.27 For decision-taking, the presumption in favour of sustainable development means:

- Approving development proposal that accord with an up-to-date development plan without delay; or

- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

  – Where there are no policies in the NPPF that protect areas or asserts of particularly importance (only flood risk is relevant from footnote 7 of the NPPF) provides a strong reason for refusing the development proposed; or

  – Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, individually or in combination.

5.28 The NPPF is clear that the presumption in favour does not change the statutory status of the development plan as the starting point for decision-making (paragraph 12).

5.29 Paragraph 39 confirms the Government position that local planning authorities should approach decisions on proposed development in a positive and creative way. They should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.30 Paragraph 40 promotes early pre-application engagement based on its significant potential to inform the efficiency and effectiveness of the planning application system for all parties.

***Building a Strong, Competitive Economy***

5.31 Paragraph 85 reinforces the positive need for planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. The NPPF adds that this is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

5.32 Paragraph 86 states that planning policies should, *inter alia*:

- Set a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to the national and any local industrial strategies or policies for economic development; and

- Set criteria, and identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.

5.33 Paragraph 87 states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for, *inter alia*:

- Clusters or networks of knowledge and high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries; and

- The expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience.

***Promoting Sustainable Transport***

5.34 Paragraph 110 states that the planning system should actively manage patters of growth in support of transport solutions that deliver well-designed, sustainable and popular places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The guidance in this paragraph recognises that opportunities to maximise sustainable transport solutions vary between areas, a fact that should be taken into account in determining planning applications.

5.35 Paragraph 118 is clear that all developments that will generate significant amounts of movement should provide a travel plan. The planning application for the development should be supported by a transport assessment so that the likely impacts of the proposal can be assessed and monitored.

***Making Effective Use of Land***

5.36 Paragraph 124 requires planning policies and decisions that promote an effective use of land in meeting the need for land uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should

set out a clear strategy for accommodating objectively assessed needs in a way that makes as much use as possible of previously developed or brownfield land.

5.37 Paragraph 125 build on this approach in stating that planning decisions should, *inter alia:*

- Encourage multiple benefits from urban land, including through taking opportunities to achieve net environmental gains;
- Give substantial weight to the value of using suitable brownfield land within settlements for identified needs, proposals for which should be approved unless substantial harm would be caused; and
- Promote and support the development of under-utilised land and buildings.

5.38 Paragraph 126 states that:

*'local planning authorities and other plan making bodies should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, ….., using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes'.*

**Achieving Well-Designed Places**

5.39 Paragraph 135 states that planning policies and decisions should ensure that developments, *inter alia*:

- Will function well and add to the overall quality of the development in the short term and over the lifetime of the development;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks.

***Meeting the Challenge of Climate Change, Flooding and Coastal Change***

5.40 Paragraph 161 is clear that the planning system should support the transition to Net Zero by 2050 and take full account of all climate change impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help shape places that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience and support low carbon energy and associated infrastructure.

5.41 Paragraph 168 states that, when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should, *inter alia,* not require applicants to demonstrate the

overall need for renewable or low carbon energy and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a Net Zero future.

***Planning and Flood Risk***

5.42 Paragraph 170 confirms that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

***Conserving and Enhancing the Natural Environment***

5.43 The following principles should be applied when determining planning applications:

- Planning permission should be refused if significant harm to biodiversity resulting from the development cannot be avoided, adequately mitigated or compensated for;

- Development on land within or outside a Site of Special Scientific Interest (SSSI), and which is likely to have an adverse effect on it, should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts of the national network of SSSI;

- Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons (e.g. infrastructure projects) and a suitable compensation strategy exists; and

- Development whose primary objective is to conserve or enhance biodiversity should be supported.

5.44 Planning decisions should ensure a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination (paragraph 196). New development should be appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (paragraph 198).

**The Overarching National Policy Statement for Energy (EN-1) (2023)**

5.45 National Policy Statement EN-1 sets out national policy for energy infrastructure, including natural gas electricity generation. Section 1.2 of EN-1 confirms that the guidance contained in the document may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). It is a material consideration in the determination of the planning application for the Proposed Development.

5.46 Section 2.4 of EN-1 confirms the national importance of carbon capture, utilisation and storage facilities as part of a suite of technologies alongside renewable energy generation in decarbonising the power sector. This includes Government developing business models to incentivise the deployment of carbon capture, utilisation and

storage facilities in the UK. It commits the Government to put in place a commercial framework to enable developers to finance the construction and operation of power CCUS facilities and carbon dioxide transport and storage networks. This includes to stimulate a pipeline of projects and building a UK supply chain.

5.47 Section 3.5 of EN-1 sets out the urgent need for new nationally significant carbon capture and storage infrastructure to support the transition to a net zero economy. This includes repeating the aim to use CCUS technology to capture 20-30 million tonnes of carbon dioxide per year by 2030. This requires the timely development and deployment of CCS infrastructure. There are limited alternatives to new CCS infrastructure for delivering net zero by 2050: CCS has an essential role to play. The guidance is clear that it is the role of the planning system to deliver or limit specific amounts of CCS. Within the strategic framework established by Government, it is for industry to propose the specific types of development that they assess to be viable.

5.48 Paragraph 4.8.4 recognises the role of CCS technologies in offering the opportunity to decarbonise the electricity system, whilst maintaining security of supply, providing reliable low carbon generation capacity. The Government ambition and urgency in facilitating CCS is clear. This includes means of overcoming commercial barriers to CCS deployment, where possible.

**Summary**

5.49 The NPPF is the most up to date expression of the Government's position on positively promoting the delivery of sustainable development. This approach and the golden thread of a presumption in favour of sustainable development runs through national policy. The essential drive to building a strong, competitive economy and talking climate change are both inter-related and most directly relevant to assessing the planning merits of the Proposed Development.

5.50 The Order Land and application site forms part of the allocated key strategic employment site in the adopted CS and LP. The CS identifies that the SHB has the potential to attract £2billion in investment and create 10,000 jobs. The CS also sets out the national requirement to reduce predicted CO2 emissions by at least 80% in 2050. Renewable energy and carbon capture development in SHB is identified as a key part of the strategy to reduce carbon emissions.

5.51 The NPPF is clear that the presumption in favour does not change the statutory status of the development plan as the starting point for decision-making (paragraph 12). In this instance, the symmetry between the adopted development plan and both the NPPF and Carbon Capture Use and Storage (CCUS) guidance on low carbon energy and technology innovation is telling. There is clear consistency in the development plan policy provision for CCUS in the location of the Order Land and the NPPF provision for promotion of new development as a means of driving economic and social growth in a way that tackles climate change to benefit the environment, both locally and nationally.

5.52 There is a consistency in both the adopted development management policies in the development plan and the NPPF guidance in stating that new development should:

- Constitute sustainable economic development that contributes towards building a strong and competitive local and national economy;
- Promote sustainable forms of transport;
- Make effective use of land;
- Achieve well-designed places;
- Meet the challenge of climate change, flooding and coastal change; and
- Conserve and enhance the natural environment.

# 6. Need for the Proposed Development

6.1 This chapter of the Proof of Evidence sets out the need for the Proposed Development and the Order. The assessment considers the in-principle support for CCUS technology in the UK and in the Humber industrial cluster, including at the Site. It demonstrates that the Proposed Development constitutes sustainable development as defined in the NPPF. It is heavily supported by the weight of prevailing development plan policy and the balance of relevant material considerations.

**Legal Commitment to Net Zero**

6.2 The UK Government is legally committed to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline[2]. This commitment underpins the Government's Net Zero by 2050 Strategy. The Government is also committed to establishing a clean energy system by 2030[3].

6.3 This clean energy system will involve both the development of new renewable energy sources and the upgrading of the national transmission system, but also the decarbonisation of carbon-generating power production and heavy industry. Carbon capture and storage is an integral part of that – both the carbon capture element and the related transport and storage element – the need for both of which is now urgent given that the UK carbon capture and storage market remains in its infancy.

**National Policy Support for CCUS in a Pathway to Net Zero**

6.4 There is a plethora of national strategy and policy documents that promote the establishment of CCUS in the UK as a critical element in achieving a just transition to net zero. The amount and weight of commentary on the role of CCS technology in fostering a diverse mix of low carbon and renewable energy sources to achieve carbon emission reductions by 2030 and onto 2050 is also hugely positive.

**Net Zero: The UK's Contribution to Stopping Global Warming, Committee on Climate Change (May 2019) (CD9.9)**

6.5 The Climate Change Committee stated in May 2019 that CCS is a necessity, not an option for the transition to Net Zero. It is a stated policy pre-condition of the Net Zero target to 2050. By 2050, CCS has a large potential role to play in multiple applications in the UK. In every future climate change scenario modelled by the Committee and the Intergovernmental Panel on Climate Change for the achievement of the 2050 Net Zero target, CCS technology is identified as vital for curbing emissions across the power and energy-intensive industries. It is also vital for decarbonising the economy through low-carbon hydrogen.

6.6 In the face of growing electricity demand of up to 2-3GW per annum, the Climate Change committee conclude that it will be necessary to capture and store up to 176 million tonnes of carbon per annum in the UK by 2050.

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[2] Climate Change Act 2008, Part 1: Section 1.

[3] UK Government 'Make Britain a Clean Energy Superpower'.

6.7 The Government and the Climate Change Committee have confirmed that new gas-fired generating capacity with CCS will be required to provide vital backup for less flexible renewable generation to ensure the security of UK electricity supplies and that the system can meet peak electricity demand. This is in addition to converting existing gas-fired power stations with CCS technology.

**Energy White Paper (2020) (CD9.10)**

6.8 The Energy White Paper: Powering our Net Zero Future (HM Government, 2020) ("**EWP**") confirms the Government's support for CCUS, drawing upon the resource provided by the North Sea and new hydrogen technologies. The Government estimates that the measures in the EWP could reduce emissions across power, industry and buildings by up to 230 million tonnes of carbon dioxide ("**Mt CO2e**") in the period to 2032 and enable further savings in other sectors such as transport. In doing so, these measures could support up to 220,000 jobs per year by 2030.

6.9 The EWP also recognises that more will need to be done to meet key milestones on the journey to Net Zero. The Government's key policies and commitments to put the UK on the course to Net Zero are grouped under headings including 'Transform Energy', 'Support a Green Recovery from Covid-19' and 'Creating a Fair Deal for Consumers'.

6.10 Chapter 2 of the EWP deals with 'Power'. The stated goal is to use electricity to enable the transition away from fossil fuels and decarbonise the economy cost-effectively by 2050. Forecast increases in electricity demand generate a four-fold increase in required clean electricity generation alongside the decarbonisation of electricity. The EWP states that the Government is not targeting a particular generation mix by 2050: its view remains that the electricity market should determine the best solutions for very low emissions and reliable supply, at a low cost to consumers.

6.11 The EWP states that a low-cost, Net Zero consistent energy system in the UK is likely to be composed predominantly of wind and solar. However, to ensure the system is reliable, it needs to be complemented by technologies which provide power, or reduce demand, when the wind is not blowing, or the sun does not shine. This includes gas with CCUS and short-term dispatchable generation providing peaking capacity.

6.12 Page 47 of the EWP recognises that:

*'In the power sector, gas-fired generation with CCUS can provide flexible, low-carbon capacity to complement high levels of renewables. These characteristics mean that deployment of power CCUS projects will play a key role in the decarbonisation of the electricity system at low cost'.*

6.13 The challenge of decarbonising industry is covered at Chapter 5 'Industrial Energy' of the EWP. This notes the need for emissions from industry to fall by around 90% from today's levels by 2050 if the Net Zero target is to be met. The EWP highlights how about half of all emissions from manufacturing and refining are concentrated in the UK's major industrial clusters. These 'hubs' are seen as critical drivers of local and regional economic activity and a vital component of the UK's national economy.

6.14 Page 122 of the EWP goes on to state:

*'Improved efficiency in the energy performance of buildings and industrial processes will lay the groundwork for the transformation of industrial energy. But we cannot rely on energy efficiency alone to reduce emissions in line with our 2050 goal. Manufacturing industry will need to capture their carbon for onward storage and switch from using fossil fuels to low-carbon alternatives'.*

6.15 The EWP notes (page 124) that many industrial clusters are located in regions in need of economic revitalisation and that decarbonising those clusters can act as a driver of prosperity for the surrounding areas. Investments in key technologies like CCUS will be crucial to enhancing local economic growth and creating jobs together with prosperity.

6.16 The EWP confirms that the deployment of CCUS is fundamental to the decarbonisation of energy intensive industries such as steel, cement, oil refining and chemicals. It highlights the role of CCUS in helping to secure the long-term future of these industries and enabling the production of low-carbon hydrogen at scale. It stresses how the UK is in a strong position to become a global technology leader in CCUS, with the potential to store 78 billion tonnes of carbon dioxide. It recognises that deployment of CCUS could create new markets for UK businesses, at home and abroad, as other countries look to meet their emissions reduction commitments and could support 50,000 jobs in the UK by 2030.

**Energy Technology Perspectives 2020 – Special Report on Carbon Capture, Utilisation and Storage (2020) (CD9.11)**

6.17 The report recognises that CCUS will need to form a key pillar of efforts to put the world on the path to Net Zero emissions. It states that a Net Zero energy system requires a profound transformation in how we produce and use energy that can only be achieved with a broad suite of technologies. Alongside electrification, hydrogen and sustainable bioenergy, CCUS will need to play a major role. It is the only group of technologies that contributes both to reducing emissions in key sectors directly and to removing CO2 to balance emissions that cannot be avoided – a critical part of "net" zero goals.

6.18 The report notes that reaching Net Zero will be virtually impossible without CCUS, which contribute to clean energy transitions in several ways. Importantly, this includes by tackling emissions from existing energy infrastructure. The retrofit of CCUS to existing power (such as in the Proposed Development) and industrial plants that could otherwise emit 600 billion tonnes of CO2 globally over the next five decades is vital to achieving Net Zero.

**UK Government Net Zero Strategy: Build Back Greener (2021) (CD9.12)**

6.19 The UK Government's Net Zero Strategy (2021) expands on key commitments in the Energy White Paper, including by reaffirming the importance of CCUS in decarbonising energy intensive sectors such as chemicals, oil refining and cement. It proposes to deliver:

*'four carbon capture usage and storage (CCUS) clusters, capturing 20-30 Mt CO2 across the economy, including 6 Mt CO2 of industrial emissions, per year by 2030'.*

6.20 This comprises 6 Mt CO2 per year to be captured from industrial emissions, implying a commitment of between 14-24 Mt CO2 per year to be captured from energy sources.

**Industrial Decarbonisation Strategy, (2021) (CD9.13)**

6.21 There is significant common ground between the Industrial Decarbonisation Strategy and the Net Zero Strategy cited above. The Industrial Decarbonisation Strategy highlights the crucial decade of the 2020's for the UK to lay the bedrock for industrial decarbonisation. This will include the importance of starting the journey of switching away from fossil fuel combustion to low carbon alternatives. It includes deploying key technologies, including CCUS in two carbon capture clusters.

6.22 The decade is essential in ensuring industry can flourish during its transition to Net Zero. This includes a vital role for CCUS. Both elements are essential in securing job and economic prosperity.

**UK Government British Energy Security Strategy (2022) (CD9.14)**

6.23 The Government released the British Energy Security Strategy (2022), which seeks to set out "how Great Britain will accelerate homegrown power for greater energy independence." The report emphasises the importance of addressing the UK's underlying vulnerability to international energy prices by reducing our dependence on imported oil and gas. It targets improving energy efficiency, remaining open minded about our onshore reserves including shale gas, and accelerating deployment of renewables, nuclear, hydrogen, CCUS, and related network infrastructure. All elements are important in ensuring a domestic supply of clean, affordable, and secure power as we transition to Net Zero. The report supports the objective for low carbon emissions and is committed to investing in CCUS by providing £1 billion in public investment to decarbonise our industrial clusters.

**Powering Up Britain – Joint Overview Report (2023) (CD9.16)**

6.24 The Joint Overview Report notes that the UK is uniquely placed owing to it having one of the most significant CO2 storage potentials of any country in the world. The UK continental shelf has a particularly suitable geological porosity for CO2 storage estimated at 78 billion tonnes. This provides substantial opportunities for growth and the decarbonisation of key industries (including power) through the deployment of CCUS technology where access to storage pipelines can be secured.

6.25 The Government will provide up to £20 billion of funding for early deployment of CCUS to unlock private investment and jobs. Government announced support for CCUS, including:

- The £20 billion funding announced at Spring Budget 2023 for eight projects to form the first two CCS clusters by the mid-2020s.
- One CCS cluster in the North East (Viking CCS) and North West (Acorn).
- A further two clusters will be supported by 2030.

6.26 The four clusters would store 20 to 30 mega tonnes of carbon dioxide a year, deliver 50,000 jobs and helping to level up the UK.

**Energy Security Act (2023) (CD9.15)**

6.27 The Energy Act 2023 seeks to deliver an affordable and secure energy system by growing the UK-based energy market (including the diversity of energy sources) to reduce dependency on fossil fuels. The Act focuses on low carbon energy, in particular the role of CCUS technologies and the creation of hydrogen using carbon dioxide captured from the CCUS process (also known as 'blue hydrogen'). Both are fundamental in a diverse range of technologies required to achieve the aims of the Act.

**International Energy Agency (2023): Net Zero Roadmap: A Global Pathway to Keep the 1.5 Degrees Celsius Goal in Reach**

6.28 The vital role of CCUS in the pathway to Net Zero in the UK is echoed internationally. Globally, the International Energy Authority estimates that 1 billion tonnes of storage capacity is required by 2030 for a Net Zero pathway consistent with 1.5 degrees celsius to be achieved.

**Carbon Capture Usage and Storage: A Vision to Establish a Competitive Market (Department for Energy Security & Net Zero, 2023) (CD9.17)**

6.29 The vision document consolidates much of the UK and international commentary on the benefits of CCUS. It describes the technology as a 'game-changer for the UK's energy transition'. The vision identifies steps to develop CCUS as a valuable national asset in helping the UK reach Net Zero and boost our economy by up to £5billion per year by 2050. There is a social, environmental and economic opportunity for the UK to be sector leaders in CCUS, to capitalise on the environmental and economic opportunities the technology provides, and offer storage services to other countries.

6.30 CCUS is key in creating new sustainable energy for the future. Using CCUS can generate more low carbon power and create a responsive clean energy system. The vision includes private and public sector collaboration to create a self-sustaining CCUS industry by the middle of the 2030's. It is based on the private sector driving the development of CCUS, creating jobs and delivering economic growth.

6.31 The document sets out the steps to making the vision a reality:

- Market creation: Getting to 20 to 30 megatonnes per annum (Mtpa) $CO_2$ by 2030;
- Market transition: The emergence of a commercial and competitive market; and
- A self-sustaining CCUS market: Meeting Net Zero by 2050.

6.32 The Government is progressing with the market creation phase. The UK has leapt from a standing start in 2021 to the current position of four CCUS clusters across the committed Track-1 and Track-2 (up to £20 billion) funding:

- HyNet (North West England and North Wales);
- East Coast Cluster (Teesside and the Humber, North East England);
- Acorn (North East Scotland); and

- Viking CCS (the Humber).

6.33 The report notes that, for CCUS to realise its full potential, there is also a need for significant private sector investment and the financial gain could be significant. This is illustrated by reference to a recent supply chain report that said:

- UK carbon capture and storage could be worth £100 billion to local manufacturing employers.
- CCUS has a critical role in a just transition to Net Zero that creates economic opportunity across the UK.
- The technology could support up to 50,000 jobs by 2030.
- Individual clusters estimate either supporting or creating thousands of jobs in the industrial heartlands of the UK.
- The UK Research & Innovation's (UKRI) publication A Plan for UK Industrial Decarbonisation notes that each Industrial Decarbonisation Challenge (IDC) cluster expects to create or safeguard up to tens of thousands of jobs.

6.34 These projections illustrate the scale of the potential economic benefit provided by CCUS, both with respect to employment and general economic growth. Beyond 2030, a significant ramp up in the commercial deployment of CCUS will be required in the UK to support the emergence of the sector. By the mid-2030s, the amount of CO2 annually stored may need to increase to at least 50 Mtpa. To achieve this, it is likely that the CCUS sector will need to increase the annual amount of CO2 stored by at least 6 Mtpa each year from 2031.

**EN-1 Overarching National Policy Statement for Energy (2024)**

6.35 As noted above, Section 2 of the EN-1 Overarching National Policy Statement for Energy (2024) summarises the Government policy on energy and energy infrastructure development. It outlines the policy context for the development of nationally significant energy infrastructure, including the use of CCS.

6.36 EN-1 recognises that, given the changing nature of the energy landscape, the UK needs a diverse mix of electricity infrastructure to come forward. This is essential so that we can deliver a secure, reliable, affordable and Net Zero consistent system during the transition to 2050. This system must cater for a wide range of demand, decarbonisation and technology scenarios (Paragraph 3.3.19).

6.37 Paragraphs 3.4.44-3.4.50 of EN-1 assess the role of CCS in reducing the carbon emissions from natural gas fired generating stations by up to 90%. The paragraphs highlight the absence of power CCS in the UK to date owing to commercial (rather than technical) barriers to deployment. The use of CCS is reliant on the availability of infrastructure for the transportation and storage of CO2. It remains a strategic aim of Government to bring forward at least one power CCS plant through the CCS Sequencing Process.

6.38 Section 3.5 sites the urgent need for new CCS infrastructure to support the transition to a Net Zero economy. This includes Viking CCS. The urgent need relates to reducing emissions associated with generating electricity from natural gas and to capture and store CO2 from hydrogen production from natural gas and industrial processes. CCS technologies, pipelines and storage infrastructure are noted as being of critical national priority.

**International Investment Summit and Autumn Budget (2024) (CD9.18)**

6.39 The Labour Government announced plans to reignite industrial heartlands ahead of the International Investment Summit in 2024, including through significant investment in CCS. This investment focused on the UK's first carbon capture sites as a means of bringing skilled jobs, private investment and supporting the acceleration to Net Zero. This consolidated the Labour Government commitment to carbon capture and the direction of low carbon energy policy under the previous Government, as set out above. The investment in CCS projects in Teesside and Merseyside are aimed at setting the UK on course to become a global leader in CCUS.

6.40 The planned multi-year investment in CCS in key industrial heartlands of Teesside and Merseyside was confirmed in the Autum Budget of 2024 (CD9.19) as a means of maximising the growth benefits of the Government's clean energy mission.

**Clean Power 2030 Action Plan: A New Era of Clean Electricity (2024) (CD9.21)**

6.41 UK Government and Ed Miliband as UK Secretary of State for Energy and Climate Change published the action plan in December 2024. The plan built on aspects of the Labour Party Make Britain a Clean Energy Superpower (CD9.20) manifesto. This includes a continued commitment to investing in CCS technology as part of the pathway to Net Zero.

6.42 The ambitious plan builds on the advice of the National Energy System Operator (NESO) on delivering clean power by 2030, setting out the Government's view of the pathway to 2030 and the steps needed to get there. It underscores the need to move fast and build things to deliver a once-in-a-generation energy infrastructure upgrade that the UK Needs. The report reflects on the early changes made by the Government in its first five months, including kickstarting carbon capture industries in the UK.

6.43 Power CCS is recognised as an innovative low carbon technology that is important in achieving long-duration flexibility in the UK energy system. It forms part of the low carbon technology solution to position the UK as a world leader in the clean energy revolution. It is supported on the basis it will provide non-weather dependent, dispatchable low carbon natural gas fuelled energy generation that will support a renewables-based 2030 UK system. This recognises the NESO suggestion that the UK could need to deploy up to 2.7GW of power CCUS and hydrogen to power by 2030. It also recognises the Climate Change Committee Carbon Budget 6 report (updated by the Seventh Carbon Budget, see below) highlighting the important role of Power CCUS being 2030.

6.44 The Government plan recognises that, more broadly, CCUS is vital to industrial decarbonisation and the deployment of negative emission projects. It will enable the just transition for industrial regions by decarbonising in a way that drives growth in the UK. The report states that CCUS is project to support up to 50,000 jobs as the sector

matures in the 2030's and adds £5bn of value annually by 2050 (cited in the DESNEZ Energy Innovation Needs Assessment, 2024). The Government view is clear that carbon capture is a safe technology, and geological carbon dioxide storage is a proven technology that has been in operation globally for decades.

**The Seventh Carbon Budget, Climate Change Committee (2025)**

6.45 The latest Climate Change Committee report in February 2025 recommends that the Seventh Carbon Budget limits UK greenhouse gas emissions over the five-year period 2038 to 2042 to 535 million tonnes of carbon dioxide, including emissions from international aviation and shipping. The report recognises this is an ambitious target that reflects the importance of the task to net zero. It reiterates the importance of carbon capture and storage in achieving this target, including it as one of five routes to delivering the Seventh Carbon Budget.

## Summary

6.46 CCUS is a critical element in meeting the UK's legal binding commitments to Net Zero by 2050. It remains in its infancy in the UK but is a necessity, not an option, for achieving Net Zero targets, including interim goals to 2030. The Government's vision for a competitive CCUS market in the UK to 2030 and the overarching policy statement in EN-1 draw together previous studies and policy recommendations to confirm the nationally important status of the technology as:

- Critical for providing low carbon energy (including from gas) in our future UK green energy system;
- Fundamental to the decarbonisation of the UK's high emitting industrial clusters, including the Humber;
- The clusters are critical drivers of local and regional economic activity and a vital component of the UK's national economy;
- Essential to the decarbonisation of energy intensive industries like steel, cement, oil refineries and the chemicals industry; and
- Investment in CCUS will be crucial in local economic growth, job creation and prosperity, including in clusters located in regions in need of economic revitalisation.
- An important economic, social and environmental opportunity of Net Zero for the UK, including in providing storage services to other countries.

6.47 In this context, the Proposed Development and the deployment of CCUS technology at the largest gas fired electricity generating station at the heart of the Humber industrial cluster is of national importance. It is an early project of significant scale that will help meet the national needs set out above.

# 7. Public Benefits of the Proposed Development

**Sustainable Economic Development for Net Zero**

7.1 The local planning authority has indicated that it will grant planning permission for the Proposed Development, subject to the imposition of planning conditions and a s106 Agreement. This is testament to the planning merits of the Proposed Development. The local planning authority has approached the decision-making process positively and sought to approve planning permission on the basis that the Proposed Development constitutes sustainable development in this locality.

7.2 The local planning authority assessment of the Proposed Development is captured in the Delegated Assessment (CD3.4) and draft Decision Notice (CD3.3). This section revisits this assessment of the Proposed Development against the development plan, taking into account relevant material considerations. It concludes that the assessment is robust and that the social, economic and environmental benefits of the proposal are such that it is sustainable development that is compliant with the development plan. The balance of material considerations weighs in favour of the Proposed Development. Planning permission should be granted without delay.

**Principle of Development**

7.3 It is established above that the deployment of CCUS technologies at commercial scale is a priority for UK energy and climate change policy. It is critical to efforts to tackle climate change over the coming decades. The use of CCUS to support the generation of low carbon energy in an established industrial cluster constitutes sustainable development.

7.4 The adopted development plan explicitly supports the deployment of CCUS at the Site as an integral part of the allocated SHB and the wider Humber industrial cluster. This includes:

- Policy CS1 – investment in utilising best available technology to help decarbonise the industrial cluster contributes to sustainable development in North Lincolnshire.
- Policy CS11 – new development to improve the economy and contribute to a reduction in CO2 emissions from the area that is of national significance.
- CS12 – decarbonisation and diversification of the low carbon energy sector at SHB, including co-ordination with emerging transport infrastructure and market opportunities in the North Sea.
- CS18 – a significant contribution to the required national reduction of CO2 emissions for net zero by 2050 using CCUS as the best available and efficient energy technology for heavy industrial users in the area.
- SHBE-1 – allocates the South Humber Bank Employment area for B Class port related industrial development. The proposal is industrial development that is directly related, necessary and functionally required at the application site.

7.5 Policies IN3 and T1 of the adopted Local Plan support proposals for new industrial development in the strategically important SHB. The Housing and Employment Land Allocations adopts the presumption in favour of sustainable development, including for new employment development at the site as part of the allocated SHB.

7.6 The NPPF is supportive of the principle of the Proposed Development in that it will contribute to achieving the three overarching objectives of sustainable development by:

- **Economic:** securing significant investment as part of the Humber Zero project, which will decarbonise a nationally important electricity generating station at the heart of an established industrial cluster. It will support the clean growth of the cluster through using best available technology, innovation and improved efficiency. The Proposed Development is co-located with established technology and effectively co-ordinated with the emerging Viking CCS pipeline transport infrastructure.

- **Social:** by delivering investment that will help decarbonise high emitting industry and the national grid, providing substantial construction and operational employment opportunities. The Proposed Development will support the continued clean growth of the nationally important Humber industrial cluster.

- **Environmental:** making efficient use of (in part) under-utilised land allocated for industrial development. Use of CCUS technology to reduce greenhouse gas emissions (CO2) from a nationally significant energy generating station. Decarbonising heat and power supplied to the Humber Refinery and the Lindsey Oil Refinery.

7.7 The principle of development is fully supported by the adopted development plan, and all relevant material considerations.

7.8 The remainder of this section assesses the detailed policy considerations identified and relevant material considerations. It establishes the meaning of the presumption in favour of sustainable development in this case.

**Building a Strong Economy and Tackling Climate Change**

7.9 The adopted development plan allocates the Site for new development, including CCUS. It provides a coherent policy context promoting the use of CCUS in the area as a means of continuing to build a strong and resilient economy. This is entirely consistent with NPPF guidance on the need for policies that support sustainable economic growth and productivity, taking into account local business needs. The policies support investment in the modernisation of the Humber industrial cluster in a manner that directly tackles climate change.

7.10 The Proposed Development benefits from the significant weight of extensive layers of policy support in that it:

- Is located in the largest industrial cluster in the UK that:

  - Has a large proportion of energy intensive industries, which account for 20% of the economy and 1 in 10 jobs;
  - Produces construction materials, chemicals, food and fuel for the UK;
  - Generates 20% of the UK's electricity;
  - Produces a third of the UK's fuel; and
  - Results in approximately 20 million tonnes of CO2 per annum.

- Represents one of the first major steps towards deploying commercial scale CCUS in the UK;
- Supports the capture of 95% of CO2 emissions (up to 3.3 million tonnes of CO2 per annum) from the VPI Immingham CHP Plant;
- Contributes to decarbonising the National Gird by reducing emissions from the largest electricity generator in the Humber industrial cluster;
- Delivers decarbonised heat and power supplied to the Humber Refinery and the Lindsey Oil Refinery;
- Acts as a demonstrator project for the operation of critical CCUS technology at scale to the critical wider heavy industrial sector (which employs over 220,000 people nationally) across the UK, in line with Government aspirations;
- Promotes the wider deployment of the emerging CCUS sector in the UK, which is critical to delivering Net Zero; and
- Increases the prospects of the UK building on its strong position in becoming a global leader in CCUS, including offering storage services to other countries.

7.11 The Proposed Development is the only CCUS project that can viably connect to the Viking CCS transportation and storage network prior to the early 2030s. It will underpin the viability of this project, which is a priority on the national scale.

7.12 The proposal complies directly with development plan policies CS1, CS2, CS5 and CS18.

**Employment Generation**

7.13 The Humber industrial cluster is a major source of employment for the region. Approximately 20% of the regional economy derives from energy intensive industry, which accounts for one in ten jobs in the region. The Proposed Development will create over 800 construction jobs during its development, between 50-100 permanent jobs during its operational phase and safeguard around 20,000 direct and indirect jobs within the Humber region, ensuring carbon emitting energy intensive industries can continue to operate consistently with Net Zero targets.

7.14 The Proposed Development is an important early opportunity to deploy CCS in a track-2 funded CCS cluster in the UK. It is an anchor emitter alongside the P66 CCS project in Humber Zero. The project as a whole is vital to the viable delivery of the Viking CCS

Pipeline project that will facilitate the transport of carbon dioxide to off-shore storage in the UK. The Proposed Development is fundamental to the urgent aspiration of Government to establish CCS in the UK. It could be a starter case for creation of new markets (at home and abroad) for UK businesses from the deployment of CCUS.

## Summary

7.15 The Proposed Development is an integral part of the UK's contribution to decarbonisation. There is clear and substantiated policy support for the Proposed Development as critical CCUS deployment in the Humber industrial cluster, one of the four clusters identified by UK Government. The proposal will deliver significant and policy compliant economic, social and environmental benefits in the locality. It will make a positive economic and environmental contribution nationally.

## Development Management Assessment

### Matters of Common Ground

7.16 The determination phase of the planning application for the Proposed Development is ongoing. The officer's recommendation to grant planning permission is based largely on the consultation responses on the planning file. The responses demonstrate that significant common ground has been reached between VPI Immingham LLP and both statutory and non-statutory consultees on the merits of the planning merits of the Proposed Development.

7.17 The key conclusions in reaching this common ground under the primary planning considerations demonstrate the wider public benefits of the Proposed Development in this location and is set out below. The officer's recommendation to grant planning permission includes draft planning conditions and the requirement for a s106 Legal Agreement that controls the delivery of the planning benefits set out in the common ground achieved.

### Air Quality, Noise and Contaminated Land

7.18 Responses were received from the Environmental Protection Officer in April 2023, 2 June 2023, 8 June 2023, July 2023 and January 2024. The responses from June and July 2024 provided comments and requested clarifications in relation to noise, contaminated land and air quality. Further information was submitted by the Applicant to provide clarification as required. The response from July 2024 confirmed that comments had been resolved, and conditions requiring a Construction Environmental Management Plan (CEMP) and a Decommissioning Environmental Management Plan (DEMP) was recommended should planning permission be granted. The conditions are included in the draft decision notice for the Proposed Development.

7.19 The Delegated Assessment produced by the local planning authority (CD3.4) confirms the local planning authority and both the Environmental Protection team and the Environment Agency has assessed the submitted Phase 1 Land Contamination report and the geology, hydrology and contamination information in the supporting Environmental Statement. This includes matters relating to controlled waters and human health. This assessment has informed the suite of planning conditions on the draft decision notice for the Proposed Development. Subject to compliance with the

stated conditions, the Proposed Development accords with development plan policies DS1, DS7 and DS15. It is acceptable from a land contamination perspective.

7.20 The Proposed Development accords with development plan policies DS1, DS7, DS11, DS15, CS2 and CS18 in respect of air quality, noise and contaminated land.

**Transport**

7.21 A consultee response to the planning application for the Proposed Development was received from Network Rail in May 2023. Network Rail has no objection to the development, subject to compliance with requirements relating to works in proximity to an operational railway, and boundary treatments, landscaping and lighting.

7.22 Consultee comments were received from the Highways Officer in April, May and September 2023. Clarifications on the submitted documentation and a Road Safety Audit were provided by the applicant. The Highways Officer confirmed no objection to the application, subject to conditions requiring a Stage 2 Road Safety Audit for the new access, and a Construction Workers Travel Plan.

7.23 A total of six responses were received from National Highways in January, March, May, 16 July, 17 July and 24 July 2024. The January placed a holding direction on the application until 9 May 2024 so that clarifications could be provided by the applicant. The additional information submitted by the applicant addressed the clarifications. National Highways confirmed no objection to the planning application, subject to a planning condition requiring a Construction Traffic Management Plan, in July 2024.

7.24 All comments from Highways and National Highways were resolved during determination of the planning application. There is no objection to the planning application from Network Rail, Highways, or National Highways. All parties consider the proposed development is policy compliant (policies CS25, T2 and T18) on all transport matters, subject to the conditions imposed on the draft decision notice.

**Flood Risk and Drainage**

7.25 North East Lindsey Drainage Board confirmed no objection to the Proposed Development in April 2023, provided it is constructed in accordance with the submitted details and Flood Risk Assessment.

7.26 Anglian Water confirmed it has no comments on the Proposed Development in April 2023.

7.27 The Lead Local Flood Authority (LLFA) it has no objection to the proposed development in May 2023, subject to the imposition of planning conditions requiring the submission and implementation of an approved detailed surface water drainage scheme.

7.28 Responses were received from the Environment Agency (EA) in April, May and July 2023. The applicant met the EA in May 2023 to discuss the second part of the flood risk exception test. Further information was submitted by the applicant in June 2023. The EA removed its objection, subject to planning conditions in May 2023.

7.29 There is no objection to the Proposed Development in relation to flood risk and drainage from the LLFA, EA, North East Lindsey Drainage Board or Anglian Water,

subject to the draft planning conditions. The Proposed Development complies with development plan policies DS1, CS12and CS18.

**Landscape and Visual Impact**

7.30 There are sensitive landscape character areas of national significance and local importance in the study area of the Proposed Development in the Environmental Statement. However, the area is also heavily influenced by the substantial industrial complexes described in this Proof of Evidence.

7.31 The Council has assessed the likely landscape impacts during the construction, operational and decommissioning phases of the Proposed Development, including those relating to the proposed tower and stack heights up to 110m tall. We concur with its conclusion that the landscape character and visual amenity impacts of the Proposed Development would be harmonious within the industrial context. We agree that the development complies with development plan policies RD2, DS1, LC7 and LC12 in respect of landscape and visual impacts on amenity.

**Landscape, Trees and Hedgerows**

7.32 The Tree Officer confirmed in their written consultee response in March 2023 that the arboricultural report submitted with the planning application appears to show an accurate portrayal of the trees and hedges on and near the Site. For the most part the development appears not to affect them. The Officer noted that due to the complexity of the Site, the trees and hedges may also need to be considered by an ecologist within the wider ecological viewpoint. There is no objection to the Proposed Development in relation to trees or hedgerows.

**Ecology and Biodiversity Net Gain**

7.33 Natural England provided consultee comments in May 2023, August 2023 and February 2024. The responses from May and August 2023 requested further information to determine impacts on designated sites. This information was provided by the applicant, and the January 2024 response confirmed that Natural England has no objection to the proposed development. It will not have a significant adverse impact on designated sites.

7.34 Responses were received from the Natural Environment Policy Officer in May and July 2023 in relation to landscape, habitats regulations, protected and priority species and biodiversity. Both responses note that more evidence is required before a Habitats Regulation Assessment (HRA) can be prepared. The Biodiversity Metric Assessment was identified as being carried out fairly and showed a net loss of habitat units on site of >99%, and of river units at nearly 39%. Off site Biodiversity Net Gain (BNG) is proposed and will need to be secured. Both responses note that there are no alternatives to the proposal, given the need for carbon capture. The Officer noted that advice on planning conditions and a section 106 agreement can be provided once the additional information for the HRA was received.

7.35 A Report to Inform Habitats Regulation Assessment was submitted to the Council in November 2023. A HRA was subsequently undertaken by the Council in January 2024. It concluded that overall '*it is possible to ascertain that the proposal will not have an adverse effect on the integrity of the Humber Estuary SAC, SPA and Ramsar site alone or in combination with other plans or projects'*.

7.36 Additional information was provided during determination of the application to resolve comments received from Natural England and the Natural Environment Policy Officer. There is no objection from either consultee, subject to the agreed planning conditions and a section 106 agreement to secure off site mitigation and enhancement. As noted above, since P66 is not presently willing to execute a section 106 agreement, consideration is being given to dealing with off site provision by a suitably worded planning condition.

7.37 The Proposed Development will deliver 10% BNG and is compliant with development plan policies LC1, LC4, LC5, SHBE-1, CS5, CS16 and CS17.

**Heritage and Archaeology**

7.38 The Historic Environment Officer provided consultee responses in June 2023 and December 2023. The June 2023 response placed a holding objection on the planning application until an Archaeological Mitigation Strategy and Written Scheme of Investigation (WSI) was submitted and approved prior to determination of the application. The December 2023 response confirms that the WSI was subsequently prepared and submitted by the applicant. The WSI was deemed satisfactory, and the holding objection was removed. The Officer confirmed there was no further objection to the planning application. There is no objection to the planning application in relation to archaeology.

7.39 The Proposed Development accords with development plan policies HE5, HE8HE9 and CS6.

**Agricultural Land**

7.40 The Council's Delegated Assessment (CD3.4) notes that approximately 15ha of Grade 3 'Best and Most Versatile Agricultural Land' will be lost because of the Proposed Development. This is lower than the 20ha threshold that would necessitate an agricultural land classification survey. We agree that this is not necessary. We agree with the Council that the location and constrained shape of the site significantly reduces its potential agricultural use on logistical and cost efficiency grounds. The Soil Management Strategy for assessment, storage and re-use of soil from the site will further mitigate the loss.

**Materials and Waste**

7.41 No objection nis raised by the Environmental Protection Officer or Environment Agency on materials and waste. Construction waste will be managed through the CEMP, which is required by draft planning condition. Operational waste if found to not be significant. The Proposed Development is compliant with development plan policy HBE-1, which requires development to implement waste control measures (where practical) and use materials sensitive to location.

**Crime, Fire Safety and Hazards (including Major Accidents and Disasters)**

7.42 Humberside Police provided a consultee response in June 2023, confirming they have no observations or comments on the Proposed Development.

7.43 Two consultee comments were received from Humberside Fire and Rescue Service in April and May 2023. Both sets of comments noted that adequate access for firefighting

is required for all buildings. Adequate provision of water supplies for firefighting appropriate to the proposed risk should also be considered.

7.44 The Health & Safety Executive (HSE) provided a response to the planning application in April 2023, requesting a separate consultation via the HSE Planning Advice WebApp.

7.45 There is no objection to the planning application in relation to crime, fire safety or hazards.

**Utilities**

7.46 A response from National Grid in June 2023 confirms there is no objection in relation to the planning application.

**Local Community**

7.47 South Killingholme Parish Council confirmed support for the planning application in a written response to the planning application in April 2023. The response supported efforts to clean toxins from the air.

## Summary

7.48 The principle of development is fully supported by the adopted development plan, and all relevant material considerations. The Proposed Development is an integral part of the UK's contribution to decarbonisation. There is clear and substantiated development plan policy and national support for the Proposed Development as critical CCUS deployment in the Humber industrial cluster, one of the four clusters identified by UK Government. The proposal will deliver significant and policy compliant economic, social and environmental benefits in the locality. It will make a positive economic and environmental contribution nationally.

7.49 There are no outstanding objections from statutory consultees to the planning application. Planning conditions and/or section 106 obligations are recommended where appropriate to mitigate impacts and secure necessary enhancements. The Proposed Development accords with an up-to-date development plan and the policies in the NPPF in delivering significant social, economic and environmental benefits, both locally and nationally. It will not result in any adverse impacts that would significantly and demonstrably outweigh the benefits.

7.50 In accordance with Paragraph 11 the NPPF and the Local Plan, the presumption in favour of sustainable development means that the planning application should be approved without delay.

# 8. Deliverability of the Proposed Development

8.1 The officer's recommendation to grant planning permission for the Proposed Development, draft planning conditions and agreed heads of terms for the s106 Agreement to secure BNG, confirm the agreed position on the planning merits of this case. The Proposed Development is deliverable and there will be no planning constraint to its implementation once planning permission has been granted.

**S106 Legal Agreement**

8.2 The Delegated Assessment from the Local Planning Authority confirms the need for a s106 Legal Agreement to secure the agreed 10% off-site Biodiversity Net Gain from the Proposed Development. The provision of the off-site solution is to be secured via a S106 agreement that allows for a variety of triaged solutions to be sought and delivered within the construction phase of the development. Delivery of the mitigation and the ongoing management is secured and controlled by the proposed planning conditions, including the submission of a Biodiversity Enhancement and Management Plan which would need to be agreed by the local planning authority prior to commencement of work on site.

8.3 It is evident that the heads of terms for the proposed s106 Legal Agreement are common ground between the Acquiring Authority and the local planning authority. There is no planning impediment to the finalisation of the s106 on this basis.

8.4 The land interest of P66 in The Order Land forming part of the planning application site for the Proposed Development would typically require that P66 is a signatory to the s106. VPI Immingham LLP has been negotiating the P66 signature on the required s106 for a prolonged period, including:

- Discussions on the need for a section 106 agreement started in July 2023, with a first draft of a section 106 agreement provided by VPI to P66 in December 2023.

- Over the course of the next 12 months, the Acquiring Authority team spent considerable time and resources attempting to address the concerns raised by P66. These efforts included numerous approaches to North Lincolnshire Council to seek changes on P66's behalf, in circumstances where they had been offered appropriate contractual protection and indemnity from VPI.

- In January 2025, VPI Immingham were finally able to resolve all of the issues previously raised by P66, including limiting liability under the section 106 agreement to a relatively modest financial obligation and by VPI separately providing a complete indemnity to P66.

- After agreeing to the form of wording in the section 106 agreement, VPI requested final confirmation of P66 that the corresponding indemnity from VPI to P66 was agreed. After spending significant time and energy to get to this point, Mike Wailes of P66 sent an e-mail to Dwight Gomes on 5 February 2025 stating that:

*"Following up from the review last week, the P66 team has met to discuss the drafting of the required amendments to the Deed of Indemnity. Unfortunately, your CPO is demanding a considerable amount of time and we need to focus our limited legal resources on the forthcoming CPO and other ongoing priority issues. Therefore, at this point we will be unable to provide a redline to the Deed of Indemnity agreement"*

8.5 This is despite the fact that the draft Deed of Indemnity is a six page standard form and uncontroversial document, offering complete indemnity to P66 and that had been in P66's possession for approximately 11 months. A summary of the correspondence pertaining to the above negotiations is set out in the table at Annex X.

8.6 Two years after S106 discussions commenced, there remains no S106 planning agreement signed by P66 and VPI. It is evident that this situation is of commercial origin and not related to an insurmountable planning impediment. Despite this, the local planning authority, to date, has not been willing to issue the planning permission in the absence of the signed s106 Legal Agreement.

8.7 The Order will unlock this position. That is, it will allow VPI Immingham LLP to acquire the site, enter into the s106 Agreement itself and for the local planning authority to grant planning permission. There is no planning impediment to stop this being the case. It is only the commercial position of P66 that is delaying the s106 and the grant of planning permission. Paragraph 15.1 of the CPO Guidance provides that:

*"It is not expected that all impediments to the delivery of a scheme will have been removed or overcome by the point at which the decision on the confirmation of a compulsory purchase order is made. It may be necessary to assemble land before removing or overcoming certain impediments to maximise the opportunities that exist for an area. The acquiring authority will however need to be able to show that the implementation of the scheme following the confirmation decision being made is unlikely to be blocked by any physical or legal impediments. These include the programming of any infrastructure accommodation works or remedial work which may be required or any need for planning permission or other consent or licence"*

8.8 As the confirmation and implementation of the Order would result in VPI becoming the only landowner of the Order Land, there would be no requirement for P66 to enter into the section 106 agreement and consequently, planning permission would be granted, thus removing any perceived impediment that a lack of planning permission before confirmation of the Order represents.

**Environmental Permit**

8.9 I note the conclusion drawn in the Proof of Evidence by James Beresford-Lambert on there being no significant progress made on the required variation to the existing VPI Immingham LLP environmental permit for the Proposed Development. James confirms he is not aware of any impediment to the granting of the environmental permit for the Proposed Development. He anticipates that the permit will be granted in Q2 of 2025.

## The Order Land

8.10 The Order Land is subject to rights that benefit other parties. The Acquiring Authority does not anticipate that the Order will prejudice any such rights on the basis that:

- There has been no objection to the Order from National Grid.
- North Lindsey Drainage Board – agreement has been reached that the LK ditch drainage asset to be relocated onto VPI Immingham Land, subject to necessary associated consent(s).
- Harbour Energy – Chrysaor Production (UK) Limited has reached commercial agreement with VPI Immingham LLP and removed its objection to The Order on 28 March 2025. The Order would not prejudice delivery of the Viking CCS Pipeline project.

8.11 Subject to confirmation of the Order, there are no insurmountable land right constraints to the delivery of the Proposed Development on the Order Land. There are no physical or legal impediments to implementation of the Proposed Development once the Order is made.

# 9. Summary and Conclusions

9.1 The evidence in this case is compelling in justifying the local planning authority recommendation to grant planning permission for the Proposed Development. The draft planning conditions and heads of terms for the necessary s106 Agreement enable the implementation of the Proposed Development in a manner that will secure delivery of its significant positive social, economic and environmental benefits, both locally and nationally.

9.2 The Proposed Development complies with the adopted development plan in all respects. The balance of material considerations weighs heavily in favour of granting planning permission. The strong planning merits of the case are that:

- The Humber industrial cluster is the largest of its kind in the UK when assessed on CO2 emissions.
- The Proposed Development is to be located in an established heavy industrial area that would benefit from investment, modernisation and adaption to tackle climate change.
- There is a national need to deploy CCUS on a major scale as a necessary technology to achieve legally binding Government commitments to Net Zero by 2050. This includes the Clean Power 2030 plan for 2.7GW of power CCUS in the UK by 2030.
- The NPPF promotes positive decision making in a planning system that builds a strong and competitive economy, whilst actively tackling climate change.
- The development plan allocates the Order Land as part of the wider Humber industrial cluster for further investment and development, including CCUS to generate low carbon energy.
- The Proposed Development constitutes sustainable development when assessed against the development plan, taking into account relevant material considerations.
- The Proposed Development will deliver significant public social, economic and environmental benefits locally and nationally that are material considerations that weigh in favour of granting planning permission.
- The officer's recommendation to grant planning permission reflects the significant planning merits of the Proposed Development and is subject to planning conditions and a s106 legal agreement that will control the delivery of these benefits.
- The Proposed Development is deliverable, viable at the cost of private investment and implementable without delay should the Order be made.
- There is no human rights impediment to the making of the Order.

9.3 There is a strong and fully substantiated case in the public interest for the making and confirmation of the Order.

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